

**RESOLUTION NO. 20100729-008**

**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: Travis Mizpah, Ltd., a Texas Limited Partnership

Project: South IH-35 Water & Wastewater Infrastructure Improvements Program, Segment WW Interceptor South Segment Golf Course - Pleasant Valley Extension, Rinard

Creek to E Slaughter Lane, 42-inch Water Transmission  
Main

**Public Purpose:** subterranean wastewater easement described in the attached Exhibit "A" is needed to provide sanitary sewer services to the public; and

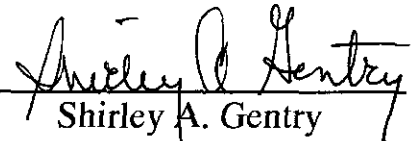
the permanent access easement described in the attached Exhibit "B" is needed to access the permanent wastewater line easement described in the attached "A" in order to install, inspect, and repair the wastewater lines and appurtenances therein.

**Location:** 11922 S IH-35, Austin, Texas.

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

**ADOPTED:** July 29, 2010

**ATTEST:**

  
Shirley A. Gentry  
City Clerk



(30' SUBTERRANEAN WASTEWATER EASEMENT)  
SOUTH I-35 WATER/WASTEWATER PROGRAM  
CIP # 6937.026

**DESCRIPTION FOR PARCEL 4558.66 SWWE**

LEGAL DESCRIPTION OF A 0.509-ACRE TRACT OF LAND, EQUIVALENT TO 22,161 SQUARE FEET OF LAND, OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS; SAID 0.509-ACRE TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 54.2-ACRE TRACT HAVING BEEN CONVEYED TO TRAVIS MIZPAH, LTD. BY WARRANTY DEED DATED DECEMBER 3, 1997 AND RECORDED IN VOLUME 13074, PAGE 565 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.509-ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING FOR REFERENCE** at a 5/8-inch iron rod found at TxDOT Engineer's centerline station 1379+99.72, 200.00' RT, in the westerly right-of-way line of IH-35 Frontage Road (Right-of-Way width varies), same being the easterly line of the above referenced Mizpah remainder portion of a called 54.2-acre tract; **Thence**, with said westerly right-of-way line of IH-35 Frontage Road, S17°32'13"W, a distance of 1,035.75 feet to a 60d nail set having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,021,507.62, E=3,097,625.20, for the northeast corner and **POINT OF BEGINNING** of this easement;

**THENCE**, continuing with said westerly right-of-way line of IH-35 Frontage Road, S17°32'13"W, a distance of 32.58 feet to a 60d nail set, for the southeast corner of this easement, from which a 5/8-inch iron rod found at TxDOT Engineer's centerline station 1400+00.41, 200.48' RT, in said westerly right-of-way line of IH-35 Frontage Road bears S17°32'13"W, a distance of 931.68 feet;

**THENCE**, through said Mizpah remainder portion of a called 54.2-acre tract, S84°34'24"W, a distance of 736.02 feet to a 60d nail set in the westerly line of said Mizpah remainder portion of a called 54.2-acre tract, same being the east line of a called 418.601-acre tract having been conveyed to SLF III-Onion Creek, L.P. by Special Warranty Deed executed December 19, 2007 and recorded in Document Number 2007226648 of the Official Public Records of Travis County, Texas, for the southwest corner of this easement, from which a 1/2-inch iron pipe found at an outside westerly corner of said Mizpah remainder portion of a called 54.2-acre tract, same being an inside easterly corner of said SLF III-Onion Creek, L.P. 418.601-acre tract, bears S08°09'21"W, a distance of 365.37 feet;



THENCE, with the common boundary line of said Mizpah remainder portion of a called 54.2-acre tract and said SLF III-Onion Creek, L.P. 418.601-acre tract, N08°09'21"E, a distance of 30.86 feet to a 60d nail set, for the northwest corner of this easement, from which a 3/8-inch iron pipe found in said common line of Mizpah remainder portion of a called 54.2-acre tract and SLF III-Onion Creek 418.601-acre tract, bears N08°09'21"E, a distance of 238.22 feet;

THENCE, through said Mizpah remainder portion of a called 54.2-acre tract, N84°34'24"E, a distance of 741.48 feet to the POINT OF BEGINNING, containing 0.509-acre (22,161 square feet) of land.

#### BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD83(CORS). Project control points were established from Macias & Associates, L.P., Land Surveyors, reference point "CLM-33" having coordinate values of N=10,013,921.586, E=3,099,904.355 and reference point "STATION 1468+50 20, 280.00' RT" having coordinate values of N=10,014,095.051, E=3,095,165.555. Distances shown hereon are grid.

#### CERTIFICATION:

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by  
Landmark Surveying, LP

Juan M. Canales, Jr.  
Juan M. Canales, Jr.

11-09-09

Date

Registered Professional Land Surveyor No. 4453  
Senior Project Manager  
Firm Registration No. 100727-00  
JMC

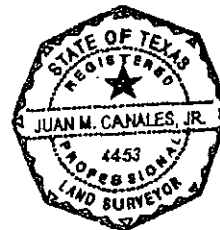
Reviewed and Approved by:  
MACIAS & ASSOCIATES, L.P.

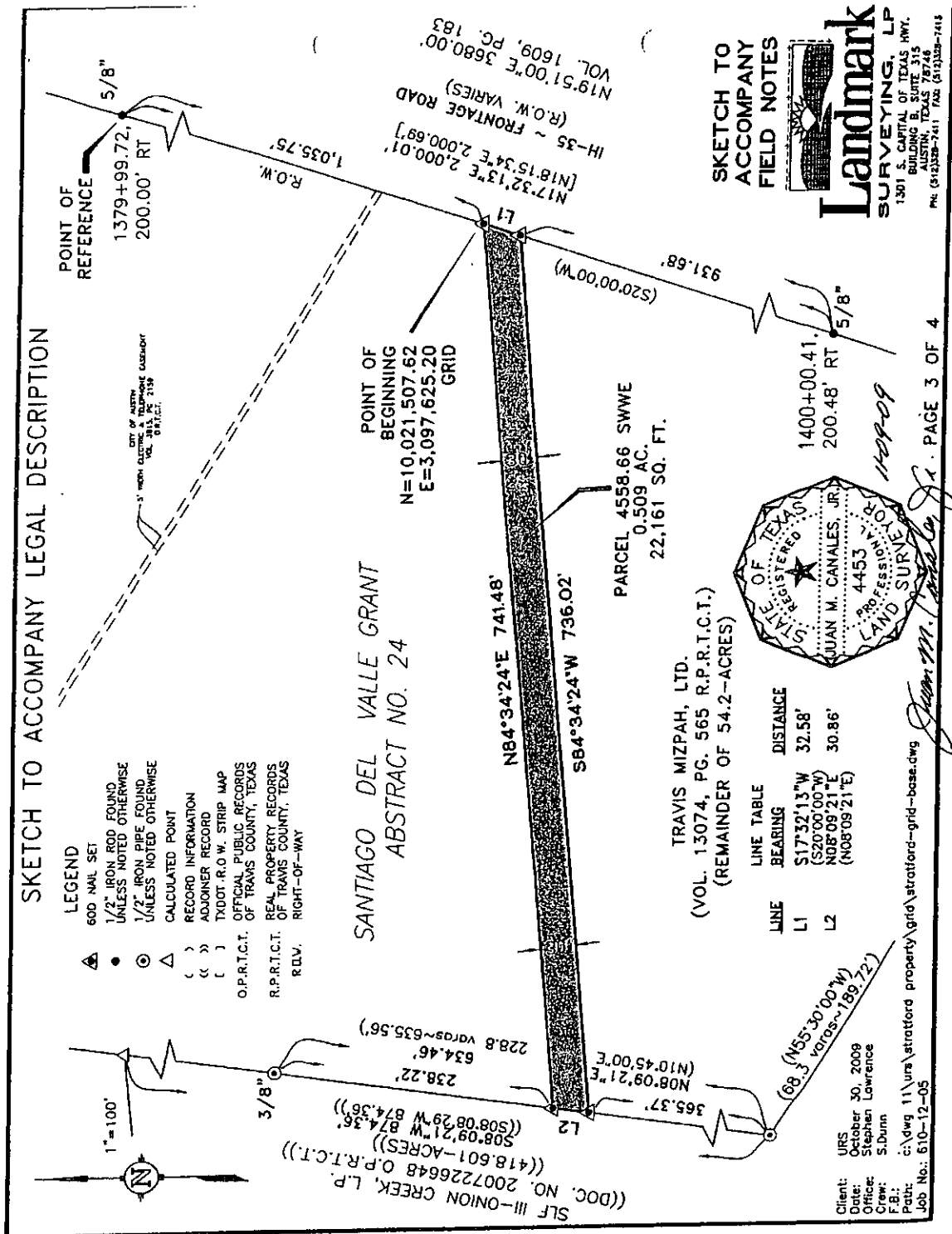
Jackie Lee Cadon  
Date: 11/9/2009

JACKIE LEE CADON  
R.P.L.S. # 5209

#### REFERENCES

MAPSCO 2009, 703-R&V, GRID NO. F-10  
TCAD PARCEL ID NO. 04-4818-02030001  
4558.66 SWWE.doc





SKETCH TO ACCOMPANY LEGAL  
DESCRIPTION

The property described hereon is contained within Zone AE and Zone X (shaded) as scaled from F.I.R.M. Map Number 48453C0595H, dated September 26, 2008, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

I hereby certify that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways, except as shown; that said property has access to and from a public roadway; and that this plot is an accurate representation of the property to the best of my knowledge.

BEARING BASIS:

THE BEARINGS DESCRIBED HEREIN ARE TEXAS STATE PLANE GRID BEARINGS, CENTRAL ZONE-4203, NAD83(CORS). PROJECT CONTROL POINTS WERE ESTABLISHED FROM MACIAS & ASSOCIATES, L.P., LAND SURVEYORS, REFERENCE POINT "CLM-33" HAVING COORDINATE VALUES OF N=10,013,821.586, E=3,099,904.355 AND REFERENCE POINT "STATION 1468+50.20, 280.00' RT" HAVING COORDINATE VALUES OF N=10,014,095.051, E=3,095,165.555. DISTANCES SHOWN HEREON ARE GRID.

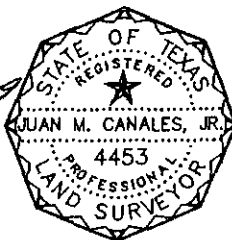
AS SURVEYED BY  
LANDMARK SURVEYING, LP  
FIRM REGISTRATION NO. 100727-00

*Juan M. Canales, Jr. 11-09-09*  
JUAN M. CANALES, JR.

