RESOLUTION NO. 040226-14

WHEREAS, the Council finds that the property described in the attachment

is necessary for a public use; and

WHEREAS, the City has been unable to agree with the owner on the fair

market value of the property interests to be acquired; NOW, THEREFORE,

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

The City Attorney is authorized to file a suit in eminent domain and take other

action deemed appropriate to economically effect the needed acquisition of the

property.

The owner of the property to be acquired is The Villas on Walnut Creek

Association and the property is located along the south side of West Rundberg Lane,

Austin, Travis County, Texas.

ADOPTED: February 26, 2004 ATTEST:

Villas On Walnut Creek Association to City of Austin (Wastewater Easement) Lot 15, Block A and Lot 15 Block B, The Villas on Walnut Creek

FIELD NOTES FOR PARCEL 5010.02WE

LEGAL DESCRIPTION OF A 3845 SQUARE FOOT TRACT OR PARCEL OF LAND OUT OF THE GEORGE DAVIS SURVEY NO. 15 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 15, BLOCK B, THE VILLAS ON WALNUT CREEK, A SUBDIVISION IN THE CITY OF AUSTIN ACCORDING TO THE MAP OR PLAT OF RECORD FOUND IN VOLUME 82 AT PAGE 190, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, WHICH LOT 15, BLOCK B WAS CONVEYED TO VILLAS ON WALNUT CREEK ASSOCIATION BY SPECIAL WARRANTY DEED DATED OCTOBER 29, 1991, OF RECORD IN VOLUME 11556 AT PAGE 606 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. SAID 3845 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½" iron rod found on the west line of a 7.50 foot wide public utility easement as shown on the plat or map of said The Villas On Walnut Creek for the northwest corner of said Lot 15, Block B, said point being on the east line of Lot 2 of Rundberg Terrace, a subdivision in the City of Austin according to the map or plat of record found in Volume 83 at Page 195B, of the Plat Records of Travis County, Texas, which Lot 2 was conveyed to Metal Optics Inc. by Warranty Deed dated August 25, 1993, of record in Volume 12007 at Page 1196 of the Real Property Records of Travis County, Texas;

THENCE with west line of said Lot 15, Block B, the west line of said 7.50 foot wide public utility easement, and the east line of said Lot 2, S27°47'29"W a distance of 67.72 feet to a calculated point, having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10108808.79, E=3120763.74, for the northeast corner and POINT OF BEGINNING hereof;

EXHIBIT "A" Page 1 of 4

THENCE crossing said Lot 15, Block B, the following two (2) courses:

- 1. in part crossing said 7.50 foot public utility easement S64°02'30"E, passing the intersection of the east line of said 7.50 foot public utility easement and the south line of a 10 foot wide sanitary sewer easement as dedicated to the City of Austin by instrument found recorded in Volume 3037 at Page 1252 of the Deed Records of Travis County, Texas, at a distance of approximately 7.50 feet and passing the north line of said 10 foot sanitary sewer easement at a distance of approximately 85.02 feet, in all for a total distance of 123.92 feet to a calculated point on the south line of a 7.50 foot wide electric and telephone easement as shown on the plat or map of said The Villas On Walnut Creek for an angle point hereof;
- 2. with the south line of said 7.50 foot wide electric and telephone easement, S56°37'38"E a distance of 170.14 feet to a calculated point on the east line of said Lot 15, Block B, same being the west line of Lot 15, Block A of said The Villas On Walnut Creek, for the northwest corner hereof;

THENCE with the east line of said Lot 15, Block B and the west line of said Lot 15, Block A, S27°47′29″W, passing the north line of said 10 foot sanitary sewer easement at a distance of approximately 5.04 feet, in all for a total distance of 11.50 feet to a calculated point for the southeast corner hereof;

THENCE crossing said Lot 15, Block B, the following two (2) courses:

- 1. crossing said 10 foot sanitary sewer easement, N56°35'54"W a distance of 142.40 feet to a calculated point for an angle point hereof, and
- 2. in part crossing said 10 foot sanitary sewer easement, N64°02'30"W,passing the south line of said 10 foot sanitary sewer easement at a distance of approximately 28.27 feet and passing the east line of said 7.50 foot public utility easement at a distance of approximately 144.05 feet, in all for a total distance of 144.54 feet to a calculated point on the south line of said Lot 15, Block B and the north line of Lot 2, Metric Square, a subdivision in the City of Austin according to the map or plat of record found in Volume 87 at Page 128D, of the Plat Records of Travis County, Texas, which Lot 2 was conveyed to the City of Austin by Special Warranty Deed dated April 24, 2001, of record in Document Number 2001062307 of the Official Public Records of Travis County, Texas;

THENCE with the south line of said Lot 15, Block B, the south line of said 7.50 foot public utility easement, and the north line of said Lot 2, Metric Square, N56°37'47"W a distance of 7.04 feet to a calculated point for southwest corner of said Lot 15, Block B, the southwest corner of said 7.50 foot public utility easement, the southeast corner of said Lot 2, Rundberg Terrace, and the southwest corner hereof;

THENCE leaving the north line of said Lot 2, Metric Square, with the west line of said Lot 15, Block B, the west line of said 7.50 public utility easement, and the east line of said Lot 2, Rundberg Terrace, N27°47'29"E a distance of 14.10 feet to the POINT OF BEGINNING, containing 3845 square feet of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings (Texas Central Zone, NAD83(CORS), Combined Scale Factor 0.999924726). Project Reference Control Points are a 60d nail and a MAG nail set in Northgate Boulevard and having grid coordinates of N = 10108733.440, E = 3122007.046 and N = 10108192.523, E = 3121723.713. These points were established from and referenced to "Austin RRP" having coordinate values N = 10086915.853, E = 3109682.537 and "CB21" having coordinate values N = 10086964.040, E = 3129366.160.

Lawrence A. Hunt, RPLS 4328

Sunland Engineering Co.

