

RESOLUTION NO. 20160609-055

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

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

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

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 against the owners 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: Epoch Parmer Lane III, LLC

Project: Parmer Lane Interceptor Project

Public Use: a permanent wastewater line easement for the public use of construction, operation, maintenance, replacement, upgrade, repair, decommissioning, and removal of wastewater lines and associated appurtenances and making connections therewith in, upon, over and across the following described tracts of land described in Exhibit A with the right and privilege at all times of having ingress, egress, and regress, in along, upon and across such tract of land for the purpose of making additions to, improvement on and repairs to said wastewater line or any part thereof; the right to clear, cut, fell, remove, and dispose of any and all timber, underbrush, building improvements, and any other obstructions from said tract of land; and the right to enter upon said tract of land in order to move thereon such vehicles, tools, equipment, and persons as may be deemed necessary and convenient to the exercise of the permanent easement rights to be acquired in this proceeding; and

a temporary work space easement in, along, upon, and across the land described in Exhibit B, attached hereto and incorporated herein by reference, for the public use of permitting the City, its agents, employees, and contractors to enter upon said real property in order to move thereon vehicles, tools, and equipment and do whatever is reasonably necessary to construct the wastewater line in the permanent wastewater line easement referred to above.

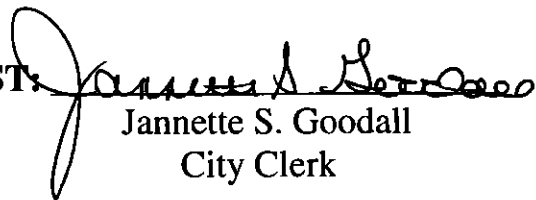
Location: Vacant undeveloped property
located at 13401 Legendary Drive
Austin, Texas 78727

The general route covered by this project includes the north side of Parmer Lane from an easternmost point where it will connect to the existing Upper Walnut Creek Interceptor near the location where Walnut Creek crosses Parmer Lane, to a westernmost point where Lake Creek crosses Parmer Lane, in Austin, Travis County, Texas.

Property: Described in the attached and incorporated Exhibits A and B.

ADOPTED: June 9, 2016

ATTEST:


Jannette S. Goodall
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS – FIRM REG. NO. 101141-00

EXHIBIT " A "

EPOCH PARMER LANE III, LLC
TO
CITY OF AUSTIN
(WASTEWATER EASEMENT)
PARMER LANE INTERCEPTOR PROJECT

DESCRIPTION FOR PARCEL 4832.04 WWE

DESCRIPTION OF A 0.087-ACRE (3,787 SQUARE FOOT) TRACT OF LAND IN THE PETER CONRAD SURVEY NO. 112, ABSTRACT NO. 199, TRAVIS COUNTY, TEXAS, BEING OUT OF LOT 1, PARMER LANE LUXURY APARTMENT SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201200089 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, HAVING BEEN CONVEYED BY SPECIAL WARRANTY DEED TO EPOCH PARMER LANE III, LLC AND RECORDED IN DOCUMENT NUMBER 2015170670 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60d nail set in the interior of the above-described Lot 1, on the curving northeast boundary line of an existing twenty (20') foot wide Water and Wastewater easement recorded in Document No. 2000039320 of the Official Public Records of Travis County, Texas, said 60d nail having Texas State Plane Coordinate (Central Zone, NAD83, U.S. Feet) values of N=10,133,069.20, E=3,114,297.63, for the south corner of this tract, from which a concrete monument found at TXDOT Highway Station 471+97.72, on a point of curvature in the northeast right-of-way line of Farm Market Highway 734, also known as Parmer Lane (a 200 foot wide right-of-way), same being a point of curvature in the southwest boundary line of said Lot 1, bears S21°22'42" W a distance of 31.26 feet;

THENCE through said interior of Lot 1, with said curving northeast boundary line of the 20-foot wide Water and Wastewater easement, with the arc of a curve to the right having a radius of 3,716.39 feet, an arc length of 191.33 feet, a delta angle of 02°56'59" and a chord which bears N 50°46'08" W for a distance of 191.30 feet to a 60d nail set in the southeast boundary line of a called 89.48-acre tract of land, conveyed to Robinson Land Limited Partner in Document No. 2008183203 of said Official Public Records, same being the northwest boundary line of said Lot 1, for the west corner of this tract, from which a concrete monument found at TXDOT Highway Station 453+53.82 on a point of tangency in said northeast right-of-way line of Farm Market Highway 734, bears N38°09'41" W a distance of 1,576.88 feet;

