



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 17
AGENDA DATE: Thu 07/28/2005
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 3-Carson Creek at Montopolis Drive portion of the Austin Clean Water Program to acquire a 5,652 square foot permanent wastewater line easement, a 1,702 square foot permanent access easement, and a 17,556 square foot temporary working space easement out of the Santiago Del Valle Survey, Abstract 24 in Travis County, Texas, in the amount of \$15,550. The owners of the property interests sought to be condemned are Coney H. Dorough, Catherine Bearden Dorough and The Coney and Catherine Dorough 1998 Descendants' Trust, of Austin, TX. The property is located at 7135 East Ben White Boulevard, Austin, Travis County, Texas.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works **DIRECTOR'S**
DEPARTMENT:for Austin Water Utility; **AUTHORIZATION:** Sondra Creighton

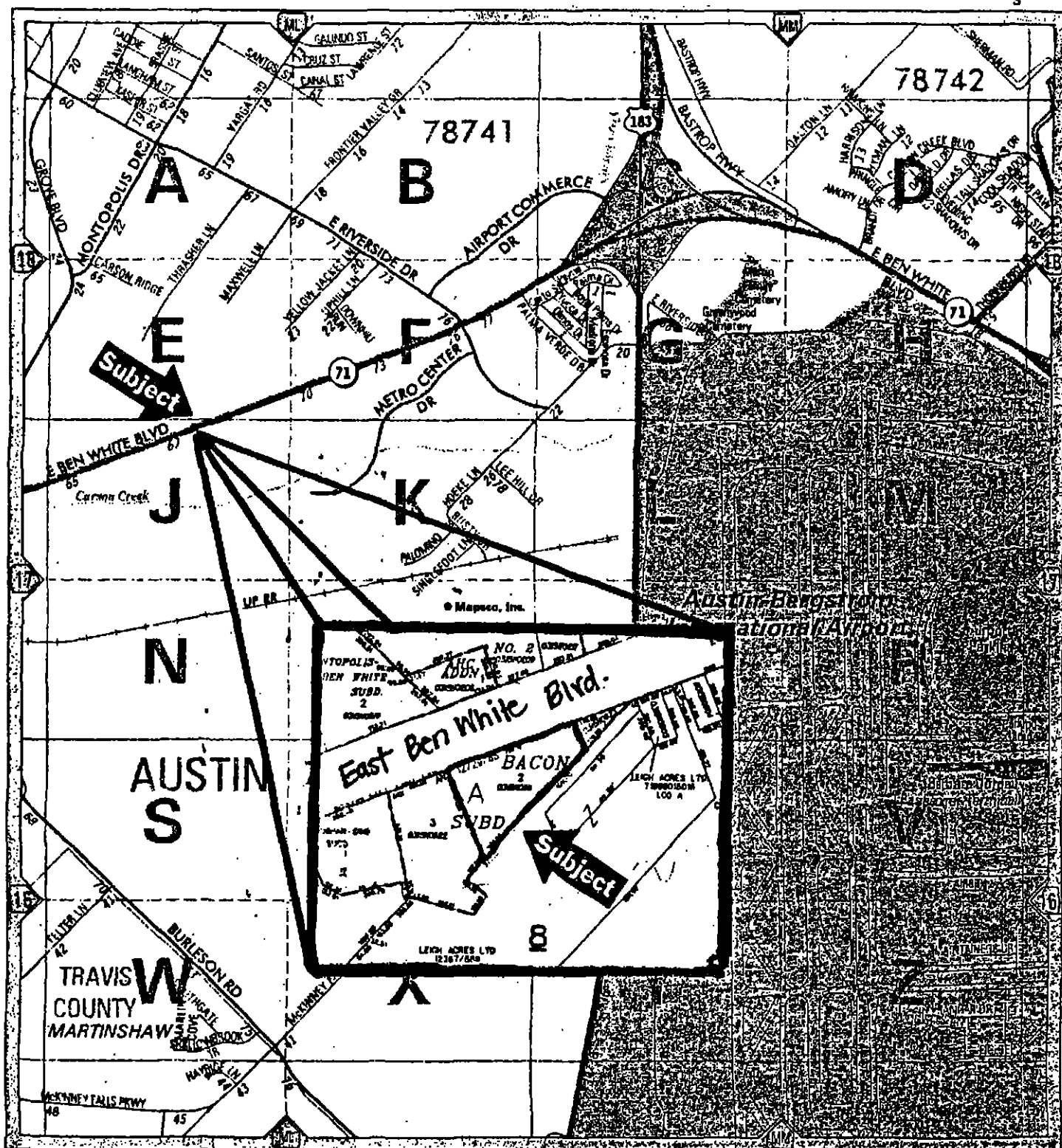
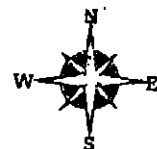
FOR MORE INFORMATION CONTACT: Lauraine Rizer, 512/974-7078; Laura Bohl, 512/974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the Govalle 3-Carson Creek at Montopolis Drive portion of the Austin Clean Water Program require acquisition of a permanent wastewater line easement, a permanent access easement, and a temporary working space easement across the property located at 7135 East Ben White Boulevard, Austin, Travis County, Texas.

