

RESOLUTION NO. 041202-22

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**,

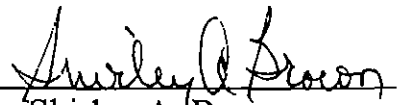
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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 Griesbach Properties, Inc., and the property is located at 7712 FM Road 969, Austin, Travis County, Texas.

ADOPTED: December 2, 2004

ATTEST:


Shirley A. Brown
City Clerk

DESCRIPTION OF 7400 SQUARE FEET (0.1699 ACRE) OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 22.84 ACRE TRACT OF LAND DESCRIBED IN THE WARRANTY DEED TO GRIESBACH PROPERTIES, INC., EXECUTED JANUARY 1, 1986 AND RECORDED IN VOLUME 9653, PAGE 0486, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS; SAID 7400 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 a ½-inch iron rod with SAM INC cap set at the calculated southwesterly corner of said 22.84 acre tract, being the calculated southeast corner of Lot A, Daywood Subdivision No. 2, a plat recorded in Book 13, Page 40, Plat Records Travis County, Texas, as conveyed to Roohi Joohi Inc., d/b/a Double M Grocery in the Special Warranty Deed dated October 9, 2003 and recorded in Document Number 2003245812, Official Public Records Travis County, Texas, also being on the northerly right-of-way line of F.M. Road 969, and having Texas State Plane Coordinate System (Central Zone, NAD 83(93)) grid coordinates of N=10075882.62, E=3144803.07, U.S. Survey Feet, Combined Scale Factor of 1.000047148;

THENCE N 28° 17' 20" E, leaving the northerly right-of-way line of said F.M. Road 969, with the common line of said Lot A and said 22.84 acre tract, a distance of 15.14 feet to the calculated northwest corner of the tract described herein;

THENCE leaving the common line of said Lot A and said 22.84 acre tract, through the interior of said 22.84 acre tract, the following three (3) courses and distances:

1. S 69° 27' 40" E, a distance of 187.09 feet to a calculated point,
2. with the arc of a curve to the right, a distance of 252.79 feet through a central angle of 02° 30' 00", having a radius of 5793.46 feet and a chord which bears S 68° 12' 40" E, a distance of 252.77 feet to a calculated point, and
3. S 66° 57' 40" E, a distance of 53.98 feet to the calculated northeast corner of the tract described herein, being on the common line of said 22.84 acre tract and Lot 1, Gerald Addition, a plat recorded in Volume 89, Page 313, Plat Records of Travis County, Texas;

THENCE S 31° 55' 10" W, with the common line of said 22.84 acre tract and in part with said Lot 1, Gerald Addition, a distance of 15.18 feet to a ½-iron rod with SAM INC cap set at the calculated southeast corner of the tract described herein, being on the northerly right-of-way line of said F.M. Road 969;

THENCE with the northerly right-of-way line of said F.M. Road 969, the following three (3) courses and distances:

1. N 66° 57' 40" W, a distance of 51.64 feet to a calculated point,
2. with the arc of a curve to the left, a distance of 252.13 feet through a central angle of 02° 30' 00", having a radius of 5778.46 feet and a chord which bears N 68° 12' 40" W, a distance of 252.11 feet to a calculated point, and

3. N 69° 27' 40" W, a distance of 189.14 feet to the **POINT OF BEGINNING** and containing 7400 square feet (0.1699 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. 3089REV", 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.

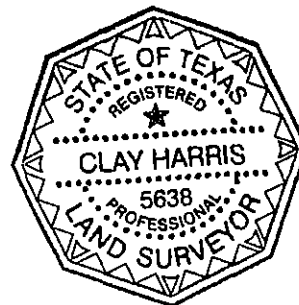
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004 A.D.

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



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

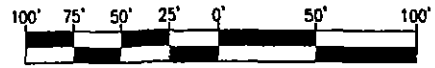
AUSTIN MAP GRID: N/P-23
TCAD PARCEL: 02-1031-0138



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

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

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



GRAPHIC SCALE

1"=100'

FEBRUARY, 2004

TRAVIS COUNTY, TEXAS

GRIESBACH PROPERTIES INC.
CALLED 22.84 ACRES
VOL. 9653, PG. 0486
R.P.R.T.C.Tx.

