

RESOLUTION NO. 20181213-051

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: Saeed Moshfegh

Project: Austin Energy Circuit 961/1004 Upgrade Parcel 1 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: 13700 Pansy Trail, Austin, Travis County, Texas 78727

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:

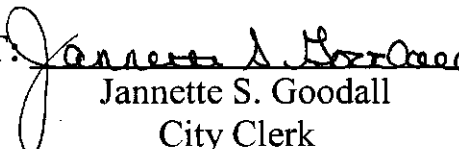

Jannette S. Goodall
City Clerk



EXHIBIT "A"

Parcel 1: 0.012 Acres

SURVEY OF A PARCEL 1: 0.012 ACRES OF LAND OR 520 SQUARE FEET OF LAND A PART OF THAT CALLED 4.06 ACRES OF LAND DESCRIBED TO SAEED MOSHFEGH IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NUMBER 2017045033, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 4.06 ACRES OF LAND ALSO BEING SHOWN AS LOT 1 (FUTURE), BLOCK B, WOODS OF CENTURY PARK SECTION ONE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NUMBER 200200114, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED PARCEL 1: 0.012 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 a one-half inch iron rod with plastic cap stamped "ALLSTAR 5729" found having Grid Coordinates of Y(N) 10131081.634, X(E) 3129742.977 United States state plane coordinate system, Texas Central Zone 4203, NAD83, for the northwest corner of said 4.06 acres of land, same being the northeast corner of Lot 2, Block B of said Woods Of Century Park Section One, same being a point on the curving south right-of-way line of the said Avenue N (right-of-way varies) and from this point a one-half inch iron rod with plastic cap stamped "ALLSTAR 5729" found for the southwest corner of said 4.06 acres of land, same being the southeast corner of Lot 5 of said Block B and a point on the north line of Lot 7 of said Block B both being a part of Woods Of Century Park Section One bears South 28°14'20" West, a distance of 300.92 feet;

THENCE coincident with the south right-of-way line of said Avenue N, same being the north line of said 4.06 acres of land the following three (3) courses:

1. With said curve to the right concave to the southwest to a calculated point not set for the point of tangency of said curve having the following curve elements: Delta Angle of 13°54'06", Arc Length of 36.88 feet, Radius Length of 152.00 feet and a Chord which bears South 68°05'58" East, a Distance of 36.79 feet;
2. South 61°40'47" East, a distance of 86.55 feet to a calculated point not set at the point of curvature of a curve to the left;
3. With said curve to the left, concave to the northeast and passing a one-half inch iron rod with plastic cap stamped "ALLSTAR 5729" found on said curve at an arc length of 6.82 feet, continuing along said curve having the following curve elements: Delta Angle of 01°12'46", Arc Length of 16.47 feet, Radius Length of 778.00 feet the chord of which bears South 62°17'03" East, a Distance of 16.47 feet to a calculated point not set having Grid Coordinates of Y(N) 10131019.193, X(E) 3129867.882 United States state plane coordinate system, Texas Central Zone 4203, NAD83, for the northwest corner of and **TRUE POINT OF BEGINNING** of the herein described Parcel 1, 0.012 acres of land;

EXHIBIT "A"

Parcel 1: 0.012 Acres

THENCE continuing with said curve to the left, coincident with said south right-of-way line of said Avenue N, same being the north line of said 4.06 acres of land and having the following elements: Delta Angle of $02^{\circ}48'11''$, Arc Length of 38.06 feet, Radius Length of 778.00 feet and the Chord which bears South $64^{\circ}17'32''$ East, a Distance of 38.06 feet to a calculated point not and coincident with the west margin of that called Tract 2, 0.19 acres described in that certain Electrical Transmission Easement granted to the City of Austin in Document 2011101518, Official Public Records of Travis County, Texas, for the northeast corner of the herein described 0.012 acres of land, from this point a one-half inch iron rod with plastic cap stamped "ALLSTAR 5729" found on the south right-of-way line of said Avenue N bears the following two (2) courses:

1. Coincident with the south right-of-way line of the said Avenue N, same being the north line of said 4.06 acres of land, continuing with said curve to the left, concave to the northeast having the following curve elements: Delta Angle of $02^{\circ}23'44''$, Arc Length of 32.53 feet, Radius Length of 778.00 feet and a Chord which bears South $66^{\circ}53'30''$ East, a Distance of 32.52 feet to a calculated point not set;
2. South $68^{\circ}05'14''$ East, a distance of 47.11 feet for a point on the north line of said 4.06 acres of land;

