RESOLUTION NO. 20100225-019

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

damages; 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 effect the needed acquisitions.

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

proceedings for:

Owner:

Jadco Development, Inc.

Project:

South IH-35 Water/Wastewater Program

Public Purpose:

The permanent water line easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, replace, upgrade, and repair permanent water lines and make connections therewith, in order to increase and improve the City's ability to provide water services to the public; and

the temporary working space easement described in the attached Exhibit "B" is necessary to construct a water line and make connections therewith in the permanent water line easement described in the attached Exhibit "A.".

Location:

North side of Bradshaw Road and the west side of Old Lockhart Road, near the intersection of Bradshaw Road and Old Lockhart Road, within the City's extraterritorial jurisdiction in Travis County, Texas.

Property:

Described in the attached and incorporated Exhibits A

and B.

ADOPTED: February 25, , 2010

City Clerk

(WATERLINE EASEMENT) SOUTH I-35 WATER/WASTEWATER PROGRAM CIP # 6937.009

DESCRIPTION FOR PARCEL 4558.52 WE

LEGAL DESCRIPTION OF A 0.100-ACRE (4,372 SQUARE FOOT) TRACT OF LAND IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS, BEING OUT OF A CALLED 14.025-ACRE TRACT OF LAND CONVEYED TO JADCO DEVELOPMENT INC. BY QUITCLAIM DEED EXECUTED MAY 3, 2002 AND RECORDED IN DOCUMENT NO. 2002088103 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.100-ACRE TRACT BEING COMPRISED OF TWO PARTS, PART 1 CONTAINING 0.083 ACRE (3,621 SQUARE FEET) OF LAND AND PART 2 CONTAINING 0.017 ACRE (751 SQUARE FEET) OF LAND; SAID PART 1 AND PART 2 AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PART 1 (0.083 ACRE)

BEGINNING FOR REFERENCE on a ½-inch inside diameter iron pipe found in the northwesterly right-of-way line of Bradshaw Road (60-foot right-of-way width), being the southeasterly corner of the above mentioned 14.025-acre tract of land conveyed to Jadco Development Inc. by Document No. 2002088103 of the Official Public Records of Travis County, Texas, same being the northeasterly corner of a called 59.141-acre tract of land, described as Tract II, conveyed to Lennar Buffington Zachary Scott, L.P. in Document No. 2004186026 of the Official Public Records of Travis County, Texas, THENCE departing said northwesterly right-of-way line of Bradshaw Road, with the southerly boundary line of said 14.025-acre tract, same being the northerly boundary line of said 59.141-acre tract, S84°43'47"W a distance of 287.89 feet to a 60d nail set, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,025,214.10, E=3,106,572.84, for the southeasterly corner and POINT OF BEGINNING of this tract;

THENCE continuing with said southerly boundary line of the 14.025-acre tract, same being said northerly boundary line of the 59.141-acre tract, S84°43'47"W for a distance of 35.40 feet to a 60d nail set for the southwesterly corner of this tract, from which a calculated point, being the southwesterly corner of said 14.025-acre tract, bears S84°43'47"W a distance of 36.08 feet to a calculated angle point and S85°19'47"W a distance of 2.46 feet,

5410 South 1st Street • Austin, Texas 78745 • (512) 442-7875 • Fax (512) 442-7876 • w w w . m a c i a s w o r l d . c o m

THENCE departing said northerly boundary line of the 59.141-acre tract, through the interior of said 14.025-acre tract, N03°19'48"E for a distance of 70.90 feet to a 60d nail set in the northwesterly boundary line of said 14.025-acre tract, same being the southeasterly boundary line of Lot 1, Block A of 151 Acre Tract Subdivision, a subdivision recorded in Volume 101, Page 245 of the Plat Records of Travis County, Texas, having been conveyed to Trident-River Ridge L.L.C. in Document No. 1999106754 of said Official Public Records, for the northwesterly corner of this tract, from which said calculated point being the southwesterly corner of the 14.025-acre tract bears \$29°46'25"W for a distance of 85.59 feet;

THENCE with said northwesterly boundary line of said 14.025-acre tract, same being said southeasterly boundary line of Lot 1, Block A, N29°46'25"E for a distance of 78.60 feet to a 60d nail set for the northeasterly corner of this tract;

THENCE departing said southeasterly boundary line of Lot 1, Block A, through the interior of said 14.025-acre tract, S03°19'48"W for a distance of 135.98 feet to the POINT OF BEGINNING and containing 0.083-acre (3,621 square feet) of land.

