# **RESOLUTION NO. 040422-9**

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 Wildflower Associates and the property is located at 8912 North Lamar Boulevard, Austin, Travis County, Texas.

ADOPTED: \_\_\_\_\_, 2004

ATTEST: Shirlev City Clerk

### Field Notes for Parcel 5002.01WE

BEING 0.265 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLEGAIT SURVEY NO. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, CAPITAL CITY, SECTION ONE, RECORDED IN BOOK 82, PAGE 397 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WILDFLOWER ASSOCIATES BY GENERAL WARRANTY DEED FILED FOR RECORD ON MARCH 27, 1997 RECORDED IN VOLUME 12900, PAGE 655 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.265 OF ONE ACRE 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 northeasterly right-of-way line of Peyton Gin Road, same being in the southwesterly line of said Lot 1, same also being South  $62^{\circ}55'17''$  East, a distance of 228.22 feet from a 1/4 inch iron rod found at the most westerly corner of said Lot 1, for the Point of Beginning and the southwesterly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93) HARN, US Feet, Combined Scale Factor 0.99994) values of N=10103878.20 and E=3126651.91;

1) THENCE, North 03°00'39" West, a distance of 144.38 feet, leaving said Peyton Gin Road right-of-way and crossing said Lot 1, to a calculated point for a corner;

2) THENCE, North 07°04'16" West, at a distance of 219.77 feet passing the easterly line of an existing Sanitary Sewer Easement recorded in Volume 7756, Page 410 of the Deed Records of Travis County, Texas, in all a distance of 399.81 feet, to a calculated point for a corner;

3) THENCE, North 17°37'43" East, a distance of 32.07 feet, to a calculated point in the northeasterly line of said Lot 1, same being in the southwesterly line of Lot A, Redman Development Corporation recorded in Book 62, Page 1 of the Plat Records of Travis County, Texas, conveyed to AH-DH Apartments, LTD., by deed recorded in Document No. 2001128309 of the Official Public Records of Travis County, Texas, for the most northerly corner of the herein described tract of land;

4) THENCE, South 63°12'13" East, a distance of 20.26 feet, with the northeasterly line of said Lot 1 and the southwesterly line of said Lot A to a calculated point for the most easterly corner of the herein described tract of land;

5) THENCE, South 17°37'43" West, a distance of 24.47 feet, leaving the southwesterly line of said Lot A and crossing said Lot 1, to a calculated point for a corner;

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6) THENCE, South 07°04'16" East, a distance of 396.14 feet, to a calculated point for a corner;

7) THENCE, South 03°00'39" East, a distance of 156.67 feet, to a calculated point in the northeasterly right-of-way line of Peyton Gin Road, same being in the southwesterly line of said Lot 1, for the most southerly corner of the herein described tract of land;

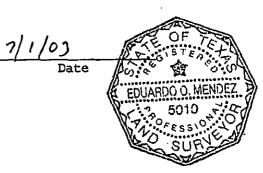
8) THENCE, North 62°55'17" West, at a distance of 22.90 feet passing the easterly line of said Sanitary Sewer Easement, in all a distance of 23.11 feet, with the northeasterly line of Peyton Gin Road and the southwesterly line of said Lot 1, to the Point of Beginning, and containing an area of 0.265 of one acre 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.

Edwards O. Mendy

Eduardo O. Mendez, RPLS Registered Professional Land Surveyor 5010

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



The bearings described herein are Texas State Plane, Central Zone NAD83 (HARN). For Surface coordinates divide grid coordinates by an adjustment factor of 0.99994. The reference points for this project is "RTK 1", a 60D nail having coordinate values of N=10103931.26, E=3126521.17 approximately 28' north of centerline Peyton Gin Rd., and approx. 8' east of centerline prolongation Bridgeport Dr. and "RTK-3", a 60d nail having coordinate values of N=10108603.63, E=3125658.60 approximately 22 feet east of the centerline of Parkfield Dr. and approx. 187' north of centerline of Stonebridge Dr. having a grid bearing of N10°27'35"W and a surface distance of 4751.61 feet.

