

RESOLUTION NO. 040415-14

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**,

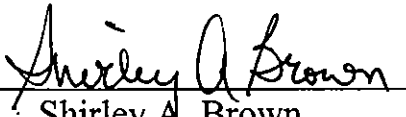
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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 Mohammad H. Gharbi and the property is located at 1014 East 53rd Street, Austin, Travis County, Texas.

ADOPTED: April 15, 2004

ATTEST:


Shirley A. Brown
City Clerk

Mohammad H. Gharbi
To
City of Austin
(Wastewater Easement)

FIELD NOTES FOR PARCEL 5016.04 WE

BEING A 0.006 ACRE (245 SQUARE FOOT) TRACT OF LAND OUT OF THE JAMES P. WALLACE SURVEY NO. 57, AUSTIN, TRAVIS COUNTY, TEXAS, AND ALSO OUT OF THE 0.535 ACRE TRACT AS DESCRIBED IN A WARRANTY DEED FROM ROBERT WESTBROOK TRUSTEE TO MOHAMMAD H. GHARBI AND RECORDED IN FILE NO. 2000163734 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND ALSO OUT OF LOT 3, F. HASTER SUBDIVISION, ACCORDING TO A MAP RECORDED IN VOLUME 4, PAGE 63 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS:

Commencing: at a found $\frac{1}{2}$ " iron rod at the intersection of the west right-of-way line of IH 35 (Right-of-Way Varies) with the south right-of-way line of E. 53 $\frac{1}{2}$ Street (60' Right-of-Way), said point also being the northeast corner of Lot 1 of the Resubdivision of portion of Lot 6, Mrs. Lou Hill Subdivision and Lot 54, Duval Heights as recorded in Volume 7, Page 162 of the Plat Records of Travis County, Texas;

Thence: 169.45 feet along a curve to the right having a radius of 5,630.16 feet a delta angle of $01^{\circ}43'28''$ and a chord bearing and distance of S $22^{\circ}01'24''$ W, 169.45 feet and along said west right-of-way line of IH 35 and also along the east line of said Lot 1 to a set 60D nail for the POINT OF BEGINNING having Texas State Plane Coordinate (Texas Central Zone, NAD83 (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10086937.58 E=3124465.05 for the northeast corner of this tract;

Thence: 20.01 feet along a curve to the right having a radius of 5,630.16 feet, a delta angle of $00^{\circ}12'13''$ and a chord bearing and distance of S $22^{\circ}59'15''$ W, 20.00 feet and also along said west right-of-way line of IH 35 to a set 60D nail;

Thence: N $66^{\circ}54'39''$ W, 12.00 feet leaving said west right-of-way line of IH 35 and crossing said 0.535 acre tract to a set PK nail;

EXHIBIT "A"

Parcel 5016.04WE


Thence: 20.86 feet along a curve to the left having a radius of 5,618.16 feet, a delta angle of $00^{\circ}12'46''$ and a chord bearing and distance of $N 22^{\circ}58'58'' E$, 20.86 feet to a set 60D nail, said point also being in the south property line of said Lot 1;

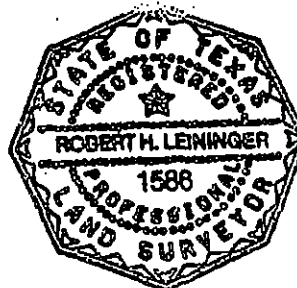
Thence: $S 62^{\circ}48'57'' E$, 12.03 feet along the south line of said Lot 1 to the POINT OF BEGINNING and containing 0.006 acre (245 square feet) of land.

Bearing Basis

Note: The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD 83 (HARN), combined scale factor 0.9999638238). The reference for this project is two found monuments along the south right-of-way line of East 53 1/2 Street having a grid bearing of $N 61^{\circ} 57' 57'' W$ and a surface distance of 403.76 feet, one being a found 1" iron pipe at the east right-of-way line of Harmon Ave. and the other being a found 1/2" iron rod at the west right-of-way line of IH 35.

1892-022-107
RHL/mb/m&b0.006ac080503
June 6, 2003
Revised: July 16, 2003
Revised: August 5, 2003

 8-06-03
Registered Professional Land Surveyor
Texas Registration No. 1586
Robert H. Leininger, R.P.L.S.
Vickrey & Associates, Inc.



