

RESOLUTION NO. 20190822-080

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: Kanton Labaj

Project: Austin Energy Circuit 811 Upgrade Parcel 87 Project

Public Use: For upgrading the capacity of the overall electric system, and ensuring the distribution of safe and reliable electric services to the community. 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.

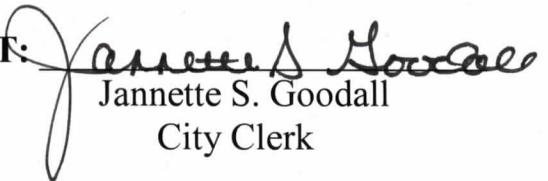
Location: 10631 North Lamar Boulevard, Austin, Travis County, Texas 78753

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: August 22, 2019

ATTEST:


Jannette S. Goodall
City Clerk

**PROPERTY DESCRIPTION
PARCEL 87**

A 0.0582 acre (2,536 square feet) Tract of land, situated in the J. APPLGAIIT SURVEY Number 58, being a portion of Lots 1-5 & 6, Block G, MOCKINGBIRD HILL SECTION ONE, a subdivision recorded in Volume 5, Page 159, Plat Records of Travis County, Texas, and conveyed to Kanton Labaj in Document Number 2000197463, Official Public Records of Travis County, Texas, said Tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pipe found (Grid Coordinates: N=10,110,146.64, E=3,130,075.24) for the westernmost corner of said Labaj tract, also being the northernmost corner of Lot A, Lordstone, a subdivision recorded in Volume 85, Page 57D, Plat Records of Travis County, Texas, also being in the easterly right-of-way line of North Lamar Blvd. (R.O.W. Varies), for the westernmost corner of the herein described tract;

THENCE, with the westerly line of said Labaj tract and said easterly right-of-way line, the following two (2) courses and distances;

1. N24°41'59"E, a distance of 155.10 feet to a calculated point at a point of curvature to the right;
2. With said curve to the right, having a radius of 20.00 feet, an arc distance of 25.70 feet, a central angle of 73°37'27", and a chord bearing N63°26'38"E, a distance of 23.97 feet, to a calculated point for the northernmost corner of said Labaj tract, also being in the southerly right-of-way line of Grady Drive (50' R.O.W.);

THENCE, crossing said Labaj tract, S24°41'59"W, a distance of 174.30 feet to a calculated point in the southerly boundary line of said Labaj tract, also being in the northerly boundary line of said Lot A, from which a 1/2 inch iron rod found for the southernmost corner of said Labaj tract, also being in the northwesterly right-of-way line of Motherall Drive (50' R.O.W.) bears S63°23'01"E, a distance of 284.99 feet;

THENCE, with the common boundary line of said Labaj tract and said Lot A, N63°23'01"W, a distance of 15.01 feet to the **POINT OF BEGINNING** and containing 0.0582 acre (2,536 square feet) of land more or less.

BEARING BASIS NOTE

This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System NAD 83 (2011 adjustment), Central Zone (4203). All coordinates were established from NGS Monument AC6346, Designation AUS5 B having grid coordinate values N=10,085,175.04, E=3,109,082.36.

This property description is accompanied by a separate plat of even date and was prepared from an on-the-ground survey made under my supervision during the month of January, 2017



5-8-17

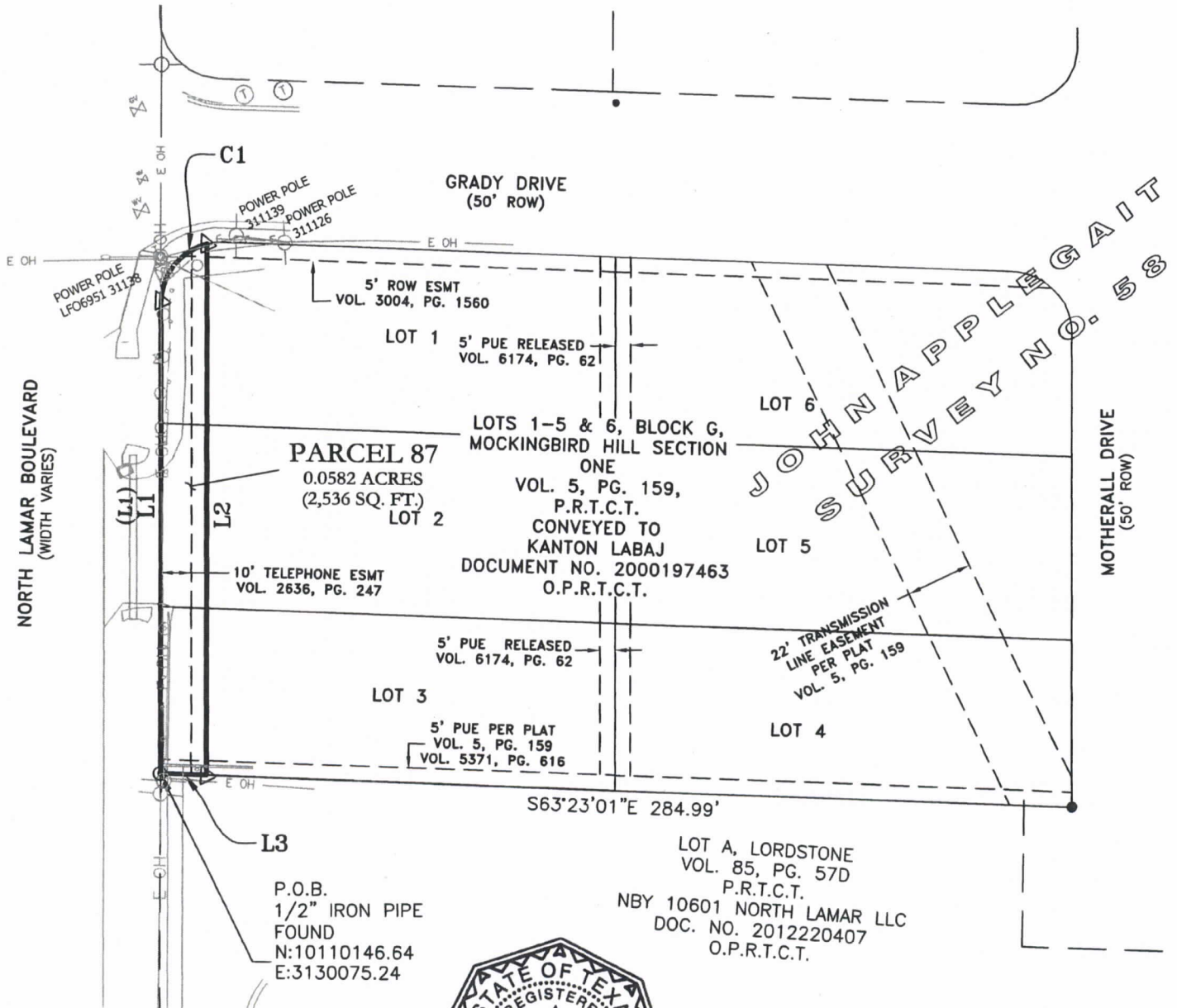
Robert J. Gertson, Registered Professional Land Surveyor 6367
Jacobs Engineering Group Inc. TBPLS Firm: 10152301
2705 Bee Cave Road, Suite 300
Austin, TX 78746
(512) 314-3100

