

RESOLUTION NO. 20060427-010

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

WHEREAS, the City of Austin has attempted to purchase the needed real property interests but has been unable to agree obtain a clear title to the needed interests from the owners; **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 owners now having, or who may acquire, an interest in the real property interests 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 acquisitions.

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

Owners: Glen L. Fox, Glenda A Fox, and Roderick Singleton

Project: Chaparral Trail/Wykeham Drive 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; and

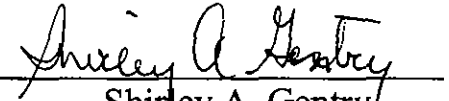
the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

Location: 2504 Chaparral Trail, Austin, Travis County, Texas

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: April 27, 2006

ATTEST:


Shirley A. Gentry
City Clerk

Glen L. Fox and Glenda A. Fox
to the
City of Austin
(Wastewater Easement)

FIELD NOTES FOR PARCEL 5204.19 WE

ALL OF THAT CERTAIN 0.017-ACRE (732 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.017-ACRE BEING OUT OF LOT 17, BLOCK 6, PEPPERTREE PARK SECTION 3, A SUBDIVISION AS RECORDED IN BOOK 63, PAGE 69 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 17, BLOCK 6, HAVING BEEN CONVEYED TO GLEN L. FOX AND GLENDA A. FOX BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED OCTOBER 6, 1990 AND RECORDED IN VOLUME 11310, PAGE 447 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for POINT OF REFERENCE at a ½" iron rod found on the north right-of-way line of Chaparral Trail (50' wide right-of-way), said 1/2" iron rod found being the common south corner of said Lot 17 and Lot 18, of said Block 6, Peppertree Park Section 3; Thence, with the common lot line of said Lots 17 and 18, N28°18'57"E a distance of 133.49 feet and N46°03'47"W a distance of 18.57 feet to a 60d nail set on the south line of an existing seven and one-half (7.5')-foot wide public utility easement as shown on record plat of said Peppertree Park Section 3, having Texas State Plane Coordinate (Texas Central Zone, NAD83, U.S. Feet, Combined Scale Factor 0.999952100), values of N=10,044,612.106, E=3,113,209.569, for the southeast corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, crossing said Lot 17, Block 6, S79°29'28"W pass the southeast line of a ten (10')-foot wide drainage easement as shown on said record plat, and continuing for a total distance of 59.68 feet to a 60d nail set on the common line of said Lot 17 and Lot 16 of said Block 6, Peppertree Park Section 3, for the southwest corner of this tract;

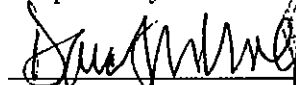
THENCE, with said common line of Lots 16 and 17, N25°47'56"E a distance of 18.61 feet to a 60d nail set for the northwest corner of this tract;

THENCE, crossing said Lot 17, N79°29'28"E a distance of 37.93 feet to a 60d nail set on the south line of an existing 7.5-foot wide public utility easement as shown on plat of record of said Peppertree Park Section 3, for the northwest corner of this tract;

THENCE, with said south line of existing 7.5-foot wide public utility easement, S46°03'47"E a distance of 18.44 feet the **POINT OF BEGINNING** and containing 0.017-acre (732 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground December, 2004 under my supervision.

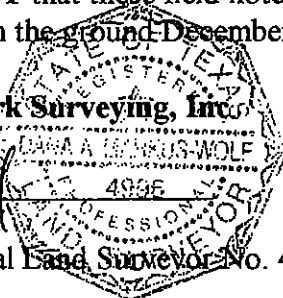
Prepared by **Landmark Surveying, Inc.**



Dana A. Markus-Wolf

Registered Professional Land Surveyor No. 4996

March 17, 2005



Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83, Combined Scale Factor 0.999952100. Horizontal Grid Coordinates for LSI points 19 and 20, as provided by the City of Austin, were used as the controlling monuments for this survey.

