

RESOLUTION NO. 041118-16

WHEREAS, the Council finds that acquisition of the property interests described in the attachments 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**,

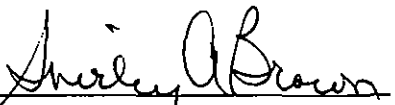
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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 Texrun Enterprises, Inc. and the property is located along the north side of East Rundberg Lane, east of Oriole Drive, south of Brownie Drive and west of IH-35, also known as 0 Longspur Boulevard East, Austin, Travis County, Texas.

ADOPTED: November 18, 2004

ATTEST:


Shirley A. Brown
City Clerk

Texrun Enterprises, Inc.
to
City of Austin
(Wastewater Easement)

Field Notes for Parcel 5000.01WE

BEING 0.037 OF ONE ACRE (1,610 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLGAIIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE TRACT CONVEYED TO TEXRUN ENTERPRISES, INC. BY WARRANTY DEED FILED FOR RECORD ON JANUARY 19, 1999 RECORDED IN VOLUME 13351, PAGE 1908 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.037 OF ONE ACRE (1,610 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 a southerly line of said Texrun tract, same being in a northerly line of Lot 1, Block 1, Racetrac Subdivision No. 2, recorded in Book 102, Pages 352 and 353 of the Plat Records of Travis County, Texas, conveyed to Pepperwood, Inc. by deed recorded in Volume 13280, Page 3470 of the Real Property Records of Travis County, Texas, same also being South 61°44'58" East, a distance of 192.19 feet from a 1/2 inch iron rod found at a corner of said Texrun tract, 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, US Feet, Combined Scale Factor 0.9999638238) values of N=10104602.44 and E=3130168.50;

1) THENCE, North 11°52'54" West, a distance of 112.39 feet, leaving the southerly line of said Texrun tract and a northerly line of Lot 1, crossing said Texrun tract, to a calculated point for the northwesterly corner of the herein described tract of land;

2) THENCE, North 78°07'06" East, a distance of 15.00 feet, to a calculated point for the northeasterly corner of the herein described tract of land;

3) THENCE, South 11°52'54" East, a distance of 98.60 feet, to a calculated point in a southerly line of said Texrun tract, same being in a northerly line of said Lot 1, for a southeasterly corner of the herein described tract of land;

4) THENCE, South 27°41'45" West, at a distance of 8.52 feet passing the east line of a 15 foot Sanitary Sewer easement recorded in Volume 3648, Page 1603 of the Deed Records of Travis County, Texas, in all a distance of 20.22 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a 1/2 inch iron rod found for the most southerly corner of the herein described tract of land;

5) THENCE, North 61°44'58" West, a distance of 2.77 feet, to the Point of Beginning, and containing an area of 0.037 of one acre (1,610 s.f.) of land, more or less.

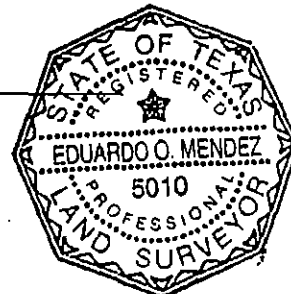
I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

7/14/03

Date



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

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone NAD83 (CORS). For surface coordinates, divide grid coordinates by an adjustment factor of 0.9999638238). The reference for this project is a found brass cap, "SEC 6", having coordinate values N=10097911.08, E=3133285.51 in the west sidewalk along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Road, and a found brass cap, "SEC7", having coordinate values of N=10099099.14, E=3134143.88 in a concrete drainage inlet in the median section of Cameron Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearing of N 33°50'53" E and a surface distance of 1465.81 feet.

