

RESOLUTION NO. 20101028-005

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 needed real property interest 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 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 acquisitions.

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

Owner: Najib Wehbe

Project: South IH-35 Water/Wastewater Program

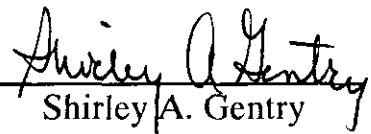
Public Purpose: the permanent water line easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, replace, upgrade, repair, decommission, and remove water lines and associated appurtenances and making connections therewith in order to increase and improve the City's ability to provide water services to the public.

Location: South end of Derby Downs Drive, Travis County, Texas

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: October 28, 2010

ATTEST:


Shirley A. Gentry
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

(WATER LINE EASEMENT)
SOUTH I-35 WATER/WASTEWATER PROGRAM
CIP # 6937.015

DESCRIPTION FOR PARCEL 4558.57A WE

LEGAL DESCRIPTION OF A 0.358 ACRE (15,582 SQUARE FOOT) TRACT OF LAND IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS, BEING OUT OF A CALLED 9.652 ACRE TRACT OF LAND, DESCRIBED IN A SPECIAL WARRANTY DEED TO NAJIB WEHBE DATED SEPTEMBER 2, 2008, RECORDED IN DOCUMENT NO. 2008148865 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.358 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING on a ½-inch diameter iron rod with a plastic cap stamped "SAM INC" found on the northeasterly corner of the above mentioned 9.652-acre tract, being in the northwesterly boundary line of a called 123.2-acre tract of land described in Volume 12453, Page 427 of the Real Property Records of Travis County, Texas having been conveyed to Constance A. Gillen in Cause No. 88718, Travis County Probate Court No. 1, same being the southeasterly corner of a called 3.452-acre tract of land conveyed as a Street Deed for the extension of Slaughter Lane (140 foot right-of-way width) to the City of Austin in Document No. 2006122042 of said Official Public Records, said ½-inch diameter iron rod with a plastic cap having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,026,343.28, E=3,117,258.48, for the northeasterly corner and **POINT OF BEGINNING** of this tract, from which a ½-inch diameter iron rod with an illegible plastic cap being the northeasterly corner of said 3.452-acre Street Deed bears N27°22'52"E a distance of 158.26 feet;

THENCE with the southeasterly boundary line of said 9.652-acre tract, same being said northwesterly boundary line of the 123.2-acre tract, S27°22'52"W for a distance of 22.59 feet to a 60d nail set for the southeasterly corner of this tract, from which a ¾-inch diameter iron pipe found being the most southerly corner of said 9.652-acre tract, same being in said northwesterly boundary line of the 123.2-acre tract, bears S27°22'52"W a distance of 662.36 feet;

THENCE departing said northwesterly boundary line of the 123.2-acre tract, through the interior of said 9.652-acre tract the following five (5) courses and distances:

- 1) S89°49'31"W for a distance of 35.15 feet to a 60d nail set for an angle point of this tract;
- 2) N45°10'29"W for a distance of 14.18 feet to a 60d nail set for an angle point of this tract;

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5410 South 1st Street • Austin, Texas 78745 • (512) 442-7875 • Fax (512) 442-7876 •
www.maciasworld.com

- 3) S89°49'31"W for a distance of 870.48 feet to a 60d nail set on a point of curvature of a curve to the left;
- 4) With said curve to the left having a radius of 1,320.00 feet, an arc distance of 348.64 feet, a delta angle of 15°07'59" and a chord which bears S82°15'52"W for a distance of 347.63 feet to a 60d nail set on a point of tangency;
- 5) S74°41'20"W for a distance of 28.42 feet to a 60d nail set in the southwesterly boundary line of said 9.652-acre tract, being also in the northeasterly boundary line of a called 103.82-acre tract of land conveyed to Jorge Chen Lau and Wei Hong Fan in Document No. 2008012208 of said Official Public Records, for the southwesterly corner of this tract, from which said ¾-inch diameter iron pipe found on the most southerly corner of the 9.652-acre tract, being the most easterly corner of said 103.82-acre tract, bears S61°10'05"E a distance of 1122.02 feet;

THENCE with said southwesterly boundary line of the 9.652-acre tract, same being said northeasterly boundary line of the 103.82-acre tract, N61°10'05"W pass at a distance of 14.36 feet a ½-inch diameter iron rod with a plastic cap stamped "CHAPARRAL BOUNDARY" found in the proposed southerly right-of-way line of the extension of Slaughter Lane (140-foot right-of-way width) and continuing for a total distance of 51.44 feet to a ½-inch diameter iron rod with a plastic cap stamped "SAM INC." found on the most westerly corner of said 9.652-acre tract, same being a southerly corner of the remainder portion of a called 225.318-acre tract of land conveyed to KB Home Lone Star LP in Document No. 2003099256 of said Official Public Records, for the most westerly corner of this tract, from which a ½-inch diameter iron rod with a plastic cap stamped "CHAPARRAL BOUNDARY" found in the proposed northerly right-of-way line of the extension of Slaughter Lane, bears with said northeasterly boundary line of the 103.82-acre tract, N61°10'05"W a distance of 163.91 feet;

