

RESOLUTION NO. 041118-17

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**,

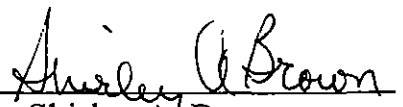
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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 WDOP Sub I, L.P., and the property is located at 9200 North Plaza, Austin, Travis County, Texas.

ADOPTED: November 18, 2004

ATTEST:


Shirley A. Brown
City Clerk

WDOP SUB I LP
to
City of Austin
Stoney Creek Landing Phase 2
(Wastewater Easement)

Field Notes for Parcel 5000.40WE

BEING 0.315 OF ONE ACRE (13,724 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLGAI SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, STONEY CREEK LANDING, PHASE 2, RECORDED IN BOOK 83, PAGES 83D AND 84A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WDOP SUB I, LP BY SPECIAL WARRANTY DEED FILED FOR RECORD ON MARCH 2, 2000 RECORDED IN DOCUMENT 2000030908 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.315 OF ONE ACRE (13724 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 northwesterly line of said Lot 1, Stoney Creek Landing Phase 2, same being in a southeasterly line of Lot 3, Rundberg Square Shopping Center recorded in Book 85, Pages 149A and B of the Plat Records of Travis County, Texas, conveyed to Sigland Properties II, Ltd. by deed recorded in Volume 12236, Page 1369 of the Real Property Records of Travis County, Texas, same also being South 33°37'44" West, a distance of 30.48 feet from a 1/2 inch iron rod found at a corner of said Lot 1, for the Point of Beginning and the most northerly 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=10103098.61 and E=3130906.57;

- 1) THENCE, South 38°35'19" East, at a distance of 59.03 feet passing the east line of an existing sanitary sewer easement recorded in Volume 7613, Page 641 of the Deed Records of Travis County, Texas, in all a distance of 71.82 feet, to a calculated point for a corner;
- 2) THENCE, South 28°40'23" East, at a distance of 172.45 feet passing the easterly line of an existing wastewater easement recorded in Volume 2433, Page 398 of the Deed Records of Travis County, Texas, in all a distance of 219.42 feet, to a calculated point for a corner;
- 3) THENCE, South 25°37'19" East, a distance of 209.70 feet, to a calculated point for a corner;
- 4) THENCE, South 43°40'19" East, a distance of 410.68 feet, to a calculated point in the west line of North Plaza (60 foot Right-of Way) and in a southeasterly line of said Lot 1, same being the point of curvature of a non-tangent circular curve to the left for the southeasterly corner of the herein described tract of land;
- 5) THENCE, with the west line of said North Plaza and a southeasterly line of said Lot 1, along said curve to the left of 359.81 feet radius, an arc distance of 18.13 feet, having an angle of intersection of 02°53'16", (the long chord of said curve bears South 12°08'39" West, at a

distance of 2.98 feet passing the easterly line of said existing wastewater easement, in all a distance of 18.13 feet), to a calculated point for the most southerly corner of the herein described tract of land;

6) THENCE, North 43°40'19" West, a distance of 423.25 feet, to a calculated point for a corner;

7) THENCE, North 25°37'19" West, a distance of 211.69 feet, to a calculated point for a corner;

8) THENCE, North 28°40'23" West, a distance of 217.72 feet, to a calculated point for a corner;

THENCE, North 38°35'19" West, a distance of 65.71 feet, to a calculated point in a northwesterly line of said Lot 1, same being in a southeasterly line of said Lot 3, for the most westerly corner of the herein described tract of land;

9) THENCE, North 33°37'44" East, at a distance of 2.63 feet passing the westerly line of said existing sanitary sewer easement, in all a distance of 15.75 feet, with a northwesterly line of said Lot 1 and a southeasterly line of said Lot 3, to the Point of Beginning and containing an area of 0.315 of one acre of land (13724 S.F.), more or less.

