

A U S T I N C I T Y C O U N C I L  
**AGENDA**



Thursday, April 27, 2006

+ Back

**Public Works  
RECOMMENDATION FOR COUNCIL  
ACTION**

ITEM NO: 10

**Subject:** Approve a resolution authorizing the filing of eminent domain proceedings for the Chaparral Trail Wykeham Drive Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 732 square foot permanent wastewater easement and a 1,058 square foot temporary working space easement out of Lot 17, Block 6, Peppertree Park Section 3, a subdivision in Travis County, Texas, in the amount of \$1,627. The owners of the needed property interest are GLEN L. FOX AND GLENDA A. FOX. The title to the property has been clouded with a quit claim deed to RODERICK SINGLETON. The property is located at 2504 Chaparral Trail, Austin, Travis County, Texas.

**Amount and 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.

**Additional Backup Material**

(click to open)

- ☐ [MAP](#)
- ☐ [Resolution](#)
- ☐ [Field Notes](#)
- ☐ [Field notes](#)
- ☐ [AWU FISCAL NOTE](#)

**For More Information:**

**Prior Council Action:**

**Boards and Commission Action:**

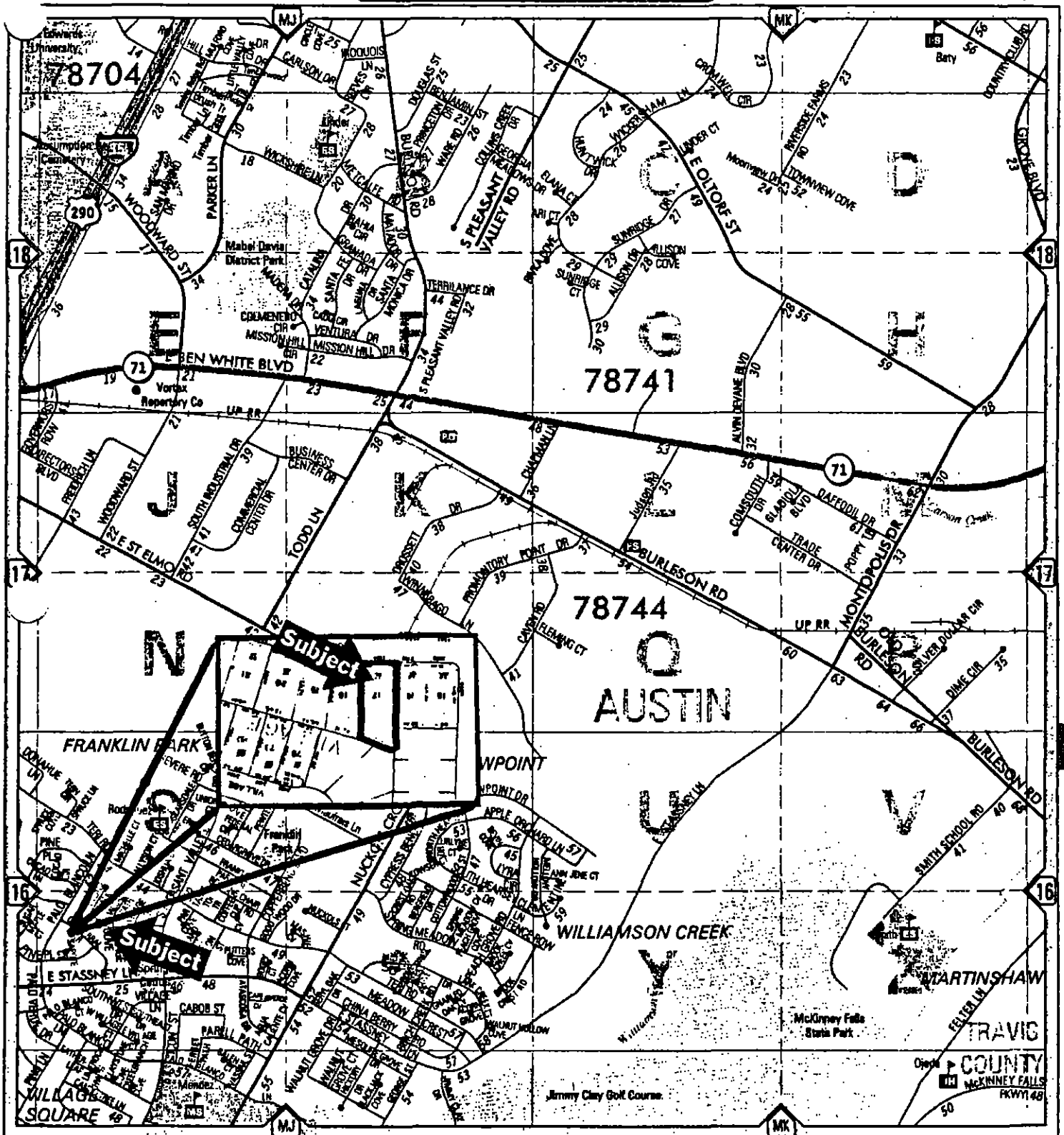
The design plans for the Chaparral Trail / Wykeham Drive Wastewater Improvements Project, a portion of the Austin Clean Water Program, require acquisition of a permanent wastewater easement and a temporary working space easement on the property located at 2504 Chaparral Trail, Austin, Travis County, Texas.

