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)

Page 1 of 2
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
LEGAL DESCRIPTION FOR PARCEL 5221.26 WWE

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
COUNTY TRAVIS

§ KNOW ALL BY THESE PRESENTS:

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

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

REERENCES
TCAD Parcel I.D No. 773472

Scott C. Brashear
Date
Registered Professional Land Surveyor
No. 6660 – State of Texas

STATE OF TEXAS
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Page 2 of 4
Sam Job No. 51384
"EXHIBIT A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.26 W/WE

GRAPHIC SCALE
SCALE 1" = 50'
TRAVIS COUNTY, TEXAS

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.

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
WEDGWOOD COMMERCIAL
SECTION 1
VOL. 59, PG. 63
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.)

P.O.R.

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

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

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

LOT 2

15' DRAINAGE EASEMENT
VOL.92, PG. 22
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. 2008002890
O.P.R.T.C.TX.

4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas, 78735
Orc: 512.447.0575
Fax: 512.326.3029
email: info@sam.biz
Texas Firm Registration No. 10064300
PATH:\\SAM\AUS\PROJECTS\1019051364\100\SURVEY\06PLATS\PARCEL 5221.26\00\PARCEL 5221.26 WW.E.DWG

PAGE 3
OF 4
"EXHIBIT A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.26 W/WE

LEGEND
R — PROPERTY LINE
= 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

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 OF 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: 3/27/20

PROJECT:
CITY OF AUSTIN — OAKHILL EASEMENTS
PAGE 4 OF 4

FILE: SAMINC\US\PROJECTS\1019051384\100\SURVEY\06PLATS\PARCEL 5221.26\00\PARCEL 5221.26 WWE.DWG