



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 22
AGENDA DATE: Thu 01/26/2006
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Northeast Area Regional Wastewater Treatment Plant Site to acquire fee simple title (exclusive of subsurface oil, gas, sulfur, and water rights) to 230.664 acres of land out of the John Burleson Survey Number 33, Abstract No. 5, and out of the Oliver Buckman Survey Number 40, Abstract Number 60, Travis County, in the amount of \$2,221,123. The acquisition is necessary for the City to construct and operate a wastewater treatment plant on the property. The owner of the property is GREEN COMMUNITY DEVELOPMENT, L.P. The property is located along the west line of Taylor Lane just north of Decker Lake Road and FM 969 and the east side of FM 973 just north of Bloor Road, Travis County, TX.

AMOUNT & SOURCE OF FUNDING: Funding is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works **DIRECTOR'S**
DEPARTMENT:for Austin Water Utility; **AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

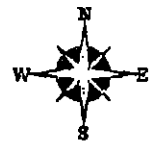
PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

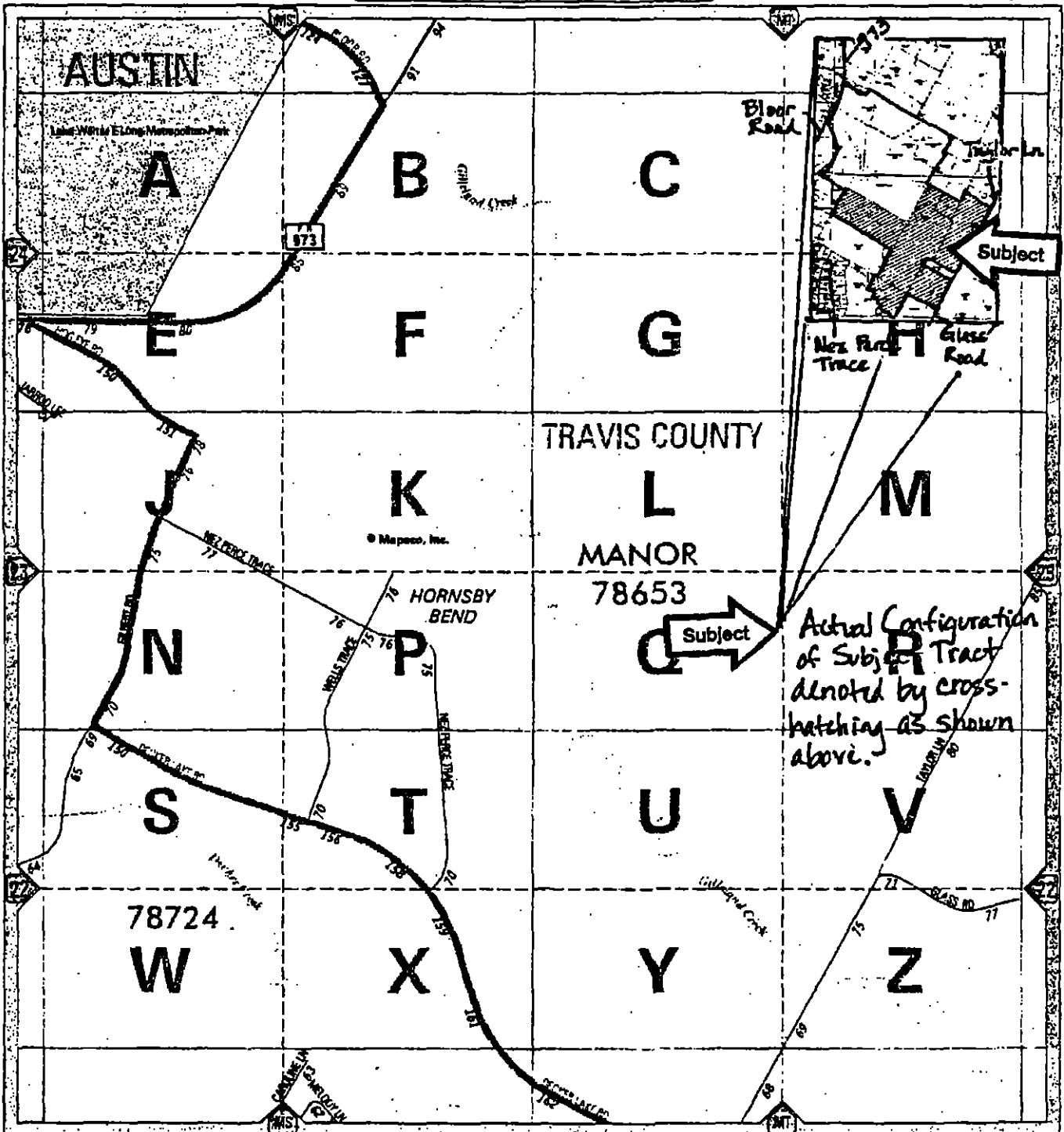
The design plans for the Northeast Area Regional Wastewater Master Plan require acquisition of fee simple title (exclusive of subsurface oil, gas, sulfur, and water rights) for the property located along the west line of Taylor Lane just north of Decker Lake Road and FM 969 and the east side of FM 973 just north of Bloor Road, Travis County, Texas.

