

**RESOLUTION NO. 20050901-011**

**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 owner 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, 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:

Owner:        2819 Foster, Ltd.

Project:       Upper Shoal Spicewood Branch at Foster Lane Project, a  
                 portion of the Austin Clean Water Program

**Intended Purpose:** the permanent drainage easement described in the attached Exhibit "A" is necessary to contain or modify the flow of rainwater runoff to prevent or lessen the likelihood of flooding and erosion and consequent damage to a bridge across Shoal Creek;

the permanent access easement described in the attached Exhibit "B" is needed to access City wastewater lines in Shoal Creek;

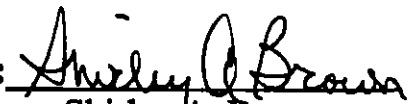
the permanent lateral support easement described in the attached Exhibit "C" is needed for stream bank stabilization; and

the temporary working space easement described in the attached Exhibit "D" is necessary to construct the needed improvements in the permanent drainage easement area and the permanent lateral support easement area described in the attached Exhibits "A" and "C."

**Location:** 2819 Foster Lane.

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

**ADOPTED:** September 1, 2005

**ATTEST:**   
Shirley A. Brown  
City Clerk

2819 FOSTER, LTD  
to  
City of Austin  
(Drainage Easement)

Field Notes for Parcel 5006.13DE

BEING 0.015 OF ONE ACRE (656 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY No. 15 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 4-A OF NORTHCROSS SECTION THREE, RECORDED IN BOOK 76, PAGE 244 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 2819 FOSTER, LTD BY SPECIAL WARRANTY DEED FILED FOR RECORD ON JUNE 7, 2001, RECORDED IN DOCUMENT NO. 2001091462 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.015 OF ONE ACRE (656 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 the westerly line of said Lot 4-A, same being in the easterly line of a Drainage and Public Utility Easement dedicated by Allandale Park Sec. 9, recorded in Book 24, Page 20 of the Plat Records of Travis County, Texas, same also being South 12°19'49" East, a distance of 26.73 feet from a nail found in concrete in the southwest right-of-way line of Foster Lane (R.O.W. varies) at the most northerly corner of said Lot 4-A, for the Point of Beginning and the most westerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83(93) HARN, US Feet, Combined Scale Factor 0.999944) values of N=10103430.36 and E=3114642.07;

1) THENCE, North 87°02'41" East, a distance of 44.53 feet, leaving the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement, crossing said Lot 4-A to a calculated point in the southwest right-of-way line of said Foster Lane for the most northerly corner of the herein described tract of land;

2) THENCE, South 64°36'34" East, a distance of 25.29 feet, with the southwest right-of-way line of said Foster Lane, and a northeasterly line of said Lot 4-A to a calculated point for the most easterly corner of the herein described tract of land;

3) THENCE, South 87°02'58" West, a distance of 64.81 feet, leaving the southwest right-of-way line of said Foster Lane and a northeasterly line of said Lot 4-A, crossing through said Lot 4-A to a calculated point in the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement for the most southerly corner of the herein described tract of land;

4) THENCE, North 12°19'49" West, a distance of 12.16 feet, with the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement to the Point of Beginning, and containing an area of 0.015 of one acre (656 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

8/14/03

Date



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

The bearings described herein are Texas State Plane, Central Zone NAD83(93) HARN. For surface coordinates, divide grid coordinates by an adjustment factor of 0.999944. The reference for this project is "GPS 31", 60d nail found approximately 10 feet southwest of the centerline intersection of Foster Lane and Great Northern Boulevard having coordinate values N=10104076.26, E=3113212.65, "GPS 33", 60d nail found approximately 530 feet southeast of the centerline intersection of Foster Lane and Shoal Creek Boulevard having coordinate values N=10103494.00, E=3114683.59, having a grid bearing of S 68°24'15" E and a surface distance of 1582.08 feet.