TCAD No. : 2-3916-0102 Austin Grid: L30-3

NOTES REVIEWED -15-03

Austin Clean Water Program Survey Coordinator

EXHIBIT "A" Page 2 of 3

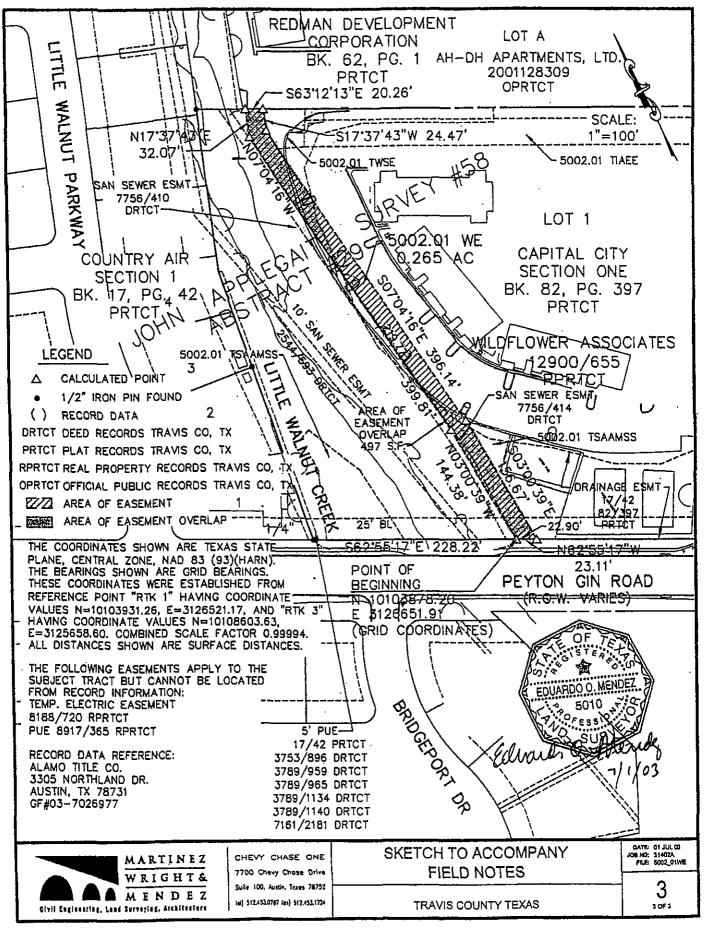


EXHIBIT "A" Page 3 of 3

### Wildflower Associates to City of Austin (Temporary Working Space Easement)

Field Notes for Parcel 5002.01TWSE

BEING 0.043 OF ONE ACRE (1,869 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLEGAIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, CAPITAL CITY, SECTION ONE, RECORDED IN BOOK 82, PAGE 397 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WILDFLOWER ASSOCIATES BY GENERAL WARRANTY DEED FILED FOR RECORD ON MARCH 27, 1997 RECORDED IN VOLUME 12900, PAGE 655 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.043 OF ONE ACRE (1,689 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 northeasterly line of said Lot 1, same being in the southwesterly line of said Lot A, Redman Development Corporation, recorded in Book 62, Page 1 of the Plat Records of Travis County, Texas, conveyed to AH-DH Apartments, LTD. by deed recorded in Document No. 2001128309 of the Official Public Records of Travis County, Texas, same also being South  $63^{\circ}12'13''$  East, a distance of 74.34 feet from a 1/2 inch iron rod found at the most northerly corner of said Lot 1, 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 0.99994) values of N=10104440.54 and E=3126622.91;

1) THENCE, South 63°12'13" East, a distance of 49.21 feet, with the northeasterly line of said Lot 1 and the southwesterly line of said Lot A, to a calculated point for the most easterly corner of the herein described tract of land;

