

**RESOLUTION NO. 20181213-049**

**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 owner 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 owner now having, or who may acquire, an interest in the real property interests necessary to the City, described 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:

Owners:	HD Development Properties LP, a Georgia limited partnership, now known as HD Development of Maryland, Inc., a Maryland Corporation
Project:	Austin Energy Circuit 961/1004 Upgrade Parcel 5 Project

**Public Use:** An easement and right of way along, over, under, and across that portion of the Property bounded and described on Exhibit A and shown on Exhibit B, attached hereto and incorporated herein (the "Easement"), to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and electric telecommunications lines and systems; and all necessary or desirable appurtenances and structures (the "Facilities"), in the Easement, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and permit unimpeded access to the Facilities.

**Location:** 13309 N. IH-35, Austin, Travis County, Texas 78753

The general route of the project is along the south side of Avenue N and West Howard Lane from the Howard Lane Substation on Gardenia Drive to the east side of Center Line Pass into the Techridge Substation, in Austin, Travis County, Texas. (District 7)

**Property:** Described in the attached and incorporated Exhibit A and B.

**ADOPTED:** December 13, 2018

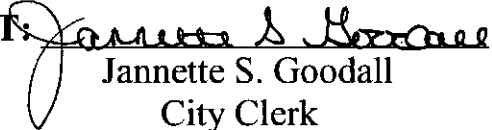
**ATTEST:**   
Jannette S. Goodall  
City Clerk



EXHIBIT "A"

**SURVEY OF A TRACT OF LAND BEING 0.333 ACRES OR 14,524 SQUARE FEET OF LAND A PART OF LOT 1, BLOCK A, SCOFIELD RANCH RETAIL SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NUMBER 200100026 OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE SAID LOT 1, BEING DESCRIBED TO HD DEVELOPMENT PROPERTIES, L.P., IN THAT CERTAIN WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2003211517, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.333 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED 'EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:**

**COMMENCING FOR REFERENCE** at an "X" found scribed in a concrete driveway for an interior angle corner of the said Lot 1, same being the southeast corner of Lot 4, Block A, of the said subdivision having Grid Coordinates of Y(N) 10127519.836, X(E) 3135849.230 United States state plane coordinate system, Texas Central Zone 4203, NAD83;

**THENCE** North 26°34'53" East, coincident with the common dividing line of the said Lot 4 and the said Lot 1, a distance of 295.87 feet to a point not set for the west corner of and **POINT OF BEGINNING** of the herein described 0.333 acres of land having Grid Coordinates of Y(N) 10127784.340, X(E) 3135981.792 United States state plane coordinate system, Texas Central Zone 4203, NAD83;

**THENCE** North 26°34'53" East, coincident with the common dividing line of the said Lot 4 and the said Lot 1, a distance of 20.01 feet to a point not set for the north corner of the herein described 0.333 acres of land and from this point an iron rod with plastic cap stamped "BURY PARTNERS, INC." found for the north corner of the said Lot 4 bears the following two (2) courses:

1. North 26°34'53" East, a distance of 25.01 feet to a point not set on the southwest right-of-way line of Howard Lane (right-of-way varies) a road in Travis County, Texas, for the common north corner of the said Lot 1, and the said Lot 4;
2. South 62°02'03" East, a distance of 726.06 feet along the common dividing line as found monumented upon the ground of the said Howard Lane and the said Lot 4, to said capped iron rod found;

**THENCE** South 62°02'03" East, a distance of 726.06 feet and departing the said common dividing line of the said Lot 1 and the said Lot 4, crossing over the said Lot 1, to a point not set for the east corner of the herein described 0.333 acres of land, same being a point on the common dividing line of the said Lot 1, Block A, Scofield Ranch Retail Subdivision and Lot 1, Reed Central Austin, a subdivision in Travis County, Texas according to the plat recorded in Volume 94, Page 133, Plat Records, Travis County, Texas, as described to Central Transportation Systems, Inc. in that certain General Warranty Deed recorded in Volume 12355, Page 912, Real Property Records, Travis County,

**EXHIBIT "A"**

Texas, and from this point an iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found bears the following two (2) courses:

1. North 26°34'27" East, a distance of 25.01 feet to a calculated point on the southeast right-of-way line of the said Howard Lane, same being the common north corner of said Lot 1, Block A, Scofield Ranch Retail Subdivision and said Lot 1, Reed Central Austin;
2. South 62°02'03" East, a distance of 0.96 feet along the southeast right-of-way line of the said Howard lane as found monumented upon the ground to the said iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found;

