

RESOLUTION NO. 20050623-044

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

WHEREAS, the City of Austin has attempted to purchase said real property interest and has been unable to agree with the owner of that real property interest 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 interest needed by the City, to acquire a certain real property interest 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 acquisition; said real property interest to be acquired is described in Exhibit "A," which is attached hereto and made a part hereof for all purposes.

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

Owner: Nieman Properties

Project: Spicewood Springs Branch Library Expansion Project

Intended Purpose: the fee simple interest in the property is necessary for expanding and improving a City of Austin public library facility

Location: approximately 750 feet west of Highway 183 North on the the north side of Spicewood Springs Road, Austin, Texas, please see attached field note.

ADOPTED: June 23, 2005

ATTEST:

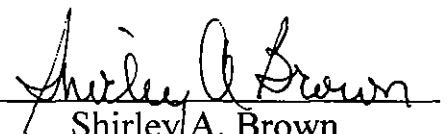

Shirley A. Brown
City Clerk

Exhibit "A"

Nieman Properties
to
The City of Austin
Lot 5,
Town and Country Village Addition
Section Four
Spicewood Springs

LEGAL DESCRIPTION

ALL OF THAT CERTAIN 2.291 ACRE (99,786 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE HENRY RHOADES SURVEY, ABSTRACT NO. 522, CITY OF AUSTIN, WILLAMSON COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND KNOWN AS LOT 5, TOWN AND COUNTRY VILLAGE ADDITION SECTION FOUR, AS RECORDED IN CABINET K, SLIDES 5 AND 6 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO NIEMAN PROPERTIES BY DEED RECORDED IN VOLUME 963, PAGE 289 OF THE REAL PROPERTY RECORDS OF WILLAMSON COUNTY, TEXAS AS SHOWN ON THE ATTACHED SKETCH AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60 D nail found on the northwest right-of-way line of Spicewood Springs Road at the southwest corner of the above described Lot 5, Town and Country Village Addition, Section Four, said 60D nail found being on the east line of a 10.55-acre tract as conveyed to Spicewood Springs Association, LTD., a Texas limited partnership; said 60D nail having grid coordinates N 10,130,540.62, E 3,103,119.99, for the southwest corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, with the west line of Lot 5, Town and Country Village Addition Section Four, N20°54'21"W a distance of 350.30 feet to a 1/2" iron rod set at the northwest corner of said Lot 5, for the northwest corner of this tract;

THENCE, with the north line of said Lot 5, the following two (2) courses:

1) N69°00'37"E a distance of 167.35 feet to a concrete monument found at an angle point of this tract; and

2) S61°54'29"E a distance of 265.87 feet to a 1/2" iron rod found for the northeast corner of this tract;

THENCE, with the east line of said Lot 5, the following three (3) courses:

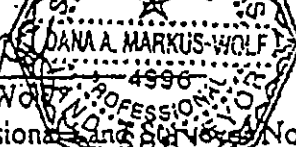
1) S28°14'51"W a distance of 162.37 feet to a 1/2" iron rod found at an inside corner of this tract;

2) S61°49'46"E a distance of 69.02 feet to a 1/2" iron rod set for an angle point of this tract;

3) S19°45'33"E a distance of 26.61 feet to a 60 D nail found on the northwest right-of-way line of Spicewood Springs Road, for the southeast corner of this tract;

THENCE, along said northwest right-of-way line of Spicewood Springs Road, S70°11'29"W a distance of 263.69 feet to the POINT OF BEGINNING and containing 2.291 acre (99,786 square feet) of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Landmark Surveying, Inc. from a survey made on the ground during June 1999 under my supervision.


Dana A. Markus-Wolf
Registered Professional Surveyor No. 4996

Bearing Basis: The bearing, being the inverse between surface coordinates (as converted from Grid coordinates provided) between two Brass Disks Found (C.O.A. Reference No. G-36-3001 and G-36-3002) Combined Scale Factor 0.99987, Nad 83 Texas State Plane Coordinates Central Zone (4203) was taken as the Basis of Bearings for this survey.

T&C.DOC

Austin Map No. 464 Austin Grid G-36
TCAD No. 01-6807-04-10

FIELD NOTES REVIEWED

By WHS/epma Date 7/14/99
Arch/Eng. Services Division
Department of Public Works
and Transportation

E, 16.17 "B"

9.058 Acres
Nieman Properties
Vol. 963, Pg. 289

