

RESOLUTION NO. 040826-18

WHEREAS, the Council finds that acquisition of the property interests described in the attachment are necessary for a public use; and

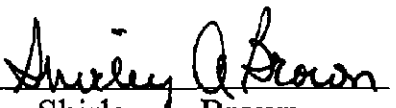
WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE**,

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 H.E. Butt Grocery Company and the property is located at 1434 Wells Branch Parkway, Austin, Travis County, Texas.

ADOPTED: August 26, 2004

ATTEST: 
Shirley A. Brown
City Clerk

Field Notes

BEING 0.055 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE L. C. CUNNINGHAM SURVEY No. 68, ABSTRACT No. 163 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, BLOCK A, HEB/PFLUGERVILLE SUBDIVISION, RESUBDIVISION OF LOTS 3, 4 AND 5, BLOCK 1, WELLS POINT COMMERCIAL, SECTION 1 AND THE AMENDED PLAT OF LOTS 1 AND 2, BLOCK 1, WELLS POINT COMMERCIAL, SECTION 1 RECORDED IN BOOK 98, PAGE 200 OF THE OFFICIAL PUBLIC REDORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO H. E. BUTT GROCERY COMPANY BY DEED FILED FOR RECORD ON JULY 23, 1986 RECORDED IN VOLUME 9796, PAGE 836 OF THE OFFICIAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.055 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

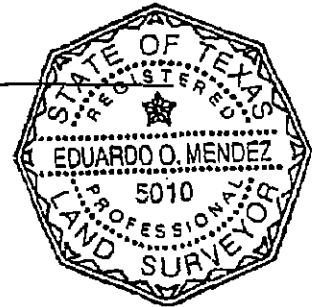
BEGINNING at a calculated point in the north line of Wells Branch Parkway, same being in a southerly line of Lot 1, Block A, HEB/Pflugerville Subdivision, Resubdivision of Lots 3, 4 and 5, Block 1, Wells Point Commercial Section 1 and the Amended Plat of Lots 1 and 2, Block 1, Wells Point Commercial, Section 1 recorded in Book 98, Page 200 of the Official Public Redords of Travis County, Texas, conveyed to H. E. Butt Grocery Company by deed recorded in Volume 9796, Page 836 of the Official Public Records Of Travis County, Texas, same also being along a curve to the right of 1560.00 feet radius, an arc distance of 40.11 feet having an angle of intersection of $01^{\circ}28'24''$ (the long chord of said curve bears North $88^{\circ}56'19''$ East, a distance of 40.11 feet) from a 1/2 inch iron pin found in the north line of Wells Branch Parkway at a corner in a southerly line of said Lot 1, for the Point of Beginning and the southwest corner of the herein described tract of land having grid coordinates of N=10134348.06, E=3137230.24;

- 1) THENCE, North $04^{\circ}50'25''$ West, a distance of 6.34 feet, to a calculated point for a corner;
- 2) THENCE, North $72^{\circ}20'25''$ West, a distance of 134.56 feet, to a calculated point in the east line of F. M. 1825, same being in a southerly line of said Lot 1, for the point of curvature of a non-tangent circular curve to the right;
- 3) THENCE along said curve to the right of 100.00 feet radius, an arc distance of 20.59 feet, having an angle of intersection of $11^{\circ}47'56''$ (the long chord of said curve bears North $25^{\circ}28'46''$ West, a distance of 20.56 feet), with the east line of said F. M. 1825, and a southerly line of said Lot 1, to a calculated point for the point of tangency and the northwest corner of the herein described tract of land;
- 4) THENCE, South $72^{\circ}20'25''$ East, a distance of 158.64 feet, to a calculated point for the northeast corner of the herein described tract of land;
- 5) THENCE, South $04^{\circ}50'25''$ East, a distance of 17.62 feet, to a calculated point in the north line of Wells Branch Parkway, same being in a southerly line of said Lot 1, for the point of curvature of a non-tangent circular curve to the left, and the southeast corner of the herein described tract of land;

6) THENCE along said curve to the left of 1560.00 feet radius, an arc distance of 15.05 feet, having an angle of intersection of $00^{\circ}33'10''$ (the long chord of said curve bears South $89^{\circ}57'06''$ West, a distance of 15.05 feet) to the Point of Beginning and containing an area of 0.055 of one acre of land, more or less.