The City of Austin has attempted to purchase the permanent wastewater line easement and the temporary working space easement from the landowners. The parties, however, have been able to agree upon all parties joining in. The Law Department is requesting authorization to file an action in eminent domain on behalf of the City of Austin.



645

CONTINUED ON MAP 615



CONTINUED ON MAP 675

CONTINUED ON MAP 646

SCALE IN MILES

0 1/4 1/2 3/4 1

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SCALE IN FEET

0 1000 2000 3000

BOOK PAGE 1238

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 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°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;

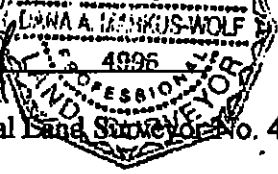
**THENCE**, with said common line of Lots 16 and 17, N25°47'56"E a distance of 18.61 feet to a 60d nail set for the northwest corner of this tract;

**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: PC 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'

**SANTIAGO DEL VALLE GRANT**

**BLOCK A  
VILLAGE SOUTH PHASE ONE  
BK. 62, PG. 4 P.R.T.C.T.**

**LOT 76**

LUIS AGUIRRE VELASQUEZ  
2421 VILLAGE WALK  
VOL. 13237, PG. 1493  
R.P.R.T.C.T.

TCAD# 0317020489

5' P.U.E. & D.E.  
VOL. 4967, PG. 1352  
D.R.T.C.T.

EXPOSED  
RCP

**LOT 77**

SHARON ELIZABETH KERBY LEE  
2423 VILLAGE WALK  
DOC. 2002174725  
O.P.R.T.C.T.

TCAD# 0317020490

**LOT 14**

JONATHAN & PATRICIA COLUNGA  
5401 PALO BLANCO LANE  
VOL. 12500, PG. 705  
R.P.R.T.C.T.

TCAD# 0317020401

7.5' P.U.E.  
BK. 57, PG. 33  
P.R.T.C.T.

5' P.U.E.  
BK. 57, PG. 33  
P.R.T.C.T.

ELECTRIC BOX

DISH

7.5' P.U.E.  
BK. 63, PG. 69  
P.R.T.C.T.

5' ELEC. ESMT.  
BK. 63, PG. 69  
P.R.T.C.T.

**LOT 16**

SALOMON S. ALBARADO  
& MARIA G. VELAZQUEZ  
2502 CHAPARRAL TRAIL  
VOL. 13057, PG. 910  
R.P.R.T.C.T.

TCAD# 0319010334

**BLOCK 6  
PEPPERTREE PARK SECTION 3  
BK. 63, PG. 69 P.R.T.C.T.**

**5204.19 WE  
WASTEWATER EASEMENT  
0.017-ACRE  
(732 SF)**

**LOT 17**

GLEN L. FOX AND GLENDA A. FOX  
2504 CHAPARRAL TRAIL  
VOL. 11310, PG. 447  
R.P.R.T.C.T.

TCAD# 0319010333

EXISTING  
HOUSE

**LOT 18**

INOCENCIO & FERNANDO CORTEZ  
2506 CHAPARRAL TRAIL  
DOC. 2001076939  
O.P.R.T.C.T.

TCAD# 0319010332

POINT OF  
REFERENCE

(60.00')

(60.00')

S61°49'04"E 119.86'  
(N59°35'W)

CHAPARRAL TRAIL  
(50' R.O.W.)