5204.19we 0.017-ac_rev1.doc

Austin Map No. 646, Grid No. J16

TCAD No. 0319010333

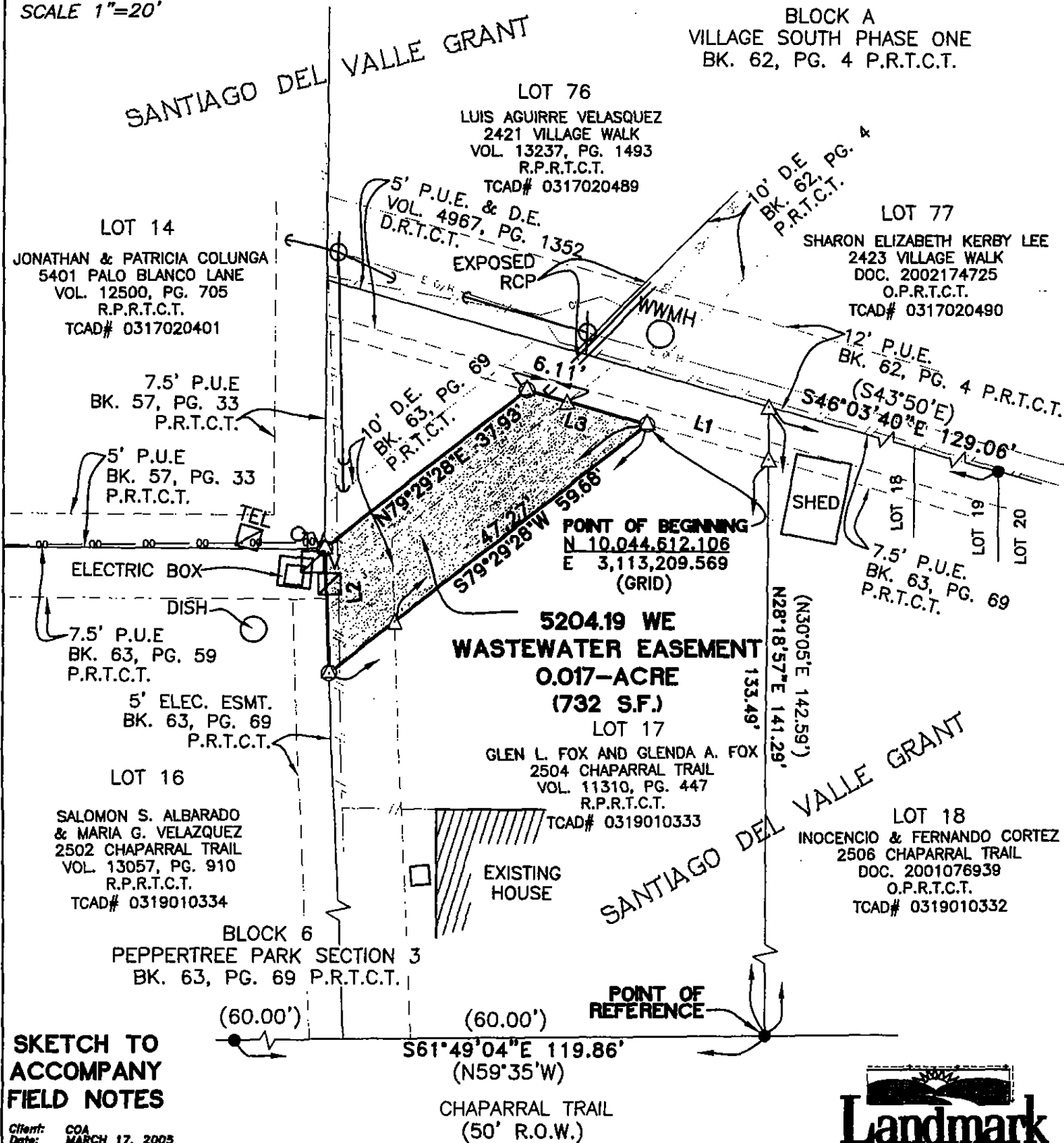
FIELD NOTES REVIEWED
By: PCJ Date: 3-18-05
Austin Clean Water Program
Survey Coordinator

SURVEY OF A PORTION OF LOT 17, PEPPERTREE PARK SECTION 3, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

PAGE 3 OF 4



SCALE 1"=20'



