

RESOLUTION NO. 20101014-011

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: Magdalena Ledesma and Saiz Excavation, L.L.C.

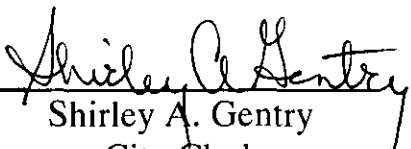
Project: Fort Branch Creek Reach 6 & 7 Channel Rehabilitation—
Truelight and Eleanor Street Area

Public Purpose: the permanent drainage easement described in the attached Exhibit "A" is necessary to construct and maintain structural improvements to stabilize the Fort Branch creek bank and increase the channel capacity to reduce erosion and to decrease the frequency of flooding in the surrounding neighborhood.

Location: 1214 Fort Branch, Austin, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: October 14, 2010

ATTEST: 
Shirley A. Gentry
City Clerk



STATE OF TEXAS
COUNTY OF TRAVIS

(Drainage Easement)
Lot 23, Block 1, Lincoln Gardens Section One
Fort Branch Creek Reach 6 & 7, Proj. No. 6039.059

LEGAL DESCRIPTION

Field notes description for a parcel of land containing 0.113 of an acre of land, equivalent to 4,944 square feet of land, out of and a part of Lot 23, Block 1, Lincoln Gardens Section One, a subdivision in the City of Austin, Travis County, Texas according to the map or plat thereof recorded in Book 5, Page 4 of the Plat Records of Travis County, Texas and being the same Lot 23, Block 1, Lincoln Gardens Section One which was conveyed to Saiz Excavation LLC by that certain Warranty Deed dated April 21, 2008 and recorded in Document Number 2008063753 of the Official Public Records of Travis County, Texas; said parcel of land being more particularly described by metes and bounds, as follows, and as shown on the attached sketch:

BEGINNING FOR REFERENCE at a 1/2-inch iron rod found on the curving west right-of-way line of Fort Branch Boulevard (50' Right-of-Way) monumenting the northeast corner of Lot 23, same being the southeast corner of Lot 22, above referenced Block 1, Lincoln Gardens Section One, from which a 1/2-inch iron rod found on said curving northwest right-of-way line of Fort Branch Boulevard at the northeast corner of said Lot 22, Block 1, same being the southeast corner of Lot 21, said Block 1 bears a chord bearing of N01°27'34"E a chord distance of 44.91 feet; **Thence**, with the common line of said Lot 22 and said Lot 23, Block 1, N84°03'21"W a distance of 113.75 feet to an 80d nail set, for the northeast corner and **POINT OF BEGINNING** of this easement, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.999923385) values of N= 10,073,935.94, E= 3,133,634.55;

THENCE, through said Lot 23, Block 1, the following three (3) courses:

- 1) S02°36'08"E a distance of 77.30 feet to an 80d nail set on the north line of an existing 5' Public Utility easement as dedicated by said plat, for the southeast corner of this easement;
- 2) With said north line of an existing 5' Public Utility easement, S79°22'12"W a distance of 61.17 feet to an 80d nail set on the east line of an existing easement for park and drainage purposes dedicated by plat for "Masonfield" recorded in Book 4, Page 205 of the plat



records of Travis County, Texas, for the southwest corner of this easement, from which a capped 5/8-inch iron rod stamped "GM&N#4458" found at outside angle point of said existing easement for park and drainage purposes bears S07°59'55"E a distance of 27.62 feet, and S77°44'55"E a distance of 69.96 feet;

- 3) With said east line of an existing easement for park and drainage purposes, N07°59'55"W a distance of 28.97 feet to an 80d nail set on the west line of said Lot 23, Block 1, at an angle point of this easement;

THENCE, with said west line of Lot 23, the following two (2) courses:

- 1) N08°02'53"E a distance of 42.23 feet to an 80d nail set at an angle point of said west line of Lot 23, at an angle point of this easement;
- 2) N25°25'53"E a distance of 25.00 feet to an 80d nail set at the northwest corner of said Lot 23, Block 1, same being the southwest corner of said Lot 22, Block 1, for the northwest corner of this easement, from which a 1/2-inch iron rod found at the northwest corner of said Lot 22, Block 1 bears N25°25'53"E a distance of 73.16 feet;

THENCE, with the said common line of Lot 23 and Lot 22, S84°03'21"E a distance of 44.23 feet to the **"POINT OF BEGINNING"**, and containing 0.113 of an acre of land, more or less.