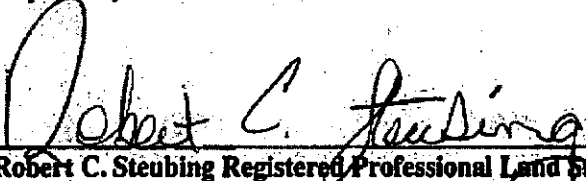
**THENCE** South 26°34'27" West, a distance of 20.01 and coincident with the said common dividing line of said Lot 1, Block A, Scofield Ranch Retail Subdivision and said Lot 1, Reed Central Austin, to a point not set for the south corner of the herein described 0.333 acres of land and from this point a one-half inch iron rod found in concrete for the west corner of said Lot 1, Reed Central Austin, same being an angle corner in the southeast line of said Lot 1, Block A, Scofield Ranch Retail Subdivision bears South 26°34'27" West, a distance of 869.24 feet;

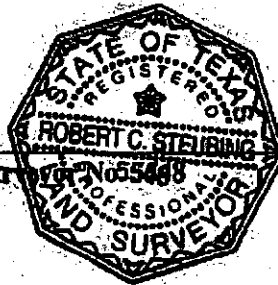
**THENCE** North 62°02'03" West, a distance of 726.07 feet and crossing over the said Lot 1, Block A, Scofield Ranch Retail Subdivision to the **POINT OF BEGINNING** and containing 0.333 acres or 14,524 square feet of land, more or less.

**BASIS OF BEARINGS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.**

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision.

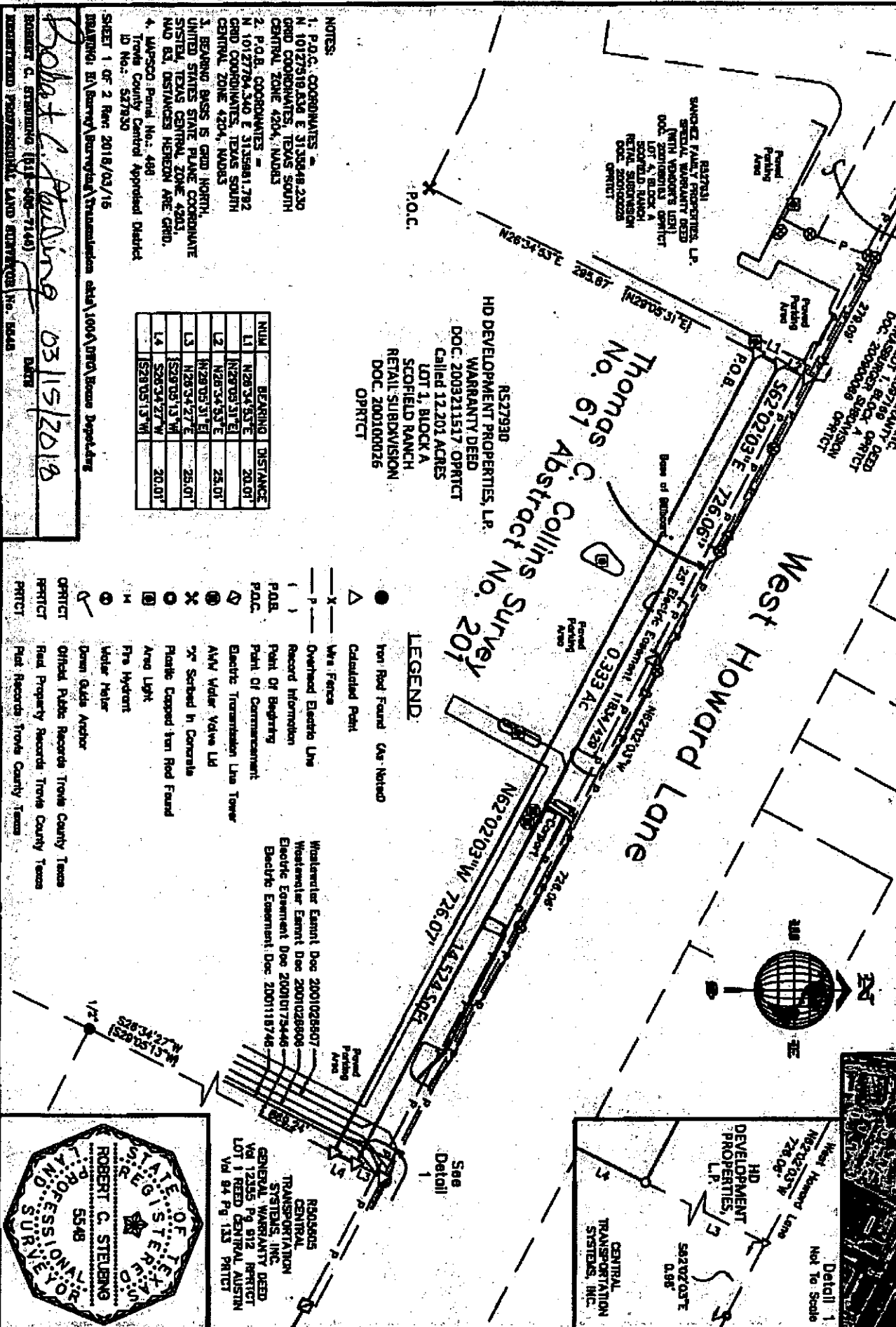
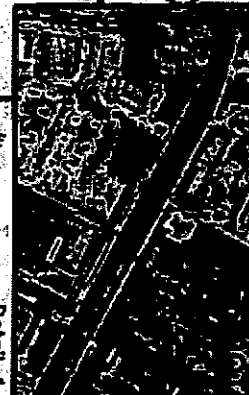
Prepared By: **AUSTIN ENERGY**