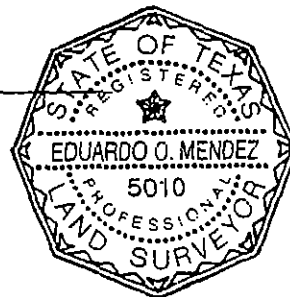
I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

6/12/03

Date



Martinez, Wright & Mendez, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723
(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. : 2-3920-0804
Austin Grid: L30-3, M29-1

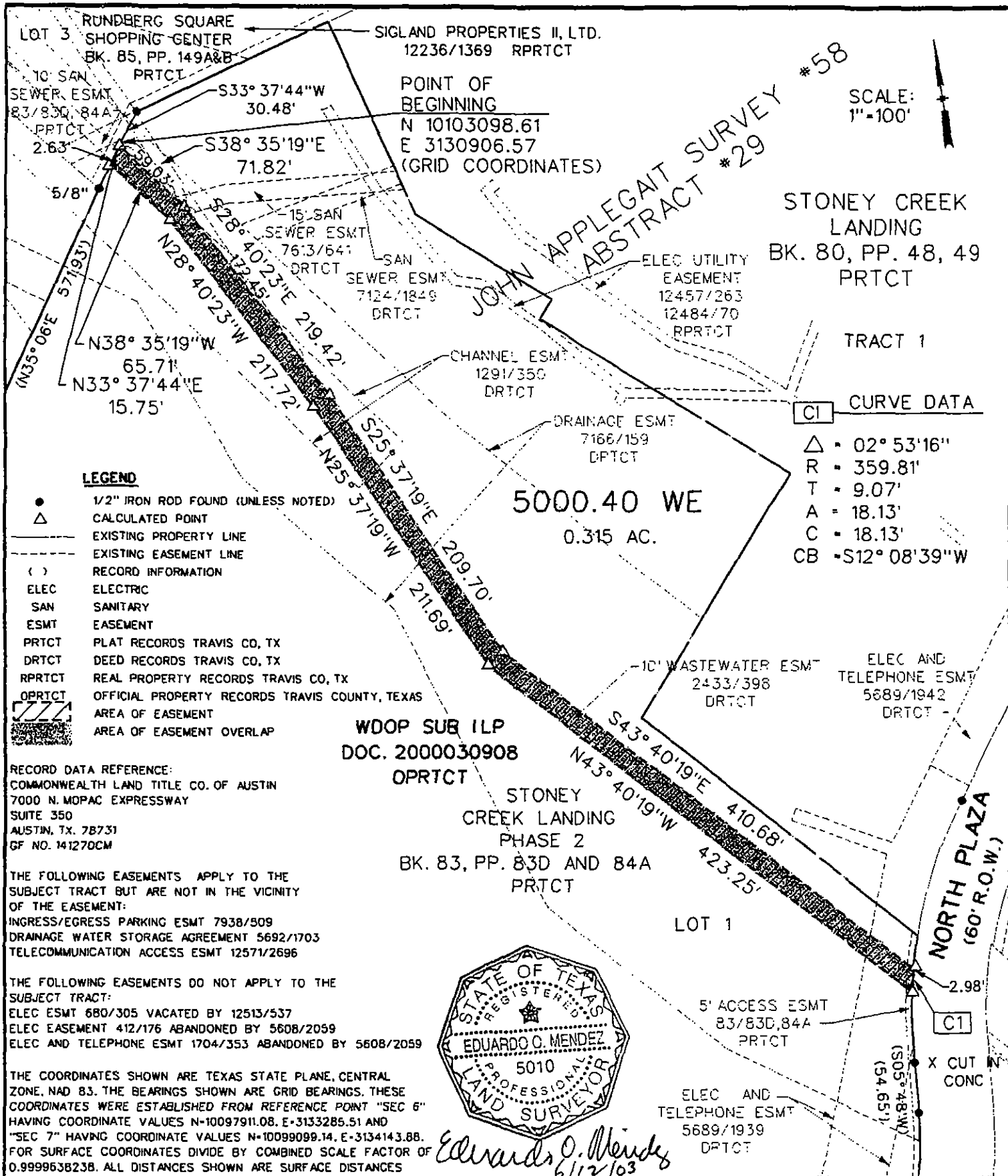
Exhibit "A"
Page 2 of 3

FIELD NOTES REVIEWED

R. [Signature] Date: 6-30-03

Page 2 of 3

Austin Clean Water Program
Survey Coordinator



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

CHEVY CHASE ONE
7700 Chevy Chase Drive
Suite 100, Austin, Texas 78752
Tel: 512.451.0747 fax: 512.452.1124

SKETCH TO ACCOMPANY

Exhibit "A"
Page 3 of 3

A PORTION OF
LOT 1, STONEY CREEK
LANDING, PHASE 2
TRAVIS COUNTY, TEXAS

WDOP SUB I LP
to
City of Austin
Stoney Creek Landing Phase 2
(Temporary Working Space Easement)