2) THENCE, South 28°23'49" West, a distance of 42.56 feet, leaving the northeasterly line of said Lot 1 and the southwesterly line of said Lot A and crossing said Lot 1, to a calculated point for the most southerly corner of the herein described tract of land;

3) THENCE, North 67°10'58" West, a distance of 30.43 feet, to a calculated point for a corner;

4) THENCE, North 07°04'16" West, a distance of 24.69 feet, to a calculated point for the most westerly corner of the herein described tract of land;

5) THENCE, North  $17^{\circ}37'43''$  East, a distance of 24.47 feet, to the Point of Beginning, and containing an area of 0.043 of one acre (1,869 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.

Edward O. Mend

Eduardo O. Mendez Registered Professional Land Surveyor 5010

Martinez, Wright & Mendez, Inc. 1106 Clayton Lane, Suite 400W Austin, Texas 78723 (512) 453-0767

6/11/03 Date

The grid coordinates shown are Texas State Plane, Central Zone, NAD 83 (93) HARN. For surface coordinates multiply grid coordinates by the adjustment factor 1.00006. The reference points for this project are RTK 1- 60D nail, having grid coordinates N=10103931.26 E=3126521.17, approx. 28' north of centerline Peyton Gin Rd., and approx. 8' east of centerline prolongation Bridgeport Dr.; RTK 2- 60D nail, having grid coordinates N=10105971.98 E=3127329.33, in center of Rundberg Ln. island, approx. 23' east of centerline of box culvert at Little Walnut Creek.; RTK 3- 60D nail, having grid coordinates N=10108603.63 E=3125658.60 approx. 22' east of centerline of Parkfield Dr. and approx. 187' north of centerline of Stonebridge Dr.; RTK 1 to RTK 3 having a grid bearing of N10°27'35"W and a surface distance of 4751.61'.

