

RESOLUTION NO. 20101216-015

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 real property interests 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: Roy Lee Loggins, Charles Brown, Albert Loggins, Ray Loggins, Susie Marie Brown, Clarence Doug Simms, Tommy Joe Logans, and Felicia Dee, who are the heirs to the estate of Ethel Mae Simms.

Project: Fort Branch Watershed Management Area Reach 6 & 7 Channel Rehabilitation – Truelight Area and Eleanor Drive Area Project

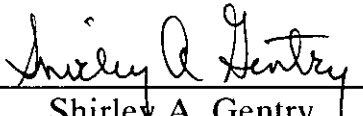
Public Purpose: the permanent drainage easement described in the attached Exhibit "A" is necessary to contain or modify the flow of rainwater runoff to prevent or lessen the likelihood of flooding and erosion.

Location: 1239 Eleanor Street.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: December 16, 2010

ATTEST:


Shirley A. Gentry
City Clerk



STATE OF TEXAS
COUNTY OF TRAVIS

(Drainage Easement)
Lot 53, Block 3, Lincoln Gardens Section One
Fort Branch Creek Reach 6 & 7, Proj. No. 6039.059

EXHIBIT " A "

LEGAL DESCRIPTION

Field notes description for a parcel of land containing 0.023 of an acre of land, comprised of two parcels of land equivalent to a total of 964 square feet of land, out of and a part of Lot 53, Block 3, 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 53, Block 3, Lincoln Gardens Section One which was conveyed to Roy Lee Loggins by that certain Warranty Deed executed November 29, 1982 and recorded in Volume 8119, Page 656 of the Deed Records of Travis County, Texas; said parcel of land being described as Part 1, containing 0.012 of an acre of land, and Part 2, containing 0.011 of an acre of land, and being more particularly described by metes and bounds, as follows, and as shown on the attached sketch:

PART 1 0.012-ACRE (501-S.F.)

BEGINNING FOR REFERENCE at a 1/4-inch iron rod found on the east right-of-way line of Eleanor Street (50' Right-of-Way) monumenting the southwest corner of said Lot 52, same being the northwest corner of Lot 51, above referenced Block 3, Lincoln Gardens Section One, from which a 1/2-inch iron rod found on said east right-of-way line of Eleanor Street at the southwest corner of said Lot 51, Block 3, same being the northwest corner of Lot 50, said Block 3 bears S18°48'07"E a distance of 50.13 feet; **Thence**, with the common line of said east right-of-way line of Eleanor Street and said Lot 52, Block 3, N18°48'07"W a distance of 50.00 feet to a calculated point at the northwest corner of said Lot 52, Block 3, same being the southwest corner of Lot 53, said Block 3; **Thence**, with the common line of said Lot 52 and Lot 53, Block 3, N68°08'16"E a distance of 86.05 feet to a 80d nail set, for the southwest 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= 10,074,266.75, E= 3,134,119.80;

THENCE, through said Lot 53, Block 3, the following three (3) courses:

- 1) N47°05'54"W a distance of 47.09 feet to a 80d nail set on the most southerly line of a City of Austin open drainage ditch or enclosed storm sewer easement recorded in Volume 7860, Page 215 of the Deed Records of Travis County, Texas, for the northwest corner of this easement;

CAPITAL VIEW CENTER 1301 SOUTH CAPITAL OF TEXAS HIGHWAY
BUILDING B, SUITE 315, AUSTIN, TEXAS 78746 (512) 328-7411 (512) 328-7413
T.U.C.P./W.B.E./H.U.B./D.B.E.



- 2) With said City of Austin open drainage ditch or enclosed storm sewer easement, N71°33'27"E a distance of 15.50 feet to a 80d nail set at an angle point of said City of Austin open drainage ditch or enclosed storm sewer easement, for the northeast corner of this easement; and
- 3) Continuing with said City of Austin open drainage ditch or enclosed storm sewer easement, S39°33'12"E a distance of 43.73 feet to an 80d nail set on said common line of said Lot 52 and Lot 53, Block 3, for the southeast corner of this easement;

THENCE, with said common line of said Lot 52 and Lot 53, Block 3, S68°08'16"W a distance of 8.69 feet to the **"POINT OF BEGINNING"**, and containing 0.012 of an acre of land, more or less.

PART 2 0.011-ACRE (463-S.F.)