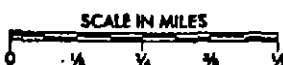
The City of Austin has attempted to purchase the permanent wastewater easement, permanent access easement, and temporary working space easement from the landowners; however, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.



CONTINUED ON MAP 646

CONTINUED ON MAP 647

CONTINUED ON MAP 648



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Coney H. Dorough, Catherine Bearden Dorough
and the Coney and Catherine Dorough
1998 Descendant's Trust
to the
City of Austin
(Temporary Working Space Easement)

FIELD NOTES FOR PARCEL 5105.01 TWSE

ALL OF THAT CERTAIN 0.403-ACRE (17,556 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.403-ACRE BEING OUT OF A 39.585-ACRE TRACT OR PARCEL OF LAND AS CONVEYED TO CATHERINE BEARDEN DOROUGH BY FINAL ORDER PARTITIONING PROPERTY BETWEEN DEBTOR AND CATHERINE DOROUGH SIGNED APRIL 15, 1992, IN CASE NO. 90-13540, ADVERSARY PROCEEDING NO. 91-1163FM; TO CONEY H. DOROUGH BY 1998 GIFT DEED TO SPOUSE DATED OCTOBER 19, 1998 AND RECORDED IN VOLUME 13304, PAGE 1612 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND TO THE CONEY AND CATHERINE DOROUGH 1998 DESCENDANT'S TRUST BY 1999 GIFT DEED TO TRUST DATED JANUARY 22, 1999, AND A 1998 GIFT DEED TO TRUST DATED OCTOBER 19, 1998 AND RECORDED IN VOLUME 13363, PAGE 3223 AND VOLUME 13304, PAGE 1617 RESPECTIVELY, BOTH OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PART I

Commencing for POINT OF REFERENCE at a 1/2" iron pipe found on the south right-of-way line of State Highway 71 - East Ben White Boulevard (200-foot right-of-way width), said 1/2" iron pipe found being the northwest corner of the above described Dorough 39.585-acre tract, said 1/2" iron pipe found also being the northeast corner of a 58.606-acre tract as conveyed to Leigh Acres, Ltd. by deed recorded in Volume 12357, Page 889 of the Real Property Records of Travis County, Texas; Thence, leaving said south right-of-way line of State Highway 71, with the common line of said Dorough 39.585-acre tract and said Leigh Acres, Ltd. 58.606-acre tract, S21°45'51"E a distance of 290.40 feet to a calculated point and S21°36'13"E a distance of 410.58 feet to a 1/2" iron pipe found, and S42°37'23"W a distance of 16.66 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83/93 HARN, U.S. Feet, Combined Scale Factor 0.99995348) values of N=10,051,195.208 E=3,128,828.018, for the northwest corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, crossing said Dorough 39.585-acre tract, the following two (2) courses:

1. S21°36'13"E a distance of 105.38 feet to a calculated point on the north line of a proposed wastewater easement, for the southeast corner of this tract; and
2. With said west line of a proposed wastewater easement, S60°28'54"W a distance of 309.43 feet to a nail set on said common line of the Dorough 39.585-acre tract and the Leigh Acres 58.606-acre tract, for the southwest corner of this tract;

THENCE, with said common line of the Dorough 39.585-acre tract and the Leigh Acres 58.606-acre tract, N42°37'23"E a distance of 340.34 feet to the **POINT OF BEGINNING** and containing 0.371-acre (16,148 square feet) of land, more or less.

PART II

Commencing for **POINT OF REFERENCE** at a ½" iron pipe found on the south right-of-way line of State Highway 71 – East Ben White Boulevard (200-foot right-of-way width), said 1/2" iron pipe found being the northwest corner of the above described Dorough 39.585-acre tract, said ½" iron pipe found also being the northeast corner of a 58.606-acre tract as conveyed to Leigh Acres, Ltd. by deed recorded in Volume 12357, Page 889 of the Real Property Records of Travis County, Texas; Thence, leaving said south right-of-way line of State Highway 71, with the common line of said Dorough 39.585-acre tract and said Leigh Acres, Ltd. 58.606-acre tract, S21°45'51"E a distance of 290.40 feet to a calculated point, S21°36'13"E a distance of 410.58 feet to a ½" iron pipe found and S21°36'13"E a distance of 105.82 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83/93 HARN, U.S. Feet, Combined Scale Factor 0.99995348) values of N=10,051,109.081 E=3,128,878.257, for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

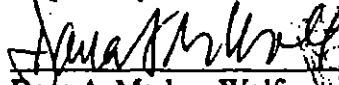
THENCE, crossing said Dorough 39.585-acre tract, the following four (4) courses:

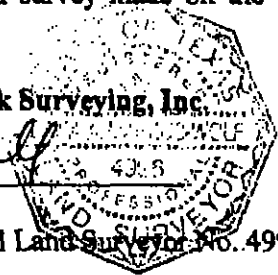
1. N87°57'23"E a distance of 96.58 feet to a calculated point for the northeast corner of this tract;
2. S01°31'21"E a distance of 15.00 feet to calculated point on the north line of an existing City of Austin 15-foot wide sanitary sewer easement as described in instrument recorded in Volume 4045, Page 1192 of the Deed Records of Travis County, Texas, for the southeast corner of this tract;

3. With the north line of said City of Austin 15-foot wide sanitary sewer easement, S87°57'23"W a distance of 91.11 feet to a calculated point on the east line of a proposed access easement, for the southwest corner of this tract;
4. With the east line of said proposed access easement, N21°36'13"W a distance of 15.92 feet to the **POINT OF BEGINNING** and containing 0.032-acre (1,408 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground December, 2004 under my supervision.

Prepared by **Landmark Surveying, Inc.**



Dana A. Markus-Wolf
Registered Professional Land Surveyor No. 4996
March 31, 2005



Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83 Horizontal Grid Coordinates for the reference monuments SOCC AND A740 as established and published by the Lower Colorado River Authority were used as the controlling monuments for this survey. Combined scale factor=0.99995348.

5105.01 twse dorrough_rev 1.doc
Austin Map No. 646, Grid No. L17
TCAD No. 0315110802

FIELD NOTES REVIEWED

By:  Date: 4-6-05

Austin Clean Water Program
Survey Coordinator

**SURVEY OF A PORTION OF THE
SANTIAGO DEL VALLE GRANT, ABSTRACT 24,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

PAGE 4 OF 4

**EAST BEN WHITE BOULEVARD
(STATE HIGHWAY 79 (200' ROW))**



SCALE 1"=80'

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET
- ▲ NAIL SET
- △ CALCULATED POINT
(NOT ESTABLISHED
ON GROUND)
- () RECORD INFORMATION
- BREAK IN SCALE

- P.R.T.C.T. Plat Records
Travis County, Texas
- D.R.T.C.T. Deed Records
Travis County, Texas
- O.P.R.T.C.T. Official Public Records
Travis County, Texas
- R.P.R.T.C.T. Real Property Records
Travis County, Texas
- BK. BOOK
- PG. PAGE
- VOL. VOLUME

TITLE COMMITMENT NOTE:
A title commitment was
NOT REVIEWED for the
purpose of this survey.

LINE	BEARING	DISTANCE
L1	S21°36'13"W	12.13'
L2	S01°31'21"E	15.00'
L3	N21°36'13"W	15.92'
L4	S42°37'23"W	16.86'

ACREAGE

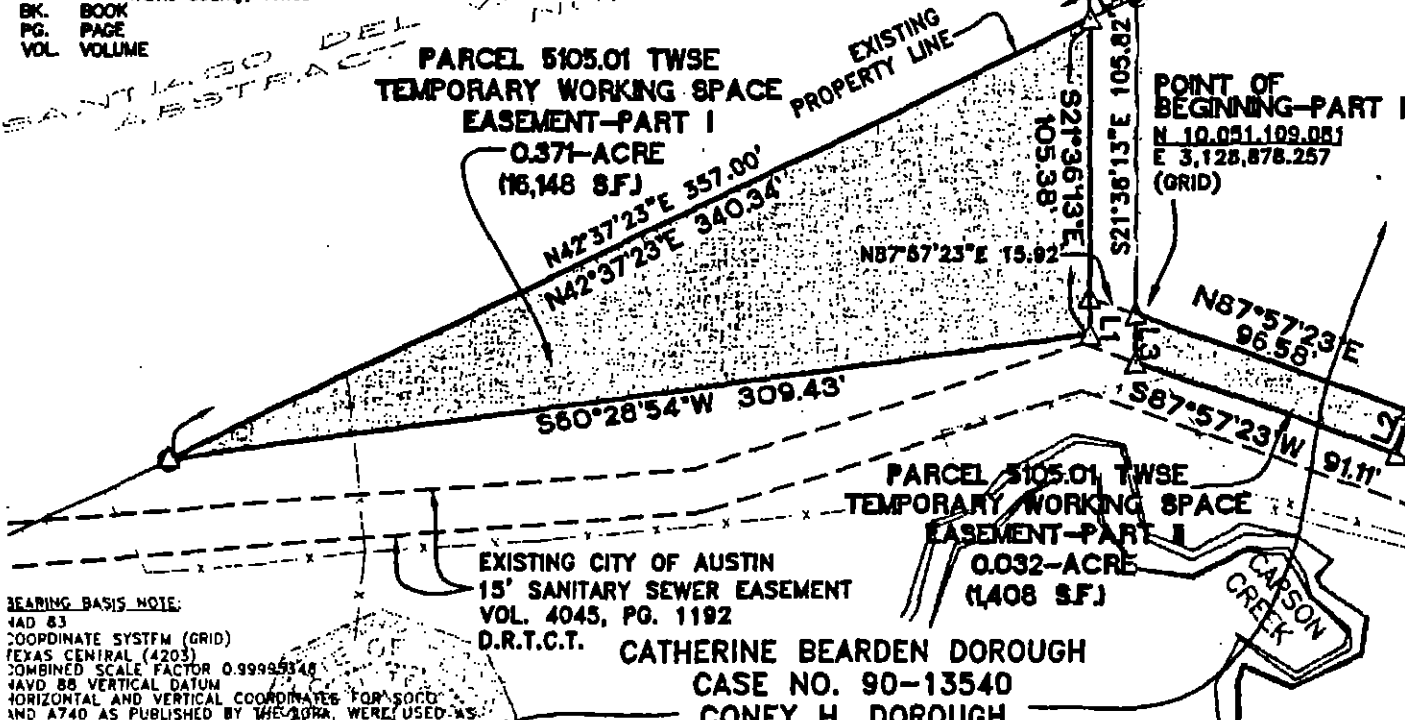
PART I = 0.371 ACRE
PART II = 0.032 ACRE
TOTAL = 0.403 ACRE