THENCE, departing the south right-of-way line of said Avenue N, crossing over said 4.06 acres of land and coincident with the west line of the said Tract 2, 0.19 acres of land the following three (3) courses to calculated points not set;

1. South $09^{\circ}46'19''$ East, a distance of 24.34 feet to the southeast corner of the herein described 0.012 acres of land and being the north corner of a simultaneously created Parcel 2: 0.071 acres of land;
2. North $65^{\circ}04'08''$ West, departing the west line of said Tract 2, 0.19 acres of land a distance of 14.46 feet to the southwest corner of the herein described 0.012 acres of land;
3. North $36^{\circ}20'39''$ West, a distance of 42.70 feet to the **POINT OF BEGINNING** and containing 0.012 acres or 520 square feet of land, more or less.

Parcel 2: 0.071 Acres

SURVEY OF A PARCEL 2: 0.071 ACRES OF LAND OR 3,110 SQUARE FEET OF LAND, A PART OF THAT CALLED 4.06 ACRES OF LAND DESCRIBED TO SAEED MOSHFEGH IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NUMBER 2017045033, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 4.06 ACRES OF LAND ALSO BEING SHOWN AS LOT 1 (FUTURE) BLOCK B, WOODS OF CENTURY PARK SECTION ONE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN DOCUMENT NUMBER 200200114, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED PARCEL 2: 0.071 ACRES OF LAND BEING SHOWN ON

EXHIBIT "A"

THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING at a calculated point not set having Grid Coordinates of Y(N) 10130618.344, X(E) 3129968.368 United States state plane coordinate system, Texas Central Zone 4203, NAD83 and being coincident with the south line of the said 4.06 acres of land, same being the north line of Lot 9, Water Quality and Drainage Lot of the said Block B, same being the south corner of said Tract 2, 0.19 acres of land being the said Electrical Transmission Easement granted to the City of Austin in Document 2011101518, Official Public Records of Travis County, Texas, same being a point on the west line of the said 0.63 acres of land being the said Transmission Line Easement granted to the City of Austin in Volume 9792, Page 499, Deed Records of Travis County, Texas, same being the southeast corner of the herein described Parcel 2: 0.071 acres of land and from this point a five-eighths inch inside diameter iron pipe found for the southeast corner of the said 4.06 acres of land, same being the northeast corner of the said Lot 9 and a point on the northwest line of a called 0.9750 acres of land described in "Exhibit "A" of that certain Correction Warranty Deed With Vendor's Lien to William Torenko in Volume 12872, Page 952, Real Property Records, Travis County, Texas, same being a point on the northwest margin of Pansy Trail, a private road, bears South 61°40'52" East, a distance of 144.21 feet;

THENCE, North 61°40'52" West, coincident with the common dividing line of the said 4.06 acres of land and the said Lot 9, a distance of 21.61 feet to a calculated point not set for the southwest corner of the herein described Parcel 2: 0.071 acres of land and this point a one-half inch iron rod with plastic cap stamped "ALLSTAR 5729" found for the southwest corner of the said 4.06 acres of land, same being the southeast corner of Lot 5 of the said Block B and a point on the north line of Lot 7 of the said Block B bears North 61°40'52" West, a distance of 396.16 feet;

THENCE departing the common dividing line of the said 4.06 acres of land and the said Lot 9 and crossing over the said 4.06 acres of land, the following two (2) courses:

1. North 07°00'31" West, a distance of 352.74 feet to a calculated point not set coincident with the west line of the said 0.19 acre Electrical Transmission Easement for the north corner of the herein described Parcel 2: 0.071 acres of land, said point also being the southeast corner of the simultaneously created Parcel 1: 0.012 acres of land described herein;
2. South 09°46'19" East, coincident with the west line of said 0.19 acre Electrical Transmission Easement, a distance of 365.66 feet to the POINT OF BEGINNING and containing 0.071 acres or 3,110 square feet of land, more or less.

