RESOLUTION NO. 20050623-034

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:

Joseph, Joseph & Williams Partnership

Project:

Little Walnut/Buttermilk at Centre Creek Project, a portion of

the Austin Clean Water Program

Intended Purpose: permanent drainage easement to control rainwater runoff and/or prevent flooding on this and neighboring properties due to rainwater runoff; the a permanent access easement is necessary to maintain the area within the permanent drainage easement and a temporary staging area and material storage site easement is necessary to effect improvements within

the drainage easement

Location:

East of Cameron Road and south of Clear Creek Drive,

Travis County, Texas, and see attached field notes.

ADOPTED: June 23 , **2005**

ATTEST:

City Clerk

Joseph, Joseph & Williams Partnership to City of Austin

(For Access Easement)

FIELD NOTES FOR PARCEL 5004.23 AE

ALL OF THAT CERTAIN 0.343-ACRE (14,948 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE JOHN APPLEGATE SURVEY NO. 58, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 0.343-ACRE TRACT BEING A PORTION OF A 15.034-ACRE TRACT AS CONVEYED TO JOSEPH, JOSEPH & WILLIAMS PARTNERSHIP, A TEXAS GENERAL PARTNERSHIP AS DESCRIBED IN WARRANTY DEED IN VOLUME 10534, PAGE 213 OF THE REAL PROPERTY 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 northeast right-of-way line of Clear Creek Drive (80' right-of-way), at the southwest corner of Tract A, Clear Creek Estates, Section One, a subdivision as recorded in Book 57, Page 3 of the Plat Records of Travis County, Texas; Thence with the east right-of-way line of said Clear Creek Drive, along a curve to the left an arc distance of 11.27 feet having a radius of 15.00 feet and a chord which bears N43°11'59"W a distance of 11.01 feet to a ½" iron rod found at a point of reverse curvature; Thence an arc distance of 19.36 feet, having a radius of 60.00 feet, and a chord which bears S55°24'11"E a distance of 19.27 feet to a 60d nail set (Texas Central Zone 4203, NAD83/93 HARN, U.S. Feet, Combined Scale Factor 0.9999638238) with Texas State Plane Coordinate values of N=10,097,424.823, E=3,133,638.390, for the northwest corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, leaving said northeast right-of-way line and crossing said 15.034-acre tract N75°48'51"E a distance of 102.00 feet to a 60d nail set at an angle point;

THENCE S54°51'26"E a distance of 143.08 feet to a 60d nail set at an angle point;

THENCE S42°11'13"E a distance of 253.69 feet to a 60d nail set on the west line of Lot 7 Block J, Walnut Creek Business Park Phase A Section One, a subdivision as recorded in Plat Book 83, Pages 214C-215A of the Plat Records of Travis County, Texas for the northeast corner of this tract:

THENCE with said west line of Lot 7, Block J, the following two (2) courses:

EXHIBIT "A"
Page 1 of 4

- (1) S13°21'38"E a distance of 22.76 feet to a 1/2" iron rod found at an angle point; and
- (2) S18°18'30"W, pass at 0.24 feet the north line of an existing Sanitary Sewer Easement as recorded in Volume 2370, Page 521 of the Deed Records of Travis County, Texas, and continuing on for a total distance of 1.58 feet to a ½" iron rod found for the common west corner of Lot 7 and Lot 8, Block J of said Walnut Creek Business Park Phase A Section One, for an angle point;

THENCE with the west line of said Lot 8, Block J, S00°27'12"E pass at 13.38 feet the south line of said Sanitary Sewer Easement, and continuing on for a total distance of 26.52 feet to a 60d nail set for the southeast corner of this tract;

THENCE leaving the west line of said Lot 8, Block J, N42°11'13"W a distance of 290.87 feet to a 60d nail set at an angle point;

THENCE N54°51'26"W a distance of 125.97 feet to a 60d nail set at an angle point;

THENCE S75°48'51"W a distance of 79.14 feet to a 60d nail set on the east right-of-way of said Clear Creek Drive, for a point of non-tangent curvature of a curve to the left;

THENCE, with said east right-of-way line of Clear Creek Drive, along said curve to the left an arc distance of 31.71 feet, having a radius of 60.00 feet and a chord which bears N31°01'11"W a distance of 31.34 feet, to the POINT OF BEGINNING, and containing 0.343-acre (14,948 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 greatering April, 2003 under my supervision.

