

RESOLUTION NO. 20101014-009

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 that 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 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:

Owners: Johnson Four Corners, LTD.

Project: NWC Transmission Main

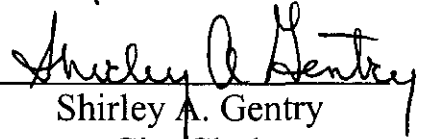
Public Purpose: the water line easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, repair, replace, and upgrade waterlines and making connections therewith, in order to increase and improve the City's ability to provide potable water to the public and to prevent leakage from water lines.

Location: 11901 Anderson Mill Road, Austin, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: October 14, 2010

ATTEST:


Shirley A. Gentry
City Clerk

(WATER EASEMENT)

DESCRIPTION FOR 4604.02 WE

DESCRIPTION OF 0.3849 OF ONE ACRE (16,766 SQUARE FEET), MORE OR LESS, OUT OF JESSE GRIMES SURVEY NO. 25, ABSTRACT NO. 318, AUSTIN, TRAVIS COUNTY, TEXAS AND BEING OUT OF LOT 4, BLOCK A, VOLENTE SUBDIVISION, OF RECORD IN DOCUMENT NO. 200000061, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 4 BEING DESCRIBED IN A SPECIAL WARRANTY DEED DATED OCTOBER 16, 2006, TO JOHNSON FOUR CORNERS, LTD., OF RECORD IN DOCUMENT 2006205652, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.3849 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the northeast corner of this tract, same being in the east line of said Lot 4 and said Johnson Four Corners tract and the west line of Lot 1, Block A, of said Volente Subdivision, said Lot 1 being further described in a deed to 7-Eleven, Inc., of record in Document 2002048676, Official Public Records, Travis County, Texas, and being in the proposed south right-of-way (ROW) line of R.M. 2769 per TxDOT project C.S.J. Number 2718-01-011, from which an iron rod found with a TxDOT aluminum cap bears N76°22'22"W 0.30 feet, and from which point of beginning a 1/2" iron rod found at the northeast corner of said Lot 4 and said Johnson Four Corners tract and the northwest corner of said Lot 1 and said 7-Eleven tract, same being in the existing south ROW line of R.M. 2769, bears N29°58'29"E 10.17 feet, said POINT OF BEGINNING having a Texas State Plane Coordinate (Texas Central Zone, NAD 83, U.S. feet, combined scale factor of 1.00005) grid value of N=10,138,333.01, E=3,086,129.73);

THENCE, with the east line of this tract, said Lot 4, and said Johnson Four Corners tract and the west line of said Lot 1 and said 7-Eleven tract, **S29°58'29"W 41.81 feet** to a cotton spindle set at the southeast corner of this tract from which a 1/2" iron rod found at the southwest corner of said Lot 1 and said 7-Eleven tract, same being in the east line of said Lot 4 and said Johnson Four Corners tract, bears S29°58'29"W 173.62 feet;

THENCE, with the south line of this tract, crossing said Lot 4 and said Johnson Four Corners tract, the following six (6) courses, numbered 1 through 6;

- 1) **N77°17'15"W 11.03 feet** to a cotton spindle set;
- 2) **N32°42'45"W 11.66 feet** to a 1/2" iron rod set with a plastic cap stamped "McGray & McGray";

0.3849 AC.

- 3) **N80°23'11"W 334.75 feet** to a cotton spindle set;
- 4) **N78°00'31"W 141.50 feet** to a 1/2" iron rod set with a plastic cap stamped "McGray & McGray";
- 5) **S47°34'22"W 24.99 feet** to a 1/2" iron rod set with a plastic cap stamped "McGray & McGray"; and
- 6) with a curve to the right, whose intersection angle is **00°28'32"**, radius is **2974.79 feet**, an arc distance of **24.69 feet**, the chord of which bears **N76°22'30"W 24.69 feet** to a 1/2" iron rod set with a plastic cap stamped "McGray & McGray" at the southwest corner of this tract, same being in the west line of said Lot 4 and said Johnson Four Corners tract and the east line of that tract described as 1.006 acres, in Exhibit "A-2", in a deed to the City of Austin, of record in Document 2008097448, Official Public Records, Travis County, Texas, from which a 1/2" iron rod found at the southwest corner of said Lot 4 and said Johnson Four Corners tract, same being in the east line of said 1.006 City of Austin tract, bears **S25°40'46"E 311.08 feet**;

