

RESOLUTION NO. 20130131-040

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owner on the value of the property interests, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Kyle Odiorne

Project: Austin Clean Water Program:
Govalle 4 – Webberville / San Bernard / 4th Street
Wastewater Improvement Project

Public Use:

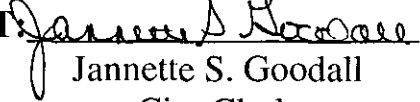
A permanent wastewater line easement described in Exhibit "A" for the purpose of installing, operating, maintaining, repairing, replacing, and upgrading permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public and to prevent leakage from wastewater lines to protect public health.

Location: 3019 East 12 Street
Austin, Texas 78702-2518

The general route covered by this completed project included various streets in central east Austin, including Webberville Road, San Bernard Street and 4th Street.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: January 31, 2013

ATTEST: 
Jannette S. Goodall
City Clerk

CITY OF AUSTIN
(WASTEWATER EASEMENT)

DESCRIPTION FOR PARCEL 5114.19 WE

DESCRIPTION OF 0.0074 OF ONE ACRE OR 324 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 5, AND LOT 4, SAM HUSTON HEIGHTS ANNEX, A SUBDIVISION IN THE CITY OF AUSTIN, OF RECORD IN BOOK 4, PAGE 3, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0074 OF ONE ACRE TRACT BEING A PORTION OF THAT TRACT DESCRIBED IN A WARRANTY DEED WITH TWO VENDOR'S LIENS EXECUTED NOVEMBER 15, 2006, TO RICK D. SCHNEIDER, OF RECORD IN DOCUMENT NO. 2006224038, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BOUNDARY LINE AGREEMENTS DATED FEBRUARY 8, 1980, DESCRIBED IN VOLUME 6884, PAGE 645 AND VOLUME 6884, PAGE 647, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0074 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found at the southwest corner of this tract, of said Schneider tract and being a southwest corner of said Lot 4, same also being the northwest corner of Lot A, EMCO Addition, a subdivision in the City of Austin, of record in Book 49, Page 30, Plat Records, Travis County, Texas, said Lot A, being described in a deed to Elm Ridge Amerisouth XXXIX, LTD., of record in Document No. 2004076395, Official Public Records, Travis County, Texas, and being in the northeast line of Harvey Street (60' right of way), said point of beginning having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93HARN), U.S. Feet, Adjustment Factor of 1.00005) grid values of N=10,073,727.69, E=3,126,945.98;

THENCE, with the southwest line of this tract, and said Lot 4, and said Schneider tract, N43°18'30"W 5.88 feet to a 1/2" iron pipe at the northwest corner of this tract, same being a southwest corner of said Schneider tract, same also being the south corner of that tract described in a deed to Irene Ates, of record in Document No. 2002117080, Official Public Records, Travis County, Texas, same also being the south end of a line described in said boundary line agreement, of record in Volume 6884, Page 647, from which point a 1/2" iron rod found at a southwest corner of said Lot 4 and said Ates tract, same being the south corner of Lot 1, Block A, Resubdivision of Lot 3 & A Part of Lot 2 of Sam Huston Heights Annex Subdivision, of record in Book 93, Page 223, Plat Record, Travis County, Texas, said Lot 1, Block A, Resubdivision of Lot 3 & A Part of Lot 2 of Sam Huston Heights Annex being described in a deed to NMF Housing 1, of record in Volume 12528, Page 24, Real Property Records, Travis County, Texas, same also being in the northeast line Harvey Street, bears N43°18'38"W 81.81 feet;

THENCE, with the north line of this tract, crossing said Lot 4, said Lot 5 and said Schneider tract, N78°30'31"E 66.51 feet to a 60D nail set at the northeast corner of this tract, same being in

0.0074 Ac.

the east line of said Schneider tract, same also being in a line described in said boundary line agreement, of record in Volume 6884, Page 645, from which point a 1/2" iron pipe found at the northeast corner of said Schneider tract and the northwest corner of that certain tract of land described in a deed to Henry Organ, of record in Volume 714, Page 115, Deed Records, Travis County, Texas, bears N10°11'20"W 357.18 feet;

THENCE, with the east line of this tract, of said Schneider tract, crossing said Lot 5, same being the west line of said Organ tract, same also being with said boundary line agreement in Volume 6884, Page 645, S10°11'20"E 5.00 feet to a 1/2" iron pipe found at the southeast corner of this tract and of said Schneider tract, same being the southwest corner of said Organ tract, and being the south end of said boundary line agreement in Volume 6884, Page 645, same also being in the north line of said Lot A, EMCO Addition and said Elm Ridge Amerisouth tract, from which point a P.K. nail found at the southeast corner of Lot 6 of said Sam Huston Heights Annex, and said Organ tract, and the southwest corner of Lot 7 of said Sam Huston Heights Annex, said Lot 7 described in a deed to Austin Housing Finance Corporation, of record in Volume 11859, Page 1030, Real Property Records, Travis County, Texas, same also being in the north line of said Lot A, EMCO Addition and said Elm Ridge Amerisouth tract, bears N78°30'31"E 70.05 feet;

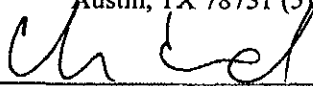
THENCE, with the south line of this tract, of said Lot 5 and then said Lot 4, and said Schneider tract and the north line of said Lot A, EMCO Addition and said Elm Ridge Amerisouth tract, S78°30'31"W 63.31 feet to the POINT OF BEGINNING and containing 0.0074 of one acre (324 square feet), more or less, within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD 83 (93 HARN). The Adjustment Factor is 1.00005). The reference for this project is "Austin RRP", a fixed control point, and "BM1078", a TxDOT survey monument, having a grid bearing of N60°54'59"E, and a grid distance of 21590.95 feet.