THENCE departing said northeasterly boundary line of the 103.82-acre tract, with the northerly boundary line of said 9.652-acre tract, same being the southerly boundary line of said remainder portion of the 225.318-acre tract and the southerly boundary line of the above mentioned 3.452-acre Street Deed, respectively, the following three (3) courses and distances:

- 1) N83°28'06"E for a distance of 272.83 feet to a ½-inch diameter iron rod with a plastic cap stamped "SAM INC." found on the point of curvature of a curve to the right;
- 2) With said curve to the right having a radius of 1,330.00 feet, pass at an arc distance of 58.38 feet a ½-inch diameter iron rod with a plastic cap stamped "SAM INC." found on a southeasterly corner of said remainder portion of the 225.318-acre tract, same being the southwesterly corner of said 3.452-acre tract Street Deed, continuing for a total arc distance of 146.17 feet, a delta angle of 06°17'50" and a chord which bears N86°40'56"E for a distance of 146.10 feet to a ½-inch diameter iron rod with a plastic cap stamped "SAM INC." found on a point of tangency;
- 3) N89°49'31"E for a distance of 926.10 feet to the **POINT OF BEGINNING**, containing 0.358-acre (15,582 square feet) of land.

BEARING BASIS NOTE

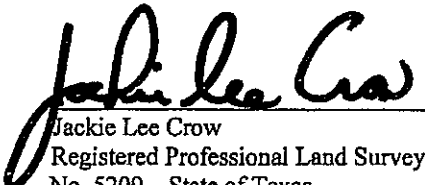
The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

THE STATE OF TEXAS §
 § · KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Jackie Lee Crow, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 29th day of May, 2009, A.D.

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875


Jackie Lee Crow
Registered Professional Land Surveyor
No. 5209 – State of Texas



REFERENCES

MAPSCO 2009 705-E & 705F, AUSTIN GRID NO. MJ-12
TCAD PARCEL ID NO. _____
MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-04-08

Reviewed and Approved by
Landmark Surveying, LP

 Date 6-4-09

Juan M. Canales, Jr., R.P.L.S. No. 4453
Senior Project Manager

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

KB HOME LONE STAR, LP
DOC. NO. 2003099256
O.P.R.T.C.
(REMAINDER OF 225.318 ACRES)

PROPOSED
SLAUGHTER LANE EXTENSION
(140' RIGHT-OF-WAY WIDTH)

1/2" IRON PIPE FOUND

N 61°10'05" W
1042.45'

(N 86°07'59" E)
(272.61')

(N 83°28'06" E)
(272.85')

(S 74°41'20" W)
28.42'

(S 89°49'31" W)
870.48'

(S 87°36'48" E)
925.97'

(N 89°49'31" E)
926.10'

(S 89°49'31" W)
870.48'

(S 87°36'48" E)
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925.97'

