

RESOLUTION NO. 20100429-002

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: Willie Mae Burns

Project: Gilleland to Techridge Transmission Line Project

Public Purpose: the electric transmission and distribution easement (the "Easement"), described in the attached Exhibits "A," and "B," is necessary to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and telecommunications lines and systems and all necessary and desirable appurtenances and structures (the "Facilities"), and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and to permit the City of Austin unimpeded access to the Facilities in order to increase and improve the City's ability to provide reliable electric utility services to the public, and to protect and promote public health and safety.

Location: 15712 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas.

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

ADOPTED: April 29, 2010

ATTEST:

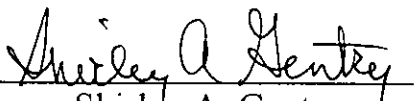

Shirley A. Gentry
City Clerk



EXHIBIT "A"

SURVEY PLAT OF A 1.449 ACRES OF LAND (63,129 SQUARE FEET) IN THE WILLIAM CALDWELL SURVEY NUMBER 66, ABSTRACT NUMBER 162, TRAVIS COUNTY, TEXAS, SAID 1.449 ACRE STRIP OF LAND BEING OUT OF THE FOLLOWING TWO (2) TRACTS OF LAND: 1) THAT CALLED 51.2 ACRES OF LAND DESCRIBED TO ELWOOD B. BURNS AND WIFE, WILLIE MAE BURNS IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN VOLUME 2843, PAGE 597, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THEREFROM A PORTION OF THAT CALLED 30.584 ACRES TRACT OF LAND DESCRIBED TO THE STATE OF TEXAS IN THAT CERTAIN WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2004188028 OF THE OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS 2) THAT CALLED 35.849 ACRES OF LAND DESCRIBED TO ELWOOD B. BURNS AND WIFE, WILLIE MAE BURNS IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN VOLUME 5729, PAGE 1745, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THEREFROM A PORTION OF THE SAID 30.584 ACRE TRACT OF LAND AND THAT CALLED 17.693 ACRE TRACT OF LAND DESCRIBED TO THE STATE OF TEXAS IN THAT CERTAIN WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2004188029 OF THE OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, SAID 1.449 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING at a five-eighths inch iron rod found for the southeast corner of the said Burns 51.2 acre remainder tract of land, same being the northeast corner of the Burns 35.849 acre remainder tract of land, same being a point on the northwest right of way line of Cameron Road, as found occupied, monumented and used upon the ground and an exterior angle corner of the herein described 1.449 acre tract of land;

THENCE South 27°07'13" West, along the common dividing line of the said Cameron Road and the said Burns 35.849 acre remainder tract of land 43.24 feet to a calculated corner for the southeast corner of the herein described 1.449 acre tract of land, same being a point on the common dividing line of the said Cameron Road and the said Burns 35.849 acre remainder tract of land;

THENCE South 86°55'22" West, departing the northwest line of the said Cameron Road and crossing over the said Burns 35.849 acre remainder tract of land a distance of 592.56 feet to a calculated corner for the southwest corner of the herein described 1.449 acre tract of land, same being a point on the northeast line of State Highway Number 130 and from this point an aluminum capped iron rod found for the southwest corner of the Burns 35.849 acre remainder tract of land to the east of State Highway Number 130, same being at center line station

1192+08.54 as shown on State Highway Number 130 right of way map bears South 14°09'54" East, a distance of 268.63 feet;

THENCE North 14°09'54" West, coincident with the northeast right of way line of State Highway Number 130, same being the southwest line of the Burns 35.849 acre remainder tract of land to the east of State Highway Number 130, a distance of 101.90 feet to a calculated corner of the northwest corner of the herein described 1.449 acre tract of land, same being a point on the south line of an existing Lower Colorado River Authority transmission line easement recorded in Volume 653, Page 342, Deed Records of Travis County, Texas and from this point a aluminum capped iron rod found at State Highway Number 130 station 1181+95.05 for an interior angle corner of the said State Highway Number 130, same being an exterior angle corner of the Burns 51.2 acre remainder tract of land to the east of State Highway Number 130, bears North 14°09'54" West, passing at a perpendicular distance of 344.26 feet and 2.77 feet to the left of this course a red capped iron rod found for monumented northwest corner of the Burns 35.849 acre remainder tract of land, same being the found monumented southwest corner of the Burns 51.2 acre remainder tract of land both being to the east side of the said State Highway Number 130, continuing for a **Total Distance** of 642.77 feet;

