

RESOLUTION NO. 050217-9

WHEREAS, the Council finds that acquisition of the property interests 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**,

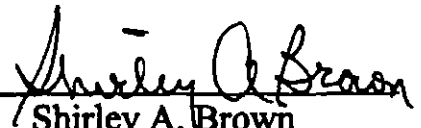
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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 interests.

The owner of the property interests to be acquired is MWM Fund, III, Ltd., and the property is located at 5218 Burnet Road, Austin, Travis County, Texas.

ADOPTED: February 17, 2005

ATTEST:


Shirley A. Brown
City Clerk

MWM FUND III, LTD.
to
City of Austin
(For Wastewater Easement)

FIELD NOTES FOR PARCEL 5005.08 WE

ALL OF THAT CERTAIN 0.056-ACRE (2,456 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 2, AMENDED PLAT OF TRACT A, NORTH LOOP PLAZA RESUBDIVISION # 1, AND BLOCK 12 ROSEDOWN, A SUBDIVISION AS RECORDED IN PLAT BOOK 100, PAGES 344-345 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AS CONVEYED TO MWM FUND III, LTD BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NO. 2002246570 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a 1/2" iron rod found on the west right-of-way line of Burnet Road (Right-of-Way Varies) at the southeast corner of Lot 16, Block 10, Rosedown, a subdivision as recorded in Book 3, Page 221 of the Plat Records of Travis County, Texas, same being the northeast corner of Lot 1, Rosedown Section 10, a subdivision as recorded in Book 9, Page 143 of the Plat Records of Travis County, Texas, Thence, with the common line between said Lot 16 and said Lot 1, S85°08'52"W a distance of 149.94 feet to a 3/4" iron rod found, Thence, with the common line of said Lot 16 and said Lot 2, N04°52'44"W a distance of 5.00 feet to a nail set, at the northeast corner of an existing 10' public utility easement (P.U.E.) as recorded in Book 12, Page 14 and Book 100, Pages 344-345 of the Plat Records of Travis County, Texas, having Texas State Plane Coordinate (Texas Central Zone, NAD83/93, U.S. Feet, Combined Scale Factor 0.999924951) values of N=10,091,059.609, E=3,114,708.458, for the southeast corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, with the north edge of said existing 10' P.U.E. and through said Lot 2, S85°10'11"W a distance of 144.72 feet to a nail set at an inside corner of said existing P.U.E. for the southwest corner of this tract;

Exhibit "A"

THENCE, with the north edge of said existing 10' P.U.E. and through said Lot 2, S85°10'11"W a distance of 144.72 feet to a nail set at an inside corner of said existing P.U.E. for the southwest corner of this tract;

THENCE, five (5.00)-feet northeast of and parallel to the southwest line of said Lot 2 and continuing with the north line of said 10' P.U.E., N52°38'57"W a distance of 26.22 feet to a nail set for the northwest corner of this tract;

THENCE, N85°10'11"E a distance of 76.38 feet to a nail set for an outside angle point of this tract;

THENCE, S04°49'49"E a distance of 3.00 feet to a nail set for an inside angle point of this tract;

THENCE, N85°10'11"E a distance of 87.76 feet to a nail set on the rear line of said Lot 16, Block 10, same being a east line of said Lot 2 for the northeast corner of this tract;

THENCE, with the common line between said Lot 16 and said Lot 2, S04°52'44"E a distance of 14.61 feet to the **POINT OF BEGINNING** and containing 0.056-acre (2,456 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 during July, 2003 under my supervision.

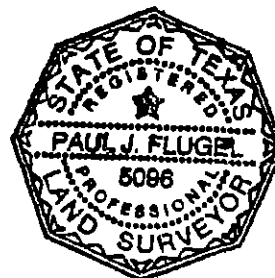
Prepared by Landmark Surveying, Inc.



Paul J. Flugel

Registered Professional Land Surveyor No. 5096

July 11, 2003




Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83 HARN. Horizontal and Vertical Coordinates for the reference monuments AUS5 as published by the Texas Department of Transportation and CB56 as published by the City of Austin were used as the controlling monuments for this survey. Combined scale factor=0.999924951.

