

RESOLUTION NO. 20190606-057

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:	9511 N. Lamar, Ltd., a Texas limited company
Project:	Austin Energy Circuit 811 Upgrade Parcel 67 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:

9511 North Lamar Boulevard, Austin, Travis County, Texas 78753

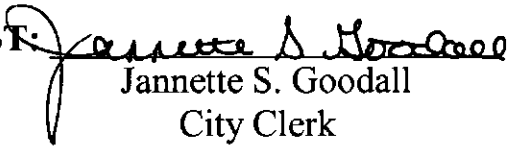
The general route of the project is along the east side of N. Lamar Blvd. from the Justin Lane Substation on North Lamar Blvd. crossing Lamar Blvd. at Wagon Trail Road; from there the circuit traverses the North Park Estates and Gracywoods neighborhoods until it reaches the McNeil Substation on Knollpark Drive, in Austin, Travis County, Texas. (District 4).

Property:

Described in the attached and incorporated Exhibit A and B.

ADOPTED: June 6, 2019

ATTEST:


Jannette S. Goodall
City Clerk

**PROPERTY DESCRIPTION
PARCEL 67**

SURVE OF 0.057 ACRES (2,482 SQUARE FEET) OF LAND IN THE JOHN APPLGAIIT SURVEY NUMBER 58 AND BEING A PORTION OF LOT 3, NORTHWEND PHASE "B" SECTION ONE-D, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 84, PAGE 97B, PLAT RECORDS TRAVIS COUNTY, TEXAS, THE SAID LOT 3, BEING DESCRIBED TO 9511 NORTH LAMAR, LTD., IN THAT CERTAIN SPECIAL WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2010126510, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, SAID 0.057 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point having grid coordinates of N(Y) 10106254.835, E(X) 3128311.246, NAD 83, Texas Central Zone 4203, for the east corner of the herein described 0.057 acres of land, same being a point on the common dividing line of the said Lot 3 and the said Lot 1, of the said Northwend Phase "B" and from this point a mag nail found in a paved parking lot for the east corner of the said Lot 3, same being an upper interior ell corner of the said Lot 1, bears South 65°24'15" East, a distance of 154.14 feet;

THENCE South 24°48'37" West, a distance of 165.45 feet crossing over the said Lot 3, to a calculated point for the south corner of the herein described 0.057 acres of land, same being a point on the common dividing line of the said Lot 3 and Lot 2, of the said Northwend Phase "B" and from this point a one-half inch iron rod found beneath the concrete curb of an island in a paved parking lot bears South 65°24'15" East, a distance of 174.21 feet for the east corner of Lot 2, of the said Northwend Phase "B" and a lower interior ell corner of the said Lot 1;

THENCE North 65°24'15" West, a distance of 15.00 feet with the common dividing line of the said Lot 3 and the said Lot 2, to a punch hole found in a concrete curb for the west corner of the herein described 0.057 acres of land and the said Lot 3, same being the north corner of the said Lot 2, and a point on the southeast right-of-way line of North Lamar Boulevard and that certain ten foot strip of land dedicated as additional right-of-way as depicted on the plat of the said Northwend subdivision plat;

THENCE North 24°48'37" East, a distance of 165.45 feet coincident with the southeast line of the said ten foot strip of land and the said North Lamar Boulevard right-of-way, same being the northwest line of the said Lot 3, to a calculated point for the north corner of the herein described 0.057 acres of land and the said Lot 3, same being a point on last said common dividing line and an upper exterior ell corner of the said Lot 1, and from this point a one-half inch iron rod found for the north corner of Lot 4, of the said Northwend

EXHIBIT "A"