THENCE with said northwest boundary line of Lot 1, same being said southeast boundary line of the 89.48-acre tract, N 49°15'33" E for a distance of 20.23 feet to a 60d nail set for the north corner of this tract;

THENCE departing said southeast boundary line of the 89.48-acre tract, through said interior of Lot 1, the following two (2) courses and distances:

- 1) along a curve to the left, having a radius of 3,696.39 feet, an arc length of 187.31 feet, a delta angle of 02°54'12" and a chord which bears S 50°47'32" E for a distance of 187.29 feet to a 60d nail set for the east corner of this tract;
- 2) S 37°48'51" W for a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 0.087 acres (3,787 square feet) of land;

NOTE

The coordinates and bearings described herein are Texas State Plane Grid Bearings, (Central Zone-4203), NAD 83/HARN Combined Scale Factor 0.999898.). Project control point were established from City of Austin reference point "J-37-4001" having coordinates values of N=10,133,889.08, E=3,113,244.67.


THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Jackie Lee Crow, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 16th day of December, 2015, A.D.

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875


Jackie Lee Crow
Registered Professional Land Surveyor
No. 5209 – State of Texas

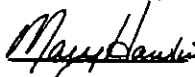
REFERENCES

MAPSCO 2009, 435-X
AUSTIN GRID NO. J-37

TCAD PARCEL ID NO. 02-7003-0403

MACIAS & ASSOCIATES, L.P., PROJECT NO. 453

FIELD NOTES REVIEWED

BY:  DATE: 1/11/16

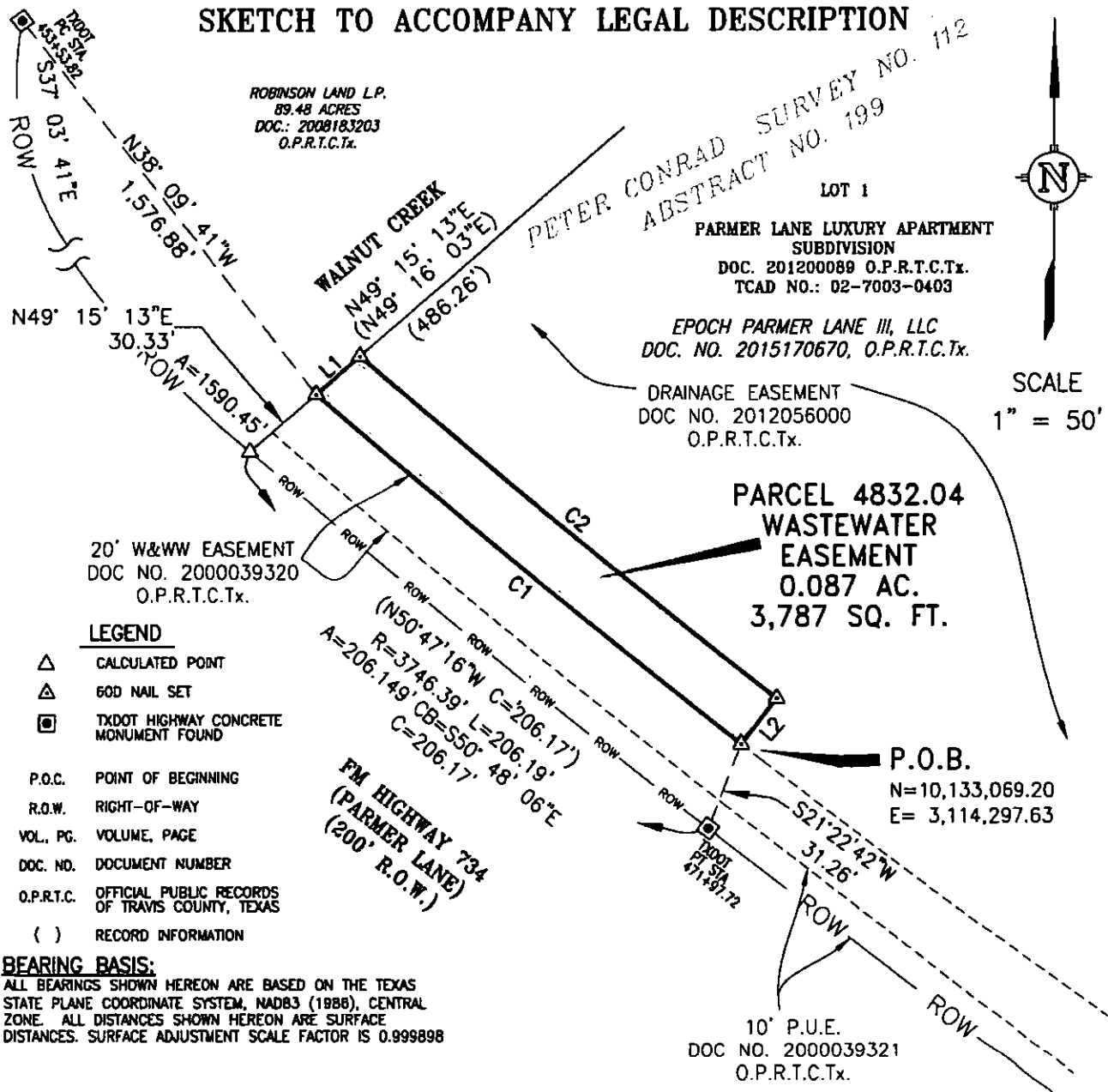
CITY OF AUSTIN

PUBLIC WORKS DEPARTMENT

5410 South 1st Street • Austin, Texas 78745 • (512) 442-7875 • Fax (512) 442-7876 • www.maciasworld.com



SKETCH TO ACCOMPANY LEGAL DESCRIPTION



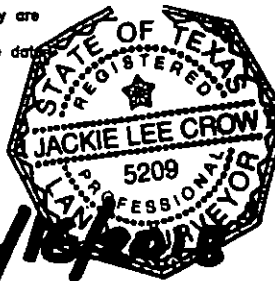
CURVE TABLE

Number	Radius	Arc Length	Delta Angle	Chord Bearing	Chord Length
C1	3,716.39'	191.33'	02°56'59"	N50°46'08"W	191.30'
C2	3,696.39'	187.31'	02°54'12"	S50°47'32"E	187.29'

LINE TABLE

Number	Bearing	Distance
L1	N49°15'33"E	20.23'
L2	S37°48'51"W	20.00'

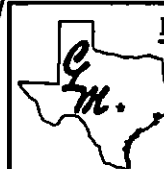