Austin Map No. 555, Grid No. J27

TCAD No. 0227030501

A8-Lot 2 amended plat of tract A north loop-5005.08we.doc

Exhibit "A"

FIELD NOTES REVIEWED
By:  Date: 8-6-03
Austin Clean Water Program
Survey Coordinator

LEGEND

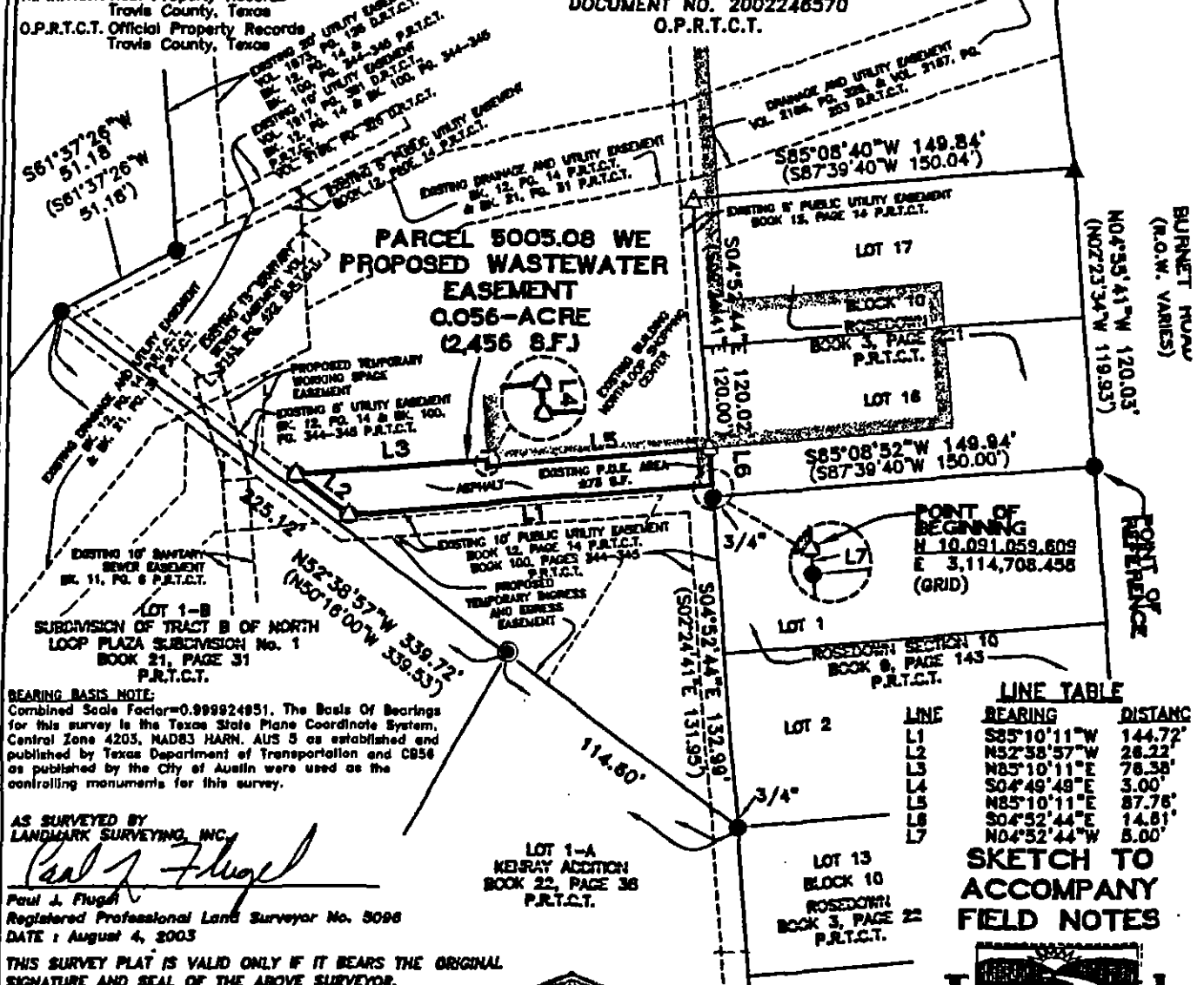
- IRON PIPE FOUND
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- ▲ NAIL SET
- △ CALCULATED POINT (NOT ESTABLISHED ON GROUND)
- ▲ PK NAIL FOUND
- () RECORD INFORMATION
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- P.R.T.C.T. Plat Records Travis County, Texas
- D.R.T.C.T. Deed Records Travis County, Texas
-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

SURVEY OF A PORTION OF LOT 2, OF AMENDED PLAT OF TRACT A, NORTH LOOP PLAZA RESUBDIVISION # 1, AND BLOCK 12, ROSEDOWN, OUT OF THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

LOT 2
(3.807-AC)

AMENDED PLAT OF TRACT A, NORTH PLAZA
RESUBDIVISION NO. 1, AND BLOCK 12 ROSEDOWN
BOOK 100, PAGE 344-345
P.R.T.C.T.

