



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

**AGENDA ITEM NO.: 18
AGENDA DATE: Thu 03/02/2006
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the US 183 Bolm Road to Colorado River Phase IIA Project to acquire an 11,256 square foot permanent wastewater line easement out 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 121-132, of the Plat Record of Travis County, Texas, in the amount of \$5,966. The owner of the needed property interest is Sally Daneshjou. The property is located at 1900 Smith Road, Austin, Travis County, Texas.

AMOUNT & SOURCE OF FUNDING: Funding is included 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 US 183 Bolm Road to Colorado River Phase IIA Project require the acquisition of a permanent wastewater line easement on the property located at 1900 Smith Road, Austin, Travis County, Texas.

The City of Austin has attempted to purchase the permanent wastewater line easement from the landowner, however, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

3/2/2006
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the US 183 Bolm Road to Colorado River Phase IIA Project to acquire a permanent wastewater easement comprising 11,250 square feet of land out of Lot 15, Capitol Business Park, Travis County, in the amount of \$5,966. The owner of the property sought to be condemned is Sally Daneshjoo. The property is located at 1900 Smith Road, Austin, 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	184,995,541.83 *
Amount of This Action	<u>(5,966.00)</u>
Remaining Balance	<u>\$ 184,989,575.83</u>
Current Available Balance	\$ 205,015,581.01
Less Outstanding Commitments	<u>(20,020,039.18)</u>
Estimated Unencumbered Balance	<u>\$ 184,995,541.83 *</u>

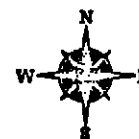
Utility Finance


David Anders, Utilities Finance Manager

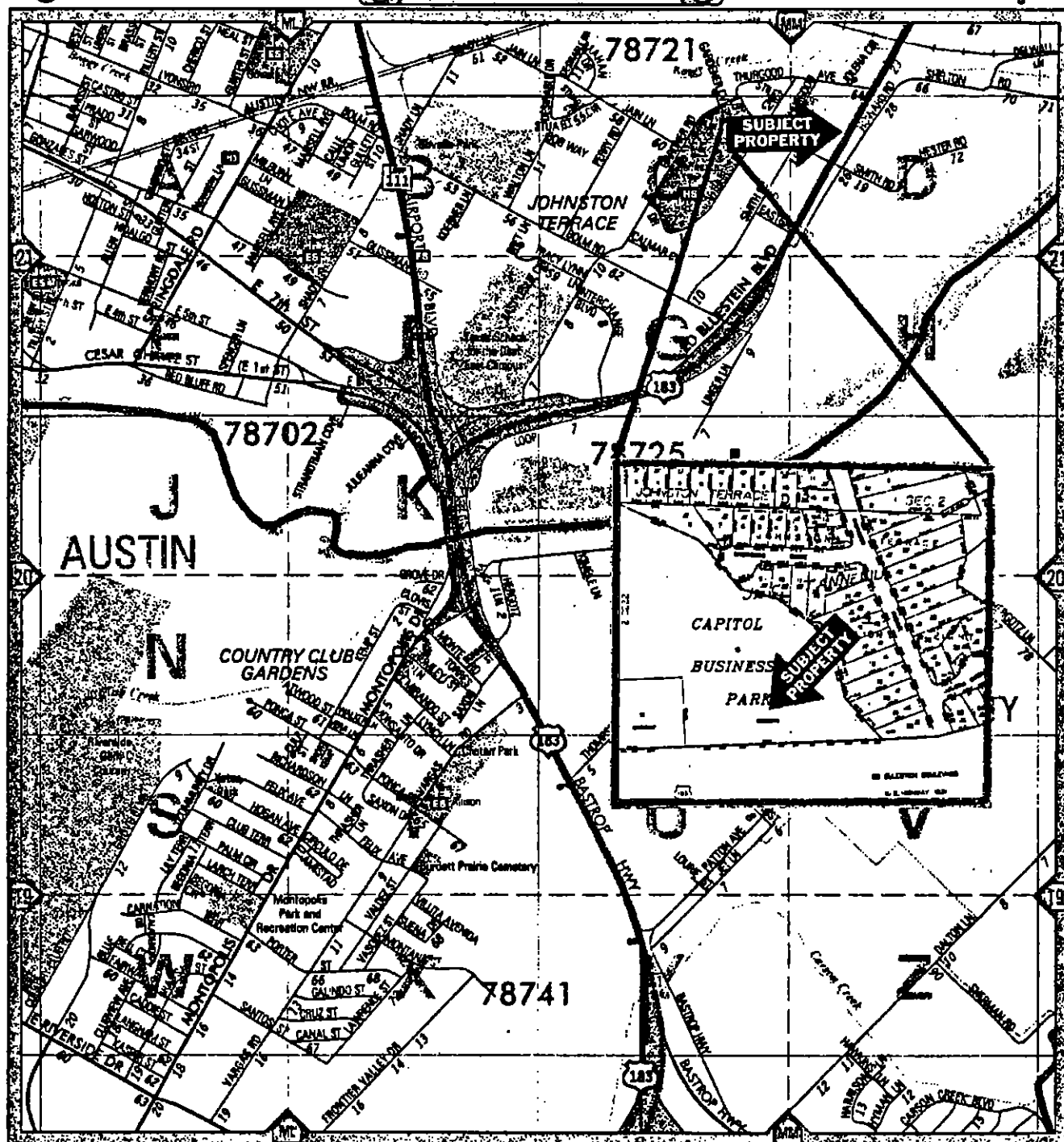
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REF. # 4570 237 0335