TCAD No. : 2-3916-0102 Austin Grid: L30-3

NOTES REVIEWED HUL Date: 6-13-03

Austin Clean Water Program Survey Coordinator

EXHIBIT "B" Page 2 of 3

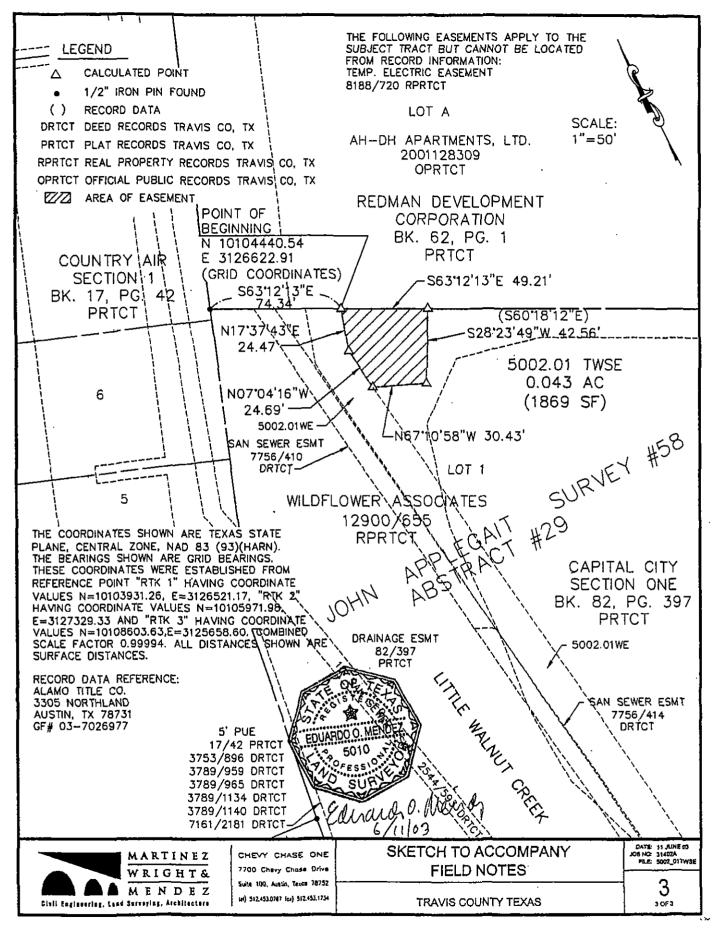


EXHIBIT "B" Page 3 of 3

## Wildflower Associates to City of Austin (Temporary Ingress and Egress Easement)

### Field Notes for Parcel 5002.01TIAEE

BEING 0.349 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLEGAIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, CAPITAL CITY, SECTION ONE, RECORDED IN BOOK 82, PAGE 397 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WILDFLOWER ASSOCIATES BY GENERAL WARRANTY DEED FILED FOR RECORD ON MARCH 27, 1997 RECORDED IN VOLUME 12900, PAGE 655 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.349 OF ONE ACRE 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 northwesterly right-of-way line of North Lamar Boulevard (R.O.W. varies), same being in the southeasterly line of said Lot 1, same also being South  $24^{\circ}59'16''$  West, a distance of 20.19 feet from a 1/2 inch iron rod found at the most easterly corner of said Lot 1, for the most easterly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93) HARN, US Feet, Combined Scale Factor 0.99994) values of N=10104135.51 and E=3127182.10;

1) THENCE, South 24°59'16" West, a distance of 26.01 feet, with the northwesterly right-of-way line of said North Lamar Boulevard and the southeasterly line of said Lot 1, to a calculated point for the most southerly corner of the herein described tract of land;

2) THENCE, North 63°12'13" West, a distance of 543.23 feet, leaving the northwesterly right-of-way line of said North Lamar Boulevard and crossing said Lot 1, to a calculated point for a corner;

3) THENCE, North 58°42'29" West, a distance of 46.41 feet, to a calculated point for the most westerly corner of the herein described tract of land;

4) THENCE, North 28°23'49" East, a distance of 22.37 feet, to a calculated point for the most northerly corner of the herein described tract of land;

EXHIBIT "C" Page 1 of 3 5) THENCE, South 63°12'13" East, a distance of 588.05 feet, to the Point of Beginning, and containing an area of 0.349 of one acre 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.

Edward Q. Nend

Eduardo O. Mendez, RPLS Registered Professional Land Surveyor 5010

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

7/1/03 Date

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The bearings described herein are Texas State Plane, Central Zone NAD83 (HARN). For Surface coordinates divide grid coordinates by an adjustment factor of 0.99994. The reference points for this project is "RTK 1", a 60D nail having coordinate values of N=10103931.26, E=3126521.17 approximately 28' north of centerline Peyton Gin Rd., and approx. 8' east of centerline prolongation Bridgeport Dr. and "RTK-3", a 60d nail having coordinate values of N=10108603.63, E=3125658.60 approximately 22 feet east of the centerline of Parkfield Dr. and approx. 187' north of centerline of Stonebridge Dr. having a grid bearing of N10°27'35"W and a surface distance of 4751.61 feet.