The easements shown or noted and addressed on this survey are those listed in Schedule B of title commitment issued by Heritage Title Company of Austin, GF No.201400918, effective date 12/02/2015.



PAGE 3 OF 3

DATE: DECEMBER 18, 2013
DRAWN BY: J.P.
MAP JOB NO.: 453-08-13
REFERENCE: F.B. 618, PG. 62

Jackie Lee Crow
DATE 12/18/2013
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5209 - STATE OF TEXAS



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS - FIRM NO. 101141-00
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FAX (512)442-7876 EMAIL: WWW.MACIASWORLD.COM



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS - FIRM REG. NO. 101141-00

EXHIBIT " B "

EPOCH PARMER LANE III, LLC
TO
CITY OF AUSTIN
(TEMPORARY WORKING SPACE EASEMENT)
PARMER LANE INTERCEPTOR PROJECT

DESCRIPTION FOR PARCEL 4832.04 TWSE

DESCRIPTION OF A 0.211-ACRE (9,185 SQUARE FOOT) TRACT OF LAND IN THE PETER CONRAD SURVEY NO. 112, ABSTRACT NO. 199, TRAVIS COUNTY, TEXAS, BEING OUT OF LOT 1, PARMER LANE LUXURY APARTMENT SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201200089 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, HAVING BEEN CONVEYED BY SPECIAL WARRANTY DEED TO EPOCH PARMER LANE III, LLC AND RECORDED IN DOCUMENT NO. 2015170670 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING on a 60d nail set in the interior of the above-described Lot 1, on the point of curvature in the northeast boundary line of an existing twenty-foot wide Water and Wastewater Easement recorded in Document No. 2000039320 of the Official Public Records of Travis County, Texas, having Texas State Plane Coordinate (Central Zone, NAD83, U.S. Feet), value of N=10,133,063.85, E=3,114,304.55, from which a concrete monument found at TXDOT Highway Station 471+97.72 on the northeast right-of-way line of Farm Market Highway 734, also known as Parmer Lane (a 200-foot wide right-of-way), bears S 37°37'17" W, passing at a distance of 20.00 feet the southwest boundary line of said twenty-foot wide Water and Wastewater Easement, continuing for a total distance of 30.00 feet;

