## **RESOLUTION NO. 040930-30**

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 The Austin Paddock Home Owner's Association, Inc., also known as The Austin Paddock Home Owner's, Inc. and the property is located at 1510 North Loop Boulevard West, Austin, Travis County, Texas.

ADOPTED: September 30 , 2004 ATTEST:

Shirley A.

City Clerk

The Austin Paddock Home Owner's Association, Inc. (The Paddock Condominiums) To City of Austin

(for Wastewater Easement)

## FIELD NOTES FOR PARCEL 5005.01 WE

ALL OF THAT CERTAIN 0.197-ACRE (8,569 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS OUT OF THAT CERTAIN **KNOWN** 5.75-ACRE TRACT AS THE PADDOCK CONDOMINIUMS AS RECORDED IN THE CONDOMINIUM DECLARATION FOR THE PADDOCK CONDOMINIUMS IN VOLUME 7973, PAGE 71 OF THE THE CONDOMINIUM RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING FOR POINT OF REFERENCE** at a calculated point on the north right-of-way line of North Loop Boulevard (R.O.W. Varies), being the south corner of Lot 10, North Loop Terrace, as recorded in Plat Book 4, Page 148 of the Plat Records of Travis County, Texas, and also being the most westerly corner of said 5.75-acre tract; said calculated point bears S27°29'10"W a distance of 8.99 feet from a 1/2" iron rod found with cap; Thence, with said north right-of-way, S65°33'42"E a distance of 54.30 feet to a nail set having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999924951) values of N= 10,091,700.074 and E= 3,115,141.251 for a southwest corner and **POINT OF BEGINNING** of the herein described tract of land;

**THENCE**, through said 5.75-acre tract the following three (3) courses:

1) N30°49'47"E a distance of 224.03 feet to a 60d nail set for an angle point of this tract;

 N68°04'09"E a distance of 216.74 feet to a 60d nail set for an outside ell corner of this tract;

3) S21°55'51"E a distance of 7.51 feet to a 60d nail set in the southwest line of Lot B, Gem Addition, as recorded in Book 58, Page 35, of the Plat Records of Travis County,

Texas for a northeasterly corner of this tract, from said 60d nail a PK nail found bears N27°18'27"E a distance of 1.52 feet;

**THENCE**, with the common dividing line between said Lot B, Gem Addition, and said 5.75-acre tract, S27°18'27"W a distance of 17.50 feet to a PK nail found for the southwest corner of said Lot B and an inside ell corner of this tract;

**THENCE**, continuing with said common dividing line, S62°33'31"E a distance of 1.40 feet to a 60d nail set for a northeasterly corner of this tract;

**THENCE**, through said 5.75-acre tract the following two (2) courses:

- 1) S68°04'09"W a distance of 197.66 feet to a 60d nail set for an angle point of this tract;
- 2) S30°49'47"W a distance of 215.06 feet to a 1/2" iron rod found in said north right-ofway line of North Loop Boulevard for a southwesterly corner of this tract;

THENCE, with said north right-of-way line N65°33'42"W a distance of 20.13 feet to the **POINT OF BEGINNING** and containing 0.197-acre (8,569 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground in June of 2003 under my supervision.

Prepared by Landmark Surveying, Inc.