PART 2 (0.017 ACRE)

BEGINNING FOR REFERENCE on a ½-inch diameter iron rod found in the southwesterly right-of-way line of Old Lockhart Highway (right-of-way width varies), being an angle point in the northeasterly boundary line of the above mentioned 14.025-acre tract of land conveyed to Jadco Development Inc. by Document No. 2002088103, from which a ½-inch diameter iron rod also found on an angle point in said southwesterly right-of-way line of Old Lockhart Highway, same being an angle point in said northeasterly boundary line of the 14.025-acre tract, bears \$23°44'36"E a distance of 113.77 feet; THENCE with said southwesterly right-of-way line, same being said northeasterly boundary line of the 14.025-acre tract, N25°53'13"W for a distance of 2.97 feet to a 60d nail set, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,026,923.51, E=3,107,515.42, for the most easterly corner and POINT OF BEGINNING of this tract;

THENCE departing said southwesterly right-of-way line of Old Lockhart Highway, through the interior of said 14.025-acre tract, S74°44'18"W for a distance of 42.25 feet to a 60d nail set in the northwesterly boundary line of said 14.025-acre tract, same being the southeasterly boundary line of a called 49.729-acre portion of Lot 1, Block A of 151 Acre Tract Subdivision, a subdivision recorded in Volume 101, Page 245 of the Plat Records of Travis County, Texas, said 49.729-acre portion, described as Phase 2, having been conveyed to River Ridge Acquisition Limited Partnership in Document No. 2001219909 of said Official Public Records, for the most southerly corner of this tract;

THENCE with said northwesterly boundary line of the 14.025-acre tract, same being said southeasterly boundary line of the 49.729-acre portion of Lot 1, Block A, N29°46'25"E for a distance of 50.29 feet to a 60d nail set for the most northerly corner of said 14.025-acre tract, same being the most easterly corner of said 49.729-acre portion of Lot 1, Block A, also being an angle point in said southwesterly right-of-way line of Old Lockhart Highway, for the most northerly corner of this tract;

THENCE with said northeasterly boundary line of the 14.025-acre tract, same being said southwesterly right-of-way line of Old Lockhart Road, S25°53'13"E for a distance of 36.16 feet to the POINT OF BEGINNING and containing 0.017-acre (751 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

That I, Jackie Lee Crow, a Registered Professional Land Surveyor, do hereby state 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 22nd day of July, 2009, A.D.

Macias & Associates, L.P. 5410 South 1st Street Austin, Texas 78745 512-442-7875

Jackie Lee Crow Registered Professional Land Surveyor No. 5209 – State of Texas

REFERENCES

MAPSCO 2009 704-G AUSTIN GRID NO. H-12 TCAD PARCEL ID NO. 04-3908-0418 MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-04-08

Reviewed and Approved by

Landmark Surveying, LP

Juan M. Canales, Jr., R.P.L.S. No. 4453

Senior Project Manager

Exhibit "A" Page 3 of 4



(TEMPORARY WORKING SPACE EASEMENT) SOUTH I-35 WATER/WASTEWATER PROGRAM CIP # 6937.009

DESCRIPTION FOR PARCEL 4558.52 TWSE

LEGAL DESCRIPTION OF A 0.096-ACRE (4,169 SQUARE FOOT) TRACT OF LAND IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS, BEING OUT OF A CALLED 14.025-ACRE TRACT OF LAND CONVEYED TO JADCO DEVELOPMENT INC. BY QUITCLAIM DEED EXECUTED MAY 3, 2002 AND RECORDED IN DOCUMENT NO. 2002088103 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.096-ACRE TRACT BEING COMPRISED OF TWO PARTS, PART 1 CONTAINING 0.071 ACRE (3,092 SQUARE FEET) OF LAND AND PART 2 CONTAINING 0.025 ACRE (1,077 SQUARE FEET) OF LAND; SAID PART 1 AND PART 2 AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PART 1 (0.071 ACRE)

BEGINNING FOR REFERENCE on a ½-inch inside diameter iron pipe found in the northwesterly right-of-way line of Bradshaw Road (60-foot right-of-way width), being the southeasterly corner of the above mentioned 14.025-acre tract of land conveyed to Jadco Development Inc. by Document No. 2002088103 of the Official Public Records of Travis County, Texas, same being the northeasterly corner of a called 59.141-acre tract of land, described as Tract II, conveyed to Lennar Buffington Zachary Scott, L.P. in Document No. 2004186026 of the Official Public Records of Travis County, Texas, THENCE departing said northwesterly right-of-way line of Bradshaw Road, with the southerly boundary line of said 14.025-acre tract, same being the northerly boundary line of said 59.141-acre tract, S84°43'47"W a distance of 267.67 feet to a calculated point, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,025,215.96, E=3,106,592.99, for the southeasterly corner and POINT OF BEGINNING of this tract;

THENCE continuing with said southerly boundary line of the 14.025-acre tract, same being said northerly boundary line of the 59.141-acre tract, S84°43'47"W for a distance of 20.23 feet to a 60d nail set for the southwesterly corner of this tract, from which a calculated point, being the southwesterly corner of said 14.025-acre tract, bears S84°43'47"W a distance of 71.48 feet to a calculated angle point and S85°19'47"W a distance of 2.46 feet,

