

RESOLUTION NO. 040415-12

WHEREAS, the Council finds that the property described in the attachment is necessary for a public use; and

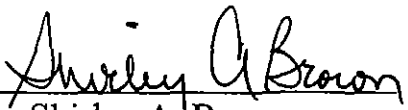
WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property.

The owner of the property to be acquired is The Eparchy of Our Lady of Lebanon of Los Angeles and the property is located at 1320 East 51st Street, Austin, Travis County, Texas.

ADOPTED: April 15, 2004

ATTEST: 
Shirley A. Brown
City Clerk

**The Eparchy of Our Lady of Lebanon of Los Angeles
12332/207, R.P.R.T.C.**

**To
City of Austin
(for Wastewater Easement)**

FIELD NOTES FOR PARCEL 5007.22 WE-A

ALL OF THAT CERTAIN 0.002 ACRE (108 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE JAMES P. WALLACE SURVEY, TRAVIS COUNTY, TEXAS, AND OUT OF A CALLED 5.20 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED TO THE EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES IN VOLUME 12332, PAGE 207 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY (R.P.R.T.C.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 60-D nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10085657.09, E=3126695.30, at the northeast corner of said 5.20 acre tract, said 60-D nail also being an ell corner of Lot 49, Block H of Windsor Park, Section 3 as recorded in Plat Book 7, Page 100 of the Travis County Plat Records (T.C.P.R.);;

Thence, with the east line of said 5.20 acre tract, South 27 degrees 05 minutes 30 seconds West, a distance of 6.17 feet to a 60-D nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10085651.60, E=3126692.48, for the **POINT OF BEGINNING** of the herein described tract;

Thence, continuing with the east line of said 5.20 acre tract, South 27 degrees 05 minutes 30 seconds West, passing at a distance of 1.59 feet the northwest corner Lot 2 of the United Pentecostal Church Addition as recorded in Plat Book 73, Page 2 of the T.C.P.R.; in all a total distance of 16.93 feet to a 60-D nail set on the northerly line of a 10' Sanitary Sewer Easement (S.S.E.) recorded in Volume 1163, Page 486 of the Travis County Deed Records (T.C.D.R.);

Thence, through and across said 5.20 acre tract the following two (2) courses and distances;

1. With the northerly line of said 10' S.S.E., North 78 degrees 47 minutes 04 seconds West, a distance of 13.27 feet to a 60-D nail set;
2. North 58 degrees 55 minutes 40 seconds East, a distance of 24.21 feet to the **POINT OF BEGINNING** and containing 0.002 acre (108 square feet) of land, more or less.

EXHIBIT "A"

I hereby certify that these field notes were prepared by Vara Land Surveying, Inc., from a survey made on the ground in August of 2003 under my supervision.


Prepared by Vara Land Surveying, Inc.



Daniel P. Hejl, Jr.
Registered Professional Land Surveyor No. 5265
Date: August 24, 2003



Bearing Basis: The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83(CORS), combined scale factor=0.999939805). The reference for this project is a 1/2-inch iron rod found for the northeast corner of Lot 17, Block D, Windsor Park Section 4A and the northeast corner of Lot 16 Block D, Windsor Park Section 4A, having a grid bearing of North 22 degrees 32 minutes 01 seconds East (North 24 degrees 58 minutes East – plat bearing).

FIELD NOTES REVIEWED
By:  Date: 8-26-03
Austin Clean Water Program
Survey Coordinator