MWM FUND III, LTD. a Texas
Limited Partnership
DOCUMENT NO. 2002246570
O.P.R.T.C.T.



BEARING BASIS NOTE:
Combined Scale Factor=0.999824951. The Basis Of Bearings for this survey is the Texas State Plane Coordinate System, Central Zone 4203, NAD83 HARN, AUS 5 as established and published by Texas Department of Transportation and C856 as published by the City of Austin were used as the controlling monuments for this survey.

AS SURVEYED BY
LANDMARK SURVEYING, INC.

Paul J. Flugel
Paul J. Flugel
Registered Professional Land Surveyor No. 5086
DATE: August 4, 2003

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

Client: Raymond Chen & Associates
Date: August 4, 2003
Office: SR Lawrence
Crown: Maceo, Wynn
F.L.S.: 504/87, 5744/1, & 581/32
Drawn: C:\dwg\11\Chen, Raymond\Hannock Branch\Ord\WVR
Copied: 05/08/2007
Job No.: 05-0024-17-11

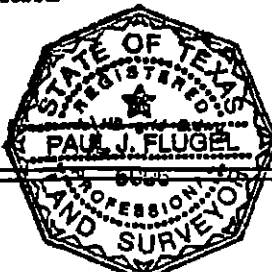


Exhibit "A"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S85°10'11"W	144.72'
L2	N52°58'57"W	28.22'
L3	N85°10'11"E	78.38'
L4	S04°49'49"E	3.00'
L5	N85°10'11"E	87.76'
L6	S04°52'44"E	14.81'
L7	N04°52'44"W	8.00'

**SKETCH TO
ACCOMPANY
FIELD NOTES**

**Landmark
SURVEYING, INC.**
1201 E. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 310
AUSTIN, TEXAS 78740
Tel: (512) 222-2411 Fax: (512) 222-2412

MWM FUND III, LTD.
to
City of Austin
(For Wastewater Easement)

FIELD NOTES FOR PARCEL 5005.08 WE

ALL OF THAT CERTAIN 0.062-ACRE (2,709 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 16, BLOCK 10, ROSEDOWN, A SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 221 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.062-ACRE (2,709 SQUARE FEET) TRACT BEING A PORTION OF A 5.489-ACRE TRACT AS CONVEYED TO MWM FUND III, LTD BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NO. 2002246570 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a ½" iron rod found on the west right-of-way line of Burnet Road (Right-of-Way Varies) at the southeast corner of the above referenced Lot 16, Block 10, said ½" iron rod found also being the northeast corner of Lot 1, Rosedown Section 10, a subdivision as recorded in Book 9, Page 143 of the Plat Records of Travis County, Texas, said ½" iron rod found also being at an outside corner of said 5.489-acre MWM Fund III, LTD tract; Thence, with the west right-of-way line of Burnet Road, N04°55'41"W a distance of 2.55 feet to a nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83/93, U.S. Feet, Combined Scale Factor 0.999924951) values of N=10,091,072.291, E=3,114,857.860, for the southeast corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, S85°10'11"W a distance of 149.94 feet to a nail set on the west line of said Lot 16, Block 10, Rosedown, from which a ¼" iron rod found at the common westerly corner of said Lot 16, Block 10, Rosedown and said Lot 1, Rosedown, Section 10 bears S04°52'44"E a distance of 2.61 feet, for the southwest corner of this tract;

Exhibit "B"

THENCE with the west line of said Lot 16, Block 10, N04°52'44"W a distance of 17.00 feet to a nail set for the northwest corner of this tract;

THENCE through said Lot 16, Block 10, N85°10'11"E a distance of 96.65 feet to a nail set at an inside corner of this tract;

THENCE N04°49'49"W a distance of 3.00 feet to a nail set at an outside corner of this tract;

THENCE, N85°10'11"E a distance of 53.26 feet to a nail set on said west right-of-way line of Burnet Road, for the northeast corner of this tract;

THENCE, with said west right-of-way line of Burnet Road, S04°55'41"E a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 0.062-acre (2,709 square feet) of land, more or less.

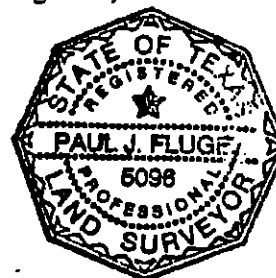
I **HEREBY CERTIFY** that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground during June, 2003 under my supervision.

Prepared by Landmark Surveying, Inc.

