

RESOLUTION NO. 20191003-054

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:	Graham Byrne, Ltd., a Texas limited partnership, formerly being Graham Byrne Partnership, a Texas general partnership
Project:	Austin Energy Circuit 811 Upgrade Parcel 16 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:

8203 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: October 3, 2019

ATTEST:

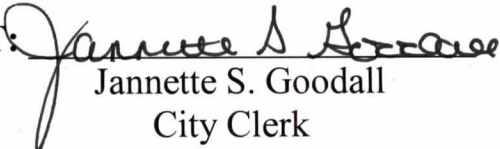

Jannette S. Goodall
City Clerk

EXHIBIT "A"

PAGE 1 OF 4



Landesign Services, Inc.

1220 McNeil Road
Suite 200
Round Rock, Texas 78681
Firm Registration No. 10001800
512-238-7901 office
512-238-7902 fax

PROPERTY DESCRIPTION PARCEL 16

BEING A 0.028 OF ONE ACRE (1215 SQUARE FEET) PARCEL OF LAND SITUATED IN THE J.P. WALLACE SURVEY, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, AMENDED PLAT OF LOT 1, COX BUSINESS PARK AND LOT C, POWELL LANE SUBDIVISION SECTION TWO (Lot 1, COX BUSINESS PARK), RECORDED IN DOCUMENT NO. 200500073 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN AN AMENDED DECLARATION AND MASTER DEED ESTABLISHING COX BUSINESS PARK CONDOMINIUMS, RECORDED IN VOL. 8437, PG. 868 OF THE CONDOMINIUM RECORDS OF TRAVIS COUNTY, TEXAS. SAID 0.028 OF ONE ACRE (1215 SQUARE FEET) PARCEL BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rebar with cap stamped "RPLS 4324 WATERLOO" found for an interior corner of said Lot 1, COX BUSINESS PARK and the Northeast corner of Lot 1-A, RESUBDIVISION OF LOTS A AND B POWELL LANE SUBDIVISION, SECTION TWO, recorded in Vol. 33, Pg. 30 of the Plat Records of Travis County, Texas, from which a 3/4-inch iron rebar found for an exterior corner of said Lot 1, COX BUSINESS PARK and the Southeast corner of said Lot 1-A, also being in the existing Northerly right-of-way line of West Powell Lane (R.O.W. Varies), bears South 28°30'54" West a distance of 132.50 feet;

THENCE coincident with the common dividing line of said Lot 1, COX BUSINESS PARK and said Lot 1A, the following three (3) courses and distances:

1. North 62°20'06" West a distance of 50.00 feet to a Calculated Point not set;
2. North 67°02'08" West a distance of 60.19 feet to a Calculated Point not set (Grid Coordinates: N=10101157.900, E=3124428.829) for the Southeast corner and **POINT OF BEGINNING** of the herein described tract; and
3. **North 67°02'08" West** a distance of **16.58** feet to a 1/2-inch iron rebar found for an exterior corner of said Lot 1, COX BUSINESS PARK and the most Northerly corner of said Lot 1-A, also being in the existing Easterly right-of-way line of North Lamar Boulevard (R.O.W. Varies);

EXHIBIT "A"

PAGE 2 OF 4

THENCE coincident with the common dividing line of said Lot 1, COX BUSINESS PARK and said existing Easterly right-of-way line of North Lamar Boulevard, the following two (2) courses and distances:

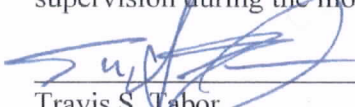
1. Northeasterly along the arc of a curve to the right having a radius of **7589.49** feet, an arc length of **21.49** feet, a delta angle of **00°09'44"**, and a chord which bears **North 48°14'09" East** a distance of **21.49** feet to a Calculated Point not set for a Point of Tangency; and
2. **North 48°27'57" East** a distance of **59.49** feet to a Calculated Point not set for an exterior corner of said Lot 1, COX BUSINESS PARK and the Southwest corner of Lot 1, SANTERRE INDUSTRIAL PARK, recorded in Vol. 78, Pg. 322 of said Plat Records;