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

August 26, 2003

5007.22we-a.doc

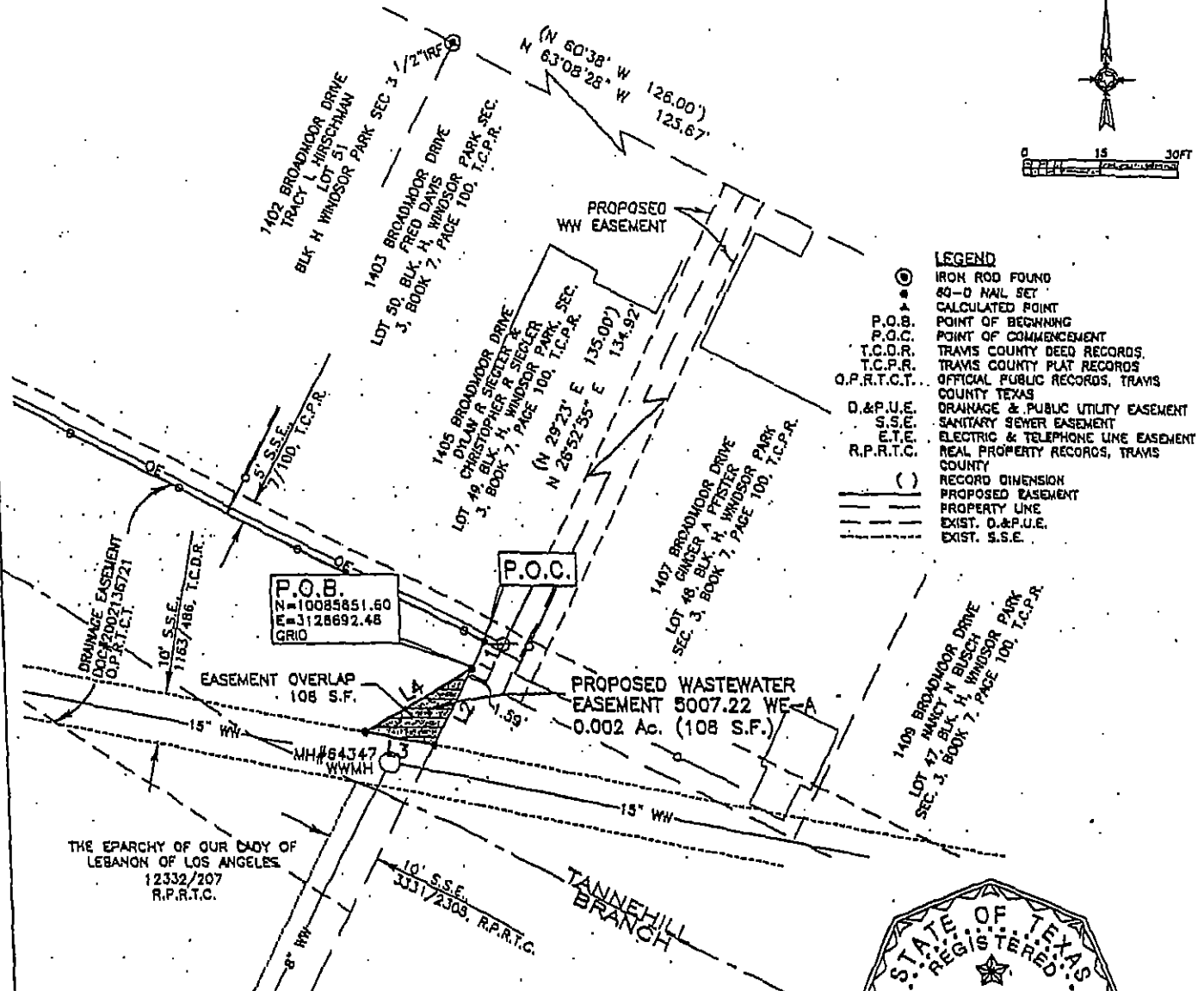
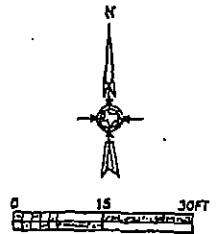
TCAD #0222140515

Map Grid #L25

EXHIBIT "A"

Page 2 of 3

SURVEY OF A PORTION OF THE JAMES P. WALLACE SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



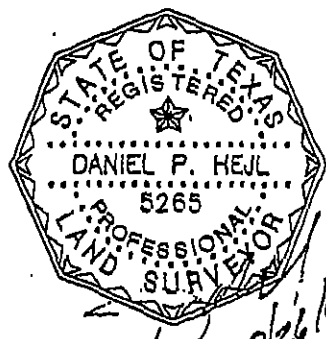
- LEGEND**
- IRON ROD FOUND
 - 80-0 NAIL SET
 - CALCULATED POINT
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - TRAVIS COUNTY DEED RECORDS
 - TRAVIS COUNTY PLAT RECORDS
 - OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY TEXAS
 - D.&P.U.E. DRAINAGE & PUBLIC UTILITY EASEMENT
 - S.S.E. SANITARY SEWER EASEMENT
 - E.T.E. ELECTRIC & TELEPHONE LINE EASEMENT
 - R.P.R.T.C. REAL PROPERTY RECORDS, TRAVIS COUNTY
 - () RECORD DIMENSION
 - PROPOSED EASEMENT
 - PROPERTY LINE
 - EXIST. D.&P.U.E.
 - EXIST. S.S.E.