REFERENCES

TCAD # 02231306050000
Austin Grid MK-26M


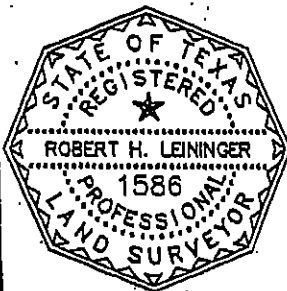
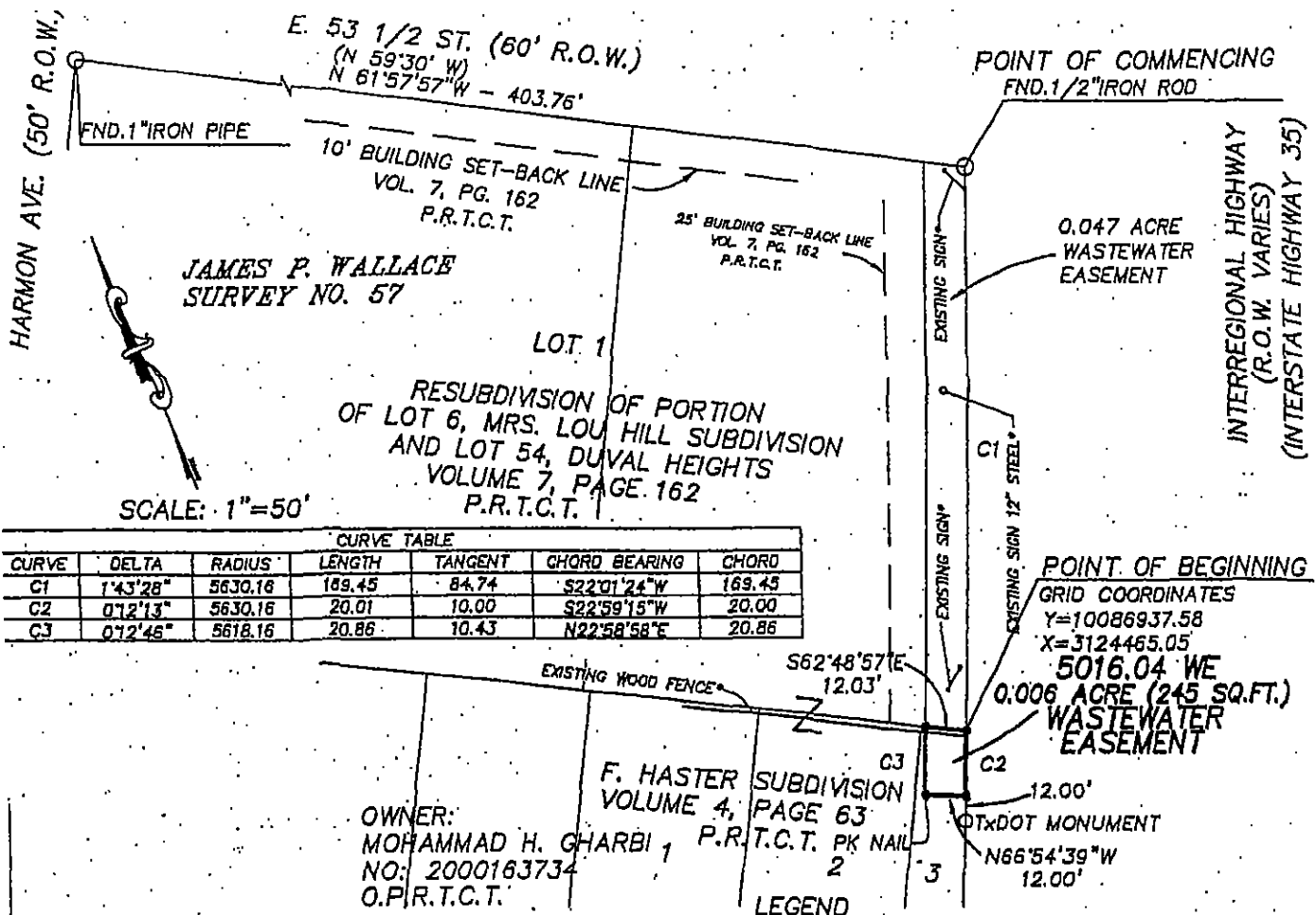

FIELD NOTES REVIEWED
By: [Signature] Date: 8-20-03
Austin Clean Water Program
Survey Coordinator

EXHIBIT "A"



I, Robert H. Leininger, a registered land surveyor, do hereby certify that this is a true, complete and correct survey of the described real property situated in the City of Austin, Travis County, Texas, which substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A Condition Survey.

Robert H. Leininger

Robert H. Leininger, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 1586
Vickrey & Associates, Inc.

Date

8-06-03

NOTE:

THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, NAD 83 (HARN) DATUM. THESE COORDINATE WERE ESTABLISHED FROM REFERENCE POINT SEC6 HAVING GRID COORDINATE VALUES, N=10097911.079, E=3133285.511 AND REFERENCE POINT SEC7 HAVING GRID COORDINATE VALUES OF N=10099099.138, E=3134143.883.
COMBINED SCALE FACTOR = 0.9999638238
ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS

• SET 60D NAIL (OR AS NOTED)

○ FOUND MONUMENT (AS NOTED ON DRAWING)
(....) RECORDED INFORMATION

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VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS

7334 Blanco Road Suite 109 San Antonio, Texas 78216
Telephone: (210)349-3271

DATE: 06-03-03

SHEET: 3 OF 3

EXHIBIT "A"