

**Public Works  
CITY OF AUSTIN**

**AGENDA** #24  
**DATE: 4/20/2006**

**RECOMMENDATION FOR  
COUNCIL ACTION**

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**Subject:** Approve a resolution authorizing the filing of eminent domain proceedings for the Walnut Creek Annexation Project to acquire a 1,498 square foot permanent wastewater line easement out of Lot 1, Walnut Bluff a subdivision in Travis County, in the amount of \$900. The owners of the needed property interest are Tony M. Guerrero and Norma S. Guerrero, of Austin, Texas. The property is located at 11514 June Drive, Austin, Texas.

**Amount and Source of Funding:** Funding is included in the Fiscal Year 2005-2006 Approved Capital Budget of the Austin Water Utility.

**Fiscal Note:** A fiscal note is attached.

**Requesting Department:** PW

**For More Information:**

**Prior Council Action:**

**Boards and Commission Action:**

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The design plans for the Walnut Creek Annexation Project require acquisition of a permanent wastewater line easement on the property located at 11514 June Drive, Austin, Texas.

The City of Austin has attempted to purchase the permanent wastewater line easement from the landowner. However, because of title issues, a settlement has not been reached. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

TONY M. GUERRERO AND WIFE,  
NORMA S. GUERRERO  
TO  
CITY OF AUSTIN  
(WASTEWATER LINE EASEMENT)  
CIP # \_\_\_\_\_

DESCRIPTION

DESCRIPTION OF 0.0344 OF ONE ACRE OR 1,498 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 1, WALNUT BLUFF, A SUBDIVISION IN THE CITY OF AUSTIN, OF RECORD IN BOOK 63, PAGE 81, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT TRACT DESCRIBED IN A DEED TO TONY M. GUERRERO AND WIFE, NORMA S. GUERRERO, OF RECORD IN VOLUME 13010, PAGE 2631, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0344 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with plastic cap at the west corner of this tract, same being in the southwest line of said Lot 1 and of said Guerrero tract, same also being in the northeast line of June Drive, a street in said Walnut Bluff, same being the point of curvature of a curve, said point of beginning having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93HARN), U.S. Feet, Adjustment Factor of 0.99991) values of N=10110204.57, E=3139107.33, from which point a 1/2" iron rod found at the west corner of said Lot 1 and the south corner of Lot 2, of said Walnut Bluff, same being in the northeast line of June Drive, bears N33°19'00"W 2.23 feet and N35°16'29"W 74.35 feet, and from which point of beginning a 1/2" iron rod found at a point of curvature in the south line of said Lot 1 bears N33°19'00"W 2.23 feet;

THENCE, with the northwest line of this tract, crossing said Lot 1 and said Guerrero tract, with said curve to the left, having an intersection angle of 03°38'15", a radius of 1562.02 feet, and an arc distance of 99.17 feet, the chord of which bears N53°35'10"E 99.15 feet to a 1/2" iron rod set with plastic cap at the north corner of this tract, same being in a northeast line of said Lot 1 and of said Guerrero tract and the southwest line of that tract described in a deed to the City of Austin, of record in Volume 6945, Page 1531, Deed Record, Travis County, Texas, from which point a 1/2" iron rod found at an interior ell corner of said Lot 1, and the west corner of City of Austin tract, bears N38°32'11"W 10.39 feet;

THENCE, with the northeast line of this tract and a northeast line of said Lot 1 and of said Guerrero tract, S38°32'11"E 15.00 feet to a 1/2" iron rod found at the east corner of this tract and an east corner of the remaining portion of said Lot 1 and of said Guerrero tract, same being in the northwest line of Dessau Road and also being the north corner of

that tract described in a deed to Travis County, of record in Volume 11017, Page 398, Real Property Records, Travis County, Texas, same also being the point of curvature of a curve;

THENCE, with the southeast line of this tract and of said Guerrero tract, crossing said Lot 1, same being the northwest line of Dessau Road and of said Travis County tract, with said curve to the right, having an intersection angle of  $03^{\circ}39'09''$ , a radius of 1577.02 feet, and an arc distance of 100.53 feet, the chord of which bears  $S53^{\circ}35'27''W$  100.52 feet to a 1/2" iron rod found at the south corner of this tract, of the remaining portion of said Lot 1, and of said Guerrero tract, same being the point of intersection of the northwest line of said Dessau Road and the northeast line of June Drive;

THENCE, with the southwest line of this tract, of said Lot 1, and of said Guerrero tract, and the northeast line of June Drive,  $N33^{\circ}19'00''W$  15.00 feet to the POINT OF BEGINNING and containing 0.0344 of one acre, more or less, within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD 83 (93 HARN). The Combined Scale Factor is 0.99991). The reference for this project is GPS5 and GPS6 as established by Baker-Aicklen Associates, Inc. and A259 and AZA6 as established and published by the L.C.R.A.

