

RESOLUTION NO. 20060420-025

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 obtain a clear title to the needed interest from the owner; **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 purposes 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: Gabriel Guerrero

Project: P2 Williamson Wastewater Improvements Project, a portion
 of the Austin Clean Water Program

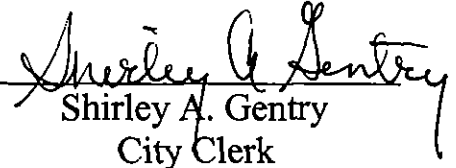
Intended Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services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

Location: 5105 Spruce Cove, Austin, Travis County, Texas

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: April 20, 2006

ATTEST:


Shirley A. Gentry
City Clerk

Gabriel Guerrero
to
City of Austin
Lot 5, Block 1,
Peppertree Park,
Section 2
(Wastewater Easement)

FIELD NOTES FOR PARCEL 5202.02 WE

LEGAL DESCRIPTION OF A 0.013 ACRE (584 SQUARE FEET) TRACT OR PARCEL OF LAND, BEING OUT OF AND A PART OF LOT 5, BLOCK 1, PEPPERTREE PARK SECTION 2, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT OF RECORD FOUND IN BOOK 57, PAGE 33, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 5 HAVING BEEN CONVEYED TO GABRIEL GUERRERO BY DEED RECORDED IN DOCUMENT NO. 2004110408, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.013-ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point at the northerly common corner of said Lot 4 and Lot 5, Block 1, of said subdivision, being in the arc of a curve to the left in the southerly right-of-way line of Spruce Cove (50-foot right-of-way), from which a 1" iron rod at the common corner of said Lot 4 and Lot 3, Block 1 of said subdivision bears N 67°29'53" W a distance of 33.53 feet, said calculated point having Texas State Plane Grid Coordinates (Texas Central Zone, NAD83/93HARN), of N = 10,045,810.40 and E = 3,112,739.67 and a combined scale factor of 1.00010 for the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with the curving southerly right-of-way line of said Spruce Cove, along said curve to the left having a central angle of 05°44'21", a radius of 50.00 feet, an arc length of 5.01 feet and a chord which bears S 89°57'41" E a distance of 5.01 feet to a calculated point for the northeast corner of this tract;

THENCE five (5.00') feet east of and parallel to the common line of said Lots 4 and 5, Block 1, S 02°54'30" W a distance of 116.39 feet to a calculated point in the northerly line of a 10-foot public utility easement as shown on said record plat, for the southeast corner of this tract;

Gabriel Guerrero
to
City of Austin
Lot 5, Block 1,
Peppertree Park,
Section 2
(Wastewater Easement)

THENCE twenty (20') feet north of and parallel to the south line of said Lot 5, Block 1, S 79°09'13" W along the northerly line of said 10-foot easement, a distance of 5.15 feet to a calculated point on the southerly common line between said Lots 4 and 5, Block 1, for the southwest corner of this tract, from which a ½" iron rod found for the southerly common corners of said Lots 4 and 5, bears S 02°54'30" E a distance of 20.59 feet;

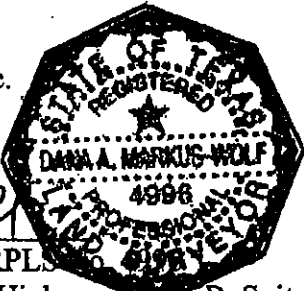
THENCE, with the common line of said Lot 4 and 5, Block 1, N 02°54'30" E, a distance of 117.37 feet to the **POINT OF BEGINNING** and containing 0.013 acre of land, more or less.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83/Harn), Combined Scale factor is 1.00010). Project Reference Control Points are two (2) cotton spindles found in Teri Road and have grid coordinates of N = 10,045,932.97, E = 3,113,096.17 and N = 10,046,017.05, E = 3,112,791.34.

I HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

Landmark Surveying, Inc.


