

RESOLUTION NO. 041202-18

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

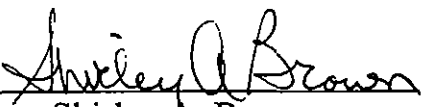
WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE**,

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 7400 Webberville Road, Inc., and the property is located at 7400 FM Road 969, Austin, Travis County, Texas.

ADOPTED: December 2, 2004

ATTEST: 
Shirley A. Brown
City Clerk

DESCRIPTION OF 3159 SQUARE FEET (0.0725 ACRE) OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 5.991 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO 7400 WEBBERVILLE ROAD, INC., EXECUTED OCTOBER 11, 1991 AND RECORDED IN VOLUME 11547, PAGE 0710, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS; SAID 3159 SQUARE FEET OF LAND, AS SHOWN ON A WATERLINE EASEMENT SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the calculated southeast corner of said 5.991 acre tract, being on the northerly right-of-way line of F.M. Road 969 at its intersection with the westerly line of that certain tract of land conveyed to the City of Austin by Quitclaim Deed executed August 14, 1986 and recorded in Volume 9837, Page 0422, Real Property Records of Travis County, Texas, and having Texas State Plane Coordinate System (Central Zone, NAD83(93)) grid coordinates of N=10076261.58, E=3143831.30, U.S. Survey Feet, Combined Scale Factor of 1.000047148, from which point a TxDOT Type I highway monument found bears N 66° 57' 40" W, a distance of 705.20 feet, and also from which point a 3/8-inch iron rod found for the southwest corner of said 5.991 acre tract bears N 66° 57' 40" W, a distance of 399.05 feet;

THENCE N 66° 57' 40" W, with the northerly right-of-way line of F.M. Road 969, a distance of 214.96 feet to the calculated southwest corner of the tract described herein;

THENCE leaving the northerly right-of-way line of said F.M. Road 969 through the interior of said 5.991 acre tract, the following two (2) courses and distances:

1. N 23° 02' 20" E, a distance of 15.00 feet to the calculated northwest corner of the tract described herein, and
2. S 66° 57' 40" E, a distance of 206.26 feet to the calculated northeast corner of the tract described herein, being on the common line of said 5.991 acre tract and said City of Austin tract;

THENCE S 07° 03' 38" E, with the common line of said 5.991 acre tract and said City of Austin tract, a distance of 17.34 feet to the **POINT OF BEGINNING** and containing 3159 square feet (0.0725 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.

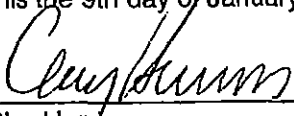
This property description is accompanied by a separate plat, see "Sketch to Accompany Field Note. No. 3079REV", page 2 of 2 attached hereto and made a part hereof.

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

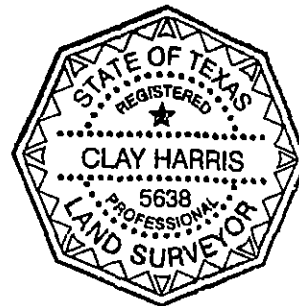
That I, Clay Harris, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 9th day of January 2004 A.D.