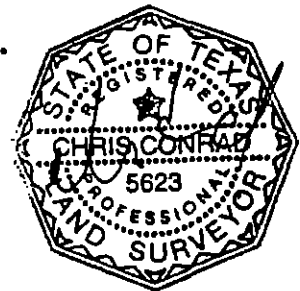
SURVEYED BY: **McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6  
Austin, TX 78731 (512) 451-8591

*Chris Conrad*

5/19/05

Chris Conrad, Reg. Professional Land Surveyor No. 5623 Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description. De.0.0344\_Guerrero Revised 08/10/05



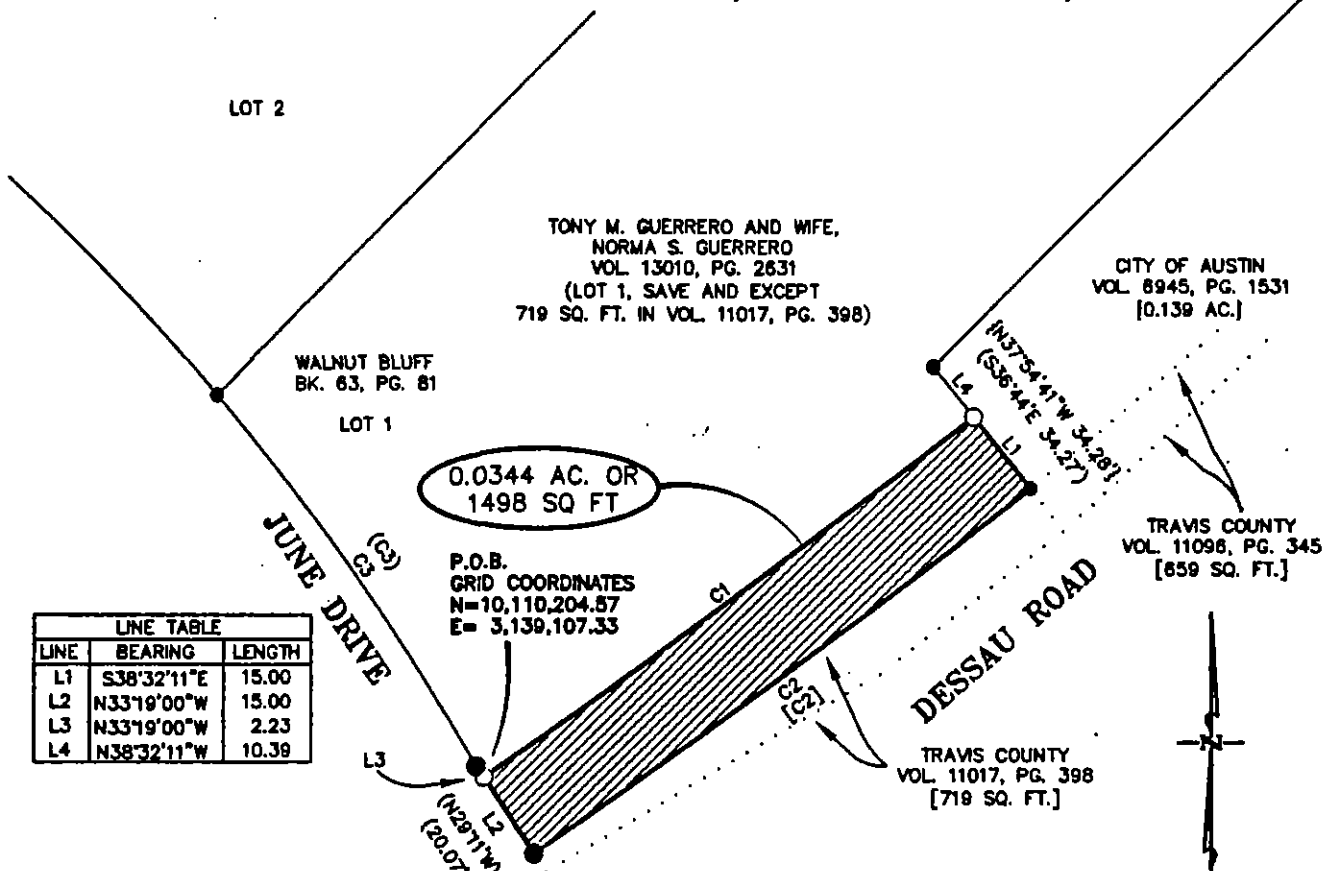
TCAD# 02-4728-01-01  
AUSTIN GRID N-31

**FIELD NOTES REVIEWED**

By JOHN MOORE Date 8-12-2005  
Engineering Support Section  
Department of Public Works  
and Transportation

RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION OF  
0.0344 AC. OR 1,498 SQ. FT. OF LAND OUT OF  
LOT 1, WALNUT BLUFF  
AUSTIN, TRAVIS COUNTY, TEXAS

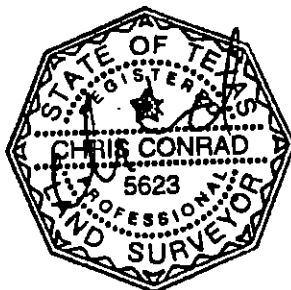


SCALE 1" = 20'

NOTES:

1. NAD '83 (HARN '83)  
COORDINATE SYSTEM (GRID)  
TEXAS CENTRAL (4203)  
COMBINED SCALE FACTOR 0.99991  
NAVD '88 VERTICAL DATUM  
HORIZONTAL AND VERTICAL COORDINATES FOR GPSS  
AND GPS6 AS ESTABLISHED BY BAKER-AICKLEN  
ASSOCIATES INC., AUST, A259, AND AZA6 AS  
ESTABLISHED AND PUBLISHED BY THE L.C.R.A. WERE  
USED AS THE CONTROLLING MONUMENTS FOR THIS  
SURVEY.

2. THIS SURVEY WAS DONE WITHOUT A TITLE  
REPORT OR EASEMENT SEARCH.



LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET WITH  
PLASTIC CAP "MCGRAY MCGRAY"
- P.O.B. POINT OF BEGINNING

RECORD INFORMATION

(xxx) BOOK 63, PAGE 81  
(xxx) VOLUME 11017, PAGE 398  
(xxx) VOLUME 6945, PAGE 1531

SURVEYED BY: JOB NO.: 04-037

McGRAY & McGRAY  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6 --  
AUSTIN, TEXAS 78731  
(512) 451-8591

TCAD#: 02-4728-01-01 AUSTIN GRID# N-31