L1	S 27°05'30" W	6.17'
L2	S 27°05'30" W	16.93'
L3	N 78°47'04" W	13.27'
L4	N 58°55'40" E	24.21'

BEARING BASIS NOTE:
 THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATES, TEXAS CENTRAL ZONE, NAD83(CORS) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT CB22, HAVING COORDINATE VALUES N=10084531.41, E=3128111.59 AND REFERENCE POINT L-25-1001(RM03), HAVING COORDINATE VALUES N=10084864.093, E=3126476.150. COMBINED SCALE FACTOR=0.999939805. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A CURRENT TITLE REPORT, G.F. No. 03070413, EFFECTIVE DATE: 7-02-03.

LOT 2, UNITED PENTECOSTAL CHURCH ADDITION
 73/2, T.C.P.R.



AS SURVEYED BY
 VARA LAND SURVEYING, INC.

DANIEL P. HEUL, JR.
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5265

VARA LAND SURVEYING, INC.
 601 Farley Drive, Austin, Texas 78753
 (512) 236-2522 FAX (512) 836-0273

**The Eparchy of Our Lady of Lebanon of Los Angeles
12332/207, R.P.R.T.C.**

**To
City of Austin
(for Wastewater Easement)**

FIELD NOTES FOR PARCEL 5007.22 WE

**ALL OF THAT CERTAIN 0.04 ACRE (1,742 SQUARE FEET) TRACT OR
PARCEL OF LAND SITUATED IN THE JAMES P. WALLACE SURVEY, TRAVIS
COUNTY, TEXAS, AND OUT OF A CALLED 5.20 ACRE TRACT OF LAND
CONVEYED BY WARRANTY DEED TO THE EPARCHY OF OUR LADY OF
LEBANON OF LOS ANGELES IN VOLUME 12332, PAGE 207 OF THE REAL
PROPERTY RECORDS OF TRAVIS COUNTY (R.P.R.T.C.), AND BEING MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a 60-D nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10085835.49, E=3126122.72, at the southeast corner of Lot 15, Block D of Windsor Park, Section 4A as recorded in Plat Book 15, Page 17 of the Travis County Plat Records (T.C.P.R.), said 60-D nail also being the northeast corner of that certain tract of land conveyed to the City of Austin in Volume 1698, Page 235 of the Travis County Deed Records (T.C.D.R.), also being on the westerly line of said 5.20 acre tract;

Thence, with the west line of said 5.20 acre tract and the east line of said Lot 15, North 18 degrees 56 minutes 46 seconds East, a distance of 20.62 feet to a 60-D nail set;

Thence, through and across said 5.20 acre tract the following three (3) courses and distances;

1. South 63 degrees 05 minutes 23 seconds East, a distance of 6.36 feet to a 60-D nail set;
2. North 53 degrees 00 minutes 29 seconds East, a distance of 89.29 feet to a 60-D nail set;
3. North 22 degrees 32 minutes 01 seconds East, a distance of 4.47 feet to a 60-D nail set on the north line of said 5.20 acre tract and the south line of Lot 16, Block D of said Windsor Park, Section 4A;

Thence, with the north line of said 5.20 acre tract and the south line of said Windsor Park, Section 4A, South 62 degrees 26 minutes 59 seconds East, a distance of 15.06 feet to a 60-D nail set;

Thence, through and across said 5.20 acre tract the following three (3) courses and distances;

1. South 22 degrees 32 minutes 01 seconds West, a distance of 7.24 feet to a 60-D nail set;

EXHIBIT "B"

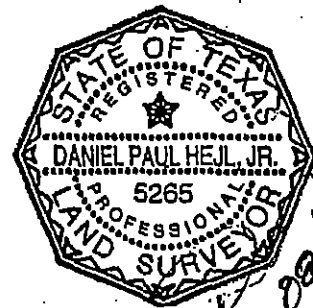
2. South 53 degrees 00 minutes 29 seconds West, a distance of 108.78 feet to a 60-D nail set;
3. North 63 degrees 01 minutes 59 seconds West, a distance of 10.20 feet to the **POINT OF BEGINNING** and containing 0.04 acre (1,742 square feet) of land, more or less.