Eduardo O. Mendez
Eduardo O. Mendez
Registered Professional Land Surveyor 5010

2/20/02
Date



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

Bearing Basis:

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (HARN). All coordinates shown hereon are adjusted to surface by dividing grid coordinates by a combined adjustment factor of 0.9999. All distances shown are surface distances.

TCAD No.: 0272260514
CITY GRID No.: N37-4

FIELD NOTES REVIEWED

By: White Smith Date 06/03/02

Engineering Support Section
Department of Public Works
and Transportation

L. C. CUMMINGS SURVEY No. 68
 ABSTRACT No. 165

CURVE TABLE						
CURVE	DELTA	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING
C1	04°43'42" (04°42'55")	51.49' (51.35')	824.00' (824.00')	25.76' (25.76')	51.48' (51.34')	S24°32'29"W (N26°59'32"E)
C2	114°17'00" (114°17'08")	199.48' (199.47')	100.00' (100.00')	154.82' (154.82')	168.00' (168.00')	S34°44'04"E (N32°30'35"W)
C3	35°25'26" (35°25'23")	964.49' (964.47')	1560.00' (1560.00')	498.22' (498.22')	949.20' (949.18')	S74°05'10"E (N71°56'00"W)
C4	11°47'56"	20.59'	100.00'	10.33'	20.56'	N25°28'46"W
C5	00°33'10"	15.05'	1560.00'	7.53'	15.05'	S89°57'06"W
C6	01°28'24"	40.11'	1560.00'	20.06'	40.11'	N88°56'19"E

F.M. 1825 ROAD
 (ROW VARIES)



SCALE:
 1" = 50'

LEGEND:

- △ CALCULATED POINT
- IRON PIN FOUND
- () INDICATES RECORD DATA
- AREA OF EASEMENT

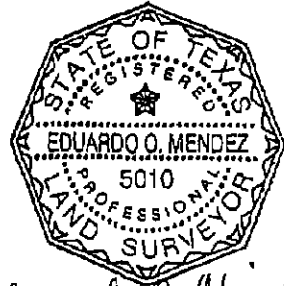
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

THE COORDINATES SHOWN ARE BASED ON TEXAS STATE PLANE, CENTRAL ZONE, NAD 83 (HARN). FOR SURFACE COORDINATES, DIVIDE BY 0.9999. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

CONTROL MONUMENTS:
 AUSTIN RRP N=10086515.87, E=3109682.56, EL.=712.96
 McGRAY & McGRAY #2 N=10093931.03, E=3108501.52, EL.=721.82

POINT OF BEGINNING
 N=10134348.06
 E=3137230.24
 (GRID COORDINATES)

WELLS BRANCH PARKWAY
 (120' ROW)



Eduardo O. Mendez

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

John T. Wright, 1108 Clayton Lane
 Suite 100N, Austin, Texas 78723
 Tel) 512/553.0767 Fax) 512/453.1754

Old Republic Building, 107 E. Main St.
 Suite 200, Round Rock, Texas 78664
 Tel) 512/285.1555 Fax) 512/285.5301

SKETCH TO ACCOMPANY
 FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 02-20-02
 JOB NO: 02258A
 FILE: HESwv.dwg

3
 3 of 3

H E Butt Grocery Company
To
City of Austin
(for Temporary Workspace Easement)