TCAD No. : 2-3916-0102 Austin Grid: L30-4

Austin Clean Water Programs Survey Coordinator

EXHIBIT "C" Page 2 of 3

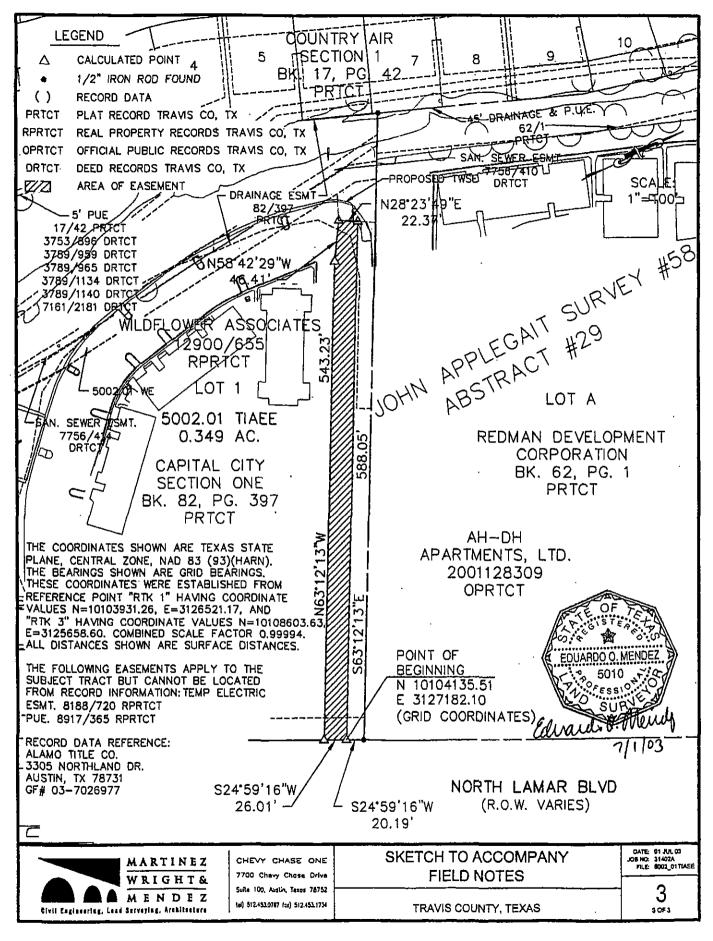


EXHIBIT "C" Page 3 of 3

#### Field Notes for Parcel 5002.01TSAAMSS

BEING 0.251 OF ONE ACRE (10,947 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLEGAIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, CAPITAL CITY, SECTION ONE, RECORDED IN BOOK 82, PAGE 397 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WILDFLOWER ASSOCIATES BY GENERAL WARRANTY DEED FILED FOR RECORD ON MARCH 27, 1997 RECORDED IN VOLUME 12900, PAGE 655 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.251 OF ONE ACRE (10,947 S.F.) OF LAND HEREIN 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 northeasterly right-of-way line of Peyton Gin Road (R.O.W. varies), same being in the southwesterly line of said Lot 1, same also being South 62°55'17" East, a distance of 15.28 feet from a 1/4 inch iron rod found at the most westerly corner of said Lot 1, 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 0.99994) values of N=10103975.12 and E=3126462.32;

1) THENCE, North 20°53'17" East, a distance of 78.39 feet, leaving said Peyton Gin Road and crossing said Lot 1, to a calculated point for a corner;

2) THENCE, North 01°47'12" West, a distance of 41.91 feet, to a calculated point for the northwesterly corner of the herein described tract of land;

3) THENCE, North  $67^{\circ}35'39''$  East, a distance of 13.55 feet, to a calculated point for the northeasterly corner of the herein described tract of land;

4) THENCE, South 24°38'43" East, a distance of 73.67 feet, to a calculated point for a corner;

5) THENCE, South 04°49'20" East, a distance of 93.42 feet, to a calculated point in the northeasterly line of said Peyton Gin Road, same being in the southwesterly line of said Lot 1, for the most southerly corner of the herein described tract of land;

6) THENCE, North  $62^{\circ}55'17''$  West, a distance of 87.32 feet, with the northeasterly line of said Peyton Gin Road and the southwesterly line of said Lot 1, to the Point of Beginning, and containing an area of 0.152 (6,641 S.F.) of one acre of land, more or less.