**SKETCH TO
ACCOMPANY
FIELD NOTES**

Client: COA
Date: MARCH 17, 2005
Office: MKLaughlin
Crew: OCHOA
F.B.: 775/59-87 89-70 777/1-50 780/49-51 811/27
Disk: Z:\000\2004 rotation list\Chapparral acwp\Landmark Drawin
Cogo: a:\angle\000\chapparral
Job No.: 97-151-40-03

Exhibit "A"
Page 3 of 4

Landmark
SURVEYING, INC.
1501 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
Ph (512)338-7411 Fax (512)338-7413

SURVEY OF A PORTION OF LOT 17, PEPPERTREE PARK SECTION 3, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

PAGE 4 OF 4

PROPERTY CERTIFICATE NOTE:

All easements of which I have knowledge and those recorded easements furnished by Towne and Country Title, Inc. according to Property Certificate No. OC04.19, effective December 7, 2004, are shown hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

RESTRICTIVE COVENANTS, BUILDING LINES AND EASEMENT NOTES:

1. Restrictive covenants, building lines and easements, as recorded in Book 63, Page 69 of the Plat Records of Travis County, Texas; Volume 4967, Page 1352, Volume 5133, Page 1758, and in Volume 5248, Page 1167 all of the Deed Records of Travis County, Texas DO AFFECT the proposed easement.
2. Restrictive covenants, building lines and easements, as recorded in Volume 5233, Page 1726 and Volume 5022, Page 1052, both of the Deed Records of Travis County, Texas DO NOT AFFECT the proposed easement.
3. A seven and one half (7.5') - foot wide public utility easement as shown on the plat of Peppertree Park Section 3, as recorded in Book 63, Page 69 of the Plat Records of Travis County, Texas DOES NOT AFFECT the subject easement as shown on the attached sketch.
4. A five (5') - foot wide drainage and public utility easement, as described in said Volume 4967, Page 1352 of the Deed Records of Travis County, Texas DOES NOT AFFECT the proposed easement as shown on the attached sketch.
5. A ten (10') - foot wide drainage easement as shown on the plat of Peppertree Park Section 3, as recorded in Book 63, Page 69 of the Plat Records of Travis County, Texas DOES AFFECT the subject easement as shown on the attached sketch.

BEARING BASIS NOTE:

19 COA - COTTON GIN SPINDLE SET ON NORTHEAST SIDE OF CHAPARRAL TRAIL. GRID COORD N./10,044,029.83, E./3,113,620.91, MAP COORD N./10,044,029.83 E./3,113,620.91 FB 777 P 1-7. (PIVOT POINT)

20 COA - COTTON GIN SPINDLE SET ON THE WEST SIDE OF CHAPARRAL TRAIL AT THE INTERSECTION WITH NORTH SIDE OF STASSNEY LANE. GRID COORD N./10,043,769.24, E./3,113,528.50. MAP COORD N./10,043,769.25, E./3,113,528.50. FB 777 P 1-7.

NAD 83 COORDINATE SYSTEM (GRID) TEXAS CENTRAL (4203) COMBINED SCALE FACTOR 0.999952100. HORIZONTAL COORDINATES FOR LSI POINTS 19 AND 20, AS PROVIDED BY THE CITY OF AUSTIN, WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- ⊙ 1/2" IRON PIPE FOUND
- △ CALCULATED POINT
- ⊕ 60D NAIL SET
- BREAK IN SCALE
- ⊗ OVERHEAD ELECTRIC/TELEPHONE LINE POWER POLE WITH GUY WIRE AND ANCHOR
- WWMH WASTEWATER MANHOLE
- TV TV
- ☐ TV CABLE JUNCTION BOX
- TEL TELEPHONE PEDESTAL

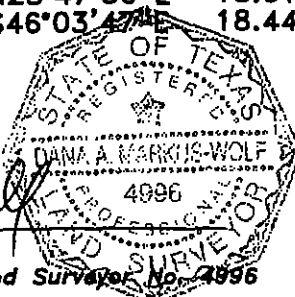
LINE TABLE

LINE	BEARING	DISTANCE
L1	N46°03'47"W	18.57'
L2	N25°47'56"E	18.61'
L3	S46°03'47"E	18.44'

AS SURVEYED BY
LANDMARK SURVEYING, INC.