**SKETCH TO  
ACCOMPANY  
FIELD NOTES**

COA  
MARCH 17, 2003  
Drawn  
F.L.S.  
Blk:  
Cogo:  
Job No.: 97-131-40-03

Exhibit "A"  
Page 3 of 4

**Landmark**  
SURVEYING, INC.  
1301 E. CAPITAL OF TEXAS HWY.  
BUILDING B, SUITE 218  
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 4987, Page 1352, Volume 5133, Page 1758, and in Volume 5248, Page 1187 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 4987, 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./3,113,820.91, MAP COORD N./10,044,029.83 E./3,113,820.91 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 W.E. 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 CABLE JUNCTION BOX
- TEL TELEPHONE PEDESTAL

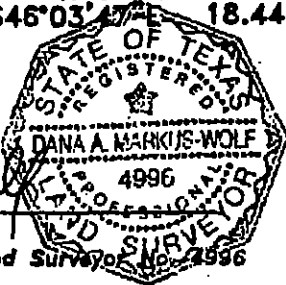
## LINE TABLE

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

- 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

AS SURVEYED BY  
LANDMARK SURVEYING, INC.



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.

COA  
MARCH 17, 2005  
MKLaughlin  
OCHOA  
775/59-87 89-70 777/1-80 780/48-51 811/27  
Blair: 2004 relation Bar/Chapparral serv/Landmark Brn  
Cagat: 2004 relation Bar/Chapparral serv/Landmark Brn  
Job No.: 97-131-40-03

SKETCH TO  
ACCOMPANY  
FIELD NOTES

**Landmark**  
SURVEYING, INC.  
1301 S. CAPITAL OF TEXAS HWY.  
BUILDING B, SUITE 316  
AUSTIN, TEXAS 78748  
Ph (512) 323-7411 Fax (512) 323-7413

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

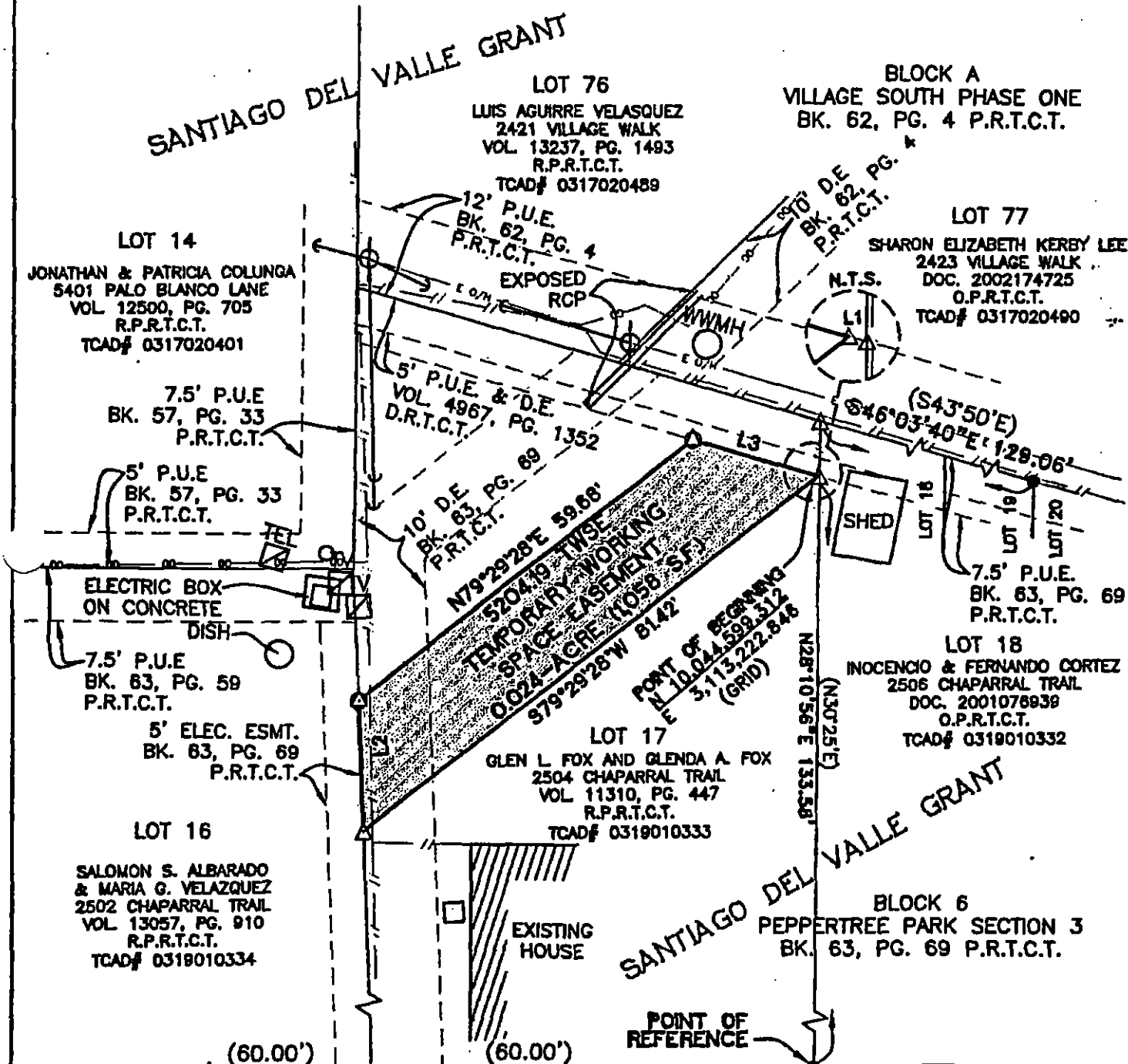
FIELD NOTES REVIEWED  
By:  Date: 3-18-05  
Austin Clean Water Program  
Survey Coordinator