Prepared by Landmark

Dana A. Markus-Wolf

Registered Professional

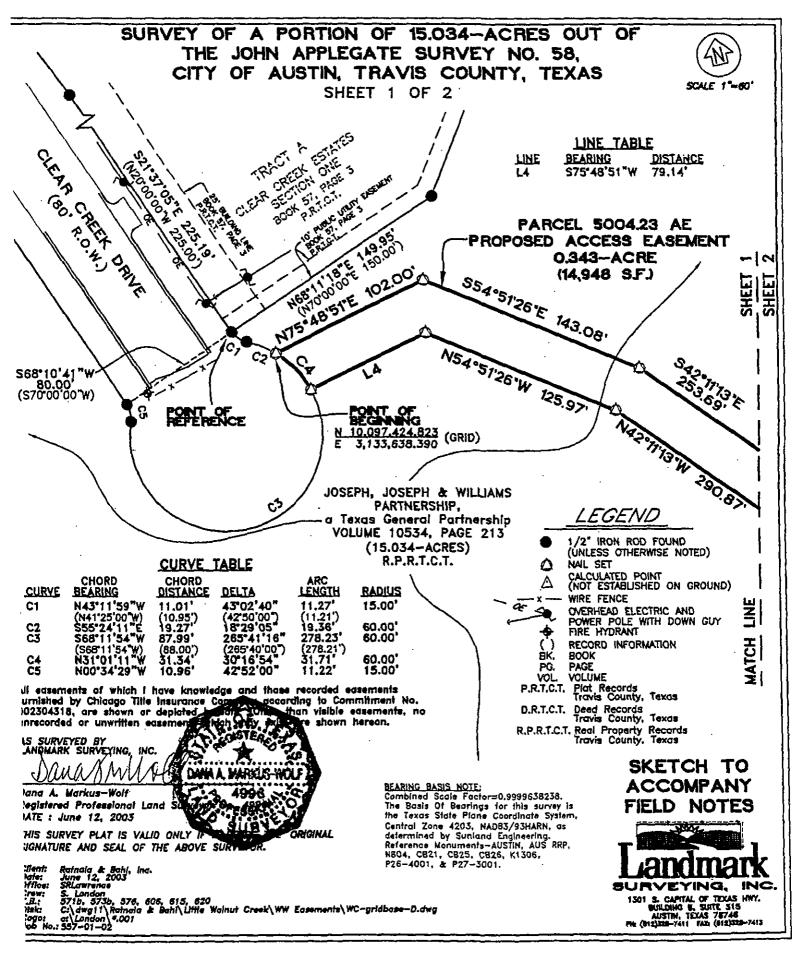
June 9, 2003

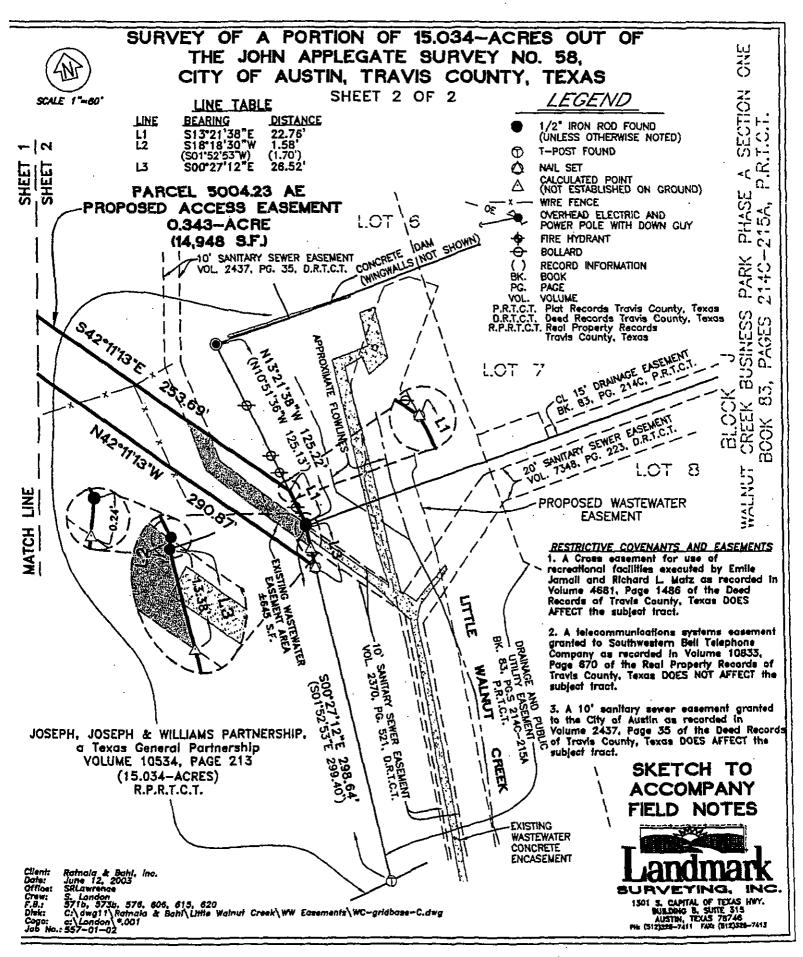
Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83/93 HARN datum as determined by Sunland Engineering. Reference Monuments: AUSTIN, AUS RRP, N804, CB21, CB25, CB26, K1306, P26-4001 & P27-3001. Combined scale factor=0.9999638238.

