RESOLUTION NO.

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City has attempted to purchase those needed real property interests, but has been unable to agree with the owner on the value of the property interest, or the damages, if any; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

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 against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

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

Owners: Grantia LLC, a Texas limited liability company
Project: Austin Energy Circuit 975 Phase 2 Project
Public Use: An easement and right of way along, over, under, and across that portion of the Property bounded and described on Exhibit A and shown on Exhibit B, attached hereto and incorporated herein (the “Easement”), to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and telecommunications lines and systems and all necessary or desirable appurtenances and structures (the “Facilities”), and to permit telephone and cable television lines and systems to be placed, constructed, reconstructed, installed, operated, repaired, maintained, inspected, replaced, upgraded or removed (in whole or in part), in the Easement, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and permit GRANTEE unimpeded access to the Facilities.

Location: 2601 East Howard Lane, Austin, Travis County, Texas 78653

The general boundaries of the project are on the south side of East Howard Lane between Dessau Road and Harris Branch Parkway approximately one-half mile south of Immanuel Road in the Austin 2-Mile Extraterritorial Jurisdiction, Travis County, Texas.

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

ADOPTED: ______________, 2018  ATTEST: ______________________________

Jannette S. Goodall
City Clerk
EXHIBIT "A"

SURVEY OF 0.249 ACRES OR 10,833 SQUARE FEET OF LAND IN THE SAMUEL CUSHING SURVEY NUMBER 70, ABSTRACT NUMBER 164, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 11.4257 ACRES OF LAND DESCRIBED TO GRANTIA, LLC IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NUMBER 2016055587, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.249 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at an one-half inch iron rod found for the northwest corner of the said Grantia 11.4257 acres of land and northwest corner of the remainder of that certain five foot electric easement described to the City of Austin in that certain deed as recorded in Volume 3063, Page 524, Deed Records Travis County, Texas, same being the east corner of Lot 3, Block B, River Ranch Subdivision, a subdivision in Travis County, Texas, according to the plat recorded in Document Number 199900313 Official Public Records Travis County, Texas and a point on the southwest right-of-way line of Howard Lane, a county maintained road in Travis County, Texas and from this point a one-half inch iron rod found for the southwest corner of the said Grantia 11.4257 acres of land bears South 18°03'47" East, a distance of 1751.31 feet for an interior angle corner of the said Lot 3;

THENCE South 62°14'10" East, a distance of 7.18 feet coincident with the southwest right-of-way line of the said Howard Lane to a point (Grid Coordinates of N(Y) 10117775.515, E(X) 3148609.966 United States State Plane Coordinate System, Texas Central Zone 4203, NAD83) for the north corner of and POINT OF BEGINNING of the herein described 0.249 acres of land, same being a point on the common dividing line of the said Grantia 11.4257 acres of land and the said Howard Lane;

THENCE coincident with the southwest right-of-way line of the said Howard Lane the following two (2) courses:
1) South 62°14'10" East, a distance of 418.27 feet to a one-half inch iron rod found for a point of curvature of a curve to the right, being concave to the southwest;
2) Along the arc of said curve to the right having the following curve elements Delta Angle of 47°52'16", Arc Length of 668.41 feet, Radius of 800.00 feet, the chord of which bears South 38°19'28" East, a chord distance of 649.13 feet to an aluminum capped iron rod found for the east corner of the said Grantia 11.4257 acres of land and the herein described 0.249 acres of land, same being the north corner of the remainder of that called 4.489 acres of land described to Altagracia Celaya Ramirez in that certain Special Warranty Deed as recorded in Document Number 2011014504 Official Public Records Travis County, Texas and a point on said curving Howard Lane right-of-way;

THENCE South 26°52'33" West, along the common dividing line of the said Grantia 11.4257 acres of land and the said Ramirez 4.489 acre remainder tract of land a distance of 15.29 feet to a point for the south corner of the herein described 0.249 acres of land and a point on last said common dividing line;
THENCE crossing over the said Grantia 11.4257 acres of land and ten feet from and parallel to the southwest right-of-way line of the said Howard Lane the following two (2) courses:

1) Along an arc of a curve to the left, being concave to the southwest and having the following curve elements Delta Angle of 48°42'16", Arc Length of 671.54 feet, Radius of 790.00 the chord of which bears North 37°54'28" West, a chord distance of 651.51 feet to a point for the point of tangency of this curve;
2) North 62°14'10" West, a distance of 407.98 feet to a point for the west corner of the herein described 0.249 acres of land and a point on the east line of the said City of Austin five foot electric easement;

THENCE North 18°03'47" West, a distance of 14.35 feet across said Grantia 11.4257 acres of land and coincident with the upper northeast line of the said City of Austin five foot electric easement to the POINT OF BEGINNING and containing 0.249 acre or 10,833 square feet of land, more or less.

BASIS OF BEARINGS: GRID NORTH, U.S. STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.

Reference the attached sketch marked EXHIBIT “B”.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision.

Prepared By: AUSTIN ENERGY

Robert C. Steubing Registered Professional Land Surveyor
EASEMENTS, BUILDING LINES AND/OR CONDITIONS OF RECORDS PER QF# AUT15012400

10. c. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed. MAY AFFECT TRACT.

10. d. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

   Granted to: City of Austin
   Purpose: As provided in said instrument
   Recording Date: September 21, 1940
   Recording No: Volume 635, Page 349, Deed Records of Travis County, Texas MAY AFFECT TRACT.

10. e. Easement(s) for the purpose(s) shown below and rights incident thereto, as granted in a document:

   Granted to: Southwestern Bell Telephone Company
   Purpose: As provided in said instrument
   Recording Date: October 1, 1941
   Recording Number: Volume 631, Page 547, Deed Records of Travis County, Texas MAY AFFECT TRACT.

10. f. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

   Granted to: Southwestern Bell Telephone Company
   Purpose: As provided in said instrument
   Recording Date: October 9, 1941
   Recording No: Volume 683, Page 22, Deed Records of Travis County, Texas MAY AFFECT TRACT.

10. g. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

   Granted to: City of Austin
   Purpose: As provided in said instrument
   Recording Date: December 28, 1985
   Recording No: Volume 5083, Page 524, Deed Records of Travis County, Texas AFFECTS TRACT.

10. h. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

   Granted to: City of Austin
   Purpose: As provided in said instrument
   Recording Date: February 28, 1988
   Recording No: Volume 3423, Page 618, Deed Records of Travis County, Texas DOES NOT AFFECT TRACT.

10.t. Matters contained in that certain document

   Entitled: License Agreement
   Dated: March 24, 2005
   Recording Date: March 24, 2006
   Recording No: Document No. 2006047554, Official Public Records of Travis County, Texas MAY AFFECT TRACT.

ROBERT C. STEUBING 09/07/2016

ROBERT C. STEUBING (512-500-7146)
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5548
DRAWING: DESKTOP\A DESIGNERS_ENGINEERING\JEFFERY\CET976-1080\DWG\GRANTIA LLC TRACT.DWG

SHEET 2 of 2