The City of Austin has attempted to purchase the fee simple interest from the landowner; however, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.

589



CONTINUED ON MAP 589



CONTINUED ON MAP 588

CONTINUED ON MAP 589

CONTINUED ON MAP 590

SCALE IN MILES
0 1/4 1/2 3/4 1

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SCALE IN FEET
0 1000 2000 3000

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

1/26/2006
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Northeast Area Regional Wastewater Master Plan to acquire a fee simple interest comprised of 230.664 acres of land out of and a part of the John Burleson Survey Number 33, Abstract No. 5, and out of a part of the Oliver Buckman Survey Number 40, Abstract Number 60, Travis County, in the amount of \$2,221,123. The owner of the property interest sought to be acquired is GREEN COMMUNITY DEVELOPMENT, L.P. The property is located along the west line of Taylor Lane just north of Decker Lake Road and FM 969 and the east side of FM 973 just north of Bloor Road, Travis County, Texas.

FINANCIAL INFORMATION:

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2005-06 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 575,217,293.00
Unencumbered Balance	194,755,864.31 *
Amount of This Action	<u>(2,221,123.00)</u>
Remaining Balance	<u>\$ 192,534,741.31</u>
 Current Available Balance	 \$ 208,582,311.02
Less Outstanding Commitments	<u>(11,826,446.71)</u>
Estimated Unencumbered Balance	<u>\$ 194,755,864.31 *</u>

Utility Finance: _____


David Anders, Utilities Finance Manager

Date: 1/3/06

REF. # 4570 237 3051

RESOLUTION NO. 20060126-0

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 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:

Owners: Green Community Development, L.P.

Project: Northeast Area Regional Wastewater Treatment Plant Site

Intended Purpose: acquire fee simple title (exclusive of subsurface oil, gas, sulfur, and water rights) for the Northeast Area Regional Wastewater Treatment Plant Site so that the City can construct and operate a wastewater treatment facility for public use.

Location: along the west line of Taylor Lane just north of Decker Lake Road and FM 969 and the east side of FM 973 just north of Bloor Road, Travis County, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: January 26, 2006

ATTEST: _____

Shirley A. Brown
City Clerk



MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

EXHIBIT "A"