Field Notes for Parcel 5000.40TWSE

BEING 0.443 OF ONE ACRE OF LAND (19,299 S.F.), MORE OR LESS, OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, STONEY CREEK LANDING, PHASE 2, RECORDED IN BOOK 83, PAGES 83D AND 84A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WDOP SUB I, LP BY SPECIAL WARRANTY DEED FILED FOR RECORD ON MARCH 2, 2000 RECORDED IN DOCUMENT 2000030908 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, 0.443 OF ONE ACRE OF LAND (19,299 S.F.) BEING HEREINAFTER DESIGNATED AS PART 1 AND PART 2 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

Part 1

BEGINNING at a calculated point in a northwesterly line of said Lot 1, same being in a southeasterly line of Lot 3, Rundberg Square Shopping Center recorded in Book 85, Pages 149A and B of the Plat Records of Travis County, Texas, conveyed to Sigland Properties II, Ltd. by Special Warranty Deed recorded in Volume 12236, Page 1369 of the Real Property Records of Travis County, Texas, same also being South 33°37'44" West, a distance of 25.23 feet from a 1/2 inch iron rod found at a corner of said Lot 1, for the Point of Beginning and the most northerly 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=10103102.97 and E=3130909.48;

- 1) THENCE, South 38°35'19" East, a distance of 79.67 feet, leaving said northwesterly line of said Lot 1 and southeasterly line of said Lot 3 and crossing said Lot 1, to a calculated point for a corner;
- 2) THENCE, South 28°40'23" East, a distance of 195.51 feet, to a calculated point for a corner;
- 3) THENCE, South 25°37'19" East, a distance of 227.83 feet, to a calculated point for a corner;
- 4) THENCE, South 43°40'19" East, a distance of 406.73 feet, to a calculated point in the west line of North Plaza (60' R.O.W.) and in the east line of said Lot 1, same being the point of curvature of a non-tangent circular curve to the left, for the northeasterly corner of the herein described tract of land;
- 5) THENCE, with the west line of said North Plaza and the east line of said Lot 1, along said curve to the left of 359.81 feet radius, an arc distance of 5.91 feet, having an angle of intersection of 00°56'30", (the long chord of said curve bears South 14°03'32" West, a distance of 5.91 feet), to a calculated point for the most southerly corner of the herein described tract of land;
- 6) THENCE, North 43°40'19" West, a distance of 410.68 feet, leaving said North Plaza and crossing said Lot 1, to a calculated point for a corner;
- 7) THENCE, North 25°37'19" West, a distance of 209.70 feet, to a calculated point for a corner;

Exhibit "B"
Page 1 of 4

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8) THENCE, North 28°40'23" West, a distance of 219.42 feet, to a calculated point for a corner;

9) THENCE, North 38°35'19" West, a distance of 71.82 feet, to a calculated point in a northwesterly line of said Lot 1, same being in a southeasterly line of said Lot 3, for the most westerly corner of the herein described tract of land;

10) THENCE, North 33°37'44" East, a distance of 5.25 feet, with a northwesterly line of said Lot 1 and a southeasterly line of said Lot 3, to the Point of Beginning and containing an area of 0.109 of one acre (4,761 S.F.) of land, more or less.

Part 2

BEGINNING at a calculated point in a northwesterly line of said Lot 1, same being in a southeasterly line of said Lot 3, same also being South 33°37'44" West, a distance of 48.86 feet from a 1/2 inch iron rod found at a corner of said Lot 1, for the Point of Beginning and the most westerly 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=10103083.30 and E=3130896.39;

1) THENCE, North 33°37'44" East, a distance of 2.63 feet, with a northwesterly line of said Lot 1 and a southeasterly line of said Lot 3, to a calculated point for the most northerly corner of the herein described tract of land;

2) THENCE, South 38°35'19" East, a distance of 65.71 feet, leaving said northwesterly line of said Lot 1 and southeasterly line of said Lot 3 and crossing said Lot 1, to a calculated point for a corner;

3) THENCE, South 28°40'23" East, a distance of 217.72 feet, to a calculated point for a corner;

4) THENCE, South 25°37'19" East, a distance of 211.69 feet, to a calculated point for a corner;