TCAD No. : 02-3904-0101  
Austin Grid: J30-4

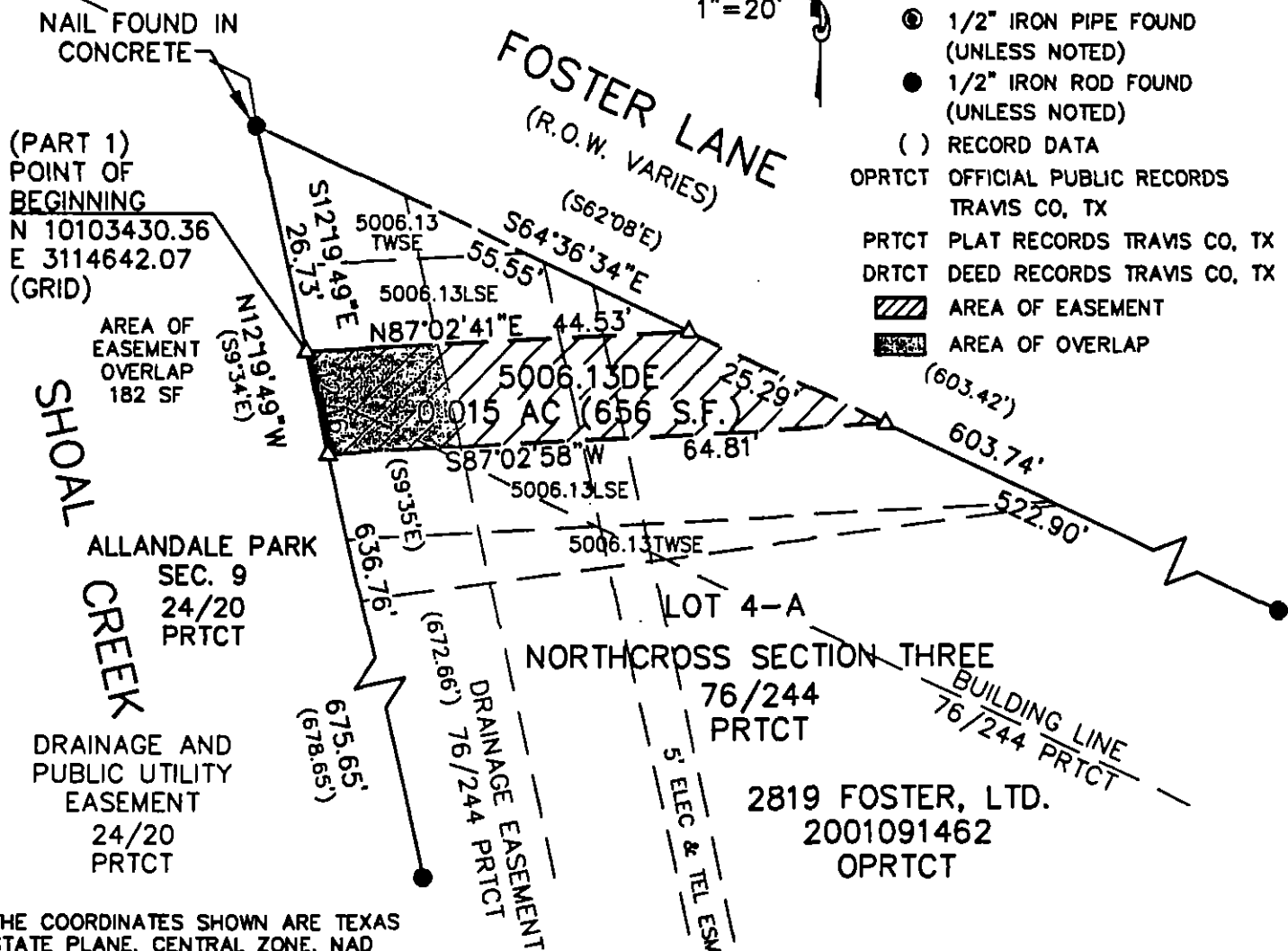
FIELD NOTES REVIEWED  
By: *[Signature]* Date: 8-15-03  
Austin Clean Water Program  
Survey Coordinator

# GEORGE W. DAVIS SURVEY NO. 15

SCALE  
1"=20'

## LEGEND

- △ CALCULATED POINT
- ⊙ 1/2" IRON PIPE FOUND (UNLESS NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ( ) RECORD DATA
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
- PRTCT PLAT RECORDS TRAVIS CO, TX
- DRTCT DEED RECORDS TRAVIS CO, TX
- ▨ AREA OF EASEMENT
- ▩ AREA OF OVERLAP



THE COORDINATES SHOWN ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83(93)HARN. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINTS "GPS31" HAVING COORDINATE VALUES N=10104076.26, E=3113212.65 AND "GPS33" HAVING COORDINATE VALUES N=10103494.00, E=3114683.59. COMBINED SCALE FACTOR = 0.999944. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

RECORD DATA REFERENCE:  
LANDAMERICA COMMONWEALTH TITLE COMPANY OF AUSTIN  
7700 MOPAC EXPRESSWAY NORTH,  
SUITE 350  
AUSTIN, TX 78731  
GF No. 144014CM



*Eduardo O. Mendez*  
8/14/03

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

CHEVY CHASE ONE  
7700 Chevy Chase Drive  
Suite 100, Austin, Texas 78732  
(w) 812.453.0767 (m) 512.453.1734

