

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

AGENDA



Thursday, May 18, 2006

Back

Ham# 10

**Public Works
RECOMMENDATION FOR COUNCIL ACTION**

Subject: Approve a resolution authorizing the filing of eminent domain proceedings for the Lockheed Shaft Project to acquire (1.) 24,797 square feet of land for a tunnel shaft and odor control facility, (2.) a 1,604 square foot access easement, and (3.) a 2,625 square foot wastewater line and access easement; and for the U.S. 183 - Colorado to Thompson Project to acquire a 3,283 square foot waterline easement, all out of the Santiago del Valle Ten League Grant, Abstract 24, Travis County, Texas, in the amount of \$74,700. The City of Austin will not seek to acquire any interests in the oil, gas, sulfur, or water from beneath the needed property. The owner of the needed property interests is Bruce Anton. The property is located at 829 Bastrop Highway, 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)

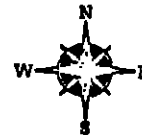
- ☐ MAP
- ☐ AWU FISCAL NOTE EM
DOM ANTON 00166W
- ☐ Resolution
- ☐ Field notes

For More Information: Lauraine Rizer, 974-7078, Laura Bohl, 974-7064.

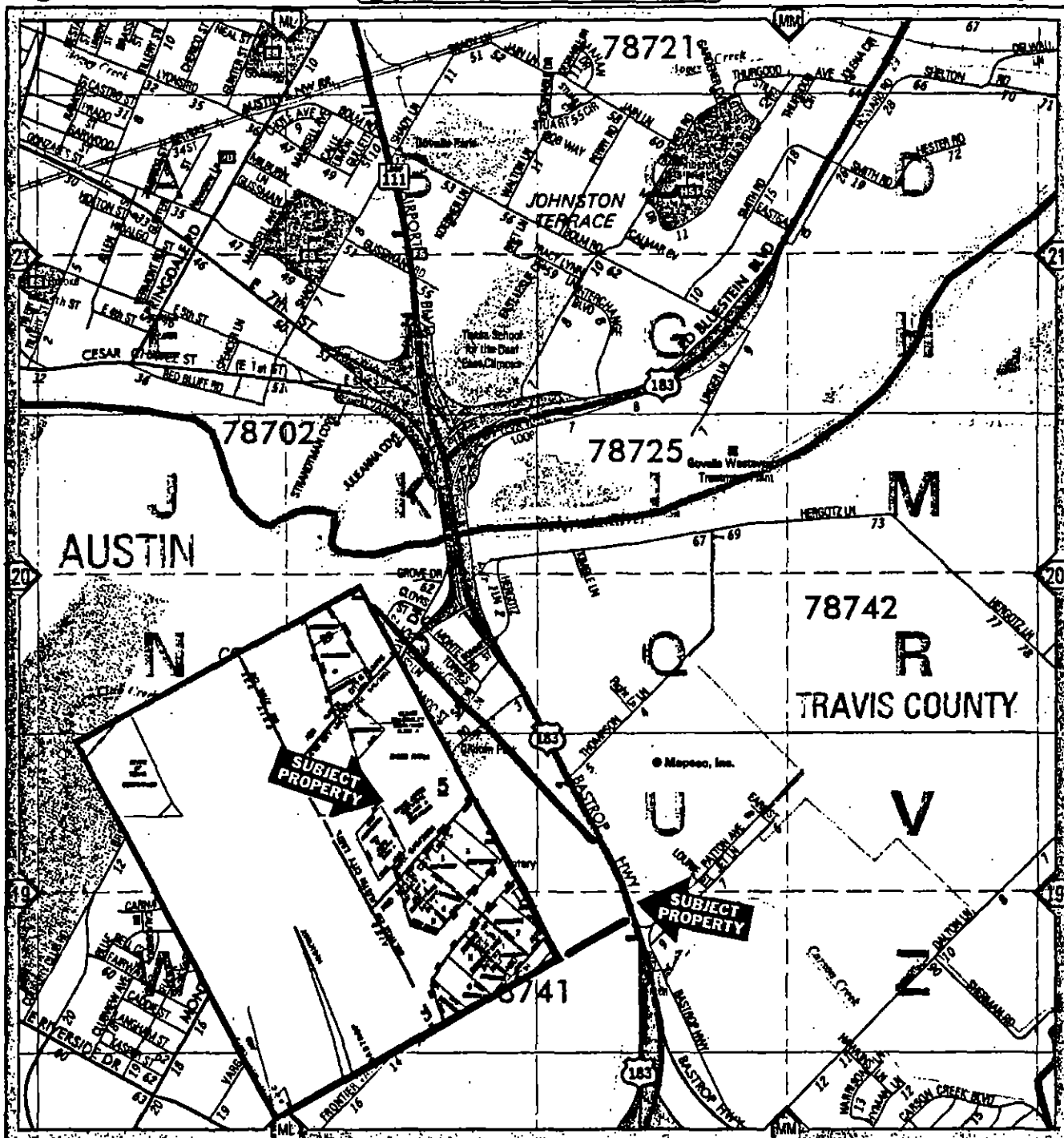
The design plans for the Lockheed Shaft Project require acquisition of land for a tunnel shaft and odor control facility, an access easement, and a wastewater line and access easement; additionally, the design plans for the U.S. 183 - Colorado to Thompson Project require acquisition for a waterline easement. All of the property interests are located at 829 Bastrop Highway, Travis County, Texas.