LEIGH ACRES, LTD.
VOL. 12357, PG. 889
(58.606-ACRES)
R.P.R.T.C.T.

**POINT OF
BEGINNING—PART I**
N 10,051,185.208
E 3,128,828.018
(GRID)

**PARCEL 5105.01 TWSE
TEMPORARY WORKING SPACE
EASEMENT—PART I**
0.371-ACRE
(16,148 SF)

**POINT OF
BEGINNING—PART II**
N 10,051,109.081
E 3,128,878.257
(GRID)



BEARING BASIS NOTE:
4AD 83
COORDINATE SYSTEM (GRID)
TEXAS CENTRAL (4203)
COMBINED SCALE FACTOR 0.99995348
4AVD 88 VERTICAL DATUM
HORIZONTAL AND VERTICAL COORDINATES FOR 5000
AND 4740 AS PUBLISHED BY THE BLM, WERE USED AS
THE CONTROLLING MONUMENTS FOR THIS SURVEY.

IS SURVEYED BY
ANDMARK SURVEYING, INC.
4996
and A. Markus-Wolf
Registered Professional Land Surveyor No. 2595
ATE 1 December 17, 2004

**EXISTING CITY OF AUSTIN
15' SANITARY SEWER EASEMENT
VOL. 4045, PG. 1192
D.R.T.C.T.**

**CATHERINE BEARDEN DOROUGH
CASE NO. 90-13540
CONEY H. DOROUGH**

**VOL 13304, PG. 1612 (R.P.R.T.C.T.)
CONEY AND CATHERINE DOROUGH
1998 DECENDANTS TRUST
VOL. 13363, PG. 3223
(R.P.R.T.C.T.)
VOL. 13304, PG. 1617
(R.P.R.T.C.T.)
(39.585-ACRES)**

**SKETCH TO
ACCOMPANY
FIELD NOTES**

**Landmark
SURVEYING, INC.**
1301 E. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 313
AUSTIN, TEXAS 78748
PH (512)222-7411 FAX (512)222-7413

RESOLUTION NO. 20050728-

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

WHEREAS, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owners on the fair market value thereof; **NOW, THEREFORE**,

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

That 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 of Austin against the owners now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purpose set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Coney H. Dorough, Catherine Bearden Dorough, and The Coney and Catherine Dorough 1998 Descendants' Trust

Project: Govalle 3-Carson Creek at Montopolis Drive, a portion of the Austin Clean Water Program

Intended Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate;

the permanent access easement described in the attached Exhibit "B" is needed to access the permanent wastewater line easement described in the attached Exhibit "A;" and

the temporary working space easement described in the attached Exhibit "C" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

Location: 7135 East Ben White Boulevard.

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

ADOPTED: July 28, 2005 **ATTEST:** _____
Shirley A. Brown
City Clerk

Coney H. Dorough, Catherine Bearden Dorough
and the Coney and Catherine Dorough 1998
Descendant's Trust
to the
City of Austin
(Wastewater Easement)

FIELD NOTES FOR PARCEL 5105.01 WE

ALL OF THAT CERTAIN 0.130-ACRE (5,652 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.130-ACRE BEING OUT OF A 39.585-ACRE TRACT OR PARCEL OF LAND AS CONVEYED TO CATHERINE BEARDEN DOROUGH BY FINAL ORDER PARTITIONING PROPERTY BETWEEN DEBTOR AND CATHERINE DOROUGH SIGNED APRIL 15, 1992, IN CASE NO. 90-13540, ADVERSARY PROCEEDING NO. 91-1163FM; TO CONEY H. DOROUGH BY 1998 GIFT DEED TO SPOUSE DATED OCTOBER 19, 1998 AND RECORDED IN VOLUME 13304, PAGE 1612 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND TO THE CONEY AND CATHERINE DOROUGH 1998 DESCENDANT'S TRUST BY 1999 GIFT DEED TO TRUST DATED JANUARY 22, 1999 AND A 1998 GIFT DEED TO TRUST DATED OCTOBER 19, 1998 AND RECORDED IN VOLUME 13363, PAGE 3223 AND VOLUME 13304, PAGE 1617 RESPECTIVELY, BOTH OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for POINT OF REFERENCE at a ½" iron pipe found on the south right-of-way line of State Highway 71 - East Ben White Boulevard (200-foot right-of-way width), said 1/2" iron pipe found being the northwest corner of the above described Dorough 39.585-acre tract, said ½" iron pipe found also being the northeast corner of a 58.606-acre tract as conveyed to Leigh Acres, Ltd. by deed recorded in Volume 12357, Page 889 of the Real Property Records of Travis County, Texas; Thence, leaving said south right-of-way line of State Highway 71, with the common line of said Dorough 39.585-acre tract and said Leigh Acres, Ltd. 58.606-acre tract, S21°45'51"E a distance of 290.40 feet to a calculated point and S21°36'13"E a distance of 410.58 feet to a ½" iron pipe and S42°37'23"W a distance of 356.99 feet to a 60d nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83/93 HARN, U.S. Feet, Combined Scale Factor 0.99995348) values of N=10,050,944.790