Registered Professional Land Surveyor No. 4453  
DATE: October 30, 2009

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE  
ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR

Client: URS  
Date: October 30, 2009  
Office: Stephen Lawrence  
Crew: S.Dunn  
F.B.:  
Path: c:\dwg\11\urs\stotford property\grid\stotford-grid-base.dwg  
Job No.: 610-12-05



SKETCH TO  
ACCOMPANY  
FIELD NOTES

**Landmark**  
SURVEYING, LP  
1301 S. CAPITAL OF TEXAS HWY.  
BUILDING B, SUITE 315  
AUSTIN, TEXAS 78748  
PH (512)328-7411 FAX (512)328-7413

PAGE 4 OF 4



(25' ACCESS EASEMENT)  
SOUTH I-35 WATER/WASTEWATER PROGRAM  
CIP # 6937.026

**DESCRIPTION FOR PARCEL 4558.66 AE**

LEGAL DESCRIPTION OF A 0.495-ACRE TRACT OF LAND, EQUIVALENT TO 21,547 SQUARE FEET OF LAND, OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS; SAID 0.495-ACRE TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 54.2-ACRE TRACT HAVING BEEN CONVEYED TO TRAVIS MIZPAH, LTD. BY WARRANTY DEED DATED DECEMBER 3, 1997 AND RECORDED IN VOLUME 13074, PAGE 565 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.495-ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING FOR REFERENCE** at a 5/8-inch iron rod found at TxDOT Engineer's centerline station 1379+99.72, 200.00' RT, in the westerly right-of-way line of IH-35 Frontage Road (Right-of-Way width varies), same being the easterly line of the above referenced Mizpah remainder portion of a called 54.2-acre tract; **Thence**, with said westerly right-of-way line of IH-35 Frontage Road, S17°32'13"W, a distance of 874.80 feet to a 60d nail set having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,021,661.09, E=3,097,673.70, for the northeast corner and **POINT OF BEGINNING** of this easement;

**THENCE**, continuing with said westerly right-of-way line of IH-35 Frontage Road, S17°32'13"W, a distance of 25.73 feet to a 60d nail set, for the southeast corner of this easement, from which a 5/8-inch iron rod found at TxDOT Engineer's centerline station 1400+00.41, 200.48' RT, in said westerly right-of-way line of IH-35 Frontage Road bears S17°32'13"W, a distance of 1,099.36 feet;