BEGINNING FOR REFERENCE at a 1/4-inch iron rod found on the east right-of-way line of Eleanor Street (50' Right-of-Way) monumenting the southwest corner of said Lot 52, same being the northwest corner of Lot 51, above referenced Block 3, Lincoln Gardens Section One, from which a 1/2-inch iron rod found on said east right-of-way line of Eleanor Street at the southwest corner of said Lot 51, Block 3, same being the northwest corner of Lot 50, said Block 3 bears S18°48'07"E a distance of 50.13 feet; **Thence**, with the common line of said east right-of-way line of Eleanor Street and said Lot 52, Block 3, N18°48'07"W a distance of 50.00 feet to a calculated point at the northwest corner of said Lot 52, Block 3, same being the southwest corner of Lot 53, said Block 3; **Thence**, with the common line of said Lot 52 and Lot 53, Block 3, N68°08'16"E a distance of 116.90 feet to an 80d nail set on the most easterly line of an existing City of Austin open drainage ditch or enclosed storm sewer easement, for the southwest 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= 10,074,278.24, E= 3,134,148.43;

THENCE, through said Lot 53, Block 3 and with said most easterly line of an existing City of Austin open drainage ditch or enclosed storm sewer easement and through said Lot 53, Block 3, N51°34'38"W a distance of 53.11 feet to an 80d nail set on the south line of Lot 54, said Block 3, for the northeast corner of said City of Austin open drainage ditch or enclosed storm sewer easement, and the northwest corner of this easement;

THENCE, with said south line of Lot 54, said Block 3, N71°33'27"E a distance of 12.81 feet to an 80d nail set, for the northeast corner of this easement;

THENCE, through said Lot 53, Block 3, S47°05'54"E a distance of 50.15 feet to an 80d nail set on said common line of Lot 52 and Lot 53, Block 3, for the southeast corner of this easement, from which a 1/2-inch iron rod found at the southeast corner of said Lot 53, Block 3, same being the northeast corner of said Lot 52, Block 3 bears N68°08'16"E a distance of 15.26 feet;

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THENCE, with said common line of Lot 52 and Lot 53, Block 3, S68°08'16"W a distance of 7.84 feet to the "POINT OF BEGINNING", and containing 0.011 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.

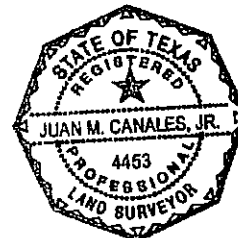
9-9-09

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.02-1021-0430
Lot 53, Blk 3, Lincoln-Loggins-DE.doc
1239 Eleanor Street



FIELD NOTES REVIEWED

By: *[Signature]* Date 10-24-2009

Engineering Support Section
Department of Public Works
and Transportation

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LEGEND

- 1/2" Iron Rod Found
(Unless Otherwise Noted)
- △ Calculated Point
"Not Established on Ground"
- △ 80d Nail Set
- //— Wood Privacy Fence
- ac— Chain Link Fence
- //— Edge of Asphalt
- E O/H— Power Pole with
Overhead Electric Line
- () 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

SURVEY OF A PORTION OF LOT 53, BLOCK 3, LINCOLN GARDENS SECTION ONE, THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

PAGE 5 OF 5

LEGEND

- 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
- O.P.R.T.C.T. Official Public Records
Travis County, Texas

LINE	BEARING	DISTANCE
L1	N47°05'54"W	47.09'
L2	N71°33'27"E	15.50'
L3	S39°33'12"E	43.73'
	(S37°27'39"E)	
L4	S68°08'16"W	8.69'
L5	N51°34'38"W	53.11'
	(N49°29'05"W)	
L6	N71°33'27"E	12.81'
L7	S47°05'54"E	50.15'
L8	S68°08'16"W	7.84'

CURVE TABLE

CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
C1	N02°31'32"E (N03°22'E)	21.74' (21.63')	39°40'17" (39°28')	22.18' (22.06')	32.03' (32.03')
C2	N18°16'32"E (N19°07'E)	31.27' (31.12')	07°59'48" (7°52'44")	31.30' (31.16')	224.26' (224.26')
C3	N02°31'17"E (N06°11'E)	69.70' (70')	17°52'44" (17°52'44")	69.98' (70.08')	224.26' (224.26')

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, Zone X (shaded), and Zone X 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. Electric Lines and systems, and telephone lines granted to the City of Austin, recorded in Volume 2266, Page 82 of the Deed Records of Travis County, Texas DOES NOT APPLY to the subject parcel.
4. Storm water drainage easement granted to the City of Austin, recorded in Volume 7860, Page 215 of the Deed Records of Travis County, Texas DOES NOT 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. 00090658, 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
NAD'83 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.

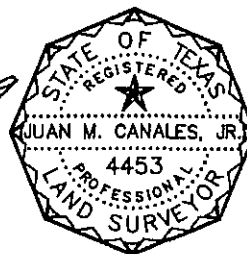
AS SURVEYED BY
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

Juan M. Canales, Jr. 9-9-09
JUAN M. CANALES, JR.

Registered Professional Land Surveyor No. 4453
DATE: September 8, 2009

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

Client: HDR
Date: September 8, 2009
Office: Stephen Lawrence
Crew: J. Lee
F.B.: 1153/32-33
Path: c:\dwg 11\hdr\reaches 6 and 7\grid\easements\fbwma-grid-bass.dwg
Job No.: 492-08-01



SKETCH TO
ACCOMPANY
FIELD NOTES

Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
Ph: (512)328-7411 FAX: (512)328-7413