

RESOLUTION NO. 20180215-058

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 Exhibits A and B.

ADOPTED: February 15, 2018

ATTEST:

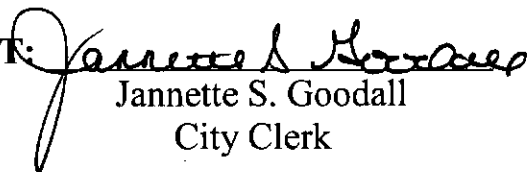

Jannette S. Goodall
City Clerk

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 $48^{\circ}42'16''$, Arc Length of 671.54 feet, Radius of 790.00 the chord of which bears North $37^{\circ}54'28''$ West, a chord distance of 651.51 feet to a point for the point of tangency of this curve;
- 2) North $62^{\circ}14'10''$ 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 $18^{\circ}03'47''$ 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.

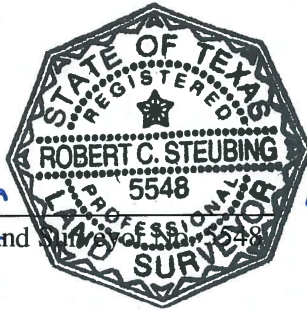
BASIS OF BEARINGS: GRID NORTH, U.S. STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.

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
Robert C. Steubing Registered Professional Land Surveyor



09/07/2016

EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

BEBAS-PATRICK FAMILY
PARTNERSHIP, LTD.
DOC. NO. 2001000289
OPRTCT

2700 Howard Lane Investment LLC
Special Warranty Deed With Vendor's
Lien
2013212648 OPRTCT
39.536 Acre Tract of Land



Samuel Cushing Survey No. 70
Abstract No. 164

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	47°52'16"	668.41'	800.00'	S38°19'28"E	649.13'
NUM	BEARING	DISTANCE			
L2	S26°52'33"W	15.29'			
NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C3	48°42'16"	671.54'	790.00'	N37°54'28"W	651.51'
NUM	BEARING	DISTANCE			
L4	N18°03'47"W	14.35'			
L5	S62°14'10"E	7.18'			

RIVER RANCH SUBDIVISION
DOC 199900313 OPRTCT
LOT 3, BLOCK B
FC River Ranch
Quitclaim Deed
2000033126 OPRTCT

LEGEND

- ⊙ 1/2" Inside Diameter Pipe Found
- △ Calculated Point
- 1/2" Iron Rod Found
- ▣ Austin Energy Plastic Capped Iron Rod Set
- ⊙ Aluminum Capped Iron Rod Found
- P.O.B. Point Of Beginning
- DRTCTX Dead Records Trowls County, Tx
- RPRTCTX Red Property Records Trowls County, Tx
- OPRTCTX Official Public Records Trowls County, Tx
- PRCTCX Plat Records Trowls County, Tx

NOTES:

P.O.B. COORDINATES = (N(Y) 10117775.515, E(X) 3148609.966, GRID COORD BEARING BASIS IS GRID NORTH, U.S. STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD 83, DISTANCES HEREON ARE GRID.

5' Electric Easement to City of Austin
per 3063\524 DRTCT

Grantia, LLC
Warranty Deed With Vendor's Lien
Document Number 2016055587 OPRTCT
Called 11.4257 Acres of Land

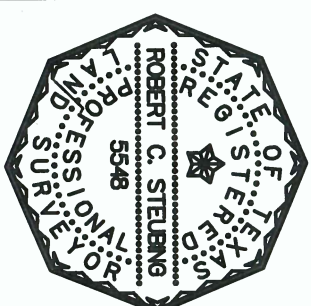
Altagracia Calaya Ramirez
Special Warranty Deed
Doc 2011014504 OPRTCT
4.489 Acres of Land

A
D.W. PATRICK ADDITION
BK. 78, PG. 293
PRCT

JLL C, LLC.
VOL. 13091, PG. 1610
RPRTCT

CYNTHIA C. WEBER
AND THOMAS C. CARDWELL
VOL. 11235, PG. 626
RPRTCT
Lot 1

THE THOMSON SUBDIVISION #2
VOL. 74 PG 10 PRCT



Robert C. Stuebner
09/07/2016

DATE

ROBERT C. STUEBNER (512-605-7146)

REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

DRAWING: DESKTOP\AE DESIGNERS ENGINEERING\JEFFERY\CKT976-1030\DWG\GRANTIA LLC TRACT.DWG

SHEET 1 of 2

NOTES:

**1. EASEMENTS, BUILDING LINES AND/OR CONDITIONS OF RECORDS
AS PER TITLE COMMITMENT NUMBER AUT15012400 AS PROVIDED BY
AUSTIN TITLE.**

SURVEYORS CERTIFICATION:

TO THE OWNER AND/OR LIENHOLDER, THE UNDERSIGNED
HEREBY CERTIFY THAT THE SURVEY WAS MADE ON THE
GROUND OF THE PROPERTY SHOWN HEREON AND TO THE
BEST OF MY KNOWLEDGE IS CORRECT AND SAID PROPERTY
HAS ACCESS TO A DEDICATED ROADWAY SHOWN HEREON.

EASEMENTS, BUILDING LINES AND/OR CONDITIONS OF RECORDS PER GFA 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 655, Page 349, Deed Records of Travis County, Texas MAY AFFECT TRACT.
- 10.e. 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 1, 1941
Recording Number: Volume 681, 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, 1965
Recording No: Volume 3063, 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, 1968
Recording No: Volume 3429, Page 618, Deed Records of Travis County, Texas DOES NOT AFFECT TRACT.
- 10.i. Matters contained in that certain document
- Entitled: License Agreement
Dated: March 24, 2005
Recording Date: March 26, 2008
Recording No: Document No. 2008047564, Official Public Records of Travis County, Texas MAY AFFECT TRACT.




Robert C. Steubing 09/07/2016
ROBERT C. STEUBING (512-505-7146) DATE

REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

DRAWING: DESKTOP\AE DESIGNERS_ENGINEERING\JEFFERY\CKT975-1030\DWG\GRANTIA LLC TRACT.DWG



Proposed Easements at Grantia, LLC

-  Parcels
-  Existing Easements
-  Proposed Easements

2015 Aerial Imagery, City of Austin



*AE Public Involvement
& Real Estate Services*



0 200 400
Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by AUSTIN ENERGY for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by ECervantes 10/6/2017