I hereby certify that these field notes were prepared by Vara Land Surveying, Inc., from a survey made on the ground in August of 2003 under my supervision.

Prepared by Vara Land Surveying, Inc.



Daniel P. Hejl, Jr.
Registered Professional Land Surveyor No. 5265
Date: August 26, 2003



Bearing Basis: The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83(CORS), combined scale factor=0.999939805). The reference for this project is a 1/2-inch iron rod found for the northeast corner of Lot 17, Block D, Windsor Park Section 4A and the northeast corner of Lot 16 Block D, Windsor Park Section 4A, having a grid bearing of North 22 degrees 32 minutes 01 seconds East (North 24 degrees 58 minutes East - plat bearing).


FIELD NOTES REVIEWED

By:  Date: 9-17-03

Austin Clean Water Program
Survey Coordinator

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

August 26, 2003

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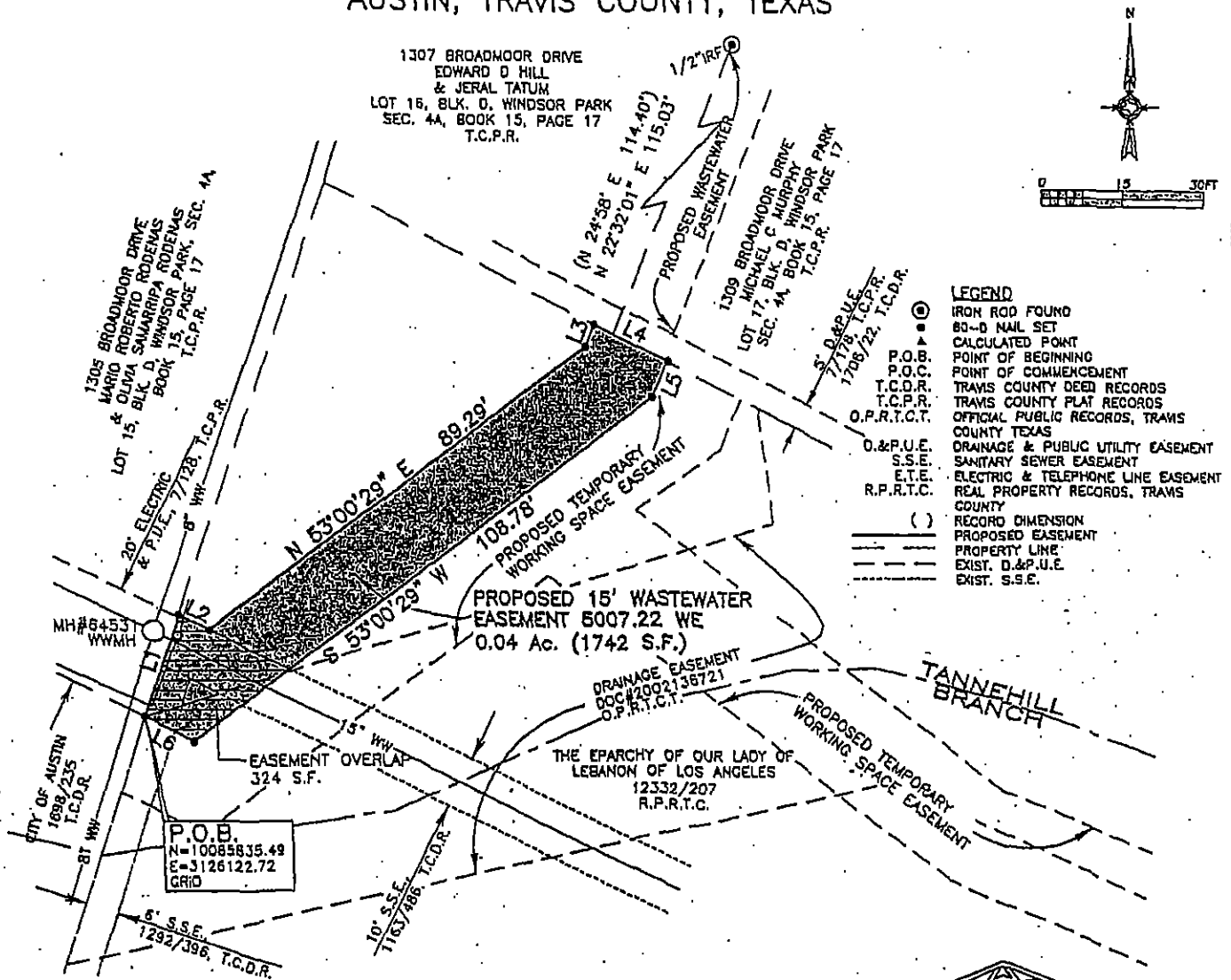
TCAD #0222140515