THENCE departing said northerly boundary line of the 59.141-acrc tract, through the interior of said 14.025-acre tract, N03°19'48"E for a distance of 135.98 feet to a 60d nail set in the northwesterly boundary line of said 14.025-acre tract, same being the southeasterly boundary line of Lot 1, Block A of 151 Acre Tract Subdivision, a subdivision recorded in Volume 101, Page 245 of the Plat Records of Travis County, Texas, having been conveyed to Trident-River Ridge L.L.C. in Document No. 1999106754 of said Official Public Records, for the northwesterly corner of this tract, from which said calculated point being the southwesterly corner of the 14.025-acre tract bears S29°46'25"W for a distance of 164.19 feet;

THENCE with said northwesterly boundary line of the 14.025-acre tract, same being said southeasterly boundary line of Lot 1, Block A, N29°46'25"E for a distance of 44.91 feet to a calculated point for the northeasterly corner of this tract;

THENCE departing said southeasterly boundary line of Lot 1, Block A, through the interior of said 14.025-acre tract, S03°19'48"W for a distance of 173.16 feet to the POINT OF BEGINNING and containing 0.071-acre (3,092 square feet) of land.

PART 2 (0.025ACRE)

BEGINNING on a ½-inch diameter iron rod found in the southwesterly right-of-way line of Old Lockhart Highway (right-of-way width varies), being an angle point in the northeasterly boundary line of the above mentioned 14.025-acre tract of land conveyed to Jadco Development Inc. by Document No. 2002088103, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,026,920.83, E=3,107,516.72, for an angle point and POINT OF BEGINNING of this tract;

THENCE with said southwesterly right-of-way line, same being said northeasterly boundary line of the called 14.025-acre tract, S23°44'36"E for a distance of 17.27 feet to a calculated point for the most easterly corner of this tract, from which a ½-inch diameter iron rod also found on an angle point in said southwesterly right-of-way line of Old Lockhart Highway, same being an angle point in said northeasterly boundary line of the 14.025-acre tract, bears S23°44'36"E a distance of 96.50 feet;

THENCE departing said southwesterly right-of-way line of Old Lockhart Highway, through the interior of said 14.025-acre tract, S74°44'18"W for a distance of 65.37 feet to a calculated point in the northwesterly boundary line of said 14.025-acre tract, same being the southeasterly boundary line of a called 49.729-acre portion of Lot 1, Block A of 151 Acre Tract Subdivision, a subdivision recorded in Volume 101, Page 245 of the Plat Records of Travis County, Texas, said 49.729-acre portion, described as Phase 2, having been conveyed to River Ridge Acquisition Limited Partnership in Document No. 2001219909 of said Official Public Records, for the most southerly corner of this tract;

THENCE with said northwesterly boundary line of the 14.025-acre tract, same being said southeasterly boundary line of the 49.729-acre portion of Lot 1, Block A, N29°46'25"E for a distance of 28.30 feet to a 60d nail set for the northwesterly corner of this tract, from which a 60d nail set for the most northerly corner of said 14.025-acre tract, same being the most easterly corner of said 49.729-acre portion of Lot 1, Block A, also being an angle point in said southwesterly right-of-way line of Old Lockhart Highway, bears N29°46'25"E a distance of 50.29 feet;

THENCE departing said southeasterly boundary line of the 49.729-acre portion of Lot 1, Block A, through the interior of said 14.025-acre tract, N74°44'18"E for a distance of 42.25 feet to a 60d nail set in said northeasterly boundary line of the 14.025-acre tract, same being said southwesterly right-of-way line of Old Lockhart Road for the northeasterly corner of this tract, from which said 60d nail set for the most northerly corner of said 14.025-acre tract, same being the most easterly corner of said 49.729-acre portion of Lot 1, Block A, bears N25°53'13"W a distance of 36.16 feet;

THENCE with said northeasterly boundary line of the 14.025-acre tract, same being said southwesterly right-of-way line of Old Lockhart Road, S25°53'13"E for a distance of 2.97 feet to the POINT OF BEGINNING and containing 0.025-acre (1,077 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Jackie Lee Crow, a Registered Professional Land Surveyor, do hereby state 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 22nd day of July, 2009, A.D.

Macias & Associates, L.P. 5410 South 1st Street Austin, Texas 78745 512-442-7875 Jackie Lec Crow
Registered Professional Land Surveyor
No. 5209 – State of Texas

REFERENCES

MAPSCO 2009 704-G AUSTIN GRID NO. H-12 TCAD PARCEL ID NO. 04-3908-0418 MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-04-08

Reviewed and Approved by

Landmark Surveying, LP

Juan M. Canales, Jr., R.P.L.S. No. 4453

anala, Ja. Date 7-24-09

Senior Project Manager

Exhibit "B" Page 4 of 5