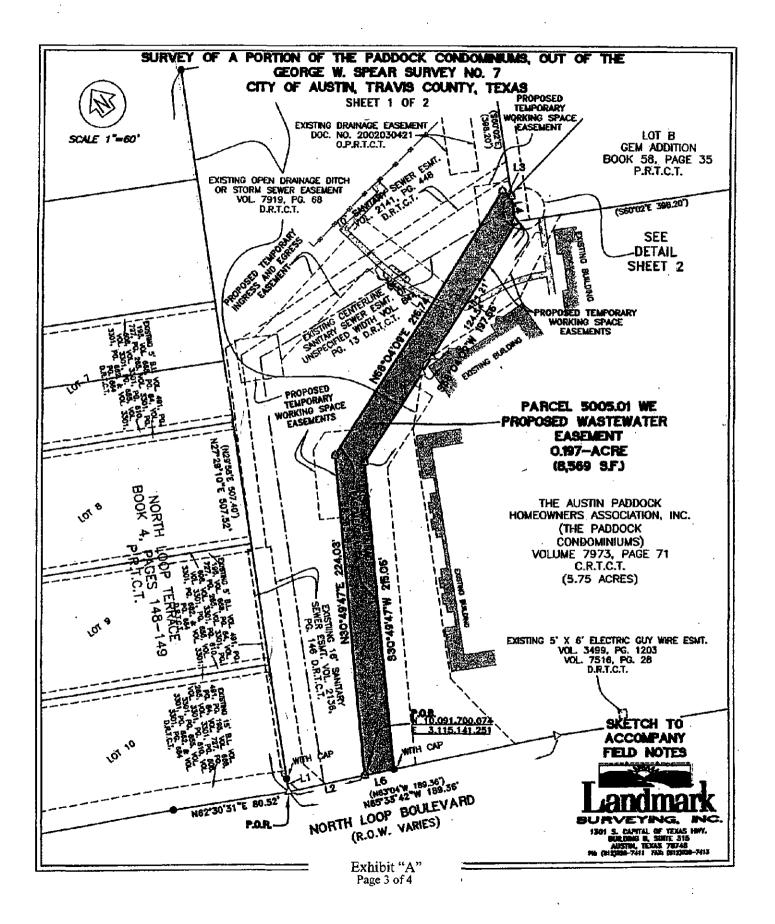
Paul J. Flugel Registered Professional Land Surveyor No. 5096 Date: June 24, 2003

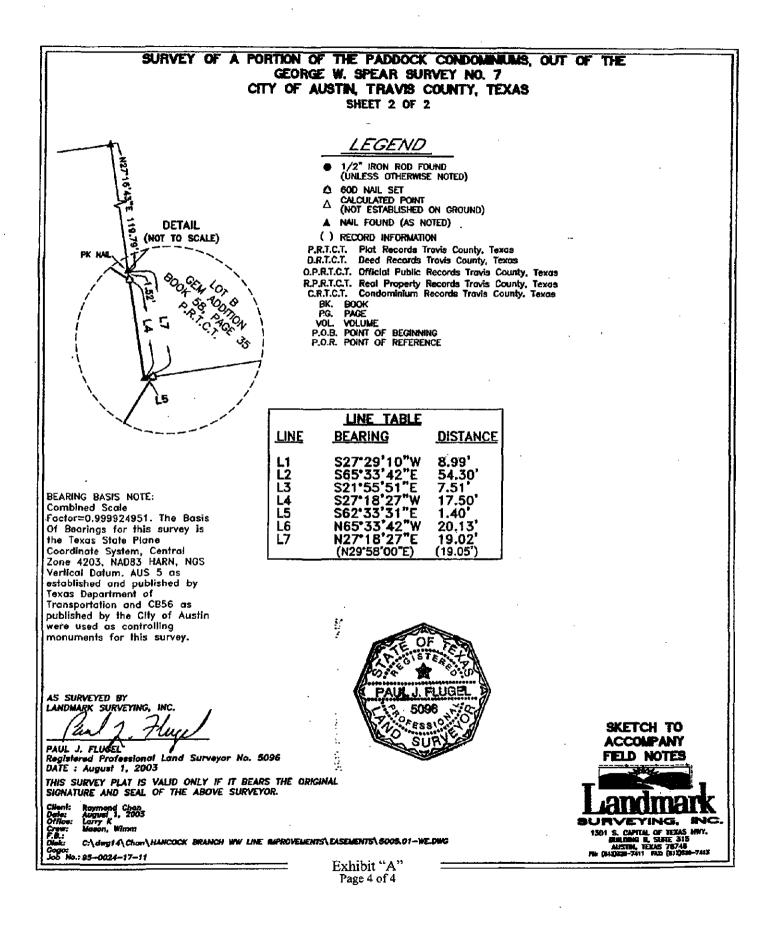


Bearing Basis: Texas State Plane Coordinate System (Texas Central Zone 4203, NAD '83 HARN, Combined scaled factor 0.999924951). All data derived from and referenced to CORS station AUS5 as established and published by the Texas Department of Transportation and CB56 as published by the City of Austin.