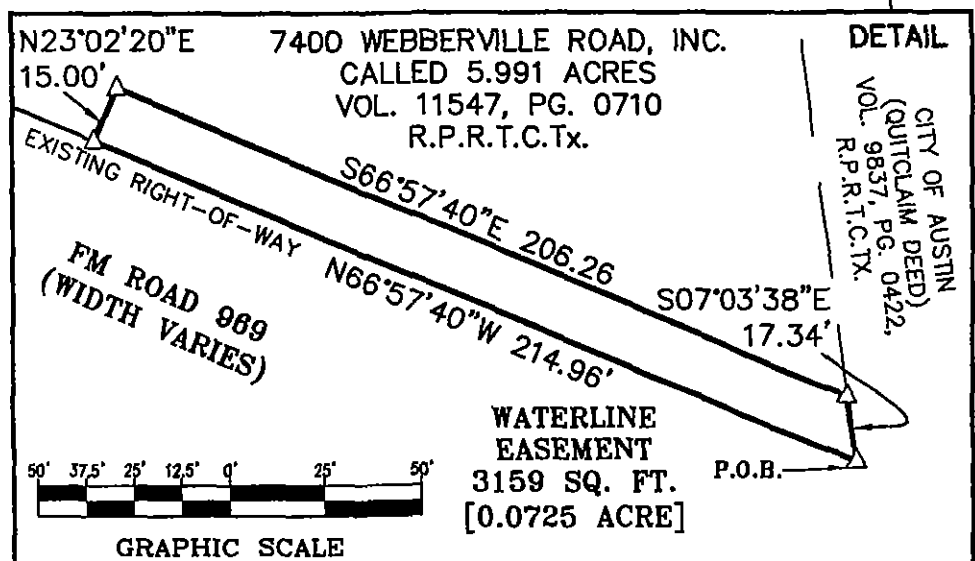
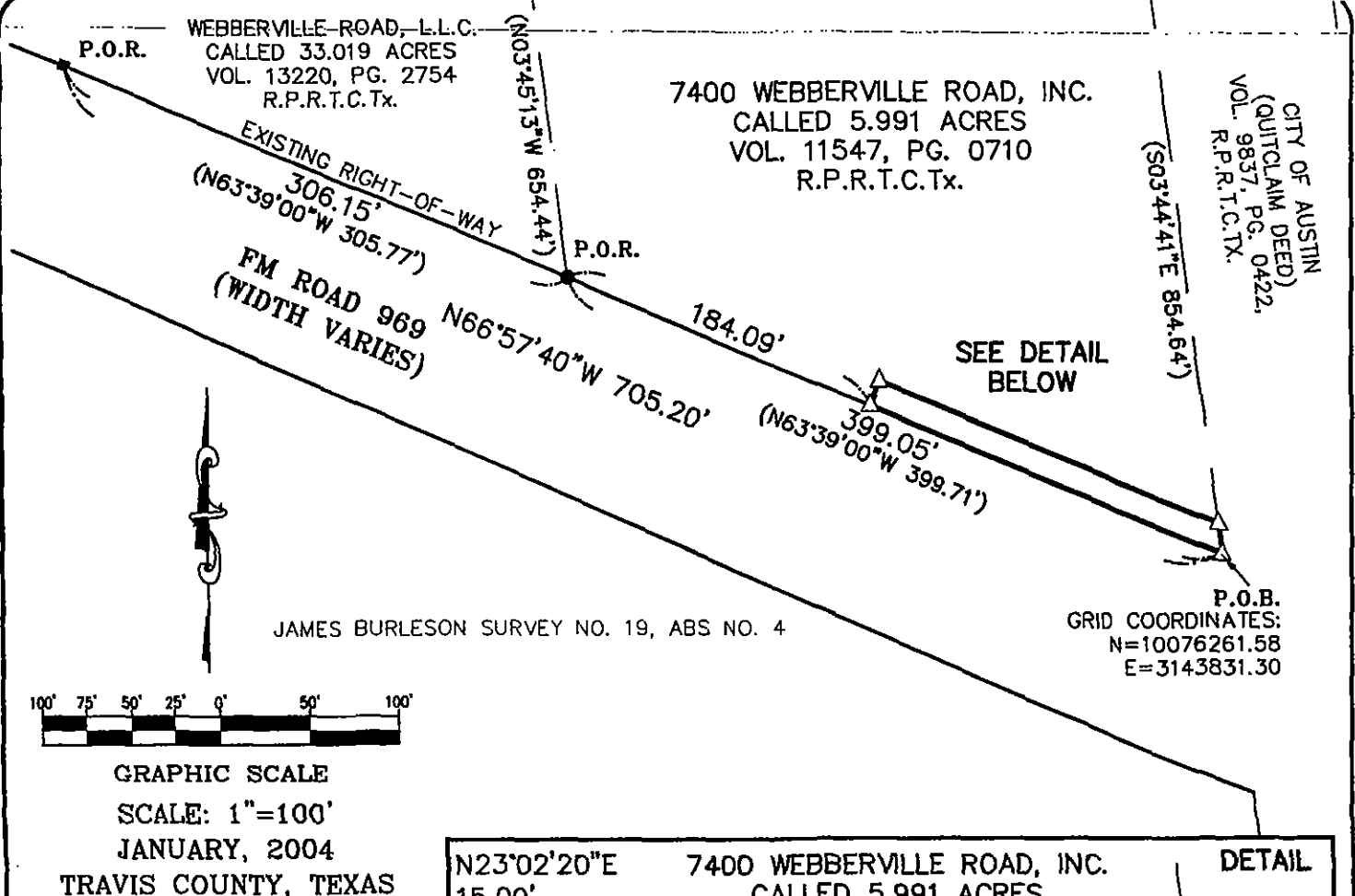
SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735