**SKETCH TO ACCOMPANY  
FIELD NOTES**  
**TRAVIS COUNTY, TEXAS**

DATE: 14 AUG 03  
JOB NO: 02208A  
FILE: 6004\_DE

Exhibit "A"  
Page 3 of 3

Field Notes for Parcel 5006.13AE

BEING 0.015 OF ONE ACRE (656 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY No. 15 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 4-A OF NORTHCROSS SECTION THREE, RECORDED IN BOOK 76, PAGE 244 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 2819 FOSTER, LTD BY SPECIAL WARRANTY DEED FILED FOR RECORD ON JUNE 7, 2001, RECORDED IN DOCUMENT NO. 2001091462 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.015 OF ONE ACRE (656 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 the westerly line of said Lot 4-A, same being in the easterly line of a Drainage and Public Utility Easement dedicated by Allandale Park Sec. 9, recorded in Book 24, Page 20 of the Plat Records of Travis County, Texas, same also being South 12°19'49" East, a distance of 26.73 feet from a nail found in concrete in the southwest right-of-way line of Foster Lane (R.O.W. varies) at the most northerly corner of said Lot 4-A, for the Point of Beginning and the most westerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83(93) HARN, US Feet, Combined Scale Factor 0.999944) values of N=10103430.36 and E=3114642.07;

1) THENCE, North 87°02'41" East, a distance of 44.53 feet, leaving the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement, crossing said Lot 4-A to a calculated point in the southwest right-of-way line of said Foster Lane for the most northerly corner of the herein described tract of land;

2) THENCE, South 64°36'34" East, a distance of 25.29 feet, with the southwest right-of-way line of said Foster Lane, and a northeasterly line of said Lot 4-A to a calculated point for the most easterly corner of the herein described tract of land;

3) THENCE, South 87°02'58" West, a distance of 64.81 feet, leaving the southwest right-of-way line of said Foster Lane and a northeasterly line of said Lot 4-A, crossing through said Lot 4-A to a calculated point in the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement for the most southerly corner of the herein described tract of land;

4) THENCE, North 12°19'49" West, a distance of 12.16 feet, with the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement to the Point of Beginning, and containing an area of 0.015 of one acre (656 S.F.) of land, more or less.

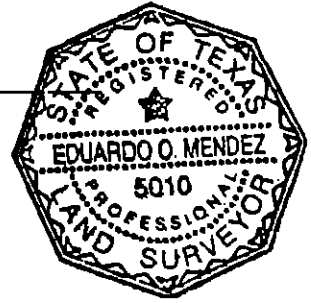
I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

*Eduardo O. Mendez*

Eduardo O. Mendez  
Registered Professional Land Surveyor 5010

*8/14/03*

Date



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

The bearings described herein are Texas State Plane, Central Zone NAD83(93) HARN. For surface coordinates, divide grid coordinates by an adjustment factor of 0.999944. The reference for this project is "GPS 31", 60d nail found approximately 10 feet southwest of the centerline intersection of Foster Lane and Great Northern Boulevard having coordinate values N=10104076.26, E=3113212.65, "GPS 33", 60d nail found approximately 530 feet southeast of the centerline intersection of Foster Lane and Shoal Creek Boulevard having coordinate values N=10103494.00, E=3114683.59, having a grid bearing of S 68°24'15" E and a surface distance of 1582.08 feet.

TCAD No. : 02-3904-0101  
Austin Grid: J30-4

FIELD NOTES REVIEWED  
By: *[Signature]* Date: *8-15-03*  
Austin Clean Water Program  
Survey Coordinator

# GEORGE W. DAVIS SURVEY NO. 15

## LEGEND

- △ CALCULATED POINT
- ⊙ 1/2" IRON PIPE FOUND (UNLESS NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ( ) RECORD DATA
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
- PRTCT PLAT RECORDS TRAVIS CO, TX
- DRTCT DEED RECORDS TRAVIS CO, TX
- ▨ AREA OF EASEMENT
- ▩ AREA OF OVERLAP

SCALE  
1"=20'



FOSTER LANE  
(R.O.W. VARIES)