epril 10, 2003

1907 North Lamar, Suite 220

Austin, Texas 78705

512-494-0208

REFERENCES
TCAD#02-4411-0113
AUSTIN GRID K-31

FIELD NOTES REVIEWED

1:100000 Date: 5-21-03

Austin Clean Water Program Survey Coordinator

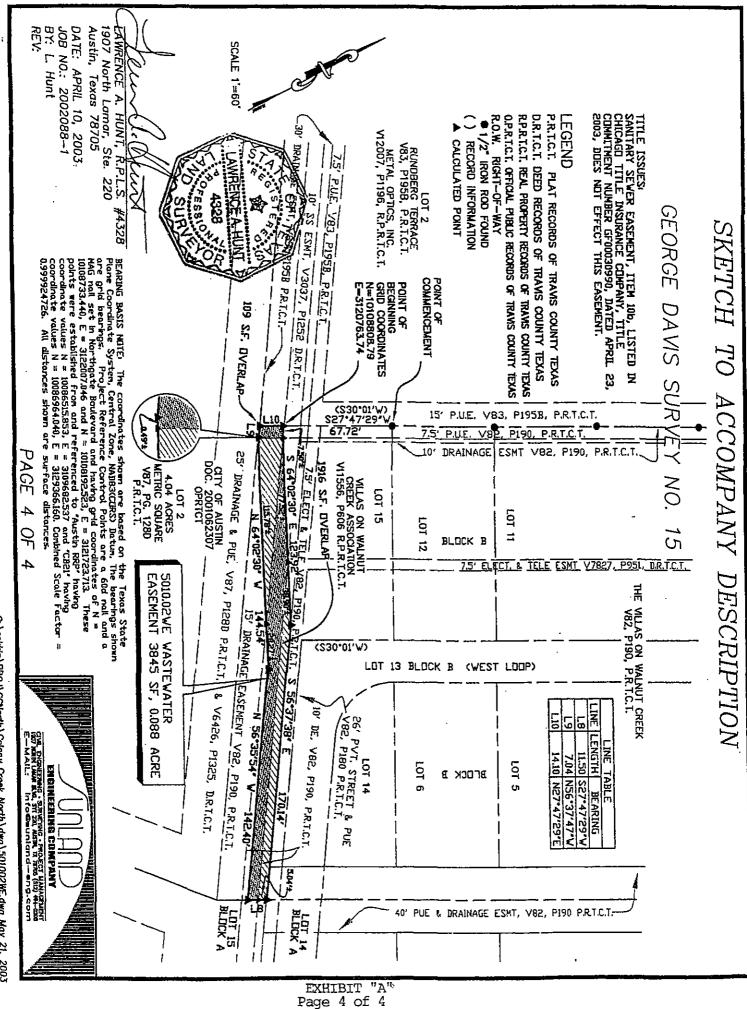


EXHIBIT Page 4 of

C:\sokkia\PROJ\CCNorth\Colony Greek North\dwg\501002WE.dwg May 21, 2003

Villas On Walnut Creek Association to City of Austin (Temporary Working Space Easement) Lot 15, Block A and Lot 15 Block B, The Villas on Walnut Creek

FIELD NOTES FOR PARCEL 5010.02TWSE

LEGAL DESCRIPTION OF A 4906 SQUARE FOOT TRACT OR PARCEL OF LAND OUT OF THE GEORGE DAVIS SURVEY NO. 15 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 15, BLOCK A, AND A PORTION OF LOT 15, BLOCK B, THE VILLAS ON WALNUT CREEK, A SUBDIVISION IN THE CITY OF AUSTIN ACCORDING TO THE MAP OR PLAT OF RECORD FOUND IN VOLUME 82 AT PAGE 190, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, WHICH LOT 15, BLOCK A AND LOT 15, BLOCK B WERE CONVEYED TO VILLAS ON WALNUT CREEK ASSOCIATION BY SPECIAL WARRANTY DEED DATED OCTOBER 29, 1991, OF RECORD IN VOLUME 11556 AT PAGE 606 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4906 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½" iron rod found for the northeast corner of said Lot 15, Block A said point being on the west line of Lot 18 of Northgate Terrace, Section One, a subdivision in the City of Austin according to the map or plat of record found in Volume 49 at Page 65, of the Plat Records of Travis County, Texas, which Lot 18 was conveyed to Housing Authority of the City of Austin by Warranty Deed dated March 27, 1979, of record in Volume 6509 at Page 282 of the Deed Records of Travis County, Texas;

THENCE with east line of said Lot 15, Block A, and the west line of said Lot 18, S27°37'32"W a distance of 35.44 feet to a calculated point, having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10108508.85, E=3121268.31, for the northeast corner and POINT OF BEGINNING hereof;

THENCE continuing with east line of said Lot 15 and the west line of said Lot 18, S27°37'32"W a distance of 11.04 feet to a calculated point on the north line of a 60 foot wide drainage and public utility easement dedicated by the map or plat of Northgate Terrace, Section Two, a subdivision in the City of Austin, of record found in Volume 66 at Page 19 of the Plat Records of Travis County, Texas, and shown on the plat or map of said The Villas On Walnut Creek, for the southeast corner hereof;

THENCE crossing said Lot 15, Block A, and Lot 15, Block B, the following two (2) courses:

- 1. with the north line of said 60 foot wide drainage and public utility easement, N56°37'38"W a distance of 464.64 feet to a calculated point for the west corner hereof, and
- 2. leaving the north line of said 60 foot wide drainage and public utility easement, N64°02'30"W a distance of 123.92 feet to a calculated point on the west line of said Lot 15, Block B, same being a point on the east line of Lot 2, of Rundberg Terrace, a subdivision in