Page 2 of 4

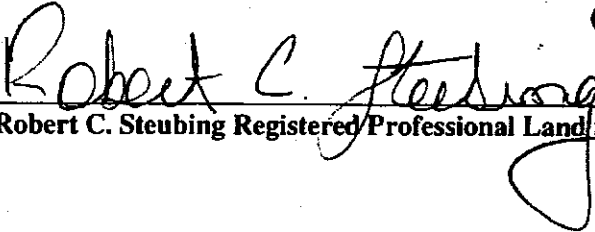
Phase "B", same being the west corner of Lot 2, Northwend Phase "B", Section One-A, a subdivision in Travis County, Texas, according to the plat recorded in Volume 83, Page 115D, Plat Records Travis County, Texas, bears North 24°48'37" East, a distance of 289.39 feet coincident with the southeast line of the said ten foot strip of land and the said North Lamar Boulevard;

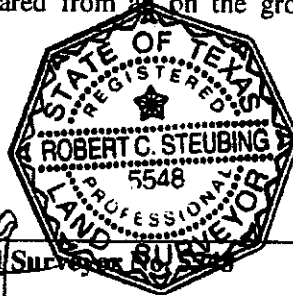
THENCE South 65°24'15" East, a distance of 15.00 feet along the common dividing line of the said Lot 3 and the said Lot 1, to the **POINT OF BEGINNING**, and containing 0.057 acre (2,482 square feet) of land more or less.

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


Robert C. Steubing Registered Professional Land Surveyor



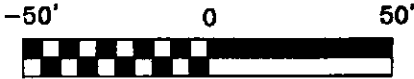
06/20/2017
Date

EXHIBIT "B"

SEE PAGE 4 FOR LINE TABLE AND
TITLE COMMITMENT NOTES

LOT 2, NORTHWEND PHASE "B"
SECTION ONE-A
VOL. 83, PG. 115D,
P.R.T.C.T.

SCALE: 1"=50'



LOT 4, NORTHWEND PHASE "B"
FIREBRAND PROPERTIES, LP
DOC. NO. 2015117831
O.P.R.T.C.T.

JOHN APPLGAIIT SURVEY NO. 58

NORTHWEND PHASE "B" SECTION ONE-D
VOL. 84, PG. 97B,
P.R.T.C.T.

P.O.B.
N:10106254.835
E:3128311.246

NORTH LAMAR
BOULEVARD
(WIDTH VARIES)

PARCEL 67
0.037 ACRES
(2,482 SQ. FT.)

POWER POLE
306114

POWER POLE
306081

TREE # 8211
18" LO

45' JAD AND PUE
PER PLAT
VOL. 84, PG. 97B

LOT 1, NORTHWEND PHASE "B"
SECTION ONE-D

LOT 3, NORTHWEND PHASE "B"
SECTION ONE-D
VOL. 84, PG. 97B,
P.R.T.C.T.
CONVEYED TO
9511 NORTH LAMAR, LTD. IN
DOCUMENT NO. 2010126510
O.P.R.T.C.T.

POWER POLE
306036

10' TELEPHONE
EASEMENT
VOL. 2695, PG. 44

25' JAD AND PUE
PER PLAT
VOL. 84, PG. 97B

LOT 1, NORTHWEND PHASE "B"
SECTION ONE-D

LOT 2, NORTHWEND PHASE "B"

30' JAD AND PUE
PER PLAT
VOL. 84, PG. 97B

Robert C. Steubing 06/20/2017

ROBERT C. STEUBING (512-805-7148)

DATE

REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

PAGE 3 OF 4



Line Table		
Line #	Direction	Length
L1	S24°48'37"W	165.45'
L2	N65°24'15"W	15.00'
L3	N24°48'37"E	165.45'
L4	S65° 24' 15"E	15.00'

Record Line Table		
Line #	Direction	Length
(L3)	N24° 45' 47"E	166.00'

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83 - 2011 ADJUSTMENT, CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

THIS MAP WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE FIELD WORK WAS COMPLETED IN JANUARY, 2017

COMMITMENT FOR TITLE INSURANCE PROVIDED BY:

CHICAGO TITLE COMPANY

GF. NO.: CTA-07-CTA1701385JP

ONLY THOSE ITEMS LISTED IN SCHEDULE B OF THE ABOVE REFERENCED COMMITMENT FOR TITLE INSURANCE WERE REVIEWED FOR THE PURPOSE OF THIS SURVEY. NO ADDITIONAL RESEARCH WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, OR OTHER ENCUMBRANCES WHICH AFFECT THIS SURVEY THAT ARE NOT KNOWN TO THIS SURVEYOR.