5) THENCE, South 43°40'19" East, a distance of 423.25 feet, to a calculated point in the west line of North Plaza (60' R.C.W.) and in the east line of said Lot 1, same being the point of curvature of a non-tangent circular curve to the left, for the northeasterly corner of the herein described tract of land;

6) THENCE, with the west line of said North Plaza and the east line of said Lot 1, along said curve to the left of 359.81 feet radius, an arc distance of 22.24 feet, having an angle of intersection of 03°32'32", (the long chord of said curve bears South 08°55'45" West, a distance of 22.24 feet), to a calculated point for the most southerly corner of the herein described tract of land;

7) THENCE, North 43°40'19" West, a distance of 191.27 feet, leaving said North Plaza and crossing said Lot 1, to a calculated point for a corner;

8) THENCE, North 88°40'19" West, a distance of 38.29 feet, to a calculated point for a corner;

9) THENCE, North 43°40'19" West, a distance of 73.14 feet, to a calculated point for a corner;

Exhibit "B"

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- 10) THENCE, North 01°19'41" East, a distance of 38.53 feet, to a calculated point for a corner;
- 11) THENCE, North 43°40'19" West, a distance of 120.81 feet, to a calculated point for a corner;
- 12) THENCE, North 25°37'19" West, a distance of 206.84 feet, to a calculated point for a corner;
- 13) THENCE, North 19°23'47" East, a distance of 22.02 feet, to a calculated point for a corner;
- 14) THENCE, North 28°40'23" West, a distance of 203.75 feet, to a calculated point for a corner;
- 15) THENCE, North 38°35'19" West, a distance of 70.50 feet, to the Point of Beginning and containing an area of 0.334 of one acre (14,538 S.F.) of land, more or less.

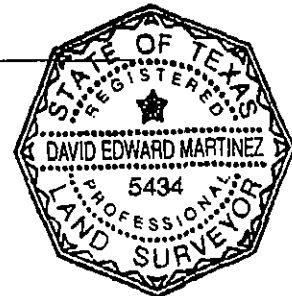
Summary

Part 1	0.109 ac.	4761 s.f
Part 2	0.334 ac.	14538 s.f.
Total	0.443 ac.	19299 s.f.

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.

David E. Martinez
 David E. Martinez
 Registered Professional Land Surveyor 5434

06/23/03
 Date



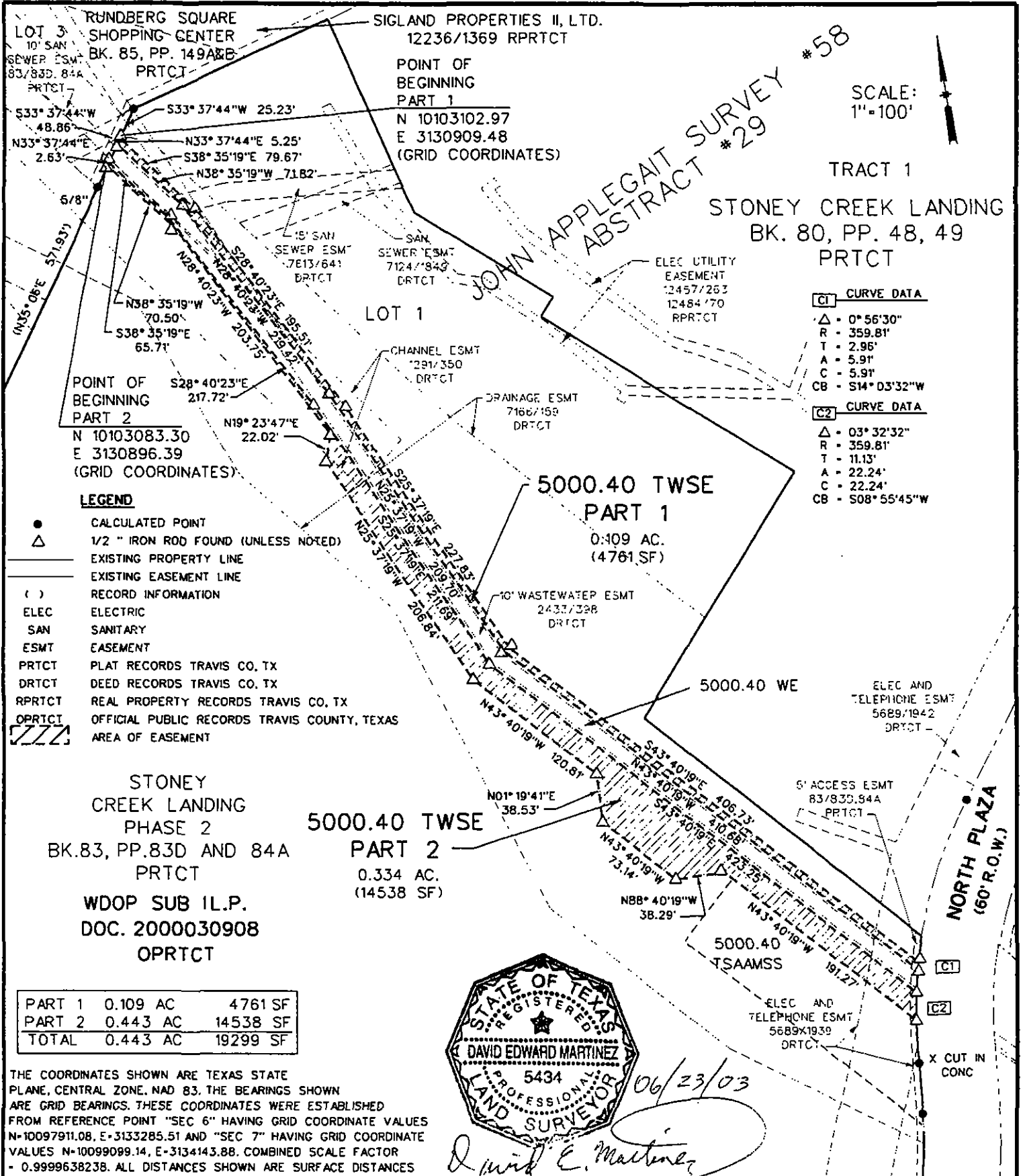
Martinez, Wright & Mendez, Inc.
 7700 Chevy Chase Dr., Suite 100
 Austin, Texas 78752
 (512) 453-0767