WATERLINE
EASEMENT
7400 SQ. FT.
[0.1699 ACRE]

15.00'

S69°27'40"E 187.09'

N69°27'40"W 189.14'
FM ROAD 989
(WIDTH VARIES)

JAMES BURLESON SURVEY NO. 19, ABS NO. 4

C1

A=02°30'00"

R=5793.46'

L=252.79'

CB=S68°12'40"E

CH=252.77'

C2

A=02°30'00"

R=5778.46'

L=252.13'

CB=N68°12'40"W

CH=252.11'

N28°17'20"E
15.14'

P.O.B.
GRID COORDINATES:
N=10075882.62
E=3144803.07

ROOHI JOOHI INC.
DOC # 2003245812
O.P.R.T.C.Tx.

LOT A
DAYWOOD SUBD. NO. 2
BK. 13, PG. 40
P.R.T.C.Tx.

LEGEND

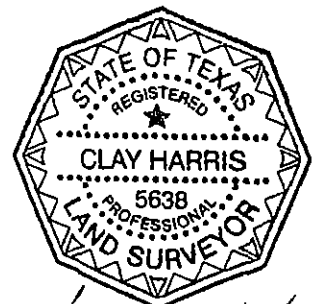
- 1/2" IRON ROD W/ SAM INC CAP SET
- △ CALCULATED POINT

() RECORD INFORMATION

O.P.R.T.C.Tx. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS

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

P.O.B. POINT OF BEGINNING



Clay Harris 2/4/04

PROJECT: FM 199
JOB NUMBER: 23537-01
DATE: FEBRUARY, 2004
SURVEYOR: CLAY HARRIS
PARTY CHIEF: T.A.F., O.E.
FIELDBOOK: 3290
FIELDNOTE: FN3089REV
TECHNICIAN: L.J.R.
DRAWING: FN3089.DWG
SCALE: 1"=100'



5608 WEST HIGHWAY 290
BUILDING B
AUSTIN TEXAS, 78738
(512) 447-0878
FAX: (512) 328-3629
EMAIL: SAM@SAMINCAL.COM

SKETCH TO ACCOMPANY
WATERLINE EASEMENT
DESCRIPTION
FN3089REV
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 22.84 ACRE TRACT OF LAND DESCRIBED IN THE WARRANTY DEED TO GRIESBACH PROPERTIES, INC., EXECUTED JANUARY 1, 1986 AND RECORDED IN VOLUME 9653, PAGE 0486, 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 a ½-inch iron rod with SAM INC cap set on the northerly right-of-way line of F.M. Road 969, being the calculated common southerly corner of said 22.84 acre tract and Lot A, Daywood Subdivision No. 2, a plat recorded in Book 13, Page 40, Plat Records Travis County, Texas, as conveyed to Roohi Joohi Inc., d/b/a Double M Grocery in the Special Warranty Deed dated October 9, 2003 and recorded in Document Number 2003245812, Official Public Records Travis county, Texas;

THENCE S 69° 27' 40" E, with the northerly right-of-way line of F.M. Road 969, a distance of 97.26 feet to a calculated point;

THENCE N 20° 32' 20" E, leaving the northerly right-of-way line of said F.M. Road 969 through the interior of said 22.84 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, NAD 83(93)) grid coordinates of N=10075862.95, E=3144898.31, U.S. Survey Feet, Combined Scale Factor of 1.000047148;

THENCE continuing across said 22.84 acre tract, the following four (4) courses and distances:

1. N 20° 32' 20" E, a distance of 20.00 feet to the calculated northwest corner of the tract described herein,
2. S 69° 27' 40" E, a distance of 20.00 feet to the calculated northeast corner of the tract described herein,
3. S 20° 32' 20" W, a distance of 20.00 feet to the calculated southeast corner of the tract described herein, and

4. N 69° 27' 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.

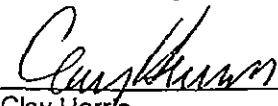
This property description is accompanied by a separate plat, see "Sketch to Accompany Field Note. No. 3090REV", page 3 of 3 attached hereto and made a part hereof.