NAIL FOUND IN  
CONCRETE

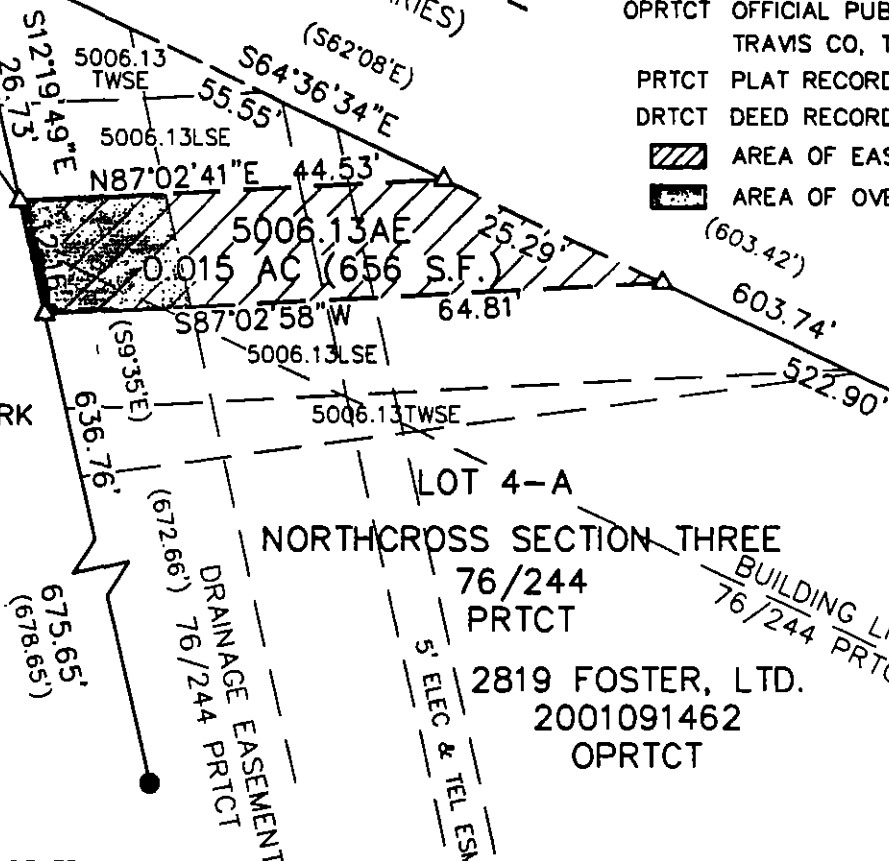
(PART 1)  
POINT OF  
BEGINNING  
N 10103430.36  
E 3114642.07  
(GRID)

AREA OF  
EASEMENT  
OVERLAP  
182 SF

SHOAL  
CREEK

ALLANDALE PARK  
SEC. 9  
24/20  
PRTCT

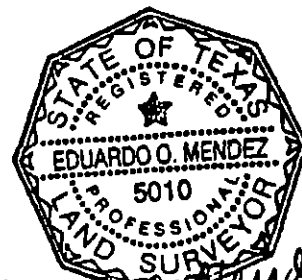
DRAINAGE AND  
PUBLIC UTILITY  
EASEMENT  
24/20  
PRTCT



2819 FOSTER, LTD.  
2001091462  
OPRTCT

THE COORDINATES SHOWN ARE TEXAS  
STATE PLANE, CENTRAL ZONE, NAD  
83(93)HARN. THE BEARINGS SHOWN ARE  
GRID BEARINGS. THESE COORDINATES WERE  
ESTABLISHED FROM REFERENCE POINTS  
"GPS31" HAVING COORDINATE VALUES  
N=10104076.26, E=3113212.65 AND  
"GPS33" HAVING COORDINATE VALUES  
N=10103494.00, E=3114683.59. COMBINED  
SCALE FACTOR = 0.999944. ALL  
DISTANCES SHOWN ARE SURFACE  
DISTANCES.

RECORD DATA REFERENCE:  
LANDAMERICA COMMONWEALTH TITLE  
COMPANY OF AUSTIN  
7700 MOPAC EXPRESSWAY NORTH,  
SUITE 350  
AUSTIN, TX 78731  
GF No. 144014CM



*Eduardo O. Mendez*  
8/14/03



**MARTINEZ  
WRIGHT &  
MENDEZ**

Civil Engineering, Land Surveying, Architecture

CHEVY CHASE ONE  
7700 Chevy Chase Drive  
Suite 100, Austin, Texas 78752  
(512) 512.453.0747 (512) 512.453.1734

SKETCH TO ACCOMPANY  
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 14 AUG 03  
JOB NO: 02359A  
FILE: 8008\_13AE