**PAGE 3 OF 4**



SCALE 1"=20'



SKETCH TO  
ACCOMPANY  
FIELD NOTES

FOIA  
MARCH 17, 2005  
Dwyer  
Dwyer  
F.L.  
Bic  
Cape  
Arg. No.

CHAPARRAL TRAIL  
(50' R.O.W.)

**Exhibit "B"**  
**Page 3 of 4**

wra1-fro1-gridbase.dwg



**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./3,113,820.91,  
MAP COORD N./10,044,029.83 E./3,113,820.91 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'

**LEGEND**

- 1/2" IRON ROD FOUND  
(UNLESS OTHERWISE NOTED)
- 1/2" IRON PIPE FOUND
- △ CALCULATED POINT
- △ 800 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

— 00 — 00 — 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

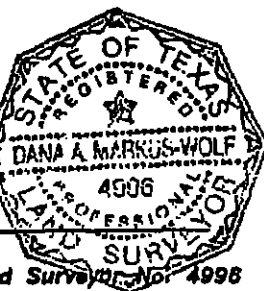
P.R.T.C.T. Plat Records  
Travis County, Texas

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

AS SURVEYED BY  
LANDMARK SURVEYING, INC.



*Dana A. Markus-Wolf*  
Dana A. Markus-Wolf  
Registered Professional Land Surveyor No. 4998  
DATE: MARCH 17, 2005

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

**SKETCH TO  
ACCOMPANY  
FIELD NOTES**

**Landmark  
SURVEYING, INC.**

1301 S. CAPITAL OF TEXAS HWY.,  
BUILDING B, SUITE 815  
AUSTIN, TEXAS 78746  
PH (512) 328-3411 FAX (512) 328-3413

chaparral-trail-gridbase.dwg

COA  
MARCH 17, 2005  
Office: MKLaughlin  
F.S.J. OCHQA  
Drew 778/80-87 89-70 777/1-50 780/49-51 811/27  
Blekt Zeeva\2004 relation Ref\Chopparal sewp\Landmar  
Copos et\suple\ood\shaptrial  
Job No.: 87-151-40-03

# CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:  
WHERE ON AGENDA:  
DEPARTMENT:

04/27/06  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Approve a resolution authorizing the filing of eminent domain proceedings for the Chaparral Trail Wykeham Drive Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 732 square foot permanent wastewater easement and a 1,058 square foot temporary working space easement out of Lot 17, Block 6, Peppertree Park Section 3, a subdivision in Travis County, Texas, in the amount of \$1,627. The owners of the needed property interest are GLEN L. FOX AND GLENDA A. FOX. The title to the property has been clouded with a quit claim deed to RODERICK SINGLETON. The property is located at 2504 Chaparral Trail, 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	156,930,865.15 *
Amount of This Action	<u>(1,627.00)</u>
Remaining Balance	<u>\$ 156,929,238.15</u>
Current Available Balance	\$ 179,418,610.26
Less Outstanding Commitments	<u>(22,487,745.11)</u>
Estimated Unencumbered Balance	<u>\$ 156,930,865.15 *</u>

Utility Finance:



David Anders, Utilities Finance Manager

Date:

4/11/06

REF. # 4570 237 8773