RESOLUTION NO. 20190620-106

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: Kennedy Properties of Texas, L.P., a Texas limited partnership

Project: Austin Energy Circuit 961/1004 Tract # 11 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: Pansy Trail at Avenue N (a private street), Austin, Travis County, Texas 78727

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: June 20, 2019

ATTEST: Jannette S. Goodall
City Clerk
SURVEY OF 0.007 ACRES OF LAND OR 306 SQUARE FEET OF LAND
A PART OF THAT CALLED 13.970 ACRES OF LAND DESCRIBED TO
KENNEDY PROPERTIES OF TEXAS, L.P., IN THAT CERTAIN
GENERAL WARRANTY DEED WITH VENDOR'S LIEN AS
RECORDED IN DOCUMENT NUMBER 2001106453, OFFICIAL PUBLIC
RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.007 ACRES OF LAND
BEING A PART OF PANSY TRAIL, A PRIVATE STREET IN AUSTIN,
TEXAS, WHICH IS A PART OF THE SAID 13.970 ACRES OF LAND,
THE HEREIN DESCRIBED 0.007 ACRES OF LAND BEING SHOWN ON
THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING
MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
FOLLOW:

BEGINNING at a point not set for the northeast corner of the herein described 0.007 acres of land,
same being a point on the common dividing line of the said 13.970 acres of land (Pansy Trail) and
Avenue N, a street in Travis County, Texas, same being the northwest corner of that certain easement
described as Easement #2 as described to the City of Austin as recorded in Volume 10901, Page 218, Real
Property Records Travis County, Texas, and from this point one-half inch iron rod found at the
intersection of the northeast and southeast lines of the said 13.970 acres of land (Pansy Trail) with the
southwest line of the said Avenue N, same being the northwest corner of Lot 133 D.E., Scofield Farms
Phase 8 Section 7, a subdivision in Travis County, Texas, according to the plat recorded in Document
Number 199900303, Official Public Records Travis County, Texas, and the northeast corner of the said
easement #2, bears South 61°59'07" East, a distance of 10.00 feet;

THENCE crossing over the said 13.970 acres of land (Pansy Trail) the following three (3) courses:

1) South 28°50'14" West, a distance of 15.00 feet and coincident with the northwest line of the said
easement #2, to a point not set for the southeast corner of the herein described 0.007 acres of land;

2) North 61°59'07" West, a distance of 20.38 feet to a point not set for the southwest corner of the
herein described 0.007 acres of land and a point on the southeast line of that certain easement
described as Easement #1, as described to the City of Austin as recorded in said Volume 10901,
Page 218, Real Property Records Travis County, Texas;

3) North 28°48'42" East, a distance of 15.00 feet and coincident with the southeast line of the said
easement #1, to a point not set for the northwest corner of the herein described 0.007 acres of land,
same being the northeast corner of the said Easement #1 and a point on the common
dividing line of the said 13.970 acres of land (Pansy Trail) and the said Avenue N and from this
point a capped iron rod found for the northeast corner of that called 4.06 acres of land described
to Saeed Moshfegh in that certain Warranty Deed With Vendor's Lien as recorded in Document
Number 2017045033 Official Public Records Travis County, Texas, same being a point on the
northwest line of the said 13.970 acres of land (Pansy Trail) and the northeast corner of the said
Easement #1, same being an exterior angle corner in the southwest and southeast line of the said
Avenue N, bears the follow two (2) courses: North 61°59'07" West, a distance of 10.00 feet to a
point not set for an interior angle corner of the said Avenue N, same being the northwest corner...
EXHIBIT "A"

of the said 13.970 acres of land (Pansy Trail), the northwest corner of the said Easement #1 and South 28°48'42" West, a distance of 6.59 feet;

THENCE South 61°59'07" East, a distance 20.39 feet and coincident with the said southwest line of the said Avenue N, same being the northeast line of the said 13.970 acres of land (Pansy Trail) to the POINT OF BEGINNING and containing 0.007 acres or 306 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.

Robert C. Steubing

06/18/2013

Date

Robert C. Steubing  Registered Professional Land Surveyor
EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

Francisco Garcia
Survey No. 60

Kennedy Properties of Texas, L.P.

General Warranty Deed With Vendor's Lien
Doc# 2001106453 OPRTCT
Part Of A Called 13.970 Acres Of Land

Legend

- "ALLSTAR 5728" Capped Iron Rod Found
- 5/8" L.D. Iron Pipe Found
- 1/2" Iron Rod Found
- Cotton Gin Spindle Found
- Calculated Point Not Set
- Electric Transmission Tower
- Electric Transmission Line(s)
- Concrete Monument Found
- Point of Beginning
- Official Public Records, Travis County, Texas
- Real Property Records, Travis County, Texas
- Plot Records, Travis County, Texas

SCALE: 1" = 10'

DRAWING: E:\Survey\Surveying\Transmission_Cable\108\Draw\Saeed Moshrefi\PANSY TRAIL.dwg

Sheets: 1 of 2 Rev: 2018/05/02
Easement and Conditions of Record as per Chicago Title Company - Commitment Number: CTA1800613
G.F. Number: CTA-07-CTA1800613P

10. f. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a
document:
Granted to: Lower Colorado River Authority
Purpose: electric transmission and/or distribution lines
Recording No: Volume 762, Page 618, Deed Records of Travis County, Texas
DOES NOT 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: electric and telephone lines and systems
Recording No: Volume 6802, Page 303, Deed Records of Travis County, Texas
MAY AFFECT TRACT: DESCRIPTION IS AMBIGUOUS CAN NOT DEFINE EASEMENT LOCATION.

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: electric and telephone lines and systems
Recording No: Volume 9827, Page 138, 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: electric and telephone lines and systems
Recording No: Volume 10901, Page 218 Real Property Records of Travis County, Texas
AFFECTS TRACT AS SHOWN.

10. j. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a
document:
Reserved By: Tim L. Wright
Purpose: easements and easement rights
Recording No: Volume 11359, Page 60 Real Property Records Travis County, Texas and as further
affected by Termination of Ingress and egress Easements recorded in Document No. 2001106449, Official
Public Records of Travis County, Texas
DOES NOT AFFECT TRACT.

10. k. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a
document:
Granted to: City of Austin
Purpose: electric utility easement
Recording No: Document No. 2002048393, Official Public Records of Travis County, Texas
AFFECTS TRACT AS SHOWN.

[Signature]
Robert C. Steubing 07/18/13
STATE OF TEXAS
REGISTRATION NO: 5548
PROFESSIONAL LAND SURVEYOR
Proposed Easement at Kennedy Properties of Texas, LP - Tract #11

Parcels
Proposed Easement

2018 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

Produced by ECervantes 2/12/2019