EXHIBIT "A"

Parcel 3: 0.121 Acres

SURVEY OF A PARCEL 3: 0.121 ACRES OR 5,274 SQUARE FEET OF LAND, A PART OF A CALLED 4.06 ACRES OF LAND DESCRIBED TO SAEED MOSHFEGH IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NUMBER 2017045033, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, THE SAID 4.06 ACRES OF LAND ALSO BEING SHOWN AS LOT 1 (FUTURE), BLOCK B, WOOD CENTURY PARK SECTION ONE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN DOCUMENT NUMBER 200200114, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED PARCEL 3: 0.121 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING at one-half inch iron rod with plastic cap stamped "ALLSTAR 5729" found, having Grid Coordinates of Y(N) 10130830.186, X(E) 3130249.465 United States state plane coordinate system, Texas Central Zone 4203, NAD83, for the northeast corner of the said 4.06 acres of land, same being an exterior angle corner in the southwest right-of-way line of said Avenue N (right-of-way varies), same being a point on the northwest line of said 0.9750 acres of land described in 'Exhibit "A"' of said Correction Warranty Deed With Vendor's Lien to William Torenko in Volume 12872, Page 952, Real Property Records, Travis County, Texas, same being a point on the northwest margin of Pansy Trail, a private road and from this point a one-half inch iron rod found for an interior angle in the southeast right-of-way line of said Avenue N; same being the northeast corner of the said 0.9750 acres of land bears the following two courses: 1) North 28°48'42" East, a distance of 6.59 feet to a calculated point not set and 2) South 61°59'07" East, a distance of 40.39 feet, also from said point of beginning a cotton gin spindle found in the asphalt surface of the said Pansy Trail bears South 46°14'31" East, a distance of 11.52 feet;

THENCE South 28°48'42" West, coincident with the common dividing line of the said 4.06 acres of land and the said 0.9750 acres of land, same being the northwest margin of the said Pansy Trail, a distance of 10.00 feet to a calculated point not set for the southeast corner of the herein described Parcel 3: 0.121 acres of land and from this point a five-eighths inch inside diameter iron pipe found for the southeast corner of the said 4.06 acres of land, same being a point on the northwest line of the said 0.9750 acres of land and a point on the northwest margin of the said Pansy Trail, bears South 28°48'42" West, a distance of 309.85 feet;

THENCE departing the common dividing line of the said 4.06 acres of land, the said 0.9750 acres of land, the said Pansy Trail and crossing over the said 4.06 acres of land the following two (2) courses:

1. North 65°04'08" West, a distance of 279.45 feet to a calculated point not set coincident with the east line of a called 0.63 acres of land granted to the City of Austin in that certain Transmission Line Easement recorded in Volume 9792, Page 499, Deed Records of Travis County, Texas, for the southwest corner of the herein described Parcel 3: 0.121 acres of land;

EXHIBIT "A"

Parcel 3: 0.121 Acres

2. North 04°51'55" West, coincident with the east line of the said 0.63 acre Transmission Line Easement, a distance of 27.87 feet to a calculated point not set coincident with the curving south right-of-way line of the said Avenue N for the northwest corner of the herein described Parcel 3: 0.121 acres of land, same being a point on the northeast line of the said 4.06 acres of land and from this point a one-half inch iron rod with plastic cap stamped "ALLSTAR 5729" found bears the following two courses: 1) with said curving south right-of-way line of the said Avenue N, said curve being to the left, concave to the southwest, having the following curve elements: Delta Angle 00°52'33", Arc Length 11.04 feet, Radius Length 722.00 feet, a Chord which bears North 67°39'04" West, a Distance of 11.04 feet for the Point of Curvature of said curve 2) North 68°05'14" West, a distance of 3.09 feet for a point on the northeast line of the said 4.06 acres of land;

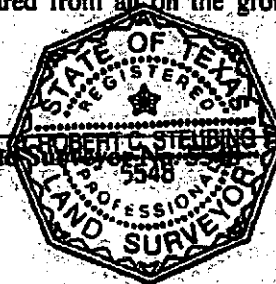
THENCE coincident with the south right-of-way line of the said Avenue N, same being the northeast line of the said 4.06 acres of land the following two (2) courses:

1. Coincident with the curving right-of-way line of the said Avenue N, curving to the right and concave to the southwest to a calculated point not set for the Point of Tangency of the said curve having the following curve elements: Delta Angle 05°34'39", Arc Length 70.28 feet, Radius Length 722.00 feet, a Chord which bears South 64°25'28" East, a Distance of 70.26 feet;
2. South 61°38'15" East, passing at a distance of 42.63 feet a one-half inch (1/2") iron rod with plastic cap stamped "ALLSTAR 5729" found and continuing for a Total Distance of 224.13 feet to the POINT OF BEGINNING and containing 0.121 acres or 5,274 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.