Map Grid #L25

EXHIBIT "B"

Page 2 of 3

SURVEY OF A PORTION OF THE JAMES P. WALLACE SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



L1	N 18°56'46" E	20.82'
L2	S 63°05'23" E	6.38'
L3	N 22°32'01" E	4.47'
L4	S 62°26'59" E	15.06'
L5	S 22°32'01" W	7.24'
L6	N 63°01'59" W	10.20'

BEARING BASIS NOTE:
THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATES, TEXAS CENTRAL ZONE, NAD83(CORS) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT CB22, HAVING COORDINATE VALUES N=10084531.41, E=3128111.59 AND REFERENCE POINT L-25-1001(RM03), HAVING COORDINATE VALUES N=10084864.093, E=3126476.150. COMBINED SCALE FACTOR=0.999935605. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A CURRENT TITLE REPORT, G.F. No. 03070413, EFFECTIVE DATE: 7-02-03.

AS SURVEYED BY
VARA LAND SURVEYING, INC.

DANIEL P. HEJL, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5265

VARA LAND SURVEYING, INC.

601 Farley Drive, Austin, Texas 78753

(512) 835-2622 FAX (512) 636-0273

EXHIBIT "B"

Page 3 of 3

The Eparchy of Our Lady of Lebanon of Los Angeles
12332/207, R.P.R.T.C.

To
City of Austin
(for Temporary Working Space Easement)

FIELD NOTES FOR PARCEL 5007.22 TWSE

ALL OF THAT CERTAIN 0.49 ACRE (21,166 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE JAMES P. WALLACE SURVEY, TRAVIS COUNTY, TEXAS, AND OUT OF A CALLED 5.20 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED TO THE EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES IN VOLUME 12332, PAGE 207 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY (R.P.R.T.C.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999939805) values of N=10085835.49, E=3126122.72, at the southeast corner of Lot 15, Block D of Windsor Park, Section 4A as recorded in Plat Book 15, Page 17 of the Travis County Plat Records (T.C.P.R.), said 60-D nail also being the northeast corner of that certain tract of land conveyed to the City of Austin in Volume 1698, Page 235 of the Travis County Deed Records (T.C.D.R.), also being on the westerly line of said 5.20 acre tract;

Thence, through and across said 5.20 acre tract the following three (3) courses and distances;

1. South 63 degrees 01 minutes 59 seconds East, a distance of 10.20 feet to a calculated point;
2. North 53 degrees 00 minutes 29 seconds East, a distance of 108.78 feet to a calculated point;
3. North 22 degrees 32 minutes 01 seconds East, a distance of 7.24 feet to a calculated point on the north line of said 5.20 acre tract and the south line of Lot 17, Block D of said Windsor Park, Section 4A;

Thence, with the north line of said 5.20 acre tract and the south line of said Windsor Park, Section 4A, South 62 degrees 26 minutes 59 seconds East, a distance of 15.06 feet to a calculated point;

Thence, through and across said 5.20 acre tract the following five (5) courses and distances;

