

**RESOLUTION NO. 20180809-069**

**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 uses 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: David Hemmasi as Independent Executor for the Estate of Majid Hemmasi, and Austin IR Tacoma LP, a Texas limited partnership

Project: Austin Energy Circuit 975 Phase 2 Project

Public Uses: Electric transmission and distribution facilities. Specifically, an easement and right of way along, over, under, and across that portion of the Property bounded and described on Exhibit A and 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 electric telecommunications lines and systems; and all necessary or desirable appurtenances and structures (the "Facilities"), 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.

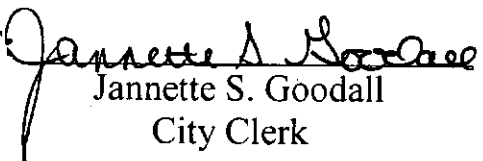
Location: 3109 Gregg Lane, Austin, Travis County, Texas 78653

The general boundaries of the project are on the south side of East Howard Lane across from Kearns Drive, approximately one-half mile south of Immanuel Road within the Austin 2-Mile Extraterritorial Jurisdiction, Travis County, Texas.

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

ADOPTED: August 9, 2018

ATTEST:

  
Jannette S. Goodall  
City Clerk

## **EXHIBIT "A"**

**SURVEY OF 0.0465 ACRES OR 2,027 SQUARE FEET OF LAND IN THE MARQUITA CASTRO SURVEY NUMBER 50, ABSTRACT NUMBER 160, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 8.39 ACRES OF LAND AS CONVEYED BY AMIR BATOEI HIS INTEREST TO AUSTIN IR TACOMA , LP IN THAT CERTAIN SPECIAL WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2015023241 AND BEING A PORTION OF THE SAME 8.39 ACRES OF LAND AS DESCRIBED TO MAJID HEMMASI IN THAT CERTAIN TRUSTEE'S WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2010066548, BOTH OF THE OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE SAID MAJID HEMMASI BEING A ONE-HALF INTEREST REMAINDER OF THE SAID 8.39 ACRES OF LAND, THE SAID 0.0465 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:**

**BEGINNG** at a capped iron rod found for the north corner of the herein described 0.0465 acres of land, having Grid Coordinates of N(Y) 10115862.783 E(X) 3150862.722 United States State Plane Coordinate System, Texas Central Zone 4203, NAD83, and the north corner of the said Tacoma 8.39 acres of land and the north corner of that certain five foot strip of land being an easement for maintaining electric lines and various systems described to the City of Austin as recorded in Volume 3945, Page 921, Deed Records Travis County, Texas, same being the east corner of that called 9.01 acres of land described to The Robert Kosler, Jr. Trust in that certain Warranty Deed as recorded in Volume 9724, Page 581 Real Property records of Travis County, Texas and a point on the southwest right-of-way line of Howard Lane, a county road in Travis County, Texas;

**THENCE** South 61°50'00" East, a distance of 202.39 feet and coincident with the southwest right-of-way line of the said Howard Lane, same being the northeast line of the said Tacoma 8.39 acres of land to a one-half inch iron rod found for the east corner of the herein described 0.0465 acres of land and the said Tacoma 8.39 acres of land, same being the north corner of Lot 1, Block A, Howard Subdivision, a subdivision in Travis County, Texas, according to the plat recorded in Document Number 201400065 Official Public Records Travis County, Texas;

**THENCE** South 27°29'49" West, a distance of 10.00 feet and departing the southwest right-of-way line of the said Howard Lane and coincident with the common dividing line of the said Tacoma 8.39 acres of land and the said Lot 1, to a calculated point for the south corner of the herein described 0.0465 acres of land, same being a point on said common dividing line and from this point a one-half inch found for the south corner of the said Tacoma 8.39 acres of land, same being the west corner of the said Lot 1, bears South 27°29'49" West, a distance of 1472.50 feet;

**THENCE** North 61°50'00" West, a distance of 203.09 feet and departing said common line and crossing over the said Tacoma 8.39 acres of land and being ten foot perpendicular distance from and parallel to the southwest right-of-way line of Howard Lane to a calculated point for the west corner of the herein described 0.0465 acres of land, same point being a point on the northwest line of the said City of Austin five foot strip of land and a point on the common dividing line of the said Tacoma 8.39 acres of land and the said Kosler 9.01 acres of land;

**THENCE** North 31°30'44" East, a distance of 10.02 feet across along the common dividing line of the said Tacoma 8.39 acres of land and the said Kosler 9.01 acres of land to the **POINT OF BEGINNING** and containing 0.0465 acres of land or 2,027 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.

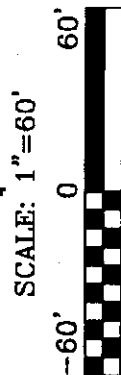
Prepared By: **AUSTIN ENERGY**

  
Robert C. Steubing Registered Professional Land Surveyor No. 5548

# EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

## MARQUITA CASTRO SURVEY ABSTRACT 160 SURVEY NO. 50

HORIZON BANK AND TRUST, SSB.  
AS CUSTODIAN FOR  
ROBERT E. JOHNSON, JR. SEP ACCOUNT AND  
GORDON R. JOHNSON SEP ACCOUNT  
VOL. 12839, PG. 1181, RPRTCT  
DESCRIBED IN VOL. 8800, PG. 14, DRCTCT