Basis of Bearing:

Bearings mentioned on this easement are based on State Plane Coordinate System, NAD'83, Texas Central Zone 4203; Horizontal And Vertical Coordinates for Aus 5 And E.U.D. 169 as established and published by Texas Department Of Transportation and by the L.C.R.A. were used as the controlling monuments for this survey. Distances shown hereon are surface.



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.

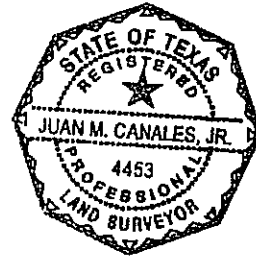
10-01-09

Date

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

REFERENCES

MAPSCO 2009, Page 586-Q
AUSTIN GRID NO. M-23
TCAD PARCEL ID NO.02-0821-0104
Lot 23, Blk 1, Saiz-DE.doc
1214 Fort Branch Boulevard



FIELD NOTES REVIEWED

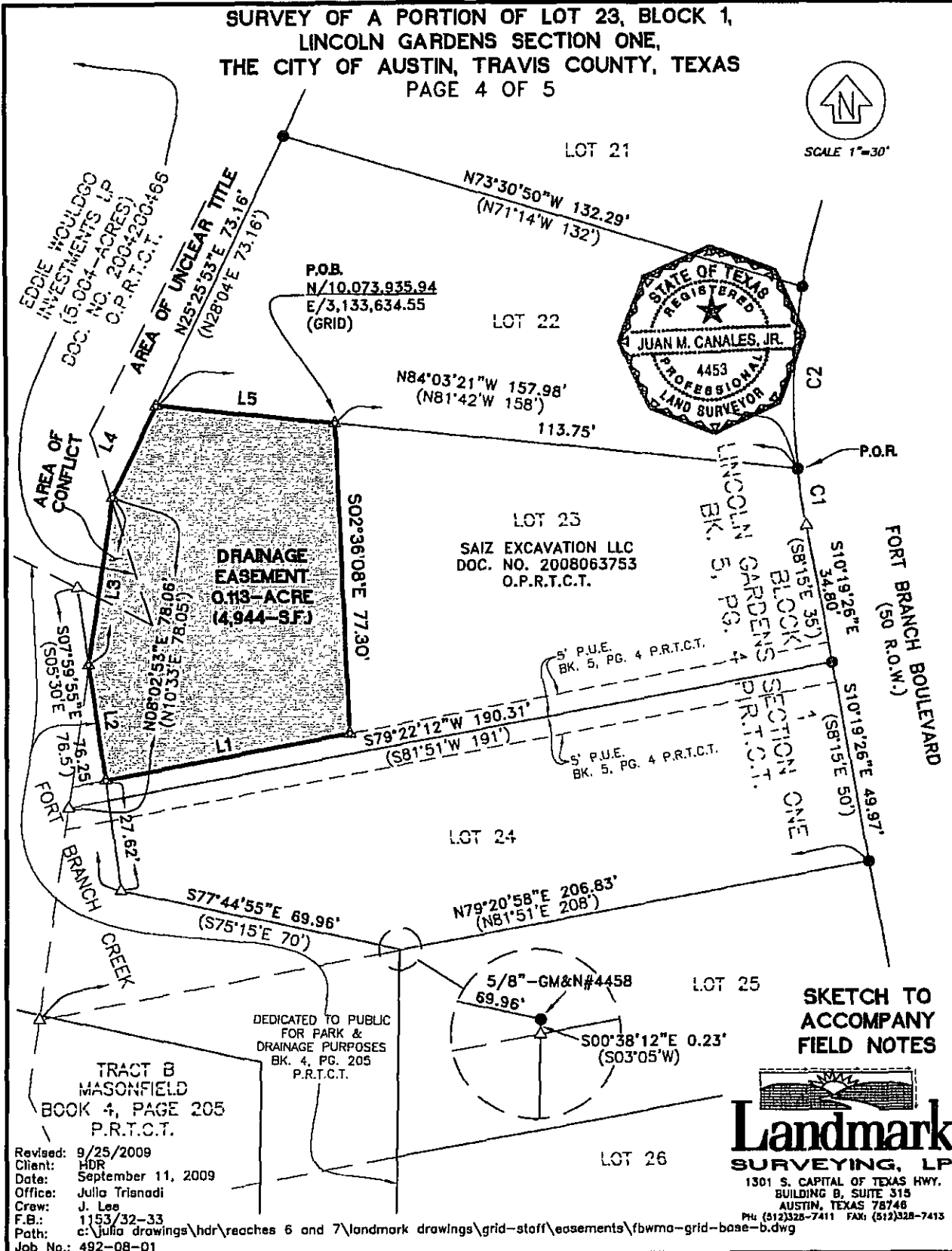
By: *[Signature]* Date *10/21/09*

Engineering Support Section
Department of Public Works
and Transportation

**SURVEY OF A PORTION OF LOT 23, BLOCK 1,
LINCOLN GARDENS SECTION ONE,
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**
PAGE 4 OF 5