TCAD No. : 2-4120-0221
Austin Grid: L30-3

FIELD NOTES REVIEWED

By: *[Signature]* Date: 7-15-03

**Austin Clean Water Program
Survey Coordinator**

Exhibit "A"
Page 2 of 3

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- △ CALCULATED POINT
- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- () RECORD INFORMATION
- PRCT PLAT RECORDS TRAVIS CO, TX
- DRTCT DEED RECORDS TRAVIS CO, TX
- RPRTCT REAL PROPERTY RECORDS TRAVIS CO, TX
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
- ||||| AREA OF EASEMENT
- ▨ AREA OF EASEMENT OVERLAP

SCALE:
1"=50'

TEXRUN ENTERPRISES, INC.
VOL. 13351, PG. 1908
RPRTCT

JOHN APPELGAIT SURVEY
ABSTRACT #29

15' SAN SEWER
ESMT
3648/1603
DRTCT

DRAINAGE EASEMENT
AGREEMENT
13280/3484
RPRTCT

5000.01 WE

0.037 AC.
(1,610 S.F.)

SANITARY SEWER
EASEMENT
10595/57
RPRTCT

5000.01
TWSE

N78° 07' 06" E
15.00'

S11° 52' 54" E
N11° 52' 54" W
12.39'

AREA OF OVERLAP
1339 S.F.

5000.01TIAEE

S61° 44' 58" E 192.19'
N59° 51' 06" W 194.99'

5000.01
TSAAMSS

INGRESS/EGRESS
ESMT AGREEMENT
1999083541
OPRTCT

DRAINAGE ESMT
102/352
DRTCT

POINT OF
BEGINNING
N 10104602.44
E 3130168.50
(GRID COORDINATES)

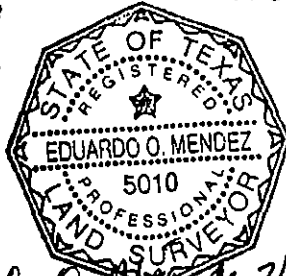
8.52'
S27° 41' 45" W
20.22'

N61° 44' 58" W
2.77'

LOT 1
BLOCK 1

RACETRAC
SUBDIVISION No. 2
BK. 102, PP. 352, 353
PRCT

PEPPERWOOD INC.
VOL. 13280, PG. 3470
RPRTCT



Eduardo O. Mendez 7/14/03

THE COORDINATES SHOWN ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "SEC 6" HAVING COORDINATE VALUES N=10097911.08, E=3133285.51 AND "SEC 7" HAVING COORDINATE VALUES N=10089099.14, E=3134143.88. COMBINED SCALE FACTOR = 0.9999638238. ALL DISTANCES SHOWN ARE SURFACE DISTANCES

RECORD DATA REFERENCE:
ALAMO TITLE INSURANCE
3305 NORTHLAND DR.
SUITE 100
AUSTIN, TX 78731
CF No. 03-7036855

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

CHEVY CHASE ONE
7700 CHEVY CHASE DRIVE
SUITE 100, AUSTIN, TEXAS 78752
TEL 512.452.0757 FAX 512.453.1734

SKETCH TO ACCOMPANY

Exhibit "A"
Page 3 of 3

A PORTION OF
JOHN APPELGAIT SURVEY
TRAVIS COUNTY, TEXAS

PAGE 3 OF 3

Texrun Enterprises, Inc.
to
City of Austin
(Temporary Working Space Easement)

Field Notes for Parcel 5000.01TWSE

BEING 0.350 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLGAIIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 24.001 ACRE TRACT CONVEYED TO TEXRUN ENTERPRISES, INC. BY WARRANTY DEED FILED FOR RECORD ON JANUARY 19, 1999 RECORDED IN VOLUME 13351, PAGE 1908 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.350 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 a northerly line of said Texrun tract, same being in the southerly line of Lot 5, Block A, North Creek East, Section One, recorded in Book 50, Page 55 of the Plat Records of Travis County, Texas, conveyed to Joe and Adelita Diaz by deed recorded in Volume 11268, Page 534 of the Real Property Records of Travis County, Texas, same also being South 62°35'29" East, a distance of 45.75 feet from a 1/2 inch iron rod found at a northwesterly corner of said Texrun tract, for the Point of Beginning and the northwesterly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10105038.72 and E=3130063.94;

1) THENCE, South 62°35'29" East, a distance of 42.14 feet, with a northerly line of said Texrun tract and the southerly line of said Lot 5 and Lot 6, Block A, of said North Creek East, Section One, to a calculated point for a corner;

2) THENCE, South 27°30'40" West, a distance of 3.29 feet, leaving a northerly line of said Texrun tract and the southerly line of said Lot 6 and crossing said Texrun tract, to a calculated point for a corner;

