

**RESOLUTION NO. 040805-14**

**WHEREAS**, the Council finds that acquisition of the property interests 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**,

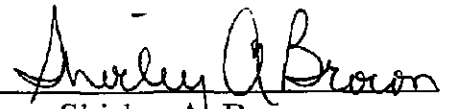
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

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 interests.

The owner of the property interests to be acquired is Carter Family Partnership and the property is located at 0 U.S. 290 Highway East, the north side of US Highway 290 East, just west of East Anderson Lane (U.S. Highway 183), Austin, Travis County, Texas.

**ADOPTED:** August 5, 2004

**ATTEST:**

  
Shirley A. Brown  
City Clerk

## Exhibit "A"

Carter Family Partnership  
To  
City of Austin  
(Temporary Ingress and Egress Easement)  
John Applegate Survey No. 58, A-29  
CIP # 4926.021  
Page 1 of 6

### FIELD NOTES FOR PARCEL 5011.01 TIAEE

LEGAL DESCRIPTION OF A 1.2268 ACRE (53,439 SQUARE FOOT) TRACT OR PARCEL OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, ABSTRACT NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 23.26 ACRE TRACT OF LAND CONVEYED TO THE CARTER FAMILY PARTNERSHIP BY SPECIAL WARRANTY DEED DATED JANUARY 22, 1991, OF RECORD IN VOLUME 11359, PAGE 0160 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS, SAID 1.2268 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN TWO PARTS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

#### PART 1

BEGINNING at a Texas Department of Transportation brass disc in concrete found for corner in the existing northerly right-of-way line of U.S. Highway 290 (width varies) having Texas State Plane Coordinates (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10091780.45, E=3134346.81, being the POINT OF COMMENCEMENT for the herein after described PART 2;

THENCE, S 66°42'08" W, along said existing northerly right-of-way line a distance 112.42 feet to a calculated point for corner;

THENCE, N23°17'52" W, departing said existing northerly right-of-way line and crossing said 23.26 acre tract a distance of 25.00 feet to a calculated point for corner;

THENCE, N66°42'08" E, a distance of 112.18 feet to calculated point for an angle point;

THENCE, N65°37'11" E, a distance of 246.81 feet to calculated point for an angle point;

THENCE, N47°27'59" E, a distance of 106.84 feet to calculated point for a corner;

THENCE, S42°32'01" E, a distance of 25.00 feet to calculated point for a corner being in said northerly right-of way line of said U.S. Highway 290;

THENCE, S47°27'59" W, along said existing northerly right-of-way line a distance of 110.83 feet to a Texas Department of Transportation brass disc in concrete found for an angle point;

THENCE, S65°37'11" W, continuing along said existing northerly right-of-way line, a distance of 251.04 feet to the POINT OF BEGINNING, containing 0.2698 acre (11.751 square feet) of land within the herein described PART 1.

## Exhibit "A"

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### PART 2

COMMENCING at a Texas Department of Transportation brass disc in concrete found for corner in the existing northerly right-of-way line of said U.S. Highway 290;

THENCE, S 66°42'08" W, along said existing northerly right-of-way line a distance of 158.90 feet to a Texas Department of Transportation brass disc in concrete found for an angle point;

THENCE, S 76°00'56" W, continuing along said existing northerly right-of-way line a distance of 155.56 feet to a calculated point for corner;

THENCE, N 23°22'34" W, departing said existing northerly right-of-way line and crossing said 23.26 acre tract a distance of 68.19 feet to a calculated point having Texas State Plane Coordinates (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10091742.60, E=3134022.86, for the southeasterly corner and POINT OF BEGINNING of the herein described tract;

THENCE, S 66°41'02" W, continuing to cross said 23.26 acre tract, at a distance of 226.53 feet passing the easterly line of a Wastewater Easement granted to the City of Austin dated March 18, 1987 of record in Volume 10173, Page 0929 of the Real Property Records of Travis County, Texas and dated May 8, 1987 of record in Volume 10246, Page 0577 of the Real Property Records of Travis County, Texas, at a distance of 247.70 feet passing the westerly line of said Wastewater Easement, continuing in all a distance of 249.78 feet to a calculated point for corner;

THENCE, N 35°07'02" W, at a distance of 15.52 feet passing the westerly line of said Wastewater Easement, at a distance of 173.28 feet passing the easterly line of said Wastewater Easement, continuing in all a distance of 298.26 feet to a calculated point for corner;