and E=3,128,597.561, for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, crossing said Dorough 39.585-acre tract, the following six (6) courses:

1. N60°28'54"E a distance of 314.68 feet to a 60d nail set for the northeast corner of this tract;
2. S29°31'06"E a distance of 6.76 feet to a 60d nail set on the north line of an existing City of Austin 15-foot wide sanitary sewer easement as described in instrument recorded in Volume 4045, Page 1192 of the Deed Records of Travis County, Texas, for the southeast corner of this tract;
3. With the north line of said City of Austin 15-foot wide sanitary sewer easement, S87°57'23"W a distance of 8.93 feet to a 60d nail set at an angle point of this tract;
4. Continuing with the north line of said 15-foot wide sanitary sewer easement, S50°17'23"W a distance of 98.11 feet to a 60d nail set at an angle point of this tract;
5. Leaving the north line of said 15-foot wide sanitary sewer easement, S60°28'54"W a distance of 158.33 feet to a 60d nail set on the north line of the aforementioned 15-foot wide sanitary sewer easement, for an angle point of this tract;
6. Continuing with the north line of said 15-foot wide sanitary sewer easement, S63°36'23"W a distance of 97.58 feet to a 60d nail set on the common line of said Dorough 39.585-acre tract and said Leigh Acres 58.606-acre tract, for the most westerly corner of this tract;

THENCE, with said common line of said Dorrough 39.585-acre tract and said Leigh Acres 58.606-acre tract, N42°37'23"E a distance of 47.87 feet to the **POINT OF BEGINNING** and containing 0.130-acre (5,652 square feet) of land, more or less.

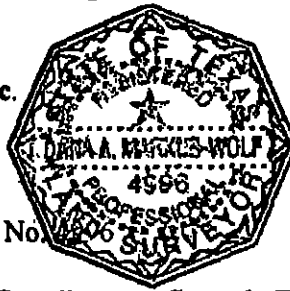
I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground December, 2004 under my supervision.

Prepared by Landmark Surveying, Inc.

Dana A. Markus-Wolf

Dana A. Markus-Wolf

Registered Professional Land Surveyor No.



Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83 Horizontal Grid Coordinates for the reference monuments SOCC AND A740 as established and published by the Lower Colorado River Authority were used as the controlling monuments for this survey. Combined scale factor=0.99995348.

5105.01 wwv dorrough.doc

Austin Map No. 646, Grid No. L17

TCAD No. 0315110802

FIELD NOTES REVIEWED

By: *PS* Date: 1-27-05

Austin Clean Water Program
Survey Coordinator

**SURVEY OF A PORTION OF THE
ANTIAGO DEL VALLE GRANT, ABSTRACT 24,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

PAGE 4 OF 5



SCALE 1"=60'

**EAST BEN WHITE BOULEVARD
(STATE HIGHWAY 71) (200' ROW)**

**POINT OF
REFERENCE**

LINE TABLE

LINE	BEARING	DISTANCE
L1	S29°31'06"E	6.76'
L2	S87°57'23"W	8.93'

**LEIGH ACRES, LTD.
VOL. 12357, PG. 889
(58.606-ACRES)
R.P.R.T.C.T.**

**SANTIAGO DEL VALLE GRANT.
ABSTRACT NO. 24**

**PARCEL 5105.01 WE
WASTEWATER EASEMENT
0.130-ACRE
(5,652 S.F.)**

**S42°37'23"W 356.99' EXISTING
PROPERTY LINE**

**POINT OF
BEGINNING
10,050,944.790
3,128,597.561
GRID)**

**A2°37'23"E 47.87'
S63°36'23"W 97.58'**

N60°28'54"E 314.68'

S60°28'54"W 158.33'

S50°17'23"W 98.11' 1/2

**EXISTING CITY OF AUSTIN
15' SANITARY/SEWER EASEMENT
VOL. 4045, PG. 1192
D.R.T.C.T.**

**CATHERINE BEARDEN DOROUGH
CASE NO. 90-13540
CONEY H. DOROUGH**

**VOL. 13304, PG. 1612 (R.P.R.T.C.T.)
CONEY AND CATHERINE DOROUGH
1998 DECENDANT'S TRUST
VOL. 13363, PG. 3223
(R.P.R.T.C.T.)
VOL. 13304, PG. 1617
(R.P.R.T.C.T.)
(39.585 ACRES)**