The City of Austin has attempted to purchase the needed land and easement rights from the landowner. However, the parties have been unable to agree on an appropriate price. The Law Department is requests authorization to file an action in eminent domain on behalf of the City of Austin.

616



CONTINUED ON MAP 586



CONTINUED ON MAP 615

CONTINUED ON MAP 616

CONTINUED ON MAP 617



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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

05/18/06
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Lockheed Shaft Project for 24,797 square feet of land for a tunnel shaft and odor control facility; 1,604 square feet of land for an access easement; 2,625 square feet of land for a wastewater and access easement; and 3,283 square feet of land for a waterline easement, all out of the Santiago del Valle Ten League Grant, A-24, Travis County, Texas, in the amount of \$74,700. The owner of the property sought to be condemned is Bruce Anton. The property is located at 829 Bastrop Highway, 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	140,520,583.96 *
Amount of This Action	<u>(74,700.00)</u>
Remaining Balance	<u>\$ 140,445,883.96</u>
Current Available Balance	\$ 172,291,375.87
Less Outstanding Commitments	<u>(31,770,791.91)</u>
Estimated Unencumbered Balance	<u>\$ 140,520,583.96 *</u>

Utility Finance:


David Anders, Utilities Finance Manager

Date:

4/26/06

REF. # 4570 237 8341

RESOLUTION NO. 20060518-0

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 those needed real property interests 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 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:

Owner: Bruce Anton

Project: Lockheed Shaft Project

Intended Purpose: fee simple title for the property described in the attached Exhibit "A" is needed for a tunnel shaft and odor control facility to install, operate, maintain and repair a tunnel shaft and odor control facility in order to increase and improve the City's ability to provide sanitary sewer service to the public;

the permanent access easement described in the attached Exhibit "B" is needed to access the tunnel shaft and odor control facility described in the attached "A";

the permanent wastewater line easement described in the attached Exhibit "C" 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 service to the public; and

Project: U.S. 183 - Colorado to Thompson

Intended Purpose: the permanent waterline easement described in the attached Exhibit "D" is necessary to install, operate, maintain, repair, replace, and upgrade permanent waterlines and appurtenances thereto, in order to increase and improve the City's ability to provide potable water to the public.

Location: 829 Bastrop Highway, Austin, Texas

Property: Described in the attached and incorporated Exhibits A, B, C, and D.

ADOPTED: May 18, 2006

TTEST: _____

Shirley A. Gentry
City Clerk



MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

Bruce Anton
To
City of Austin
(Tunnel Shaft and
Odor Control Facility)

LEGAL DESCRIPTION

DESCRIPTION OF A 0.569 ACRE (24,797 SQUARE FOOT) TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE TEN LEAGUE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, AND BEING OUT OF A 21.233 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO BRUCE ANTON, RECORDED IN VOLUME 13071, PAGE 1645, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.569 ACRE (24,797 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at a TxDOT Type II concrete monument found having Texas State Plane Coordinate (Central Zone, NAD83, U.S. Feet, Combined Scale Factor=1.00011) values of N=10,057,919.80, E=3,133,603.68, on the east right-of-way line of U.S. Highway 183, a varying width right-of-way, at a corner of the remaining portion of Lot A, Resubdivision of Lot 1, Block 1, Bergstrom Downs No.1, a subdivision recorded in Book 59, Page 11, Plat Records of Travis County, Texas, and being 188.41 feet left of U.S. Highway 183 Engineer's Centerline station 578+01.44;

THENCE, N 16° 58' 20" W, with the east right-of-way line of U.S. Highway 183, at 104.87 feet, pass the most westerly corner of the remaining portion of Lot B of said Resubdivision of Lot 1, Block 1, Bergstrom Downs No.1, and the south corner of the remaining portion of said 21.233 acre tract, and continuing a total distance of 140.70 feet to a calculated point on the southeast line of a 10,007 square foot tract described as "Tract A" in Judgement of Court in Absence of Objection to the City of Austin, recorded in Volume 10153, Page 741, Real Property Records of Travis County, Texas, and on the northwest line of a 30-foot wide gas pipeline easement recorded in Volume 2725, Page 95, Deed Records of Travis County, Texas;

THENCE, N 42° 10' 57" E, with the southeast line of said "Tract A" and the northwest line of said 30-foot wide gas pipeline easement, a distance of 44.59 feet to a 5/8" iron rod found at the east corner of said "Tract A", for the south corner and the **POINT OF BEGINNING** of this tract;

THENCE, N 25° 36' 35" W, with the northeast line of said "Tract A", a distance of 118.07 feet to a 5/8" iron rod found at the north corner of said "Tract A", for the west corner of this tract;

THENCE, across said 21.233 acre tract, the following three (3) courses;

- 1) N 42° 06' 11" E, a distance of 200.97 feet to a 1/2" iron rod with plastic cap stamped "ZWA" found for the north corner of this tract;
- 2) S 47° 16' 36" E, a distance of 113.02 feet to a 1/2" iron rod with plastic cap stamped "ZWA" found on the northwest line of said 30-foot wide gas pipeline easement, for the east corner of this tract;
- 3) S 42° 59' 07" W, with the northwest line of said 30-foot wide gas pipeline easement, a distance of 244.55 feet to the POINT OF BEGINNING and containing 0.569 acre (24,797 square feet) of land.