Dana A. Markus-Wolf

Dana A. Markus-Wolf
Registered Professional Land Surveyor No. 4996
DATE: MARCH 17, 2005



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

Client: COA
Date: MARCH 17, 2005
Office: MKLaughlin
Crew: OCHOA
F.B.: 775/59-87 89-70 777/1-50 780/49-51 811/27
Disk: Z:\000\2004 rotation list\Chapparral aewp\Landmark Draw
Cogo: a:\angle\000\chapparral
Job No.: 97-151-40-03

— CHAINLINK FENCE
— WOOD PRIVACY FENCE

- () RECORD INFORMATION
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- P.U.E. PUBLIC UTILITY EASEMENT
- R.O.W. RIGHT-OF-WAY
- D.E. DRAINAGE 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
- O.P.R.T.C.T. Official Public Records
Travis County, Texas

**SKETCH TO
ACCOMPANY
FIELD NOTES**

21-trail-gridbase.dwg

**Landmark
SURVEYING, INC.**

1501 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
Ph: (812)328-7411 FAX: (812)328-7418

Exhibit "A"

Page 4 of 4

Glen L. Fox and Glenda A. Fox
to the
City of Austin
(Temporary Working Space Easement)

FIELD NOTES FOR PARCEL 5204.19 TWSE

ALL OF THAT CERTAIN 0.024-ACRE (1,058 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.024-ACRE BEING OUT OF LOT 17, BLOCK 6, PEPPERTREE PARK SECTION 3, A SUBDIVISION AS RECORDED IN BOOK 63, PAGE 69 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 17, BLOCK 6, HAVING BEEN CONVEYED TO GLEN L. FOX AND GLENDA A. FOX BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED OCTOBER 6, 1990 AND RECORDED IN VOLUME 11310, PAGE 447 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for POINT OF REFERENCE at a 1/2" iron rod found on the north right-of-way line of Chaparral Trail (50' wide right-of-way), said 1/2" iron rod found being the common south corner of said Lot 17 and Lot 18, of said Block 6, Peppertree Park Section 3; Thence, with the common lot line of said Lots 17 and 18, N28°10'56"E a distance of 133.58 feet and N46°03'47"W a distance of 0.14 feet to a calculated point on the south line of an existing seven and one half (7.5')-foot public utility easement as shown on record plat of said Peppertree Park Section 3, having Texas State Plane Coordinate (Texas Central Zone, NAD83, U.S. Feet, Combined Scale Factor 0.999952100), values of N=10,044,599.312, E=3,113,222.846, for the southeast corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, crossing said Lot 17, Block 6, S79°29'28"W a distance of 81.42 feet to a calculated point on the common line of said Lot 17 and Lot 16 of said Block 6, Peppertree Park Section 3, for the southwest corner of this tract;

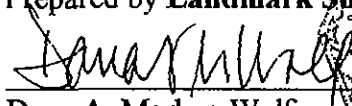
THENCE, with said common line of Lots 16 and 17, N25°47'56"E a distance of 18.61 feet to a 60d nail set for the northwest corner of this tract;

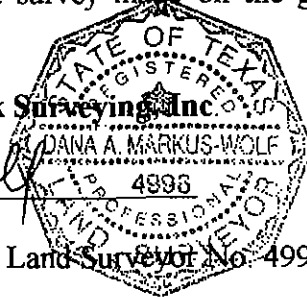
THENCE, with the south line of a proposed wastewater easement, crossing said Lot 17, N79°29'28"E a distance of 59.68 feet to a 60d nail set on the south line of said existing seven and one half (7.5')-foot wide public utility easement as shown

on plat of record of said Peppertree Park Section 3, for the northeast corner of this tract;

THENCE, with said south line of existing seven and one half (7.5')-foot wide public utility easement, S46°03'47"E a distance of 18.44 feet the **POINT OF BEGINNING** and containing 0.024-acre (1,058 square feet) of land, more or less.


I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground December, 2004 under my supervision.