Exhibit "B"  
Page 3 of 3



2819 FOSTER, LTD  
to  
City of Austin  
(Lateral Support Easement)

Field Notes for Parcel 5006.13LSE

BEING 0.025 OF ONE ACRE (1093 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY No. 15 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 4-A OF NORTHCROSS SECTION THREE, RECORDED IN BOOK 76, PAGE 244 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 2819 FOSTER, LTD BY SPECIAL WARRANTY DEED FILED FOR RECORD ON JUNE 7, 2001, RECORDED IN DOCUMENT NO. 2001091462 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.025 OF ONE ACRE (1093 S.F.) OF LAND BEING HEREINAFTER DESIGNATED AS PART 1 AND PART 2 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

PART 1

BEGINNING at a calculated point in the westerly line of said Lot 4-A, same being in the easterly line of a Drainage and Public Utility Easement dedicated by Allandale Park Sec. 9, recorded in Book 24, Page 20 of the Plat Records of Travis County, Texas, same also being South 12°19'49" East, a distance of 16.60 feet from a nail found in concrete in the southwest right-of-way line of Foster Lane (R.O.W. varies) at the most northerly corner of said Lot 4-A, for the Point of Beginning and the most westerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83(93) HARN, US Feet, Combined Scale Factor 0.999944) values of N=10103440.26 and E=3114639.90;

1) THENCE, North 87°02'41" East, a distance of 27.65 feet, leaving the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement, crossing said Lot 4-A to a calculated point in the southwest right-of-way line of said Foster Lane for the most northerly corner of the herein described tract of land;

2) THENCE, South 64°36'34" East, a distance of 21.06 feet, with the southwest right-of-way line of said Foster Lane, and a northeasterly line of said Lot 4-A to a calculated point for the most easterly corner of the herein described tract of land;

3) THENCE, South 87°02'41" West, a distance of 44.53 feet, leaving the southwest right-of-way line of said Foster Lane and a northeasterly line of said Lot 4-A, crossing through said Lot 4-A to a calculated point in the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement for the most southerly corner of the herein described tract of land;

4) THENCE, North 12°19'49" West, a distance of 10.14 feet, with the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement to the Point of Beginning, and containing an area of 0.008 of one acre (361 S.F.) of land, more or less.

PART 2

BEGINNING at a calculated point in the westerly line of said Lot 4-A, same being in the easterly line of said Drainage and Public Utility Easement, same also being North 12°19'49" West, a distance of 626.61 feet from a 1/2 inch iron rod found for a corner of said Lot 4-A, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas

Central Zone, NAD83(93) HARN, US Feet, Combined Scale Factor 0.999944) values of N=10103408.57 and E=3114646.83;

1) THENCE, North 12°19'49" West, a distance of 10.14 feet, with the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement, to a calculated point for the most westerly corner of the herein described tract of land;

2) THENCE, North 87°02'58" East, a distance of 64.81 feet, leaving the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement, crossing through said Lot 4-A to a calculated point in the southwest right-of-way line of said Foster Lane and the northeasterly line of said Lot 4-A, for the most northerly corner of the herein described tract of land;

3) THENCE, South 64°36'34" East, a distance of 21.07 feet, with the southwest right-of-way line of said Foster Lane and the northeasterly line of said Lot 4-A, to a calculated point for a corner;

4) THENCE, South 87°02'58" West, a distance of 81.69 feet, leaving the southwest right-of-way line of said Foster Lane and the northeasterly line of said Lot 4-A, crossing through said Lot 4-A, to the Point of Beginning, and containing an area of 0.017 of one acre (732 S.F.) of land, more or less.

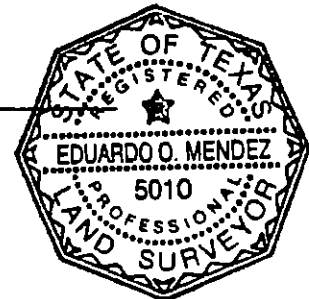
Part 1	0.008 ac.	( 361 sf)
Part 2	0.017 ac.	( 732 sf)
Total	0.025 ac.	(1093 sf)

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

8/14/03  
Date



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

The bearings described herein are Texas State Plane, Central Zone NAD83(93) HARN. For surface coordinates, divide grid coordinates by an adjustment factor of 0.999944. The reference for this project is "GPS 31", 60d nail found approximately 10 feet southwest of the centerline intersection of Foster Lane and Great Northern Boulevard having coordinate values N=10104076.26, E=3113212.65, "GPS 33", 60d nail found approximately 530 feet southeast of the centerline intersection of Foster Lane and Shoal Creek Boulevard having coordinate values N=10103494.00, E=3114683.59, having a grid bearing of S 68°24'15" E and a surface distance of 1582.08 feet.

