## RESOLUTION NO. 20050623-038

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" and "B," 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: Pepperwood, Inc.
Project: Little Walnut/Buttermilk - North/Capital 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, the temporary easement listed above is necessary to install wastewater lines.

Location: 408 East Rundberg Lane, Austin, Texas, and see attached field notes.

ADOPTED: $\qquad$ 2005

ATTEST:
 City Clerk

Fineld Notes for Marcel 5000.31\%E


#### Abstract

BEIYG 0.045 (1,945 S.t.). OF ONE ACPE OF LAND, MORE OR EESS, OUT OF AND A RART OF THE JOHN ADPLEGATY SURVEY NO. 5B, ABS, 29 IN TRAVIS COUNTY, TRXAS, SAME BEING A PORTION OF LOT 1, BLOCK 1, RACETRAC SUBDIVISION NO. 2, RECORDED EN BOOK 102, PAGES 352 AND 353 OF THE PTAT RECORDS OF TRAVIS CONNTY, TEYAS, CONVEYED TO PEPDERWOOD, INC. BY WARRANTY DEED ETLED FOR RECORD ON OCTOBER I, 1998 RECORDED IN VOLUME 13280, PAGE 3470 OF THE REAL PRORERTY RECORDS OF TRAVIS COUNTY, TEKAS, SAID 0.045 (I,945 S.E.) OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCA:


BEELNING at a calculated point in the southeasterly line of Lot 1 , Biock 1 , of said Racetrac Subdivision No. 2, same being i: the northwesterly line of Lot 1, Reed Subdivision, recoried in Book B2, Page 331 of the Plat Records of Travis County, Texas, conveyed to 3 AR , Inc. by deed recordec in Volume 12296, Dage 1597 of the Real Property Records of Travis County, Texas, same also being Noztin $27^{\circ} 37^{\prime} 37^{\prime \prime}$ East, a distance of 142.39 feet from a $1 / 2$ inch Iron rod found in the north right-of-way line of Rundberg Lane (right-of-way varies) at the most southerly corner of Lot i, Block 1 of said Racerrac Swdivisior. No. 2, for the point of Beginning and the most southerly comer of the herein described tract of land, having Texas State Plane coordinate (Texas Central Zone, NADG3, US Feet, Combined Scale Eacto 0.9999638238 ) vaiues of $\mathrm{N}=10104467.97$ and $\mathrm{E}=3130191.46$;