THENCE **South 67°18'07" East** departing said existing Easterly right-of-way line of North Lamar Boulevard and coincident with the common dividing line of said Lot 1, COX BUSINESS PARK and said Lot 1, SANTERRE INDUSTRIAL PARK, a distance of **16.66** feet to a Calculated Point not set for the Northeast corner of the herein described tract, from which a Cotton Spindle found for an interior corner of said Lot 1, COX BUSINESS PARK and the Southeast corner of said Lot 1, SANTERRE INDUSTRIAL PARK, bears South 67°18'07" East a distance of 154.70 feet;

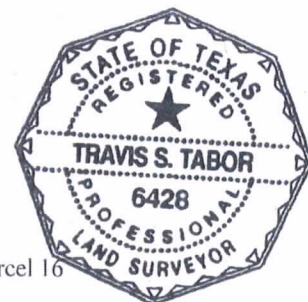
THENCE Southwesterly over and across said Lot 1, COX BUSINESS PARK, the following two (2) courses and distances:

1. **South 48°27'57" West** a distance of **66.71** feet to a Calculated Point not set for a Point of Curvature of a curve to the left; and
2. Along the arc of said curve to the left having a radius of **7574.49** feet, an arc length of **14.37** feet, a delta angle of **00°06'31"**, and a chord which bears **South 48°15'45" West** a distance of **14.37** feet to the **POINT OF BEGINNING** and containing 0.028 of one acre of land (1215 Square Feet) more or less.

All bearings shown hereon are based on the Texas State Plane Coordinate System (SPCS), Central Zone (4203), NAD83 (2011 Adjustment). All distances and coordinates shown hereon are grid values represented in U.S. Survey Feet. This property description is accompanied by a separate plat of even date and was prepared by an on the ground survey made under my supervision during the month of October, 2016.

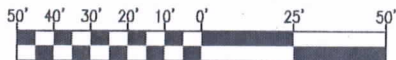

Travis S. Tabor
Registered Professional Land Surveyor
State of Texas No. 6428

01/27/2017
Date



Job Number: 16-006_811 Upgrade

Attachments: Survey Drawing: L:\City of Austin\811 Upgrade\DWGS\Parcels\16006_Parcel 16