3) THENCE, South 63°16'45" East, a distance of 12.12 feet, to a calculated point for a northeasterly corner of the herein described tract of land;

4) THENCE, South 11°52'54" East, a distance of 382.77 feet, to a calculated point in a southerly line of said Texrun tract and a northerly line of Lot 1, Block 1, Racetrac Subdivision No. 2, recorded in Book 102, Pages 352 and 353 of the Plat Records of Travis County, Texas, conveyed to Pepperwood, Inc. by deed recorded in Volume 13280, Page 3470 of the Real Property Records of Travis County, Texas, for the southeasterly corner of the herein described tract of land;

5) THENCE, South 27°41'45" West, a distance of 19.62 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a calculated point for a corner;

6) THENCE, North 11°52'54" West, a distance of 98.60 feet, leaving a southerly line of said Texrun tract and a northerly line of said Lot 1 and crossing said Texrun tract, to a calculated point for a corner;

7) THENCE, South 78°07'06" West, a distance of 15.00 feet, to a calculated point for a corner;

8) THENCE, South 11°52'54" East, a distance of 112.39 feet, to a calculated point in a southerly line of said Texrun tract and a northerly line of said Lot 1, for the most southerly corner of the herein described tract of land;

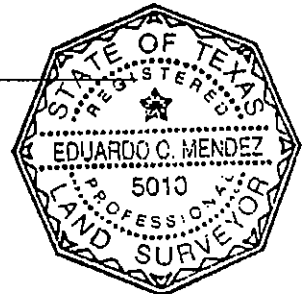
9) THENCE, North 61°44'58" West, a distance of 16.35 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a calculated point for the southwesterly corner of the herein described tract of land;

10) THENCE, North 11°52'54" West, a distance of 437.94 feet, leaving a southerly line of said Texrun tract and a northerly line of said Lot 1 and crossing said Texrun tract, to the Point of Beginning, and containing an area of 0.350 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.

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

7/17/03
Date



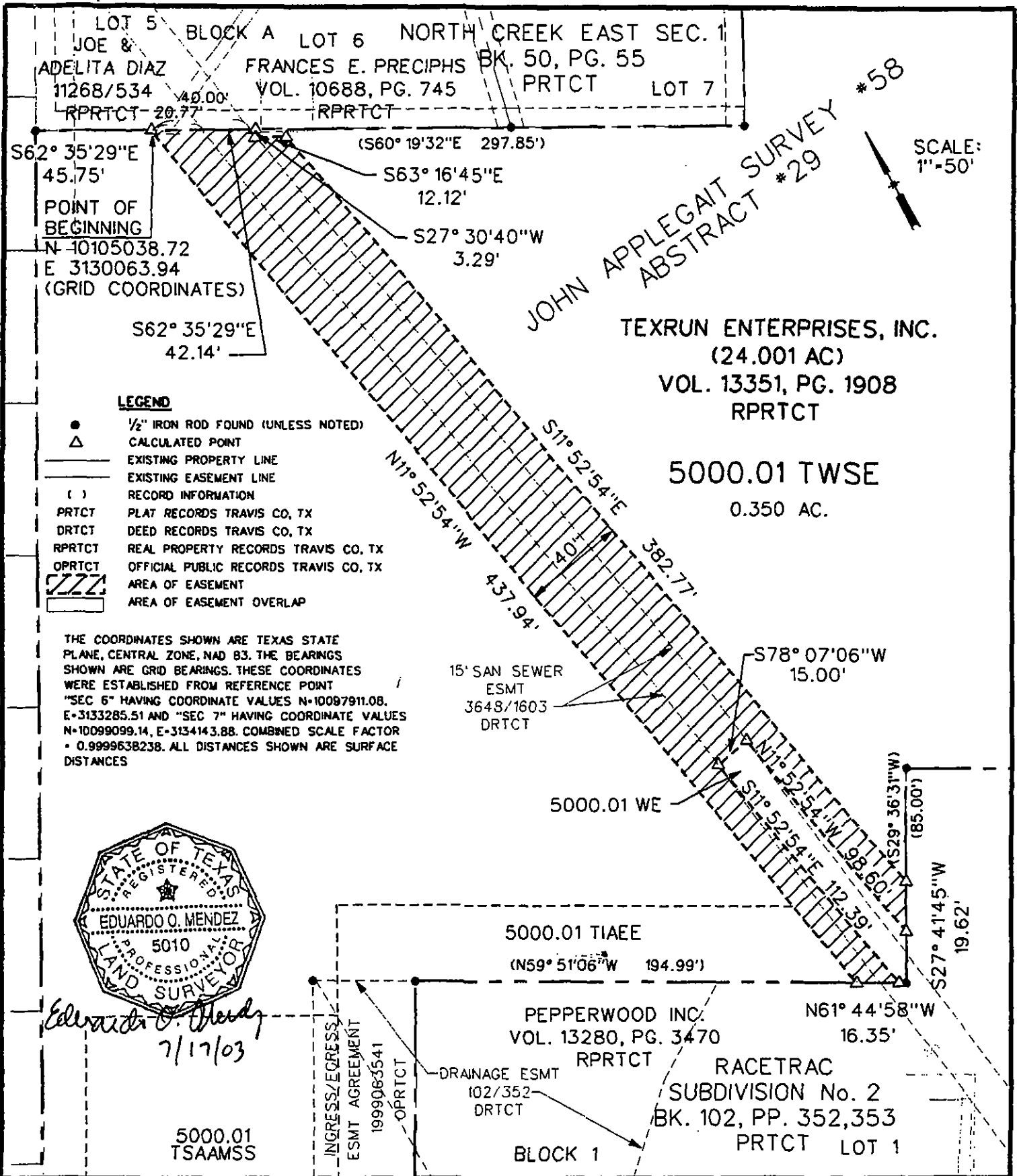
Martinez, Wright & Mendez, Inc.
7700 Chevy Chase Dr., Suite 100
Austin, Texas 78752
(512) 453-0767

