

RESOLUTION NO. 20181213-052

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: Mary F. Powers

Project: Austin Energy Circuit 811 Upgrade Parcel 47 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: 8908 Shepard Drive, Austin, Travis County, Texas 78753

The general route of the project is along the east side of N. Lamar Blvd. from the Justin Lane Substation on North Lamar Blvd. crossing Lamar Blvd. at Wagon Trail Road from there the circuit traverses the North Park Estates and Gracywoods neighborhoods until it reaches the McNeil Substation on Knollpark Drive., in Austin, Travis County, Texas. (District 4).

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

ADOPTED: December 13, 2018

ATTEST:

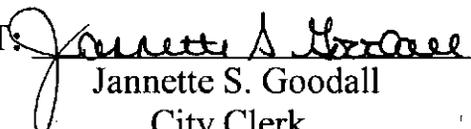

Jannette S. Goodall
City Clerk

EXHIBIT "A"

PAGE 1 OF 4



Landesign Services, Inc.

1220 McNeil Road
Suite 200
Round Rock, Texas 78681
Firm Registration No. 10001800
512-238-7901 office
512-238-7902 fax

**PROPERTY DESCRIPTION
PARCEL 47**

BEING A 0.021 OF ONE ACRE (904 SQUARE FEET) PARCEL OF LAND SITUATED IN THE J. APPLGAI SURVEY, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 5, BLOCK D, NORTH LAMAR PARK SECTION THREE, RECORDED IN VOL. 20, PG. 15 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 5 BEING DESCRIBED IN A DEED TO MARY F. POWERS, RECORDED IN VOL. 5553, PG. 669 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 0.021 OF ONE ACRE (904 SQUARE FEET) PARCEL BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rebar found (Grid Coordinates: N=10104146.290, E=3127321.516) for the most Northerly corner of said Lot 5 and the most Westerly corner of Lot 6, of said Block D, also being in the existing Easterly right-of-way line of North Lamar Boulevard (R.O.W. Varies), from which a 1/2-inch iron rebar found for the most Northerly corner of Lot 7, of said Block D and the most Westerly corner of Lot 8, of said Block D, also being in said existing Easterly right-of-way line of North Lamar Boulevard, bears North 24°53'38" East a distance of 121.26 feet;

THENCE South 61°57'33" East departing said existing Easterly right-of-way line of North Lamar Boulevard, coincident with the common dividing line of said Lot 5 and said Lot 6, a distance of 15.02 feet to a Calculated Point not set for the Northeast corner of the herein described tract;

THENCE over and across said Lot 5; the following two (2) courses and distances:

1. **South 24°53'38" West** a distance of 7.43 feet to a Calculated Point not set; and
2. **South 26°52'28" West** a distance of 52.78 feet to a Calculated Point not set in the Southwest line of said Lot 5 and the Northeast line of Lot 4, of said Block D;

EXHIBIT "A"

PAGE 2 OF 4

THENCE North 62°06'39" West coincident with the common dividing line of said Lot 5 and said Lot 4, a distance of 15.00 feet to a Calculated Point not set for the most Westerly corner of said Lot 5 and the most Northerly corner of said Lot 4, also being in said existing Easterly right-of-way line of North Lamar Boulevard, from which a 1/2-inch iron rebar found, bears North 62°06'39" West a distance of 0.90 feet, and also from which a 1/2-inch iron rebar found for the most Westerly corner of said Lot 4 and the most Northerly corner of Lot A, RESUBDIVISION OF LOTS 1, 2, & 3, BLOCK D, NORTH LAMAR PARK SECTION THREE, recorded in Vol. 59, Pg. 16 of said Plat Records, also being in said existing Easterly right-of-way line of North Lamar Boulevard, bears South 26°52'28" West a distance of 60.84 feet;

THENCE coincident with the common dividing line of said Lot 5 and said existing Easterly right-of-way line of North Lamar Boulevard, the following two (2) courses and distances:

1. North 26°52'28" East a distance of 52.26 feet to a Calculated Point not set; and
2. North 24°53'38" East a distance of 8.00 feet to the POINT OF BEGINNING and containing 0.021 of one acre of land (904 Square Feet) more or less.

All bearings shown hereon are based on the Texas State Plane Coordinate System (SPCS), Central Zone (4203), NAD83 (2011 Adjustment). All distances and coordinates shown hereon are grid values represented in U.S. Survey Feet.