C:\field-notes\fn-2003\r-chan-\hancock-branch\A1-paddock-WE.doc Austin Map No 555, Grid J27 TCAD No. 02-2705-1101-0990

Exhibit "A" Page 2 of 4 Austin Ctean Water Program Survey Coordinator





## FIELD NOTES FOR PARCEL 5005.01 TWSE

ALL OF THAT CERTAIN 0.169-ACRE (7.356 SOUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS OUT OF THAT CERTAIN 5.75-ACRE TRACT KNOWN AS THE PADDOCK CONDOMINIUMS AS RECORDED IN THE **CONDOMINIUM DECLARATION FOR THE PADDOCK CONDOMINIUMS IN VOLUME 7973, PAGE 71 OF THE** CONDOMINIUM RECORDS OF TRAVIS COUNTY, **TEXAS SAID 0.169-ACRE TRACT BEING COMPRISED** OF FIVE TRACTS, PART 1 BEING 0.021-ACRE (900 SQUARE FEET), PART 2 BEING 0.022-ACRE (954 SQUARE FEET), PART 3 BEING 0.094-ACRE (4,083 SQUARE FEET), PART 4 BEING 0.024-ACRE (1,051 SQUARE FEET), PART 5 BEING 0.008-ACRE (368 SQUARE FEET), AND BEING MORE PARTICULARLY **DESCRIBED BY METES AND BOUNDS AS FOLLOWS:** 

## PART 1

**BEGINNING FOR POINT OF REFERENCE** at a calculated point on the north right-of-way line of North Loop Boulevard (Right-Of-Way Varies), said calculated point being the southwest corner of the above referenced 5.75-acre tract, said calculated point also being the southeast corner of Lot 10, North Loop Terrace, as recorded in Plat Book 4, Page 148-149 of the Plat Records of Travis County, Texas; Thence with the common line of said 5.75-acre tract and said North Loop Terrace, N27°29'10"E at a distance of 8.99' feet passing a 1/2" iron rod found with cap for a total distance of 286.21 feet to a calculated point: Thence through said 5.75-acre tract S62°30'50"E a distance of 9.51 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999924951) values of N= 10.091.972.052 and E= 3.115.232.347 for the southwest corner and POINT OF BEGINNING of the herein described tract of land:

> Exhibit "B" Page I of 7

THENCE, continuing through said 5.75-acre tract the following four (4) courses:

- N27°03'11"E a distance of 30.00 feet to a calculated point for the northwest corner of this tract;
- S62°56'49"E a distance of 30.00 feet to a calculated point for the northeast corner of this tract;
- S27°03'11"W a distance of 30.00 feet to a calculated point for the southeast corner of this tract;
- 4) N62°56'49"W a distance of 30.00 feet to the **POINT OF BEGINNING** and containing 0.021-acre (900 square feet) of land, more or less.

## PART 2

**BEGINNING FOR POINT OF REFERENCE** at a calculated point on the north right-of-way line of North Loop Boulevard (Right-Of-Way Varies), said calculated point being the southwest corner of the above referenced 5.75-acre tract, said calculated point also being the southeast corner of Lot 10, North Loop Terrace, as recorded in Plat Book 4, Page 148-149 of the Plat Records of Travis County, Texas, from which said calculated point a 1/2" iron rod found with cap bears N27°29'10"E a distance of 8.99 feet; Thence with the said north right-of-way line of North Loop Boulevard, S65°33'42"E a distance of 54.30 feet to a calculated point; Thence through said 5.75-acre tract and with the west line of a proposed wastewater easement (5005.01 WE), N30°49'47"E a distance of 180.57 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999924951) values of N= 10,091,855,126 and E= 3,115,233.790 for the southeast corner and POINT OF BEGINNING of the herein described tract of land;

**THENCE**, continuing through said 5.75-acre tract and leaving said proposed the following six (6) courses:

- N59°10'13"W a distance of 15.00 feet to a calculated point for the southwest of this tract;
- N30°49'47"E a distance of 48.52 feet to a calculated point for an angle point of this tract;

- N68°04'09"E a distance of 14.42 feet to a calculated point for the northwest corner of this tract;
- 4) S59°10'13"E a distance of 18.84 feet to a calculated point on said west line of a proposed wastewater easement (5005.01 WE), for the northeast corner of this tract;
- 5) With said proposed wastewater easement, S68°04'09"W a distance of 20.77 feet to a calculated point for an angle point of this tract;
- 6) Continuing with said proposed wastewater easement, S30°49'47"W a distance of 43.47 feet to the POINT OF BEGINNING and containing 0.022-acre (954 square feet) of land, more or less.