Prepared by **Landmark Surveying, Inc.**

Dana A. Markus-Wolf
Registered Professional Land Surveyor No. 4996
March 17, 2005

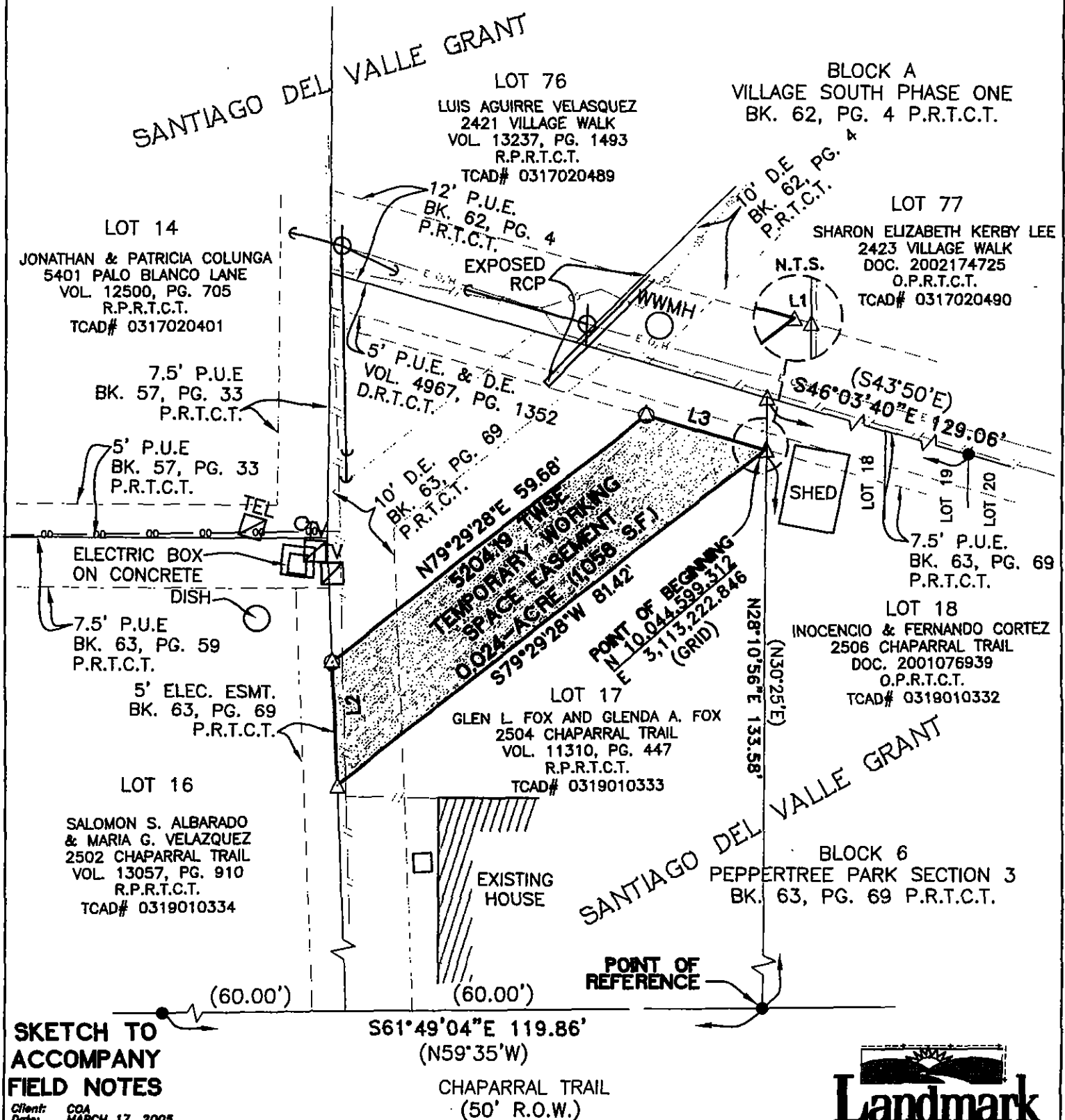
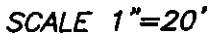


Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83 Combined Scale Factor 0.999952100. Horizontal Grid Coordinates for LSI points 19 and 20, as provided by the City of Austin, were used as the controlling monuments for this survey.