THENCE, N 19°05'23" W, a distance of 105.50 feet to a calculated point for corner;

THENCE, N 43°24'38" W, at a distance of 21.80 feet passing the easterly line of said Wastewater Easement, at a distance of 53.82 feet passing the westerly line of said Wastewater Easement, continuing in all a distance of 79.53 feet to a calculated point for corner, being the point of intersection with the centerline of Little Walnut Creek and the line common to said 23.26 acre tract and a called 8.454 acre tract conveyed to Walnut Creek Partners, L.P. by Warranty Deed dated June 28, 2001, of record in Document No. 2001106690 of the Official Public Records of Travis County, Texas;

THENCE, N 00°05'15" W, along said centerline and common line a distance of 41.27 feet to a calculated point for corner;

THENCE, N 18°14'26" E, continuing along said centerline and common line at a distance of 28.82 feet passing the westerly line of said Wastewater Easement, continuing in all a distance of 46.76 feet to a calculated point for corner;

THENCE, N 23°52'42" E, continuing along said centerline and common line a distance of 41.34 feet to a calculated point for corner.

## Exhibit "A"

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THENCE, N 41°05'11" E, continuing along said centerline and common line at a distance of 30.38 feet passing the easterly line of said Wastewater Easement at a distance of 35.68 feet passing the westerly line of a Sanitary Sewer Easement (10 feet wide) granted to the City of Austin dated January 29, 1962 of record in Volume 2433, Page 366 of the Deed Records of Travis County, Texas, continuing in all a distance of 41.11 feet to a calculated point for corner;

THENCE, N 54°12'27" E, continuing along said centerline and common line at a distance of 12.42 feet passing the easterly line of the said Sanitary Sewer Easement, in all a distance of 87.83 feet to a calculated point for corner;

THENCE, S 40°47'00" W, departing said centerline and common line and crossing said 23.26 acre tract a distance of 82.26 feet to a calculated point for corner;

THENCE, S 12°16'09" W, a distance of 125.03 feet to a calculated point for corner;

THENCE, S 43°06'56" E, a distance of 52.84 feet to a calculated point for corner;

THENCE, S 63°55'23" E, a distance of 16.43 feet to a calculated point for corner;

THENCE, S 17°16'36" E, a distance of 115.95 feet to a calculated point for corner;

THENCE, S 34°52'55" E, a distance of 249.57 feet to a calculated point for corner;

THENCE, N 66°41'59" E, a distance of 210.20 feet to a calculated point for corner;

THENCE, S 23°18'01" E, a distance of 49.94 feet to the POINT OF BEGINNING, containing 0.9570 acre (41,688 square feet) of land within the herein described PART 2, and, a total of 1.2268 acres (53,439 square feet) of land within PARTS 1 and 2.

### BEARING BASIS NOTE

All bearings and coordinates are referenced to the Texas State Plane Grid Coordinate System, Central Zone, NAD83(CORS) Datum. The coordinates were established from reference point "Austin RRP" having coordinate values N = 10086515.877, E = 3109682.468 and reference point "Austin" having coordinate values N = 10097010.901, E = 3128551.052. All bearings are based on two found Texas Department of Transportation brass disks in concrete in the northerly right-of-way line of U.S. Highway 290, having a grid bearing of S 66°42'08" W (N 66°44'27"E - TxDOT R.O.W. Map Bearing) and a surface distance of 158.90 feet (158.90 feet - TxDOT R.O.W. Map Distance). Combined Scale Factor = 0.999924726. All distances are surface distances.

Exhibit "A"

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 7-31-03

Richard R. Dorr  
Registered Professional Land Surveyor  
Texas Registration No. 4780



Prepared By:

Sunland Engineering Company  
10497 Town & Country Way, Suite 550  
Houston, Texas 77024  
713-467-8484