THENCE North 86°55'22" East, departing the northeast line of the said State Highway Number 130 right of way and crossing over the said Burns 35.849 acre and 51.2 acre remainder tracts of land, same being coincident with the southeast line of the said Lower Colorado River Authority transmission line easement a distance of 669.83 feet to a calculated point for the northeast corner of the herein described 1.449 acre tract of land, same being a point on the common dividing line of the said Burns 51.2 acre remainder tract of land to the east of State Highway Number 130 and the said Cameron Road as found occupied, monumented and used upon the ground;

THENCE South 26°45'54" West, along the common dividing line of the said Burns 51.2 acre remainder tract of land and the said Cameron Road a distance of 72.20 feet to the **POINT OF BEGINNING** and containing 1.449 acres of land or (63,129 square feet) of land more or less.

BASIS OF BEARINGS: NAD 83, TEXAS CENTRAL ZONE, 4203, as per GPS observation.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision in August 2009.

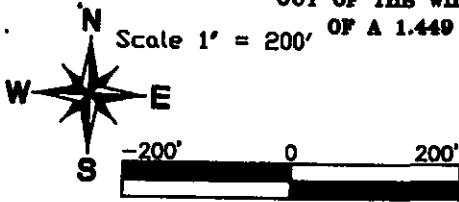
Prepared By: **AUSTIN ENERGY**

Robert C. Steubing 08/17/09
Robert C. Steubing
Registered Professional Land Surveyor No. 5548



SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION
OUT OF THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT NO. 162
OF A 1.449 ACRE (63129 Sq Ft) ELECTRIC LINE EASEMENT
IN TRAVIS COUNTY, TEXAS

EXHIBIT "B"



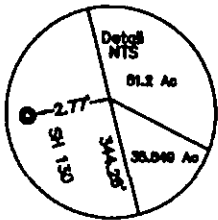
LEGEND

- = Red Capped Iron Rod Found
- = 5/8" Iron Rod Found
- = Aluminum Capped Iron Rod Found
- POB = Point Of Beginning
- DRTCT = Deed Records Travis County, Texas
- ⊙ = Calculated Corner

Hwy Station
1181+05.05

Elwood B. Burns and
wife, Willie Mae Burns
Warranty Deed With Vendor's Lien
2843/587 DRTCT Remainder Called: 51.2 Ac

WILLIAM CALDWELL SURVEY NO. 66
ABSTRACT NUMBER 162



See Detail

2843/587 DRTCT
5729/1745 DRTCT

— L.C.R.A. Transmission Line 853/342

1.449 Ac. (63129 Sq Ft)
Austin Energy Electric Line Easement

Elwood B. Burns and
wife, Willie Mae Burns
Warranty Deed With Vendor's Lien
5729/1745 DRTCT Remainder Called: 30.040 Ac

Hwy Station
1192+08.54

State Highway 130

AS SURVEYED BY:
AUSTIN ENERGY

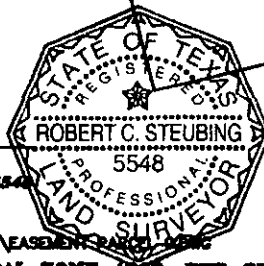
Robert C. Steubing 08/17/09
ROBERT C. STEUBING

REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

SURVEYED ON THE GROUND IN AUGUST 2009

DRAWING: F:\SURVEYING\TRANSMISSION\KITS\GILLELAND\EASEMENT\PAVING

BEARING BASIS: NAD 83, TEXAS CENTRAL ZONE 4203, PER GPS OBSERVATION.



LINE	BEARING	DISTANCE
L1	N89°55'22"E	688.83'
L2	S28°45'54"W	72.20'
L3	S27°07'13"W	43.24'
L4	S88°55'22"W	582.56'
L5	S14°08'54"E	288.63'
L6	N14°08'54"W	642.77'
L7	N14°08'54"W	101.90'