**PARCEL NO. 2
FIELD NOTE DESCRIPTION**

FIELD NOTES FOR 230.664 ACRES OF LAND OUT OF AND A PART OF THE JOHN BURLESON SURVEY NUMBER 33, ABSTRACT NO. 5 AND OUT OF AND A PART OF THE OLIVER BUCKMAN SURVEY NUMBER 40, ABSTRACT NUMBER 60 IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THAT CERTAIN 750.533 ACRE PARCEL OF LAND DESCRIBED IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN FROM HYDE PARK BAPTIST CHURCH, SOUTHWESTERN BAPTIST THEOLOGICAL SEMINARY, AND BUCKNER BAPTIST BENEVOLENCES TO AUSTIN ESTATES LIMITED PARTNERSHIP WHICH WAS FILED FOR RECORD IN SEPTEMBER 11, 1997, AND RECORDED IN VOLUME 13017, PAGE 1564, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALSO, BEING OUT OF AND A PART OF THAT CERTAIN 755.87 ACRE PARCEL OF LAND DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED FROM BARBARA S. GIBBS AND G. TRAVIS GIBBS, JR., INDEPENDENT CO-EXECUTORS OF THE ESTATE OF CARL ANGUS McEACHERN, AS APPOINTED IN CAUSE NO. 48,240, COUNTY COURT AT LAW NO. 4, TRAVIS COUNTY TO HYDE PARK BAPTIST CHURCH, SOUTHWESTERN BAPTIST THEOLOGICAL SEMINARY, AND BUCKNER BAPTIST BENEVOLENCES, WHICH WAS FILED FOR RECORD ON SEPTEMBER 2, 1986 AND RECORDED IN VOLUME 9857, PAGE 31, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 230.664 ACRE PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, AS FOLLOWS, TO WIT:

BEGINNING at a 5/8 inch iron rod with a 1-1/4 inch diameter yellow plastic cap stamped "CM&N 4453" set to mark the point of intersection of the present northwest right of way of Taylor Lane, having right of way width of 80.00 feet and identified on that certain right of way strip map prepared by Mesa Surveying Company on September 21, 1988, sheet 5 of 78, as Engineer's centerline station 57+80.40 with the occupied common grant line, as fenced on the ground, the abovementioned John Burleson Survey Number 33, Abstract Number 5 and Oliver Buckman Survey Number 40, Abstract Number 60, and being on the occupied northeast line of that certain 221.74 acre parcel of land, resurveyed as 212 acres of land, more or less, described in that certain Special Warranty Deed conveyance from Barbara S. Gibbs and G. Travis Gibbs, Jr., independent co-executors of the estate of Carl Angus McEachern, as appointed in Cause No. 48,240, County At Law No. 4, Travis County, Texas to Nann Gilbert Hall and Woody R. Gilbert, which was filed for record on September 2, 1986, and recorded in Volume 9857, Page 20, Real

Exhibit "A"
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Pc-01/word/fieldnotes/cons(taylor lane ~ Austin Estates).doc

Property Records of Travis County, Texas, also being on the occupied northeast line of that certain 215.12 acre parcel of land described in that certain Special Warranty Deed conveyance from Nanene Gilbert Hall to Katherine Schwetman, John David Schwetman, Allison Hall Beach and Lynn Hall Harrison, in equal shares, an undivided twenty-five (25%) interest, which was filed for record on December 30, 1998, and recorded in Volume 13339, Page 326, Real Property Records of Travis County, Texas, also recorded in Document Number 1999024093, Texas, and in Document Number TRV 2991098670, and in Document Number TRV 2991098671, Official Public Records of Travis County, Texas, for the most easterly southeast corner and "POINT OF BEGINNING" of this survey;

THENCE, North 63° 01' 52" West (client record = North 60° 50' 26" West and neighboring record = North 60° West), along the common boundary line of the Nann Gilbert and Woody R. Gilbert 212 acre parcel of land and Austin Estates Limited Partnership 750.533 acre parcel of land, with an existing fence line, on or about said common grant line, also with the northeast line of the Carl A. McEachern "Third Tract ~ 96.00 acres", which was filed for record on April 25, 1949, and recorded in Volume 975, Page 167, Deed Records of Travis County, Texas, at a distance of 0.50 feet passing a 1/2 inch iron rod intended to be on the aforementioned northwest right of way line of Taylor Lane, found on line, in all a total distance of 1,927.84 feet to a cotton spindle found on the westerly root of a 12 inch elm tree and called for in said Austin Estates Limited Partnership 750.533 acre parcel of land, intended by record to be on the northeast boundary line of said Carl A. McEachern "Third Tract ~ 96.00 acres", monumenting the north corner of the Nann Gilbert Hall and Woody R. Gilbert 212 acre parcel of land, for an inside corner of the Austin Estates Limited Partnership 750.533 acre parcel of land, and an inside corner of this survey;