THENCE through said interior of Lot 1, with the curving northeast boundary line of said twenty-foot wide Water and Wastewater Easement, with the arc of a curve to the right having a radius of 3,716.39 feet, an arc length of 8.74 feet, a delta angle of 00°08'05" and a chord which bears N 52°18'41" W for a distance of 8.74 feet to a 60d nail set for an angle point of this tract;

THENCE departing said curving northeast boundary line of the twenty-foot wide Water and Wastewater Easement, continuing through said interior of Lot 1, the following six (6) courses and distances:

- 1) N 37°48'51" E for a distance of 20.00 feet to a 60d nail set for an angle point of this tract;
- 2) with the arc of a curve to the right, having a radius of 3,696.39 feet, an arc length of 90.03 feet, a delta angle of 01°23'44" and a chord which bears N 51°32'46" W for a distance of 90.03 feet to a 60d nail set for the most westerly corner of this tract, from which a calculated point on the curving northeast right-of-way line of

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said Farm Market Highway 734, being the west corner of said Lot 1, same being the south corner of a called 89.48-acre tract of land recorded in Document No. 2008183203 of said Official Public Records, bears S 39°09'06" W a distance of 50.00 feet to a calculated point on said curving northeast right-of-way line of Farm Market 734 and with said curving northeast right-of-way line of Farm Market 734, with the arc of a curve to the right, having a radius of 3,746.39 feet, an arc length of 106.15 feet, a delta angle of 01°37'24" and a chord which bears N 50°02'12" W, a distance of 106.14 feet;

- 3) N 39°05'21" E for a distance of 35.00 feet to a 60d nail set for the most northerly north corner of this tract;
- 4) with the arc of a curve to the left having a radius of 3,661.39 feet, an arc length of 97.81 feet, a delta angle of 01°31'50" and a chord which bears S 51°36'47" E for a distance of 97.81 feet to a 60d nail set for a point of tangency of this tract;
- 5) S 52°22'43" E for a distance of 101.30 feet to a 60d nail set for the most easterly corner of this tract;
- 6) S 37°37'17" W for a distance of 55.00 feet to a 60d nail set in said northeast boundary line of the twenty-foot wide Water and Wastewater Easement, for the most southerly corner of this tract;

THENCE with said northeast boundary line of the twenty-foot wide Water and Wastewater Easement, N 52°22'43" W for a distance of 101.30 feet to the **POINT OF BEGINNING** and containing 0.211 acre (9,185 square feet) of land;

NOTE

The coordinates and bearings described herein are Texas State Plane Grid Bearings, (Central Zone-4203), NAD 83 Combined Scale Factor 0.999898.). Project control point were established from City of Austin reference point "J-37-4001" having coordinates values of N=10,133,889.08, E=3,113,244.67.

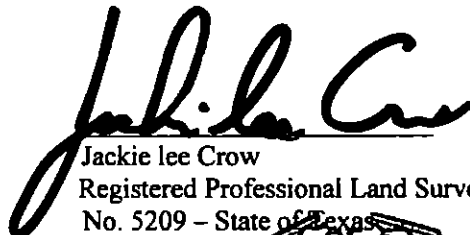
THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Jackie Lee Crow, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 22nd day of December, 2015, A.D.