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.

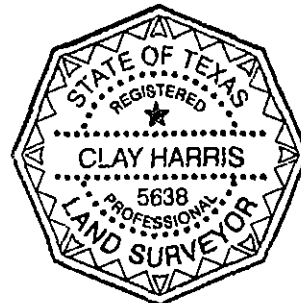
SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735


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

AUSTIN MAP GRID: N/P-23
TCAD PARCEL: 02-1031-0138

FIELD NOTES REVIEWED

By JOHN MORRIS Date 11-30-2004
Engineering Support Section
Department of Public Works
and Transportation



ROOHI JOOHI INC.
DOC.# 2003245812
O.P.R.T.C.Tx.

LOT A
DAYWOOD SUBD. NO. 2
BK. 13, PG. 40
P.R.T.C.Tx.

GRIESBACH PROPERTIES
CALLED 22.84 ACRES
VOL. 9653, PG. 0486
R.P.R.T.C.Tx.

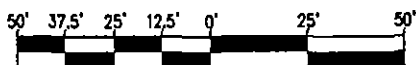
(N69°27'40"W 150')
EXISTING RIGHT-OF-WAY

JAMES BURLESON SURVEY NO. 19, ABS NO. 4

P.O.B.

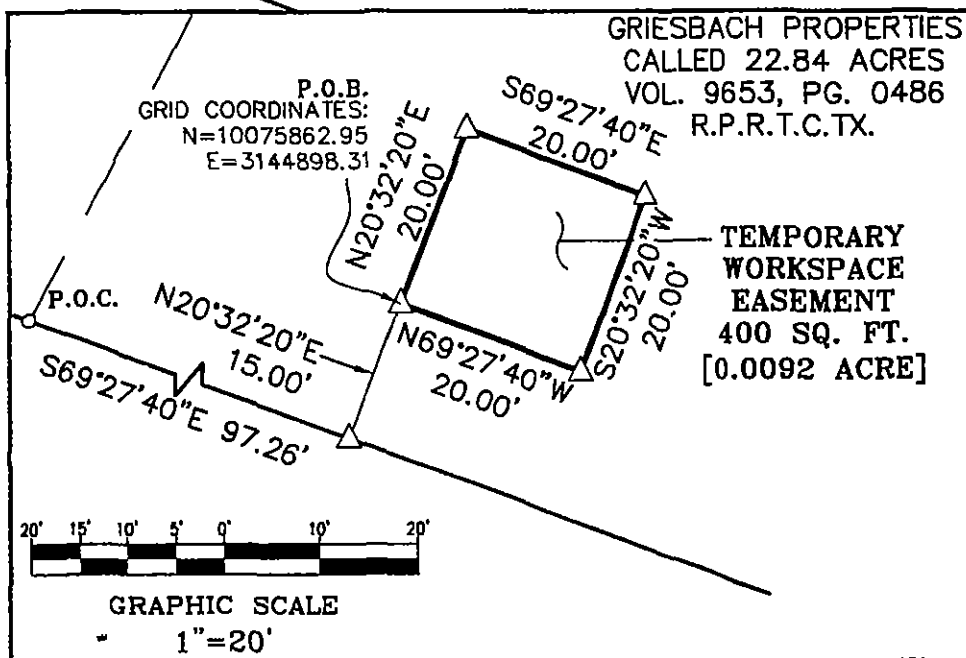
SEE DETAIL
BELOW

FM ROAD 969
(WIDTH VARIES)



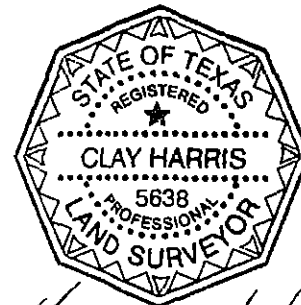
GRAPHIC SCALE
1"=50'