This property description is accompanied by a separate plat of even date and was prepared by an on the ground survey made under my supervision during the month of October, 2016.


Travis S. Tabor
Registered Professional Land Surveyor
State of Texas No. 6428

01/27/2017
Date



Job Number: 16-006_811 Upgrade

Attachments: Survey Drawing: L:\City of Austin\811 Upgrade\DWGS\Parcels\16006_Parcel 47



GRAPHIC SCALE

EXHIBIT "B"

SEE SHEET 4 FOR LINE TABLE, LEGEND AND TITLE COMMITMENT NOTES



P.O.B.
GRID COORDS
N=10104146.290
E=3127321.516

PARCEL 47
0.021 OF
ONE ACRE
(904 SQ. FT.)

SEE
DETAIL A

5' P.U.E.
VOL. 20, PG. 15

J. APPLIGAIT
SURVEY

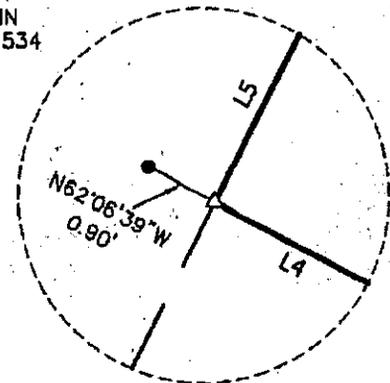
NORTH LAMAR BOULEVARD
(R.O.W. VARIES)

TOPLINE REAL ESTATE, LLC
DOC. 2012006004
O.P.R.T.C.T.

7.5' EASEMENT
CITY OF AUSTIN
VOL. 8634, PG. 534
R.P.R.T.C.T.

LOT A
RESUBDIVISION OF
LOTS 1,2,&3, BLOCK D,
NORTH LAMAR PARK
SECTION THREE
VOL. 59, PG. 16
P.R.T.C.T.

CARPENTER AVENUE
(50' R.O.W. - VOL. 15, PG. 33)



DETAIL A
(NOT TO SCALE)

8 POLLY THURSTON
DOC. 2012175298
O.P.R.T.C.T.

7 DONALD WAYNE REED
AND JOYCE J. REED
DOC. 2006080653
O.P.R.T.C.T.

6 SLADJAN GASPAR AND
ILJIA GASPAR
DOC. 2010098398
O.P.R.T.C.T.

5 MARY F. POWERS
VOL. 5553, PG. 669
D.R.T.C.T.

4 DAVID BOHL AND
GRACIELA CANTU
VOL. 13111, PG. 329
R.P.R.T.C.T.

NORTH LAMAR PARK SECTION THREE
VOL. 20, PG. 15
P.R.T.C.T.

SHEPARD DRIVE
(50' R.O.W. - VOL. 20, PG. 15)

JOB NUMBER: 16-006	DATE: 01/27/2017
PROJECT NAME: 811 UPGRADE	
DRAWING NAME: 16006_PARCEL 47	
DRAWING FILE PATH: L:\City of Austin\811 Upgrade\DWGS\Parcels	
FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\Metes and Bounds	
RPLS: TST	TECH: DH
PARTYCHIEF: AG	CHK BY: JB
SHEET 03 of 04	FIELDBOOKS: 265/267
SCALE: 1" = 50'	



**LANDESIGN
SERVICES, INC.**

512-218-7101
1220 MCNEIL ROAD
SUITE 200
ROUND ROCK, TEXAS 78081
FIRM REGISTRATION NO. 10001800

COMMITMENT FOR TITLE INSURANCE PROVIDED BY:

CHICAGO TITLE INSURANCE COMPANY

GF NO.: 1619572-KFO

ISSUE DATE: JUNE 8, 2016 - EFFECTIVE DATE: MAY 27, 2016

ONLY THOSE ITEMS LISTED IN SCHEDULE B OF THE ABOVE REFERENCED COMMITMENT FOR TITLE INSURANCE WERE REVIEWED FOR THE PURPOSE OF THIS SURVEY. NO ADDITIONAL RESEARCH WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, OR OTHER ENCUMBRANCES WHICH AFFECT THIS SURVEY THAT ARE NOT KNOWN TO THIS SURVEYOR.

1. THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS DESCRIBED IN VOL. 20, PG. 15, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; VOL. 2833, PG. 458 AND VOL. 2876, PG. 238, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

SCHEDULE B EXCEPTIONS:

- 10a. NOT A SURVEY MATTER.
- 10b. BUILDING SETBACK LINES AS SHOWN ON RECORDED PLAT AND DEDICATION. NOTED AND SHOWN HEREON.
- 10c. 5' PUBLIC UTILITY EASEMENT ALONG THE REAR PROPERTY LINE AS ENDORSED ON RECORDED PLAT AND DEDICATION. NOTED HEREON.
- 10d. BUILDING SETBACK LINES AS SET FORTH IN INSTRUMENT RECORDED IN VOL. 2833, PG. 458 AND VOL. 2876, PG. 238, DEED RECORDS OF TRAVIS COUNTY, TEXAS. NOTED HEREON.
- 10e. 5' PUBLIC UTILITY AND DRAINAGE EASEMENTS AS SET FORTH IN INSTRUMENT RECORDED IN VOL. 2833, PG. 458 AND VOL. 2876, PG. 238, DEED RECORDS OF TRAVIS COUNTY TEXAS. NOTED HEREON.
- 10f. NOT A SURVEY MATTER.

Line Table		
Line #	Direction	Length
L1	S61° 57' 33"E	15.02'
L2	S24° 53' 38"W	7.43'
L3	S26° 52' 28"W	52.78'
L4	N62° 06' 39"W	15.00'
L5	N26° 52' 28"E	52.26'
L6	N24° 53' 38"E	8.00'
(L5)	N29° 26'E	52.61'
(L6)	N27° 29'E	8.00'

LEGEND

- IRON REBAR FOUND (1/2" OR AS NOTED)
- IRON PIPE FOUND (1/2" OR AS NOTED)
- ⊙ IRON REBAR FOUND WITH CAP (ILLEGIBLE)
- ▲ NAIL FOUND (PK OR AS NOTED)
- △ CALCULATED POINT NOT SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- R.O.W. RIGHT-OF-WAY
- P.U.E. PUBLIC UTILITY EASEMENT
- U.E. UTILITY EASEMENT
- B.L. BUILDING LINE
- (S45° E 45') RECORD INFO. PER TRAVIS COUNTY

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 2011 ADJUSTMENT), CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

THIS MAP WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE FIELD WORK WAS COMPLETED IN OCTOBER, 2016.

LEGEND

- POLE
- POWER POLE
- ⊥ SIGN POST
- ⊕ WATER VALVE
- ⊙ WATER METER
- ⊞ ELECTRIC PULLBOX
- ⊞ MAILBOX
- WOOD PRIVACY FENCE
- OHE— OVERHEAD ELECTRIC
- ⊕ ELECTRIC MISC.
- ⊙ ELECTRIC MANHOLE
- ⊙ WASTEWATER CLEANOUT
- ⊞ IRRIGATION CONTROL VALVE
- ⊙ WATER METER
- ⊙ FIRE HYDRANT
- ⊙ TELEPHONE MANHOLE
- ⊞ TELEPHONE PEDESTAL
- ⊞ CABLE MARKER
- CONC. CONCRETE
- ASPH. ASPHALT
- PKG. PARKING AREA
- E.P. EDGE OF PAVEMENT
- B.O.C. BACK OF CURB

[Signature]
 TRAVIS S. TABOR
 REGISTERED PROFESSIONAL LAND SURVEYOR
 STATE OF TEXAS - NO. 6428
 DATE: 01/27/2017



JOB NUMBER: 16-006	DATE: 01/27/2017
PROJECT NAME: 811 UPGRADE	
DRAWING NAME: 16006_PARCEL 47	
DRAWING FILE PATH: L:\City of Austin\811 Upgrade\DWGS\Parcels	
FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\FIELD\Field to Office\FNs	
RPLS: TST	TECH: DH
PARTYCHIEF: AG	CHK BY: JB
SHEET 04 of 04 FIELDBOOKS: 265/267 SCALE: 1" = 50'	



LANDESIGN SERVICES, INC.