TCAD No. : 02-3904-0101  
Austin Grid: J30-4

By: *[Signature]* Date: 8-15-03  
FIELD NOTES REVIEWED  
Austin Clean Water Program  
Survey Coordinator

S:\Projects\02359\FIELDNOTES\5006\_13LST

Exhibit "C"  
Page 2 of 3

# GEORGE W. DAVIS SURVEY NO. 15

FOSTER LANE  
(R.O.W. VARIES)

SCALE  
1"=20'

## LEGEND

- △ CALCULATED POINT
- ⊙ 1/2" IRON PIPE FOUND (UNLESS NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ( ) RECORD DATA
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
- PRTCT PLAT RECORDS TRAVIS CO, TX
- DRCTCT DEED RECORDS TRAVIS CO, TX
- ▨ AREA OF EASEMENT
- ▩ AREA OF OVERLAP

NAIL FOUND IN CONCRETE

(PART 1)  
POINT OF BEGINNING  
N 10103440.26  
E 3114639.90  
(GRID)

ALLANDALE PARK  
SEC. 9  
24/20 PRTCT

PART 1  
5006.13LSE  
0.008 AC  
(361 S.F.)

PART 2  
5006.13LSE  
0.017 AC  
(732 S.F.)

(PART 2)  
POINT OF BEGINNING  
N 10103408.57  
E 3114646.83  
(GRID)

DRAINAGE AND  
PUBLIC UTILITY  
EASEMENT  
24/20  
PRTCT

THE COORDINATES SHOWN ARE TEXAS  
STATE PLANE, CENTRAL ZONE, NAD  
83(93)HARN. THE BEARINGS SHOWN  
ARE GRID BEARINGS. THESE  
COORDINATES WERE ESTABLISHED  
FROM REFERENCE POINTS "GPS31"  
HAVING COORDINATE VALUES  
N=10104076.26, E=3113212.65 AND  
"GPS33" HAVING COORDINATE VALUES  
N=10103494.00, E=3114683.59.  
COMBINED SCALE FACTOR =  
0.999944. ALL DISTANCES SHOWN  
ARE SURFACE DISTANCES.

RECORD DATA REFERENCE:  
LANDAMERICA COMMONWEALTH TITLE  
COMPANY OF AUSTIN  
7700 MOPAC EXPRESSWAY NORTH,  
SUITE 350  
AUSTIN, TX 78731  
GF No. 144014CM

SHOAL CREEK

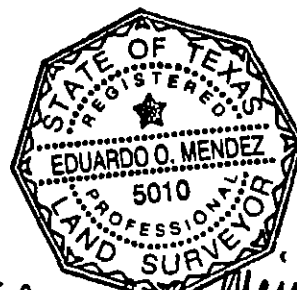
DRAINAGE EASEMENT  
76/244 PRTCT

LOT 4-A

NORTHCROSS SECTION THREE  
76/244  
PRTCT

2819 FOSTER, LTD.  
2001091462  
OPRTCT

PART 1	0.008 AC	361 S.F.
PART 2	0.017 AC	732 S.F.
TOTAL	0.025 AC	1093 S.F.



*Eduardo O. Mendez*  
8/14/03

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

CHEVY CHASE ONE  
7700 Chevy Chase Drive  
Suite 100, Austin, Texas 78752  
(512) 453.0767 (m) 512.453.1734

SKETCH TO ACCOMPANY  
FIELD NOTES  
TRAVIS COUNTY, TEXAS

DATE: 14 AUG 03  
JOB NO: 02368A  
FILE: 8008.13LSE

Exhibit "C"  
Page 3 of 3

2819 FOSTER, LTD  
to  
City of Austin  
(Temporary Working Space  
Easement)

Field Notes for Parcel 5006.13TWSE

BEING 0.012 OF ONE ACRE (536 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY No. 15 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 4-A OF NORTHCROSS SECTION THREE, RECORDED IN BOOK 76, PAGE 244 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 2819 FOSTER, LTD BY SPECIAL WARRANTY DEED FILED FOR RECORD ON JUNE 7, 2001, RECORDED IN DOCUMENT NO. 2001091462 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.012 OF ONE ACRE (536 S.F.) OF LAND BEING HEREINAFTER DESIGNATED AS PART 1 AND PART 2 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

PART 1

BEGINNING at a nail found in concrete in the southwest right-of-way line of Foster Lane (R.O.W. varies) at the most northerly corner of said Lot 4-A, same being in the easterly line of a Drainage and Public Utility Easement dedicated by Allandale Park Sec. 9, recorded in Book 24, Page 20 of the Plat Records of Travis County, Texas, same also being North 12°19'49" West, a distance of 675.65 feet from a 1/2 inch iron rod found at a corner of said Lot 4-A, for the Point of Beginning and the most northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83(93) HARN, US Feet, Combined Scale Factor 0.999944) values of N=10103505.43 and E=3114544.15;