Paul J. Flugel

Paul J. Flugel

Registered Professional Land Surveyor No. 5096
June 25, 2003



Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83 HARN. Horizontal and Vertical Coordinates for the reference monuments AUS5 as published by the Texas Department of Transportation and CB56 as published by the City of Austin were used as the controlling monuments for this survey. Combined scale factor=0.999924951.

Austin Map No. 555, Grid No. J27
TCAD No. 02-2703-0501
A7-lot 16-block 10-rosedown-5005.08we

FIELD NOTES REVIEWED
By: *[Signature]* Date: 8-13-03
Austin Clean Water Program
Survey Coordinator

Exhibit "B"

**SURVEY OF A PORTION OF LOT 16, BLOCK 10, ROSEDOWN, OUT OF THE
GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

LOT 2 SHEET 1 OF 2

**AMENDED PLAT OF TRACT A, NORTH PLAZA RESUBDIVISION NO.
1, AND BLOCK 10, ROSEDOWN
BOOK 100, PAGE 344-345
P.R.T.C.T.**

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- ⬢ 800 NAIL SET
- △ CALCULATED POINT (NOT ESTABLISHED ON GROUND)
- ▲ PK NAIL FOUND
- () RECORD INFORMATION-DEED
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- P.O.R. POINT OF REFERENCE
- [] RECORD INFORMATION-PLAT
- P.R.T.C.T. Plat Records Travis County, Texas
- D.R.T.C.T. Deed Records Travis County, Texas
- R.P.R.T.C.T. Real Property Records Travis County, Texas
- O.P.R.T.C.T. Official Public Records Travis County, Texas

LINE	BEARING	DISTANCE
L1	N04°52'44"W	17.00'
L2	N04°49'49"W	3.00'
L3	N85°10'11"E	53.28'
L4	S04°55'41"E	20.00'
L5	N04°55'41"W	2.55'
L6	S04°52'44"E	2.61'

10' PUBLIC UTILITY EASEMENT
BOOK 12, PAGE 14 P.R.T.C.T.
BOOK 100, PAGES 344-345 P.R.T.C.T.

BEARING BASIS NOTE:
Combined Scale Factor=0.999924851. The Basis Of Bearings for this survey is the Texas State Plane Coordinate System, Central Zone 4203, NAD83 HARN. AUS 3 as established and published by the Texas Department of Transportation and CB56 as published by the City of Austin were used as the controlling monuments for this survey.

**AS SURVEYED BY
LANDMARK SURVEYING, INC.**

Paul J. Fluge
Paul J. Fluge
Registered Professional Land Surveyor No. 5096
DATE: August 6, 2003

