

**RESOLUTION NO. 20050818-016**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owners 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 owners now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

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

Owners: Charles Nolen Scott and Melissa Scott

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

**Intended Purpose:** the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate; and

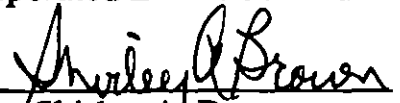
the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

**Location:** 8805 Georgian Drive, Austin, Texas.

**Property:** Described in the attached and incorporated Exhibits A and B.

**ADOPTED:** August 18, 2005

**ATTEST:**

  
Shirley A. Brown  
City Clerk

Charles Nolen Scott and Melissa Scott  
to  
City of Austin  
Lot 2  
Chapman's Acre Subdivision  
(Wastewater Easement)  
Little Walnut Creek North  
CIP# 4926.026

FIELD NOTES FOR PARCEL 5000.26WE

BEING A 0.0040-ACRE (174 SQUARE FEET) TRACT OF LAND AND A 0.0320-ACRE (1,392 SQUARE FEET) TRACT OF LAND OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY, NO. 57 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 2, CHAPMAN'S ACRE SUBDIVISION IN THE CITY OF AUSTIN, RECORDED IN BOOK 32, PAGE 26 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO CHARLES NOLEN SCOTT AND MELISSA SCOTT BY WARRANTY DEED RECORDED IN DOCUMENT NO. 2001137748 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.0040-ACRE (174 SQUARE FEET) TRACT OF LAND AND SAID 0.0320-ACRE (1,392 SQUARE FEET) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

PART 1

COMMENCING at a found 3/8-inch iron rod for the northwest corner of Lot 11 of the Georgian Acres Estate Subdivision in the City of Austin, recorded in Book 5, Page 166 of the Plat Records of Travis County, Texas, said point being the most easterly northeast corner of Lot 12 of said Georgian Acres Estate Subdivision;

THENCE South 27 degrees 55 minutes 55 seconds West, along the common line between said Lots 11 and 12, a distance of 176.20 feet to a calculated point for a corner, said point being in the north line of Lot 2 of said Chapman's Acre Subdivision;

THENCE North 72 degrees 41 minutes 05 seconds West, departing said common line and along the common line between said Lot 12 and Lot 2 of said Chapman's Acre Subdivision, a distance of 30.17 feet to a calculated point for a corner;

THENCE North 57 degrees 54 minutes 05 seconds West, continuing along said common line, a distance of 2.22 feet to a 60D nail set, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10102224.513, E=3127783.989, for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE North 66 degrees 05 minutes 34 seconds West, departing said common line over and across said Lot 2, a distance of 40.24 feet to a 60D nail set for a corner on the northeast line of an existing 20 foot wastewater easement as recorded in Volume 10016, page 0169 of the Real Property Records of Travis County, Texas;

THENCE North 42 degrees 30 minutes 25 seconds West, continuing over and across said Lot 2 and along said northeast easement line, a distance of 21.60 feet to a 60D nail set for a corner in the common line between Lot 12 of said Georgian Acres Estate Subdivision and said Lot 2 of Chapman's Acre Subdivision;

THENCE South 57 degrees 54 minutes 05 seconds East, departing said northeast easement line and along said common line, a distance of 60.65 feet to the POINT OF BEGINNING, containing 0.0040 acre (174 square feet) of land more or less.

## PART 2

COMMENCING at a found 3/8-inch iron rod for the northwest corner of Lot 11 of said Georgian Acres Estate Subdivision said point being the most easterly northeast corner of Lot 12 of said Georgian Acres Estate Subdivision;

THENCE South 27 degrees 55 minutes 55 seconds West, along the common line between said Lots 11 and 12, a distance of 176.20 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10102214.356, E=3127814.668, for the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE South 72 degrees 41 minutes 05 seconds East, departing said common line and along the common line between said Lot 11 and Lot 10 of said Georgian Acres Estate Subdivision and Lot 2 of said Chapman's Acre Subdivision, a distance of 139.60 feet to a 60D nail set for a corner;