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

AUSTIN MAP GRID: N-23
TCAD PARCEL: 02-1031-0704

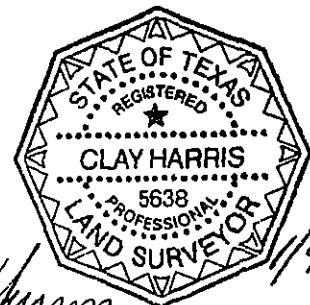


FIELD NOTES REVIEWED
By JOHN MORFE Date 11-20-2004
Engineering Support Section
Department of Public Works
and Transportation



LEGEND

- TYPE 1 HIGHWAY MONUMENT FOUND
- 3/8" IRON ROD FOUND
- △ CALCULATED POINT
- () RECORD INFORMATION
- D.R.T.C.Tx. DEED RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.Tx. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE



PROJECT:	FM 989
JOB NUMBER:	23337-01
DATE:	JANUARY 9, 2004
SURVEYOR:	CLAY HARRIS
PARTY CHIEF:	T.A.F., O.E.
FIELDBOOK:	3290
FIELDNOTE:	FN3079REV
TECHNICIAN:	L.J.R.
DRAWING:	FN3079.DWG
SCALE:	1"=30'



5508 WEST HIGHWAY 290
BUILDING B
AUSTIN TEXAS, 78738
(512) 447-0875
FAX: (512) 326-3029
EMAIL: SAM@SAMINC.AUS.COM

SKETCH TO ACCOMPANY
WATERLINE EASEMENT
DESCRIPTION
FN3079REV

PAGE 3 OF 3

DESCRIPTION OF 400 SQUARE FEET (0.0092 ACRE) OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 5.991 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO 7400 WEBBERVILLE ROAD, INC., EXECUTED OCTOBER 11, 1991 AND RECORDED IN VOLUME 11547, PAGE 0710, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS; SAID 400 SQUARE FEET OF LAND, AS SHOWN ON A TEMPORARY WORKSPACE EASEMENT SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING for reference at the calculated southeast corner of said 5.991 acre tract, being on the northerly right-of-way line of F.M. Road 969 at its intersection with the westerly line of that certain tract of land conveyed to the City of Austin by Quitclaim Deed executed August 14, 1986 and recorded in Volume 9837, Page 0422, Real Property Records of Travis County, Texas, from which point a TxDOT Type I highway monument found bears N 66° 57' 40" W, a distance of 705.20 feet, and also from which point a 3/8-inch iron rod found for the southwest corner of said 5.991 acre tract bears N 66° 57' 40" W, a distance of 399.05 feet;

THENCE N 66° 57' 40" W, with the northerly right-of-way line of F.M. Road 969, a distance of 214.96 feet to a calculated point;

THENCE N 23° 02' 20" E, leaving the northerly right-of-way line of said F.M. Road 969 through the interior of said 5.991 acre tract, a distance of 15.00 feet to the calculated southwest corner and **POINT OF BEGINNING** of the tract described herein, and having Texas State Plane Coordinate System (Central Zone, NAD83(93)) grid coordinates of N=10076359.50, E=3143639.36, U.S. Survey Feet, Combined Scale Factor of 1.000047148;

THENCE continuing through the interior of said 5.991 acre tract, the following four (4) courses and distances:

1. N 23° 02' 20" E, a distance of 20.00 feet to the calculated northwest corner of the tract described herein,
2. S 66° 57' 40" E, a distance of 20.00 feet to the calculated northeast corner of the tract described herein,
3. S 23° 02' 20" W, a distance of 20.00 feet to the calculated southeast corner of the tract described herein, and

4. N 66° 57' 40" W, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 400 square feet (0.0092 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.