15.034-ac_AE-srl Austin Map No. 526, Grid No. M-28 TCAD No. 02342101010000

HELD MOTES REVIEWED

Author Clean Water Program
Author Coordinator





Joseph, Joseph & Williams Partnership to City of Austin (For Drainage Easement)

FIELD NOTES FOR PARCEL 5004.23 DE

ALL OF THAT CERTAIN 0.025-ACRE (1,083 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE JOHN APPLEGATE SURVEY NO. 58, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 0.025-ACRES BEING A PORTION OF A 15.034-ACRE TRACT AS CONVEYED BY WARRANTY DEED TO JOSEPH, JOSEPH & WILLIAMS PARTNERSHIP, A TEXAS GENERAL PARTNERSHIP BY DOCUMENT RECORDED IN VOLUME 10534, PAGE 0213 OF THE REAL PROPERTY 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 at the northwest corner of Lot 9, Block J, Walnut Creek Business Park, Phase A, Section One, a subdivision as recorded in Book 83, Pages 214C-215A of the Plat Records of Travis County, Texas, said ½" iron rod found also being the northeast corner of Lot 1, Headway 9A, a subdivision as recorded in Book 83, Page 29 of the Plat Records of Travis County, Texas; Thence, with the common line of Lot 8, Block J, of said Walnut Creek Business Park, Phase A, Section One and said Lot 1, Headway 9A, S75°42'11"W a distance of 52.55 feet to a T-post found (Texas Central Zone, NAD83/93 HARN, U.S. Feet, Combined Scale Factor 0.9999638238) with grid coordinate values of N=10,096,857.239, E=3,134,031.756) at the southeast corner of said Joseph, Joseph & Williams 15.034-acre tract, for the southeast corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, with the common line of said Joseph, Joseph & Williams 15.034-acre tract and said Lot 1, Headway 9A, S78°53'08"W a distance of 48.47 feet to a 60d nail set, for the southwest corner of this tract;

THENCE N02°28'55"E a distance of 27.85 feet to a 60d nail set, for the northwest corner of this tract;

THENCE N90°00'00"E (due east) a distance of 46.21 feet to a 60d nail set on the west line of said Lot 8, Block J, for the northeast corner of this tract;

THENCE, with the west line of said Lot 8, Block J, S00°27'12"E a distance of 18:48 feet to the POINT OF BEGINNING, and containing 0.025-acre (1,083 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 May, 2003 under my supervision.

