

RESOLUTION NO. 20101118-010

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:

Owners: TLBP, Ltd., a Texas limited partnership; and
Knippa Family Partnership, Ltd., a Texas limited partnership

Project: Todd Lane from Ben White to St. Elmo Reconstruction Project

Public Purpose: The right of way dedication as described the attached Exhibit "A" is necessary to provide additional right-of-way for the expansion of Todd Lane from a two lane roadway to a divided four lane arterial roadway with bicycle lanes; and

the temporary construction easement described in the attached Exhibit "B" is necessary to construct the necessary improvements described in the attached Exhibit "A."

Location: 4213 Todd Lane, Austin, Texas

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

ADOPTED: November 18, 2010

ATTEST:

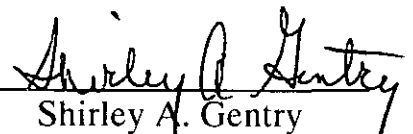

Shirley A. Gentry
City Clerk

EXHIBIT "A"

(R.O.W. PARCEL)

0.279 ACRE
TODD LANE (PARCEL 10)

FN.NO. 07-420 (ACD)
OCTOBER 29, 2007
BPI NO. 082-41

DESCRIPTION

OF A 0.279 ACRE (12,163 SQUARE FOOT) TRACT, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT CONVEYED TO TBLP, LTD., BY GENERAL WARRANTY DEED DATED FEBRUARY 22, 2005, OF RECORD IN DOCUMENT NO. 2005028001, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID TBLP TRACT BEING A PORTION OF LOT 1, AMENDED PLAT OF LOT 1, TODD LANE BUSINESS PARK, A SUBDIVISION OF RECORD IN VOLUME 97, PAGE 320, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.279 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found on the existing easterly right-of-way line of Todd Lane (R.O.W. Varies), being the southwesterly corner of Lot 2, Todd Lane Business Park, a subdivision of record in Volume 89, Page 103, of said Plat Records, for the northwesterly corner of said Lot 1 and hereof, having grid coordinates (Texas Coordinate System, Central Zone, NAD 83(93), combined scale factor = .99995) N 10049517.7500, E 3116147.6230;

THENCE, S62°02'58"E, leaving said existing easterly right-of-way line, along the southerly line of said Lot 2, being the northerly line of said Lot 1, for the northerly line hereof, a distance of 21.76 feet to a PK nail with washer set for the northeasterly corner hereof, from which a 1/2-inch iron rod found at the southeasterly corner of said Lot 2 bears S62°02'58"E, a distance of 201.92 feet;

THENCE, leaving the southerly line of said Lot 2, over and across said Lot 1, for the easterly line hereof, the following two (2) courses and distances:

- 1) Along a non-tangent curve to the right, having a radius of 1051.00 feet, a central angle of 03°19'03", an arc length of 60.85 feet, and a chord which bears S26°19'29"W, a distance of 60.85 feet to a PK nail with washer set at the end of said curve;
- 2) S27°59'01"W, a distance of 454.26 feet to a 1/2-inch iron rod with cap set on the southerly line of said Lot 1, being the northerly line of that certain 7.51 acre tract conveyed to Janette Todd Parker, by Deed of record in Cause No. 67741, of the Probate Records of Travis County, Texas, for the southeasterly corner hereof, from which a calculated point at the southeasterly corner of said Lot 1 bears S62°05'38"E, a distance of 1019.39 feet;

Exhibit "A"

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OCTOBER 29, 2007
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THENCE, N62°05'38"W, along the northerly line of said 7.51 acre tract, being the southerly line of said Lot 1, a distance of 24.16 feet to a calculated point on said existing easterly right-of-way line, being the northwesterly corner of said 7.51 acre tract, for the southwesterly corner of said Lot 1 and hereof, from which a 1/2-inch iron rod found at the northwesterly corner of Lot 1, Block A, Courtney Subdivision, of record in Volume 95, Page 184, of said Plat Records bears the following three (3) courses and distances:

- 1) S27°47'22"W, a distance of 105.29 feet to a calculated point;
- 2) S27°41'22"W, a distance of 199.69 feet to a calculated point;
- 3) S62°18'38"E, a distance of 28.96 feet;

THENCE, along said existing easterly right-of-way line, being the westerly line of said Lot 1, for the westerly line hereof, the following two (2) courses and distances:

- 1) N28°06'42"E, a distance of 325.11 feet to a calculated point at an angle point;
- 2) N27°57'25"E, a distance of 189.99 feet to the **POINT OF BEGINNING**, and containing 0.279 acre (12,163 square feet) of land, more or less, within these metes and bounds.