EXHIBIT "B"
Page 1 of 4

the City of Austin, of record found in Volume 83 at Page 195B of the Plat Records of Travis County, Texas, for the southwest corner hereof,

THENCE with the west line of said Lot 15, Block B and the east line of said Lot 2, N27°47'29"E a distance of 7.50 feet to a calculated point for the northwest corner hereof:

THENCE crossing said Lot 15, Block B, S64°02'30"E a distance of 133.57 feet to a point on the east line of said Lot 15, Block B and the west line of Lot 13, Block B, same being the west line of a 26 foot wide private street and public utility easement according to the map or plat of said The Villas On Walnut Creek;

THENCE with the east line of said Lot 15, Block B and the west line of said Lot 13, Block B. \$27°47'29"W a distance of 1.24 feet to a calculated point for an interior ell corner hereof, said point being the southwest corner of said Lot 13, Block B;

THENCE with the north line of said Lot 15, Block B, the north line of said Lot 15 Block A, the south line of said Lot 13, Block B, and the south line of said Lot 14, Block A, S56°37'47"E a distance of 320.75 feet to a calculated point for an interior ell corner hereof, same being the southeast corner of Lot 14, of said Block A, said Lot 14 Block A also being a 26 foot wide private street and public utility easement according to the map or plat of said The Villas On Walnut Creek:

THENCE with the west line of said Lot 15, Block A and the east line of said Lot 14, Block A, N27°37'32"E a distance of 3.84 feet to a calculated point for an angel point hereof;

Thence crossing said Lot 15, Block A, S56°28'59"E a distance of 134.21 feet to the POINT OF BEGINNING, containing 4906 square feet of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings (Texas Central Zone. NAD83(CORS), Combined Scale Factor 0.999924726). Project Reference Control Points are a 60d nail and a MAG nail set in Northgate Boulevard and having grid coordinates of N = 10108733.440, E = 3122007.046 and N = 10108192.523, E = 3121723.713. These points were established from and referenced to "Austin RRP" having coordinate values N = 10086515,853, E = 3109682.537 and "CB21" having coordinate values N = 10086964.040. E = 3129366,160,

FINAL

IELD NOTES REVIEWED

Austin Clean Water Program

Survey Coordinator

Kawrence A. Hunt, RPLS 4328

Sunland Engineering Co.

