

**RESOLUTION NO. 20100930-008**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase the real property interest but has been unable to agree with the owner on the damages thereof; **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 owners now having, or who may acquire, an interest in the real property interest 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 acquisition.

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

Owner:        Son Hong Phung

Project:       Little Walnut at North Meadows

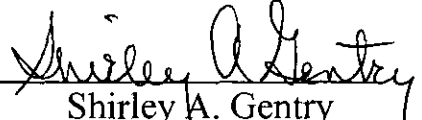
Public Purpose: the drainage easement described in the attached Exhibit "A" is necessary to construct structural improvements to stabilize the Fort Branch creek bank from erosion and increase the size of the creek to reduce the potential frequency and depth of flooding in the surrounding neighborhood.

Location: 903 McPhaul Street, Austin, Texas

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** September 30, 2010

**ATTEST:**

  
Shirley A. Gentry  
City Clerk

Son Hong Phung  
to  
The City of Austin  
(Drainage Easement)

**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION FOR 0.006 ACRE (275 SQUARE FEET) OF LAND SITUATED IN THE JOHN APPLGAI SURVEY NO. 58, ABSTRACT NO. 29 IN TRAVIS COUNTY, TEXAS AND OUT OF LOT 4, E. S. BARROW SUBDIVISION SECTION 1, A SUBDIVISION RECORDED IN BOOK 8, PAGE 34 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO SON HONG PHUNG BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 11977, PAGE 919 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.006 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a ½" iron rod found on the northerly right-of-way line of McPhaul Street (60' Right-of-Way), at the southwest corner of Lot 9, E. S. Barrow Subdivision Section 1, same being the southeast corner of Lot 22, White Plains, Sec. 2, a subdivision recorded in Book 13, Page 3 of the Plat Records of Travis County, Texas;

THENCE, crossing McPhaul Street, S24°57'12"W, a distance of 60.08 feet to a calculated point on the north line of a strip of land being the south twenty (20') feet of McPhaul Street, abandoned by resolution recorded in Volume 15, Page 918 of the Commissioner's Court Minutes of Travis County, Texas, being the current southerly right-of-way line of McPhaul Street, for the northeast corner of Lot 23, White Plains, Sec. 2, from which a ½" iron rod found at the southwest corner of Lot 8 bears S24°57'12"W, a distance of 193.64 feet;

THENCE, along the north line of said 20' wide strip of abandoned street, being the current southerly right-of-way line of McPhaul Street, S62°04'03"E, a distance of 355.41 feet to a calculated point for the northwest corner of said Phung tract, being the intersection of the northerly prolongation of the common line of Lot 4 and Lot 5 and the current southerly right-of-way, from which a ½" iron rod found at the original northeast corner of Lot B, Noack Pettway Addition, a subdivision recorded in Book 64, Page 7 of the Plat Records of Travis County, Texas bears along the current southerly right-of-way line of McPhaul Street, S62°04'03"E, a

distance of 320.04 feet to a calculated point at the intersection of the northerly prolongation of the east line of Lot B and the current southerly right-of-way line and along said prolonged east line of Lot B, S25°01'36"W, a distance of 20.03 feet;

THENCE, along the prolonged common line of Lot 4 and Lot 5 and continuing along the common line of Lot 4 and Lot 5, S28°04'39"W, a distance of 173.23 feet to a calculated point for the **POINT OF BEGINNING** and the north corner of the herein described tract, having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 0.999909803) coordinate values of: **N=10,110,274.44, E=3,129,304.09;**

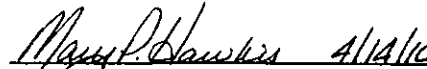
THENCE, departing the east line of Lot 5 and crossing Lot 4, **S26°00'48"E**, a distance of **33.96** feet to a calculated point on the south line of Lot 4 and the north line of Lot B, Resub. Lots 7 thru 11, Block A, North Meadows, a subdivision recorded in Book 53, Page 19 of the Plat Records of Travis County, Texas, for the southeast corner of the herein described tract and from which a ½" iron rod found at the southeast corner of Lot 4 bears S62°05'35"E, a distance of 57.48 feet;