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. : 2-3920-0804
 Austin Grid: L30-3, M29-1

Exhibit "B"
 Page 3 of 4

FIELD NOTES REVIEWED
 By: *[Signature]* Date: 6-26-03
 Austin Clean Water Program
 Survey Coordinator



SKETCH TO ACCOMPANY
Exhibit "B"
Page 4 of 4

A PORTION OF
LOT 1, STONEY CREEK
LANDING, PHASE 2
TRAVIS COUNTY, TEXAS
PAGE 4 OF 4

WDOP SUB I LP
to
City of Austin
Stoney Creek Landing Phase 2
(Temporary Staging Area
and Materials Storage Site)

Field Notes for Parcel 5000.40TSAAMSS

BEING 0.298 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, STONEY CREEK LANDING, PHASE 2, RECORDED IN BOOK 83, PAGES 83D AND 84A OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WDOP SUB I, LP BY SPECIAL WARRANTY DEED FILED FOR RECORD ON MARCH 2, 2000 RECORDED IN DOCUMENT 2000030908 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.298 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 westerly line of North Plaza (60' R.O.W.), same being in a easterly line of said Lot 1, Stoney Creek Landing Phase 2, same also being along a circular curve to the left of 359.81 feet radius, an arc distance of 67.00 feet, having an angle of intersection of 10°40'09" (the long chord of said curve bears South 12°29'31" West, a distance of 66.90 feet), from a calculated point at the northeasterly corner of said Lot 1, for the Point of Beginning and the northeasterly 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=10102324.15 and E=3131423.63;

1) THENCE, with the westerly line of said North Plaza and the easterly line of said Lot 1, along said curve to the left of 359.81 feet radius, an arc distance of 18.48 feet, having an angle of intersection of 02°56'36" (the long chord of said curve bears South 05°41'09" West, a distance of 18.48 feet), to an x cut in concrete found for a corner;

2) THENCE, South 04°07'22" West, a distance of 54.78 feet, to a 1/2 inch iron rod found for the point of curvature of a non-tangent circular curve to the right;

3) THENCE, along said curve to the right of 300.64 feet radius, an arc distance of 9.15 feet, having an angle of intersection of 1°44'37" (the long chord of said curve bears South 05°01'01" West, a distance of 9.15 feet), to a calculated point for the most southerly corner of the herein described tract of land;