Robert C. Steubing
Robert C. Steubing Registered Professional Land Surveyor



02/15/2018
Date

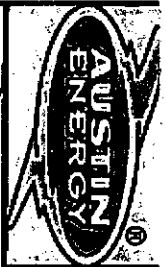
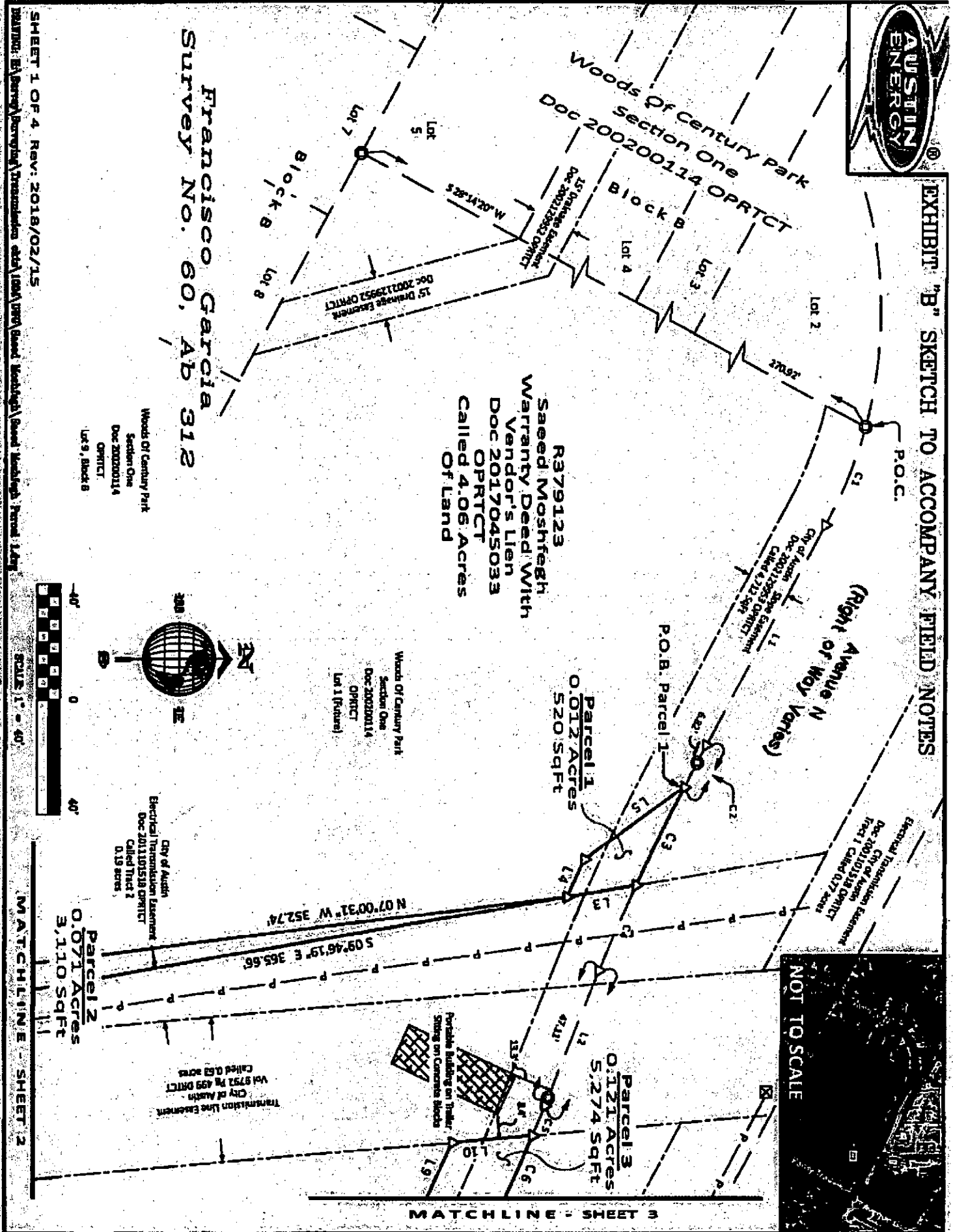


EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES



NOT TO SCALE

Francisco Garcia
Survey No. 60, AB 312

R379123
Saeed Moshfegh
Warranty Deed With
Vendor's Lien
Doc 2017045033
OPRTCT
Called 4.06 Acres
Of Land

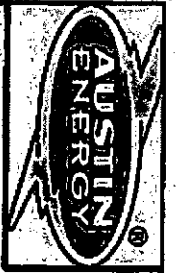
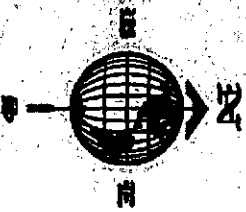
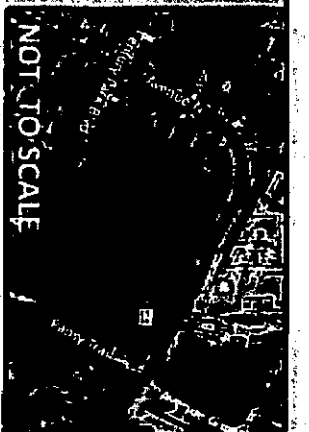


EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

MATCHLINE - SHEET 1



Francisco Garcia
Survey No. 60, AB 312

SHEET 2 OF 4 Rev: 2018/02/25
DRAWN: B. Perry/Berryfield/Drawn: abh 1004/1004/Good Mapping/Good Mapping/Parcel 1.dwg