**THENCE**, through said Mizpah remainder portion of a called 54.2-acre tract, the following seven (7) courses and distances:

- 1) N86°08'54"W, a distance of 166.20 feet to a 60d nail set at a point of curvature of a circular curve to the left;
- 2) Along said circular curve to the left, an arc length of 85.34 feet, having a radius of 287.50 feet, having a central angle of 17°00'27", and a chord which bears S85°20'52"W, a distance of 85.03 feet to a 60d nail set at a point of tangency of this easement;



- 3)  $S76^{\circ}50'38''W$ , a distance of 310.33 feet to a 60d nail set at a point of curvature of a circular curve to the left;
- 4) Along said circular curve to the left, an arc length of 60.86 feet, having a radius of 87.50 feet, having a central angle of  $39^{\circ}51'01''$ , and a chord which bears  $S56^{\circ}55'08''W$ , a distance of 59.64 feet to a 60d nail set at a point of tangency of this easement;
- 5)  $S36^{\circ}59'37''W$ , a distance of 122.18 feet to a 60d nail set at a point of curvature of a circular curve to the right;
- 6) Along said circular curve to the right, an arc length of 51.90 feet, having a radius of 62.50 feet, having a central angle of  $47^{\circ}34'46''$ , and a chord which bears  $S60^{\circ}47'00''W$ , a distance of 50.42 feet to a 60d nail set at a point of tangency of this easement; and
- 7)  $S84^{\circ}34'24''W$ , a distance of 62.95 feet to a 60d nail set on the westerly line of said Mizpah remainder portion of a called 54.2-acre tract, same being the easterly line of a called 418.601-acre tract having been conveyed to SLF III-Onion Creek, L.P. by Special Warranty Deed executed December 19, 2007 and recorded in Document Number 2007226648 of the Official Public Records of Travis County, Texas, for the southwest corner of this easement, from which a 1/2-inch iron pipe found at an outside westerly corner of said Mizpah remainder portion of a called 54.2-acre tract, same being an inside easterly corner of said SLF III-Onion Creek, L.P. 418.601-acre tract, bears  $S08^{\circ}09'21''W$ , a distance of 367.95 feet;

**THENCE**, with the common boundary line of said Mizpah remainder portion of a called 54.2-acre tract and said SLF III-Onion Creek, L.P. 418.601-acre tract,  $N08^{\circ}09'21''E$ , a distance of 25.72 feet to a 60d nail set, for the northwest corner of this easement, from which a 3/8-inch iron pipe found in said common line of Mizpah remainder portion of a called 54.2-acre tract and SLF III-Onion Creek, L.P. 418.601-acre tract, bears  $N08^{\circ}09'21''E$ , a distance of 240.80 feet;

**THENCE**, through said Mizpah remainder portion of a called 54.2-acre tract, the following seven (7) courses and distances:

- 1)  $N84^{\circ}34'24''E$ , a distance of 56.90 feet to a 60d nail set at a point of curvature of a circular curve to the left;
- 2) Along said circular curve to the left, an arc length of 31.14 feet, having a radius of 37.50 feet, having a central angle of  $47^{\circ}34'46''$ , and a chord which bears  $N60^{\circ}47'00''E$ , a distance of 30.25 feet to a 60d nail set at a point of tangency of this easement;
- 3)  $N36^{\circ}59'37''E$ , a distance of 122.18 feet to a 60d nail set at a point of curvature of a circular curve to the right;





- 4) Along said circular curve to the right, an arc length of 78.25 feet, having a radius of 112.50 feet, having a central angle of  $39^{\circ}51'01''$ , and a chord which bears  $N56^{\circ}55'08''E$ , a distance of 76.68 feet to a 60d nail set at a point of tangency of this easement;
- 5)  $N76^{\circ}50'38''E$ , a distance of 310.33 feet to a 60d nail set at a point of curvature of a circular curve to the right;
- 6) Along said circular curve to the right, an arc length of 92.76 feet, having a radius of 312.50 feet, having a central angle of  $17^{\circ}00'27''$ , and a chord which bears  $N85^{\circ}20'52''E$ , a distance of 92.42 feet to a 60d nail set at a point of tangency of this easement; and
- 7)  $S86^{\circ}08'54''E$ , a distance of 172.29 feet to the POINT OF BEGINNING, containing 0.495-acre (21,547 square feet) of land.