1) THENCE, South 64°36'34" East, a distance of 34.49 feet, with the southwest right-of-way line of said Foster Lane and a northeasterly line of said Lot 4-A to a calculated point for the most easterly corner of the herein described tract of land;

2) THENCE, South 87°02'41" West, a distance of 27.65 feet, leaving the southwest right-of-way line of said Foster Lane and a northeasterly line of said Lot 4-A, crossing through said Lot 4-A to a calculated point in the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement, for the most southerly corner of the herein described tract of land;

3) THENCE, North 12°19'49" West, a distance of 16.60 feet, with the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement to the Point of Beginning, and containing an area of 0.005 of one acre (226 S.F.) of land, more or less.

PART 2

BEGINNING at a calculated point in the westerly line of said Lot 4-A, same being in the easterly line of said Drainage and Public Utility Easement, same also being North 12°19'49" West, a distance of 619.26 feet from a 1/2 inch iron rod found for a corner of said Lot 4-A, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83(93) HARN, US Feet, Combined Scale Factor 0.999944) values of N=10103401.39 and E=3114648.40;

1) THENCE, North 12°19'49" West, a distance of 7.35 feet, with the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility

Easement, to a calculated point for the most westerly corner of the herein described tract of land;

2) THENCE, North 87°02'58" East, a distance of 81.69 feet, leaving the westerly line of said Lot 4-A and the easterly line of said Drainage and Public Utility Easement, crossing through said Lot 4-A to a calculated point in the southwest right-of-way line of said Foster Lane and the northeasterly line of said Lot 4-A, for the most northerly corner of the herein described tract of land;

3) THENCE, South 64°36'34" East, a distance of 0.92 feet, with the southwest right-of-way line of said Foster Lane and the northeasterly line of said Lot 4-A, to a calculated point for a corner;

4) THENCE, South 82°22'59" West, a distance of 80.02 feet, leaving the southwest right-of-way line of said Foster Lane and the northeasterly line of said Lot 4-A, crossing through said Lot 4-A, to a calculated point for a corner;

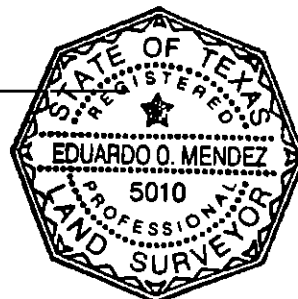
5) THENCE, South 75°48'46" West, a distance of 1.57 feet, to the Point of Beginning, and containing an area of 0.007 of one acre (310 S.F.) of land, more or less.

Part 1	0.005 ac.	(226 sf)
Part 2	0.007 ac.	(310 sf)
Total	0.012 ac.	(536 sf)

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

8/14/03  
Date



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

The bearings described herein are Texas State Plane, Central Zone NAD83(93) HARN. For surface coordinates, divide grid coordinates by an adjustment factor of 0.999944. The reference for this project is "GPS 31", 60d nail found approximately 10 feet southwest of the centerline intersection of Foster Lane and Great Northern Boulevard having coordinate values N=10104076.26, E=3113212.65, "GPS 33", 60d nail found approximately 530 feet southeast of the centerline intersection of Foster Lane and Shoal Creek Boulevard having coordinate values N=10103494.00, E=3114683.59, having a grid bearing of S 68°24'15" E and a surface distance of 1582.08 feet.

TCAD No. : 02-3904-0101  
Austin Grid: J30-4

FIELD NOTES REVIEWED  
By: [Signature] Date: 8-15-03  
Austin Clean Water Program  
Survey Coordinator