**SKETCH TO
ACCOMPANY
FIELD NOTES**

**NOTE
FOR RESTRICTIVE COVENANTS AND EASEMENTS,
LEGEND, AND BEARING BASIS,
SEE PAGE 4 OF 4.**

with Other
to: January 18, 2003
for: M. BOUAD
by: Jeff
1: 740/21 & 744/1
2: Z:\other\goya\3-ocean creek\Landmark drawings\grid-Steff\ Easements\CC-gridbase-2.dwg
3: a:\other\8.001
4: No. 480-07-03

**Landmark
SURVEYING, INC.**

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
PH: (512)328-7411 FAX: (512)328-7412

**SURVEY OF A PORTION OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

PAGE 5 OF 5

PARCEL 5105.01 WE

COMMITMENT NOTE:

All easements of which I have knowledge and those recorded easements furnished by Chicago Title Insurance Company according to Commitment No. 44-908-80-2405164, effective October 28, 2004 are shown or depicted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

RESTRICTIVE COVENANTS AND EASEMENTS

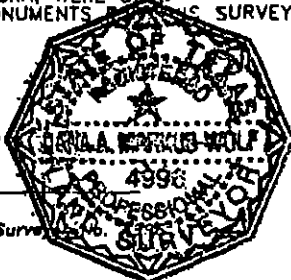
1. An easement granted to City of Austin by Instrument recorded in Document No. 2002242035, and re-recorded in Document No. 2003047884 of the Official Public Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
2. A Dedication of Cemetery recorded in Document No. 2001086806 of the Official Public Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
3. An easement granted to City of Austin by Instrument recorded in Volume 2404, Page 35 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
4. An easement granted to City of Austin by Instrument recorded in Volume 653, Page 330 of the Deed Records of Travis County, Texas MAY AFFECT the proposed easement, but can not be plotted from current information..
5. An easement granted to City of Austin by Instrument recorded in Volume 3267, Page 472 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
6. An easement granted to City of Austin by Instrument recorded in Volume 4012, Page 230 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
7. An easement granted to City of Austin by Instrument recorded in Volume 4045, Page 1192 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
8. An easement granted to City of Austin by Instrument recorded in Volume 4408, Page 2339 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
9. An easement granted to City of Austin by Instrument recorded in Volume 4377, Page 182 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
10. An easement granted to City of Austin by Instrument recorded in Volume 12735, Page 555 of the Real Property Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
11. An easement granted to City of Austin by Instrument recorded in Volume 2128, Page 51 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.

BEARING BASIS NOTE:

NAD 83
COORDINATE SYSTEM (GRID) TEXAS CENTRAL (4203)
COMBINED SCALE FACTOR 0.99995348
NAVD 88 VERTICAL DATUM HORIZONTAL AND VERTICAL
COORDINATES FOR SOCC AND A740
AS PUBLISHED BY THE LCRA, WERE USED
AS THE CONTROLLING MONUMENTS IN THIS SURVEY.

**S SURVEYED BY
ANDMARK SURVEYING, INC.**

and A. Markus-Wolf
Registered Professional Land Surveyor No. 4996
DATE: December 17, 2004
REVISED: January 18, 2005
**THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL
SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.**



LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET
- ▲ NAIL SET
- △ CALCULATED POINT
(NOT ESTABLISHED
ON GROUND)
- () RECORD INFORMATION
- └─ BREAK IN SCALE
- P.R.T.C.T. Plat Records
Travis County, Texas
- D.R.T.C.T. Deed Records
Travis County, Texas
- O.P.R.T.C.T. Official Public Records
Travis County, Texas
- R.P.R.T.C.T. Real Property Records
Travis County, Texas
- BK. BOOK
- PG. PAGE
- VOL. VOLUME

**Landmark
SURVEYING, INC.**

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
PH: (512)328-7411 FAX: (512)328-7413

Coney H. Dorough, Catherine Bearden
Dorough and the Coney and Catherine
Dorough 1998 Descendant's Trust
to the
City of Austin
(Access Easement)