THENCE South 40 degrees 36 minutes 15 seconds East, departing the common line between Lot 10 of said Georgian Acres Estate Subdivision and said Lot 2 over and across said Lot 2, a distance of 23.37 feet to a 60D nail set in the east line of said Lot 2 and being on the west line of Lot 7 of said Dean Terrace Subdivision;

THENCE South 22 degrees 02 minutes 55 seconds West, along said common line, a distance of 33.20 feet to a 60D nail set for a corner, said point being in the east line of said 20 foot wastewater easement line;

THENCE North 29 degrees 09 minutes 22 seconds West, departing said common line and along the east line of said 20 foot wastewater easement over and across said Lot 2, a distance of 64.55 feet to a 60D nail set for a corner;

Page 3 of 4

THENCE North 74 degrees 37 minutes 45 seconds West, continuing along said east easement line over and across said Lot 2, a distance of 58.61 feet to a 60D nail set for a corner in the east line of said 10 foot sanitary sewer easement;

THENCE North 73 degrees 53 minutes 42 seconds West, continuing along the east line of said 20 foot wastewater easement line over and across said Lot 2 and said 10 foot sanitary sewer easement, a distance of 21.23 feet to a 60D nail set for a corner in the west line of said 10 foot sanitary sewer easement;

THENCE North 74 degrees 37 minutes 45 seconds West, continuing along said east easement line over and continuing across said Lot 2, a distance of 21.12 feet to a 60D nail set for a corner;

THENCE North 66 degrees 05 minutes 34 seconds West, departing said east easement line and continuing over and across said Lot 2, a distance of 36.62 feet to a 60D nail set for a corner in the common line between Lot 12 of said Georgian Acres Estate Subdivision and said Lot 2;

THENCE South 72 degrees 41 minutes 05 seconds East, along said common line, a distance of 27.42 feet to the POINT OF BEGINNING, containing 0.0320 acre (1,392 square feet) of land more or less.

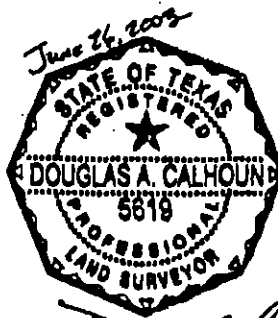
TOTAL PARTS 1 AND 2

The TOTAL SUM AREA of Parts 1 and 2 described hereinabove contains 0.0360 acre (1,566 square feet) of land more or less.

BASIS OF BEARING:

The bearings described herein are Texas State Plane grid bearings (Texas Central Zone, NAD83 (1993) (HARN), Combined Scale Factor 0.9999638238). Project Reference Control Points are City of Austin reference points "SEC. 6" having grid coordinate values N=10097911.079, E=3133285.511, and "SEC 7" having grid coordinate values N=10099099.138, E=3134143.883. For surface coordinates, multiply grid coordinates by an adjustment factor of 1.0000362.

Halff Associates, Inc.  
1421 Wells Branch Parkway, Suite 104  
Austin, Texas 78660  
(512) 252-8184