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone NAD83 (CORS). For surface coordinates, divide grid coordinates by an adjustment factor of 0.9999638238). The reference for this project is a found brass cap, "SEC 6", having coordinate values N=10097911.08, E=3133285.51 in the west sidewalk along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Road, and a found brass cap, "SEC7", having coordinate values of N=10099099.14, E=3134143.88 in a concrete drainage inlet in the median section of Cameron Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearing of N 35°50'53" E and a surface distance of 1465.81 feet.

TCAD No. : 2-4120-0221
Austin Grid: L30-3

Exhibit "B"
Page 2 of 3

FIELD NOTES REVIEWED
By: [Signature] Date: 7-21-03
Austin Clean Water Program
Survey Coordinator



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

CHEVY CHASE ONE
7700 CHEVY CHASE DRIVE
SUITE 106, AUSTIN, TEXAS 78752
TEL: 512.452.0767 FAX: 512.453.1734

SKETCH TO ACCOMPANY
Exhibit "B"
Page 3 of 3

**A PORTION OF
JOHN APPELGAIT SURVEY
TRAVIS COUNTY, TEXAS**
PAGE 3 OF 3

Texrun Enterprises, Inc.
to
City of Austin
(Temporary Ingress and
Egress Easement)

Field Notes for Parcel 5000.01TIAEE

BEING 0.309 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLGAIIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE TRACT CONVEYED TO TEXRUN ENTERPRISES, INC. BY WARRANTY DEED FILED FOR RECORD ON JANUARY 19, 1999 RECORDED IN VOLUME 13351, PAGE 1908 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.309 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 a southerly line of said Texrun tract, same being in a northerly line of Lot 1, Block 1, Racetrac Subdivision No. 2, recorded in Book 102, Pages 352 and 353 of the Plat Records of Travis County, Texas, conveyed to Pepperwood, Inc. by deed recorded in Volume 13280, Page 3470 of the Real Property Records of Travis County, Texas, same also being North 61°44'58" West, a distance of 19.12 feet from a 1/2 inch iron rod found at a corner of said Texrun tract, for the Point of Beginning and the most easterly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104610.18 and E=3130154.10;

1) THENCE, North 61°44'58" West, a distance of 175.84 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a 1/2 inch iron rod found for a corner;


