

**RESOLUTION NO. 20060302-018**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase the needed real property interest but has been unable to agree with the owner on the fair market value thereof; **NOW, THEREFORE**,

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

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interest needed by the City, described and located below, for the public purpose set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Sally Daneshjou

Project: US 183 Bolm Road to Colorado River Phase IIA Project

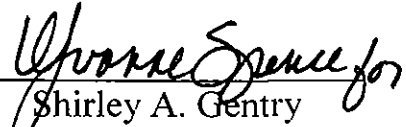
Intended Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public.

Location: 1900 Smith Road, Austin, Travis County, Texas

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** March 2, 2006

**ATTEST:**

  
Shirley A. Gentry  
City Clerk

Sally Daneshjou  
to City of Austin  
(Wastewater Easement)  
Lot 15, Capitol Business Park

DESCRIPTION OF A 11,256 SQUARE FOOT (0.2584 ACRE) TRACT OF LAND LOCATED IN THE J.C. TANNEHILL LEAGUE, TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 15, CAPITOL BUSINESS PARK, A SUBDIVISION OF RECORD IN BOOK 78, PAGE 121-123, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 15 BEING CONVEYED TO SALLY DANESHJOU, RECORDED IN DOCUMENT NO. 2002134567, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 11,256 SQUARE FOOT (0.2584 ACRE) TRACT TO BE USED AS A WASTEWATER EASEMENT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point on the existing westerly right-of-way line of US Highway 183, for the east common corner of said Lot 15 and Lot 16 of said Capitol Business Park, Lot 16 being conveyed to The Malcom and Beryl Milburn Family Limited Partnership by deed recorded in Volume 13280, Page 3545, of the Real Property Records of Travis County, Texas, for the southeast corner and **POINT OF BEGINNING** of the tract described herein, having Texas Coordinate System, Central Zone, NAD 83, (Combined Scale Factor 1.00011) grid coordinates of N=10068387.33, E= 3135669.83, from which a ½-inch iron rod found bears, S 62° 10' 42" E, a distance of 0.42 feet, and also from which a TxDOT Type II monument found on said existing westerly right-of-way line of US Highway 183 bears, S 27° 46' 55" W, a distance of 220.68 feet;

**THENCE** with the line common to the northerly line of said Lot 16 and the southerly line of said Lot 15, N 62° 10' 42" W, a distance of 20.00 feet to a calculated point for the southwest corner of the tract described herein, from which a ½-inch iron rod found for the northwest corner of said Lot 16 and for an inside corner of said Lot 15 bears, N 62° 10' 42" W, a distance of 184.51 feet;

**THENCE** crossing said Lot 15, N 27° 46' 55" E, a distance of 554.73 feet to a calculated point in the line common to the northerly line of said Lot 15 and southerly line of Lot 22, Johnston Terrace, Section Eight, a subdivision of record in Book 58, Page 47, Plat Records of Travis County, Texas, said Lot 22 being conveyed to American Youthworks by deed recorded in Document No. 2001105944, of the Official Public Records of Travis County, Texas, from which a ½-inch iron rod found in the northerly line of said Lot 15 and for the southwest corner of said Lot 22 bears, S 78° 54' 31" W, a distance of 4.70 feet;

**THENCE** with said common line, N 78° 54' 31" E, a distance of 25.69 feet to a calculated point on the existing westerly right-of-way line of US Highway 183, for the east common corner of said Lot 15 and said Lot 22, for the northeast corner of the tract described herein, from which a ½-inch iron rod found bears, N 78° 54' 31" E, a distance of 0.63 feet;

Sally Daneshjou  
to City of Austin  
(Wastewater Easement)  
Lot 15, Capitol Business Park

**THENCE** with the existing westerly right-of-way line of US Highway 183, same being the easterly line of said Lot 15, S 27° 46' 55" W, a distance of 570.87 feet to the **POINT OF BEGINNING** and containing 11,256 square feet (0.2584) acre of land more or less.

All bearings are based on the Texas Coordinate System, Central Zone, NAD 83.

This description is accompanied by a separate plat; see "Sketch to Accompany Wastewater Easement Field Note No. 2558", page 3 of 3, attached hereto and made a part hereof

THE STATE OF TEXAS}

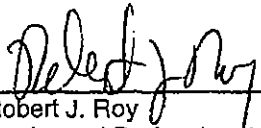
} KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS }

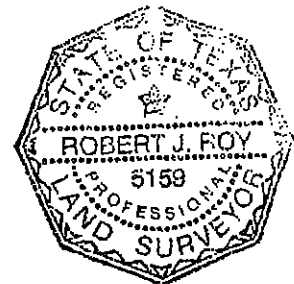
That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 24<sup>th</sup> day of January, 2003 A.D.