BEARING BASIS NOTE

Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 1983 (CORS96).


THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Gregorio Lopez, Jr., 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 23rd day of February 2006, A.D.

MACIAS & ASSOCIATES, INC.
South 1st Street
Austin, Texas 78745


Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 - State of Texas



REFERENCES
CITY OF AUSTIN GRID M-19
T.C.A.D. PARCEL ID. NO. 03-0720-0515

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND

- ⊠ TXDOT TYPE II CONCRETE MONUMENT FOUND
- ⊙ 1/2" IRON PIPE FOUND (UNLESS NOTED OTHERWISE)
- ⊙ 1/2" IRON ROD WITH PLASTIC CAP STAMPED "ZWA" FOUND
- 5/8" IRON ROD FOUND (UNLESS NOTED OTHERWISE)
- 1/2" IRON ROD WITH PLASTIC CAP SET
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.U.E. PUBLIC UTILITY EASEMENT
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- P.R.T.C. PLAT RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- () RECORD INFORMATION

TRACT A CITY OF AUSTIN
10,007 SQUARE FT.
VOLUME 10153, PAGE 741
R.P.R.T.C.

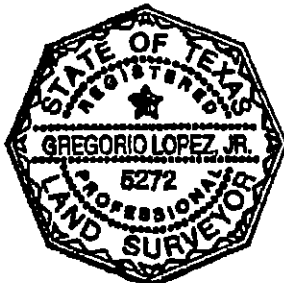
TRACT C CITY OF AUSTIN
21,117 SQUARE FT.
25' PUBLIC UTILITY ESMT.
VOLUME 10153, PAGE 741
R.P.R.T.C.

N=10058500.94
E=3133426.32
US HWY. 183
STA. 572+22.08
192.59' LT.

U.S. HIGHWAY 183
(RIGHT-OF-WAY WIDTH VARIES)

BEARING BASIS NOTE:

ALL BEARINGS REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (CORS98). DISTANCES ARE ADJUSTED TO SURFACE.



SANTIAGO DEL VALLE
TEN LEAGUE GRANT
ABSTRACT NO. 24

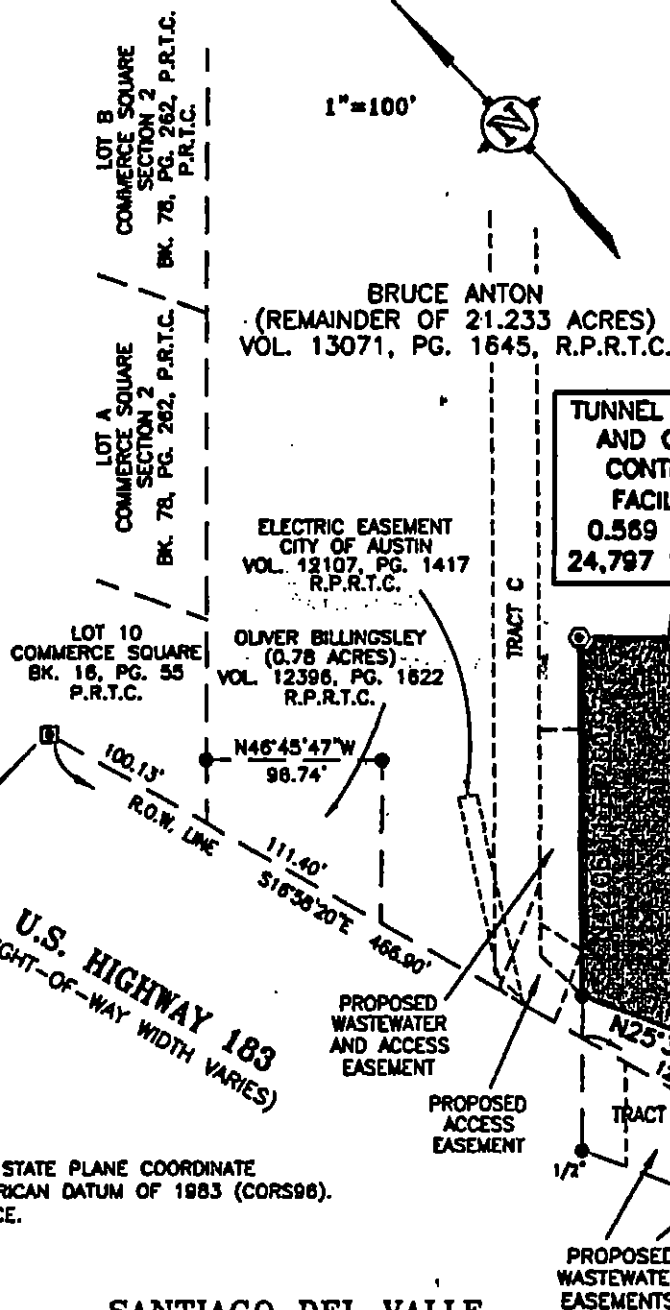
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Gregorio Lopez Jr.
Gregorio Lopez, Jr. Date: Feb. 23, 2006
Registered Professional Land Surveyor
No. 5272 - State of Texas

