

**RESOLUTION NO. 20050623-024**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interests as stated hereinafter for the purposes hereinafter stated; and

**WHEREAS**, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests 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 owner now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or its successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A," "B," and "C," which are attached hereto and made a part hereof for all purposes.

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

Owner: Texrun Enterprises, Inc.

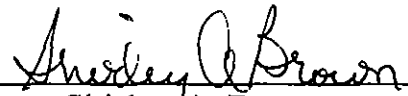
Project: Little Walnut/Buttermilk - North Capital Drive Project, a portion of the Austin Clean Water Program

Intended Purpose: permanent wastewater line easement, to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate; and, temporary working space easement and temporary ingress and egress easement, all temporary easements listed above are necessary to install wastewater lines.

Location: 0 Longspur Boulevard East, Austin, Texas (located along the north side of East Rundberg Lane, east of Oriole Drive, south of Brownie Drive and west of IH-35), and see attached field notes.

ADOPTED: June 23, 2005

ATTEST:

  
Shirley A. Brown  
City Clerk

Texrun Enterprises, Inc.  
to  
City of Austin  
(Wastewater Easement)

Field Notes for Parcel 5000.01WE

BEING 0.037 OF ONE ACRE (1,610 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLGAI SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE TRACT CONVEYED TO TEXRUN ENTERPRISES, INC. BY WARRANTY DEED FILED FOR RECORD ON JANUARY 19, 1999 RECORDED IN VOLUME 13351, PAGE 1908 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.037 OF ONE ACRE (1,610 S.F.) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in a southerly line of said Texrun tract, same being in a northerly line of Lot 1, Block 1, Racetrac Subdivision No. 2, recorded in Book 102, Pages 352 and 353 of the Plat Records of Travis County, Texas, conveyed to Pepperwood, Inc. by deed recorded in Volume 13280, Page 3470 of the Real Property Records of Travis County, Texas, same also being South 61°44'58" East, a distance of 192.19 feet from a 1/2 inch iron rod found at a corner of said Texrun tract, for the Point of Beginning and the southwesterly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104602.44 and E=3130168.50;

- 1) THENCE, North 11°52'54" West, a distance of 112.39 feet, leaving the southerly line of said Texrun tract and a northerly line of Lot 1, crossing said Texrun tract, to a calculated point for the northwesterly corner of the herein described tract of land;
- 2) THENCE, North 78°07'06" East, a distance of 15.00 feet, to a calculated point for the northeasterly corner of the herein described tract of land;
- 3) THENCE, South 11°52'54" East, a distance of 98.60 feet, to a calculated point in a southerly line of said Texrun tract, same being in a northerly line of said Lot 1, for a southeasterly corner of the herein described tract of land;
- 4) THENCE, South 27°41'45" West, at a distance of 8.52 feet passing the east line of a 15 foot Sanitary Sewer easement recorded in Volume 3648, Page 1603 of the Deed Records of Travis County, Texas, in all a distance of 20.22 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a 1/2 inch iron rod found for the most southerly corner of the herein described tract of land;

Exhibit "A"  
Page 1 of 3

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5) THENCE, North 61°44'58" West, a distance of 2.77 feet, to the Point of Beginning, and containing an area of 0.037 of one acre (1,610 s.f.) of land, more or less.

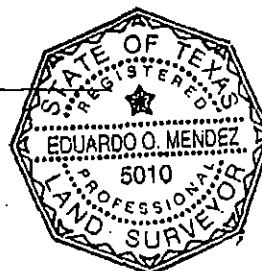
I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez  
Registered Professional Land Surveyor 5010

7/14/03

Date



Martinez, Wright & Mendez, Inc.  
7700 Chevy Chase Dr., Suite 100  
Austin, Texas 78752  
(512) 453-0767

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone NAD83 (CORS). For surface coordinates, divide grid coordinates by an adjustment factor of 0.9999638238). The reference for this project is a found brass cap, "SEC 6", having coordinate values N=10097911.08, E=3133285.51 in the west sidewalk along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Road, and a found brass cap, "SEC7", having coordinate values of N=10099099.14, E=3134143.88 in a concrete drainage inlet in the median section of Cameron Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearing of N 35°50'53" E and a surface distance of 1465.81 feet.