Field Notes

BEING 0.017 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE L. C. CUNNINGHAM SURVEY No. 68, ABSTRACT No. 163 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, BLOCK A, HEB/PFLUGERVILLE SUBDIVISION, RESUBDIVISION OF LOTS 3, 4 AND 5, BLOCK 1, WELLS POINT COMMERCIAL, SECTION 1 AND THE AMENDED PLAT OF LOTS 1 AND 2, BLOCK 1, WELLS POINT COMMERCIAL, SECTION 1 RECORDED IN BOOK 98, PAGE 200 OF THE OFFICIAL PUBLIC REDORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO H. E. BUTT GROCERY COMPANY BY DEED FILED FOR RECORD ON JULY 23, 1986 RECORDED IN VOLUME 9796, PAGE 836 OF THE OFFICIAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.017 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 north line of Wells Branch Parkway, same being in a southerly line of Lot 1, Block A, HEB/Pflugerville Subdivision, Resubdivision of Lots 3, 4 and 5, Block 1, Wells Point Commercial Section 1 and the Amended Plat of Lots 1 and 2, Block 1, Wells Point Commercial, Section 1 recorded in Book 98, Page 200 of the Official Public Redords of Travis County, Texas, conveyed to H. E. Butt Grocery Company by deed recorded in Volume 9796, Page 836 of the Official Public Records Of Travis County, Texas, same also being along a curve to the right of 1560.00 feet radius, an arc distance of 55.17 feet having an angle of intersection of 02°01'34" (the long chord of said curve bears North 89°12'54" East, a distance of 55.16 feet) from a 1/2 inch iron pin found in the north line of Wells Branch Parkway at a corner in a southerly line of said Lot 1, for the Point of Beginning and the southwest corner of the herein described tract of land having grid coordinates of N=10134348.07, E=3137245.30;

- 1) THENCE, North 04°50'25" West, a distance of 17.62 feet, to a calculated point for a corner;
- 2) THENCE, North 72°20'25" West, a distance of 19.98 feet, to a calculated point for a corner;
- 3) THENCE, North 17°39'35" East, a distance of 15.00 feet, to a calculated point for the most northerly corner of the herein described tract of land;
- 4) THENCE, South 72°20'25" East, a distance of 30.00 feet, to a calculated point for a corner;
- 5) THENCE, South 04°50'25" East, a distance of 29.04 feet, to a calculated point in the north line of Wells Branch Parkway, same being in a southerly line of said Lot 1, for the point of curvature of a non-tangent circular curve to the left, and the southeast corner of the herein described tract of land;

EXHIBIT "B"

Page 1 of 3

6) THENCE along said curve to the left of 1560.00 feet radius, an arc distance of 15.07 feet, having an angle of intersection of 00°33'12" (the long chord of said curve bears South 89°29'43' West, a distance of 15.07 feet) to the Point of Beginning and containing an area of 0.017 of one acre of land, more or less.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

2/20/02
Date

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

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TCAD No.: 0272260514
CITY GRID No.: N37-4