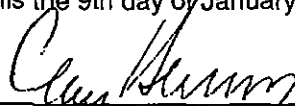
This property description is accompanied by a separate plat, see "Sketch to Accompany Field Note. No. 3080REV", page 3 of 3 attached hereto and made a part hereof.

THE STATE OF TEXAS §
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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.

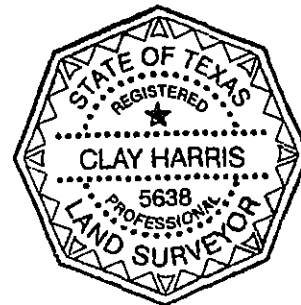
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 9th day of January 2004 A.D.

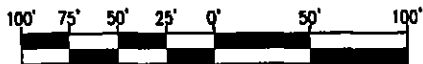
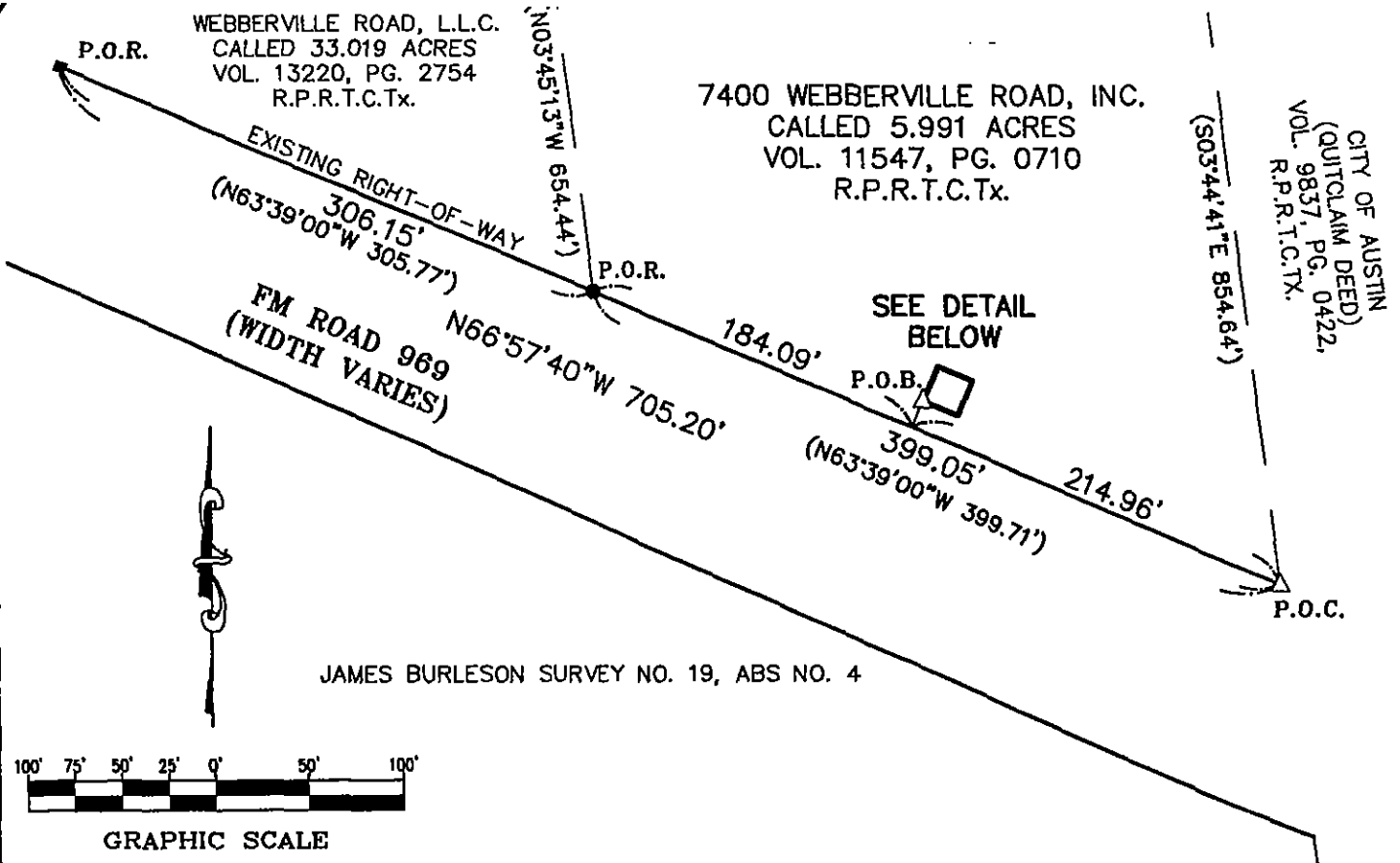
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Clay Harris
Registered Professional Land Surveyor
No. 5638 - State of Texas