512-238-7901
 1220 MCNEIL ROAD
 SUITE 200
 ROUND ROCK, TEXAS 78081
 FIRM REGISTRATION NO. 10001800

Proposed Easements at Mary F. Powers Tract #47

-  Parcels
-  Proposed Easements

2018 Aerial Imagery, City of Austin



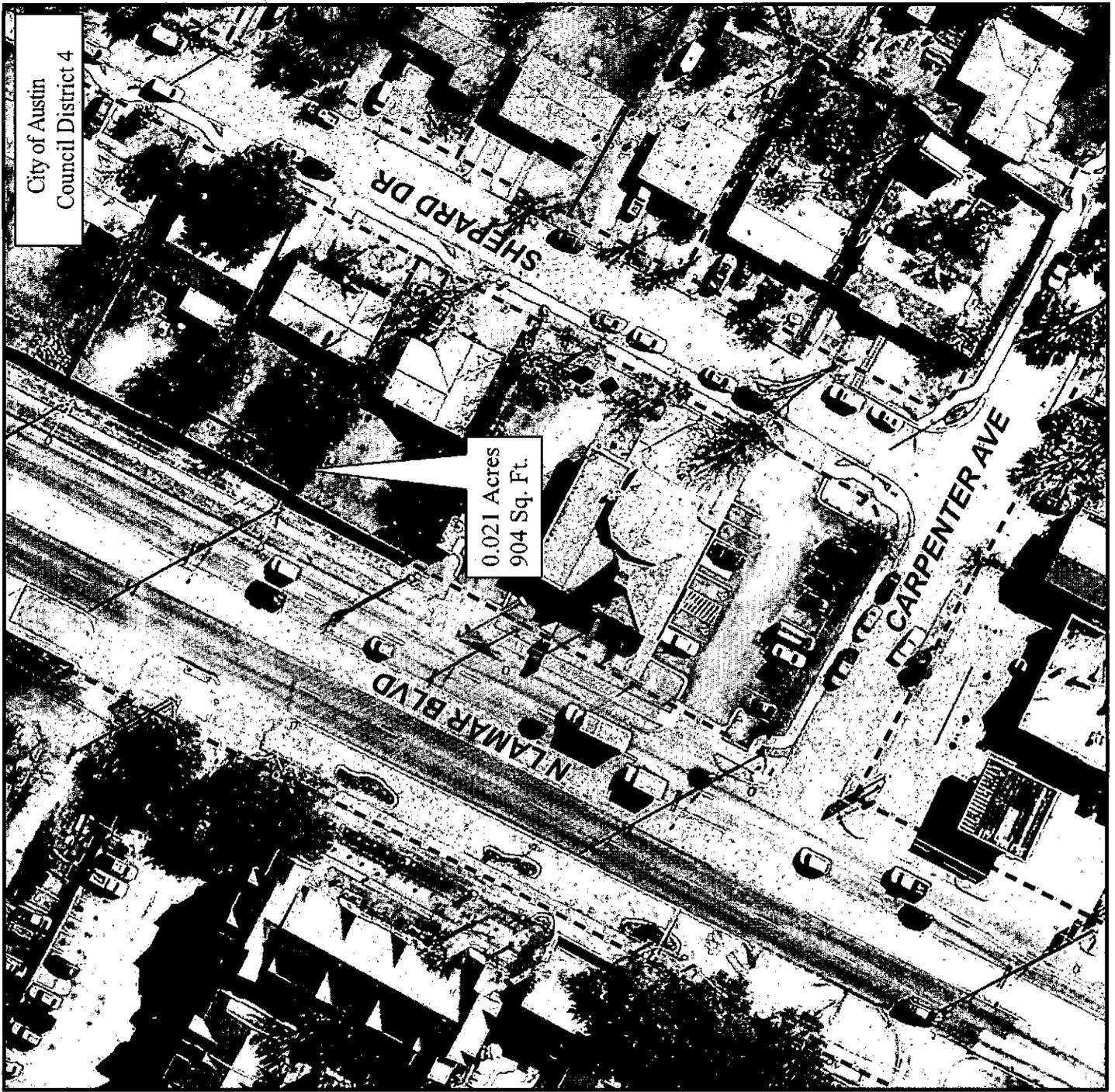
**AE Public Involvement
& Real Estate Services**



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.

Produced by MGomez 11/15/2018



City of Austin
Council District 4

0.021 Acres
904 Sq. Ft.