1) THENCE, North $01^{\circ} 11^{\prime \prime} 15^{\prime \prime}$ West, a distance of 28.19 feer, leaving said southeasterly line of Lot 1, Block 1, of said Racetrac Subiivision No. 2 and northwesterly line of Lot 1 , of said Reed Suodivision and scossing Lot 1 , Block 1 , of said Racetrac Subdivision No. 2, to a calcillated point for a cormer;
2) THENCE, North $11^{\circ} 52^{\prime} 54^{\prime \prime}$ Hest, a distance of 108.67 Eeet, to a calculated point in a northerly line of Lot 1 , Block 1 of said Racetrac Subdivision No. 2 , same being in a southerly line of the tract conveyed to Texrun znte:prises, Inc, by deed recorded in Vclune 13351, Dage 1908 of the Real property Records of Travis County, Texas, foz the northwesterly corner of the herein described tract of land;
3) THERCE, Scuth $61^{\circ} 4^{\prime \prime} 58^{\prime \prime}$ East, a distance of 2.77 feet, with a northerly line of Lot 1 , Block 1 of said Racetzac Subdivisicn No. 2 and a southerly line of said mexrun tract to a l/2 tnch insn rod found for a northenly cenner of Lot 1 of sazd Racetrac subdivision No. 2, same keing a scuthezly corner of said Texrum tract, for a northeriy corner of the herein described tract of land;
4) Trived, North $27^{\circ} 41^{\prime} 45^{\prime \prime}$ East, at a distance otill 70 feet passing the east ijie of a 25 foot Sanitayy Sewer easment recorded in volume 3648, Rege 1003 of the Deed Recoris of Travis County, Texas, in ail a sistance of 20.22
feet, to a calculated point for the nostheasterly conner of the hezein described tract of land;
5) THENCE, South $11^{\circ} 52^{\prime} 54^{\prime \prime}$ East, at a distance of 102.07 feer passing the north line of a 15 foot Sani=ary Sewer easement recorded in Volume I0595, Page 57 of the Real Property Records of Travis County, Texas, in all a distance of 123.87 feet, leaving said mortherly line of Lot 1 , Block 1 of said Racetrac Subdivision No. 2 and a southerly line of satd Texrun tract and crossing Lot 1, Block 1 of said Racetrac Subdivision No. 2, to a calculated point for a corner;
6) THENCE, South 01011'15" East, a distance of 2.33 feet, to a calculated point in the southeascerly line of Lat 1 , Block 1 of sald Racetrac Subdivision No. 2, same being in the nortiwesterly line of Lot 1 of said Reed Subdivision, for the southeasterly cornez of the herein described tract of land;
7) THENCE, South $27^{\circ} 37^{\prime} 57^{\prime \prime}$ West, at a distance 0 ㅇ 18.59 feet passing the east line of said 15 foot Sanitary Sewe easement recorded in Volume 3648, Rage 1603 of the Deed Records of Travis Councy, Texas, in all a distance of 31.12 feet, with the southeasterly line of lot 1 of sais Racetrac Subdivision No. 2 and the northwestoriy line of $工 0 t 1$ of said Reed Subdivision, to the Doint of Beginning, and containing an area of $0.045(1,945 \mathrm{~S} . \mathrm{I}$.$) of one acze$ of land, mere or less.

I hereby declare that this survey was made on the ground, unde ${ }^{-}$my. supervision, and that it suistar*ially complies witi the current rexas. Society of Professional Surveyors saandards.


The bearings described herein are Texas State Plane Grid bearings (Texas Central zone NAD日3 (CORS). FOr sunface coordinates, divide grid cooreinates 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, $3=3133285.51$ in the west sidewalix along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Roac, and a found brass cap, "SEC7", having coordinate vaiues of $N=10099059.14$, E=3134i43.38 in a concrete drainage inje= in tie median section of Cameron Roac approximately 300 feet nortiwest of the irtersection of Cameror Road and Crosspark D=ive, haviag a grid bearing of $\mathrm{N} 35^{\circ} 50^{\prime} 53^{\prime \prime} \mathrm{E}$ and f suzface distance of $1405 . \mathrm{B}^{\prime}$ Eect.
TCA NO, : 2-39:9-030\%.
Austin Grid: L30-3



# Exhibit B <br> Pepperwood，Inc． <br> City of Austin 

Racetrac Subdivision No． 2 （Temporary Working Space Easement）

Field Netes for Parcel 5000．31TNSE

BEIMG 0.073 OR ONE ACRE（ 3,193 S．E．）OF LAND，MCRE OR LESS，OUT OF AND A PART OF THE JOHN APPEEGAIT SURVEY NO．58，ABS． 29 IN TRAVIS COUNTY， TEXAS，SAME BEING A PORTION OF LOT 1，BLOCK 1，RACETRAC SUBDIVISION NC．2，RECORDED IN ROOK 1C2，PAGES 352 AND 353 OF THE DLAT RECORDS OF TRAVIS COUNTY，TEXAS，CONVEYED TO PEPEERWCOD，INC，BY．WARRANTY DEED FIIED FOR RECORD ON OCTOBER 1， 1998 RECORDED IN VOLUME 132B0，RAGE 3470 OF THE REAL PROPEFTY RECORDS OE TRAVIS COUNTY，TEXAS，SAID 0.073 OF ONE ACRE（ 3,193 S．E．）OF LAND BEING GERTHATTER DESIGNATED AS PART 1 ， EART 2 AND PART 3 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACEED SKETCH：