AUSTIN MAP GRID: N-23
TCAD PARCEL: 02-1031-0704

FIELD NOTES REVIEWED
By CHN Moore Date 11-30-2004
Engineering Support Section
Department of Public Works
and Transportation



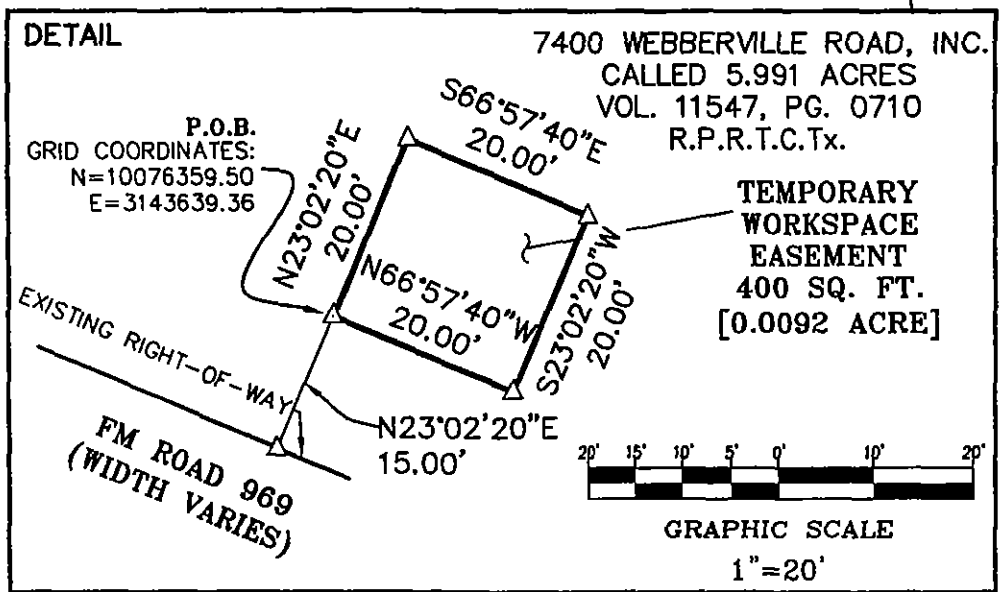


GRAPHIC SCALE

1"=100'

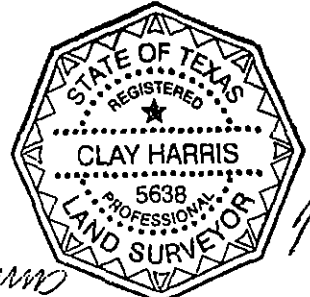
JANUARY, 2004

TRAVIS COUNTY, TEXAS



LEGEND

- TYPE I HIGHWAY MONUMENT FOUND
- 3/8" IRON ROD FOUND
- △ CALCULATED POINT
- () RECORD INFORMATION
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- R.P.R.T.C.TX. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE



Clay Harris

1/9/04

PROJECT:	FM 969
JOB NUMBER:	23357-01
DATE:	JANUARY 8, 2004
SURVEYOR:	CLAY HARRIS
PARTY CHIEF:	T.A.F., O.E.
FIELDBOOK:	3280
FIELDNOTE:	FN3080REV
TECHNICIAN:	L.J.R.
DRAWING:	FN3080.DWG
SCALE:	1"=50'



5506 WEST HIGHWAY 290
BUILDING B
AUSTIN TEXAS, 78735
(512) 447-0875
FAX: (512) 326-5029
EMAIL: SAM@SAMINCUSA.COM

SKETCH TO ACCOMPANY
TEMPORARY WORKSPACE
EASEMENT DESCRIPTION
FN3080REV