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875


Jackie Lee Crow
Registered Professional Land Surveyor
No. 5209 – State of Texas



FIELD NOTES REVIEWED

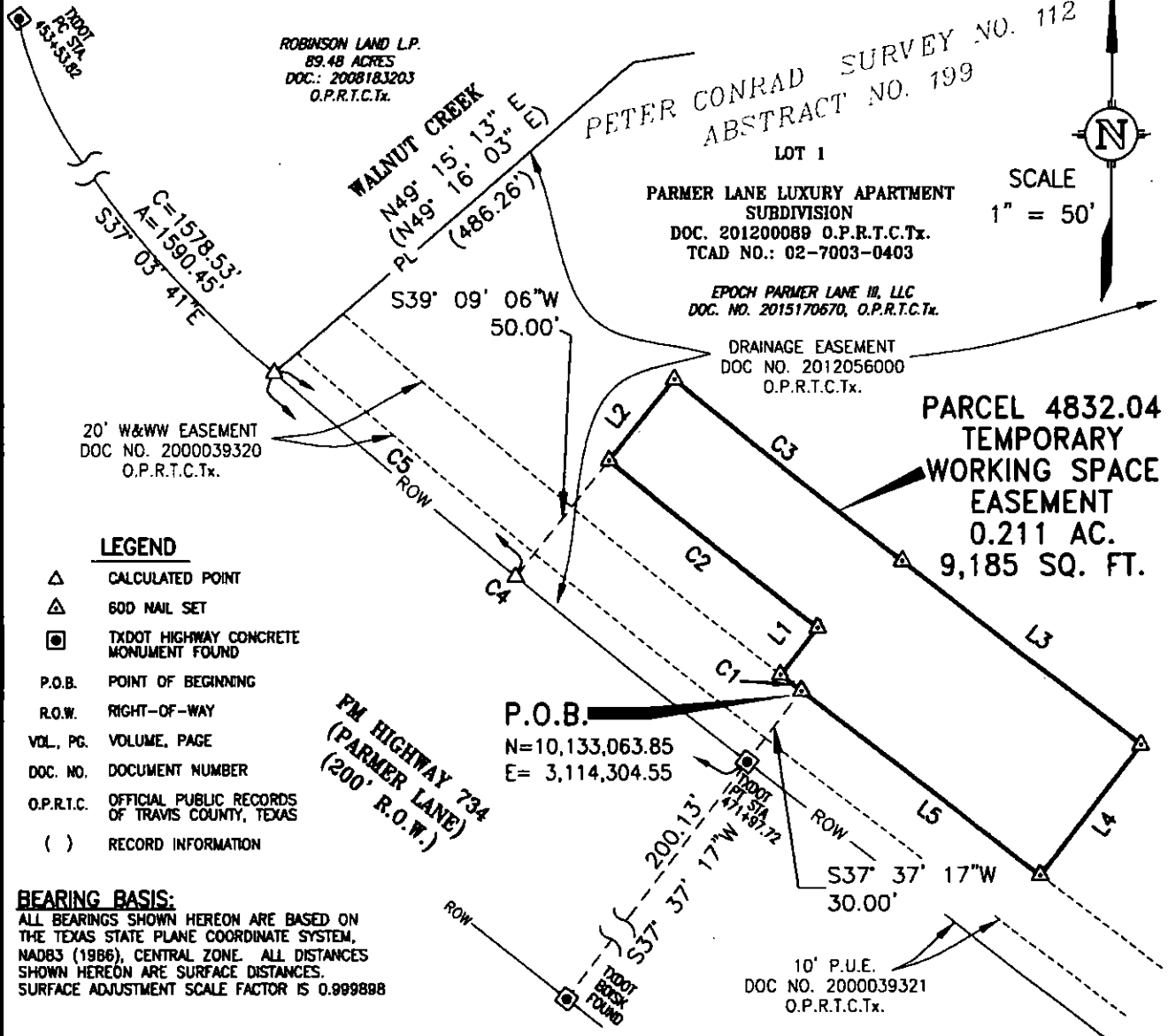
BY  DATE: 1/11/16

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

REFERENCES

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AUSTIN GRID NO. J-37
TCAD PARCEL ID NO. 02-7003-0403
MACIAS & ASSOCIATES, L.P., PROJECT NO. 453-09-15

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



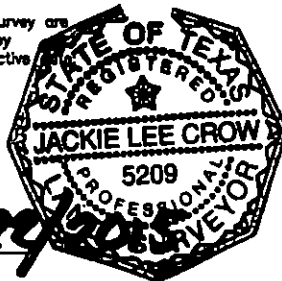
CURVE TABLE

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C2	3,696.39'	90.03'	01°23'44"	N51°32'46"W	90.03'
C3	3,661.39'	97.81'	01°31'50"	S51°36'47"E	97.81'
C4	3,746.39'	206.19'	03°09'12"	N50°48'06"W	206.16'
C5	3,746.39'	106.15'	01°37'24"	N50°02'12"W	106.14'

LINE TABLE

Number	Bearing	Distance
L1	N37°48'51"E	20.00'
L2	N39°05'21"E	35.00'
L3	S52°22'43"E	101.30'
L4	S37°37'17"W	55.00'
L5	N52°22'43"W	101.30'

The easements shown or noted and addressed on this survey are those listed in Schedule B of title commitment issued by Heritage Title Company of Austin, CF No.201400918, effective 12/02/2015.



JACKIE LEE CROW
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5209 - STATE OF TEXAS

DATE

PAGE 4 OF 4

DATE: 12/22/15
DRAWN BY: J.P.
MAL JOB NO.: 453-02-13
REFERENCE: F.B. 618 PG. 62

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LAND SURVEYORS - FIRM NO. 101141-00
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