THENCE, South 27° 44' 50" West (client record = North 29° 56' 18" East), along the common boundary line of the Nann Gilbert Hall and Woody R. Gilbert 212 acre parcel of land and said Austin Estates Limited Partnership 750.533 acre parcel of land, with an old existing fence line, at distance of 1,588.54 feet (client record = 1,588.65 feet) passing a 60d nail found on line on the south root of an existing 12 inch elm tree and called for in said Austin Estates Limited Partnership 750.533 acre parcel of land, in all a distance of 1,739.24 feet (client record = 1,739.17 feet) to a inundated calculated point on the centerline of Gilleland Creek, marking the most southerly corner of the Austin Estates Limited Partnership 750.533 acre parcel of land, for the south corner of this survey, from which said inundated calculated point, an 11 inch dead cedar tree, used as a fence post and called for in that certain Nann Gilbert Hall, et al, 967.87 acre parcel of land recorded in said Volume 9857, Page 23, also mentioned in the Austin Estates Limited Partnership 750.533 acre parcel of land in said Volume 13017, Page 1564, bears North 88° 15' 30" West (neighboring record = North 86° 04' 15" West), a distance of 153.07 feet (neighboring record = 153.20 feet);

THENCE, along the centerline meanders of said Gilleland Creek, with a portion of the intended southwest centerline meander lines of the Austin Estates Limited Partnership 750.533 acre parcel of land, on or about the northeast meander lines of that certain 78.86 acre parcel of land described

in a Warranty Deed conveyance from Asset Preservation, Inc. to Jack M. Holley, which was filed for record on July 8, 1996 and recorded in Volume 12723, Page 301, Real Property Records of Travis County, Texas, on or about the northeast meander lines of that certain 153.98 acre parcel of land identified as "Tract 2" in that certain Special Warranty Deed conveyance from Halstead H. Frost, as Independent Administrator of the Estate of Glenna Myrle Walsh-Frost, Deceased, Cause No. 313398, Probate Court Number One of Harris County to Halstead H. Frost, which was filed for record on April 9, 2001 and recorded in Document Number TRV 2001053294, Official Public Records of Travis County, Texas, the following bearings and distances, as follows, to wit:

- (L1) ~ denotes measured line identification per certified survey map
(R1) ~ denotes client record calls per certified survey map
(H1) ~ denotes Jack M. Holley 78.86 acre parcel of land per certified survey map
(F1) ~ denotes Halstead H. Frost 153.98 acre parcel of land per certified survey map
- 1.) South 89° 31' 12" West (R1 = North 88° 26' 31" West), a distance of 59.58 feet (R1 = 59.65 feet) to a calculated point (L58);
 - 2.) North 62° 45' 09" West (R2 = North 60° 33' 54" West), a distance of 70.09 feet (R2 = 70.09 feet) to a calculated point (L59);
 - 3.) North 73° 41' 49" West (R3 = North 71° 30' 34" West), a distance of 72.35 feet (R3 = 72.35 feet) to a calculated point (L60);
 - 4.) North 29° 34' 44" West (R4 = North 27° 23' 29" West), a distance of 49.46 feet (R4 = 49.46 feet) to a calculated point (L61);
 - 5.) North 00° 31' 34" East (R5 = North 02° 42' 49" East), a distance of 69.33 feet (R5 = 69.33 feet) to a calculated point (L62);
 - 6.) North 30° 48' 51" West (R6 = North 28° 37' 36" West), a distance of 70.19 feet (R6 = 70.19 feet) to a calculated point (L63);
 - 7.) North 05° 32' 41" East (R7 = North 07° 43' 56" East), a distance of 139.88 feet (R7 = 139.88 feet) to a calculated point (L64);
 - 8.) North 40° 28' 07" West (R8 = North 38° 16' 52" West), a distance of 59.67 feet (R8 = 59.67 feet) to a calculated point (L65);
 - 9.) South 40° 32' 31" West (R9 = South 42° 43' 46" West), a distance of 163.68 feet (R9 = 163.68 feet) to a calculated point (L66);
 - 10.) North 60° 13' 28" West (R10 = North 58° 02' 13" West), a distance of 132.37 feet (R10 = 132.37 feet) to a calculated point (L67);
 - 11.) North 89° 15' 07" West (R11 = North 87° 03' 52" West), a distance of 97.04 feet (R11 = 97.04 feet) to a calculated point (L68);
 - 12.) North 33° 17' 07" West (R12 = North 31° 05' 52" West), a distance of 87.74 feet (R12 = 87.74 feet) to a calculated point (L69);
 - 13.) North 12° 21' 02" West (R13 = North 10° 09' 47" West), a distance of 81.96 feet (R13 = 81.96 feet) to a calculated point (L70) for a "Y" oxbow channel in said creek;
 - 14.) Thence leaving the southwest centerline meanders of said Austin Estates Limited Partnership 750.533 acre parcel of land and continuing along the northeast centerline meanders of the Jack M. Holley 78.86 acre parcel of land, North 41° 27' 44" East (H11 = North 44° 13' 00" East), a distance of 259.59 feet (H11 = 263.16 feet) to a calculated point (L71);