Exhibit "A"
Page 3 of 3

DRAWING: 18317-ADWG SCALE: 1"= 100' DATE: 02-23-06
JOB #183-17-05 DRAWN BY: D.MARTINEZ REF: FB. 50, PG. 87 (ZWA)

MACIAS & ASSOCIATES, INC.
LAND SURVEYORS
★ ★ ★ ★ ★
5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL: MACIASURVEY@EARTHLINK.NET





MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

Bruce Anton
To
The City of Austin
(Access Easement)

LEGAL DESCRIPTION

DESCRIPTION OF A 0.037 ACRE (1,604 SQUARE FOOT) TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE TEN LEAGUE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, AND BEING OUT OF A 21.233 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO BRUCE ANTON, RECORDED IN VOLUME 13071, PAGE 1645, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.037 ACRE (1,604 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at a TxDOT Type II concrete monument found having Texas State Plane Coordinate (Central Zone, NAD83, U.S. Feet, Combined Scale Factor=1.00011) values of N=10,058,500.94, E=3,133,426.32, on the east right-of-way line of U.S. Highway 183, a varying width right-of-way, and being 192.59 feet left of U.S. Highway 183 Engineer's Centerline station 572+22.08;

THENCE, S 16° 58' 20" E, with the east right-of-way line of U.S. Highway 183, at 211.53 feet, pass the south corner of the remaining portion of a 0.78 acre tract described in a deed to Oliver Billingsley, recorded in Volume 12396, Page 1622, Real Property Records of Travis County, Texas, and a corner of the remaining portion of said 21.233 acre tract, and continuing a total distance of 286.20 feet to a 1/2" iron rod with plastic cap set for the northwest corner and the POINT OF BEGINNING of this tract;

THENCE, across the remaining portion of said 21.233 acre tract, the following four (4) courses:

- 1) N 63° 17' 59" E, a distance of 63.96 feet to a 1/2" iron rod with plastic cap set on the southeast line of a 25-foot wide public utility easement described as "Tract C" in Judgement of Court in Absence of Objection to the City of Austin, recorded in Volume 10153, Page 741, Real Property Records of Travis County, Texas, for the northeast corner of this tract;
- 2) S 42° 18' 40" W, with the southeast line of said "Tract C", a distance of 22.58 feet to a 1/2" iron rod with plastic cap set for an interior corner of this tract;

- 3) S 13° 46' 36" E, a distance of 27.53 feet to a 1/2" iron rod with plastic cap set for the southeast corner of this tract;
- 4) S 63° 17' 59" W, a distance of 42.71 feet to a 1/2" iron rod with plastic cap set on the east right-of-way line of U.S. Highway 183, for the southwest corner of this tract, from said point, a TxDOT Type II concrete monument found 188.41 feet left of U.S. Highway 183 Engineer's Centerline station 578+01.44, bears S 16° 58' 20" E, 285.98 feet;

THENCE, N 16° 58' 20" W, with the east right-of-way line of U.S. Highway 183, a distance of 35.43 feet to the POINT OF BEGINNING and containing 0.037 acre (1,604 square feet) of land.

BEARING BASIS NOTE

Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 1983 (CORS96).

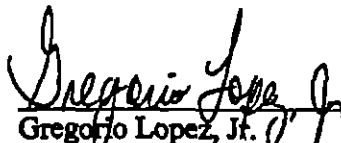
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

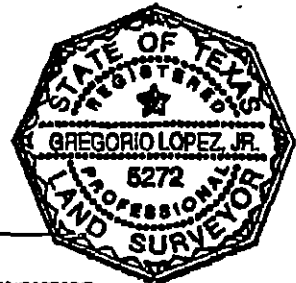
KNOW ALL MEN BY THESE PRESENTS:

That I, Gregorio Lopez, Jr., 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 23rd day of February 2006, A.D.

MACIAS & ASSOCIATES, INC.
South 1st Street
Austin, Texas 78745


Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 - State of Texas



REFERENCES
CITY OF AUSTIN GRID M-19
T.C.A.D. PARCEL ID. NO. 03-0720-0515

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND

- ① TXDOT TYPE II CONCRETE MONUMENT FOUND
- ② 1/2" IRON PIPE FOUND (UNLESS NOTED OTHERWISE)
- 5/8" IRON ROD FOUND (UNLESS NOTED OTHERWISE)
- 1/2" IRON ROD WITH PLASTIC CAP SET
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.U.E. PUBLIC UTILITY EASEMENT
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- P.R.T.C. PLAT RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- () RECORD INFORMATION

TRACT A CITY OF AUSTIN
10,007 SQUARE FT.
VOLUME 10153, PAGE 741
R.P.R.T.C.

TRACT C CITY OF AUSTIN
21,117 SQUARE FT.
25' PUBLIC UTILITY ESMT.
VOLUME 10153, PAGE 741
R.P.R.T.C.

P.O.C.
N=10058500.94
E=3133426.32
US HWY. 183
STA. 572+22.08
192.59' LT.

