

RESOLUTION NO. 20100429-003

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: Edna Killian and Earl Brackett

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: 15000 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:

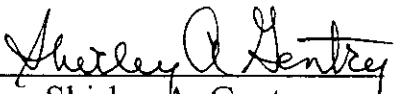

Shirley A. Gentry
City Clerk



EXHIBIT "A"

SURVEY PLAT OF A 1.44 ACRE (62740 SQUARE FEET) IN THE WILLIAM CALDWELL SURVEY NUMBER 66, ABSTRACT NUMBER 162, TRAVIS COUNTY, TEXAS, SAID 1.44 ACRE STRIP OF LAND BEING OUT OF THE REMAINDER OF THAT CALLED 97 1/2 ACRE TRACT OF LAND LEFT TO MARY BELLE BRACKETT, ALMA M. KILIAN, AND EDNA M. KILIAN IN THE LAST WILL AND TESTAMENT OF MARTHA KILIAN AS RECORDED IN DOCUMENT NUMBER 2003203549 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 97 1/2 ACRES OF LAND BEING DESCRIBED BY METES AND BOUNDS TO G. J. KILIAN IN THAT CERTAIN WARRANTY DEED AS RECORDED IN VOLUME 955, PAGE 46, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.44 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a five-eighths inch iron rod found for the northwest corner of the said Kilian tract of land, same being the southwest corner of and remainder of that called 60.677 acre tract of land described to The Whitehead By-Pass Trust in that certain Warranty Deed as recorded in Volume 11621, Page 639, Real Property Records of Travis County, Texas, and a point on the southeast line of that called 339.82 acres of land described to Travis County, Texas, in that certain General Warranty Deed as recorded in Volume 13131, Page 3751, Real Property Records of Travis County, Texas;

THENCE South 27°48'30" West, along the common dividing line of the said Kilian tract of land and the said Travis County, Texas, tract of land, a distance of 261.29 feet to a calculated point for the POINT OF BEGINNING of and northwest corner of the herein described 1.44 acre tract of land;

THENCE North 86°55'22" East, through said Kilian tract of land, coincident with the south line of an existing Lower Colorado River Authority transmission line easement as recorded in Volume 649, Page 616, of the Deed Records Travis County, Texas, a distance of 513.00 feet to a calculated point for the northeast corner of the herein described 1.44 acre tract of land, same being a point on the southwest line of the said 60.677 acre tract of land and a point on the northeast line of the said 97 1/2 acre remainder tract of land ;

THENCE South 62°27'28" East, along the common dividing line of the said Kilian remainder tract of land and the said Whitehead remainder tract of land a distance of 196.34 feet to a calculated point for the northeast corner of the herein described to 1.44 acre tract of land and from this point a two aluminum capped rod found on the west Right of Way line of Toll Road State Highway 130 bears as follows: South 62°27'28" East, a distance of 1794.49 to a calculated point at the intersection of the common dividing line of the Whitehead and Kilian tracts of land with the west line of the said Toll Road State Highway 130 and from this point a aluminum capped rod found at Texas Department of Transportation Station 1194+87.64 bears North 00°18'24" East, a distance of 246.54 feet along the west Right of Way line of the said Toll Road State Highway 130, also from last said calculated point another aluminum capped iron rod found at Texas

Department of Transportation Station 1201+16.99 feet bears South 18°03'01" West, a distance of 461.75 feet along the west Right of Way line of the said Toll Road State Highway 130;

THENCE South 86°55'22" West, through said 97 ½ acre tract of land and 100 foot perpendicular distance from and parallel to the said Lower Colorado River Authority transmission line easement a distance of 741.77 feet to a calculated corner for the southwest corner of the herein described 1.44 acre tract of land, same being a point on the common dividing line of the said Travis County, Texas, 339.82 acre tract of land and the said Kilian 97 ½ acre tract of land and from this point a concrete monument found with an inverted nail for the southwest corner of the said Kilian tract of land bears South 27°48'30" West, a distance of 1031.57 feet;

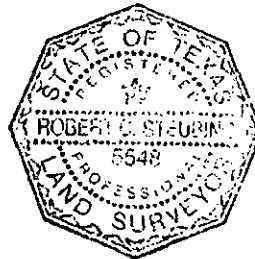
THENCE North 27°48'30" East, along the common dividing line of the said Kilian tract of land and the said 339.82 acre tract of land a distance of 116.52 feet to the POINT OF BEGINNING and containing 1.44 acres or (62740 square feet) of land more or less.

BEARING BASIS: NAD 83, TEXAS CENTRAL ZONE 4203, per GPS observation.

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

Prepared By: AUSTIN ENERGY

Robert C. Steubing 01/29/09
Robert C. Steubing
Registered Professional Land Surveyor No. 5548





Scale 1" = 300'

LEGEND

- = Monument Found (type & size noted)
- ▲ = Power Pole Post
- POB = Point Of Beginning
- OPRTCT = Official Public Records Travis County, Tx
- POC = Point Of Commencement
- ⊙ = Calculated Corner

Travis County, Texas
General Warranty Deed
13131/3751 OPRTCT
Called: 339.82 Acres

The Whitehead By-Pass Trust
Warranty Deed 11821/839 RPRTCT
Remainder Called: 60,877 Ac

L.C.R.A. Transmission Line 649/616 DRTCT

5/8" Iron Rod

POC

POB

Austin Energy
Electric Line Easement

1.44 Ac. (62740 Sq Ft)

Travis County, Texas
General Warranty Deed
13131/3751 OPRTCT
Called: 339.82 Acres

WILLIAM CALDWELL SURVEY NO. 66

ABSTRACT NUMBER 162

Mary Belle Brackett, Et Al
Last Will and Testament
Doc# 2003203549 OPRTCT

G. J. Kilian
Warranty Deed 955/46 DRTCT
Remainder Called: 97 1/2 Ac

Concrete Monument With Inverted Nail Found

Sta. 1194+87.64'
Aluminum Cap Rod

Sta. 1201+16.99'
Aluminum Cap Rod

AS SURVEYED BY:
AUSTIN ENERGY

Robert C. Steubert
ROBERT C. STEUBERT
REGISTERED PROFESSIONAL LAND SURVEYOR No. 8848

BEARING BASIS: NAD 83, TEXAS CENTRAL ZONE 4203, per GPS observation.

SURVEYED ON THE GROUND IN JANUARY 2009

DRAWING: F:\SURVEYING\TRANSMISSIONCKTS\GILLELAND\EASEMENT PARCELS 5.DWG



NUM	BEARING	DISTANCE
L1	S27°48'30"W	261.29'
L2	N86°55'22"E	513.00'
L3	S86°55'22"W	741.77'
L4	S82°27'28"E	196.34'
L5	S27°48'30"W	1031.57'
L6	N27°48'30"E	116.52'
L7	N00°18'24"E	246.54'
L8	S18°03'01"W	461.75'

NOTE: REFERENCE METES
AND BOUNDS DESCRIPTION
LABELLED "EXHIBIT A"

EXHIBIT "B"

Toll Road State Highway 130