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- 15.) North 05° 33' 49" East (H12 = North 07° 59' 00" East), a distance of 135.72 feet (H12 = 135.72 feet) to a calculated point (L72);
- 16.) North 47° 28' 11" West (H13 = North 45° 03' 00" West), a distance of 91.30 feet (H13 = 91.30 feet) to a calculated point (L73);
- 17.) North 86° 57' 11" West (H14 = North 84° 32' 00" West), a distance of 91.56 feet (H14 = 91.56 feet) to a calculated point (L74);
- 18.) South 26° 42' 49" West (H15 = South 29° 08' 00" West), a distance of 128.09 feet (H15 = 128.09 feet) to a calculated point (L75);
- 19.) South 43° 24' 02" West (H16 = South 48° 25' 00" West), a distance of 46.52 feet (H16 = 53.97 feet) to a calculated point (L76) on the aforementioned southwest centerline meander lines of the Austin Estates Limited Partnership 750.533 acre parcel of land;
- 20.) Continuing on the southwest centerline meander lines of the Austin Estates Limited Partnership 750.533 acre parcel of land, North 34° 52' 49" West (R17 = North 32° 41' 34" West), a distance of 118.29 feet (R17 = 118.29 feet) to a calculated point (L77);
- 21.) North 66° 14' 15" West (R18 = North 64° 03' 00" West), a distance of 126.25 feet (R18 = 126.25 feet) to a calculated point (L78);
- 22.) North 13° 02' 26" East (R19 = North 15° 13' 41" East), a distance of 61.63 feet (R19 = 61.63 feet) to a calculated point (L79);
- 23.) North 20° 02' 38" West (R20 = North 17° 51' 23" West), a distance of 71.86 feet (R20 = 71.86 feet) to a calculated point (L80);
- 24.) North 03° 06' 48" East (R21 = North 05° 18' 03" East), a distance of 108.22 feet (R21 = 108.22 feet) to a calculated point (L81);
- 25.) North 31° 49' 20" West (R22 = North 29° 38' 05" West), a distance of 61.52 feet (R22 = 61.52 feet) to a calculated point (L82);
- 26.) South 81° 43' 19" West (R23 = South 83° 54' 34" West), a distance of 91.81 feet (R23 = 91.81 feet) to a calculated point (L83);
- 27.) South 88° 09' 51" West (R24 = North 89° 38' 54" West), a distance of 198.96 feet (R24 = 198.96 feet) to a calculated point (L84);
- 28.) North 54° 59' 00" West (R25 = North 52° 47' 45" West), a distance of 53.43 feet (R25 = 53.43 feet) to a calculated point (L85);
- 29.) North 32° 33' 26" East (R26 = North 34° 44' 41" East), a distance of 43.54 feet (R26 = 43.54 feet) to a calculated point (L86);
- 30.) North 73° 46' 53" East (R27 = North 75° 58' 08" East), a distance of 65.35 feet (R27 = 65.35 feet) to a calculated point (L87);
- 31.) North 22° 07' 08" East (R28 = North 24° 18' 23" East), a distance of 67.11 feet (R28 = 67.11 feet) to a calculated point (L88);
- 32.) North 01° 47' 22" East (R29 = North 03° 58' 37" East), a distance of 139.30 feet (R29 = 139.30 feet) to a calculated point (L89);
- 33.) North 44° 51' 06" East (R30 = North 47° 02' 21" East), a distance of 147.56 feet (R30 = 147.56 feet) to a calculated point (L90);
- 34.) North 36° 10' 30" West (R31 = North 33° 59' 15" West), a distance of 112.55 feet (R31 = 112.55 feet) to a calculated point (L91);