FIELD NOTES FOR PARCEL 5105.01 AE

ALL OF THAT CERTAIN 0.039-ACRE (1,702 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.039-ACRE BEING OUT OF A 39.585-ACRE TRACT OR PARCEL OF LAND AS CONVEYED TO CATHERINE BEARDEN DOROUGH BY FINAL ORDER PARTITIONING PROPERTY BETWEEN DEBTOR AND CATHERINE DOROUGH SIGNED APRIL 15, 1992, IN CASE NO. 90-13540, ADVERSARY PROCEEDING NO. 91-1163FM; TO CONEY H. DOROUGH BY 1998 GIFT DEED TO SPOUSE DATED OCTOBER 19, 1998 AND RECORDED IN VOLUME 13304, PAGE 1612 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND TO THE CONEY AND CATHERINE DOROUGH 1998 DESCENDANT'S TRUST BY 1999 GIFT DEED TO TRUST DATED JANUARY 22, 1999 AND A 1998 GIFT DEED TO TRUST DATED OCTOBER 19, 1998 AND RECORDED IN VOLUME 13363, PAGE 3223 AND VOLUME 13304, PAGE 1617, BOTH OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for POINT OF REFERENCE at a ½" iron pipe found on the south right-of-way line of State Highway 71 – East Ben White Boulevard (200-foot right-of-way width), said 1/2" iron pipe found being the northwest corner of the above described Dorough 39.585-acre tract, said ½" iron pipe found also being the northeast corner of a 58.606-acre tract as conveyed to Leigh Acres, Ltd. by deed recorded in Volume 12357, Page 889 of the Real Property Records of Travis County, Texas; Thence, leaving said south right-of-way line of State Highway 71, with the common line of said Dorough 39.585-acre tract and said Leigh Acres, Ltd. 58.606-acre tract, S21°45'51"E a distance of 290.40 feet to a calculated point and S21°36'13"E a distance of 410.58 feet to a ½" iron pipe found having Texas State Plane Coordinate (Texas Central Zone, NAD83/93 HARN, U.S. Feet, Combined Scale Factor 0.99995348) values of

N=10,051,207.464 E=3,128,839.297, for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, crossing said Dorough 39.585-acre tract, the following five (5) courses:

1. S21°36'13"E a distance of 121.74 feet to a calculated point on the north line of an existing 15-foot wide sanitary sewer easement conveyed to the City of Austin by deed recorded in Volume 4045, Page 1192 of the Deed Records of said County, for the southeast corner of this tract;
2. With the north line of said sanitary sewer easement, S87°57'23"W a distance of 9.41 feet to a calculated point at an angle point of a proposed wastewater line easement, also being an angle point of this tract;
3. With said north line of said proposed wastewater line easement, N29°31'06"W a distance of 6.76 feet to a calculated point at an angle point of this tract;
4. Continuing with said north line of proposed wastewater line easement, S60°28'54"W a distance of 5.25 feet to a calculated point, for the southwest corner of this tract;
5. Leaving the north line of said proposed wastewater line easement, fifteen (15')-feet west of and parallel to said east line of this tract, N21°36'13"W a distance of 105.38 feet to a calculated point on the common line of said Dorough 39.585-acre tract and said Leigh Acres 58.606-acre tract, for the northwest corner of this tract;

THENCE, with said common line of said Dorough 39.585-acre tract and said Leigh Acres 58.606-acre tract, N42°37'23"E a distance of 16.66 feet to the **POINT OF BEGINNING** and containing 0.039-acre (1,702 square feet) of land, more or less.

I **HEREBY CERTIFY** that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground December, 2004 under my supervision.

Prepared by Landmark Surveying, Inc.



Dana A. Markus-Wolf
Registered Professional Land Surveyor



Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83
Horizontal Grid Coordinates for the reference monuments SOCC AND A740 as
established and published by the Lower Colorado River Authority were used as the
controlling monuments for this survey. Combined scale factor=0.99995348.

5105.01 ae dorrough.doc
Austin Map No. 646, Grid No. L17
TCAD No. 0315110802

FIELD NOTES REVIEWED
By: PS Date: 1-28-05
Austin Clean Water Program
Survey Coordinator

**SURVEY OF A PORTION OF THE SANTIAGO
DEL VALLE GRANT, ABSTRACT 24,
CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS**
PAGE 4 OF 5

**EAST BEN WHITE BOULEVARD
(STATE HIGHWAY 71) (200' ROW)**

N68°18'48"E 203.91'



SCALE 1"=80'

LEIGH ACRES, LTD.
DOC. NO. 1999015016
(1.0-ACRE)
O.P.R.T.C.T.

CONEY & CATHERINE DOROUGH
VOL. 2129, PG. 236
(1.0-ACRE)
O.R.T.C.T.

LOT 2
BLOCK A

LEIGH ACRES, LTD.
VOL. 12357, PG. 889
(58.606-ACRES)
R.P.R.T.C.T.

SANTIAGO DEL VALLE GRANT
ABSTRACT NO. 24

CATHERINE BEARDEN DOROUGH
CASE NO. 90-13540
CONEY H. DOROUGH
VOL 13304, PG. 1612 (R.P.R.T.C.T.)
CONEY AND CATHERINE DOROUGH
1998 DECENDANT'S TRUST
VOL. 13363, PG. 3223
(R.P.R.T.C.T.)
VOL. 13304, PG. 1617
(R.P.R.T.C.T.)
(39.585-ACRES)

NOTE
FOR RESTRICTIVE COVENANTS AND EASEMENTS,
LEGEND, AND BEARING BASIS,
SEE PAGE 4 OF 5.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N42°37'23"E	16.86'
L2	S60°28'54"W	5.25'
L3	N29°31'06"W	6.76'
L4	S87°57'23"W	9.41'

**POINT OF
BEGINNING**
N 10.051, 207.464
E 3,128,639.297
(GRID)

PARCEL 5105.01 AE
15' WIDE
ACCESS EASEMENT
0.039-ACRE
(1,702 S.F.)

