

**RESOLUTION NO. 20210603-042**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for the 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:	Prosperity Bank
Project:	City of Austin Waterline Relocation (Texas Department of Transportation Oak Hill Parkway Water Relocation (US 290-71)

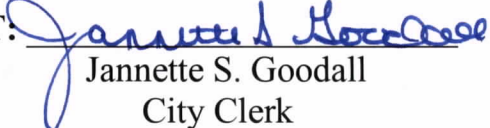
Public Use: Accommodating proposed roadway improvements, by allowing water infrastructures in conflict to be adjusted. A water line easement is needed for construction, operation, maintenance, replacement, upgrade, repair, decommissioning and removal of water lines and associated appurtenances and making connections therewith in, upon, over and across, the tract of land as described in "Exhibit A".

Location: 6820 Wolfcreek Pass C, Austin, Travis County, Texas 78749

The general route of the project is SH 71 at Silvermine to US 290 at Circle Drive, beginning at William Cannon Drive, in Travis County, Texas. (District 8)

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** June 3, 2021

**ATTEST:**   
Jannette S. Goodall  
City Clerk

Prosperity Bank  
to  
The City of Austin  
(Water and Wastewater Easement)

**LEGAL DESCRIPTION FOR PARCEL 5221.26 W/WE**

**DESCRIPTION OF A 0.004 ACRE (161 SQ. FT.) EASEMENT LOCATED IN THE JESSE WILLIAMS SURVEY NO. 62, ABSTRACT 788, BEING A PORTION OF LOT 2, AMENDED PLAT OF LOTS 2, 3, 4 AND 5 OAK HILL "Y" SECTION ONE, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT NO. 200800260, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), DESCRIBED IN A DEED TO PROSPERITY BANK, RECORDED MARCH 18, 2010 IN DOCUMENT NO. 2010037345, O.P.R.T.C.TX.; SAID 0.004 ACRE (161 SQ. FT.) EASEMENT, AS SHOWN ON THE ATTACHED SKETCH AS PREPARED BY SAM, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 1/2-inch iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found on the existing south right-of-way line of U.S. 290, a variable width right-of-way, as described in a deed to the State of Texas, recorded in Volume 13082, Page 331, Real Property Records of Travis County, Texas (R.P.R.T.C.TX.), same being the northwest corner of a called 0.350 acre tract of land, described in a deed to Ch/Oak Hill Development, L.P., recorded in Document No. 2005202808, O.P.R.T.C.TX.;

**THENCE S 38°59'04" E**, departing the existing south right-of-way line of said U.S. 290, with the east line of said Lot 2, same being the west line of said 0.350 acre tract, a distance of **18.45** feet to a calculated point (**Grid Coordinates: N= 10,057,755.40, E= 3,073,556.77**), for the northeast corner and the **POINT OF BEGINNING** of the easement described herein;

**THENCE S 38°59'04" E**, continuing with said common line, a distance of **10.72** feet to a calculated point for the southeast corner of the easement described herein, said point being the beginning of a non-tangent curve to the left;

**THENCE** departing said common line, over and across said Lot 2, with said non-tangent curve to the left, an arc distance of 15.28 feet, through a central angle of 00°23'13", having a radius of 2,263.33 feet, and a chord that bears **S 62°07'10" W**, a distance of **15.28** feet to a calculated point on the east line of Lot 1, said Amended Plat of Lots 2, 3, 4 and 5 Oak Hill "Y" Section One, described in a deed to 290 at 71 LLC, recorded in Document No. 2016101988, O.P.R.T.C.TX., same being a west line of said Lot 2, for the southwest corner of the easement described herein;

**THENCE N 38°58'32" W**, with the common line of said Lot 1 and said Lot 2, a distance of **10.71** feet to a calculated point, for the northwest corner of the easement described herein, from which a mag nail with a shiner stamped "CHAPARRAL BOUNDARY" found on the existing south right-of-way line of said U.S. 290 for the northeast corner of said Lot 1, the northwest corner of said Lot 2, bears **N 38°58'32" W**, a distance of 18.42 feet, said point being the beginning of a non-tangent curve to the right;

THIS SPACE LEFT INTENTIONALLY BLANK



**Exhibit "A"**

Prosperity Bank  
to  
The City of Austin  
(Water and Wastewater Easement)

**THENCE** over and across said Lot 2, with said non-tangent curve to the right, an arc distance of 15.28 feet, through a central angle of 00°22'55" having a radius of 2,291.83 feet and a chord that bears **N 62°05'28" E**, a distance of **15.28** feet to the **POINT OF BEGINNING**, and containing **0.004** acre (161 sq. ft.) of land, more or less.

This property description is accompanied by a separate plat of even date.

**Bearing Basis:**

All bearings shown are based on the Texas Coordinate System, Central Zone, NAD83/2011. All distances shown are surface and may be converted to grid by dividing by a Surface Adjustment Factor of 1.000065048. Units: U.S. Survey Feet.