- 35.) North 41° 17' 38" East (R32 = North 43° 28' 53" East), a distance of 42.83 feet (R32= 42.83 feet) to a calculated point (L92);
- 36.) North 66° 44' 43" West (R33 = North 64° 33' 28" West), a distance of 218.30 feet (R33 = 218.30 feet) to a calculated point (L93);
- 37.) South 22° 41' 31" West (R34 = South 24° 52' 46" West), a distance of 120.76 feet (R34 = 120.76 feet) to a calculated point (L94);
- 38.) South 59° 17' 09" West (R35 = South 61° 28' 24" West), a distance of 79.96 feet (R35 = 79.96 feet) to a calculated point (L95);
- 39.) North 45° 30' 25" West (R36 = North 43° 19' 10" West), a distance of 109.77 feet (R36 = 109.77 feet) to a calculated point (L96);
- 40.) North 61° 11' 03" West (R37 = North 58° 59' 48" West), a distance of 73.43 feet (R37 = 73.43 feet) to a calculated point (L97);
- 41.) South 86° 46' 55" West (R38 = South 88° 58' 10" West), a distance of 25.01 feet (R38 = 25.01 feet) to a inundated calculated point (L98) on the centerline of said Gilleland Creek, marking the most westerly corner of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land, for an inside corner of the Halstead H. Frost 153.98 acre parcel of land, and the most westerly corner of this survey;

THENCE exiting Gilleland Creek, North 28° 08' 36" East (client record = North 30° 22' 00" East and neighboring record = North 31° 40' 19" East), along the common boundary line of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land and the Halstead H. Frost 153.98 acre parcel of land, with an old existing fence line, partially on the ground, a distance of 206.18 feet (client record = 206.20 feet and neighboring record = 206.77 feet) to a 1/2 inch iron rod found, as called for on client record and neighboring record deeds, for a shared common corner and a corner of this survey;

THENCE, North 27° 56' 56" East (client record = North 30° 08' 48" East and neighboring record = North 30° 43' 19" East), continuing along the common boundary line of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land and the Halstead H. Frost 153.98 acre parcel of land, with said fence line, at a distance of 695.02 feet passing a 1/2 inch iron rod found on line for reference only, in all a total distance of 698.68 feet to a 3/4 inch iron pipe found, as called for on client record and neighboring record deeds, intended by record to be on the aforementioned common grant line of the John Burleson Survey Number 33, Abstract Number 5 and the Oliver Buckman Survey Number 40, Abstract Number 60, also being on the southwest line of that certain 163.10 acre parcel of land mentioned in that certain Warranty Deed from the Estate of Inez McGee Glass, acting herein by and through Marjorie Nagle, Independent Executrix to Marjorie Nagle, Marion Glass, Tony Glass, Jewell Glass a/k/a Judy J. glass, Gwendolyn Dawn Glass, Laura H. Glass, Laura Ellen Glass Hensley and Nations Bank of Texas, which was filed for record on August 4, 1993, and recorded in Volume 11992, Page 48, Real Property Records of Travis County, Texas, for the northeast corner of the Halstead H. Frost 153.98 acre parcel of land, also marking a westerly corner of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land and a corner of this survey;

THENCE, South 62° 20' 18" East (client record = South 60° 11' 57" East and neighboring record = South 60° 20' 00" East), along the occupied common grant line of the John Burleson Survey Number 33, Abstract Number 5 and the Oliver Buckman Survey Number 40, Abstract Number 60, with an existing fence line, also, along the common boundary line of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land and the Marjorie Nagle, et al, 163.10 acre parcel of land, with said fence line, a distance of 277.63 feet (client record = 277.75 feet) to a 1/2 inch iron found intended to monument the southerly corner of the Marjorie Nagle, et al, 163.10 acre parcel of land, also intended to monument an inside corner of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land, for an inside corner of this survey;