FIELD NOTES REVIEWED

By: Mike Kitter Date 06/03/02

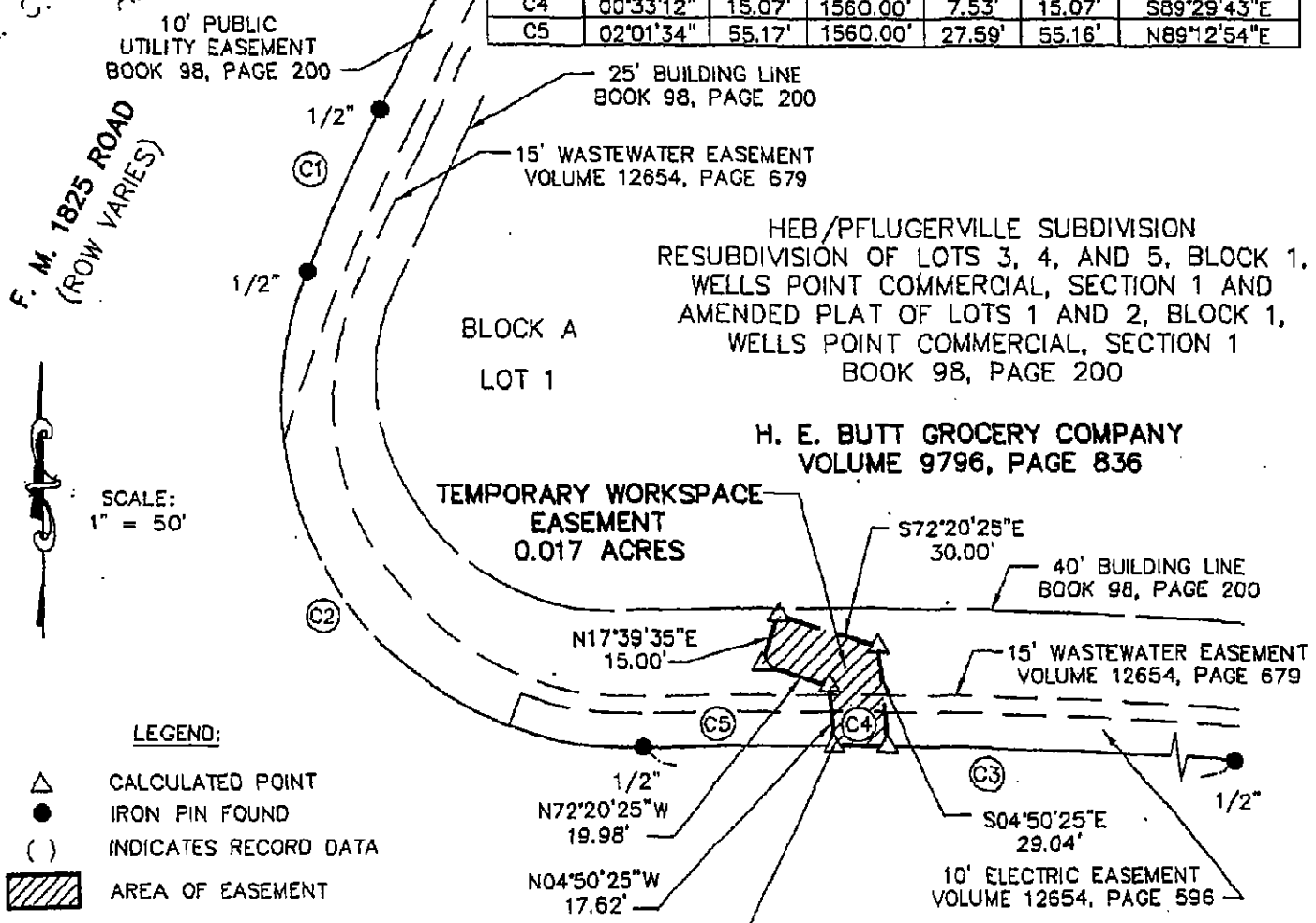
Engineering Support Section
Department of Public Works
and Transportation

EXHIBIT "B"

Page 2 of 3

L. C. CUMMINGS SURVEY No. 68
 ABSTRACT No. 163

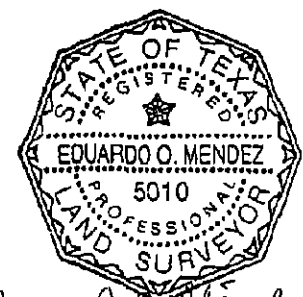
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C4	00°33'12"	15.07'	1560.00'	7.53'	15.07'	S89°29'43"E
C5	02°01'34"	55.17'	1560.00'	27.59'	55.16'	N89°12'54"E



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Eduardo O. Mendez 2/20/02

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

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Old Reata Building, 102 E. Main St.
 Suite 202, Round Rock, Texas 78664
 Tel: 512.255.1633 Fax: 512.255.9301

SKETCH TO ACCOMPANY
 FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 02-20-02
 JOB NO: 02255A
 FILE: HEBwse.dwg

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