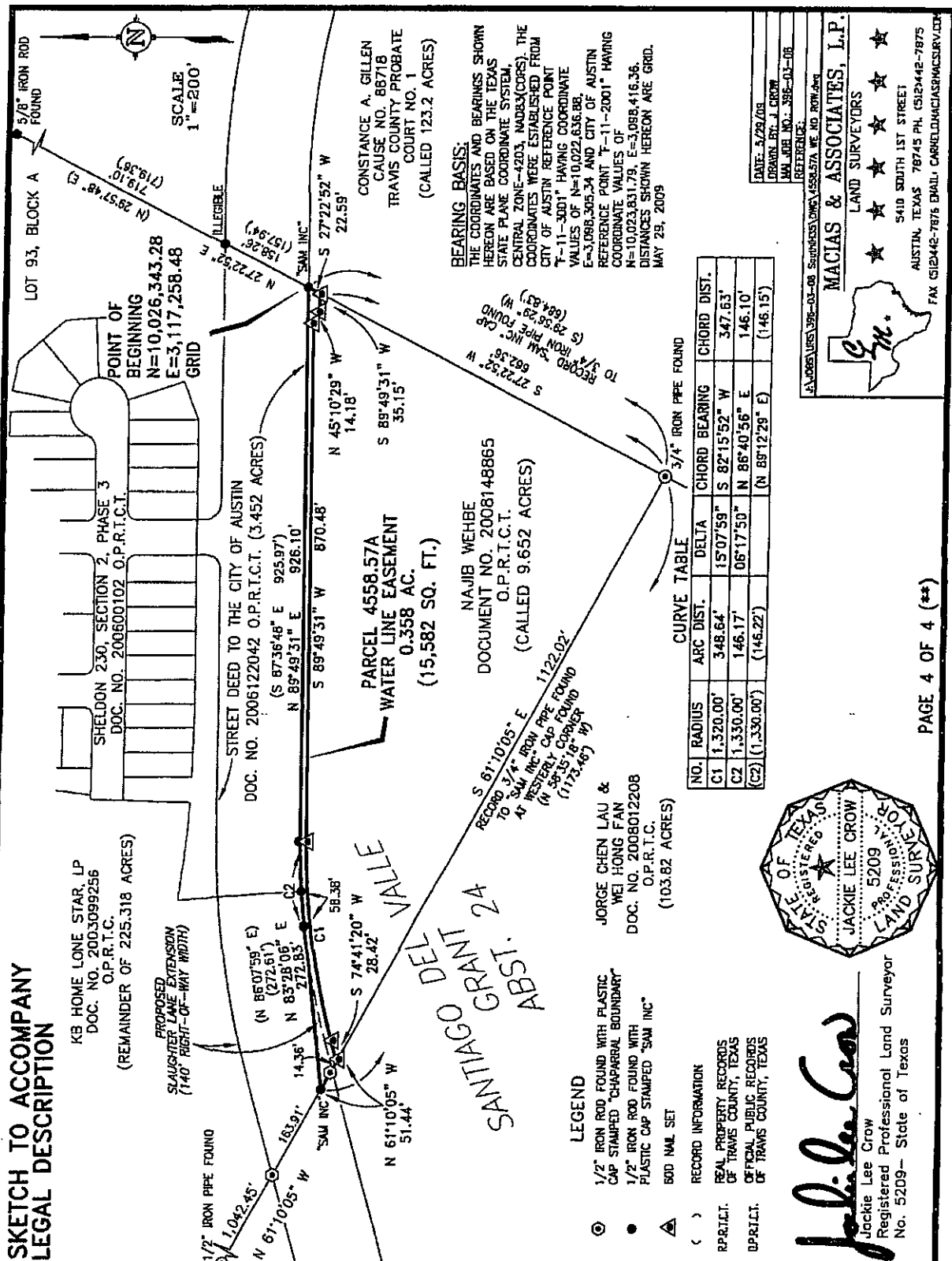
(N 89°49'31" E)
926.10'

(S 89°49'31" W)
870.48'

(S 87°36'48" E)
925.97'

(N 89°49'31" E)
926.10'

(S 89°49'31" W)
870.48'



PARCEL 4558.57A
WATER LINE EASEMENT
0.358 AC.
(15,582 SQ. FT.)

NAJIB WEHBE
DOCUMENT NO. 2008148865
O.P.R.T.C.
(CALLED 9.652 ACRES)

SANTIAGO DEL VALLE
GRANT 2A
ABST.

LEGEND

- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "CHAPARRAL BOUNDARY"
- 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "SAM INC"
- 80D NAIL SET

RECORD INFORMATION

- REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

(103.82 ACRES)

JORGE CHEN LAU &
WEI HONG FAN
DOC. NO. 2008012208
O.P.R.T.C.

RECORD 3/4" IRON PIPE FOUND
AT WESTERLY CORNER
(N 38°15'18" W)
(1773.46')

S 61°10'05" E
1122.02'

CURVE TABLE

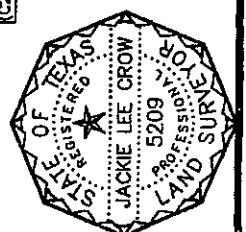
NO.	RADIUS	ARC DIST.	DELTA	CHORD BEARING	CHORD DIST.
C1	1,320.00'	348.64'	15°07'59"	S 82°15'52" W	347.63'
C2	1,330.00'	146.17'	06°17'50"	N 86°40'56" E	146.10'
(C2)	(1,330.00')	(146.22')		(N 89°12'28" E)	(146.15')

BEARING BASIS:
THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE-4203, NAD83(CORS). THE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINT T-11-2001 HAVING COORDINATE VALUES OF N=10,022,636.80; E=3,086,305.34 AND CITY OF AUSTIN REFERENCE POINT T-11-2001 HAVING COORDINATE VALUES OF N=10,023,831.79; E=3,089,416.36. DISTANCES SHOWN HEREON ARE GRID. MAY 29, 2009

CONSTANCE A. GILLEN
CAUSE NO. 86718
TRAVIS COUNTY PROBATE
COURT NO. 1
(CALLED 123.2 ACRES)

DATE: 5/29/09
DRAWN BY: J. CROW
MAIL JOB NO.: 358-01-08
REFERENCE:

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS
★ ★ ★ ★ ★
5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512) 442-7875
FAX (512) 442-7876 EMAIL: CARMEL@MACIASLANDSURV.COM



Jackie Lee Crow
Jackie Lee Crow
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No. 5209— State of Texas