1. South 22 degrees 32 minutes 01 seconds West, a distance of 10.01 feet to a calculated point;
2. South 53 degrees 00 minutes 29 seconds West, a distance of 19.52 feet to a calculated point;

EXHIBIT "C"

3. South 51 degrees 59 minutes 12 seconds East, a distance of 86.37 feet to a calculated point;
4. South 62 degrees 18 minutes 19 seconds East, a distance of 352.57 feet to a calculated point;
5. North 81 degrees 52 minutes 27 seconds East, a distance of 77.62 feet to a calculated point on the southerly line of Lot 49, Block H of Windsor Park, Section 3, as recorded in Book 7, Page 100 of the T.C.P.R.;

Thence, with the south line of said Lot 49, South 62 degrees 32 minutes 42 seconds East, a distance of 25.67 feet to a calculated point for an ell corner of said Lot 49 and the northeast corner of said 5.20 acre tract;

Thence, with the easterly line of said 5.20 acre tract and the westerly line of said Lot 49, South 26 degrees 56 minutes 33 seconds West, a distance of 6.29 feet to a calculated point;

Thence, through and across said 5.20 acre tract the following two (2) courses and distances;

1. South 58 degrees 55 minutes 40 seconds West, a distance of 24.08 feet to a calculated point;
2. South 78 degrees 47 minutes 04 seconds East, a distance of 13.25 feet to a calculated point on the easterly line of said 5.20 acre tract, said point also being on the westerly line of Lot 2, First United Pentecostal Church Addition, recorded in Book 73, Page 2 of the T.C.P.R.;

Thence, with the easterly line of said 5.20 acre tract and the westerly line of said Lot 2, South 26 degrees 56 minutes 33 seconds West, a distance of 52.82 feet to a calculated point;

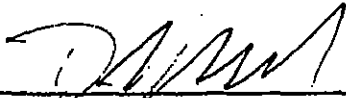
Thence, through and across said 5.20 acre tract the following six (6) courses and distances;

1. North 61 degrees 37 minutes 37 seconds West, a distance of 45.31 feet to a calculated point;
2. North 49 degrees 45 minutes 08 seconds West, a distance of 45.37 feet to a calculated point;
3. North 62 degrees 18 minutes 19 seconds West, a distance of 354.37 feet to a calculated point;
4. North 51 degrees 59 minutes 12 seconds West, a distance of 48.19 feet to a calculated point;
5. South 53 degrees 00 minutes 29 seconds West, a distance of 110.48 feet to a calculated point;
6. North 63 degrees 01 minutes 59 seconds West, a distance of 43.95 feet to the west line of said 5.20 acre tract and the east line of aforesaid City of Austin tract;

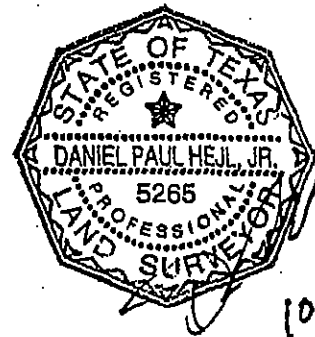
Thence, with the west line of said 5.20 acre tract and the east line of said City of Austin tract, North 18 degrees 10 minutes 54 seconds East, a distance of 49.86 feet to the **POINT OF BEGINNING** and containing 0.49 acre (21,166 square feet) of land, more or less.

I hereby certify that these field notes were prepared by Vara Land Surveying, Inc., from a survey made on the ground in October of 2003 under my supervision.

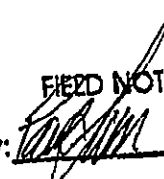
Prepared by Vara Land Surveying, Inc.



Daniel P. Hejl, Jr.
Registered Professional Land Surveyor No. 5265
Date: October 2, 2003



Bearing Basis: The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83(CORS), combined scale factor=0.999939805). The reference for this project is a 1/2-inch iron rod found for the northeast corner of Lot 17, of said Block D, Windsor Park Section 4A and the northeast corner of Lot 16 of said Block D, Windsor Park Section 4A, having a grid bearing of North 22 degrees 32 minutes 01 seconds East (North 24 degrees 58 minutes East – plat bearing).

FIELD NOTES REVIEWED
By:  Date: 10-7-03
Austin Clean Water Program
Survey Coordinator

VARA LAND SURVEYING, INC.