4) THENCE, North 43°46'30" West, a distance of 237.89 feet, leaving said North Plaza and crossing said Lot 1, to a calculated point for the most westerly corner of the herein described tract of land;

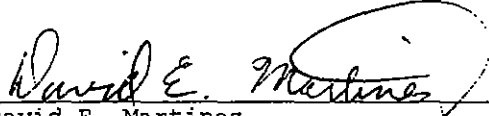
5) THENCE, North 46°13'30" East, a distance of 62.07 feet, to a calculated point for the most northerly corner of the herein described tract of land;

Exhibit "C"
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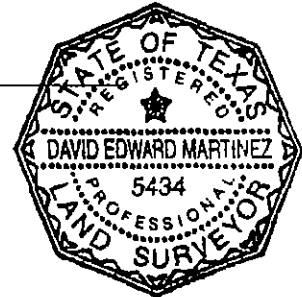
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6) THENCE, South 43°37'05" East, a distance of 193.13 feet, to the Point of Beginning and containing an area of 0. 298 of one acre of land, more or less.

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.


David E. Martinez
Registered Professional Land Surveyor 5434

06/23/03
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. : 2-3920-0804
Austin Grid: L30-3, M29-1



FIELD NOTES REVIEWED
By: Phil Smith Date: 6-26-03
Austin Clean Water Program
Survey Coordinator

Exhibit "C"
Page 2 of 3

C1 CURVE DATA

Δ = 2° 56' 36"
 R = 359.81'
 T = 9.24'
 A = 18.48'
 C = 18.48
 CB = S05° 41' 09" W

C2 CURVE DATA

Δ = 01° 44' 37"
 R = 300.64'
 T = 4.57'
 A = 9.15'
 C = 9.15'
 CB = S05° 01' 01" W

C3 CURVE DATA

Δ = 10° 40' 09"
 R = 359.81' 5000.40
 T = 33.60' TWSE
 A = 67.00'
 C = 66.90'
 CB = S12° 29' 31" W

LEGEND

- CALCULATED POINT
- Δ 1/2" IRON ROD FOUND (UNLESS NOTED)
- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- () RECORD INFORMATION
- ELEC ELECTRIC
- SAN SANITARY
- ESMT EASEMENT
- PRCT PLAT RECORDS TRAVIS CO. TX
- DRTCT DEED RECORDS TRAVIS CO. TX
- RPRCT REAL PROPERTY RECORDS TRAVIS CO. TX
- OPRCT OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- ||||| AREA OF EASEMENT

WDOP SUB 1LP
 DOC. 2000030908
 OPRCT

STONEY
 CREEK LANDING
 PHASE 2
 BK. 83, PP. 83D AND 84A
 PRCT

ELEC AND
 TELEPHONE
 ESMT
 5689/1939
 DRTCT

3 ACCESS ESMT
 83/83D, 84A
 PRCT

SCALE:
 1" = 50'

TRACT 1
 STONEY CREEK LANDING
 BK. 80, PP. 48, 49
 PRCT

ELEC AND
 TELEPHONE
 ESMT
 5689/1942
 DRTCT

C3

POINT OF
 BEGINNING
 N 10102324.15
 E 3131423.63
 (GRID COORDINATES)

C1

X CUT IN
 CONC
 S04° 07' 22" W
 54.78'
 (S05° 48' W)
 (54.65')

C2

NORTH PLAZA
 (60' R.O.W.)



06/23/03

David E. Martinez

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 GRID COORDINATE VALUES
 N=10097911.08, E=3133285.51 AND "SEC 7" HAVING GRID COORDINATE
 VALUES N=10099099.14, E=3134143.88. COMBINED SCALE FACTOR
 = 0.9999638238. ALL DISTANCES SHOWN ARE SURFACE DISTANCES



**MARTINEZ
 WRIGHT &
 MENDEZ**

Civil Engineering, Land Surveying, Architecture

CHEVY CHASE ONE
 7700 CHEVY CHASE DRIVE
 SUITE 100, AUSTIN, TEXAS 78752
 TEL: 512.453.0767 FAX: 512.453.1734

SKETCH TO ACCOMPANY

Exhibit "C"
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A PORTION OF
 LOT 1, STONEY CREEK
 LANDING, PHASE 2
 TRAVIS COUNTY, TEXAS

PAGE 3 OF 3