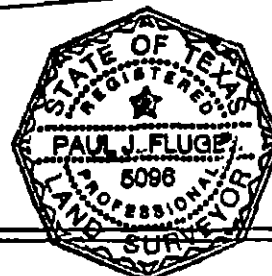
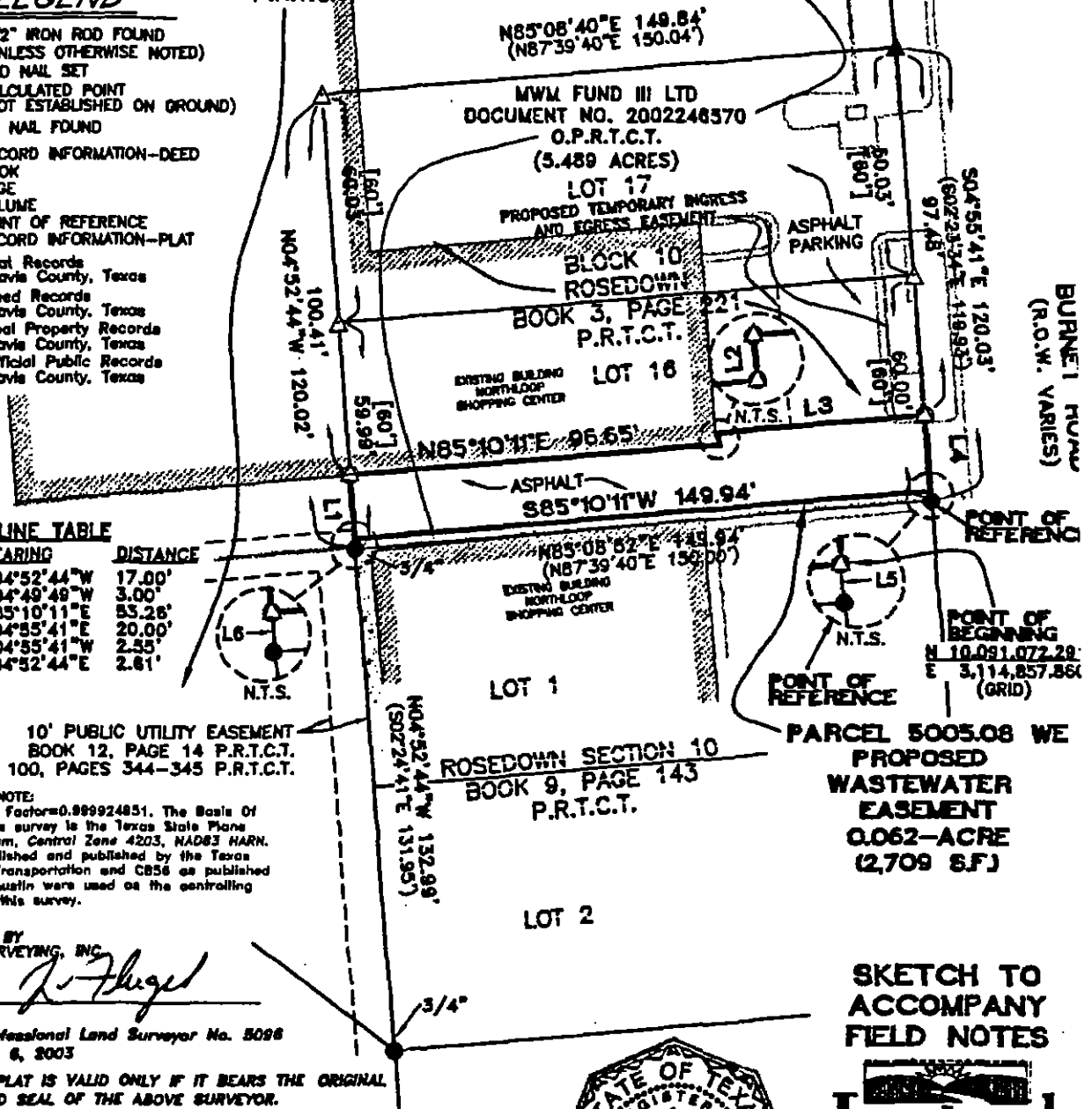
**THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL
SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.**

Client: Raymond Chan & Associates
Date: August 6, 2003
Office: Dallas
Drawn: Mason, Winn
F.S.: 864/57, 8744/1, & 881/32
Check: C. J. G. 11/11/03, Raymond Chan, Branch/Grp/W/Essentials/MS-grd-L.dwg
C. J. G. 11/11/03
Job No.: 85-0024-17-11

Exhibit "B"



SCALE 1"=40'



**SKETCH TO
ACCOMPANY
FIELD NOTES**

**Landmark
SURVEYING, INC.**

1801 E. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 310
AUSTIN, TEXAS 78746
PH: (512) 222-7111 FAX: (512) 222-7115

MWM FUND III, LTD.
To
City of Austin
(For Temporary Working Space Easement)

FIELD NOTES FOR PARCEL 5005.08 TWSE

ALL OF THAT CERTAIN 0.080-ACRE (3,500 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 2, AMENDED PLAT OF TRACT A, NORTH LOOP PLAZA RESUBDIVISION # 1, AND BLOCK 12, ROSEDOWN, A SUBDIVISION AS RECORDED IN PLAT BOOK 100, PAGES 344- 345 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AS CONVEYED TO MWM FUND III, LTD BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NO. 2002246570 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a PK nail found on the west right-of-way line of Burnet Road (Right-of-Way Varies) at the common southeast corner of Lot 1 and the northeast corner of Lot 2, of said Amended Plat of Tract A, North Loop Plaza Resubdivision #1. Thence with common line of said Lot 2 and west right-of-way line of Burnet Road, S04°56'01"E a distance of 11.56 feet to a 1/2" iron rod found for an angle point in said Lot 2, Thence, continuing with common line of said Lot 2 and west right-of-way line of Burnet Road, S07°04'42"E a distance of 156.30 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83/93, U.S. Feet, Combined Scale Factor 0.999924951) values of N=10,091,402.154 E=3,114,821.438, for the northeast corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, continuing with said common line of said Lot 2 and west right-of-way line of Burnet Road, S07°04'42"E a distance of 70.00 feet to a calculated point for the southeast corner of this tract, same being the northeast corner of a proposed Temporary Staging Area And Material Storage Site (TSAAMSS).