EXISTING CITY OF AUSTIN
15' SANITARY SEWER EASEMENT
VOL. 4045, PG. 1192
D.R.T.C.T.

**SKETCH TO
ACCOMPANY
FIELD NOTES**

Landmark
SURVEYING, INC.

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 318
AUSTIN, TEXAS 78748
PH: (512)328-7411 FAX: (512)328-7415

**SURVEY OF A PORTION OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

PAGE 5 OF 5

COMMITMENT NOTE:

All easements of which I have knowledge and those recorded easements furnished by Chicago Title Insurance Company according to Commitment No. 44-808-80-2405164, effective October 28, 2004 are shown or depicted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

PARCEL 5105.01 AE

RESTRICTIVE COVENANTS AND EASEMENTS

1. An easement granted to City of Austin by Instrument as recorded in Document No. 2002242035, and re-recorded in Document No. 2003047884 of the Official Public Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
2. A dedication of cemetery in instrument recorded in Document No. 2001086806 of the Official Public Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
3. An easement granted to City of Austin by Instrument recorded in Volume 2404, Page 35 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
4. An easement granted to City of Austin by Instrument recorded in Volume 653, Page 330 of the Deed Records of Travis County, Texas MAY AFFECT the proposed easement. However, it can not be plotted due to a deficient description.
5. An easement granted to City of Austin by Instrument recorded in Volume 3267, Page 472 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
6. An easement granted to City of Austin by Instrument recorded in Volume 4012, Page 230 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
7. An easement granted to City of Austin by Instrument recorded in Volume 4045, Page 1192 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
8. An easement granted to City of Austin by Instrument recorded in Volume 4408, Page 2339 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
9. An easement granted to City of Austin by Instrument recorded in Volume 4377, Page 182 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
10. An easement granted to City of Austin by Instrument recorded in Volume 12735, Page 555 of the Real Property Records of Travis County, Texas DOES NOT AFFECT the proposed easement.
11. An easement granted to City of Austin by Instrument recorded in Volume 2128, Page 51 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement.

BEARING BASIS NOTE:

NAD 83
COORDINATE SYSTEM (GRID) TEXAS CENTRAL (4203)
COMBINED SCALE FACTOR 0.99995348
NAD 83 VERTICAL DATUM HORIZONTAL AND VERTICAL
COORDINATES FOR SOCC AND A740
AS PUBLISHED BY THE LCRA, WERE USED
AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

IS SURVEYED BY
LANDMARK SURVEYING, INC.

ana A. Markus-Wolf
Registered Professional Land Surveyor

ATE: December 17, 2004

REVISED: January 18, 2005

THIS SURVEY IS VALID ONLY IF IT BEARS THE ORIGINAL
SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Book: Other, Inc.
Date: JANUARY 18, 2005
By: M. BOLLARD, FDS
For: Jeff
S: 740/21 & 744/1
To: Z:\GTHON\gavalla3-Corson\Landmark Drawings\grid-Staff\ Easements\CC-gridbase-2.dwg
P: a: Other\1001
S No: 480-07-03

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET
- ▲ 80D NAIL SET
- △ CALCULATED POINT
(NOT ESTABLISHED
ON GROUND)
- () RECORD INFORMATION
- ✓ BREAK IN SCALE
- P.R.T.C.T. Plat Records
Travis County, Texas
- D.R.T.C.T. Deed Records
Travis County, Texas
- O.P.R.T.C.T. Official Public Records
Travis County, Texas
- R.P.R.T.C.T. Real Property Records
Travis County, Texas
- BK. BOOK
- PG. PAGE
- VOL. VOLUME

Landmark
SURVEYING, INC.
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BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
PH: (512)328-7411 FAX: (512)328-7413

Exhibit "B"

Page 5 of 5

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

07/28/05
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 3-Carson Creek at Montopolis Drive portion of the Austin Clean Water Program to acquire a permanent wastewater easement comprised of 5,652 square feet of land, a permanent access easement comprised of 1,702 square feet of land and a temporary work space easement comprised of 17,556 square feet of land out of the Santiago Del Valle Survey, Abstract 24 in Travis County, Texas, in the amount of \$15,550. The owner of the property sought to be condemned is Coney H. Dorough, Catherine Bearden Dorough and The Coney and Catherine Dorough 1898 Descendant's Trust, of Austin, TX. The property is located at 7135 East Ben White Boulevard, Austin, Travis County, Texas.

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2004-05 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 494,673,293.00
Unencumbered Balance	138,892,918.33 *
Amount of This Action	<u>(15,550.00)</u>
Remaining Balance	<u>\$ 138,877,368.33</u>
 Current Available Balance	 \$ 159,194,235.38
Less Outstanding Commitments	<u>(20,301,317.05)</u>
Estimated Unencumbered Balance	<u>\$ 138,892,918.33 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: _____

7/6/05

REF. # 4570 237 8770