FEBRUARY, 2004



LEGEND

- 1/2" IRON ROD W/ SAM INC CAP SET
- △ CALCULATED POINT
- D.R.T.C.Tx. DEED 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:	FM 969
JOB NUMBER:	23357-01
DATE:	FEBRUARY, 2004
SURVEYOR:	CLAY HARRIS
PARTY CHIEF:	T.A.F., G.E.
FIELDBOOK:	3290
FIELDNOTE:	FN3090REV
TECHNICIAN:	L.J.R.
DRAWING:	FN3090.DWG
SCALE:	1"=50'



5808 WEST HIGHWAY 290
BUILDING B
AUSTIN TEXAS, 78736
(512) 447-0878
FAX: (512) 356-5029
EMAIL: SAMS@SAMINCALM.COM

SKETCH TO ACCOMPANY
TEMPORARY WORKSPACE
EASEMENT DESCRIPTION
FN3090REV

PAGE 3 OF 3

DESCRIPTION OF 399 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 22.84 ACRE TRACT OF LAND DESCRIBED IN THE WARRANTY DEED TO GRIESBACH PROPERTIES, INC., EXECUTED JANUARY 1, 1986 AND RECORDED IN VOLUME 9653, PAGE 0486, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS; SAID 399 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 a ½-inch iron rod with SAM INC cap set at the calculated common southerly corner of said 22.84 acre tract and Gerald Addition, a plat recorded in Book 89, Page 313, Plat Records Travis County, Texas;

THENCE, with the northerly right-of-way line of F.M. Road 969, the following two (2) courses and distances:

1. N 66° 57' 40" W, a distance of 51.64 feet to a calculated point, and
2. with the arc of the curving northerly right-of-way line of said F.M. Road 969, to the left, a distance of 41.50 feet through a central angle of 00° 24' 41", having a radius of 5778.46 feet and a chord which bears N 67° 10' 00" W, a distance of 41.50 feet to a calculated point;

THENCE N 22° 37' 39" E, leaving the northerly right-of-way line of said F.M. Road 969 through the interior of said 22.84 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, NAD 83(93)) grid coordinates of N=10075753.05, E=3145180.69, U.S. Survey Feet, Combined Scale Factor of 1.000047148;

THENCE continuing through the interior of said 22.84 acre tract, the following four (4) courses and distances:

1. N 22° 37' 39" E, a distance of 20.00 feet to the calculated northwest corner of the tract described herein,
2. S 67° 16' 26" E, a distance of 20.00 feet to the calculated northeast corner of the tract described herein,
3. S 22° 49' 29" W, a distance of 20.00 feet to the calculated southeast corner of the tract described herein, same being a point of curvature, and

4. with the arc of a curve to the left, a distance of 19.93 feet through a central angle of 00° 11' 50", having a radius of 5793.46 feet and a chord which bears N 67° 16' 26" W, a distance of 19.93 feet to the **POINT OF BEGINNING** and containing 399 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.

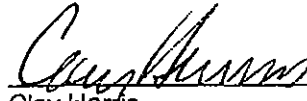
This property description is accompanied by a separate plat, see "Sketch to Accompany Field Note. No. 3252", page 3 of 3 attached hereto and made a part hereof.

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

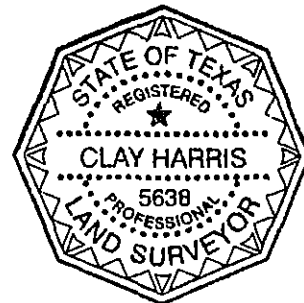
That I, Clay Harris, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

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

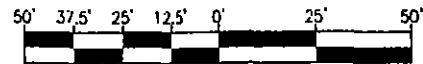

Clay Harris
Registered Professional Land Surveyor
No. 5638 - State of Texas

AUSTIN MAP GRID: N/P-23
TCAD PARCEL: 02-1031-0138



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

GRIESBACH PROPERTIES
CALLED 22.84 ACRES
VOL. 9653, PG. 0486
R.P.R.T.C.TX.