THENCE, through said Lot 2, S82°55'18"W, passing at a distance of 25.00 feet the northwest corner of said proposed TSAAMSS and continuing for a total distance of 50.00 feet to a calculated point for the southwest corner of this tract;

Exhibit "C"

THENCE, through said Lot 2, N07°04'42"W a distance of 70.00 feet to a calculated point for the northwest corner of this tract;

THENCE, through said Lot 2, N82°55'18"E a distance of 50.00 feet to the POINT OF BEGINNING and containing 0.080-acre (3,500 square feet) of land, more or less.

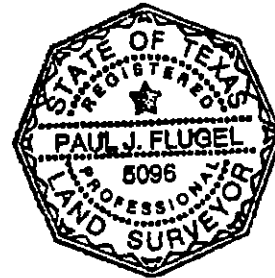
I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground during August, 2003 under my supervision.

Prepared by Landmark Surveying, Inc.



Paul J. Flugel

Registered Professional Land Surveyor No. 5096
Sept. 2, 2003



Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83 HARN. Horizontal and Vertical Coordinates for the reference monuments AUS5 as published by the Texas Department of Transportation and CB56 as published by the City of Austin were used as the controlling monuments for this survey. Combined scale factor=0.999924951.

Austin Map No. 555, Grid No. J27

TCAD No. 0227030501

A8-Lot 2 amended plat of tract A north loop-5005.08twse.doc


FIELD NOTES REVIEWED
By:  Date: 9-11-03
Austin Clean Water Program
Survey Coordinator

Exhibit "C"

SURVEY OF A PORTION OF LOT 2, OF AMENDED PLAT OF TRACT A, NORTH PLAZA RESUBDIVISION # 1, AND BLOCK 12, ROSEDOWN, OUT OF THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

NORTH LOOP BOULEVARD
(50' R.O.W.)



LOT 1
(1.270-AC)

AMENDED PLAT OF TRACT A, NORTH
PLAZA RESUBDIVISION NO. 1, AND
BLOCK 100, PAGE 344-345
P.R.T.C.T.

MWM FUND III LTD
DOCUMENT NO. 2002248570
O.P.R.T.C.T.

LEGEND

- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- ▲ NAIL SET
- △ CALCULATED POINT
(NOT ESTABLISHED ON GROUND)
- ▲ PK NAIL FOUND
- () RECORD INFORMATION
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- 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

BEARING BASIS NOTE:

Combined Scale Factor=0.99924851.
The Basis Of Bearings for this survey
is the Texas State Plane Coordinate
System, Central Zone 4203, NAD83
HARN. AUS 5 as established and
published by Texas Department of
Transportation and CB56 as published
by the City of Austin were used as the
controlling monuments for this survey.

AS SURVEYED BY
LANDMARK SURVEYING, INC.

Paul J. Flugel
Paul J. Flugel
Registered Professional Land Surveyor No. 5096
DATE: September 2, 2003

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

Client: Raymond Chen & Associates
Date: September 2, 2003
Office: Murren, Wynn
Drawn: 844/07, 8744/1, & 801/22
Check: C:\dwp11\Chen, Raymond\Hansook Branch\Grid\W\Survey\140-17-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1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MWM FUND III, LTD.
To
City of Austin
(For Temporary Working Space Easement)

FIELD NOTES FOR PARCEL 5005.08 TWSE

ALL OF THAT CERTAIN 0.007-ACRE (284 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 2, AMENDED PLAT OF TRACT A, NORTH LOOP PLAZA RESUBDIVISION # 1, AND BLOCK 12, ROSEDOWN, A SUBDIVISION AS RECORDED IN PLAT BOOK 100, PAGES 344- 345 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AS CONVEYED TO MWM FUND III, LTD BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NO. 2002246570 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a ½" iron rod found on the west right-of-way line of Burnet Road (Right-of-Way Varies) at the southeast corner of Lot 16, Block 10, Rosedown, a subdivision as recorded in Book 3, Page 221 of the Plat Records of Travis County, Texas, same being the northeast corner of Lot 1, Rosedown Section 10, a subdivision as recorded in Book 9, Page 143 of the Plat Records of Travis County, Texas, Thence, with the common line between said Lot 16 and said Lot 1, S85°08'52"W a distance of 149.94 feet to a ¾" iron rod found, Thence, S04°52'44"E a distance of 132.99 feet to a ¾" iron rod found at the common south corner of said Lot 2 of said Amended Plat of Tract A, North Loop Plaza Resubdivision #1 and Lot 2 of said Rosedown Section 10, said point also being the northeast corner of Lot 1-A, Kenray Addition, a subdivision recorded in Book 22, Page 38, of the Plat Records of Travis County, Texas, Thence N52°38'57"W a distance of 248.82 feet to a calculated point on the northeast line of Lot 1-B of the Resubdivision of Tract B of North Loop Plaza Subdivision No. 1, as recorded in Book 21, Page 31 of the Plat Records of Travis County, Texas, Thence, through said Lot 2 with the east edge of an existing 10' sanitary sewer easement as recorded in Book 11, Page 6 of the Plat Records of Travis County, Texas, N17°22'34"W a distance of 8.66 feet to a calculated point in the north line of an existing five foot (5') public utility easement as recorded in Book 12, Page 14 and Book 100, Page 344 of the Plat Records of Travis County, Texas having Texas State Plane Coordinate (Texas Central Zone,