THENCE, along the south line of Lot 4 and the north line of Lot B and Lot A, Resub. Lots 7 thru 11, Block A, North Meadows, **N62°05'35"W**, a distance of **27.50** feet to a calculated point for the southwest corner of Lot 4 and the herein described tract, also being the southeast corner of Lot 5 and a twenty (20') foot wide drainage easement dedicated by said plat recorded in Book 8, Page 34 and from which the aforementioned ½" iron rod found at the southwest corner of Lot 8 bears N 62°05'35"W, a distance of 344.93 feet;

THENCE, along the common line of Lot 4 and Lot 5, also being the easterly terminus of said drainage easement, **N28°04'39"E**, a distance of **20.00** feet to a calculated point for the northeast corner of said drainage easement and the **POINT OF BEGINNING** and containing **0.006** acre (275 Square Feet) of land, more or less.

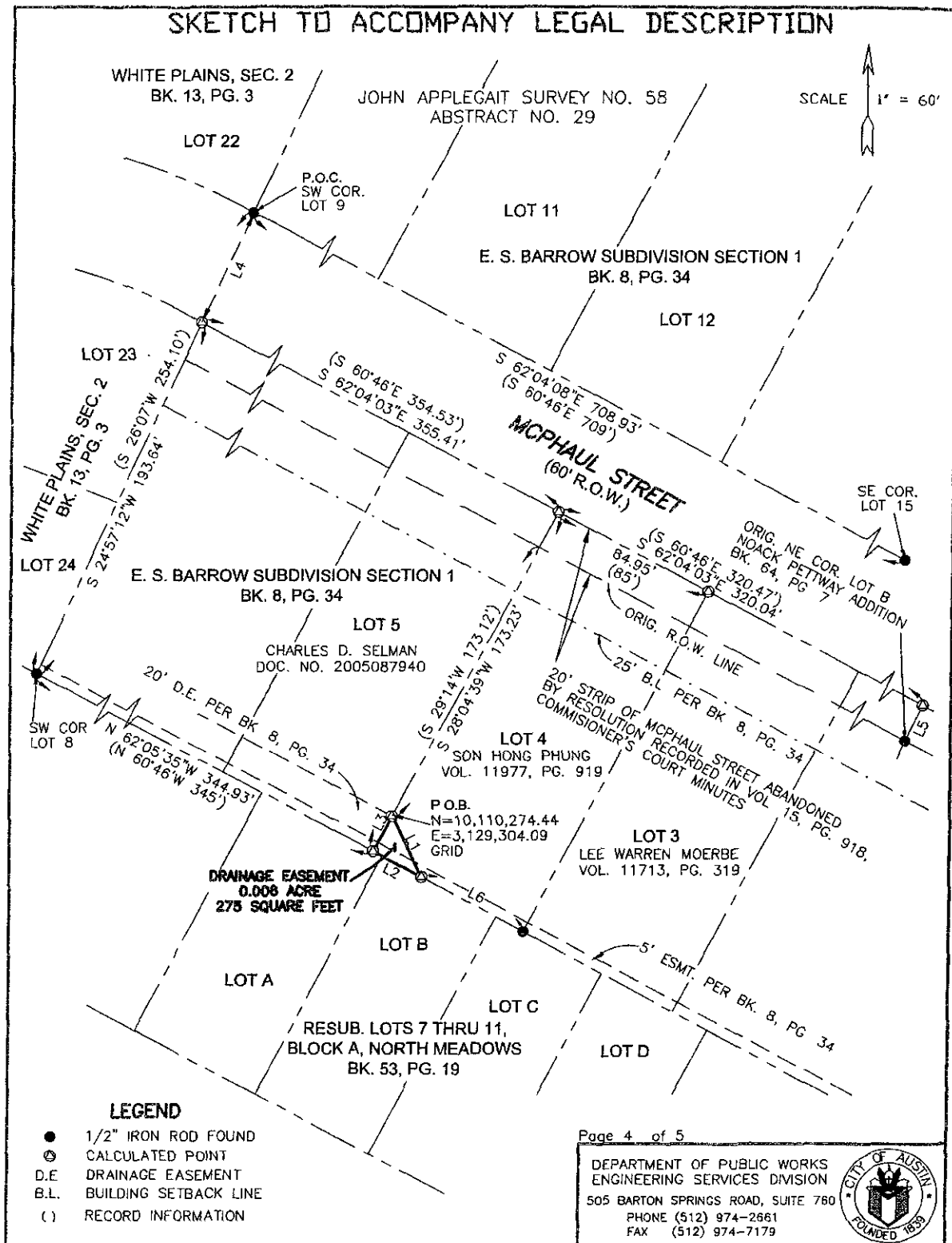
"This legal description was prepared by Mary P. Hawkins, R.P.L.S. No. 4433 from a survey made on the ground in January and February, 2010." Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 and established from a 5/8" iron rod with cap stamped "Rods Surveying" found on the north side of McPhaul Street approx. 2.5' north of edge of asphalt and approx. 30' west of centerline of driveway to storage site at 907 McPhaul Street having grid coordinate values of 10,110,556.13. The distances shown are surface distances. The combined scale factor is 0.999909803.