2) THENCE, South 27°32'28" West, a distance of 250.73 feet, with a southerly line of said Texrun tract and a northerly line of said Lot 1, to a calculated point in the northerly right-of-way line of Rundberg Lane (R.O.W. varies), for the most southerly corner of the herein described tract of land;

3) THENCE, North 61°53'42" West, a distance of 30.47 feet, with the northerly right-of-way line of said Rundberg Lane and a southerly line of said Texrun tract, to a calculated point for the most westerly corner of the herein described tract of land;

4) THENCE, North 27°32'28" East, a distance of 280.81 feet, leaving said Rundberg Lane and crossing said Texrun tract, to a calculated point for the most northerly corner of the herein described tract of land;

5) THENCE, South 61°44'58" East, a distance of 181.39 feet, to a calculated point for a northeasterly corner of the herein described tract of land;

Exhibit "C"
Page 1 of 3

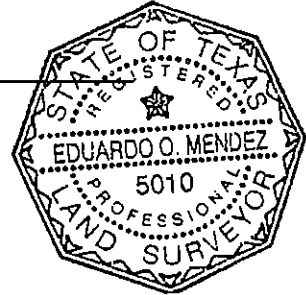
FIELD NOTES REVIEWED
By:  Date: 7-23-03
Austin Clean Water Program
Survey Coordinator
Page 1 of 3

6) THENCE, South 11°52'54" East, a distance of 39.24 feet, to the Point of Beginning, and containing an area of 0.309 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.

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

6/24/03
Date



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

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone NAD83 (CORS). For surface coordinates, divide grid coordinates by an adjustment factor of 0.9999638238). The reference for this project is a found brass cap, "SEC 6", having coordinate values N=10097911.08, E=3133285.51 in the west sidewalk along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Road, and a found brass cap, "SEC7", having coordinate values of N=10099099.14, E=3134143.88 in a concrete drainage inlet in the median section of Cameron Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearing of N 35°50'53" E and a surface distance of 1465.81 feet.

TCAD No. : 2-4120-0221
Austin Grid: L30-3

Exhibit "C"
Page 2 of 3

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- △ CALCULATED POINT
- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- () RECORD INFORMATION
- PRTCT PLAT RECORDS TRAVIS CO, TX
- DRTCT DEED RECORDS TRAVIS CO, TX
- RPRTCT REAL PROPERTY RECORDS TRAVIS CO, TX
- OPRTCT OFFICIAL PROPERTY RECORDS TRAVIS CO, TX
- 7777 AREA OF EASEMENT
- 7777 AREA OF EASEMENT OVERLAP

15' SAN SEWER
ESMT
3648/1603
DRTCT

5000.01
TWSE

SCALE:
1"=50'