Ph: (512) 836-2622

October 2, 2003

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TCAD #0222140515

Map Grid #L25

EXHIBIT "C"

Page 3 of 4

SURVEY OF A PORTION OF THE JAMES P. WALLACE SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

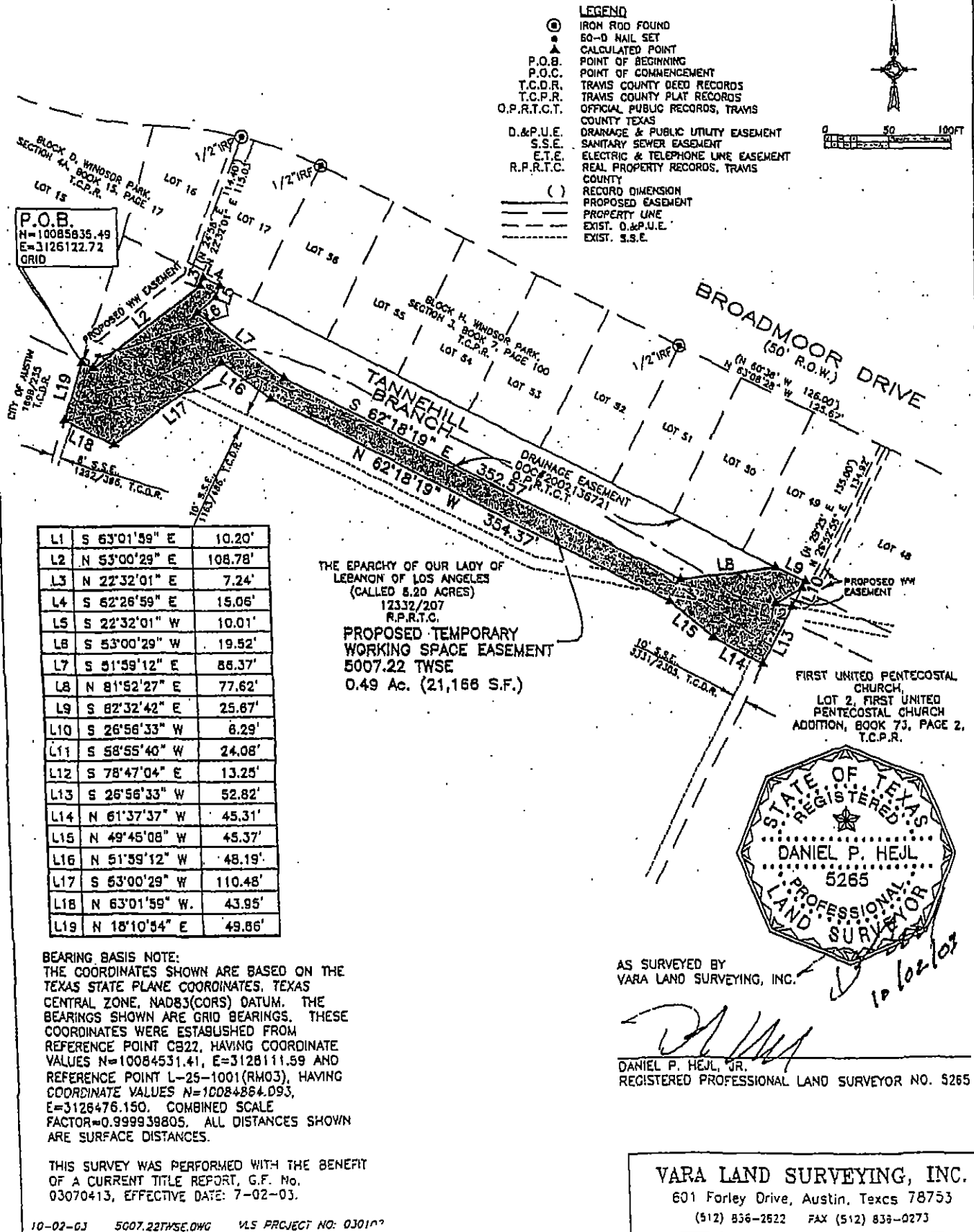


EXHIBIT "C"