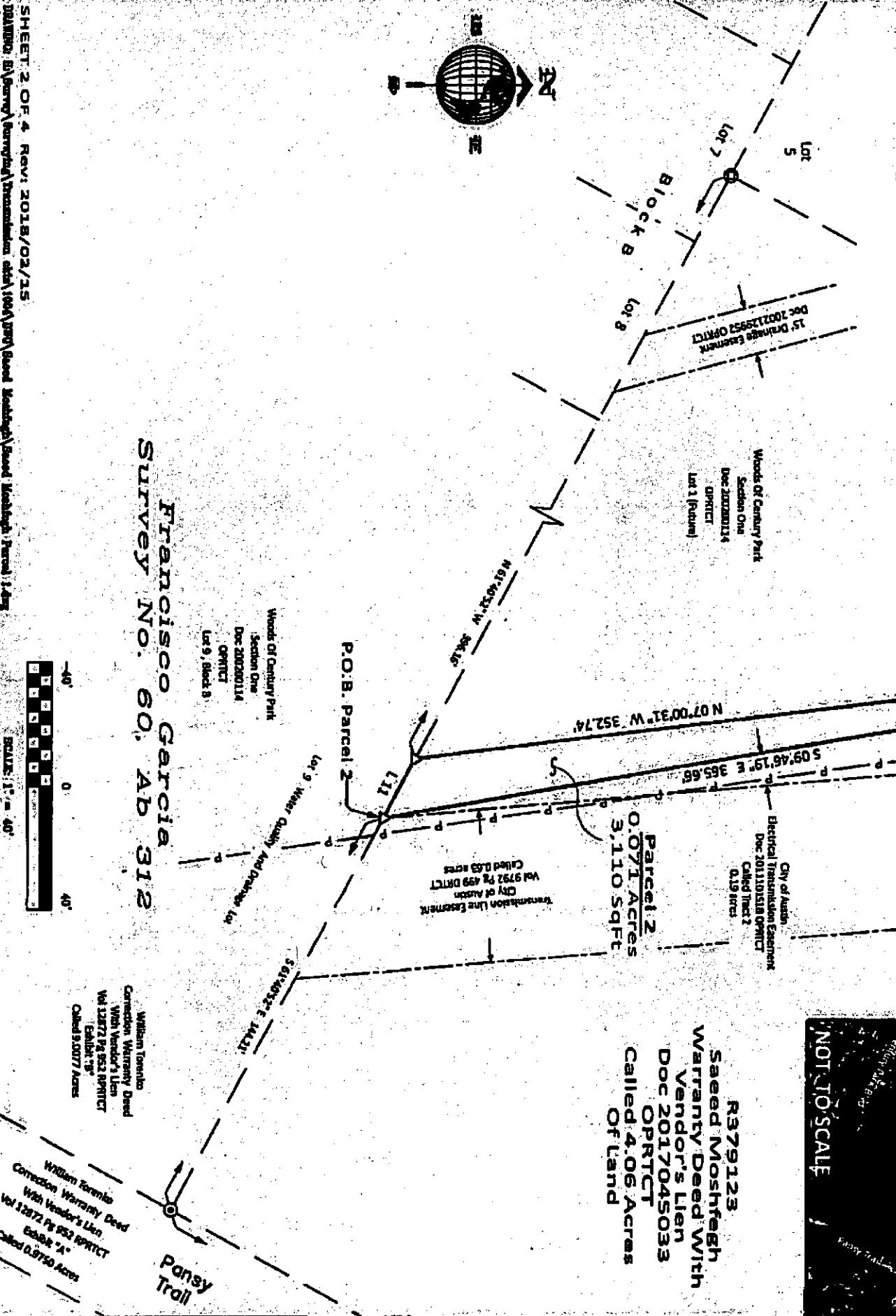




EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

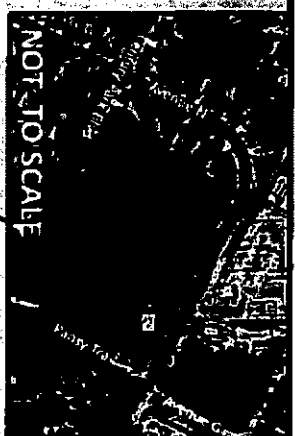
MATCHLINE - SHEET 1

City of Austin
Slope Easement
Doc 200213955 OPRTCT
Cited 4,712 Sqft

City of Austin
Slope Easement
Doc 200213955 OPRTCT
Cited 4,712 Sqft

King's Village
Vol 2 Pg 51 Part 2
Section 2 Part 2

Francisco Garcia
Survey No. 60, Ab 312

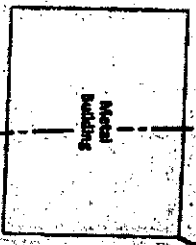


Woods Of Century Park
Section One
Doc 200200114
OPRTCT
Lot 1 (future)

R379123
Saeed Moshfegh
Warranty Deed With
Vendor's Lien
Doc 2017045033
OPRTCT
Called 4.06 Acres
Of Land



SCALE: 1" = 40'



Parcel 3
0.121 Acres
5,274 Sqft

Lower Colorado
River Authority
Electric Transmission
and/or
Distribution Easement
100' Easement
Vol 752 Pg 618
OPRTCT
(Appropriate
Location)

City of Austin
Slope Easement
Doc 200213953
OPRTCT
Cited
810 Sqft

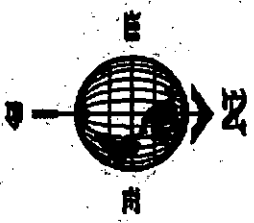
William Forendo
Correction Warranty Deed
With Vendor's Lien
Vol 12872 Pg 552 RPRCT
Exhibit "A"
Called 0.9750 Acres

Pansy Trail

See Detail ONE
P.O.B. Parcel 3

Avenue G

Avenue N
(Right of Way Varies)





Easement and Conditions of Record as per Chicago Title Company - Commitment Number: CTA17000185
C.T. Number: CTA-07-CTA1700185P

10. l. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Texas Power & Light Company
Purpose: As provided in said instrument
Recording No: Volume 408, Page 255, Deed Records of Travis County, Texas
MAY AFFECT TRACT.

10. g. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Lower Colorado River Authority
Purpose: As provided in said instrument
Recording No: Volume 762, Page 619, Deed Records of Travis County, Texas
AFFECTS TRACT AS SHOWN.

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: Volume 9792, Page 489, Deed Records of Travis County, Texas
AFFECTS TRACT AS SHOWN.

10. i. 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. 2002129953, Official Public Records of Travis County, Texas
AFFECTS TRACT AS SHOWN.

10. j. 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. 2002129952, Official Public Records of Travis County, Texas
AFFECTS TRACT AS SHOWN.