TEXRUN ENTERPRISES, INC.
VOL. 13351, PG. 1908
RPRTCT

5000.01
TIAEE
0.309 AC

4
BLOCK
A

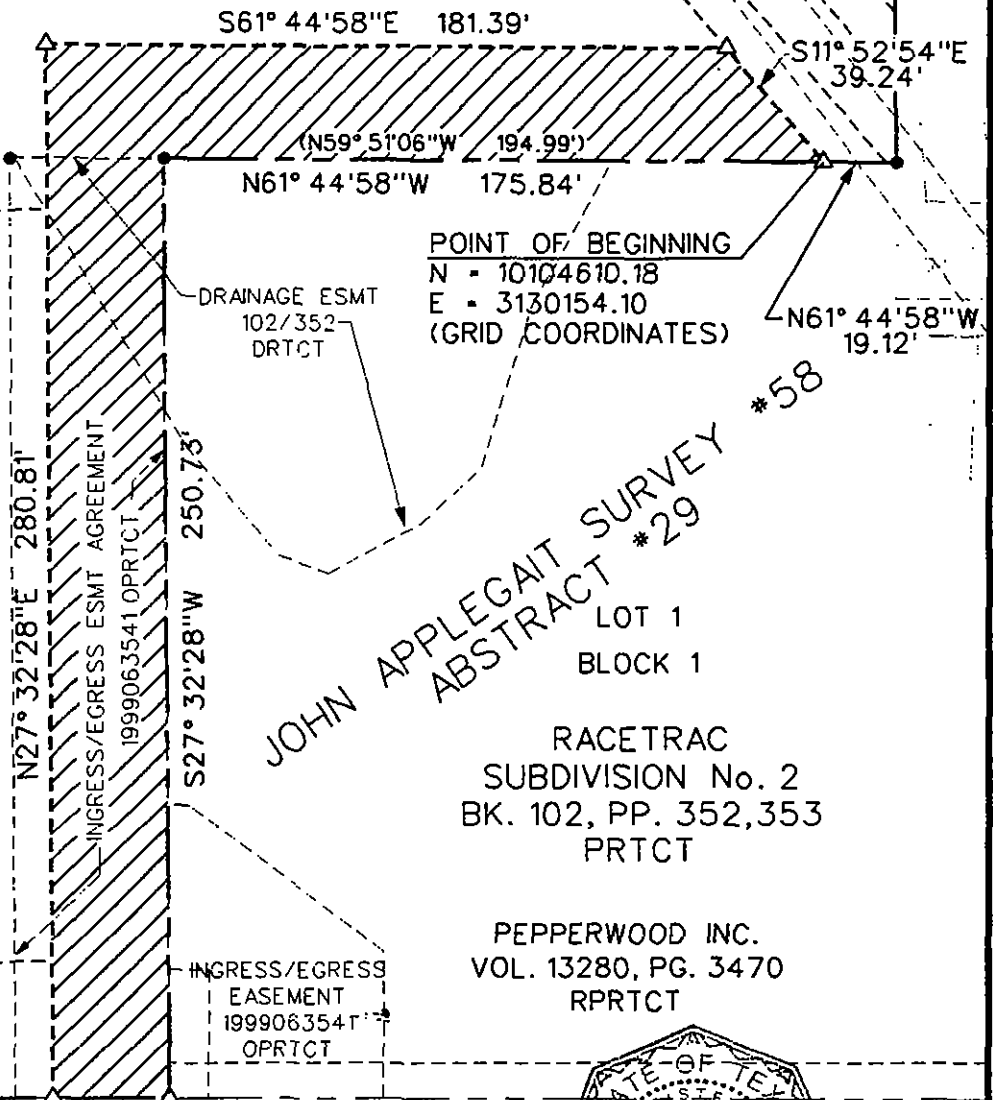
3

2

NORTH
CREEK
47/13
PRTCT

1

5000.01 TSAAMSS



JOHN APPELGAIT SURVEY
ABSTRACT *29

LOT 1
BLOCK 1

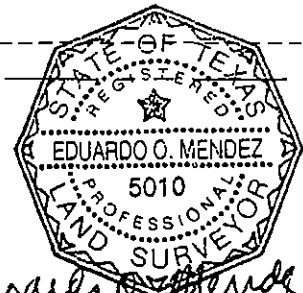
RACETRAC
SUBDIVISION No. 2
BK. 102, PP. 352, 353
PRTCT

PEPPERWOOD INC.
VOL. 13280, PG. 3470
RPRTCT

THE COORDINATES SHOWN ARE TEXAS STATE
PLANE, CENTRAL ZONE, NAD 83. THE BEARINGS
SHOWN ARE GRID BEARINGS. THESE COORDINATES
WERE ESTABLISHED FROM REFERENCE POINT
"SEC 8" HAVING COORDINATE VALUES N=10097911.08,
E=3133285.51 AND "SEC 7" HAVING COORDINATE VALUES
N=10099099.14, E=3134143.88. COMBINED SCALE FACTOR
= 0.9999638238. ALL DISTANCES SHOWN ARE SURFACE
DISTANCES

N61° 53' 42" W
30.47'

RUNDBERG LANE
(R.O.W. VARIES)



Eduardo O. Mendez 6/24/03

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

CHEVY CHASE ONE
7708 CHEVY CHASE DRIVE
SUITE 100, AUSTIN, TEXAS 78752
TEL: 512.453.0767 FAX: 512.453.1734

SKETCH TO ACCOMPANY

Exhibit "C"
Page 3 of 3

A PORTION OF
JOHN APPELGAIT SURVEY
TRAVIS COUNTY, TEXAS

PAGE 3 OF 3