### PART 3

**BEGINNING FOR POINT OF REFERENCE** at a calculated point on the north right-of-way line of North Loop Boulevard (Right-Of-Way Varies), said calculated point being the southwest corner of the above referenced 5.75-acre tract, said calculated point also being the southeast corner of Lot 10, North Loop Terrace, as recorded in Plat Book 4, Page 148-149 of the Plat Records of Travis County, Texas, from which said calculated point a 1/2" iron rod found with cap bears N27°29'10"E a distance of 8.99 feet; Thence with the said north right-of-way line of North Loop Boulevard, S65°33'42"E a distance of 74.43 feet to a 1/2" iron rod found with cap having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999924951) values of N= 10.091.691.748 and E= 3.115.159.573 for the southwest corner and POINT OF BEGINNING of the herein described tract of land:

**THENCE**, through said 5.75-acre tract the following five (5) courses:

- 1) With the east line of a proposed wastewater easement (5005.01 WE), N30°49'47'E a distance of 215.06 feet to a nail set for an angle point of this tract;
- Continuing with said east line, N68°04'09"E a distance of 63.01 feet to a nail set for the northwest corner of this tract;
- 3) Leaving said east line, S21°55'51"E a distance of 15.00 feet to a calculated point for the northeast corner of this tract;
- S68°04'09"W a distance of 57.95 feet to a calculated point for an angle point of this tract;

5) S30°49'47"W a distance of 208.32 feet to a calculated point on said north right-of-way line for the southeast corner of this tract;

THENCE, continuing with said north right-of-way line, N65°33'42"W a distance of 15.09 feet to the POINT OF BEGINNING and containing 0.094-acre (4,083 square feet) of land, more or less.

### PART 4

**BEGINNING FOR POINT OF REFERENCE** at a pk nail found at an inside corner of said 5.75-acre tract, said pk nail found being the southwest corner of Lot B, Gem Addition, as recorded in Book 58, Page 35 of the Plat Records of Travis County, Texas; Thence with the common line of said 5.75-acre tract and said Lot B, S62°33'31"E a distance of 1.40 feet to a nail set having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999924951) values of N= 10,091,950.239 and E= 3,115,453.143 for the northwest corner and POINT OF BEGINNING of the herein described tract of land;

**THENCE**, continuing with said common line, S62°33'31"E a distance of 13.96 feet to a calculated point, for the northeast corner of this tract;

**THENCE**, through said 5.75-acre tract the following five (5) courses:

- S27°16'57"W a distance of 11.66 feet to a calculated point, for an outside ell corner of this tract;
- N62°43'03"W a distance of 4.24 feet to a calculated point, for an inside ell corner of this tract;
- S68°04'09"W a distance of 61.73 feet to a calculated point, for the southeast corner of this tract;
- 4) N21°55'51"W a distance of 15.00 feet to a nail set in the east line of a proposed wastewater easement (5005.01 WE), for the southwest corner of this tract;
- 5) With the east line of said easement, N68°04'09"E a distance of 64.23 feet to the POINT OF BEGINNING and containing 0.024-acre (1,051 square feet) of land, more or less.

#### PART 5

**BEGINNING FOR POINT OF REFERENCE** at a pk nail found at an inside corner of said 5.75-acre tract, said pk nail found being the southwest corner of Lot B, Gem Addition, as recorded in Book 58, Page 35 of the Plat Records of Travis

Exhibit "B" Page 4 of 7 County, Texas; Thence with the common line of said 5.75-acretract and said Lot B, N27°16'57"E a distance of 17.50 feet to a nail set, said nail set also being a point on a proposed wastewater line (5005.01 WE), from said nail set a pk nail found bears N27°16'57"E a distance of 1.52 feet for a southwest corner of said Lot B, said nail set having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999924951) values of N= 10,091,966.443 and E= 3,115,459.924 for a southeasterly corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, through said 5.75-acre tract the following four (4) courses:

- 1) With the north line of said proposed easement, N21°55'51"W a distance of 7.51 feet to a nail set, for an inside ell corner of this tract;
- With the west line of said proposed easement, S68°04'09"W a distance of 29.03 feet to a calculated point for the southwest corner of this tract;
- Leaving said proposed easement, N27°16'57"E a distance of 27.87 feet to a calculated point, for the northwest corner of this tract;
- 4) S62°43'03"E a distance of 24.65 feet to a calculated point in said common line, for the northeast corner of this tract;

THENCE, with said common line, S27°16'57"W passing at a distance of 9.28 feet said pk nail found for a total distance of 10.80 feet to the POINT OF BEGINNING and containing 0.008-acre (368 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground in July of 2003 under my supervision.