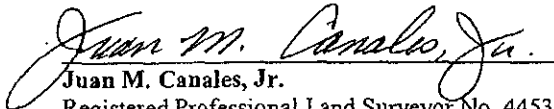
#### BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD83(CORS). Project control points were established from Macias & Associates, L.P., Land Surveyors, reference point "CLM-33" having coordinate values of  $N=10,013,921.586$ ,  $E=3,099,904.355$  and reference point "STATION 1468+50.20, 280.00' RT" having coordinate values of  $N=10,014,095.051$ ,  $E=3,095,165.555$ . Distances shown hereon are grid.

#### CERTIFICATION:

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by  
Landmark Surveying, LP

  
Juan M. Canales, Jr.  
Registered Professional Land Surveyor No. 4453  
Senior Project Manager  
Firm Registration No. 100727-00  
JMC

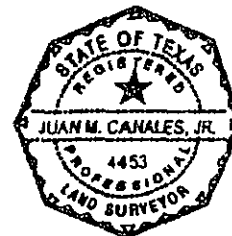
11-09-09  
Date

#### REFERENCES

Reviewed and Approved by: MAPSCO 2009, 703-R&V, GRID NO. F-10  
MACIAS & ASSOCIATES, L.P. TCAD PARCEL ID NO. 04-4818-02030001  
4558.66 AE.doc

Date: 11/9/2009  
JACKIE LEE CR@W  
R.P.L.S. #5209

CAPITAL VIEW CENTER 1301 SOUTH CAPITAL OF TEXAS HIGHWAY  
BUILDING B, SUITE 315, AUSTIN, TEXAS 78746 (512) 328-7411 (512) 328-7413  
T.U.C.P./W.B.E./H.U.B./D.B.E.



3



# SKETCH TO ACCOMPANY FIELD DESCRIPTION

The property described hereon is contained within Zone AE and Zone X (shaded) as scaled from F.I.R.M. Map Number 48453C0595H, dated September 26, 2008, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

I hereby certify that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

CURVE TABLE

CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
C1	S85°20'52"W	85.03'	17°00'27"	85.34'	287.50'
C2	S56°55'08"W	59.64'	39°51'01"	60.86'	87.50'
C3	S60°47'00"W	50.42'	47°34'46"	51.90'	62.50'
C4	N60°47'00"E	30.25'	47°34'46"	31.14'	37.50'
C5	N56°55'08"E	76.68'	39°51'01"	78.25'	112.50'
C6	N85°20'52"E	92.42'	17°00'27"	92.76'	312.50'

## BEARING BASIS:

THE BEARINGS DESCRIBED HEREIN ARE TEXAS STATE PLANE GRID BEARINGS, CENTRAL ZONE-4203, NAD83(CORS). PROJECT CONTROL POINTS WERE ESTABLISHED FROM MACIAS & ASSOCIATES, L.P., LAND SURVEYORS, REFERENCE POINT "CLM-33" HAVING COORDINATE VALUES OF N=10,013,921.588, E=3,099,904.355 AND REFERENCE POINT "STATION 146B+50.20, 280.00' RT" HAVING COORDINATE VALUES OF N=10,014,095.051, E=3,095,165.555. DISTANCES SHOWN HEREON ARE GRID.

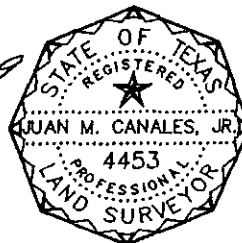
AS SURVEYED BY  
LANDMARK SURVEYING, LP  
FIRM REGISTRATION NO. 100727-00

*Juan M. Canales, Jr.* 11-09-09  
JUAN M. CANALES, JR.  
Registered Professional Land Surveyor No. 4453

DATE: October 30, 2009

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE  
ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR

Client: URS  
Date: October 30, 2009  
Office: Stephen Lawrence  
Crew: S.Dunn  
F.B.:  
Path: c:\dwg 11\urs\stratford property\grid\stratford-grid-base.dwg  
Job No.: 610-12-05



SKETCH TO  
ACCOMPANY  
FIELD NOTES

**Landmark**  
SURVEYING, LP  
1301 S. CAPITAL OF TEXAS HWY.  
BUILDING B, SUITE 315  
AUSTIN, TEXAS 78746  
PH: (512)328-7411 FAX: (512)328-7413