TCAD No. : 2-4120-0221  
Austin Grid: L30-3

FIELD NOTES REVIEWED  
By: [Signature] Date: 7-15-03  
Austin Clean Water Program  
Survey Coordinator

Exhibit "A"  
Page 2 of 3

# **LEGEND**

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- △ CALCULATED POINT
- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- ( ) RECORD INFORMATION
- PRCT PLAT RECORDS TRAVIS CO, TX
- DRTCT DEED RECORDS TRAVIS CO, TX
- RPRCT REAL PROPERTY RECORDS TRAVIS CO, TX
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
- ||||| AREA OF EASEMENT
- ||||| AREA OF EASEMENT OVERLAP

SCALE:  
1"=50'

JOHN APPELGAIT SURVEY  
ABSTRACT \*29

TEXRUN ENTERPRISES, INC.  
VOL. 13351, PG. 1908  
RPRCT

15' SAN SEWER  
ESMT  
3648/1603  
DRTCT

DRAINAGE EASEMENT  
AGREEMENT  
13280/3484  
RPRCT

5000.01 WE

0.037 AC.  
(1,610 S.F.)

SANITARY SEWER  
EASEMENT  
10595/57  
RPRCT

5000.01  
TWSE

N78° 07' 06" E

15.00'

S11° 52' 54" E  
N11° 52' 54" W

S29° 36' 31" W  
(85.00')

AREA OF OVERLAP  
1339 S.F.

5000.01TIAEE

S61° 44' 58" E 192.19'  
(N59° 51' 06" W 194.99')

5000.01  
TSAAMSS

INGRESS/EGRESS  
ESMT AGREEMENT  
1999063541  
OPRTCT

DRAINAGE ESMT  
102/352  
DRTCT

POINT OF  
BEGINNING  
N 10104602.44  
E 3130168.50  
(GRID COORDINATES)

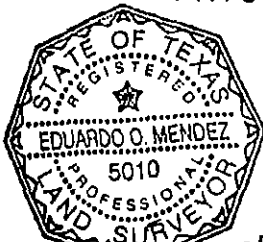
S27° 41' 45" W  
20.22'

N61° 44' 58" W  
2.77'

LOT 1  
BLOCK 1

RACETRAC  
SUBDIVISION No. 2  
BK. 102, PP. 352, 353  
PRTCT

PEPPERWOOD INC.  
VOL. 13280, PG. 3470  
RPRCT



*Eduardo O. Mendez 7/14/03*

THE COORDINATES SHOWN ARE TEXAS STATE  
PLANE, CENTRAL ZONE, NAD 83. THE BEARINGS  
SHOWN ARE GRID BEARINGS. THESE COORDINATES  
WERE ESTABLISHED FROM REFERENCE POINT  
"SEC 6" HAVING COORDINATE VALUES N=10097911.08,  
E=3133285.51 AND "SEC 7" HAVING COORDINATE VALUES  
N=10099099.14, E=3134143.88. COMBINED SCALE FACTOR  
= 0.9999638238. ALL DISTANCES SHOWN ARE SURFACE  
DISTANCES

RECORD DATA REFERENCE:  
ALAMO TITLE INSURANCE  
3305 NORTHLAND DR.  
SUITE 100  
AUSTIN, TX 78731  
CF No. 03-7036855

**MARTINEZ  
WRIGHT &  
MENDEZ**  
Civil Engineering, Land Surveying, Architecture

CHEVY CHASE ONE  
7700 CHEVY CHASE DRIVE  
SUITE 100, AUSTIN, TEXAS 78752  
TEL 512.453.8767 FAX 512.453.1231

SKETCH TO ACCOMPANY

Exhibit "A"  
Page 3 of 3

A PORTION OF  
JOHN APPELGAIT SURVEY  
TRAVIS COUNTY, TEXAS

PAGE 3 OF 3

Texrun Enterprises, Inc.  
to  
City of Austin  
(Temporary Working Space Easement)