  
Robert C. Steubing Registered Professional Land Surveyor No. 55468



03/15/2018  
Date

# EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES



HD DEVELOPMENT PROPERTIES, L.P.  
WARRANTY DEED  
DOC. 2003211517 OPRTCT  
CALLED 12.201 ACRES  
LOT 1, BLOCK A  
SCOFIELD RANCH  
RETAIL SUBDIVISION  
DOC. 200100026  
OPRTCT

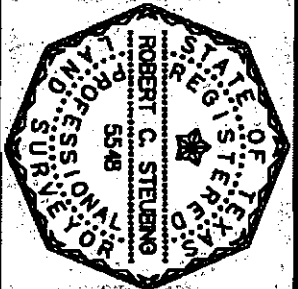
N/M	BEARING	DISTANCE
L1	N28°34'53"E	20.01'
L2	N28°05'31"E	25.01'
L3	N28°05'31"E	25.01'
L4	N28°34'27"W	20.01'

## LEGEND:

- Iron Rod Found (As Noted)
- △ Calculated Point
- X— Wire Fence
- P— Overhead Electric Line
- ( ) Record Information
- P.O.B. Point Of Beginning
- P.O.C. Point Of Commencement
- Electric Transmission Line Tower
- ANY Water Valve Ld
- X Scoured In Concrete
- Plate Capped Iron Rod Found
- Area Light
- Pre Hydrant
- Water Meter
- Down Guide Anchor
- OPRTCT Official Public Records Tittle County Texas
- PRRTCT Real Property Records Tittle County Texas
- PRCTCT Plat Records Tittle County Texas

Widewater Earnst Dec 2001028507  
Widewater Earnst Dec 2001028508  
Electric Easement Dec 2001073446  
Electric Easement Dec 200118748

R203605  
CENTRAL TRANSPORTATION  
SYSTEMS, INC.  
GENERAL WARRANTY DEED  
VIA 12355 P. 812 PRRTCT  
VIA 84 Pg. 125 PRCTCT



NOTES:

1. P.O.C. COORDINATES =  
N 10127318.236 E 3135048.230  
GRID COORDINATES, TEXAS SOUTH  
CENTRAL ZONE 4204, NAD83
2. P.O.B. COORDINATES =  
N 10127794.340 E 3135861.792  
GRID COORDINATES, TEXAS SOUTH  
CENTRAL ZONE 4204, NAD83
3. BEARING BASE IS GRID NORTH,  
UNITED STATES STATE PLANE COORDINATE  
SYSTEM, TEXAS CENTRAL ZONE 4201,  
NAD 83. DISTANCES HEREON ARE GRID.
4. MAPSCO Panel No.: 498  
Tittle County Central Appraisal District  
ID No.: 527830

SHEET 1 OF 2 Rev 2018/03/15  
DRAWING: B:\Survey\Bureau\Transmission\4204\1004\PRTO\Bureau\Depeding  
ROBERT C. STIENING (512-405-7144) DATE 03/15/2018  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

1.) RESTRICTIVE COVENANTS as per: Instrument No. (s) 2001007703, 2001026608, 2001036259, 2002100361 and 2002216979 and Plat(s) recorded under Instrument No. (s) 200100026, 200100182 and 200100334, Official Public Records, Travis County, Texas Instrument No. (s) 2002100362, 2001080162, 2002169107, 2001026608, 2002244631 and 2003100426, Official Public Records, Travis County, Texas MAY EFFECT TRACT.