REVISED: 08/10/05 M: \sdsproj\04-034-MWM\DW

Exhibit "A"  
Page 3 of 3

**CIP  
FISCAL NOTE**

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

04/20/06  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Approve a resolution authorizing the filing of eminent domain proceedings for the Walnut Creek Annexation Project to acquire a permanent wastewater line easement comprised of 1,498 square feet of land out of Lot 1, Walnut Bluff Subdivision in Travis County, in the amount of \$900. The owner of the property sought to be condemned is Tony M. Guerrero and wife, Norma S. Guerrero, of Austin, Texas. The property is located at 11514 June Drive, Austin, 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	\$ 675,217,293.00
Unencumbered Balance	155,740,619.80 *
Amount of This Action	<u>(900.00)</u>
Remaining Balance	<u>\$ 155,739,719.80</u>
 Current Available Balance	 \$ 186,596,440.91
Less Outstanding Commitments	<u>(30,855,821.11)</u>
Estimated Unencumbered Balance	<u>\$ 155,740,619.80 *</u>

Utility Finance: \_\_\_\_\_

David Anders, Utilities Finance Manager

Date: \_\_\_\_\_

3/24/06

REF. # 4570 237 8937

**RESOLUTION NO. 20060420-0**

**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 obtain a clear title to the needed interest 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 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 acquisitions.

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

Owners: Tony M. Guerrero and Norma S. Guerrero

Project: Walnut Creek Annexation 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 and to prevent leakage from wastewater lines.

