

RESOLUTION NO. 041202-24

WHEREAS, the Council finds that acquisition of the property interest 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 interest to be acquired; **NOW, THEREFORE**,

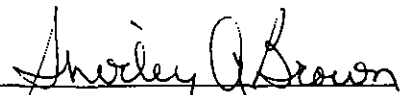
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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 interest.

The owner of the property interest to be acquired is Griesbach Properties, Inc., and the property is located at 7900 FM Road 969, Austin, Travis County, Texas.

ADOPTED: December 2, 2004

ATTEST:


Shirley A. Brown
City Clerk

DESCRIPTION OF 2257 SQUARE FEET (0.0518 ACRE) OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 0.43 ACRE TRACT OF LAND DESCRIBED IN THE WARRANTY DEED TO GRIESBACH PROPERTIES, INC., EXECUTED JANUARY 1, 1986 AND RECORDED IN VOLUME 9653, PAGE 0503, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS, SAID 0.43 ACRE TRACT SUBSEQUENTLY INCORPORATED INTO LOT 2, GERALD ADDITION, A PLAT RECORDED IN PLAT BOOK 89, PAGE 313, PLAT RECORDS TRAVIS COUNTY, TEXAS; SAID 2257 SQUARE FEET OF LAND, AS SHOWN ON WATERLINE EASEMENT SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING for reference at a TxDOT Type I highway monument found on the northerly right-of-way line of F.M. Road 969 at its intersection with the southerly projected westerly right-of-way line of Rogers Lane (50' wide), said point being the southeast corner of a triangular portion of land dedicated for right-of-way by said plat of Gerald Addition, from which a TxDOT Type I highway monument found bears S 79° 14' 44" E, a distance of 50.93 feet;

THENCE N 66° 57' 40" W, with the existing northerly right-of-way line of F.M. Road 969, a distance of 17.92 feet to a calculated southerly corner and **POINT OF BEGINNING** of the tract described herein, having Texas State Plane Coordinate System (Central Zone, NAD 83(93)) grid coordinates of N=10075628.67, E=3145435.21, U.S. Survey Feet, Combined Scale Factor of 1.000047148;

THENCE N 66° 57' 40" W, continuing with the northerly right-of-way line of said F.M. Road 969, a distance of 137.07 feet to the calculated southwesterly corner of the tract described herein;

THENCE N 30° 18' 34" E, leaving the northerly right-of-way line of said F.M. Road 969, a distance of 15.12 feet to the calculated northwest corner of the tract described herein;

THENCE S 66° 57' 40" E, through the interior of said Lot 2, a distance of 154.52 feet to the calculated northeast corner of the tract described herein and being on the curving southeasterly line of said Lot 2;

THENCE with the arc of the curving southerly line of said Lot 2, to the right, a distance of 26.36 feet through a central angle of 75° 31' 19", having a radius of 20.00 feet and a chord which bears S 75° 16' 39" W, a distance of 24.49 feet to the **POINT OF BEGINNING** and containing 2257 square feet (0.0518 acre) of land, more or less.

BEARING BASIS: All bearings are based on the Texas Coordinate System, Central Zone, NAD 83(93). Project reference control points consist of TxDOT bronze disk monument N2277017, having grid coordinates of: N=10077297.46, E=3141245.45, and monument N2277027, having grid coordinates of N=10076358.52, E=3143348.68. Combined scale factor of 1.000047148.

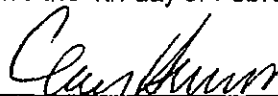
This property description is accompanied by a separate plat, see "Sketch to Accompany Field Note. No. 3091REV", page 3 of 3 attached hereto and made a part hereof.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Clay Harris, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735


Clay Harris
Registered Professional Land Surveyor
No. 5638 - State of Texas

AUSTIN MAP GRID: P-23
TCAD PARCEL: 02-1031-0105

FIELD NOTES REVIEWED
By John M. [Signature] Date 11-30-2004
Engineering Support Section
Department of Public Works
and Transportation



GERALD ADDITION
VOL. 89, PG. 313
P.R.T.C.Tx.

GRIESBACH PROPERTIES, INC.
CALLED 0.43 ACRE
VOL. 9653, PG. 0503
R.P.R.T.C.Tx.

DEDICATED FOR RIGHT-OF-WAY
VOL. 89, PG. 313
P.R.T.C.Tx.

WATERLINE EASEMENT
2257 SQUARE FEET
(0.0518 ACRE)

JAMES BURLESON SURVEY NO. 19, ABS NO. 4

F.M. ROAD 969
(WIDTH VARIES)

DEDICATED FOR RIGHT-OF-WAY
VOL. 89, PG. 313
P.R.T.C.Tx.

ROGERS LANE
(50' WIDE)

P.O.B.
GRID COORDINATES:
N=10075628.67
E=3145435.21

S79°14'44"E
P.O.C. 50.93'
N66°57'40"W
17.92'

P.O.R.
EXISTING
RIGHT-OF-WAY LINE

C1
 $\Delta=75^{\circ}31'19''$
 $R=20.00'$
 $L=26.36'$
 $CB=S75^{\circ}16'39''W$
 $CH=24.49'$



GRAPHIC SCALE
SCALE : 1" = 40'
FEBRUARY, 2004
TRAVIS COUNTY, TEXAS

LEGEND

■ TxDOT TYPE I HIGHWAY MONUMENT FOUND

△ CALCULATED POINT

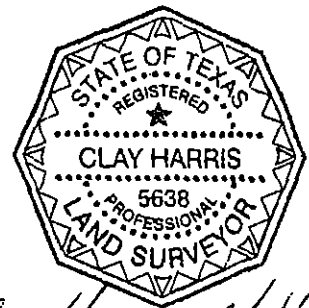
D.R.T.C.Tx. DEED RECORDS TRAVIS COUNTY, TEXAS

P.R.T.C.Tx. PLAT RECORDS TRAVIS COUNTY, TEXAS

R.P.R.T.C.Tx. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS

P.O.C. POINT OF COMMENCEMENT

P.O.B. POINT OF BEGINNING



Clay Harris 2/4/04

PROJECT: FN 309
JOB NUMBER: 23337-01
DATE: FEBRUARY, 2004
SURVEYOR: CLAY HARRIS
PARTY CHIEF: T. FISCHER
FIELDBOOK: 3280
FIELDNOTE: FN3091REV
TECHNICIAN: L.J.R.
DRAWING: FN3091.DWG
SCALE: 1"=40'



5505 WEST HIGHWAY 290
BUILDING B
AUSTIN TEXAS, 78758
(512) 447-0878
FAX: (512) 526-3629
EMAIL: SAM@SAMINCALB.COM

SKETCH TO ACCOMPANY
WATERLINE EASEMENT
DESCRIPTION FN3091REV

PAGE 3 OF 3