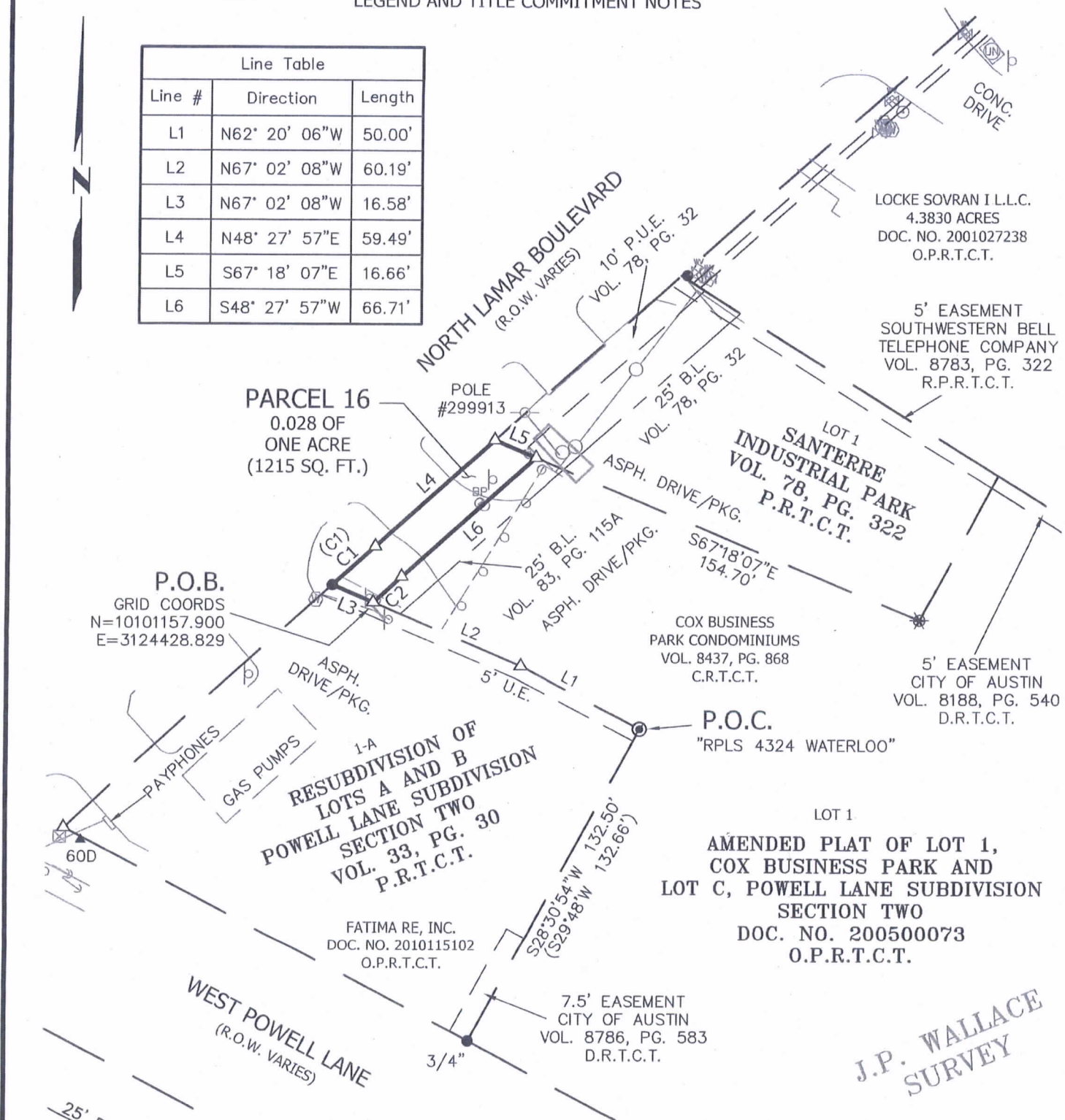


GRAPHIC SCALE

EXHIBIT "B"

SEE SHEET 4 FOR CURVE TABLE,
LEGEND AND TITLE COMMITMENT NOTES

Line Table		
Line #	Direction	Length
L1	N62° 20' 06"W	50.00'
L2	N67° 02' 08"W	60.19'
L3	N67° 02' 08"W	16.58'
L4	N48° 27' 57"E	59.49'
L5	S67° 18' 07"E	16.66'
L6	S48° 27' 57"W	66.71'



JOB NUMBER: 16-006		DATE: 01/27/2017	
PROJECT NAME: 811 UPGRADE			
DRAWING NAME: 16006_PARCEL 16			
DRAWING FILE PATH: L:\City of Austin\811 Upgrade\DWGS\Parcels			
FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\Metes and Bounds			
RPLS: TST	TECH: TST	PARTYCHIEF: JA	CHK BY: JB
SHEET 03 of 04		FIELDBOOKS: 265/267	SCALE: 1"= 50'

LANDESIGN
SERVICES, INC.512-238-7901
1220 MCNEIL ROAD
SUITE 200
ROUND ROCK, TEXAS 78681
FIRM REGISTRATION NO. 10001800

COMMITMENT FOR TITLE INSURANCE PROVIDED BY:

CHICAGO TITLE INSURANCE COMPANY

GF NO.: 1620007-KFO

ISSUE DATE: JUNE 17, 2016 - EFFECTIVE DATE: JUNE 8, 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.

1. THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN VOL. 83, PG. 115A, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, VOL. 8437, PG. 868, CONDOMINIUM RECORDS OF TRAVIS COUNTY, TEXAS, AND DOCUMENT NO. 200500073, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

SCHEDULE B EXCEPTIONS:

10a. NOT A SURVEY MATTER.

10b. NOT A SURVEY MATTER.

10c. EASEMENT(S) RECORDED IN VOL. 8437, PG. 868, CONDOMINIUM RECORDS OF TRAVIS COUNTY, TEXAS.

10d. 25' BUILDING SETBACK LINE(S) ALONG THE NORTH LAMAR BLVD. AND WEST POWELL LANE RIGHT-OF-WAY LINES AS SET FORTH IN PLAT RECORDED IN VOL. 83 PG. 115A, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. SHOWN HEREON.

10e. ANY AND ALL EASEMENTS, BUILDING LINES AND CONDITIONS, COVENANTS AND RESTRICTIONS AS SET FORTH IN PLAT RECORDED IN DOCUMENT NO. 200500073, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. NOTED HEREON.