10. G.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: City of Austin  
Purpose: As provided in said instrument  
Recording No: Document No. 2001023696, Official Public Records of Travis County, Texas  
DOES NOT EFFECT TRACT.

10. H.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: City of Austin  
Purpose: As provided in said instrument  
Recording No: Document No. 2001176487, Official Public Records of Travis County, Texas  
DOES NOT EFFECT TRACT.

10. I.) Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plot:  
Purpose: electric lines and systems  
Affects: 15 feet in width, sidewalk easement 25 feet in width and 25 feet reserved for future right of way, along the Interstate 35 property line.  
Recording No: Instrument No. (s) 200100026, Official Public Records of Travis County, Texas  
DOES NOT EFFECT TRACT.

10. J.) Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plot:  
Purpose: electric lines and systems  
Affects: 15 feet in width, sidewalk easement 25 feet in width and 25 feet reserved for future right of way, along the Interstate 35 property line.  
Recording No: Instrument No. (s) 200100026, Official Public Records of Travis County, Texas  
DOES NOT EFFECT TRACT.

10. K.) Matters contained in that certain document  
Entitled: Declaration of Easements and Restrictive Covenants regarding the Maintenance of Drainage Facilities and Storm Sewer for Three Points Retail Center  
Recording No: Instrument No. 2001036259, of the Official Public records, of Travis County, Texas.  
BLANKET EASEMENT. DOES EFFECT TRACT.

10. L.) Matters contained in that certain document  
Entitled: Reciprocal Easement and Operation Agreement and Amendments, thereto  
Recording No: Instrument No. 2001007703, amended in Instrument No. (s) 2002100361 and 2002216979, Official Public Records, Travis County, Texas.  
MAY EFFECT TRACT.

10. M.) Matters contained in that certain document  
Entitled: Development Agreement with Restrictive Covenants  
Dated: May 15, 2001  
Executed by: Howard 2001 Ltd and Sanchez Family Properties LP Recording  
Date: May 21, 2001  
Recording No: Document No. 2001080162, Official Public Records of Travis County, Texas  
DOES NOT EFFECT TRACT.



10. N.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Purpose: As provided in said instrument  
Recording No: Volume 4734, Page 1972, Deed Records of Travis County, Texas  
DOES NOT EFFECT TRACT.

10. O.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Purpose: As provided in said instrument  
Recording No: Volume 11834, Page 429, Real Property Records, Travis County, Texas, and as shown on plat recorded in Document No. 200100026, Plat Records of Travis County, Texas  
DOES NOT EFFECT TRACT.

10. P.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Purpose: As provided in said easement  
Recording No: Instrument No. 200116746, of the Official Public Records, Travis County, Texas.  
EFFECTS TRACT.

10. Q.) Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plot:  
Purpose: As provided in said instrument  
Affects: 15 feet in width along the southeast property line(s)  
Recording No: Instrument No. (s) 200100026, of the Official Public Records, Travis County, Texas.  
EFFECTS TRACT.

10. R.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Purpose: As provided in said easement  
Recording No: Instrument No. 20010175446, of the Official Public Records, Travis County, Texas.  
MAY EFFECT TRACT.

10. S.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Purpose: As provided in said easement  
Recording No: Instrument No. 2001026605, of the Official Public Records, Travis County, Texas.  
EFFECTS TRACT.

10. T.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Purpose: As provided in said easement  
Recording No: Instrument No. 2001023696, of the Official Public Records, Travis County, Texas.  
DOES NOT EFFECT TRACT.

10. U.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Purpose: As provided in said easement  
Recording No: Instrument No. 2003240867, of the Official Public Records, Travis County, Texas.  
DOES NOT EFFECT TRACT.

Proposed Easement at  
4D Development Properties, L.P.

- Parcels
- Proposed Easement

2018 Aerial Imagery, City of Austin



AE Public Involvement  
& Real Estate Services



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by AUSTIN ENERGY for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