Exhibit "D"

Texas having Texas State Plane Coordinate (Texas Central Zone, NAD83/93, U.S. Feet, Combined Scale Factor 0.999924951) values of N=10,091,086.323 E=3,114,519.384, for the southwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, continuing with said east edge of existing 10' sanitary sewer easement, N17°22'34"W a distance of 15.08 feet to a calculated point at intersection of said east line of 10' sanitary sewer easement and the south edge of an existing drainage and public utility easement as recorded in Book 12, Page 14 and Book 21, Page 31

of the Plat Records of Travis County, Texas;

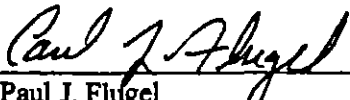
THENCE, with said south edge of existing drainage and public utility easement, N61°38'22"E a distance of 17.14 feet to a calculated point for the northeast corner of this tract;

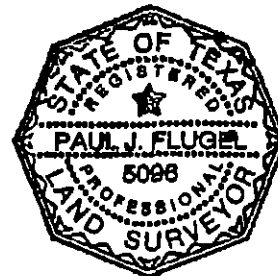
THENCE, through Lot 2, S00°38'43"W a distance of 30.35 feet to a calculated point on the north line of said 5' public utility easement, for the southeast corner of this tract;

THENCE, with the north line of said existing 5' public utility easement, N52°38'57"W a distance of 12.87 feet to the **POINT OF BEGINNING** and containing 0.007-acre (284 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 during July, 2003 under my supervision.

Prepared by Landmark Surveying, Inc.



Paul J. Flugel
Registered Professional Land Surveyor No. 5096
July 11, 2003



Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83 HARN. Horizontal and Vertical Coordinates for the reference monuments AUS5 as published by the Texas Department of Transportation and CB56 as published by the City of Austin were used as the controlling monuments for this survey. Combined scale factor=0.999924951.

Austin Map No. 555, Grid No. J27
TCAD No. 0227030501
A8-Lot 2 amended plat of tract A north loop-5005.08twse.doc

Exhibit "D"

FIELD NOTES REVIEWED
By:  Date: 8-6-03
Austin Clean Water Program
Survey Coordinator

LEGEND

- IRON PIPE FOUND
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- △ CALCULATED POINT (NOT ESTABLISHED ON GROUND)
- ▲ PK NAIL FOUND
- (A) RECORD INFORMATION
- BK. BOOK
- PG. PAGE
- VOL. VOLUME