BASIS OF BEARINGS: IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD 83(93) CENTRAL ZONE, UTILIZING CITY OF AUSTIN CONTROL MONUMENTS J-17-2001, J-17-4001, J-17-4002, J-18-3001, AND J-18-3002.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES. A SURVEY SKETCH WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD
AUSTIN, TEXAS 78746



ABRAM C. DASHNER
R.P.L.S. NO. 5901

10-29-07

REFERENCES

CITY OF AUSTIN GRID J-17
TCAD NO: 0316040304

NOTES CONCERNING
dell MOORE 3-11-2008
Meeting Surveyor
Department of Public Safety
Transportation

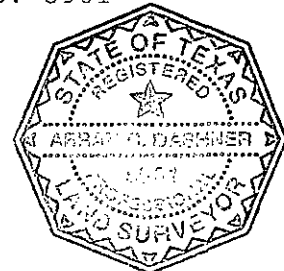
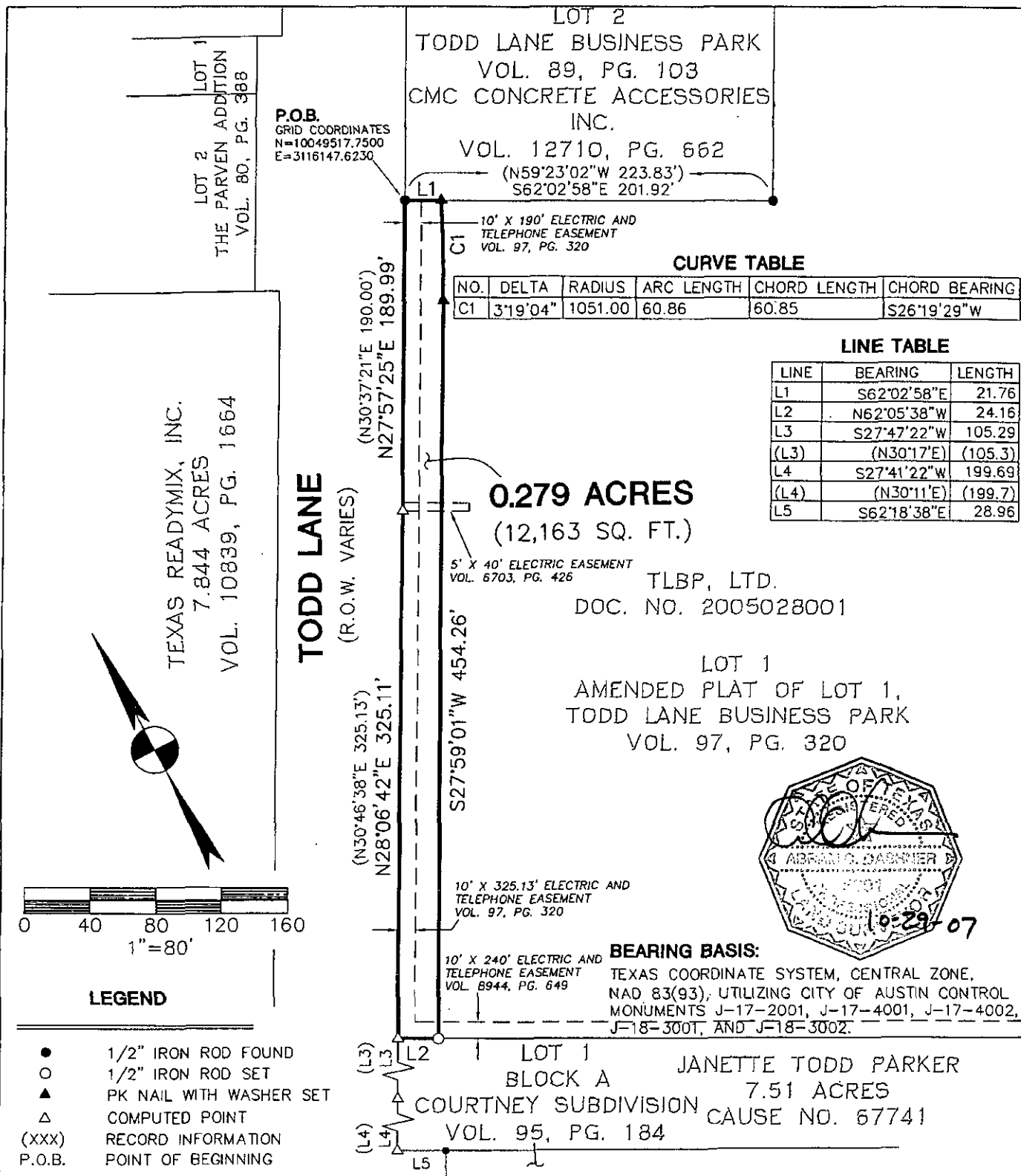


