

**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.

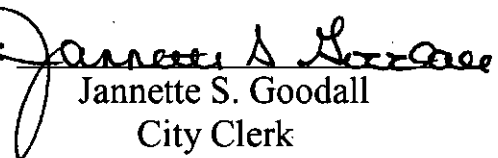
**Location:** Pansy Trail at Avenue N (a private street), Austin, Travis County, Texas 78727

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

**EXHIBIT "A"**



**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"**

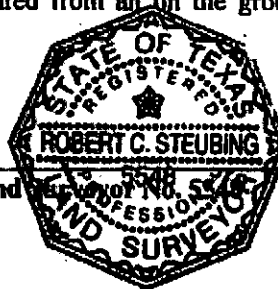
of the said 13.970 acres of land (Pansy Trail), the northwest corner of the said Easement# 1 and South 28°48'42" West, a distance of 6.59 feet;

**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.

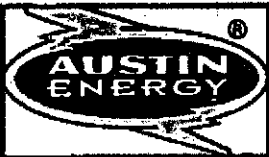
**BASIS OF BEARINGS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.**

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

*Robert C. Steubing*  
Robert C. Steubing Registered Professional Land

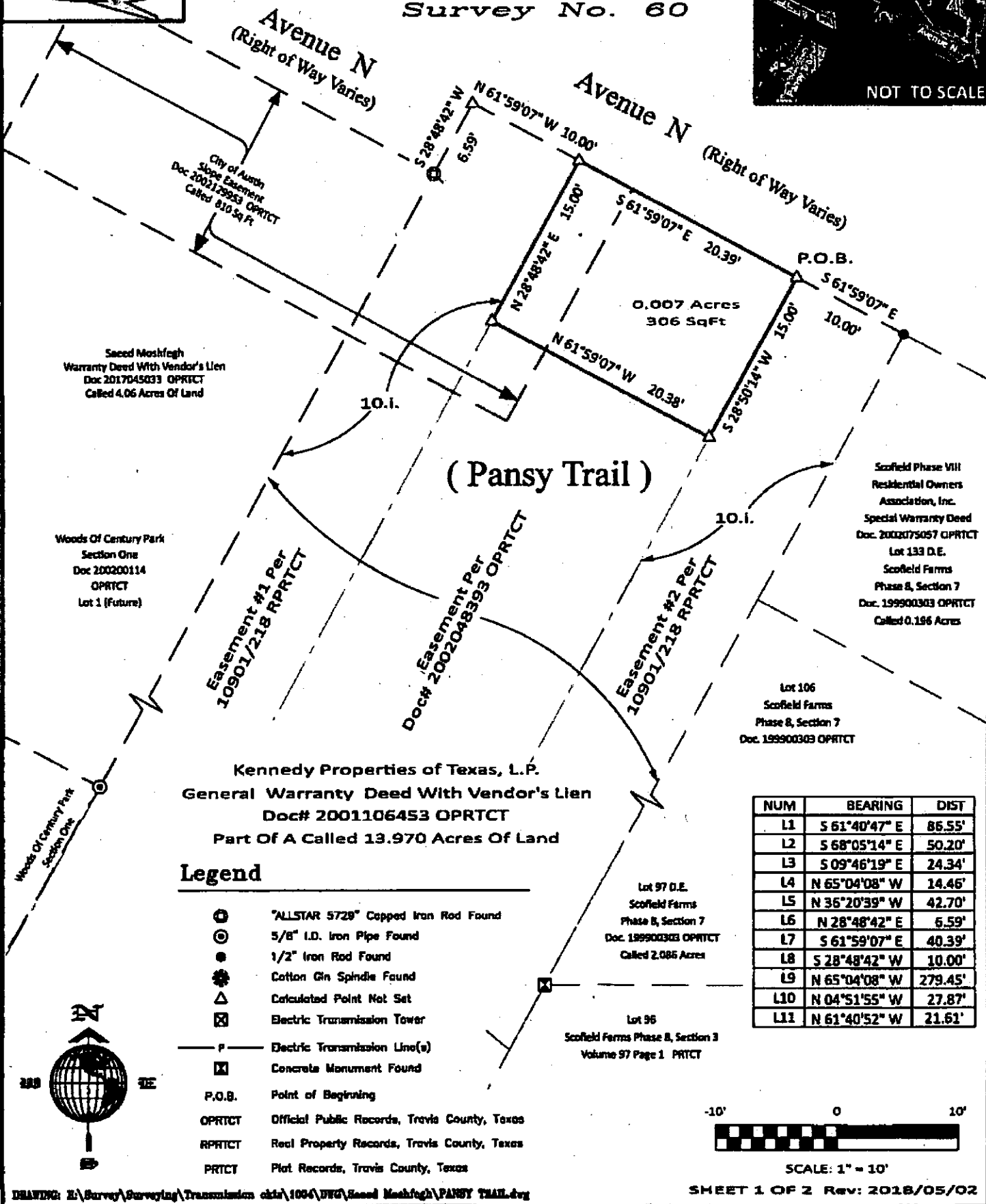


06/18/2018  
Date



# EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

Francisco Garcia  
Survey No. 60





Easement and Conditions of Record as per Chicago Title Company - Commitment Number: CTA1800613  
G.F. Number: CTA-07-CTA1800613JP

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.

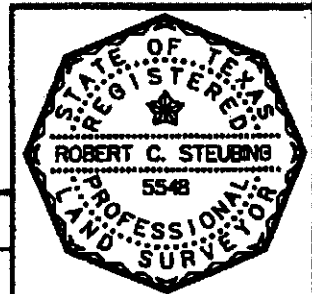
10. k. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Austin

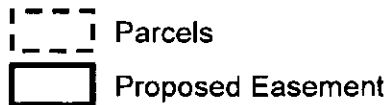
Purpose: electric utility easement

Recording No: Document No. 2002048393, Official Public Records of Travis County, Texas

AFFECTS TRACT AS SHOWN.



# Proposed Easement at Kennedy Properties of Texas, LP - Tract #11



2018 Aerial Imagery, City of Austin



*AE Public Involvement  
& Real Estate Services*



0 25 50  
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

Produced by ECervantes 2/12/2019