LINE TABLE

L1	N63°17'59"E	63.96'
L2	S42°18'40"W	22.58'
L3	S13°46'36"E	27.53'
L4	S63°17'59"W	42.71'
L5	N16°58'20"W	35.43'

BEARING BASIS NOTE:

ALL BEARINGS REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (CORS96). DISTANCES ARE ADJUSTED TO SURFACE.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Gregorio Lopez Jr. Feb. 23, 2006
Gregorio Lopez, Jr. Date:
Registered Professional Land Surveyor
No. 5272 - State of Texas

Exhibit "B"
Page 3 of 3

LOT B
COMMERCE SQUARE
SECTION 2
BK. 78, PG. 262, P.R.T.C.

LOT A
COMMERCE SQUARE
SECTION 2
BK. 78, PG. 262, P.R.T.C.

LOT 10
COMMERCE SQUARE
BK. 18, PG. 55
P.R.T.C.

ELECTRIC EASEMENT
CITY OF AUSTIN
VOL. 12107, PG. 1417
R.P.R.T.C.

OLIVER BILLINGSLEY
(0.78 ACRES)
VOL. 12386, PG. 1622
R.P.R.T.C.

BRUCE ANTON
(REMAINDER OF 21.233 ACRES)
VOL. 13071, PG. 1645, R.P.R.T.C.

ACCESS
EASEMENT
0.037 ACRE
1,604 SQ. FT.

PROPOSED
TUNNEL SHAFT
AND ODR
CONTROL
FACILITY

PROPOSED
WASTEWATER
AND ACCESS
EASEMENT

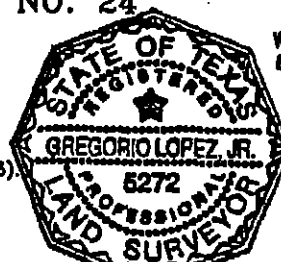
PROPOSED
WASTEWATER
EASEMENTS

30' GAS PIPELINE EASEMENT
LO-VACA GATHERING COMPANY
VOL. 2725, PG. 95, D.R.T.C.

BERGSTROM DOWNS NO. 1
BK. 5, PG. 2, P.R.T.C.

RESUBDIVISION OF
LOT 1, BLOCK 1
BERGSTROM DOWNS NO. 1
BK. 59, PG. 11, P.R.T.C.

N=10057919.80
E=3133603.68
US HWY. 183
STA. 578+01.44
188.41' LT.



DRAWING: 10517-B.DWG SCALE: 1"= 100' DATE: 02-23-06
JOB #165-17-02 DRAWN BY: D.MARTINEZ REF: FB. 50, PG. 67 (ZWA)

MACIAS & ASSOCIATES, INC.
LAND SURVEYORS



4110 SOUTH 157 STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL: MACIASURVEY@CARTHELINK.NET



MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

Bruce Anton
To
The City of Austin
(Wastewater and
Access Easement)

LEGAL DESCRIPTION

DESCRIPTION OF A 0.060 ACRE (2,625 SQUARE FOOT) TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE TEN LEAGUE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, AND BEING OUT OF A 21.233 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO BRUCE ANTON, RECORDED IN VOLUME 13071, PAGE 1645, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.060 ACRE (2,625 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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THENCE, S 16° 58' 20" E, with the east right-of-way line of U.S. Highway 183, at 211.53 feet, pass the south corner of the remaining portion of a 0.78 acre tract described in a deed to Oliver Billingsley, recorded in Volume 12396, Page 1622, Real Property Records of Travis County, Texas, and a corner of the remaining portion of said 21.233 acre tract, and continuing a total distance of 339.30 feet to a calculated point on the northwest line of a 10,007 square foot tract described as "Tract A" in Judgement of Court in Absence of Objection to the City Of Austin, recorded in Volume 10153, Page 741, Real Property Records of Travis County, Texas;

THENCE, N 42° 46' 04" E, with the northwest line of said "Tract A", a distance of 23.79 feet to a 5/8" iron rod found at the north corner of said "Tract A";

THENCE, N 42° 06' 11" E, across said 21.233 acre tract, a distance of 25.11 feet to a 1/2" iron rod with plastic cap set for the south corner and the POINT OF BEGINNING of this tract;

THENCE, continuing across said 21.233 acre tract, the following four (4) courses:

- 1) N 13° 46' 36" W, a distance of 27.53 feet to a 1/2" iron rod with plastic cap set on the southeast line of a 25-foot wide public utility easement described as "Tract C" in

Judgement of Court in Absence of Objection to the City of Austin, recorded in Volume 10153, Page 741, Real Property Records of Travis County, Texas, for the west corner of this tract;

- 2) N 42° 20' 09" E, with the southeast line of said 25-foot wide public utility easement, a distance of 108.58 feet to a 1/2" iron rod with plastic cap set for the north corner of this tract;
- 3) S 47° 41' 20" E, a distance of 22.35 feet to a 1/2" iron rod with plastic cap set for the east corner of this tract;
- 4) S 42° 06' 11" W, a distance of 123.93 feet to the POINT OF BEGINNING and containing 0.060 acre (2,625 square feet) of land.

BEARING BASIS NOTE

Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 1983 (CORS96).