Exhibit "A"
Page 2 of 3



DATE: 10/29/07 FILE: H:\082\41\08241ex10.dwg

FN No.: 07-420(ACD) DRAWN BY: ACD

PROJ. No: 082-41

(TEMPORARY CONSTRUCTION EASEMENT)

EXHIBIT " B "

7,726 SQ. FT.
TODD LANE (PARCEL 10)

FN.NO. 07-665(TM)
October 29, 2007, 2007
BPI NO. 082-41

DESCRIPTION

OF A 7,726 SQUARE FOOT (0.177 ACRE) TRACT, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT CONVEYED TO TLBP, LTD., BY GENERAL WARRANTY DEED DATED FEBRUARY 22, 2005, OF RECORD IN DOCUMENT NO. 2005028001, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID TLBP TRACT BEING A PORTION OF LOT 1, AMENDED PLAT OF LOT 1, TODD LANE BUSINESS PARK, A SUBDIVISION OF RECORD IN VOLUME 97, PAGE 320, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 7,726 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at a 1/2-inch iron rod found at an interior corner of said Lot 1, being the southeasterly corner of Lot 2, Todd Lane Business Park, a subdivision of record in Volume 89, Page 103, of said Plat Records;

THENCE, N62°02'58"W, along the southerly line of said Lot 2, being a northerly line of said Lot 1, a distance of 186.90 feet to a PK nail with washer set in asphalt for the POINT OF BEGINNING and northeasterly corner hereof, having grid coordinates (Texas Coordinate System, Central Zone, NAD 83(93), combined scale factor = .99995) N 10049500.5109, E 3116180.1127;

THENCE, leaving the southerly line of said Lot 2, over and across said Lot 1, for the easterly line hereof, the following two (2) courses and distances:

- 1) Along a non-tangent curve to the right, having a radius of 1066.00 feet, a central angle of 03°16'17", an arc length of 60.87 feet, and a chord which bears S26°20'52"W, a distance of 60.86 feet to a PK nail with washer set at the end of said curve;
- 2) S27°59'00"W, a distance of 454.24 feet to a PK nail with washer set on the southerly line of said Lot 1, being the northerly line of that certain 7.51 acre tract conveyed to Jeanette Todd Parker in Cause No. 67741, of the Probate Records of Travis County, Texas, for the southeasterly corner hereof;

THENCE, N62°05'38"W, along the northerly line of said 7.51 acre tract, for the southerly line of said Lot 1 and hereof, a distance of 15.00 feet to a PK nail with washer set on the proposed easterly right-of-way line of Todd Lane (r.o.w. varies), for the southwesterly corner hereof, from which a 1/2-inch iron rod found on the southerly line of said 7.51 acre tract, being the northwesterly corner of Lot 1, Block A, Courtney Subdivision, of

Exhibit "B"

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OCTOBER 29, 2007
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record in Volume 95, Page 184, of said Plat Records, bears S26°49'24"W, a distance of 304.93 feet (direct survey tie);

THENCE, leaving the northerly line of said 7.51 acre tract, over and across said Lot 1, along said proposed easterly right-of-way line of Todd Lane, for the westerly line hereof, the following two (2) courses and distances:

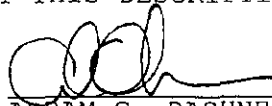
- 1) N27°59'00"E, a distance of 454.26 feet to a PK nail with washer set at the beginning of a non-tangent curve to the left;
- 2) Along said curve, having a radius of 1051.00 feet, a central angle of 03°19'04", an arc length of 60.86 feet, and a chord which bears N26°19'29"E, a distance of 60.85 feet to a PK nail with washer set on a northerly line of said Lot 1, being the southerly line of said Lot 2, for the northwesterly corner hereof, from which a 1/2-inch iron rod found at the northwesterly corner of said Lot 1, being on the existing easterly right-of-way line of Todd Lane (r.o.w. varies), bears N62°02'58"W, a distance of 21.76 feet;

THENCE, S62°02'58"E, along the southerly line of said Lot 2, being a northerly line of said Lot 1, for the northerly line hereof, a distance of 15.02 feet to the **POINT OF BEGINNING**, and containing 7,726 square feet (0.177 acre) of land, more or less, within these metes and bounds.