  
Mary P. Hawkins, R.P.L.S. No. 4433  
Engineering Services Division  
Department of Public Works  
City of Austin

REFERENCES

TCAD Parcel No. 0245180205  
Austin Grid L-31



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LINE TABLE

NO.	BEARING	DISTANCE
L1	S 26°00'48"E	33.96'
L2	N 62°05'35"W	27.50'
L3	N 28°04'39"E	20.00'
L4	S 24°57'12"W	60.08'
L5	S 25°01'36"W	20.03'
L6	S 62°05'35"E	57.48'

BEARING BASIS NOTE:

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE, ESTABLISHED FROM A 5/8" IRON ROD WITH CAP STAMPED "RODS SURVEYING" FOUND ON THE NORTH SIDE OF MCPHAUL STREET APPROX. 2.5' NORTH OF EDGE OF ASPHALT AND APPROX. 30' WEST OF CENTERLINE OF DRIVEWAY TO STORAGE SITE AT 907 MCPHAUL STREET HAVING GRID COORDINATE VALUES OF N=10,110,556.13, E=3,129,237.25 AND A 1/2" IRON ROD WITH CAP STAMPED "COA PUBLIC WORKS" SET AT NORTHWEST CORNER OF MCPHAUL STREET AND LAMAR BOULEVARD APPROX. 3' NORTH OF BACK OF CURB AND APPROX. 35' SOUTHEAST OF CONCRETE SIGN FOR "LONE STAR BMW" HAVING GRID COORDINATE VALUES OF 10,110,164.20, E=3,129,968.36, THE DISTANCES SHOWN ARE SURFACE DISTANCES. THE COMBINED SCALE FACTOR IS 0.999909803.

THIS SKETCH WAS PREPARED FROM A SURVEY MADE ON THE GROUND IN JANUARY AND MARCH, 2010 WITH THE BENEFIT OF A TITLE COMMITMENT, STEWART TITLE GUARANTY COMPANY, FILE NO. 1000638



*Mary P. Hawkins* 4/14/10  
 MARY P. HAWKINS, R.P.L.S. NO. 4433 DATE  
 DRAWN BY: MARY P. HAWKINS  
 FILE: NORTH MEADOWS DRAINAGE EASEMENT - PHUNG (2000).DWG  
 FB. 4011, PG. 57

Page 5 of 5

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