

RESOLUTION NO. 20100429-004

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: HM Pfluger Ltd.

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: 14300 Immanuel 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:

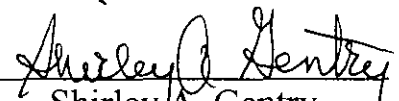

Shirley A. Gentry
City Clerk



EXHIBIT "A"

SURVEY PLAT OF A 7.53 ACRE (327989 SQUARE FEET) IN THE ALEXANDER WALTERS SURVEY NUMBER 67, ABSTRACT NUMBER 791, TRAVIS COUNTY, TEXAS, SAID 7.53 ACRE STRIP OF LAND BEING OUT OF THE FOLLOWING TWO (2) TRACTS OF LAND: 1) THAT CALLED 148.61 ACRES OF LAND DESCRIBED TO HM PFLUGER, LTD., A TEXAS LIMITED PARTNERSHIP, IN THAT CERTAIN SPECIAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NUMBER 2006238002 OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, 2) THAT CALLED 92.40 ACRES OF LAND DESCRIBED TO HM PFLUGER, LTD., A TEXAS LIMITED PARTNERSHIP, IN THAT CERTAIN SPECIAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NUMBER 2006238003 OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, SAID 7.53 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a power pole post found for the occupied northwest corner of the said HM Pfluger tract of land, same being the southwest corner of that called 20.38 acres of land described to Lamar Weiss, et al and a point on the southeast line of Immanuel Road, a road in Travis County, Texas;

THENCE South 27°40'52" West, along the common dividing line of the said Immanuel Road and the said HM Pfluger 148.61 acre tract of land a distance of 966.64 feet to a calculated point for the **POINT OF BEGINNING** of and northwest corner of the herein described 7.53 acre tract of land;

THENCE North 86°55'22" East, through said HM Pfluger 148.61 acre and 92.40 acre tracts of land, same being coincident with the south line of an existing Lower Colorado River Authority transmission line easement as recorded in Volume 649, Page 346 and Volume 649, Page 347, both of the Deed Records Travis County, Texas, a distance of 3166.81 feet to a calculated point for the northeast corner of the herein described 7.53 acres of land, same being a point on the lower northeast line of the said HM Pfluger 92.40 acre tract of land, same being a point on the southwest line of and the remainder of that called 356.92 acre tract of land described to Sun Communities Finance, LLC in that certain General Warranty Deed as recorded in Document Number 2001056531 Official Public Records Travis County, Texas, and from this point a one-half inch iron rod found for the southwest corner of the said 356.92 acre remainder tract of land, same being an interior angle corner of the HM Pfluger 92.40 acre tract of land bears North 62°06'34" West, a distance of 677.68 feet;

THENCE South 62°06'34" East, along the common dividing line of the said HM Pfluger 92.40 acre tract of land and the said 356.92 acre remainder tract of land a distance of 194.34 feet to a calculated point for the southeast corner of the herein described 7.53 acres of land and from this point a three-quarter inch inside diameter pipe found for an interior angle corner of the said 356.92 acre remainder tract of land, same being the lower east corner of the said HM Pfluger 92.40 acre tract of land bears South 62°06'34" East, a distance of 321.47 feet;

THENCE South $86^{\circ}55'22''$ West, through the said HM Pfluger 92.40 acre and 148.61 acre tracts of land a distance of 3392.97 feet to a calculated point for the southwest corner of the herein described 7.53 acre tract of land, same being a point on the common dividing line of the said Immanuel Road and the said HM Pfluger 148.61 acre tract of land and from this point a power pole post found at a driveway entrance for an exterior angle corner of the said HM Pfluger 148.61 acre tract of land, same being an interior angle corner of the said Immanuel Road bears South $27^{\circ}40'52''$ West, a distance of 39.71 feet;

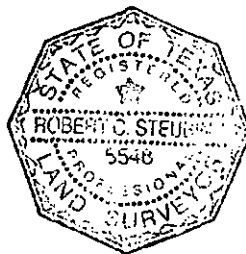
THENCE North $27^{\circ}40'52''$ East, along the common dividing line of the said Immanuel Road and the HM Pfluger 148.61 acre tract of land a distance of 116.37 feet to the **POINT OF BEGINNING** and containing 7.53 acres or (327989 square feet) of land more or less.

BEARING BASIS is NAD 83, Texas Central Zone 4203, as determined from GPS observations.

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



NOT TO SCALE
REFERENCE NOTES
AND BOUNDS DESCRIPTION
LABELED "EXHIBIT A"

EXHIBIT "B"

SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION

OF A 7.53 ACRE (327989 SQ. FT.) ELECTRIC LINE EASEMENT

OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791

IN TRAVIS COUNTY, TEXAS

Scale 1" = 400'



LEGEND

○ = Monument Found (type & size noted)

△ = Power Pole Post

POB = Point of Beginning

OPRTCT = Official Public Records Travis County, Texas

POC = Point of Commencement

⊙ = CALCULATED CORNER

Lamar Weiss, et al
Executor's Deed
12872/1999 OPRTCT
Called: 20.38 Acres

HM Pfluger, Ltd., a Texas Limited Partnership
Special Warranty Deed With Vendor's Lien
Doc# 2006238003 OPRTCT Called: 92.40 Ac

Sun Communities Finance, LLC
General Warranty Deed
Doc# 2001056531 OPRTCT
Remainder Called: 356.92 Ac

1/2" IRON ROD

N27°05'34"W

677.58'

L.C.R.A. Transmission Line 649/347

3168.81'

3392.67'

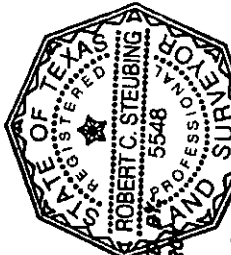
3/4" IRON PIPE

ALEXANDER WALTER SURVEY NO. 67

ABSTRACT NUMBER 791

HM Pfluger, Ltd., a Texas Limited Partnership
Special Warranty Deed With Vendor's Lien
Doc# 2006238002 OPRTCT Called: 148.61 Ac

Doc# 2006238002 OPRTCT Called: 148.61 Ac



AS SURVEYOR
AUSTIN ENERGY
Robert C. Steubing 01/29/09
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548
SURVEYED ON THE GROUND IN JANUARY 2008



LINE	BEARING	DISTANCE
L1	S27°40'02"W	36.71'
L2	N27°40'02"E	116.37'
L3	S82°08'34"E	321.47'
L4	S82°08'34"E	194.34'

Bearing Basis is NAD 83, Texas Central Zone 4803, as
determined from GPS observation.

DRAWING: F:\SURVEYING\TRANSMISSIONS\TXS\GILELAND\EASEMENT PARCEL 1.DWG