## Patet 1

BEGINNENG at a calculated point in a noztherly line of Lot 1 ，Block 1 ，of said Racetrac Subcivision No．2，same being in a soutieriy line of the tract conveyed to Texrun Enterprises，Inc．by deed recorded in Volume 23351 ，Page 1908 of the Real Property Records of Travis County，Texas，same also being Scuth 27041＇45＂ West，a distance of 45.17 feet from a $1 / 2$ inch $i=0 n$ rod found at a northerly cormer of Lot I，Block 1 of said Racetrac Subdivision No．2，for the Point of Beginning and the most no二therly corner of the herein described tract of－land， having Texas State Plane Coordinate（Texas Central Zone，NAD日3，US Feet，Combined Scale Factior 0．999963日238）values of $N=10 \leq 04636.40$ and $\mathrm{Z}=3230 ミ 89.46$ ；

1）THENCE，South $11^{\circ} 52^{\prime} 54^{\prime \prime}$ East，a dis末ance of 125.61 feet，leaving said northe $=1$ y line of Lot 1 ，Block 1 ，of said Racetrac Subdivision No． 2 and a southerly line of said Texrun tract and crossing Lot 1 ，Block 1 ，of said Racetrac Sudivision No．2，to a calculated point in the soucheasterly line of Lot 1，Block 1 of said Racetrac Subdivision No．2，same being in the northwesterly line of Lot 1 of Reec Subdivision，recorded in Book 82，Dage 3日l of the Rlat Records of Travis County，Texas，conveyed to 3 AQ，Inc．by deed recorded in Volume 22296，Page 1597 of the Real property Records of Travis County，Texas，for the southeasteriy corner of the herein described tract of land；

2）THENCE，South $27^{\circ} 37^{\prime} 57^{\prime \prime}$ West，a distance of 20.33 feet，with the southeasterly line of Lot 1 ，Block $I$ of said Racstrac Subdivision No． 2 and the northwesterly line of lot 1 of said Reed Subdivision，to a calculated poirt for the most southerly corner of the herein described tract of Iand；

3）THENCE，North 01¹1＇15＂West，a distance of 2.33 feet，leaving said southeasteriy line of Lot 1 ，Block 1 of said Racezrac Subdivisicn No． 2 and the northwesteriy line of Lot 1 of said Reed Subdivision anc crossing Lot 1，Block I of said Racetrac Subdivision No．2，to a calculated point for a comer；

4）TreNCE，North $11^{\circ} 5 \hat{\Sigma}^{\prime} 54^{\prime \prime}$ West，a cistance $0 \pm 123.87$ feet，$=0$ a caIculated point in the northerly line of Lot 1 ，Baock 1 ，of said Racetzac subdivision No．2， same being ir a scutherly line of said Texzun tract，for the nozthwesterly come＝ of the herein cescribed tract $o \pm$ land；

## Exhibit

5) THENCE, North $27^{\circ} 4 I^{\prime} 45^{\prime \prime}$ East, a distarice oi 19.62 Eeet, to the Point of Beginting, and containing an area of 0.036 of one acre (1,571 S.f.) af land, more or less.

Part 2
BEGINNLNG at a calculated point in a northerly line of lot 1 , Block 1, of said Racetrac Subdivision No. 2, same being in a sautherly line of said Texrun tract, same also being South 6144'58" East, a distance of 175.84 feet from a $1 / 2$ inch iron rod found at a northeriy corner of Lot 1, Block 1 of said Racetrac Subdivision No. 2, for the Point of Beginning and the mos: northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Comined Scale Factor 0.9999638238 ) vaiues of $N=10104610.18$ and $E=3130154.10$;

1) THENCE, South $61^{\circ} 44^{\prime} 53^{\prime \prime}$ East, a distance of 16.35 feet, with a northerly lime of Lot 1, Block 1 of said Racetrac Subdivtsion No. 2 and a southerly line of said Texrun trac: to a calculated poirt for the noztheasterly comer of the herein described tract $o f$ land;
2) TMENCE, South 11052'54" East, a distance of 46.26 feet, leaving said common line and crossing Lot 1, Block 1, of said Racetrac Subdivision No. 2, to a calculated point for the most southerly comer of the herein described tract of land;
3) THENCE, North 6152'52" West, a distance of 1.6.32 feet, to a calculated point for the southwesterly cormer of the herein described tract of lanci;
4) THENCE, Nor=h $11^{\circ} 52^{\prime} 54^{\prime \prime}$ West, a distance of 46.31 feet, to the Point of Beginning, and containing an area of 0.013 of one acre ( $579 \mathrm{S.F)}$. of land, more or less.