616



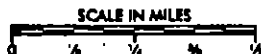
CONTINUED ON MAP 586



CONTINUED ON MAP 615

CONTINUED ON MAP 616

CONTINUED ON MAP 617



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RESOLUTION NO. 20060302-0

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 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 permanent 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 3, 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. 2002134587, 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)

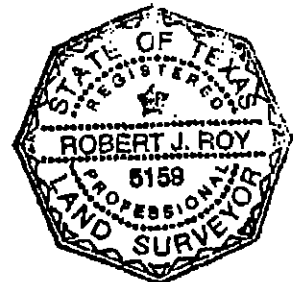
That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 24th 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

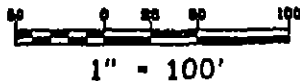
Reference:
TCAD #: 02-0523-0416
AUSTIN GRID: M-21



FIELD NOTES REVIEWED
By John H. Moore Date 1-24-2003
Engineering Support Section
Department of Public Works
and Transportation

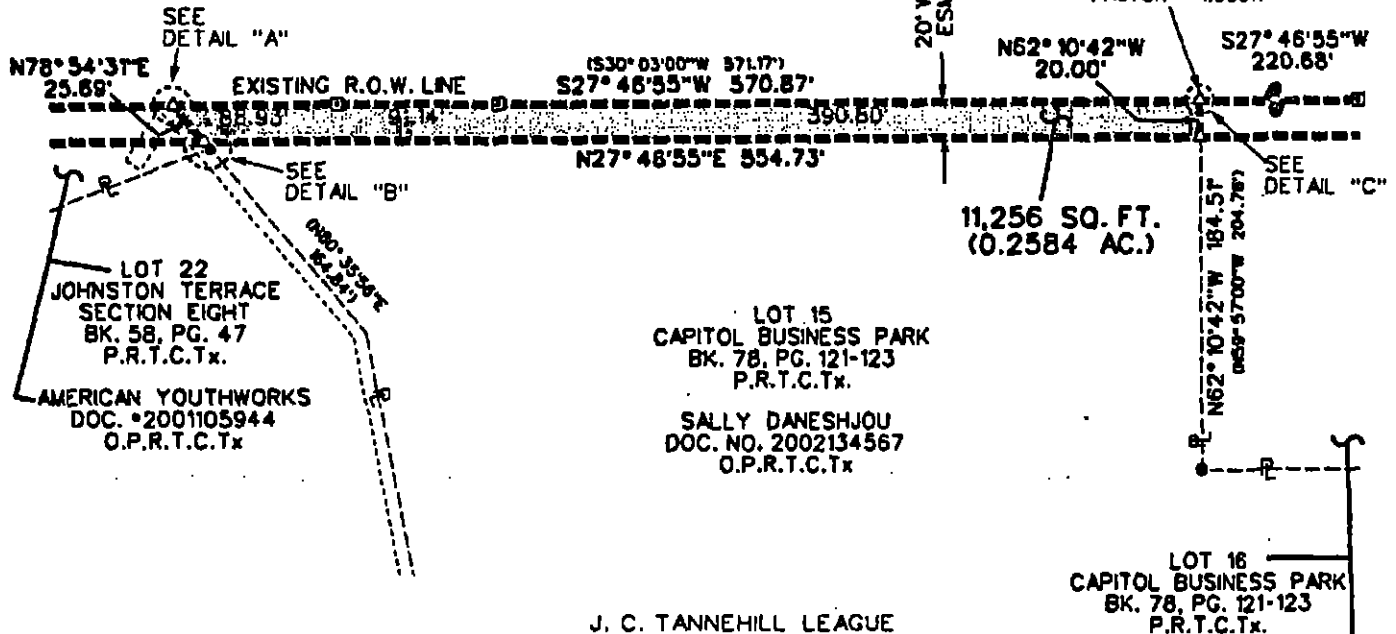
Exhibit "A"
Page 2 of 3

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

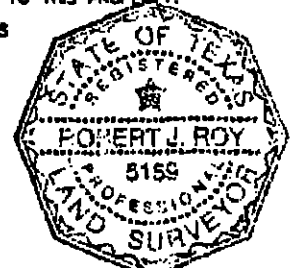
- TXDOT TYPE MONUMENT FOUND
- TYPE I CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND UNLESS NOTED
- △ CALCULATED POINT
- ⊙ PROPERTY LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- O.P.R.T.C.Tx. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- R.P.R.T.C.Tx. REAL PROPERTY 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 280
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