 FIELD NOTES REVIEWED

By:  Date: 8-1-03

Austin Clean Water Program  
Survey Coordinator

REFERENCES

TCAD #0228230101  
AUSTIN GRID M-27

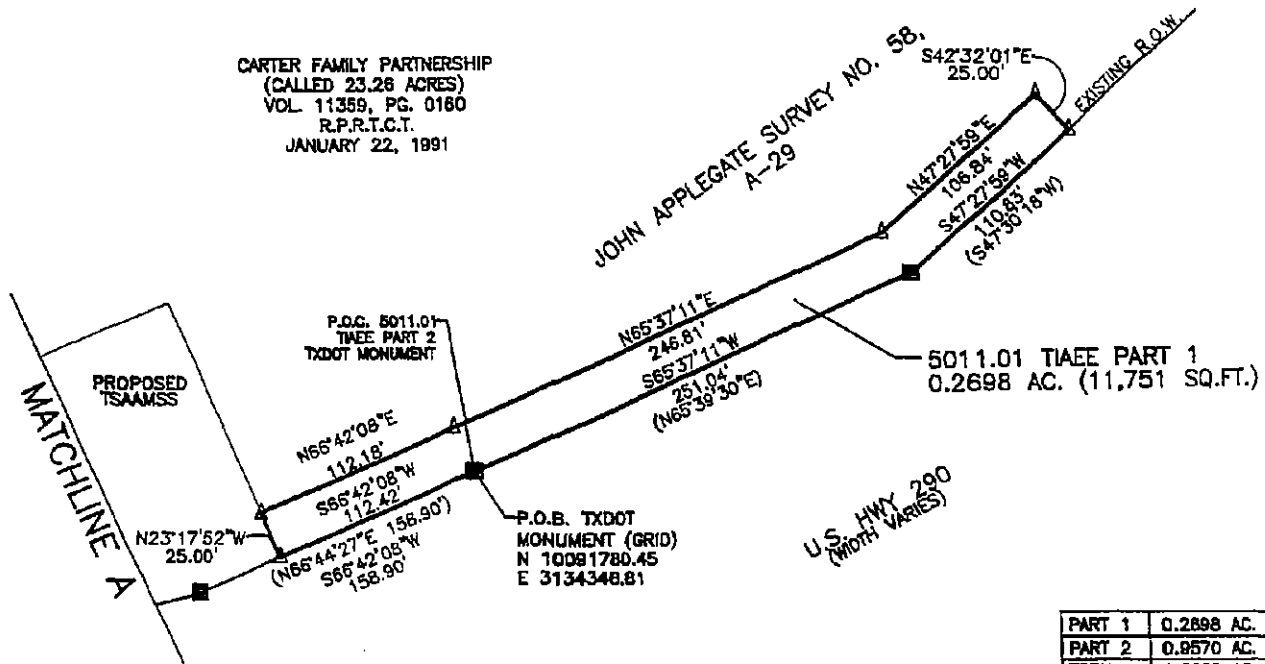


# LEGEND SYMBOLS

## Exhibit "A"

- FOUND TXDOT BRASS DISC IN CONCRETE
- △ CALCULATED POINT
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS.
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS.
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY TEXAS
- ( ) RECORD INFORMATION
- R.O.W. RIGHT-OF-WAY
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

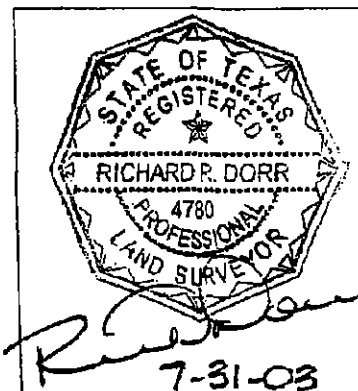
CARTER FAMILY PARTNERSHIP  
(CALLED 23.26 ACRES)  
VOL. 11359, PG. 0160  
R.P.R.T.C.T.  
JANUARY 22, 1991



PART 1	0.2698 AC.	11,751 SQ.FT.
PART 2	0.9570 AC.	41,688 SQ.FT.
TOTAL	1.2288 AC.	53,439 SQ.FT.

### NOTES

- ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83 (CORS) DATUM. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "AUSTIN RRP" HAVING COORDINATES N = 10086515.877, E = 3109682.468 AND REFERENCE POINT "AUSTIN" HAVING COORDINATE VALUES N = 10097010.901, E = 3128551.052. ALL BEARINGS ARE BASED ON TWO FOUND TXDOT BRASS DISCS IN CONCRETE IN THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 290, HAVING A GRID BEARING OF S66°42'08"W (N66°44'27"E - TXDOT R.O.W. MAP BEARING) AND A SURFACE DISTANCE OF 158.90 FEET (158.90 FEET - TXDOT R.O.W. MAP DISTANCE). COMBINED SCALE FACTOR = 0.999924726. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
- THIS SURVEY RELIED ON RECORD INFORMATION CONTAINED IN AN OWNERSHIP AND LIEN CERTIFICATION PREPARED BY HERITAGE TITLE COMPANY OF AUSTIN, INC. FILE NO. A-039658 DATED APRIL 28, 2003.
- A METES AND BOUNDS DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS PARCEL SKETCH.