THENCE, with the west line of this tract, said Lot 4, and said Johnson Four Corners tract and the east line of said 1.006 acre City of Austin tract, **N25°40'46"E** at a distance of 30.66 feet, passing at an iron rod found with a TxDOT aluminum cap marking an ell corner in the proposed south ROW line of the R.M. 2769 per TxDOT project C.S.J. No. 2718-01-011 and continuing a total distance of **51.07 feet** to an iron rod found with a TxDOT aluminum cap at the westerly northwest corner of this tract, same being an ell corner in said proposed south ROW line of R.M. 2769 from which a 3/4" iron pipe found at the northwest corner of said Lot 4 and said Johnson Four Corners tract and the northeast corner of said 1.006 acre City of Austin tract, same being in the existing south ROW line of R.M. 2769, bears **N25°40'46"E 40.77 feet**;

THENCE, with the north line of this tract and the proposed south ROW line of R.M. 2769, crossing said Lot 4 and said Johnson Four Corners tract, the following two (2) courses, numbered 1 and 2;

- 1) **S78°00'31"E 168.01 feet** to an iron rod found with a TxDOT aluminum cap; and

0.3849 AC.


- 2) **S80°22'59"E 367.54 feet** to the POINT OF BEGINNING and containing 0.3849 of one acre, more or less, within these metes and bounds.

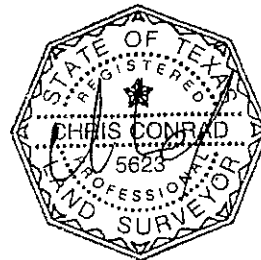
Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83, Combined Scale Factor is 1.00005). The reference for this project was established from "Austin RRP", a fixed control point, and "BM1078", a TxDOT survey monument having coordinate values bearing of N60°54'59"E, a grid distance of 21590.95 feet.

SURVEYED BY:

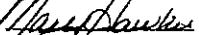
McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591

 10/9/09
Chris Conrad, Reg. Professional Land Surveyor No. 5623
Note: There is a plat to accompany this description. 4604.02 WE
Issued 05/08/2009; Revised 07/31/09; 10/09/09