Field Notes for Parcel 5000.01TWSE

BEING 0.350 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLGAI SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 24.001 ACRE TRACT CONVEYED TO TEXRUN ENTERPRISES, INC. BY WARRANTY DEED FILED FOR RECORD ON JANUARY 19, 1999 RECORDED IN VOLUME 13351, PAGE 1908 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.350 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in a northerly line of said Texrun tract, same being in the southerly line of Lot 5, Block A, North Creek East, Section One, recorded in Book 50, Page 55 of the Plat Records of Travis County, Texas, conveyed to Joe and Adelita Diaz by deed recorded in Volume 11268, Page 534 of the Real Property Records of Travis County, Texas, same also being South 62°35'29" East, a distance of 45.75 feet from a 1/2 inch iron rod found at a northwesterly corner of said Texrun tract, for the Point of Beginning and the northwesterly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10105038.72 and E=3130063.94;

- 1) THENCE, South 62°35'29" East, a distance of 42.14 feet, with a northerly line of said Texrun tract and the southerly line of said Lot 5 and Lot 6, Block A, of said North Creek East, Section One, to a calculated point for a corner;
- 2) THENCE, South 27°30'40" West, a distance of 3.29 feet, leaving a northerly line of said Texrun tract and the southerly line of said Lot 6 and crossing said Texrun tract, to a calculated point for a corner;
- 3) THENCE, South 63°16'45" East, a distance of 12.12 feet, to a calculated point for a northeasterly corner of the herein described tract of land;
- 4) THENCE, South 11°52'54" East, a distance of 382.77 feet, to a calculated point in a southerly line of said Texrun tract and a northerly line of Lot 1, Block 1, Racetrac Subdivision No. 2, recorded in Book 102, Pages 352 and 353 of the Plat Records of Travis County, Texas, conveyed to Pepperwood, Inc. by deed recorded in Volume 13280, Page 3470 of the Real Property Records of Travis County, Texas, for the southeasterly corner of the herein described tract of land;
- 5) THENCE, South 27°41'45" West, a distance of 19.62 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a calculated point for a corner;

Exhibit "B"  
Page 1 of 3

- 6) THENCE, North  $11^{\circ}52'54''$  West, a distance of 98.60 feet, leaving a southerly line of said Texrun tract and a northerly line of said Lot 1 and crossing said Texrun tract, to a calculated point for a corner;
- 7) THENCE, South  $78^{\circ}07'06''$  West, a distance of 15.00 feet, to a calculated point for a corner;
- 8) THENCE, South  $11^{\circ}52'54''$  East, a distance of 112.39 feet, to a calculated point in a southerly line of said Texrun tract and a northerly line of said Lot 1, for the most southerly corner of the herein described tract of land;
- 9) THENCE, North  $61^{\circ}44'58''$  West, a distance of 16.35 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a calculated point for the southwesterly corner of the herein described tract of land;
- 10) THENCE, North  $11^{\circ}52'54''$  West, a distance of 437.94 feet, leaving a southerly line of said Texrun tract and a northerly line of said Lot 1 and crossing said Texrun tract, to the Point of Beginning, and containing an area of 0.350 of one acre of land, more or less.