**SUNLAND**  
ENGINEERING COMPANY

CIVIL ENGINEERING • SURVEYING • PROJECT MANAGEMENT  
10497 TOWN & COUNTRY WAY, STE. 550 HOUSTON, TX 77024 (713) 467-8484  
E-MAIL: info@sunlandgrp.com

**SKETCH OF PARCEL 5011.01 TIAEE  
LITTLE WALNUT CREEK  
(U.S. 290/U.S. 183)  
JOHN APPLGATE SURVEY NO. 58, A-29  
TRAVIS COUNTY, TEXAS**



SURVEY BY: RRF

DATE: DECEMBER, 2002

SCALE: 1" = 100'

DRAWN BY: JLC, SMD

DATE: MAY 30, 2003

CHECKED BY: RRD

DATE: JULY 31, 2003

SHEET  
NUMBER 5 OF 6

## Exhibit "B"

Carter Family Partnership  
To  
City of Austin  
(Temporary Staging Area and Material Storage Site)  
John Applegate Survey No. 58, A-29  
CIP #4926.021  
Page 1 of 3

### FIELD NOTES FOR PARCEL 5011.01 TSAAMSS

LEGAL DESCRIPTION OF A 0.6138 ACRE (26,736 SQUARE FOOT) TRACT OR PARCEL OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, ABSTRACT NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 23.26 ACRE TRACT OF LAND CONVEYED TO THE CARTER FAMILY PARTNERSHIP BY SPECIAL WARRANTY DEED DATED JANUARY 22, 1991, OF RECORD IN VOLUME 11359, PAGE 0160 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.6138 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a Texas Department of Transportation brass disc in concrete found for corner in the northerly right-of-way line of U.S. Highway 290 (width varies);

THENCE, S 66°42'08" W, along said northerly right-of-way line a distance of 112.42 feet to a calculated point having Texas State Plane Coordinates (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10091735.99, E=3134243.56, for the southeasterly corner and POINT OF BEGINNING of the herein described tract;

THENCE, S 66°42'08" W, continuing along said northerly right-of-way line a distance of 46.48 feet to a Texas Department of Transportation brass disc found for an angle point;

THENCE, S 76°00'56" W, continuing along said northerly right-of-way line a distance of 155.56 feet to a calculated point for corner,

THENCE, N 23°22'34" W, departing said northerly right-of-way line a distance of 68.19 feet to a calculated point for corner;

THENCE, N 23°18'01" W, a distance of 49.94 feet to a calculated point for corner;

THENCE, N 66°41'59" E, a distance of 200.09 feet to a calculated point for corner;

THENCE, S 23°17'52" E, a distance of 143.32 feet to the POINT OF BEGINNING, containing 0.6138 acre (26,736 square feet) of land.

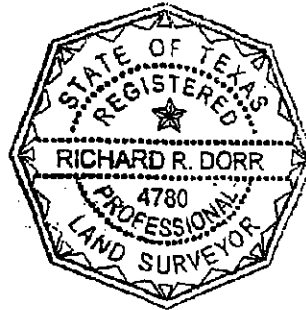


BEARING BASIS NOTE

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 7-31-03

Richard R. Dorr  
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Texas Registration No. 4780