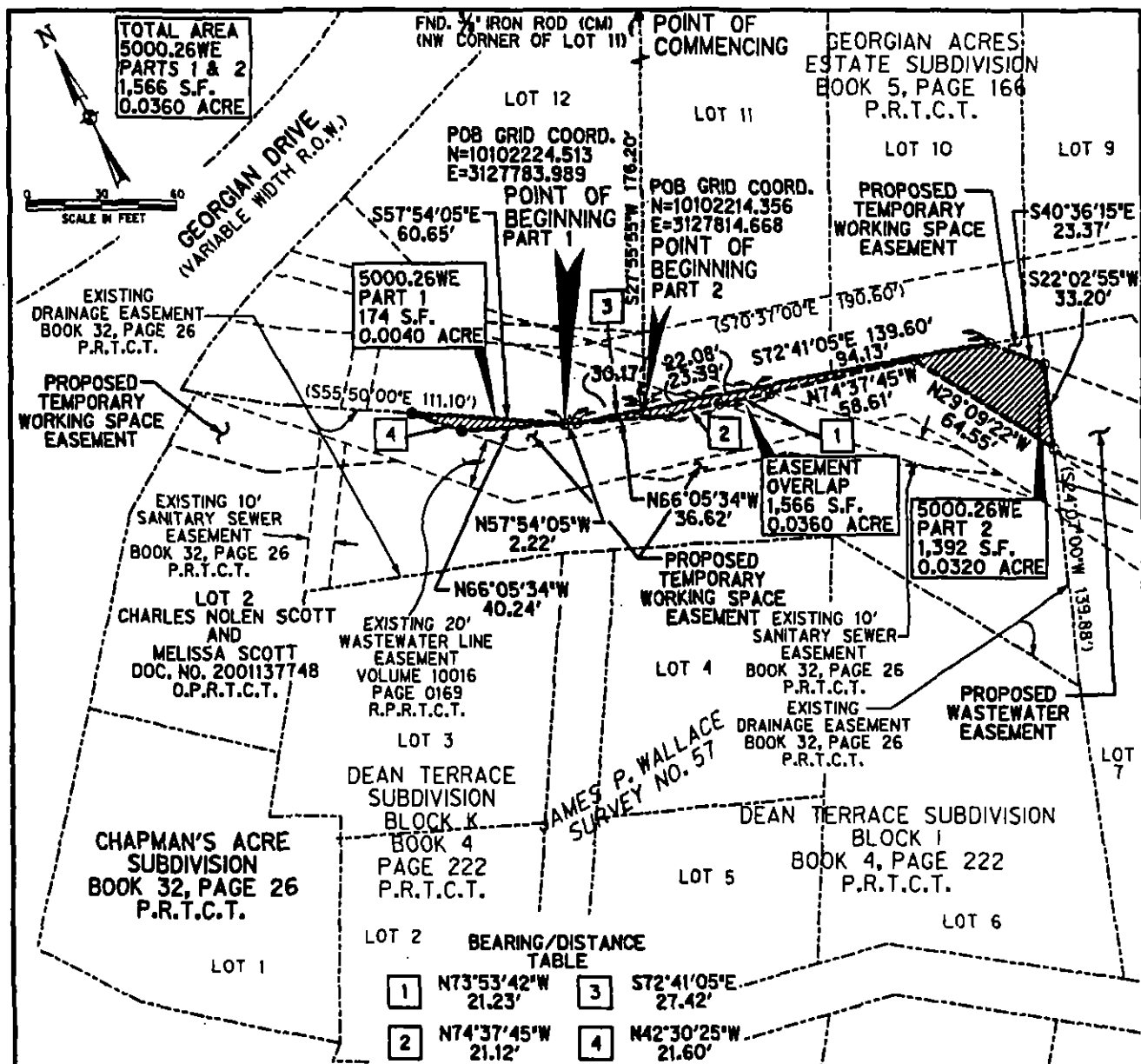
REFERENCES:

TCAD # 02-3716-0737  
Austin Grid L-29

Exhibit "A"  
Page 3 of 4

FIELD NOTES REVIEWED  
By: [Signature] Date: 7-2-03

Austin Clean Water Program  
Survey Coordinator



#### NOTES:

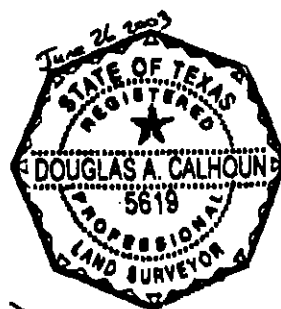
THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83 (1993) (HARN) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "SEC 6" HAVING GRID COORDINATE VALUES N = 10097911.079, E = 3133285.511 AND REFERENCE POINT "SEC 7" HAVING GRID COORDINATE VALUES N = 10099099.138, E = 3134143.883. COMBINED SCALE FACTOR = 0.9999638238. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

#### RECORD DATA REFERENCE:

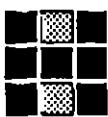
COMMONWEALTH LAND TITLE INSURANCE COMPANY  
GF NO. 141249CM

#### LEGEND

(CM)	CONTROL MONUMENT
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
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
●	1/2" FOUND IRON ROD (UNLESS NOTED)
○	60D NAIL (UNLESS NOTED)
△	CALCULATED POINT
( )	RECORD INFORMATION
---	EXISTING PROPERTY LINE
---	EXISTING EASEMENT LINE
---	AREA OF EASEMENT