1. Restrictive covenants of record in: Volume 7653, Page 877, Deed Records of Travis County, Texas; Volume 83, Page 115D and Volume 84, Pages 97B-97C, Plat Records of Travis County, Texas. AFFECTS TRACT.

10.g. Ten (10) foot public utility easement along North Lamar Blvd. as shown on the plat recorded in Volume 84, Pages 97B-97C, Plat Records of Travis County, Texas. AFFECTS TRACT.

10.h. 10' public utility easement along northerly lot line as shown on the plat recorded in Volume 84, Pages 97B-97C, Plat Records of Travis County Texas. AFFECTS TRACT.

10.i. 10' future right of way easement along North Lamar Blvd. as shown on the plat recorded in Volume 84, Pages 97B-97C, Plat Records of Travis County, Texas. AFFECTS TRACT.

10.j. 35' building line along North Lamar Blvd, as shown on the plat recorded in Volume 84, Pages 97B-97C, Plat Records of Travis County, Texas. AFFECTS TRACT.

10.k. Public utility easement and access easement, 10 feet wide, along Southwest lot line, as shown on the plat recorded in Volume 84, Pages 97B Plat Records of Travis County, Texas. AFFECTS TRACT.

10.l. Easement executed by Northwind Joint Venture, to City of Austin, recorded in Volume 8649, Page 847, Real Property Records of Travis County Texas. DOES NOT AFFECT TRACT.

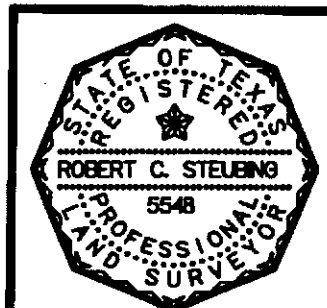
10.o. 30' joint access, drainage, public utility easement along the southerly lot line, as shown on the plat recorded in Volume 84, Pages 97B and 97C, Plat Records of Travis County, Texas. AFFECTS TRACT.

10.p. 25' joint access, drainage and public utility easement along southeasterly lot line, as shown on the plat recorded in Volume 84, Pages 97B and 97C, Plat Records of Travis County, Texas. DOES NOT AFFECT TRACT.

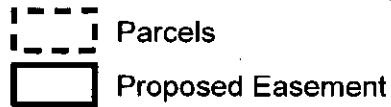
LEGEND

●	1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
△	CALCULATED POINT
→	TRAFFIC LIGHT
○	POWER POLE
⊕	ELECTRIC METER
⊙	TELEPHONE MARKER
①	TELEPHONE MANHOLE
⊞	IRRIGATION CONTROL VALVE
⊙	LIGHT POLE
↖	GUY WIRE
⊙	POWER POLE WITH LIGHT
⊙	WATER MANHOLE
⊞	WATER VALVE
⊞	ELECTRIC PULL BOX
○	POST
BL	BUILDING LINE
ESMT	EASEMENT
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PUE	PUBLIC UTILITY EASEMENT
ROW	RIGHT-OF-WAY
JAD	JOINT ACCESS AND DRAINAGE
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
()	RECORD INFORMATION

Robert C. Steubing 06/20/2017
 ROBERT C. STEUBING (512-605-7148) DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548



Proposed Easement at 9511 N Lamar Tract #67



2018 Aerial Imagery, City of Austin



*AE Public Involvement
& Real Estate Services*



0 50 100
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 MGomez 11/29/2018