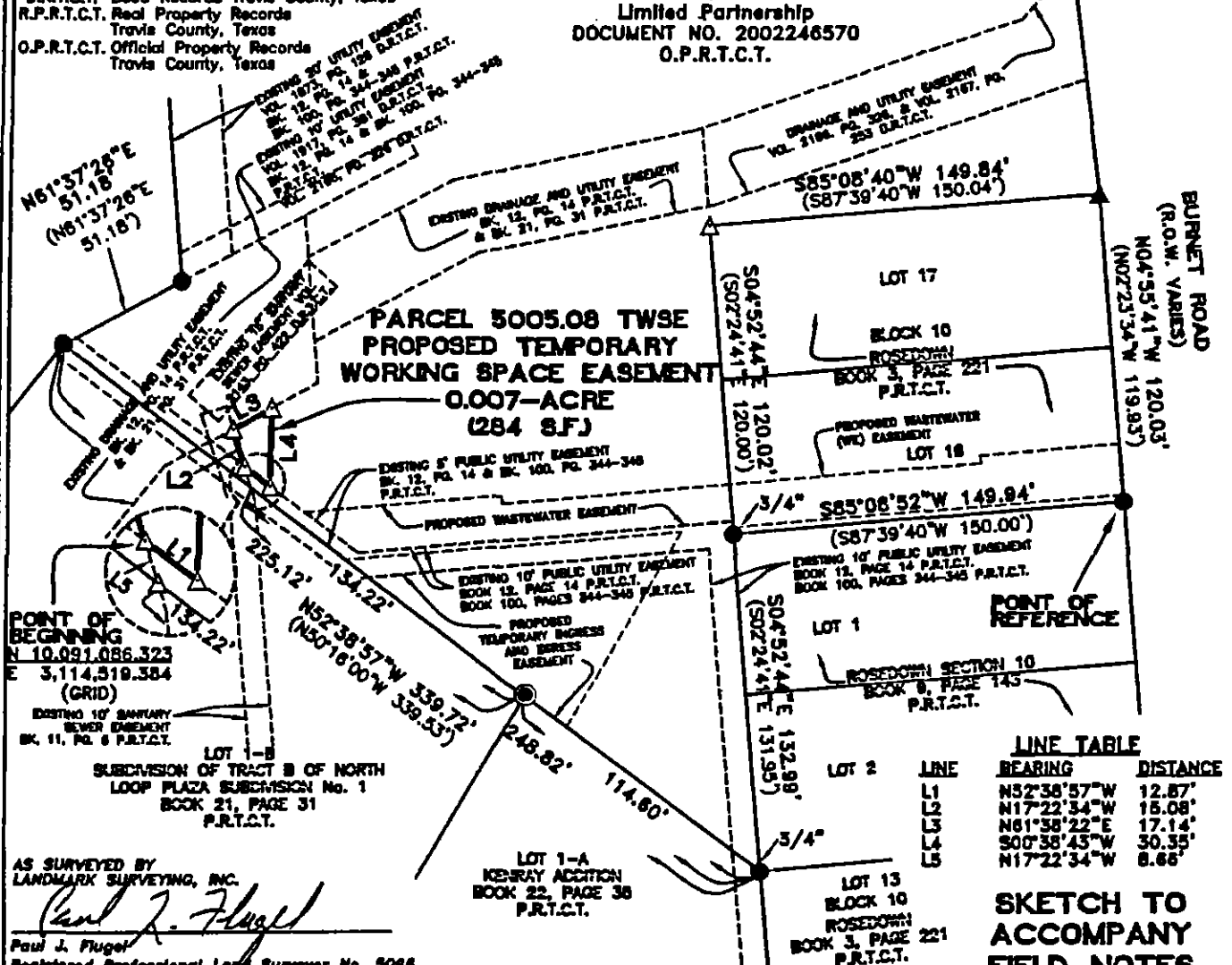
P.R.T.C.T. Plat Records Travis County, Texas
 D.R.T.C.T. Deed Records Travis County, Texas
 R.P.R.T.C.T. Real Property Records Travis County, Texas
 O.P.R.T.C.T. Official Property Records Travis County, Texas

SURVEY OF A PORTION OF LOT 2, OF AMENDED PLAT OF TRACT A, NORTH LOOP PLAZA RESUBDIVISION # 1, AND BLOCK 12, ROSEDOWN, OUT OF THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

LOT 2
 (3.807-AC)

AMENDED PLAT OF TRACT A, NORTH PLAZA
 RESUBDIVISION NO. 1, AND BLOCK 12 ROSEDOWN
 BOOK 100, PAGE 344-345
 P.R.T.C.T.

MWM FUND III, LTD. a Texas
 Limited Partnership
 DOCUMENT NO. 2002246570
 O.P.R.T.C.T.

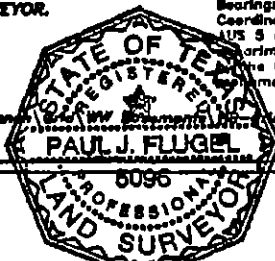


AS SURVEYED BY
 LANDMARK SURVEYING, INC.

Paul J. Flugel
 Registered Professional Land Surveyor No. 5086
 DATE: August 4, 2003

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

Clients: Raymond Chon & Associates
 Dates: August 4, 2003
 Offices: BRL Lawrence
 Crews: Mason, Wilson
 F.B.: 664/87, 874A/1, & 881/82
 Blais: C. J. J. Chon, Raymond Hancock, Brandon C. J. J. Chon
 Capital: 1001
 Job No.: 80-0024-17-11



BEARING BASIS NOTE:
 Combined Scale Factor = 0.999924951. The Basis Of Bearings for this survey is the Texas State Plane Coordinate System, Central Zone 4203, NAD83 HARN. AUS 5 as established and published by Texas Department of Transportation and C856 as published by the City of Austin were used as the controlling measurements for this survey.

Exhibit "D"

**Landmark
 SURVEYING, INC.**
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