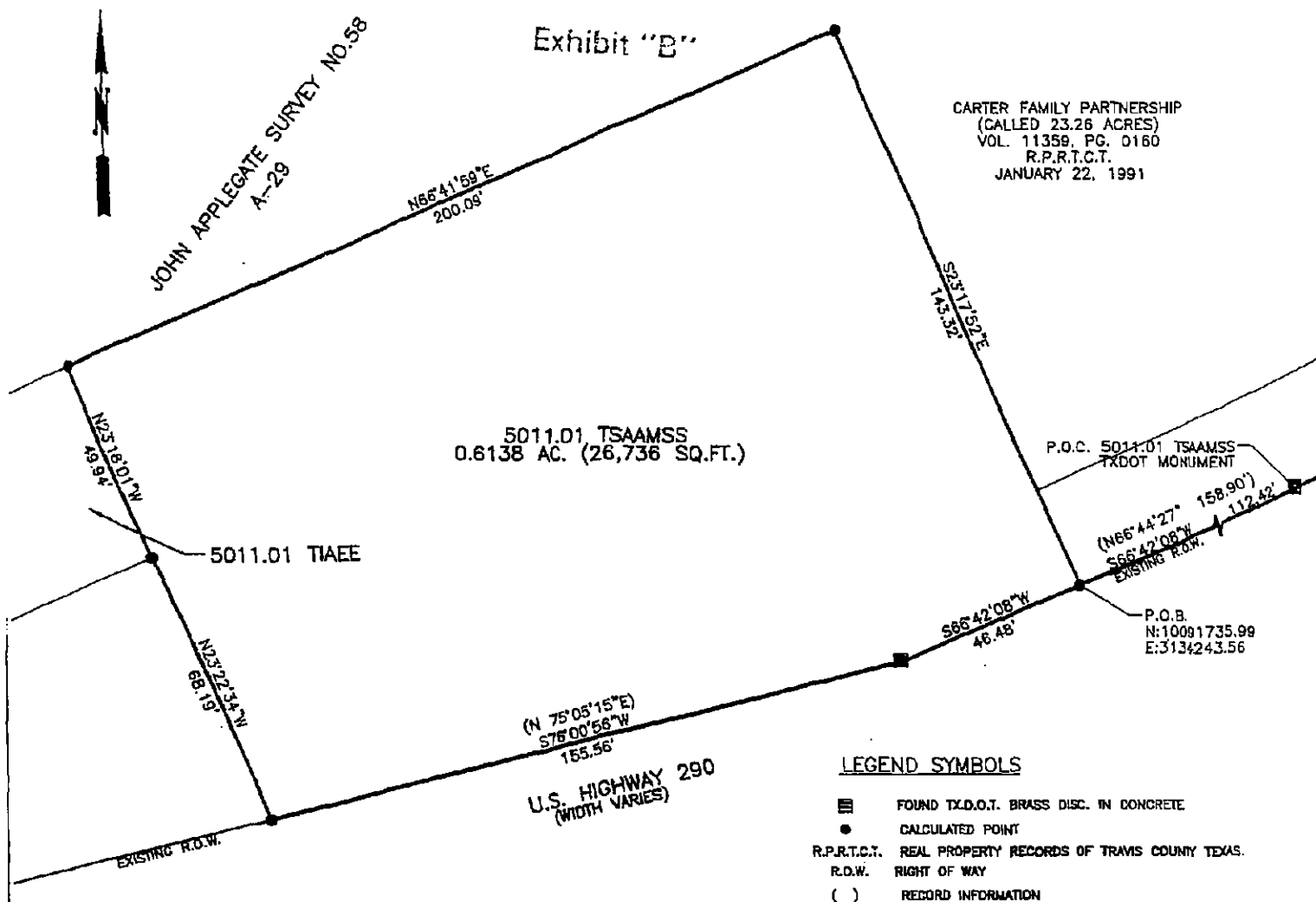
Prepared By:

Sunland Engineering Company  
10497 Town & Country Way, Suite 550  
Houston, Texas 77024  
713-467-8484

 FIELD NOTES REVIEWED  
By:  Date: 8-1-03  
Austin Clean Water Program  
Survey Coordinator

REFERENCES

TCAD #0228230101  
AUSTIN GRID M-27

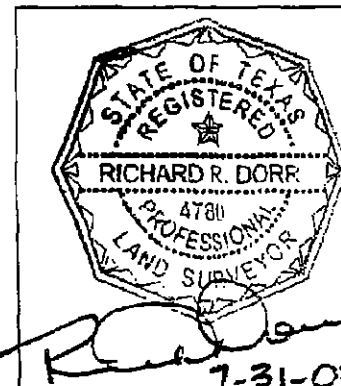


#### NOTES

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2. THIS SURVEY RELIED ON RECORD INFORMATION CONTAINED IN AN OWNERSHIP AND LIEN CERTIFICATION PREPARED BY HERITAGE TITLE COMPANY OF AUSTIN, INC. FILE NO. A-039658 DATED APRIL 28, 2003.

3. A METES AND BOUNDS DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS PARCEL SKETCH.



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**SKETCH OF PARCEL 5011.01 TSAAMSS  
LITTLE WALNUT CREEK  
(U.S. 290/U.S. 183)  
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**acwp**

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SHEET  
NUMBER 3 OF 3