THENCE, North 27° 56' 52" East, (client record = North 30° 07' 32" East and neighboring record = North 30° 19' 00" East), along the common boundary line of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land and the Marjorie Nagle, et al, 163.10 acre parcel of land, with an existing fence line, at a distance of 1,746.32 feet (client record = 1,746.01 feet and neighboring record = 617-2/5 varas ~ 1,715.00 feet) passing a 1/2 inch iron rod found on the north side of an existing fence corner post found on line, monumenting the east corner of the Marjorie Nagle, et al, 163.10 acre parcel of land, also monumenting an inside corner of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land, in all a total distance of 1,907.99 feet to a 5/8 inch iron rod with a 1-1/4 inch diameter yellow plastic cap stamped "CM&N 4453" set for the most northerly corner of this survey;

THENCE, South 62° 48' 51" East, crossing through the interior of said Austin Estates Limited Partnership Limited 750.533 acre parcel of land, at a distance of 1,929.57 feet passing a 60d nail found in a 6 inch cedar fence post marking the west corner of that certain 16.14 acre parcel of land described in that certain Contract Of Sale And Purchase Deed conveyance from the Veterans Land Board of Texas to Harold William Sandifer which was filed for record on March 31, 1981 and recorded in Volume 7362, Page 76, Deed Records of Travis County, Texas, for an inside corner on the easterly boundary line of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land, and continuing along the common boundary line of the Harold William Sandifer 16.14 acre parcel of land and the Austin Estates Limited Partnership Limited 750.533 acre parcel of land, with the remnants of an old existing fence line, in all a total distance of 2,511.65 feet to a calculated point (unable to set) on a wetted swamp canal area coming from a holding pond on the Harold William Sandifer 16.14 acre parcel of land, for a common corner of the Harold William Sandifer 16.14 acre parcel of land and the Austin Estates Limited Partnership Limited 750.533 acre parcel of land, and a corner of this survey;

THENCE, continuing along the common boundary line of the Harold William Sandifer 16.14 acre parcel of land and the Austin Estates Limited Partnership Limited 750.533 acre parcel of land, with the remnants of an old existing fence line, following bearings and distances, as follows, to wit:

- 1.) South 62° 46' 08" East (client record = South 62° 37' 41" East and neighboring record = South 60° 04' 00" East), a distance of 446.81 feet (client record = 446.89 feet and neighboring record = 446.78 feet) to a 1/2 inch iron rod found for a common corner;

- 2.) South 62° 51' 33" East (client record = South 60° 40' 17" East and neighboring record = South 60° 08' 00" East), a distance of 604.21 feet (client record = 604.29 feet and neighboring record = 604.35 feet) to a 1/2 inch iron rod found for a common corner;
- 3.) South 62° 35' 57" East (client record = South 60° 22' 00" East and neighboring record = South 59° 52' 00" East), a distance of 227.46 feet (client record = 227.66 feet and neighboring record = 242.75 feet, prior to right of way take on Taylor Lane) to a 1/2 inch iron rod found on the aforementioned northwest right of way line of Taylor Lane monumenting an easterly corner of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land, for the east corner of this survey, from which corner, a record calculated point within the right of way limits of said Taylor Lane, denoted by record as the south corner of the Harold William Sandifer 16.14 acre parcel of land, also an easterly corner of the Hyde Park Baptist Church, et al, 755.87 acre parcel of land recorded in Volume 9857, Page 31, bears South 62° 36' 31" East, a distance of 14.72 feet (right of way strip map = 14.71 feet, and neighboring record = 15.29 feet and the Hyde Park parcel = 15.27 feet);

THENCE, across a portion of the interior of the Hyde Park Baptist Church, et al, 755.87 acre parcel of land, with the southeast boundary line of the Austin Estates Limited Partnership Limited 750.533 acre parcel of land, along the northwest right of way line of said Taylor Lane, having a record right of way width of 80.00 feet, the following bearings, distances and curve data, as follows, to wit:

- 1.) Along a circular curve to the left, with an existing fence line, having a central angle of 00° 05' 48", a radius distance of 210,712.15 feet, (client and right of way strip map = 210,712.15 feet), a tangent distance of 177.64 feet, a chord distance of 355.27 feet (client record = 355.13 feet and right of way strip map = 355.31 feet) whose chord bears South 27° 05' 41" West (client record = South 29° 19' 09" West and right of way strip map = South 29° 23' 55" West), an arc distance of 355.27 feet (client record = 355.13 feet and right of way record = 355.31 feet) to a 5/8 inch iron rod with a 1-1/4 inch diameter yellow plastic cap stamped "CM&N 4453" set monumenting the point of tangency and ending point of this curve, identified on the right of way strip map as engineer's centerline station 73+04.99;
- 2.) South 27° 02' 47" West (client record = South 29° 13' 20" West and right of way record = South 29° 21' 02" West), with an existing fence line, a distance of 384.30 feet (client record = 384.39 feet and right of way record = 384.48 feet) to a calculated point referenced by a 1/2 inch iron rod found 0.38 feet northwest intended to monument the point of curvature of a circular curve to the left and identified on the right of way strip map as engineer's centerline backward station 69+19.21 and forward station 69+20.51;
- 3.) Thence from said calculated point, with another circular curve to the left, along an existing fence line, having a central angle of 02° 16' 42" (right of way strip map = 02° 16' 42"), a radius distance of 20,159.69 feet, (client and right of way strip map = 20,159.69 feet), a tangent distance of 400.87 feet (right of way strip map = 400.85 feet), a chord distance of 801.54 feet (client record = 801.80 feet and right of way strip map = 801.54 feet) whose chord bears South 25° 54' 26" West (client record = South 28° 05'

- 4.) 54" West and right of way strip map = South 28° 12' 41" West), an arc distance of 801.64 feet (client record = 801.85 feet and right of way record = 801.59 feet) to a calculated point referenced by a 1/2 inch iron rod found intended to monument the point of tangency and identified on the right of way strip map as engineer's centerline station 61+19.21;
- 5.) South 24° 46' 05" West (client record = South 27° 03' 08" West and right of way strip map = South 27° 04' 20" West), at a distance of 0.19 feet passing the abovementioned 1/2 inch iron rod found 0.19 feet northwest, in all a total distance of 338.78 feet (client record = 338.61 feet and right of way record = 338.81 feet) to the "POINT OF BEGINNING" (north = 10,072,726.2457, east = 3,175,971.5244 ~ Grid)

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

We do hereby state that this survey description is true and correct to the best of my knowledge and belief, and that this survey description was prepared from an actual on the ground survey of found property corners and record description, under our supervision, and that the markers found or set described herein actually exist, as described, at the time of our survey.

"Basis of Bearing" for this metes and bounds description are based on the Texas State Plane Coordinate System, Central Zone (4203), NAD 83, utilizing AUSRRP. Coordinates denoted for the "Point of Beginning" are grid values and may be adjusted to surface using a surface adjustment factor of 1.000055.

Carmelo L. Macias 5.15.03
Carmelo L. Macias Date
Registered Professional Land Surveyor No. 4333



—CM & N

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Office: (512) 834-1800 Fax: (512) 834-1769
E-mail: cmn@cmn.com or nash@cmn.com

CANALES, MARTINEZ & NASH SURVEYING COMPANY

Juan M. Canales, Jr. 5-15-03
Juan M. Canales, Jr. Date
Registered Professional Land Surveyor No. 4453

Out of and a part of Travis County Tax Appraisal parcel number 0202600102
City of Austin topographic map reference T22 and T23

FIELD NOTES REVIEWED

By: Mike Kott Date: 06/30/03

Engineering Support Section
Department of Public Works
and Transportation

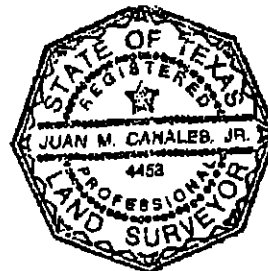


Exhibit "A"
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