THE STATE OF TEXAS

§  
§  
§

KNOW ALL BY THESE PRESENTS:

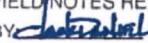
COUNTY TRAVIS

That I, Scott C. Brashear, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

SURVEYING AND MAPPING, LLC  
4801 Southwest Pkwy  
Building Two, Suite 100  
Austin, Texas 78735  
TX. Firm Reg. No. 10064300

 3/27/20  
\_\_\_\_\_  
Scott C. Brashear Date  
Registered Professional Land Surveyor  
No. 6660 – State of Texas

FIELD NOTES REVIEWED  
BY:  DATE: 04/15/20  
CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT

**REFERENCES**  
TCAD Parcel I.D No. 773472



**"EXHIBIT A"**  
**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**  
**FOR PARCEL 5221.26 W/WE**

0 50' 100'  
**GRAPHIC SCALE**  
**SCALE 1" = 50'**  
**TRAVIS COUNTY, TEXAS**



*JESSE WILLIAMS*  
*SURVEY NO. 62,*  
*ABSTRACT NO. 788*

U.S. 290  
(VARIABLE WIDTH RIGHT-OF-WAY)  
TXDOT CSJ NO. 0113-08-039

STATE OF TEXAS  
VOL. 1611, PG. 98  
D.R.T.C.TX.

EXISTING R.O.W.

10' AERIAL ELECTRIC  
DISTRIBUTION UTILITY EASEMENT  
DOC. NO. 2007154120  
O.P.R.T.C.TX.

P.O.R.  
5/8" IRON ROD  
WITH UNREADABLE  
YELLOW PLASTIC CAP

DON A. STEWART, INC  
VOL. 4354, PG. 706  
D.R.T.C.TX.  
LOT 19-A  
WEDGEWOOD COMMERCIAL  
SECTION 1  
VOL. 59, PG. 63  
P.R.T.C.TX.

STATE OF TEXAS  
VOL. 13082, PG. 331  
R.P.R.T.C.TX.

P.O.B.  
**GRID N: 10,057,755.40**  
**GRID E: 3,073,556.77**

**PARCEL 5221.26 W/WE**  
**WATER AND WASTEWATER**  
**EASEMENT**  
**0.004 ACRE**  
**(161 SQ. FT.)**

CH/OAK HILL  
DEVELOPMENT, L.P.  
CALLED 0.350 ACRES  
DOC. NO. 2005202808  
O.P.R.T.C.TX.

WASTEWATER EASEMENT  
DOC. NO. 2007209465  
O.P.R.T.C.TX.

LOT 1  
290 AT 71 LLC  
DOC. NO. 2016101988  
O.P.R.T.C.TX.

LOT 2  
**PROSPERITY BANK**  
**RECORDED MARCH 18, 2010**  
**DOC. NO. 2010037345**  
**O.P.R.T.C.TX.**

15' DRAINAGE EASEMENT  
VOL. 92, PG. 22  
P.R.T.C.TX.

LOT 1  
290 AT 71 LLC  
DOC. NO. 2016101988  
O.P.R.T.C.TX.

TCAD PARCEL I.D. NO. 773472

AMENDED PLAT OF  
LOTS 2,3,4 & 5  
OAK HILL "Y" SECTION ONE  
DOC. NO. 200800280  
O.P.R.T.C.TX.

JOB NUMBER: 1019051384  
DATE: 01/30/2020  
SCALE: 1" = 50'  
SURVEYOR: S. BRASHEAR  
TECHNICIAN: C. GALVAN  
DRAWING: PARCEL 5221.26 W/WE  
TRACT ID: 773472  
PARTY CHIEF: S. PESL  
FIELDBOOKS:



4801 Southwest Parkway  
Building Two, Suite 100  
Austin Texas, 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS

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OF 4

Texas Firm Registration No. 10064300

**"EXHIBIT A"**  
**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**  
**FOR PARCEL 5221.26 W/WE**

**LEGEND**

— R —	PROPERTY LINE
— S —	APPROXIMATE SURVEY LINE
— — —	EASEMENT
●	1/2" IRON ROD W/PCAP STAMPED "CHAPARRAL BOUNDARY" FOUND
⊕	MAG NAIL W/SHINER STAMPED "CHAPARRAL BOUNDARY" FOUND
△	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
D.R.T.C.TX.	DEED RECORDS TRAVIS COUNTY, TEXAS
O.P.R.T.C.TX.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
P.R.T.C.TX.	PLAT RECORDS TRAVIS COUNTY, TEXAS
R.P.R.T.C.TX.	REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
R.O.W.	RIGHT-OF-WAY
( )	RECORD INFORMATION

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S38°59'04"E	10.72'
L2	N38°58'32"W	10.71'
L3	S38°59'04"E	18.45'
L4	N38°58'32"W	18.42'

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	0°23'13"	2,263.33	15.28'	S62°07'10"W	15.28'
C2	0°22'55"	2,291.83	15.28'	N62°05'28"E	15.28'
C3	2°19'58"	2,291.83	93.31'	N63°20'11"E	93.30'

NOTE:  
EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY TITLE RESOURCES GUARANTY COMPANY ON SEPTEMBER 13, 2019, EFFECTIVE SEPTEMBER 4, 2019 GF NO. 1938014-KFO. THERE MAY BE RECORDED OR UNRECORDED EASEMENTS NOT SHOWN HEREON THAT MAY AFFECT THE PROPERTY.

ALL BEARINGS SHOWN ARE BASED ON NAD83/2011 TEXAS COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR 1.000065048. PROJECT UNITS ARE IN U.S. SURVEY FEET.

THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SCOTT C. BRASHEAR  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 6660 — STATE OF TEXAS

DATE



JOB NUMBER: 1019051384  
DATE: 01/30/2020  
SCALE: 1" = 50'  
SURVEYOR: S. BRASHEAR  
TECHNICIAN: C. GALVAN  
DRAWING: PARCEL 5221.26 W/WE  
TRACT ID: 773472  
PARTY CHIEF: S. PSL  
FIELDBOOKS:



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PROJECT: CITY OF AUSTIN — OAKHILL EASEMENTS  
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