GRAPHIC SCALE
1"=50'
FEBRUARY, 2004

JAMES BURLESON SURVEY NO. 19, ABS NO. 4

EXISTING RIGHT-OF-WAY

SEE DETAIL
BELOW

P.O.B.

FM ROAD 969
(WIDTH VARIES)

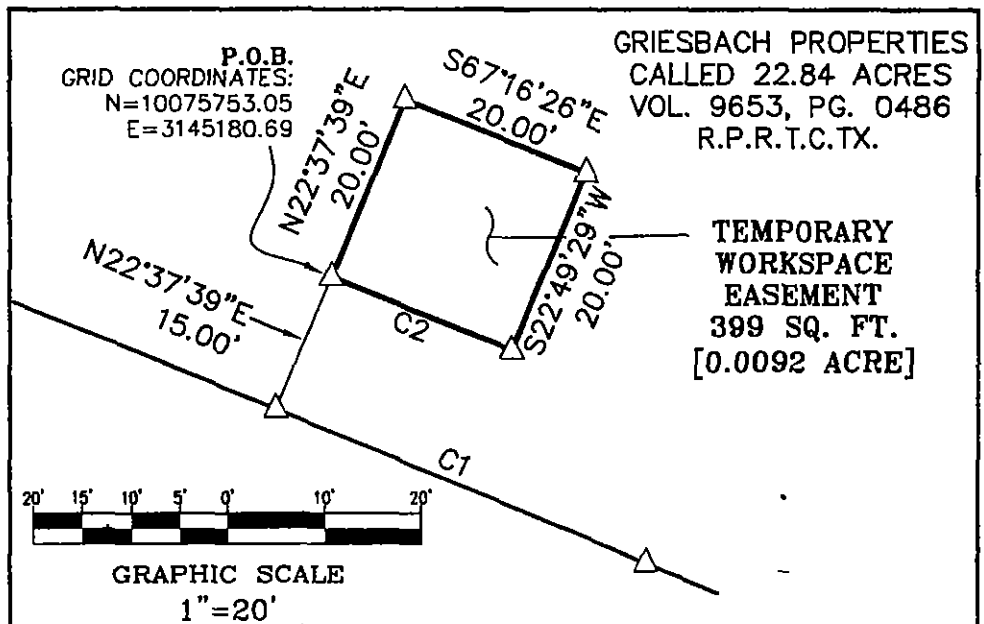
N66°57'40"W
51.64'

DEDICATED FOR RIGHT-OF-WAY
PLAT BOOK 89, PG. 313
P.R.T.C.TX.

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

C1
Δ=00°24'41"
R=5778.46'
L=41.50'
CB=N67°10'00"W
CH=41.50'

C2
Δ=00°11'50"
R=5793.46'
L=19.93'
CB=N67°16'26"W
CH=19.93'



LEGEND

- 1/2" IRON ROD W/ SAM INC CAP SET
- Δ CALCULATED POINT
- D.R.T.C.TX. DEED 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
- P.O.R. POINT OF REFERENCE

Clay Harris
2/4/04



PROJECT:	FM 989
JOB NUMBER:	23357-01
DATE:	FEBRUARY, 2004
SURVEYOR:	CLAY HARRIS
PARTY CHIEF:	T.A.F., G.E.
FIELDBOOK:	3290
FIELDNOTE:	FN3252
TECHNICIAN:	L.J.R.
DRAWING:	FN3252.DWG
SCALE:	VARIES



5508 WEST HIGHWAY 290
BUILDING 3
AUSTIN TEXAS, 78738
(512) 447-9878
FAX: (512) 328-3029
EMAIL: SAH@SAMINCALB.COM

SKETCH TO ACCOMPANY
TEMPORARY WORKSPACE
EASEMENT DESCRIPTION
FN3252

EXHIBIT "C"
Page 3 of 3

PAGE 3 OF 3