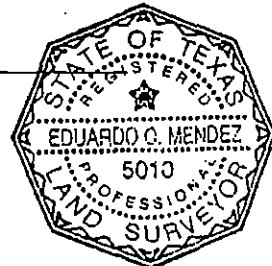
I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez  
Registered Professional Land Surveyor 5010

7/17/03

Date



Martinez, Wright & Mendez, Inc.  
7700 Chevy Chase Dr., Suite 100  
Austin, Texas 78752  
(512) 453-0767

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone NAD83 (CORS). For surface coordinates, divide grid coordinates by an adjustment factor of 0.9999638238). The reference for this project is a found brass cap, "SEC 6", having coordinate values N=10097911.08, E=3133285.51 in the west sidewalk along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Road, and a found brass cap, "SEC7", having coordinate values of N=10099099.14, E=3134143.88 in a concrete drainage inlet in the median section of Cameron Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearing of N  $35^{\circ}50'53''$  E and a surface distance of 1465.81 feet.

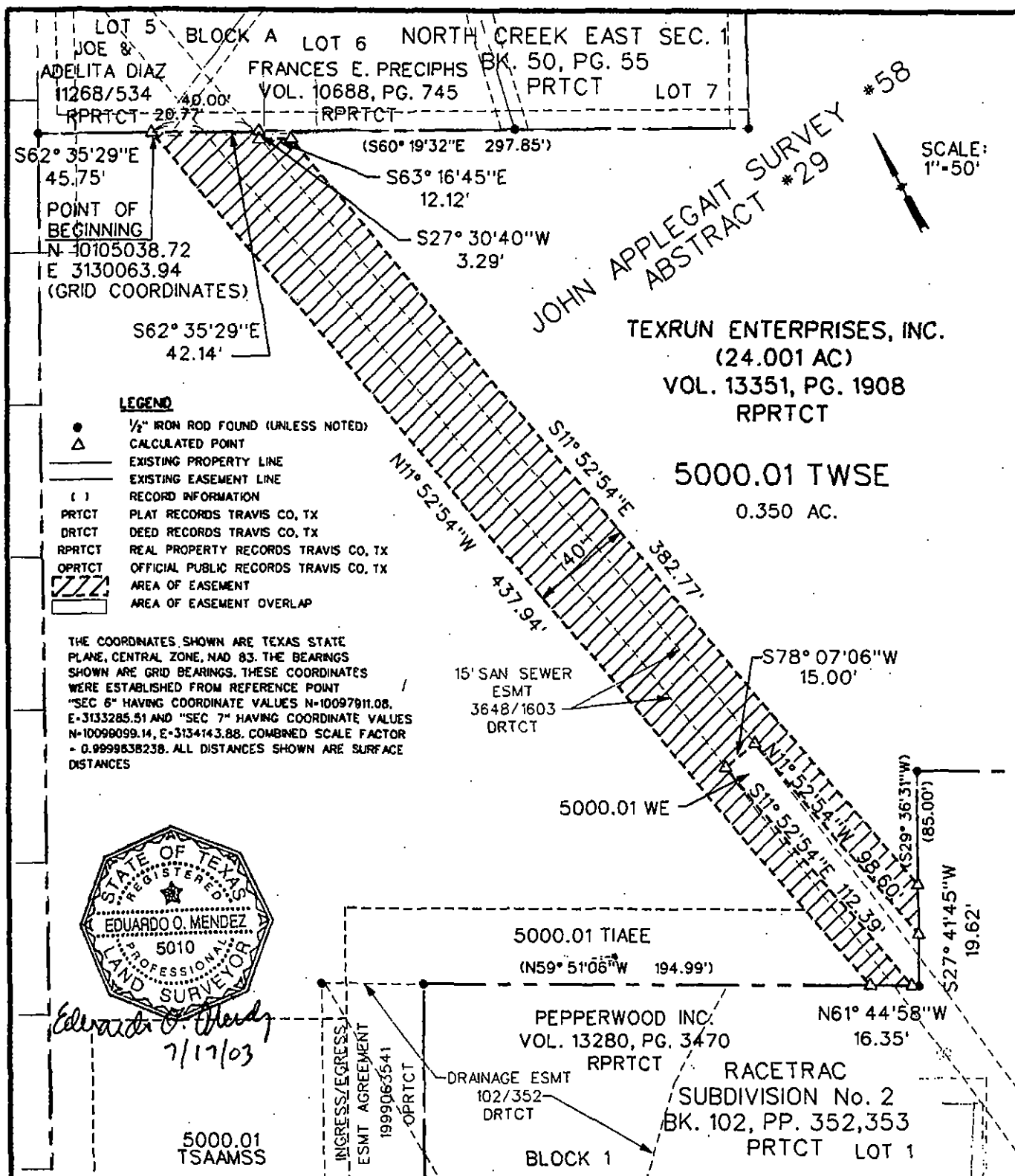
TCAD No. : 2-4120-0221  
Austin Grid: L30-3