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

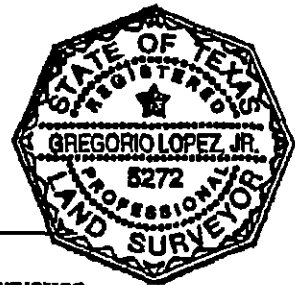
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WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 23rd day of February 2006, A.D.

MACIAS & ASSOCIATES, INC.
South 1st Street
Austin, Texas 78745

Gregorio Lopez, Jr.
Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 - State of Texas



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- 1/2" IRON ROD WITH PLASTIC CAP SET
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VOLUME 10153, PAGE 741
R.P.R.T.C.

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BEARING BASIS NOTE:

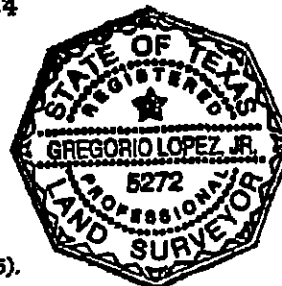
ALL BEARINGS REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (CORS96). DISTANCES ARE ADJUSTED TO SURFACE.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Gregorio Lopez, Jr. Feb. 23, 2006
Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 - State of Texas

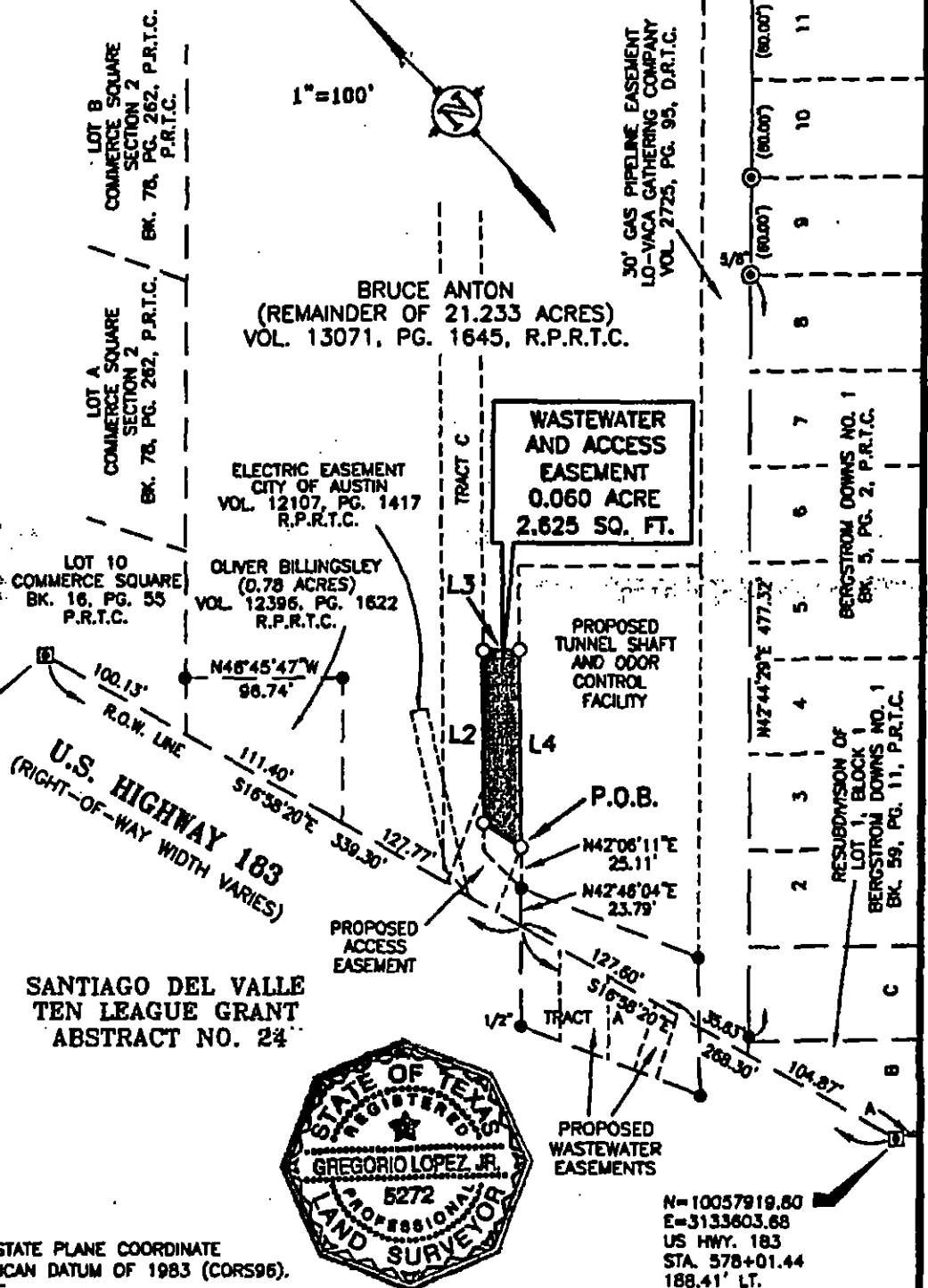
Exhibit "C"
Page 3 of 3

SANTIAGO DEL VALLE
TEN LEAGUE GRANT
ABSTRACT NO. 24



DRAWING: 18317-C.DWG SCALE: 1"= 100' DATE: 02-23-06
JOB #183-17-03 DRAWN BY: D.MARTINEZ REF: FB. 50, PG. 67 (ZWA)