AUSTIN GRID E-38
TCAD# 01-7623-01-01

FIELD NOTES REVIEWED

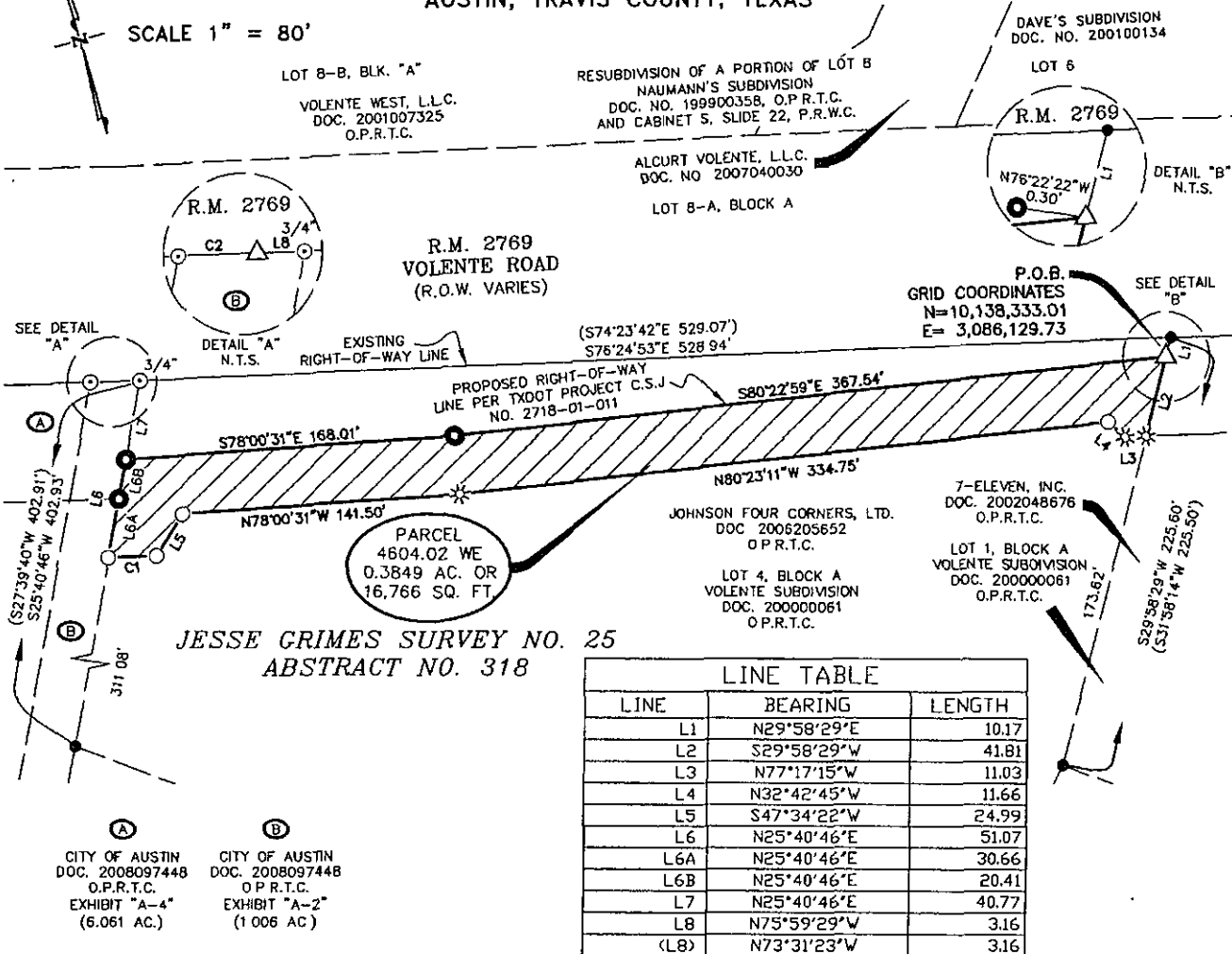
By:  Date 10/20/09

Engineering Support Section
Department of Public Works
and Transportation

RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION
OF 0.3849 AC. OR 16,766 SQ. FT. OF LAND OUT OF
THE JESSE GRIMES SURVEY NO. 25
AUSTIN, TRAVIS COUNTY, TEXAS

SCALE 1" = 80'



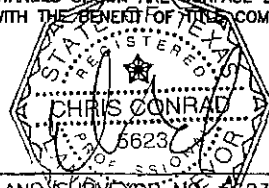
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	24.69	2974.79	00°28'32"	12.34	N76°22'30"W	24.69
C2	22.04	2915.06	00°25'59"	11.02	N76°02'48"W	22.04
(C2)	22.04	2915.06			N73°34'42"W	22.04

NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM "AUSTIN RRP", A FIXED CONTROL POINT HAVING COORDINATE VALUES OF N=10086515.883, E=3109682.458, AND "BM1078", A TXDOT SURVEY MONUMENT HAVING COORDINATE VALUES OF N=10097010.902, E=3128551.053. HAVING A GRID BEARING OF N60°54'59"E, AND A GRID DISTANCE OF 21590.95 FEET. THE COMBINED SCALE FACTOR IS 1.00005. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

2. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF THIS COMMITMENT (FILE NO. 903640).



10/09/09

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE

Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat

TCAD# 01-7623-01-01
CIP# 0000-000-0000

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON PIPE FOUND (UNLESS NOTED)
- CALCULATED POINT
- SET COTTON-SPINDLE
- FOUND IRON ROD WITH TX D.O.T. ALUMINUM CAP
- 1/2" IRON ROD SET WITH PLASTIC CAP "MCGRAY MCGRAY"

(XXX) RECORD INFORMATION

R.P.R.T.C. REAL PROPERTY RECORDS,

TRAVIS COUNTY

O.P.R.T.C. OFFICIAL PUBLIC RECORDS,

TRAVIS COUNTY

P.R.W.C. PLAT RECORDS, WILLAMSON COUNTY

N.T.S. NOT-TO-SCALE

P.O.B. POINT OF BEGINNING

ISSUED: 05/08/09

REVISED: 07/31/09

REVISED: 10/09/09

SURVEYED BY:

PAGE 4 OF 4

McGRAY & McGRAY
LAND SURVEYORS, INC.

3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

M:\NORTHWEST C MAIN - BROWN-GAY\DWG\PARCELS\JOHNSON-FOUR-COURNERS_PWE-REV-2.dwg AUSTIN GRID# E-38 JOB NO.: 09-007