**Location:** 11514 June Drive, Austin, Travis County, Texas

**Property:** Described in the attached and incorporated Exhibit A.

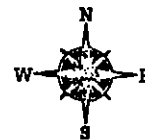
**ADOPTED:** April 20, 2006

**ATTEST:** \_\_\_\_\_

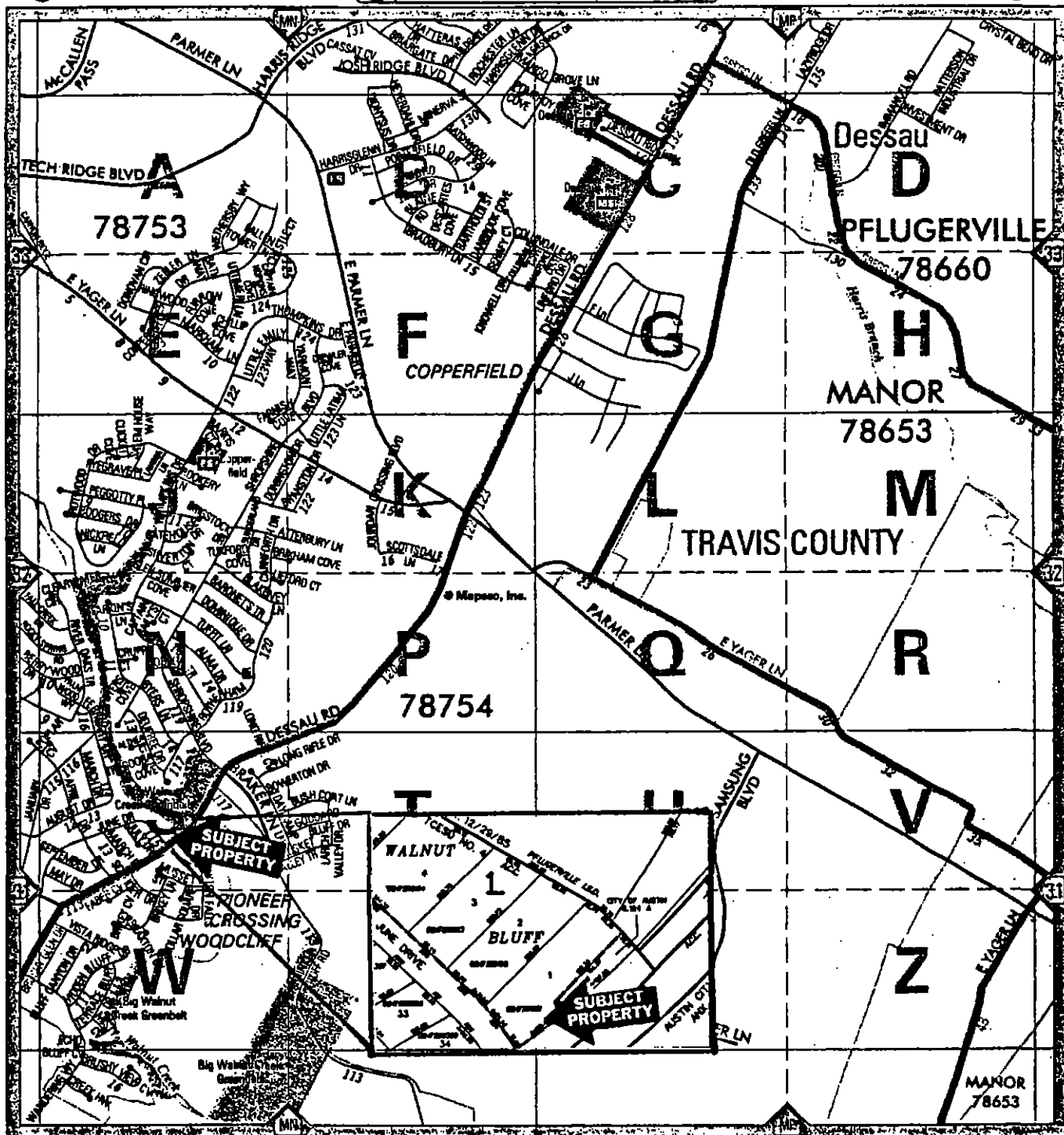
Shirley A. Gentry  
City Clerk

**DRAFT**

497



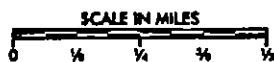
CONTINUED ON MAP 487



CONTINUED ON MAP 496

CONTINUED ON MAP 487

CONTINUED ON MAP 498



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