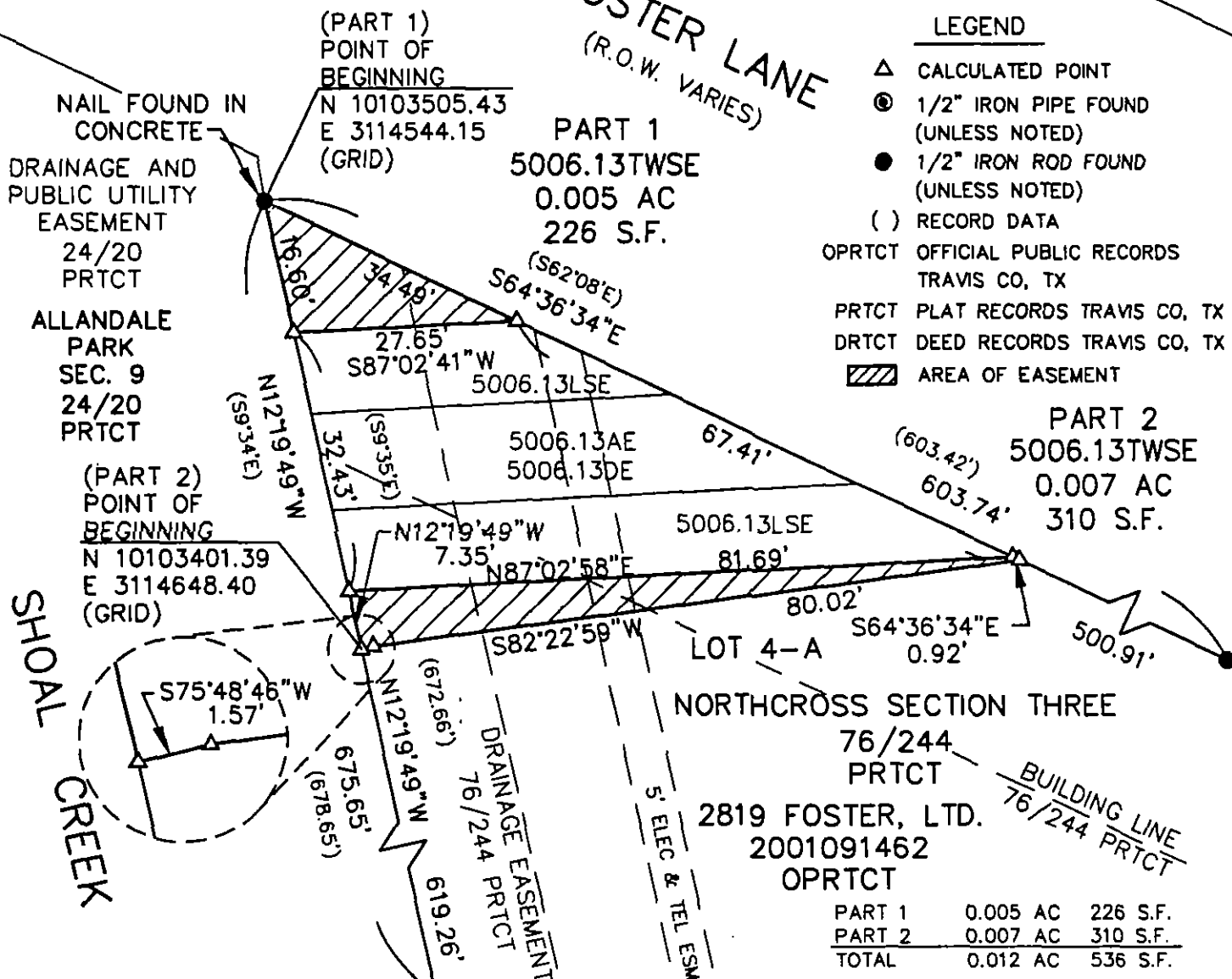
# GEORGE W. DAVIS SURVEY NO. 15

SCALE  
1"=20'

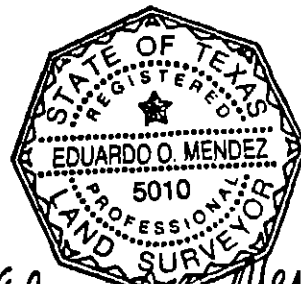
## FOSTER LANE (R.O.W. VARIES)

### LEGEND

- △ CALCULATED POINT
- ⊙ 1/2" IRON PIPE FOUND (UNLESS NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ( ) RECORD DATA
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
- PRCTCT PLAT RECORDS TRAVIS CO, TX
- DRTCT DEED RECORDS TRAVIS CO, TX
- ▨ AREA OF EASEMENT



THE COORDINATES SHOWN ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83(93)HARN. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINTS "GPS31" HAVING COORDINATE VALUES N=10104076.26, E=3113212.65 AND "GPS33" HAVING COORDINATE VALUES N=10103494.00, E=3114683.59. COMBINED SCALE FACTOR = 0.999944. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.



*Eduardo O. Mendez*  
8/14/03

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

CHEVY CHASE ONE  
7700 Chevy Chase Drive  
Suite 100, Austin, Texas 78752  
(512) 453.0787 (m) 512.453.1734

SKETCH TO ACCOMPANY  
FIELD NOTES  
TRAVIS COUNTY, TEXAS

DATE: 14 AUG 03  
JOB NO: 82388A  
FILE: 6006\_13TWSE

Exhibit "D"  
Page 3 of 3