10f. EASEMENT TO TEXAS POWER & LIGHT COMPANY RECORDED IN VOL. 530, PG. 245, DEED RECORDS OF TRAVIS COUNTY, TEXAS. NOTED HEREON - UNABLE TO LOCATE DUE TO VAGUE DESCRIPTION.

10g. ELECTRIC/TELEPHONE EASEMENT TO THE CITY OF AUSTIN RECORDED IN VOL. 8188, PG. 540, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SHOWN HEREON - DOES NOT AFFECT.

10h. NOT A SURVEY MATTER.

10i. NOT A SURVEY MATTER.

10j. NOT A SURVEY MATTER.

10k. NOT A SURVEY MATTER.

10l. NOT A SURVEY MATTER.

10m. ANY VISIBLE AND APPARENT EASEMENT, EITHER PUBLIC OR PRIVATE, LOCATED ON OR ACROSS THE LAND, THE EXISTENCE OF WHICH IS NOT DISCLOSED BY THE PUBLIC RECORDS AS HEREIN DEFINED. NOTED HEREON.

10n. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. NOTED HEREON.

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 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 OCTOBER, 2016.

TRAVIS S. TABOR
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS - NO. 6428

01/27/2017
DATE



LEGEND

✱	COTTON SPINDLE FOUND (OR AS NOTED)
■	TX.D.O.T. TYPE I MONUMENT FOUND
●	TX.D.O.T. TYPE II MONUMENT FOUND
●	IRON REBAR FOUND (1/2" OR AS NOTED)
○	IRON PIPE FOUND (1/2" OR AS NOTED)
⊙	IRON REBAR FOUND WITH CAP (ILLEGIBLE)
▲	NAIL FOUND (PK OR AS NOTED)
△	CALCULATED POINT NOT SET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
O.R.T.C.T.	OFFICIAL RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
C.R.T.C.T.	CONDOMINIUM RECORDS OF TRAVIS COUNTY, TEXAS
R.O.W.	RIGHT-OF-WAY
P.U.E.	PUBLIC UTILITY EASEMENT
U.E.	UTILITY EASEMENT
B.L.	BUILDING LINE
(S45°E 45')	RECORD INFO. PER TRAVIS COUNTY

Curve Table

Curve #	Radius	Length	Delta	Chord Bearing	Chord
C1	7589.49'	21.49'	0°09'44"	N48° 14' 09"E	21.49'
C2	7574.49'	14.37'	0°06'31"	S48° 15' 45"W	14.37'

LEGEND

CO	WASTEWATER CLEANOUT	— OHE —	OVERHEAD ELECTRIC
⊙	WATER METER	⊗	ELECTRIC MISC.
⊗	WATER VALVE	⊕	ELECTRIC MANHOLE
⊗	IRRIGATION CONTROL VALVE	○	POLE
⊗	UNKNOWN MANHOLE	—○—	POWER POLE
PB	ELECTRIC PULLBOX	⊥	SIGN POST
—	GUARDRAIL	⊗	WATER METER
—	IRON FENCE	⊗	FIRE HYDRANT
		BP	BOLLARD
		⊗	TELEPHONE MANHOLE
		TEL	TELEPHONE PEDESTAL
		⊗	CABLE MARKER
		CONC.	CONCRETE
		ASPH.	ASPHALT
		PKG.	PARKING AREA
		E.P.	EDGE OF PAVEMENT
		B.O.C.	BACK OF CURB

JOB NUMBER: 16-006	DATE: 01/27/2017
PROJECT NAME: 811 UPGRADE	
DRAWING NAME: 16006_PARCEL 16	
DRAWING FILE PATH: L:\City of Austin\811 Upgrade\DWGS\Parcels	
FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\FIELD\Field to Office\FNs	
RPLS: TST	TECH: TST
PARTYCHIEF: JA	CHK BY: JB
SHEET 04 of 04	FIELD BOOKS: 265/267
SCALE: 1" = 50'	




LANDESIGN SERVICES, INC.

512-238-7901
1220 MCNEIL ROAD
SUITE 200
ROUND ROCK, TEXAS 78681
FIRM REGISTRATION NO. 10001800

Proposed Easement at Graham Byrne Tract #16

 Parcels


 Proposed Easement

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