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

  
Robert J. Roy  
Registered Professional Land Surveyor  
No. 5159 - State of Texas

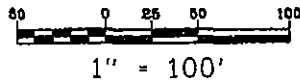
Reference:  
TCAD #: 02-0523-0416  
AUSTIN GRID: M-21



FIELD NOTES REVIEWED  
By JOHN MOORE Date 1-24-2003  
Engineering Support Section  
Department of Public Works  
and Transportation

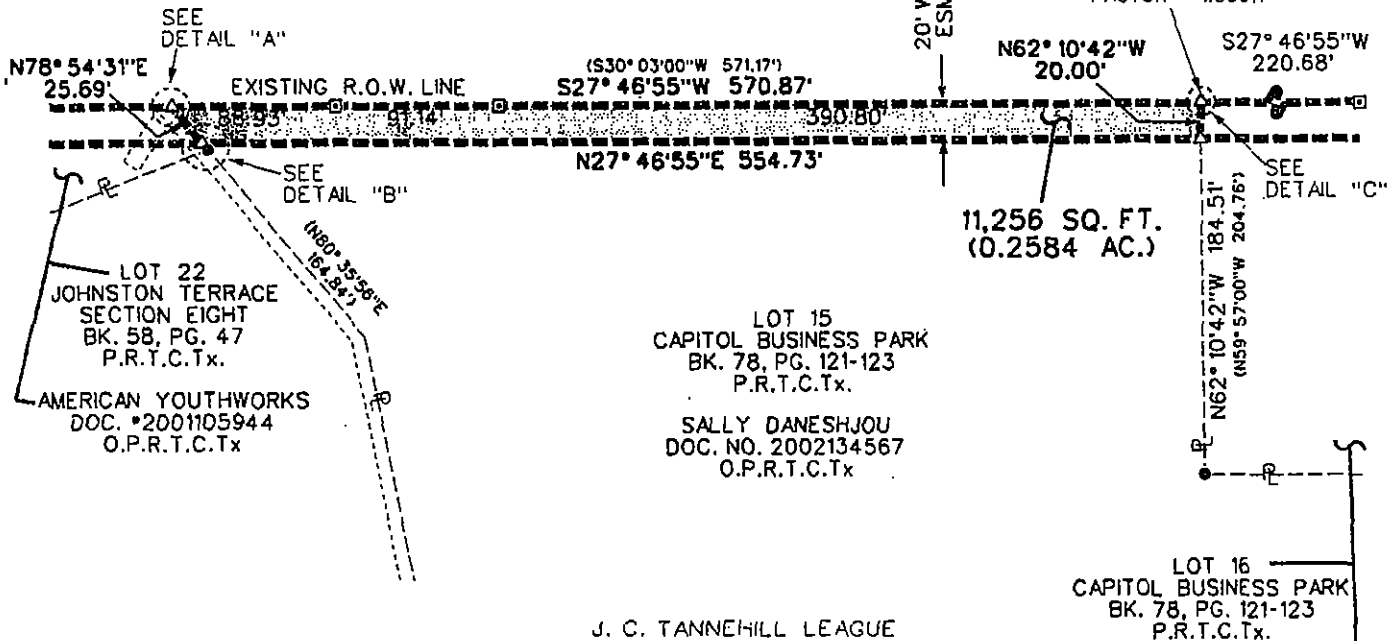
Exhibit "A"  
Page 2 of 3

TRAVIS COUNTY, TEXAS  
GRAPHIC SCALE  
(IN FEET)



U.S. HIGHWAY 183  
ED BLUESTEIN BLVD.  
(VARIABLE WIDTH R.O.W.)

P.O.B.  
GRID NORTHING  
N= 10068387.33  
GRID EASTING  
E= 3135669.83  
COMBINED SCALE  
FACTOR = 1.00011



LEGEND

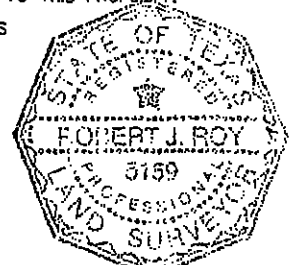
- TXDOT TYPE II MONUMENT FOUND
- TYPE I CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND UNLESS NOTED
- △ CALCULATED POINT
- ℓ PROPERTY LINE
- ( ) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- O.P.R.T.C.Tx. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- R.P.R.T.C.Tx. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
- P.R.T.C.Tx. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.Tx. DEED RECORDS, TRAVIS COUNTY, TEXAS

NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
3. ALL VOLUME NUMBERS REFER TO THE DEED RECORDS OF TRAVIS COUNTY, TEXAS UNLESS OTHERWISE NOTED.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ROBERT J. ROY  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5159, STATE OF TEXAS



PAGE 3 OF 3  
REF. FIELD NOTE NO. 2558



5508 West Highway 290  
Building B  
Austin, Texas 78735  
(512) 447-0575  
Fax: (512) 326-3029

Exhibit "A"  
Page 3 of 3

SKETCH TO ACCOMPANY  
WASTEWATER EASEMENT  
FIELD NOTE NO. 2558