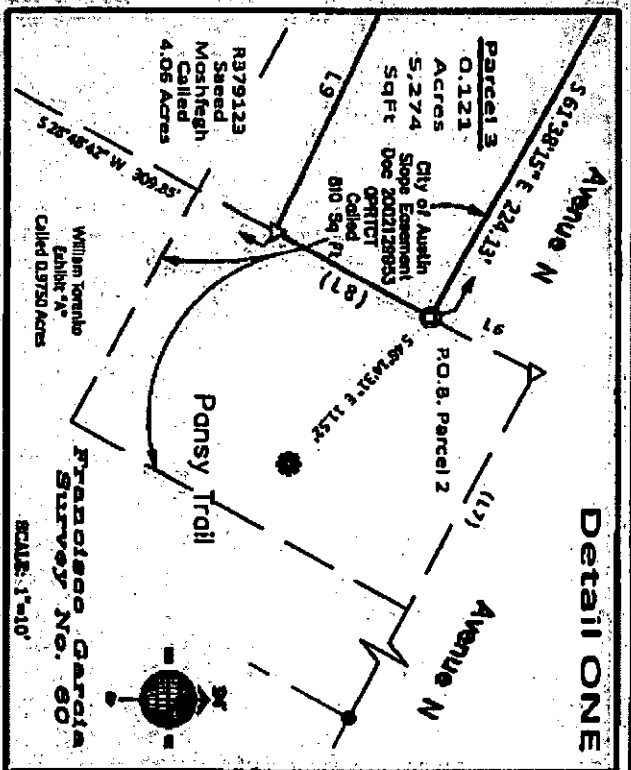
10. k. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: City of Austin
Purpose: As provided in said instrument
Recording No: Document No. 2001101518, Official Public Records of Travis County, Texas
AFFECTS TRACT AS SHOWN.

NOTES:

1. PARCEL 1 POINT OF COMMENCEMENT COORDINATES = N 10131081.634 E 3129742.977 GRID COORDINATES, TEXAS SOUTH CENTRAL ZONE 4204, NAD83
2. PARCEL 1 P.O.B. COORDINATES = N 10131019.193 E 3129867.282 GRID COORDINATES, TEXAS SOUTH CENTRAL ZONE 4204, NAD83
3. PARCEL 2 P.O.B. COORDINATES = N 10130818.344 E 3129968.358 GRID COORDINATES, TEXAS SOUTH CENTRAL ZONE 4204, NAD83
4. PARCEL 3 P.O.B. COORDINATES = N 10130830.186 E 3130249.465 GRID COORDINATES, TEXAS SOUTH CENTRAL ZONE 4204, NAD83
5. BEARING BASIS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD 83, DISTANCES HEREON ARE GRID.
6. MARSCO Parcel No.: 466 Travis County Central Appraisal District ID No.: 379123

SHEET 4 OF 4 Rev: 2018/02/15

REVISIONS: [REDACTED]



Legend

- ALLSTAR 8728" Capped Iron Rod Found
- 5/8" I.D. Iron Pipe Found
- 1/2" Iron Rod Found
- Cotton Gin Spindle Found
- △ Calculated Point Not Set
- ⊠ Electric Transmission Tower
- Electric Transmission Line(s)
- P.O.C. Point of Commencement
- P.O.B. Point of Beginning
- OFFICCT Official Public Records, Travis County, Texas
- REPRCT Real Property Records, Travis County, Texas
- PRCT Public Records, Travis County, Texas



NUM	BEARING	DIST
L1	S 61°40'47" E	86.55'
L2	S 68°05'14" E	50.20'
L3	S 09°46'19" E	24.34'
L4	N 65°04'08" W	14.46'
L5	N 36°20'39" W	42.70'
L6	N 28°48'42" E	6.59'
L7	S 61°59'07" E	40.39'
L8	S 28°48'42" W	10.00'
L9	N 65°04'08" W	279.45'
L10	N 04°51'55" W	27.87'
L11	N 61°40'52" W	21.61'

NUM	DELTA	ARC	RADIUS	BEARING	DIST
C1	13°54'06"	36.88'	152.00'	S 68°05'58" E	36.79'
C2	01°12'46"	16.47'	778.00'	S 62°17'03" E	16.47'
C3	02°48'11"	38.06'	778.00'	S 64°17'32" E	38.06'
C4	02°23'44"	32.53'	778.00'	S 66°53'30" E	32.52'
C5	00°52'33"	11.04'	722.00'	N 67°39'04" W	11.04'
C6	05°34'39"	70.28'	722.00'	S 64°25'28" E	70.26'

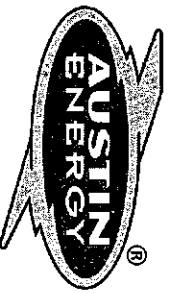
Robert C. Stuebner 02/15/2018



Proposed Easements at Saeed Moshfegh

 Parcels
 Proposed Easements

2018 Aerial Imagery, City of Austin



AE Public Involvement
& Real Estate Services



0 100 200
 Feet

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.