Prepared by Landma

Dana A. Markus-W

Registered Profession

June 9, 2003

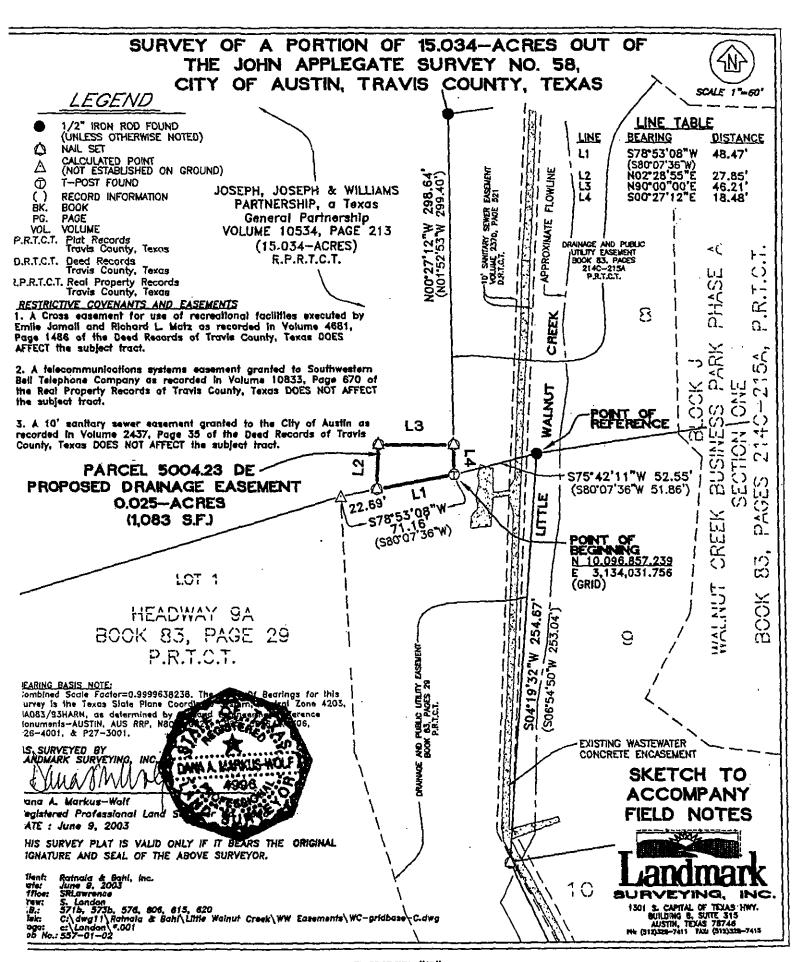
No. 4996

Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83/'93 HARN datum as determined by Sunland Engineering. Reference Monuments: AUSTIN, AUS RRP, N804, CB21, CB25, CB26, K1306, P26-4001 & P27-3001. Combined scale factor=0.9999638238.

15.034-ac_de-dmw Austin Map No. 526, Grid No. M-28 TCAD No. 02342101010000 May Date: 6-12-03

OTES REVIEWED

Austiri Clean Water Program
Survey Coordinator



Joseph, Joseph & Williams Partnership to City of Austin

City of Austin

(For Temporary Staging Area and Material Storage Site)

FIELD NOTES FOR PARCEL 5004.23 TSAAMSS

ALL OF THAT CERTAIN 1.048-ACRE (45,652 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF A 15.034-ACRE TRACT AS CONVEYED BY WARRANTY DEED TO JOSEPH, JOSEPH & WILLIAMS PARTNERSHIP, A TEXAS GENERAL PARTNERSHIP BY DEED RECORDED IN VOLUME 10534, PAGE 0213 AS RECORDED IN THE REAL PROPERTY 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 northeast right-of-way line of Clear Creek Drive (80' right-of-way) at the most southerly corner of Tract A, Clear Creek Estates Section One, a subdivision as recorded in Book 57, Page 3 of the Plat Records of Travis County, Texas; Thence S68°10'41"W a distance of 80.00 feet to a ½" iron rod found and N21°37'05"W a distance of 22.89 feet to a nail set on the southwest right-of-way line of said Clear Creek Drive (Texas Central Zone 4203, NAD83/93 HARN, U.S. Feet, Combined Scale Factor 0.9999638238) with Texas State Plane Coordinate values of N=10,097,435.330, E=3,133,532.294, for the most easterly and POINT OF BEGINNING of the herein described tract of land;

THENCE leaving said west right-of-way line of Clear Creek Drive and crossing said 15.034 acre tract, S68°10'56"W a distance of 238.61 feet to a 60d nail set, for the most southerly corner of this tract;

THENCE N31°56'14"W a distance of 192.17 feet to a 60d nail set for the most westerly corner of this tract;

THENCE N65°28'14"E a distance of 250.42 feet to a 60d nail set for the most northerly corner of this tract;

THENCE S18°58'56"E a distance of 167.22 feet to a 60d nail set at an inside corner of this tract;

THENCE N71°06'19"E a distance of 30.66 feet to a 60d nail set on said west right-of-way line of Clear Creek Drive for an outside corner of this tract;

THENCE, with said right of-way, S21°37'05"E a distance of 32.45 feet to the POINT OF BEGINNING, and containing 1.048-acres (45,652 square feet) of land, more or less

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

Prepared by Landma

Dana A. Markus-Wo

Registered Professiona

June 9,2003

No. 4996

Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83/'93 HARN datum as determined by Sunland Engineering. Reference Monuments: AUSTIN, AUS RRP, N804, CB21, CB25, CB26, K1306, P26-4001 & P27-3001. Combined scale factor=0.9999638238.

15.034-ac_TSAAMSS-srl Austin Map No. 526, Grid No. M-28 TCAD No. 02342101010000

Survey Coordinator

EXHIBIT "C" Page 2 of 3