Prepared by Landmark Surveying, Inc.

Paul J. Fluge/ Registered Professional Land Surveyor No. 5096 Date: July 14, 2003



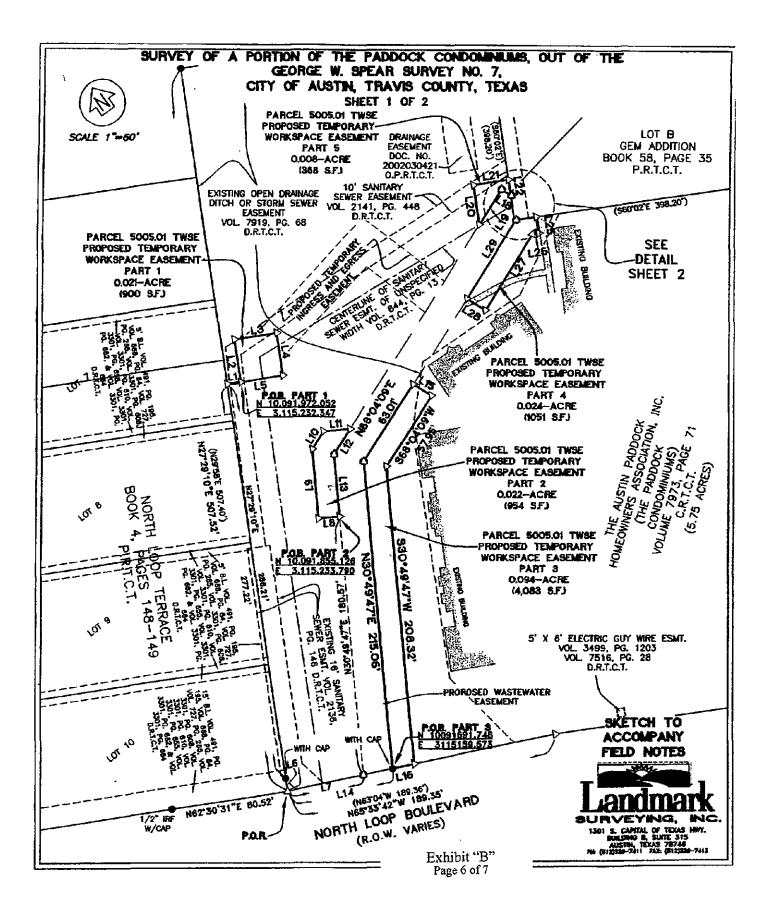
Bearing Basis: Texas State Plane Coordinate System (Texas Central Zone 4203, NAD '83 HARN, Combined scaled factor 0.999924951). All data derived from and referenced to CORS station AUS5 as established and published by the Texas Department of Transportation and CB56 as published by the City of Austin.