P.O.B.  
Grid Coordinates  
N(Y) 10115862.783  
E(X) 3150862.722

**Howard Lane**  
(RIGHT-OF-WAY VARIES) 0.0465 Acres  
2027 Sq. Ft.  
10' Electric Easement

N31°30'44"E  
10.02'

S61°50'00"E  
N61°50'00"W

The ROBERT KOSLER, JR. TRUST  
VOL. 8724, PG. 581 RPRTCT  
8.01 Acres of Land

5' Easement  
Vol. 3845, PG. 921  
DRCTCT

202.39'  
203.09'

Amir Batool conveys his interest  
to Austin IR Tacoma, LP  
Special Warranty Deed  
Doc# 2015023241 QPRTCT  
8.39 Acres of Land

Majid Hammal conveys undivided  
one-half interest to Amir Batool  
Special Warranty Deed  
Doc# 2015022454 QPRTCT  
8.38 Acres of Land

Majid Hammal  
Trustee's Warranty Deed  
Doc# 2010086548 QPRTCT  
8.39 Acres of Land

### LEGEND

- ⊙ Capped Iron Rod Found
- 1/2" Iron Rod Found
- ⊙ Fire Hydrant
- ⊙ Water Meter
- Fence
- P.O.B. Point Of Beginning
- P.O.C. Point Of Commencement
- DRCTX Deed Records Travis County, Tx
- RPRTCTX Real Property Records Travis County, Tx
- OPRTCTX Official Public Records Travis County, Tx
- PRCTX Plat Records Travis County, Tx
- N.T.S. Not To Scale

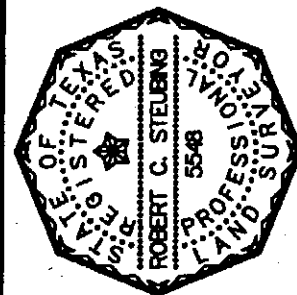
### NOTES:

BEARING BASIS IS GRID NORTH, U.S. STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL  
ZONE 4203, NAD 83, DISTANCES HEREON ARE GRID.

*Robert C. Steubing* 11/29/2016  
DATE

ROBERT C. STEUBING (642-505-7146)  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5648

DRAWING: DESKTOP\AE DESIGNERS ENGINEERING\JEFFERY\CT975-1030\DWG\Tacoma. DWG



LOT 2  
BLOCK A

LOT 1  
BLOCK A

Peter Pham and Ha Vu  
Doc# 2014000085 QPRTCT  
Howard Sub Plat

HOWARD SUBDIVISION  
DOC# 2014000065 QPRTCT

**NOTES:**

**1. EASEMENTS, BUILDING LINES AND/OR CONDITIONS OF RECORDS  
AS PER TITLE COMMITMENT NUMBER AUT15012403 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 GF# AUT15012403**

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

Granted to:Lower Colorado River Authority  
Purpose:As provided in said instrument  
Recording Date:October 28, 1939  
Recording No:Volume 623, Page 601, Deed Records of Travis County, Texas. DOES NOT AFFECT TRACT.

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

Granted to:Homer D. Owens and Dorothy S. Owens  
Purpose:As provided in said instrument  
Recording Date:August 14, 1952  
Recording No:Volume 1281, Page 101, 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:City of Austin  
Purpose:As provided in said instrument  
Recording Date:October 30, 1970  
Recording No:Volume 3945, Page 92i, Deed Records of Travis County, Texas. AFFECTS 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:April 8, 1971  
Recording No:Volume 4035, Page 2055, Deed Records of Travis County, Texas. DOES NOT AFFECT 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:October 10, 1972  
Recording No:Volume 4424, Page 2043, Deed Records of Travis County, Texas. DOES NOT AFFECT TRACT.

10.i.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:August 17, 1973  
Recording No:Volume 4719, Page 65, Deed Records of Travis County, Texas. MAY AFFECT TRACT.

10.j.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 6, 1988  
Recording No:Volume 10768, Page 2106, Real Property Records, Travis County, Texas. DOES NOT AFFECT TRACT.

10.k.Matters contained in that certain document

Entitled:Farm Pond Agreement  
Dated:August 4, 1954  
Executed by:Martin A. Mackel, and Homer D. Owens  
Recording Date:January 10, 1955  
Recording No:Volume 1535, Page 137, Deed Records of Travis County, Texas  
Reference is hereby made to said document for full particulars. DOES NOT AFFECT TRACT.

10.l.Matters contained in that certain document

Entitled: Affidavit to the Public  
Dated: February 12, 2001  
Executed by: Kenneth Maxey  
Recording Date :March 6, 2001  
Recording No:Document No. 2001033949, Official Public Records of Travis County, Texas  
Which provides for, among other things: aerobic treatment and disinfection with a surface spray system, requiring maintenance.  
Reference is hereby made to said document for full particulars. MAY AFFECT TRACT.



*Robert C. Steubing* 11/29/2016

ROBERT C. STEUBING (512-606-7148)




DATE

REGISTERED PROFESSIONAL LAND SURVEYOR (No. 5548)

DRAWING: DESKTOP\AE DESIGNERS ENGINEERING\JEFFERY\CKT975-1030\DWG\Tacoma. DWG

SHEET 2 of 2

# Proposed Easements at Hemmasi/Austin IRR Tacoma

-  Parcels
-  Existing Easements
-  Proposed Easements

2015 Aerial Imagery, City of Austin



*AE Public Involvement  
& Real Estate Services*



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 1/27/2018