Exhibit "B"  
Page 2 of 3

FIELD NOTES REVIEWED

By: [Signature] Date: 7-21-03

Austin Clean Water Program  
Survey Coordinator



**MARTINEZ  
WRIGHT &  
MENDEZ**  
Civil Engineering, Land Surveying, Architecture

CHEVY CHASE ONE  
7700 CHEVY CHASE DRIVE  
SUITE 100, AUSTIN, TEXAS 78752  
TEL 512.453.0767 FAX 512.453.1724

# **SKETCH TO ACCOMPANY**

Exhibit "B"  
Page 3 of 3

A PORTION OF  
JOHN APPELGAIT SURVEY  
TRAVIS COUNTY, TEXAS

PAGE 3 OF 3



Texrun Enterprises, Inc.  
to  
City of Austin  
(Temporary Ingress and  
Egress Easement)

Field Notes for Parcel 5000.01TIAEE

BEING 0.309 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLGAIIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE TRACT CONVEYED TO TEXRUN ENTERPRISES, INC. BY WARRANTY DEED FILED FOR RECORD ON JANUARY 19, 1999 RECORDED IN VOLUME 13351, PAGE 1908 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.309 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in a southerly line of said Texrun tract, same being in a northerly line of Lot 1, Block 1, Racetrac Subdivision No. 2, recorded in Book 102, Pages 352 and 353 of the Plat Records of Travis County, Texas, conveyed to Pepperwood, Inc. by deed recorded in Volume 13280, Page 3470 of the Real Property Records of Travis County, Texas, same also being North 61°44'58" West, a distance of 19.12 feet from a 1/2 inch iron rod found at a corner of said Texrun tract, for the Point of Beginning and the most easterly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104610.18 and E=3130154.10;

1) THENCE, North 61°44'58" West, a distance of 175.84 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a 1/2 inch iron rod found for a corner;


2) THENCE, South 27°32'28" West, a distance of 250.73 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a calculated point in the northerly right-of-way line of Rundberg Lane (R.O.W. varies), for the most southerly corner of the herein described tract of land;

3) THENCE, North 61°53'42" West, a distance of 30.47 feet, with the northerly right-of-way line of said Rundberg Lane and a southerly line of said Texrun tract, to a calculated point for the most westerly corner of the herein described tract of land;

4) THENCE, North 27°32'28" East, a distance of 280.81 feet, leaving said Rundberg Lane and crossing said Texrun tract, to a calculated point for the most northerly corner of the herein described tract of land;

5) THENCE, South 61°44'58" East, a distance of 181.39 feet, to a calculated point for a northeasterly corner of the herein described tract of land;

Exhibit "C"  
Page 1 of 3

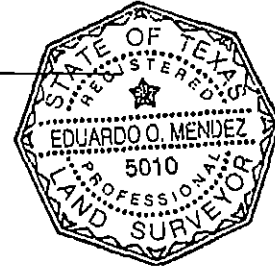
FIELD NOTES REVIEWED  
By:  Date: 7-23-03  
Austin Clean Water Program  
Survey Coordinator

6) THENCE, South 11°52'54" East, a distance of 39.24 feet, to the Point of Beginning, and containing an area of 0.309 of one acre of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez  
Eduardo O. Mendez  
Registered Professional Land Surveyor 5010