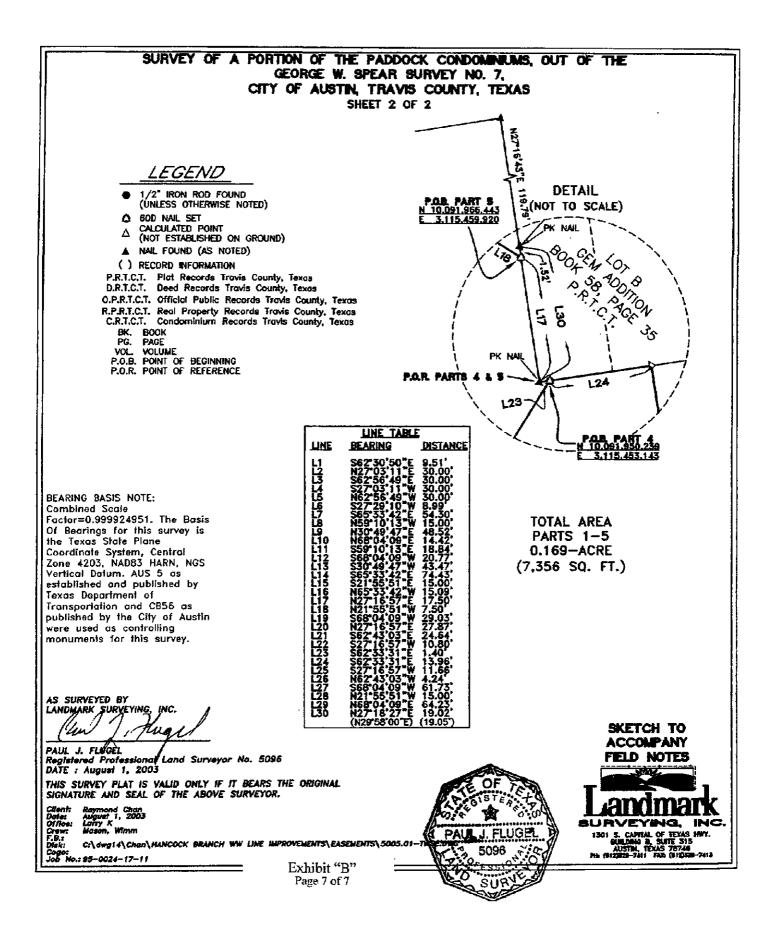
Austin Map No 555, Grid J27 TCAD No. 02-2503-0329 A1-paddock-TWSE.doc

NOTES REVIEWED Date: 8-5-03

Exhibit "B" Page 5 of 7

Austin Clean Water Program Survey Coordinator





#### FIELD NOTES FOR PARCEL 5005.01 TLAEE

ALL OF THAT CERTAIN 0.089-ACRE (3,867 SOUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS OUT OF THAT CERTAIN 5.75-ACRE TRACT KNOWN THE AS PADDOCK CONDOMINIUMS AS RECORDED IN THE CONDOMINIUM DECLARATION FOR THE PADDOCK CONDOMINIUMS IN VOLUME 7973, PAGE 71 OF THE CONDOMINIUM RECORDS OF TRAVIS COUNTY. TEXAS AND BEING MORE PARTICULARLY **DESCRIBED BY METES AND BOUNDS AS FOLLOWS:** 

**BEGINNING FOR POINT OF REFERENCE** at a calculated point on the north right-of-way line of North Loop Boulevard (Right-Of-Way Varies), said calculated point being the southwest corner of the above referenced 5.75-acre tract, said calculated point also being the southeast corner of Lot 10, North Loop Terrace, as recorded in Plat Book 4, Page 148-149 of the Plat Records of Travis County, Texas; Thence with the common line of said 5.75-acre tract and said North Loop Terrace, N27°29'10"E at a distance of 8.99' feet passing a 1/2" iron rod found with cap for a total distance of 316.31 feet to a calculated point; Thence through said 5.75-acre tract S62°30'50"E a distance of 22.82 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet. Combined Scale Factor 0.999924951) values of N= 10,091,992.614 and E= 3,115,258.045 for a southwesterly corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, continuing through said 5.75-acre tract the following seven (7) courses:

- N79°09'38"E a distance of 112.16 feet to a calculated point for an outside ell corner of this tract;
- S15°53'50"E a distance of 70.99 feet to a calculated point for an outside ell corner of this tract;

Exhibit "C" Page 1 of 4

- S68°04'09"W a distance of 25.14 feet to a calculated point for an outside ell corner of this tract;
- 4) N15°53'50"W a distance of 50.75 feet to a calculated point for an inside ell corner of this tract;
- 5) S79°09'38"W a distance of 87.87 feet to a calculated point for an outside corner of this tract;
- N27°03'11"E a distance of 18.87 feet to a calculated point for an inside ell corner of this tract;
- 7) THENCE, N62°56'49"W a distance of 16.47 feet to the POINT OF BEGINNING and containing 0.089-acre (3867 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground in July of 2003 under my supervision.

Prepared by Landmark Surveying, Inc.

Paul J. Flugel Registered Professional Land Surveyor No. 5096 Date: July 14, 2003



Bearing Basis: Texas State Plane Coordinate System (Texas Central Zone 4203, NAD '83 HARN, Combined scaled factor 0.999924951). All data derived from and referenced to CORS station AUS5 as established and published by the Texas Department of Transportation and CB56 as published by the City of Austin.

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