MACIAS & ASSOCIATES, INC.
LAND SURVEYORS
★ ★ ★ ★ ★ ★
5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL: MACIASURVEY@EARTHINK.NET



Bruce Anton
To
City of Austin
(Waterline Easement)

BEING 3,283 SQUARE FEET OUT OF THE SANTIAGO DEL VALLE GRANT IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING PART OF THAT CERTAIN REMAINING 20.485 OUT OF AN ORIGINAL 21.463 ACRES CONVEYED TO BRUCE ANTON BY DEED RECORDED IN VOLUME 13071, PAGE 1645 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS (TCRPR), SAID 3,283 SQUARE FEET BEING DESCRIBED HEREIN AS TRACT ONE AND TRACT TWO, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT ONE

Beginning at a $\frac{1}{4}$ " iron rod found, with TxDot aluminum cap, on the new east right-of-way line of U.S. Highway 183, at the northeast corner of that certain 0.748 acres conveyed from Anton to the State of Texas, recorded in Document No. 2004079913 of the Travis County Official Public Records (TCOPR), also the southeast corner of 0.422 acres conveyed from Oliver Billingsley to the State of Texas, recorded in Document No. 2002092146 of the TCOPR, also the southwest corner of that certain tract of land conveyed from Oliver Billingsley to Hwy. 71-Airport Partners LP, by deed recorded in Document No. 2003296353 of the TCOPR, for the northwest corner and PLACE OF BEGINNING hereof, said beginning point having Texas State Plane Central Zone grid coordinates of N=10,058,299.279 and E=3,133,487.786 (Combined scale factor of 0.99995077);

THENCE with the common line between said Hwy. 71-Airport Partners LP tract of land and Anton, N $42^{\circ}44'45''$ E 23.16 feet to a calculated point (unable to set this corner due to shed) for the northeast corner hereof, from which point a $\frac{1}{4}$ " rebar found at an Anton ell corner, also the northeast corner of the Hwy. 71-Airport Partners LP property (formerly Oliver Billingsley) tract bears N $42^{\circ}44'45''$ E 68.01 feet;

THENCE crossing through Anton and with a line twenty feet east of and parallel with the new east right-of-way line of said highway, S $16^{\circ}58'14''$ E 128.74 feet to a $\frac{1}{4}$ " rebar set, on the north line of the City of Austin tract described in Volume 10153, Page 741 of the TCRPR, for the southeast corner hereof, from which point the northeast (calculated) corner of said City of Austin tract bears N $42^{\circ}57'53''$ E 0.68 feet;

THENCE with the common line between Anton and said City of Austin tract, S $42^{\circ}57'53''$ W 23.11 feet to a $\frac{1}{4}$ " rebar set for the southwest corner hereof, also an ell corner of said 0.748 acre State of Texas tract, (called Point A herein for reference to Tract Two below), from which point the southwest (calculated) corner of said City of Austin tract bears S $42^{\circ}57'53''$ W 63.37 feet;

THENCE with the new east right-of-way line of said highway, also the east line of said 0.748 acres, N $16^{\circ}58'14''$ W 128.64 feet to the PLACE OF BEGINNING and containing a calculated map area of 2,574 square feet of land, more or less.

TRACT TWO

Beginning for reference at the above described "Point A"

THENCE crossing through said City of Austin tract, and with a projection of the new easterly right-of-way line of U.S. Highway 183, S $16^{\circ}58'14''$ E 127.52 feet to a $\frac{1}{4}$ " rebar set, on the south line of said City of Austin tract, at an ell corner of said 0.748 acres, for the northwest corner and PLACE OF BEGINNING hereof, said beginning point having Texas State Plane Central Zone grid coordinates of N=10,058,054.281 and E=3,133,562.552 (Combined scale factor of 0.99995077), from which point the southwest (calculated) corner of said City of Austin tract bears S $42^{\circ}12'49''$ W 42.98 feet;

THENCE with the common line between Anton and said City of Austin tract, N 42°12'49" E 23.29 feet to a ½" rebar set, for the northeast corner hereof, from which point the northeast (calculated) corner of said City of Austin tract bears N 42°12'49" E 21.26 feet;

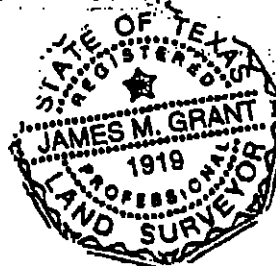
THENCE crossing through Anton, S 16°58'14" E 35.54 feet to a ½" rebar set on Anton's south line, also the north line of Lot C of "Resubdivision of Lot 1, Block 1, Bergstrom Downs No. 1" as recorded in Plat Book 59, Page 11 of the Travis County Plat Records, for the southeast corner hereof, from which point a ½" iron pipe found at the northeast corner of said Lot C bears N 42°43'13" E 45.76 feet;

THENCE with the common line between Anton and said Bergstrom Downs resubdivision, S 42°43'13" W 23.17 feet to a ½" rebar set, for the southwest corner hereof, from which point a ½" rebar found (called to be 0.42 feet southwest of the southwest corner of said State of Texas 0.748 acres) bears S 42°43'13" W 123.79 feet;

THENCE with the new east right-of-way line of said highway, also the east line of said 0.748 acres, N 16°58'14" W 35.30 feet to the PLACE OF BEGINNING and containing a calculated map area of 709 square feet of land, more or less.