1907 North Lamar, Suite 220

Austin, Texas 78705

512-494-0208 Gil 10, 2003

REFERENCES TCAD#02-4411-0113 AUSTIN GRID K-31

EXHIBIT "B" Page 2 of 4

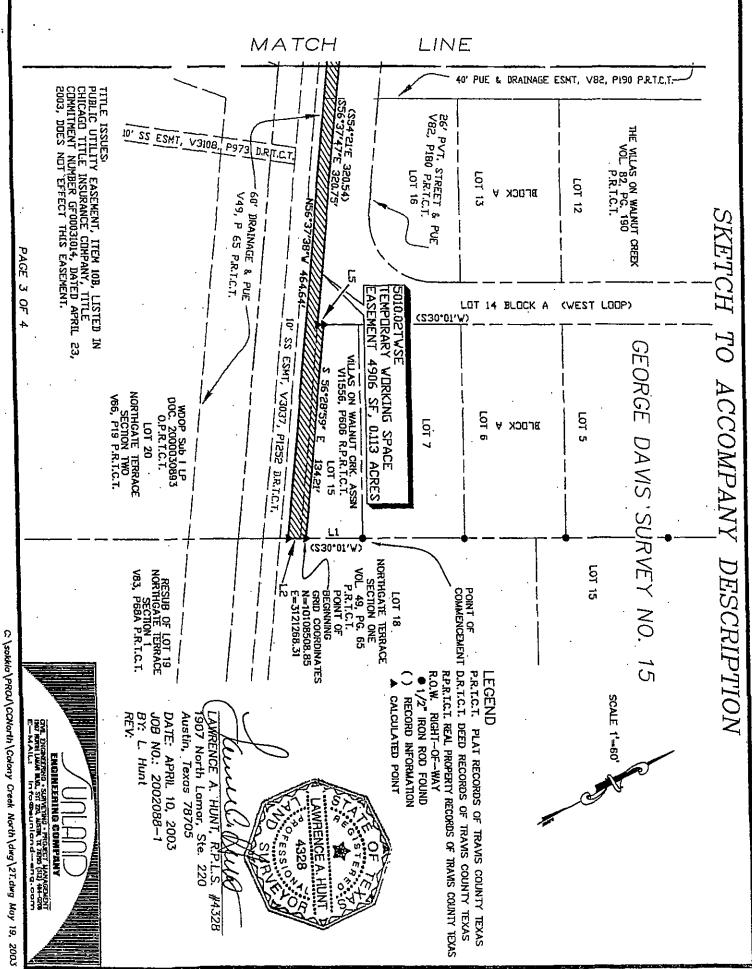


EXHIBIT "B" Page 3 of 4

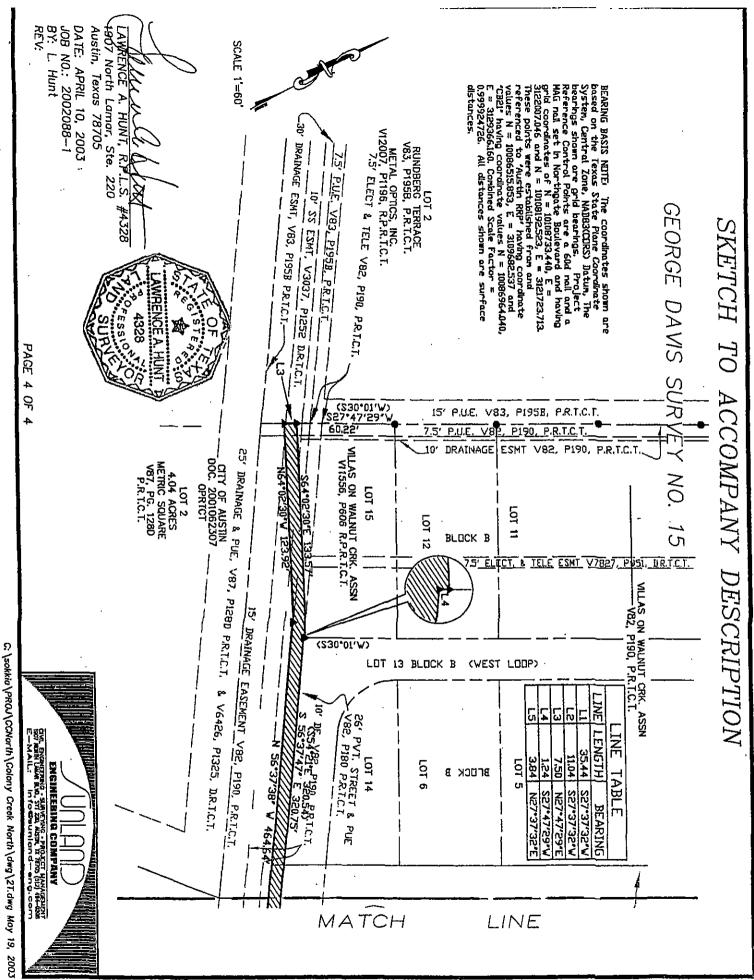


EXHIBIT "B" Page 4 of 4

Villas On Walnut Creek Association to City of Austin (Temporary Working Space Easement) Lot 15 Block B, The Villas on Walnut Creek