*Douglas A. Calhoun*



**HALFF ASSOCIATES, INC.**  
ENGINEERS • SCIENTISTS • SURVEYORS  
1421 WELLS BRANCH PARKW  
AUSTIN, TEXAS 78660  
(512) 252-8184

Exhibit "A"  
Page 4 of 4

**PARCEL 5000.26WE**  
**SKETCH TO ACCOMPANY**  
**FIELD NOTES**

A PORTION OF  
LOT 2  
CHAPMAN'S ACRE  
SUBDIVISION  
TRAVIS COUNTY, TEXAS  
PAGE 4 OF 4

AVG. 20088 FILE NAME: BBS00001.DWG

Charles Nolen Scott and Melissa Scott  
to  
City of Austin  
Lot 2  
Chapman's Acre Subdivision  
(Temporary Working Space Easement)  
Little Walnut Creek North  
CIP# 4926.026

FIELD NOTES FOR PARCEL 5000.26TWSE

BEING A 0.0299-ACRE (1,304 SQUARE FEET) TRACT OF LAND, A 0.0086-ACRE (373 SQUARE FEET) TRACT OF LAND, A 0.0030-ACRE (129 SQUARE FEET) TRACT OF LAND, AND A 0.0288-ACRE (1,254 SQUARE FEET) TRACT OF LAND OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY, NO. 57 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 2, CHAPMAN'S ACRE SUBDIVISION IN THE CITY OF AUSTIN, RECORDED IN BOOK 32, PAGE 26 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO CHARLES NOLEN SCOTT AND MELISSA SCOTT BY WARRANTY DEED RECORDED IN DOCUMENT NO. 2001137748 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.0299-ACRE (1,304 SQUARE FEET) TRACT OF LAND, SAID 0.0086-ACRE (373 SQUARE FEET) TRACT OF LAND, SAID 0.0030-ACRE (129 SQUARE FEET) TRACT OF LAND, AND SAID 0.0288-ACRE (1,254 SQUARE FEET) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

PART 1

COMMENCING at a calculated point from which a found 1/2-inch iron pipe bears South 47 degrees 19 minutes 28 seconds West a distance of 0.37 feet for the southwest corner of said Lot 2, said point being in the southeasterly right-of-way line of Georgian Drive (variable width right-of-way);

THENCE North 40 degrees 51 minutes 55 seconds East, along the north line of said Lot 2 and along said southeasterly right-of-way line, a distance of 78.25 feet to a calculated point for a corner;

THENCE North 57 degrees 19 minutes 49 seconds East, continuing along said north line and said southeasterly right-of-way line, a distance of 31.86 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10102291.305, E=3127642.663, for the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 57 degrees 19 minutes 49 seconds East, continuing along said north line and said southeasterly right-of-way line, a distance of 23.30 feet to a calculated point for a corner, said point being in the west line of a 20 foot wastewater easement line conveyed to the City of Austin in Volume 10016, Page 0169, Real Property Records of Travis County, Texas;

Exhibit "B"

THENCE South 42 degrees 30 minutes 25 seconds East, departing said north line and said southeasterly right-of-way line and along said west easement line over and across said Lot 2, a distance of 83.14 feet to a calculated point for a corner;

THENCE North 66 degrees 01 minute 20 seconds West, departing said west easement line and continuing over and across said Lot 2, a distance of 50.94 feet to a calculated point for a corner;

THENCE North 46 degrees 14 minutes 09 seconds West, continuing over and across said Lot 2, a distance of 40.50 feet to the POINT OF BEGINNING, containing 0.0299 acre (1,304 square feet) of land more or less.