#### Part 2

BEGINNING at a calculated point in the northeasterly right-of-way line of said Peyton Gin Road, same being in the southwesterly line of said Lot 1, same also being North  $62^{\circ}55'17''$  West, a distance of 171.37 feet from a 1/2 inch iron rod found at a corner in the southwesterly line of said Lot 1, for the Point of Beginning and the most southerly corner of the herein described tract of land,

> EXHIBIT "D" Page 1 of 3

having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93) HARN, US Feet, Combined Scale Factor 0.99994) values of N=10103858.45 and E=3126690.54;

1) THENCE, North 62°55'17" West, a distance of 20.28 feet, with the northeasterly right-of-way line of said Peyton Gin Road and the southwesterly line of said Lot 1, to a calculated point for the southwesterly corner of the herein described tract of land;

2) THENCE, North 03°00'39" West, a distance 156.67 feet, leaving said Peyton Gin Road and crossing said Lot 1, to a calculated point for the most northerly corner of the herein described tract of land;

3) THENCE, South 44°25'39" East, a distance of 52.18 feet, to a calculated point for a corner;

4) THENCE, South 42°46'27" West, a distance of 44.36 feet, to a calculated point for a corner;

5) THENCE, South 45°22'47" East, a distance of 79.70 feet, to a calculated point for a corner;

6) THENCE, South 42°43'50" West, a distance of 54.29 feet, to the Point of Beginning, and containing an area of 0.099 of one acre (4,306 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, RPLS Registered Professional Land Surveyor 5010

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

The bearings described herein are Texas State Plane, Central Zone NAD83 (HARN). For Surface coordinates divide grid coordinates by an adjustment factor of 0.99994. The reference points for this project is "RTK 1", a 60D nail having coordinate values of N=10103931.26, E=3126521.17 approximately 28' north of centerline Peyton Gin Rd., and approx. 8' east of centerline prolongation Bridgeport Dr. and "RTK-3", a 60d nail having coordinate values of N=10108603.63, E=3125658.60 approximately 22 feet east of the centerline of Parkfield Dr. and approx. 187' north of centerline of Stonebridge Dr. having a grid bearing of N10°27'35" and a surface distance of 4751.61 feet.

TCAD NO. : Austin Grid:

2-3916-0102 L30-3

IELD NOTES REVIEWED 7-15-03

Date

Austin Clean Water Program Survey Coordinator

EXHIBIT "D" Page 2 of 3

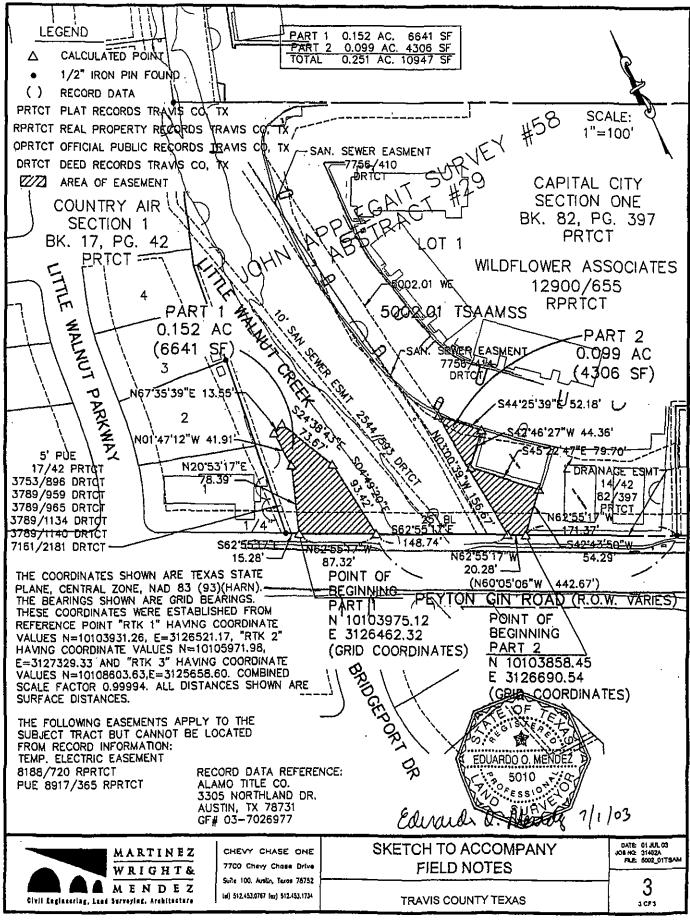


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