FIELD NOTES FOR PARCEL 5010,02TWSE

LEGAL DESCRIPTION OF A 4003 SQUARE FOOT TRACT OR PARCEL OF LAND OUT OF THE GEORGE DAVIS SURVEY NO. 15 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 15, BLOCK B, THE VILLAS ON WALNUT CREEK, A SUBDIVISION IN THE CITY OF AUSTIN ACCORDING TO THE MAP OR PLAT OF RECORD FOUND IN VOLUME 82 AT PAGE 190, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, WHICH LOT 15. BLOCK B WAS CONVEYED TO VILLAS ON WALNUT CREEK **ASSOCIATION** BY **SPECIAL** WARRANTY DEED DATED OCTOBER 29, 1991, OF RECORD IN VOLUME 11556 AT PAGE 606 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4003 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½" iron rod found on the west line of a 7.50 foot wide public utility easement as shown on the plat or map of said The Villas On Walnut Creek for the northwest corner of said Lot 15, Block B, said point being on the east line of Lot 2 of Rundberg Terrace, a subdivision in the City of Austin according to the map or plat of record found in Volume 83 at Page 195B, of the Plat Records of Travis County, Texas, which Lot 2 was conveyed to Metal Optics Inc. by Warranty Deed dated August 25, 1993, of record in Volume 12007 at Page 1196 of the Real Property Records of Travis County, Texas;

THENCE with west line of said Lot 15, Block B, the west line of said 7.50 foot wide public utility easement, and the east line of said Lot 2, S27°47'29"W a distance of 81.82 feet to a calculated point on the north line of Lot 2, Metric Square, a subdivision in the City of Austin according to the map or plat of record found in Volume 87 at Page 128D, of the Plat Records of Travis County, Texas, which Lot 2 was conveyed to the City of Austin by Special Warranty Deed dated April 24, 2001, of record in Document Number 2001062307 of the Official Public Records of Travis County, Texas, same being the southwest corner of a 15 foot wide drainage easement as shown on the map or plat of said The Villas On Walnut Creek, for the southwest corner of said Lot 15 and the southwest corner hereof;

EXHIBIT "C" Page 1 of 3

THENCE with the south line of said Lot 15, Block B, the south line of said 7.50 foot public utility easement, and the north line of said Lot 2, Metric Square, S56°37'47"E a distance of 7.04 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10108792.45, E=3120763.05, for the southwest corner and POINT OF BEGINNING hereof;

THENCE crossing said Lot 15, Block B, the following two (2) courses:

- 1. S64°02'30"E, a distance of 144.54 feet to a calculated point for an angle point hereof;
- 2. S56°35′54″E a distance of 142.40 feet to a calculated point on the east line of said Lot 15, Block B, same being the west line of Lot 15, Block A of said The Villas On Walnut Creek, for the northeast corner hereof;

THENCE with the east line of said Lot 15, Block B and the west line of said Lot 15, Block A, S27°47'29"W a distance of 18.66 feet to a calculated point for the southeast corner of said Lot 15, Block B, the southwest corner of said Lot 15, Block A, the northeast corner of said Lot 2, Metric Square, and the southeast corner hereof;

THENCE with the south line of said Lot 15, Block B, and the north line of said Lot 2, Metric Square, N56°37'47"W a distance of 287.55 feet to the POINT OF BEGINNING, containing 4003 square feet of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings (Texas Central Zone, NAD83(CORS), Combined Scale Factor 0.999924726). Project Reference Control Points are a 60d nail and a MAG nail set in Northgate Boulevard and having grid coordinates of N = 10108733.440, E = 3122007.046 and N = 10108192.523, E = 3121723.713. These points were established from and referenced to "Austin RRP" having coordinate values N = 10086515.853, E = 3109682.537 and "CB21" having coordinate values N = 10086964.040, E = 3129366.160.

Lawrence A. Hunt, RPLS 4328

Sunland Engineering Co.

1907 North Lamar, Suite 220

Austin, Texas 78705

512-494-0208 Juil 10, 2003

REFERENCES TCAD#02-4411-0113 AUSTIN GRID K-31 FIELD MOTES REVIEWED

Date: 5-28-03

Austin Clean Water Program Survey Coordinator

EXHIBIT "C" Page 2 of 3