Date

EXHIBIT "B"

SCALE: 1" = 50'

SEE PAGE 4 FOR LINE TABLE
AND TITLE COMMITMENT NOTES



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EXHIBIT to ACCOMPANY DESCRIPTION 0.0582 AC

JACOBS®

2705 Bee Cave Road, Suite 300
Austin, Texas 78746
(512) 314-3100 Fax (512) 314-3135

OWNERSHIP AND EASEMENT REPORT PROVIDED BY:

FIDELITY NATIONAL TITLE INSURANCE COMPANY

GF NO.: AUT-13-671-AUT16005916SG

EFFECTIVE DATE: JUNE 6, 2016

ISSUED DATE: JUNE 14, 2016

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.

THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS AS THOSE RECORDED IN VOL. 5, PG. 159, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND IN VOL. 2769, PG. 347, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

10. d) BUILDING SETBACK LINES AS SET OUT IN RESTRICTIONS RECORDED IN VOL. 2769, PG. 347, DEED RECORDS OF TRAVIS COUNTY, TEXAS. - due to the configuration of the lots, it is unknown where the setbacks apply

e) 5' PUBLIC UTILITY EASEMENT ALONG THE REAR PROPERTY LINE(S), RECORDED IN VOL. 5, PG. 159, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND AS AFFECTED BY RELEASE RECORDED IN VOL. 6174, PG. 62, DEED RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

f) H FRAME TRANSMISSION LINE EASEMENT, AS SHOWN ON PLAT RECORDED IN VOL. 5, PG. 159, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

g) 5' PUBLIC UTILITY EASEMENT ALONG THE SOUTH PROPERTY LINE(S), RECORDED IN VOL. 5, PG. 159, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

h) EASEMENT GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY, RECORDED IN VOL. 2636, PG. 247, DEED RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

i) AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT, MEMORANDUM OF LEASE BETWEEN ALVIE WEED, JR., ET AL AND AUSTIN CELLULAR TELEPHONE COMPANY, RECORDED IN VOL. 11686, PG. 129, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. - applies to lot 4

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

LEGEND

- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- △ CALCULATED POINT
- MAILBOX
- ◇ TELEPHONE MARKER
- POWER POLE
- W WATER METER
- ↖ GUY WIRE
- POWER POLE WITH LIGHT
- Ⓟ SIGN
- FLAG POST
- POST
- BL BUILDING LINE
- ESMT EASEMENT
- POB POINT OF BEGINNING
- PUE PUBLIC UTILITY EASEMENT
- ROW RIGHT-OF-WAY
- 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 J. GERTSON
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS - NO. 6367

DATE

5-8-17



Line Table		
Line #	Direction	Length
L1	N24° 41' 59"E	155.10'
L2	S24° 41' 59"W	174.30'
L3	N63° 23' 01"W	15.01'

Record Line Table		
Line #	Direction	Length
(L1)	N27° 00'E	155.10'

CURVE TABLE					
Curve #	Length	Radius	Central Angle	Chord Bearing	Chord
C1	25.70'	20.00'	73°37'27"	N63°26'38"E	23.97'

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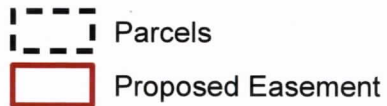
EXHIBIT to ACCOMPANY DESCRIPTION

0.0582 AC

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Proposed Easement at Kanton Labaj Tract #87



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.

