RESOLUTION NO. 20181213-049

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: HD Development Properties LP, a Georgia limited partnership, now known as HD Development of Maryland, Inc., a Maryland Corporation

Project: Austin Energy Circuit 961/1004 Upgrade Parcel 5 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 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 unimpeded access to the Facilities.

Location: 13309 N. IH-35, Austin, Travis County, Texas 78753

The general route of the project is along the south side of Avenue N and West Howard Lane from the Howard Lane Substation on Gardenia Drive to the east side of Center Line Pass into the Techridge Substation, in Austin, Travis County, Texas. (District 7)

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

ADOPTED: December 13, 2018 ATTEST: Jannette S. Goodall City Clerk
SURVEY OF A TRACT OF LAND BEING 0.333 ACRES OR 14,524 SQUARE FEET OF LAND A PART OF LOT 1, BLOCK A, SCOFIELD RANCH RETAIL SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NUMBER 200100026 OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE SAID LOT 1, BEING DESCRIBED TO HD DEVELOPMENT PROPERTIES, L.P., IN THAT CERTAIN WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2003211517, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.333 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED "EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING FOR REFERENCE at an "X" found scribed in a concrete driveway for an interior angle corner of the said Lot 1, same being the southeast corner of Lot 4, Block A, of the said subdivision having Grid Coordinates of Y(N) 10127519.836, X(E) 3135849.230 United States state plane coordinate system, Texas Central Zone 4203, NAD83:

THENCE North 26°34'53" East, coincident with the common dividing line of the said Lot 4 and the said Lot 1, a distance of 295.87 feet to a point not set for the west corner of and POINT OF BEGINNING of the herein described 0.333 acres of land having Grid Coordinates of Y(N) 10127784.340, X(E) 3135981.792 United States state plane coordinate system, Texas Central Zone 4203, NAD83;

THENCE North 26°34'53" East; coincident with the common dividing line of the said Lot 4 and the said Lot 1, a distance of 20.01 feet to a point not set for the north corner of the herein described 0.333 acres of land and from this point an iron rod with plastic cap stamped "BURY PARTNERS, INC." found for the north corner of the said Lot 4 bears the following two (2) courses:

1. North 26°34'53" East, a distance of 25.01 feet to a point not set on the southwest right-of-way line of Howard Lane (right-of-way varies) a road in Travis County, Texas, for the common north corner of the said Lot 1, and the said Lot 4;

2. South 62°02'03" East, a distance of 726.06 feet along the common dividing line as found monumented upon the ground of the said Howard Lane and the said Lot 4, to said capped iron rod found;

THENCE South 62°02'03" East, a distance of 726.06 feet and departing the said common dividing line of the said Lot 1 and the said Lot 4, crossing over the said Lot 1, to a point not set for the east corner of the herein described 0.333 acres of land, same being a point on the common dividing line of the said Lot 1, Block A, Scofield Ranch Retail Subdivision and Lot 1, Reed Central Austin, a subdivision in Travis County, Texas according to the plat recorded in Volume 94, Page 133, Plat Records, Travis County, Texas, as described to Central Transportation Systems, Inc. in that certain General Warranty Deed recorded in Volume 12355, Page 912, Real Property Records, Travis County,
Texas, and from this point an iron rod with plastic cap stamped “CHAPARRAL BOUNDARY” found bears the following two (2) courses:

1. North 26°34’27” East, a distance of 25.01 feet to a calculated point on the southeast right-of-way line of the said Howard Lane, same being the common north corner of said Lot 1, Block A, Scofield Ranch Retail Subdivision and said Lot 1, Reed Central Austin;

2. South 62°02’03” East, a distance of 0.96 feet along the southeast right-of-way line of the said Howard lane as found monumented upon the ground to the said iron rod with plastic cap stamped “CHAPARRAL BOUNDARY” found;

THENCE South 26°34’27” West, a distance of 20.01 and coincident with the said common dividing line of said Lot 1, Block A, Scofield Ranch Retail Subdivision and said Lot 1, Reed Central Austin, to a point not set for the south corner of the herein described 0.333 acres of land and from this point a one-half inch iron rod found in concrete for the west corner of said Lot 1, Reed Central Austin, same being an angle corner in the southeast line of said Lot 1, Block A, Scofield Ranch Retail Subdivision bears South 26°34’27” West, a distance of 869.24 feet;

THENCE North 62°02’03” West, a distance of 726.07 feet and crossing over the said Lot 1, Block A, Scofield Ranch Retail Subdivision to the POINT OF BEGINNING and containing 0.333 acres or 14,524 square feet of land, more or less.

BASIS OF BEARINGS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.

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

Prepared By: AUSTIN ENERGY

[Signature]

Robert C. Steubing, Registered Professional Land Surveyor

Date: 03/15/2018