5204.19twse 0.024-ac_rev1.doc
Austin Map No. 646, Grid No. J16
TCAD No. 0319010333

FIELD NOTES REVIEWED
By:  Date: 3-18-05
Austin Clean Water Program
Survey Coordinator

PAGE 3 OF 4



**SKETCH TO
ACCOMPANY
FIELD NOTES**

Client: COA
Date: MARCH 17, 2005
Offices: MKLaughlin
Crews: OCHO
F.B.: 775/59-87 88-70 777/1-50 780/49-51 811/27
Disk: Zicoa\2004 rotation list\Chapparral cawp\Landmark D.
Cogo: a\augie\oa\chaptrial
Job No.: 97-131-40-03

Exhibit "B"
Page 3 of 4

trial-trail-gridbase.dwa


Landmark
SURVEYING, INC.
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)332-7411 FAX: (512)332-7415

SURVEY OF A PORTION OF LOT 17, PEPPERTREE PARK SECTION 3, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

PAGE 4 OF 4

BEARING BASIS NOTE:

19 COA - COTTON GIN SPINDLE SET ON NORTHEAST SIDE OF CHAPARRAL TRAIL. GRID COORD N./10,044,029.83, E./3,113,620.91, MAP COORD N./10,044,029.83 E./3,113,620.91 FB 777 P 1-7. (PIVOT POINT)

20 COA - COTTON GIN SPINDLE SET ON THE WEST SIDE OF CHAPARRAL TRAIL AT THE INTERSECTION WITH NORTH SIDE OF STASSNEY LANE. GRID COORD N./10,043,769.24, E./3,113,528.50. MAP COORD N./10,043,769.25, E./3,113,528.50. FB 777 P 1-7.

NAD 83 COORDINATE SYSTEM (GRID) TEXAS CENTRAL (4203) COMBINED SCALE FACTOR 0.999952100. HORIZONTAL COORDINATES FOR LSI POINTS 19 AND 20, AS PROVIDED BY THE CITY OF AUSTIN, WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

TITLE COMMITMENT NOTE:

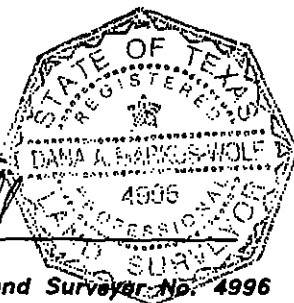
A TITLE COMMITMENT WAS NOT REVIEWED FOR THE PURPOSE OF THIS SURVEY.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N46°03'47"W	0.14'
L2	N25°47'56"E	18.61'
L3	S46°03'47"E	18.44'

AS SURVEYED BY
LANDMARK SURVEYING, INC.

Dana A. Markus-Wolf
Dana A. Markus-Wolf
Registered Professional Land Surveyor No. 4996
DATE : MARCH 17, 2005



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

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- ⊙ 1/2" IRON PIPE FOUND
- △ CALCULATED POINT
- ⊕ 60D NAIL SET
- ⚡ BREAK IN SCALE
- ⚡ OVERHEAD ELECTRIC/TELEPHONE LINE POWER POLE WITH GUY WIRE AND ANCHOR
- WWMH WASTEWATER MANHOLE
- TV TV CABLE JUNCTION BOX
- TEL TELEPHONE PEDESTAL
- CHAINLINK FENCE
- |— WOOD PRIVACY FENCE
- () RECORD INFORMATION
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- P.U.E. PUBLIC UTILITY EASEMENT
- R.O.W. RIGHT-OF-WAY
- D.E. DRAINAGE 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
- O.P.R.T.C.T. Official Public Records
Travis County, Texas

**SKETCH TO
ACCOMPANY
FIELD NOTES**

**Landmark
SURVEYING, INC.**

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH (817)330-7411 FAX (817)330-7413

Client: COA
Date: MARCH 17, 2005
Office: MKLaughlin
Crew: OCHOA
F.B.: 775/59-67 69-70 777/1-50 780/49-51 811/27
Disk: Z:\coa\2004 rotation list\Chapparral down\Landmar
Coga: a:\augla\coa\chapparral
Job No.: 97-131-40-03

chapparral-trail-gridbase.dwg