Dana Markus-Wolf
Dana A. Markus-Wolf, RPLS
1301 S Capital of Texas Highway, Bldg. B, Suite 315
Austin, Texas 78746
(512) 328-7411

TCAD# 03170201050000
Austin Grid J-16

FIELD NOTES REVIEWED

By John Moore Date 11-30-2004
Engineering Support Section
Department of Public Works
and Transportation

**SURVEY OF A PORTION OF LOT 5, BLOCK 1,
PEPPERTREE PARK SECTION 2, CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS**



SCALE 1"=30'

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- △ CALCULATED POINT (NOT ESTABLISHED ON GROUND)
- 1/2" IRON PIPE FOUND (UNLESS OTHERWISE NOTED)
- () RECORD INFORMATION
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- P.U.E. PUBLIC UTILITY EASEMENT
- P.R.T.C.T. Plat Records, Travis County, Texas
- D.R.T.C.T. Deed Records, Travis County, Texas
- R.P.R.T.C.T. Real Property Records, Travis County, Texas

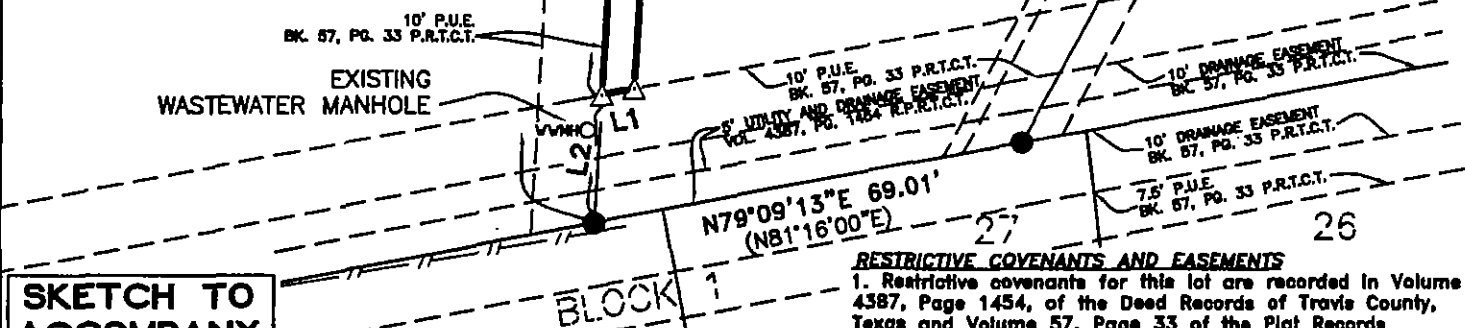
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S79°09'13"W	5.15'
L2	S02°54'30"E	20.59'

**PARCEL 5202.02 WE
PROPOSED
5' WASTEWATER EASEMENT
0.013-ACRE
(584 S.F.)**

CURVE TABLE

CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
C1	N67°29'53"W (N89°49'W)	33.53' (34.01')	39°11'14"	34.20' (34.70')	50.00'
C2	N89°20'48"E (N71°35'E)	39.87' (40.23')	47°07'25"	41.12' (41.41')	50.00'
C3	S89°57'41"E	5.01'	05°44'21"	5.01'	50.00'

BEARING BASIS NOTE:
Combined Scale Factor=1.00010.
The Basis Of Bearings for this survey is the Texas State Plane Coordinate System, Central Zone 4203, NAD83/93HARN, as provided by the City of Austin Public Works Department.



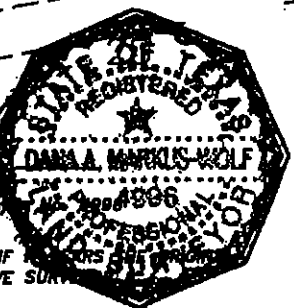
**SKETCH TO
ACCOMPANY
FIELD NOTES**

AS SURVEYED BY
LANDMARK SURVEYING, INC.

Dana Markus-Wolf
DANA A. MARKUS-WOLF

Registered Professional Land Surveyor
DATE: November 24, 2004

THIS SURVEY PLAT IS VALID ONLY IF IT IS
SIGNATURE AND SEAL OF THE ABOVE SURVEYOR



Client: City of Austin
Date: November 24, 2004
Office: SRLawrence
Crew: J. Mason
F.B.I. 754/B
Note: 21\000\ONION CREEK BASIN\AMEECC-gridbase-D.dwg
Job No.: 97-131-59-01

RESTRICTIVE COVENANTS AND EASEMENTS

1. Restrictive covenants for this lot are recorded in Volume 4387, Page 1454, of the Deed Records of Travis County, Texas and Volume 57, Page 33 of the Plat Records of Travis County, Texas.
2. Easement rights as set forth in that certain Declaration recorded in Volume 4387, Page 1454 of the Deed Records of Travis County, Texas DO AFFECT the subject tract.

TITLE COMMITMENT NOTE

All easements of which I have knowledge and those recorded easements furnished by LandAmerica Commonwealth Title of Austin, Inc. according to File No. 2519000767, are shown or depicted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

**Landmark
SURVEYING, INC.**
1201 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
PH 512-338-7411 FAX 512-338-7413