## PART 2

COMMENCING at a found 3/8-inch iron rod for the northwest corner of Lot 11 of the Georgian Acres Estate Subdivision in the City of Austin, recorded in Book 5, Page 166 of the Plat Records of Travis County, Texas, said point being the most easterly northeast corner of Lot 12 of said Georgian Acres Estate Subdivision;

THENCE South 27 degrees 55 minutes 55 seconds West, along the common line between said Lots 11 and 12, a distance of 176.20 feet to a calculated point for a corner, said point being in the north line of Lot 2 of said Chapman's Acre Subdivision;

THENCE North 72 degrees 41 minutes 05 seconds West, departing said common line and along the common line between said Lot 12 and Lot 2 of said Chapman's Acre Subdivision, a distance of 27.42 feet to a 60D nail set, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10102222.517, E=3127788.493, for the POINT OF BEGINNING of the herein described tract;

THENCE South 66 degrees 05 minutes 34 seconds East, departing said common line over and across said Lot 2, a distance of 36.62 feet to a 60D nail set for a corner, said point being in the west line of a 20 foot wastewater line easement conveyed to the City of Austin in Volume 10016, Page 0169, Real Property Records of Travis County, Texas;

THENCE North 74 degrees 37 minutes 45 seconds West, along said west easement line and continuing over and across said Lot 2, a distance of 61.54 feet to a calculated point for a corner;

THENCE North 42 degrees 30 minutes 25 seconds West, continuing along said west easement line over and across said Lot 2, a distance of 22.83 feet to a 60D nail set for a corner;

THENCE South 66 degrees 05 minutes 34 seconds East, departing said west easement line and continuing over and across said Lot 2, a distance of 40.24 feet to a 60D nail set for a corner, said point being in the common line between Lot 12 of said Georgian Acres Estate Subdivision and said Lot 2;



THENCE South 57 degrees 54 minutes 05 seconds East, along said common line, a distance of 2.22 feet to a 60D nail set for a corner;

THENCE South 72 degrees 41 minutes 05 seconds East, continuing along said common line, a distance of 2.75 feet to the POINT OF BEGINNING, containing 0.0086 acre (373 square feet) of land more or less.

PART 3

COMMENCING at a found 3/8-inch iron rod for the northwest corner of Lot 11 of the Georgian Acres Estate Subdivision in the City of Austin, recorded in Book 5, Page 166 of the Plat Records of Travis County, Texas, said point being the most easterly northeast corner of Lot 12 of said Georgian Acres Estate Subdivision;

THENCE South 27 degrees 55 minutes 55 seconds West, along the common line between said Lots 11 and 12, a distance of 176.20 feet to a calculated point for a corner, said point being in the north line of Lot 2 of said Chapman's Acre Subdivision;

THENCE South 72 degrees 41 minutes 05 seconds East, departing said common line and along the common line between said Lot 11 and Lot 2 of said Chapman's Acre Subdivision, a distance of 139.60 feet to a 60D nail set, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10102172.809, E=3127947.935, for the northwest corner and POINT OF BEGINNING of the herein described tract, said point being in the south line of Lot 10 of said Georgian Acres Estate Subdivision;

THENCE South 72 degrees 41 minutes 05 seconds East, along the common line between said Lot 10 and Lot 2 of said Chapman's Acre Subdivision, a distance of 20.83 feet to a calculated point for the most easterly southeast corner of said Lot 2, said point being in the south line of Lot 9 of said Georgian Acres Estate Subdivision, and the northwest corner of Lot 7, Block I of the Dean Terrace Subdivision, as recorded in Book 4, page 222 of the Plat Records of Travis County, Texas;

THENCE South 22 degrees 02 minutes 55 seconds West, departing said common line of said Lot 9 and Lot 2 and along the common line between said Lot 2 and said Lot 7, a distance of 12.46 feet to a 60D nail set for a corner;

THENCE North 40 degrees 36 minutes 15 seconds West, departing said common line over and across said Lot 2, a distance of 23.37 feet to the POINT OF BEGINNING, containing 0.0030 acre (129 square feet) of land more or less.