SCALE 1"=30'



**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

Revised: 9/25/2009
Client: HDR
Date: September 11, 2009
Office: Julia Trisnadi
Crew: J. Lee
F.B.: 1153/32-33
Path: c:\julia drawings\hdr\reaches 6 and 7\landmark drawings\grid-stoff\selements\fbwma-grid-base-b.dwg
Job No.: 492-08-01

**SURVEY OF A PORTION OF LOT 23, BLOCK 1,
LINCOLN GARDENS SECTION ONE,
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**
PAGE 5 OF 5

LEGEND

- 1/2" Iron Rod Found
(Unless Otherwise Noted)
- △ Calculated Point
"Not Established on Ground"
- △ 80d Nail Set
- () Record Information
- R.O.W. Right-of-Way
- P.O.B. Point of Beginning
- P.O.R. Point of Reference
- BK. Book
- PG. Page
- VOL. Volume
- D.E. Drainage Easement
- P.U.E. Public Utility Easement
- P.R.T.C.T. Plat Records
Travis County, Texas
- D.R.T.C.T. Deed Records
Travis County, Texas
- R.P.R.T.C.T. Real Property Records
Travis County, Texas

LINE	LINE TABLE	
	BEARING	DISTANCE
L1	S79°22'12"W	61.17'
L2	N07°59'55"W	28.97'
L3	N08°02'53"E	42.23'
L4	N25°25'53"E	25.00'
	(N28°04'E)	(25')
L5	S84°03'21"E	44.23'

	CURVE	CHORD BEARING	CURVE TABLE			ARC LENGTH	RADIUS
			CHORD DISTANCE	DELTA			
D.R.T.C.T.	C1	S08°06'04"E (S05°52'E)	14.31' (14.30')	04°41'28"		14.31' (14.31')	174.80' (174.80')
R.P.R.T.C.T.	C2	N01°27'34"E (N03°54'E)	44.91' (45')	14°45'39"		45.03' (45.11')	174.80' (174.80')

Utility and Improvement Note:

Utilities and improvements exist on this tract, but are not shown hereon.

The property described hereon is contained within Zone AE as scaled from F.I.R.M. Map Number 48453C0470H, dated September 26, 2008, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

Restrictive Covenant and Easement Note:

1. Drainage and Public Utility easements as recorded in Book 5, Page 4 of the Plat Records of Travis County, Texas DO NOT APPLY to the subject parcel, as shown hereon.
2. Electric transmission line easement recorded in Volume 570, Page 489 of the Deed Records of Travis County, Texas DOES NOT APPLY to the subject parcel.
3. Easement for park and drainage purposes dedicated to the public, as shown by the plat of "Masonfield" recorded in Book 4, Page 205 of the Plat Records of Travis County, Texas DOES NOT APPLY to the subject parcel.
4. Any right, claim, or interest to the hereon shown property, in regard to the easterly boundary of the property shown on the plat of "Masonfield" recorded in Book 4, Page 205 of the Plat Records of Travis County, Texas DOES APPLY to the subject parcel.

All easements of which I have knowledge and those recorded easements furnished by Alliant National Title Insurance Company, according to GF No. 00090672, are shown or noted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

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.

BEARING BASIS NOTE:

STATE PLANE COORDINATE SYSTEM (GRID) NAD'83

TEXAS CENTRAL ZONE 4203

COMBINED SCALE FACTOR = 0.999923385

NAVD'88 VERTICAL DATUM

HORIZONTAL AND VERTICAL COORDINATES FOR AUS 5 AND E.U.D. 169 AS ESTABLISHED AND PUBLISHED BY TEXAS DEPARTMENT OF

TRANSPORTATION AND BY THE L.C.R.A. WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

AS SURVEYED BY

LANDMARK SURVEYING, LP

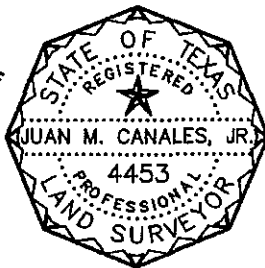
FIRM REGISTRATION NO. 100727-00

Juan M. Canales, Jr. 10-01-09
JUAN M. CANALES, JR.

Registered Professional Land Surveyor No. 4453

DATE: September 11, 2009

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



**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)328-7415

Client: HDR
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Job No.: 482-08-01