

RESOLUTION NO. 20191205-078

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:	Bluff Springs Food Mart, Inc., A Texas corporation
Project:	Austin Energy Circuit 811 Upgrade Parcel 90 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: 10810 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: December 5, 2019

ATTEST:



Jannette S. Goodall
City Clerk

**PROPERTY DESCRIPTION
PARCEL 90**

A 0.0192 acre (838 square feet) Tract of land, situated in the J. APPLEGAIT SURVEY Number 58, being a portion of Lot 3, WHITE PLAINS SECTION 4, PHASE 1, a subdivision recorded in Volume 16, Page 41, Plat Records of Travis County, Texas, and conveyed to Bluff Springs Food Mart in Document Number 2000100700, Official Public Records of Travis County, Texas, said Tract being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron pipe found for the easternmost corner of a 0.818 acre tract conveyed to Richmond & Tammie Tran in Document Number 2004012609, Official Public Records of Travis County, Texas, the southernmost corner of said Lot 1 and also being in the westerly right-of-way line of North Lamar Blvd. (R.O.W. Varies), from which a 1/2 inch iron pipe found for the southernmost corner of said 0.818 acre tract bears S24°23'28"W, a distance of 113.56 feet;

THENCE, with the easterly line of said Bluff Springs Food Mart tract and said westerly right-of-way line, N24°38'49"E, a distance of 124.95 feet to a calculated point for the southernmost corner and **POINT OF BEGINNING** (Grid Coordinates: N=10,110,837.59, E=3,130,282.59) of the herein described tract;

THENCE, crossing said Bluff Springs Food Mart tract, N00°39'30"W, a distance of 66.71 feet to a calculated point in the northerly boundary line of said Bluff Springs Food Mart tract, also being in the southerly right-of-way line of Wagon Trail (60' R.O.W.);

THENCE, with the northerly line of said Bluff Springs Food Mart tract and said southerly right-of-way line, S62°14'11"E, a distance of 28.56 feet to a calculated point for the easternmost corner of said Bluff Springs Food Mart tract, in said westerly right-of-way line;

THENCE, with the said easterly line of said Bluff Springs Food Mart tract and said westerly right-of-way line, S24°38'49"W, a distance of 58.76 feet to the **POINT OF BEGINNING** and containing 0.0192 acre (838 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

JOHN APPELGAIT
SURVEY NO. 58

WHITE PLAINS SECTION 4,
PHASE 2
VOL. 17, PG. 10
P.R.T.C.T.

WAGON TRAIL
(60' ROW)

NORTH LAMAR BOULEVARD
(WIDTH VARIES)

PARCEL 90
0.0192 ACRES
(838 SQ. FT.)

LOT 3

10' BL PER PLAT
VOL. 16, PG. 41
VOL. 2646, PG. 359

5' BL VOL. 2646, PG. 359

35' B.L. PER PLAT
VOL. 16, PG. 41

5' BL VOL. 2646, PG. 359

LOT 2

LOTS 1-3,
WHITE PLAINS SECTION 4, PHASE 1
VOL. 16, PG. 41,
P.R.T.C.T.

CONVEYED TO
BLUFF SPRINGS FOOD MART
DOCUMENT NO. 2000100700
O.P.R.T.C.T.

5' BL VOL. 2646, PG. 359

5' BL VOL. 2646, PG. 359

35' B.L. PER PLAT
VOL. 16, PG. 41

5' PUE, MAINTENANCE
& DRAINAGE ESMT
PER PLAT
VOL. 16, PG. 41
VOL. 2646, PG. 359

LOT 1

10' COA ESMT
VOL. 4833, PG. 820

5' BL VOL. 2646, PG. 359

LOT 48,

ALAMEDDINE, LLC
DOC. NO. 2016085679
O.P.R.T.C.T.

0.818 ACRES
RICHMOND & TAMMIE TRAN
DOCUMENT NO. 2004012609
O.P.R.T.C.T.

POWER
POLE
311936

POWER
POLE
311896

P.O.B.
N:10110837.59
E:3130282.59

10' R.O.W. WIDENING
PER PLAT
VOL. 16, PG. 41

25' B.L.
VOL. 2646, PG. 359

P.O.C.



5-8-17

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EXHIBIT to ACCOMPANY DESCRIPTION

0.0192 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-AUT16006432SG

EFFECTIVE DATE: JUNE 29, 2016

ISSUED DATE: JULY 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.

THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS AS THOSE RECORDED IN VOL. 16, PG. 41, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND IN VOL. 2646, PG. 359, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

10.

d) BUILDING SETBACK LINES AS SET OUT ON PLAT RECORDED IN VOL. 16, PG. 41, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

e) 5' EASEMENT ALONG THE REAR PROPERTY LINE(S), RECORDED IN VOL. 16, PG. 41, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

f) 5' EASEMENT ALONG THE SOUTHERLY PROPERTY LINE(S), RECORDED IN VOL. 16, PG. 41, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

g) 10' STRIP ALONG THE FRONT PROPERTY LINE(S) RESERVED FOR WIDENING OF ROW, AS SET OUT ON PLAT RECORDED IN VOL. 16, PG. 41, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

h) UTILITY AND DRAINAGE EASEMENT RECORDED IN VOL. 2646, PG. 356, DEED RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

i) ELECTRIC EASEMENT GRANTED TO CITY OF AUSTIN, RECORDED IN VOL. 4833, PG. 820, DEED RECORDS OF TRAVIS COUNTY, TEXAS. - as shown on drawing

j) MATTERS CONTAINED IN THAT CERTAIN AGREEMENT DOCUMENT RECORDED IN VOL. 13369, PG. 94, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

k) AGREEMENT OF LEASE BETWEEN B.F. MCCOY AND WIFE, LOIS MCCOY AND SIGMOR CORPORATION, RECORDED IN VOL. 4685, PG. 1601, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

l) MEMORANDUM OF LEASE BETWEEN BLUFF SPRINGS FOOD MART, INC. AND REAGAN NATIONAL ADVERTISING FIRM OF AUSTIN, INC., RECORDED IN DOCUMENT NO. 2015202100, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

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
- ⊙ IRON PIPE FOUND
- △ CALCULATED POINT
- ⊗ WATER VALVE
- ⊖ POWER POLE
- ⊙ BOLLARD
- ↗ GUY WIRE
- ⊙ POWER POLE WITH LIGHT
- ⊙ SIGN
- ⊗ LIGHT POLE
- BL BUILDING LINE
- ESMT EASEMENT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- 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



Line Table

Line #	Direction	Length
L1	N00° 39' 30"W	66.71'
L2	S62° 14' 11"E	28.56'
L3	S24° 38' 49"W	58.76'

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EXHIBIT to ACCOMPANY DESCRIPTION

0.0192 AC

JACOBS


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

**Proposed Electric Transmission
and Distribution Easement
for
Austin Energy Transmission
Circuit 811 Upgrade**

**Owner: Bluff Springs Food Mart Inc
- Parcel #90**

Location: 10810 N Lamar Blvd

 Parcels

 Proposed Easement


2018 Aerial Imagery, City of Austin



*AE Public Involvement
& Real Estate Services*



0 50 100
Ft

A horizontal scale bar with three segments, labeled 0, 50, and 100, with "Ft" at the end.

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 ECervantes 7/19/2019