## Part 3

BEGINNING at a calculated point in the southeasterly line of Lot 1, Block 1, af said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1 of said Reed Subdivision, same also being North $27^{\circ} 37^{\prime} 57^{\prime \prime}$ East, a distance of 124.72 . feet from a $1 / 2$ inch iron rod found in the north right-of-way line of Rundberg Lane (R.O.W. varies) at the most southerly comer of lot 1 , Block 1 of said Racetrac Subdivision No, 2, for the point of Beginning and the most southerly ccrner of the herefn described tract of lard, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238 ) values of $N=30104452.26$ and $E=3130183.27$;

1) THENCE, No:th $24^{\circ} 50^{\prime} 06^{\prime \prime}$ West, a distance of 11.01 feet, to a calculated point for a corner;
2) Thence, North $27^{\circ} 44^{\prime} 53^{\prime \prime}$ East, a distance of 4.60 fuet, tc a calculated point for a comer;
3) THENCE, No:th $67^{\circ} 16^{\prime} 54^{\prime \prime}$ West, a distance of 4.6 fate to a calculated point for a cozner;
4) THENCE, No工th $13^{\circ} 44^{\prime} 33^{\prime \prime}$ West, a distance of 2.98 feet, to a calculated point for a corne=;

## Exhibit B

5) TEENCE, North $27^{\circ} 52^{\prime} 13^{\prime \prime}$ East, a dystance of 24.58 feet, to a calculated point for a corner;
б) THENCE, Nosth $62^{\circ} 22^{\prime} 03^{\prime \prime}$ West, a distance of 10.78 feet, to a calculated point for a corner;
6) THENCE, North $11^{\circ} 52^{\prime} 54^{\prime \prime}$ West, a distance of 42.21 feet, to a salculated point for a cosner;
7) THENCE, North 2900 ${ }^{\circ} 22^{\prime \prime}$ East, a distance of 19.44 feet, to a aaleulated point for the most northerly corner of the herein described fract of land;

91 TrindCe, South $11^{\circ} 52^{\prime} 54^{\prime \prime}$ East, a distance of 61.39 feet, to a aaleulated point for a cormer;
10) THENCE, South 01911'15" East, a distance of 28.19 feet, to a calculated point in the southeasterly line of tot 1, Block 1 of said Racotzac Subdivision No. 2, same being in the northwesterly line of lot 1 of said Reed Subdivision, for the southeas $e=-l y$ cormer of the herein described tract of land;
11) THZNCE, South $27^{\circ} 377^{\prime \prime} 57$ " Wes=, a distance of 17.57 feet, with the southeasterly line of Lot 1, Block 1 of saic Racetrac Subcivisior No. 2 and the nonthwesterly line of Lot 1 of said Reed Subdivision, to the Doint of Beginning, and containing an area of 0.024 of one acre (1,043 S.F.) of lana, more or less.

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


The bearings desctibed hereln are Texas State Plane Grid bearings (Texas Central Zane NAD83 (CORS). For surface coorcinates, 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 $N=10097911.08, \mathrm{E}=3133285.51$ 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 cocrdinate values of $N=10099099.14, \mathrm{E}=3134243.86$ in a concrate drainage inlet in the median section of Camezor Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearirg of $N$ $35^{\circ} 50^{\prime} 53^{\prime \prime} \mathrm{E}$ and a surface distance of 1465.81 feer.

TCAD NO. : 2-3939-0304
Austin Gric: $\quad \mathrm{L} 30-3$