PART 4

COMMENCING at a found 3/8-inch iron rod for the northwest corner of Lot 11 of the Georgian Acres Estate Subdivision in the City of Austin, recorded in Book 5, Page 166 of the Plat Records of Travis County, Texas, said point being the most easterly northeast corner of Lot 12 of said Georgian Acres Estate Subdivision;

THENCE South 27 degrees 55 minutes 55 seconds West, along the common line between said Lots 11 and 12, a distance of 176.20 feet to a calculated point for a corner, said point being in the north line of Lot 2 of said Chapman's Acre Subdivision;

THENCE South 72 degrees 41 minutes 05 seconds East, departing said common line and along the common line between said Lot 11, Lot 10, and Lot 9 of said Georgian Acres Estate Subdivision, and Lot 2 of said Chapman's Acre Subdivision, a distance of 160.43 feet to a calculated point for the northeast corner of said Lot 2 and the northwest corner of Lot 7 of said Dean Terrace Subdivision, said point being in the south line of Lot 9 of said Georgian Acres Estate Subdivision;

THENCE South 22 degrees 02 minutes 55 seconds West, along the common line of said Lot 2 and said Lot 7, a distance of 71.31 feet to a calculated point for a corner, said point being in the west line of a 20 foot wastewater easement line conveyed to the City of Austin in Volume 10016, Page 0169, Real Property Records of Travis County, Texas;

THENCE North 29 degrees 09 minutes 35 seconds West, departing said common line and along said west easement line, a distance of 28.05 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10102125.014, E=3127927.385, for the most southerly southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE North 56 degrees 14 minutes 12 seconds West, departing said west easement line over and across said Lot 2, a distance of 84.83 feet to a calculated point for a corner;

THENCE North 74 degrees 37 minutes 45 seconds West, continuing over and across said Lot 2, a distance of 48.38 feet to a calculated point for a corner;

THENCE North 55 degrees 24 minutes 15 seconds West, continuing over and across said Lot 2, a distance of 15.18 feet to a calculated point for a corner, said point being in the west line of said 20 foot wastewater easement line;

THENCE South 74 degrees 37 minutes 45 seconds East, along said west easement line continuing over and across said Lot 2, a distance of 76.06 feet to a calculated point for a corner, said point being in the west line of a 10 foot sanitary sewer easement dedicated by plat of said Chapman's Acre Subdivision;

THENCE South 73 degrees 53 minutes 42 seconds East, over and across said 10' sanitary sewer easement and said Lot 2, a distance of 21.23 feet to a calculated point for a corner in the east line of said 10' sanitary sewer easement, said point being in the west line of said 20' wastewater line easement;

THENCE South 74 degrees 37 minutes 45 seconds East, along said west easement line continuing over and across said Lot 2, a distance of 14.95 feet to a calculated point for a corner;

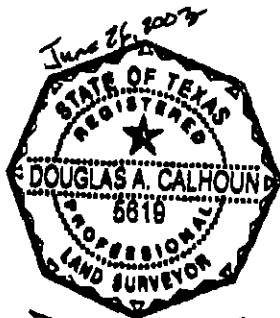
THENCE South 29 degrees 09 minutes 31 seconds East, continuing along said west easement line over and across said Lot 2, a distance of 44.18 feet to the POINT OF BEGINNING, containing 0.0288 acre (1,254 square feet) of land more or less.

TOTAL PARTS 1, 2, 3, AND 4

The TOTAL SUM AREA of Parts 1, 2, 3, and 4 described hereinabove contains 0.0703 acre (3,060 square feet) of land more or less.

**BASIS OF BEARING:**

The bearings described herein are Texas State Plane grid bearings (Texas Central Zone, NAD83 (1993) (HARN), Combined Scale Factor 0.9999638238). Project Reference Control Points are City of Austin reference points "SEC 6" having grid coordinate values N=10097911.079, E=3133285.511, and "SEC 7" having grid coordinate values N=10099099.138, E=3134143.883. For surface coordinates, multiply grid coordinates by an adjustment factor of 1.0000362.



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Austin, Texas 78660  
(512) 252-8184

**REFERENCES:**

TCAD # 02-3716-0737  
Austin Grid L-29

FIELD NOTES REVIEWED  
By: Paul Miller Date: 7-1-03  
Austin Clean Water Program  
Survey Coordinator