6/24/03  
Date



Martinez, Wright & Mendez, Inc.  
7700 Chevy Chase Dr., Suite 100  
Austin, Texas 78752  
(512) 453-0767

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone NAD83 (CORS). For surface coordinates, divide grid coordinates by an adjustment factor of 0.9999638238). The reference for this project is a found brass cap, "SEC 6", having coordinate values N=10097911.08, E=3133285.51 in the west sidewalk along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Road, and a found brass cap, "SEC7", having coordinate values of N=10099099.14, E=3134143.88 in a concrete drainage inlet in the median section of Cameron Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearing of N 35°50'53" E and a surface distance of 1465.81 feet.

TCAD No. : 2-4120-0221  
Austin Grid: L30-3

Exhibit "C"  
Page 2 of 3

Page 2 of 3

# **LEGEND**

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- △ CALCULATED POINT
- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- ( ) RECORD INFORMATION
- PRCT PLAT RECORDS TRAVIS CO, TX
- DRCT DEED RECORDS TRAVIS CO, TX
- RPRTCT REAL PROPERTY RECORDS TRAVIS CO, TX
- OPRTCT OFFICIAL PROPERTY RECORDS TRAVIS CO, TX
- /// AREA OF EASEMENT
- AREA OF EASEMENT OVERLAP

15' SAN SEWER  
ESMT  
3648/1603  
DRTCT

5000.01  
TWSE

SCALE:  
1"=50'

TEXRUN ENTERPRISES, INC.  
VOL. 13351, PG. 1908  
RPRTCT

5000.01  
TIAEE  
0.309 AC

5000.01 WE

S11° 52' 54" E  
39.24'

S61° 44' 58" E 181.39'

(N59° 51' 06" W 194.99')

N61° 44' 58" W 175.84'

POINT OF BEGINNING

N = 10104610.18

E = 3130154.10

(GRID COORDINATES)

N61° 44' 58" W  
19.12'

DRAINAGE ESMT  
102/352  
DRTCT

5000.01 TSAAMSS

N27° 32' 28" E 280.81'

INGRESS/EGRESS ESMT AGREEMENT  
1999063541 OPRTCT

S27° 32' 28" W 250.73'

INGRESS/EGRESS  
EASEMENT  
1999063541  
OPRTCT

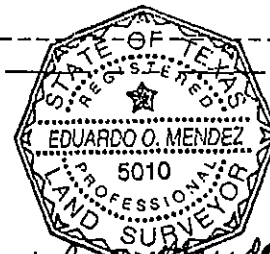
JOHN APPELGAIT SURVEY \*58  
ABSTRACT \*29  
LOT 1  
BLOCK 1

RACETRAC  
SUBDIVISION No. 2  
BK. 102, PP. 352, 353  
PRCT

PEPPERWOOD INC.  
VOL. 13280, PG. 3470  
RPRTCT

N61° 53' 42" W  
30.47'

RUNDBERG LANE  
(R.O.W. VARIES)



*Eduardo O. Mendez 6/24/03*

THE COORDINATES SHOWN ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "SEC 6" HAVING COORDINATE VALUES N=10097911.08, E=3133285.51 AND "SEC 7" HAVING COORDINATE VALUES N=10099099.14, E=3134143.88. COMBINED SCALE FACTOR = 0.9999638238. ALL DISTANCES SHOWN ARE SURFACE DISTANCES

**MARTINEZ  
WRIGHT &  
MENDEZ**  
Civil Engineering, Land Surveying, Architecture

CHEVY CHASE ONE  
7700 CHEVY CHASE DRIVE  
SUITE 100, AUSTIN, TEXAS 78752  
TEL 512.152.8767 FAX 512.652.1724

SKETCH TO ACCOMPANY

Exhibit "C"  
Page 3 of 3

A PORTION OF  
JOHN APPELGAIT SURVEY  
TRAVIS COUNTY, TEXAS

PAGE 3 OF 3