BASIS OF BEARINGS: IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD 83(93) CENTRAL ZONE, UTILIZING CITY OF AUSTIN CONTROL MONUMENTS J-17-2001, J-17-4001, J-17-4002, J-18-3001, AND J-18-3002.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES. A SURVEY SKETCH WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERING SOLUTIONS
221 WEST SIXTH STREET
SUITE 600
AUSTIN, TEXAS 78701


ABRAM C. DASHNER
R.P.L.S. NO. 5901

10-29-07

REFERENCES

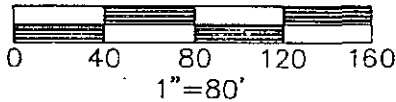
FIELD NOTES REVIEWED
By JOHN MOORE Date 7-28-2008
Engineering Support Section
Department of Public Works
and Transportation

CITY OF AUSTIN GRID J-17
TCAD NO: 0316040304



Exhibit "B"

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LOT 2
THE PARVEN ADDITION
VOL. 80, PG. 388

10' x 190' ELECTRIC AND
TELEPHONE EASEMENT
VOL. 97, PG. 320

TEXAS READYMIX, INC.
7.844 ACRES
VOL. 10839, PG. 1664

TODD LANE
(R.O.W. VARIES)

LOT 2
TODD LANE
BUSINESS PARK
VOL. 89, PG. 103
(N59°23'02"W 223.83')
N62°02'58"W 186.90'

P.O.B.
GRID COORDINATES
N=10049500.5109
E=3116180.1127

P.O.C.

CURVE TABLE

NO.	RADIUS	DELTA	ARC	BEARING	CHORD
C1	1066.00'	3°16'17"	60.87'	S26°20'52"W	60.86'
C2	1051.00'	3°19'04"	60.86'	N26°19'29"E	60.85'

LINE TABLE

LINE	BEARING	LENGTH
L1	N62°05'38"W	15.00
L2	S62°02'58"E	15.02
L3	S26°49'24"W	304.93
L4	N62°02'58"W	21.76

5' x 40' ELECTRIC
AND TELEPHONE
EASEMENT
VOL. 6703, PG. 426

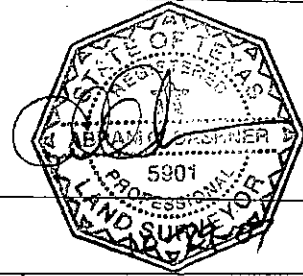
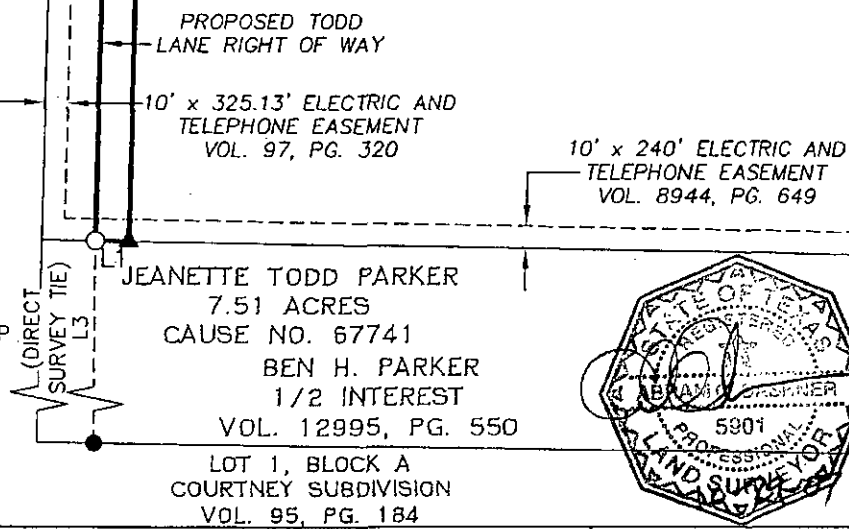
7,726 S.F.
(0.177 ACRE)

LOT 1
AMENDED PLAT OF LOT 1,
TODD LANE BUSINESS PARK
VOL. 97, PG. 320
TLBP, LTD.
DOC. NO. 2005028001

BEARING BASIS:
TEXAS COORDINATE SYSTEM,
CENTRAL ZONE, NAD 83(93),
UTILIZING CITY OF AUSTIN CONTROL
MONUMENTS J-17-2001,
J-17-4001, J-17-4002,
J-18-3001, AND J-18-3002.

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/YELLOW CAP
STAMPED "BURY & PARTNERS"
- ▲ PK NAIL WITH WASHER SET
- △ COMPUTED POINT
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING



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ENGINEERING SOLUTIONS
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Austin, Texas 78701
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SKETCH TO ACCOMPANY DESCRIPTION
OF A 7,726 SQUARE FOOT (0.177 ACRE) TRACT, SITUATED IN THE CITY
OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1,
AMENDED PLAT OF LOT 1 TODD LANE BUSINESS PARK, A SUBDIVISION
OF RECORD IN VOLUME 97, PAGE 320, OF THE PLAT RECORDS OF
TRAVIS COUNTY, TEXAS; SAID LOT 1 HAVING BEEN CONVEYED TO TLBP,
LTD. BY DEED OF RECORD IN DOC. NO. 2005028001, OF THE OFFICIAL
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**CITY OF AUSTIN
TODD LANE**