See survey sketch prepared to accompany this description.
All rebars set are capped "Grant 1919".

Surveyed By: Harris-Grant Surveying, Inc.
1406 Hether Street Austin, Texas 78704
(512) 444-1781

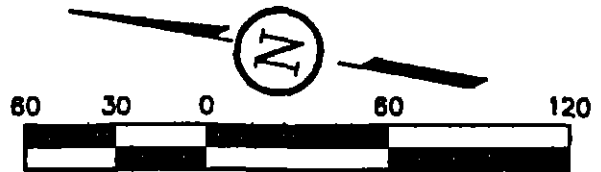


James M. Grant
James M. Grant, RPLS 1919 June 14, 2005
J G c:\mydocs\m&b\coa-183\Anton Revised July 5, 2005 & 10-28-2005

REFERENCES
TCAD # 03-0720-05-15
AUSTIN GRID M-19

FIELD NOTES REVIEWED
By *John Moore* Date *11-15-2006*
Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



SANTIAGO DEL VALLE GRANT
CALLED 21.463 ACRE
BRUCE ANTON
VOL. 13071, PG. 1845
R.P.R.T.C.TX.

HWY. 71-ARPORT PARTNERS LP
DOC. #2003286353

DETAIL

0.88'
20' ESM'T.
VOL. 13071, PG. 1845
R.P.R.T.C.TX.

ANTON
TRACT ONE
2,574 S.F.

PROPOSED
EASEMENT

Calculated Point
N 42°44'45" E
69.01'

S 16°58'14" E 128.74'

S 16°58'14" E 128.64'

S 42°57'53" W 23.11'

N 42°44'45" E 69.01'

P.O.B., TRACT ONE
N=10,058,209.279
E=3,133,457.786

P.O.B., TRACT TWO
N=10,058,054.281
E=3,133,562.552

STATE OF TEXAS
0.422 AC.
DOC. #2002092146

N 42°12'49" E 23.29'
TRACT A
CITY OF AUSTIN
VOL. 10153, PG. 741

PROPOSED
EASEMENT

S 16°58'14" E 127.52'

NEW R.O.W. LINE

575+45.68
178.69' LT

N 16°58'14" W 35.30'

0.748 ACRE TRACT
STATE OF TEXAS
DOC. #2004079913

575+45.68
178.69' LT

N 16°58'14" W 35.30'

0.748 ACRE TRACT
STATE OF TEXAS
DOC. #2004079913

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178.69' LT

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N 16°58'14" W 35.30'

0.748 ACRE TRACT
STATE OF TEXAS
DOC. #2004079913

575+45.68
178.69' LT

1" = 60'
TEXAS STATE PLANE NORTH

TRACT TWO
CORNER

S 43°41'29" W 6.67'

LOT C

S 16°58'14" E 35.54'

RESUBDIVISION OF
LOT 1, BLOCK 1,
BERGSTROM DOWNS, NO. 1
VOL. 59, PG. 11

N 42°43'13" E 45.76'

S 42°43'13" W 23.17'

LOT B

S 16°58'14" E 127.52'

ANTON TRACT
TWO 709 S.F.

575+45.68
178.69' LT

N 16°58'14" W 35.30'

0.748 ACRE TRACT
STATE OF TEXAS
DOC. #2004079913

575+45.68
178.69' LT

N 16°58'14" W 35.30'

0.748 ACRE TRACT
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178.69' LT

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STATE OF TEXAS
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575+45.68
178.69' LT

N 16°58'14" W 35.30'

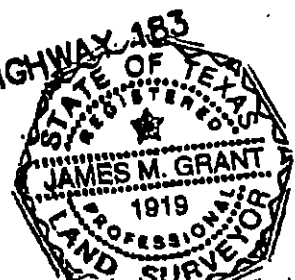
LEGEND

- 1/2" Iron Rod Found
- 1/2" Iron Rod Set,
Capped "Grant 1919"
- ⊙ Found 1/2" Iron Rod
w/ TxDot Aluminum Cap
- P.O.B. Point of Beginning

NOTE

The monuments described hereon are Texas State Plane Grid bearings (Texas Central Zone, NAD83CORS, Combined Scale Factor 0.99995077). Project Reference Control Points are two existing "AUSTIN RRP" points described as follows: "L-20-2002" at Hergatz Ln. and Herrera St., having published grid coordinates of N=10,062,653.25 and E=3,131,390.62 and "M-19-4001" at Patton Ln. and U.S. 183, with published coordinates of N=10,057,768.14 and E=3,133,579.08. Coordinates shown hereon are grid coordinates. Distances shown hereon are surface distances.

U.S. HIGHWAY 183



SIGNATURE *James M. Grant* DATE: 08-04-2005
REVISED 10-28-2005

Harris
GRANT
SURVEYING, INC.