SURVEYED BY: **McGRAY and McGRAY LAND SURVEYORS, INC.**

3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591



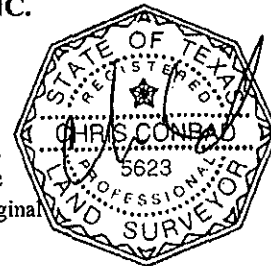
10/12/07

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description. Lot 5_SFTWW.

Revised 07/15/2005, 10/05/2007



TCAD# 02-0914-02-05
AUSTIN GRID L-23

FIELD NOTES REVIEWED

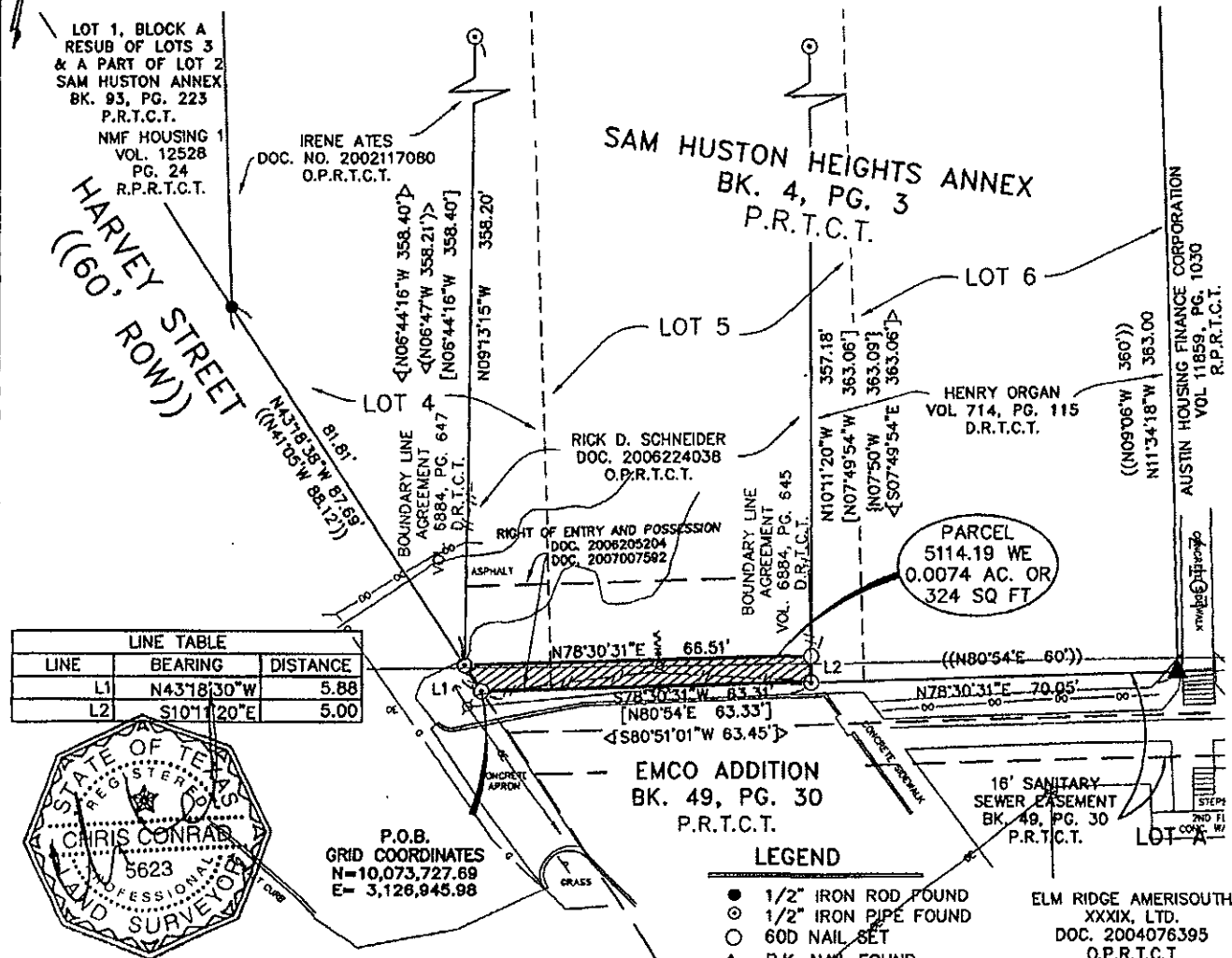
By: B. D. N. Date: 25 October, 2007

Austin Clean Water Program
Survey Coordinator

RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION OF A
TRACT OF LAND, SAME BEING
0.0074 AC. OR 324 SQ. FT. OF LAND OUT OF
LOT 5, AND LOT 4 SAM HUSTON HEIGHTS ANNEX
AUSTIN, TRAVIS COUNTY, TEXAS

SCALE 1" = 30'



NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (93 HARN) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM "AUSTIN RRP", A FIXED CONTROL POINT HAVING COORDINATE VALUES OF N=10086515.883, E=3109682.458, AND "BM1078" A TXDOT SURVEY MONUMENT HAVING COORDINATE VALUES OF N=10097010.902, E=3128551.053. HAVING A GRID BEARING OF N60°54'59"E, AND A GRID DISTANCE OF 21590.95 FEET. THE ADJUSTMENT FACTOR IS 1.00005. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT.

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE 10/12/07

Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat.

M: \sdsproj\04-126govalle\esmts\lot5_5ftWW REV4

TCAD#: 02-0914-02-05 AUSTIN GRID#: L-23

JOB NO.: 05-056

McGRAY & McGRAY
LAND SURVEYORS, INC.

3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591