

RESOLUTION NO. 20210603-044

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:	290 At 71 LLC, a Texas limited liability company
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".

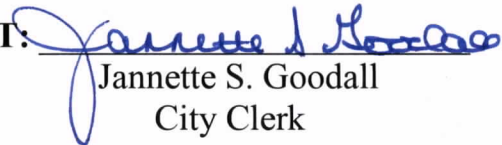
Location: 7007 W US 290 HWY EB aka 6800 Wolf Creek Pass, Austin, Travis County, Texas 78749

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

290 at 71 LLC,
to
The City of Austin
(Water and Wastewater Easement)

LEGAL DESCRIPTION FOR PARCEL 5221.27 W/W

DESCRIPTION OF 0.042 ACRE (1,825 SQ. FT.) EASEMENT AND A 0.004 ACRE (185 SQ. FT.) EASEMENT LOCATED IN THE JESSE WILLIAMS SURVEY NO. 62, ABSTRACT 788, TRAVIS COUNTY, TEXAS, BEING PORTIONS OF LOT 1, 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 290 AT 71 LLC, RECORDED JUNE 28, 2016 IN DOCUMENT NO. 2016101988, O.P.R.T.C.TX.; SAID 0.042 ACRE (1,825 SQ. FT.) EASEMENT AND SAID 0.004 ACRE (185 SQ. FT.) EASEMENT AS SHOWN ON THE ATTACHED SKETCH AS PREPARED BY SAM, LLC, BEING MORE PARTICULARLY DESCRIBED IN TWO (2) PARTS BY METES AND BOUNDS AS FOLLOWS:

PART 1: 0.042 ACRE (1,825 SQ. FT.)

COMMENCING at a mag nail with a shiner 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.), for the northwest corner of Lot 2, of said Amended Plat of Lots 2, 3, 4 and 5 Oak Hill "Y" Section One, described in a deed to Prosperity Bank, recorded in Document No. 2010037345, O.P.R.T.C.TX., same being the northeast corner of said Lot 1, from which a 1/2-inch iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found for the north corner of said Lot 2, along a non-tangent curve to the right, an arc distance of 15.27 feet, through a central angle of 00°22'55", having a radius of 2,291.83 feet, and a chord that bears N 61°58'45" E, a distance of 15.27 feet;

THENCE S 38°58'32" E, departing the existing south right-of-way line of said U.S. 290, with the east line of said Lot 1, same being the west line of said Lot 2, a distance of 18.42 feet to a calculated point, (**Grid Coordinates: N= 10,057,748.25, E= 3,073,543.26**), for the northeast corner and the **POINT OF BEGINNING** (Part 1) of the easement described herein;

THENCE S 38°58'32" E, continuing with the common line of said Lots 1 and 2, a distance of 10.71 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 1, the following three (3) courses and distances:

With said non-tangent curve to the left, an arc distance of 172.92 feet, through a central angle of 04°22'39", having a radius of 2,263.33 feet, and a chord that bears S 59°44'14" W, a distance of 172.88 feet to a calculated point, for the southwest corner of the easement described herein, from which a 1/2-inch iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found for an ell corner of said Lot 1 and said Lot 2, bears S 36°59'35" E, a distance of 63.16 feet,

N 35°29'44" W, a distance of 10.66 feet to a calculated point, for the northwest corner of the easement described herein, said point being the beginning of a non-tangent curve to the right, and

THIS SPACE LEFT INTENTIONALLY BLANK

Exhibit "A"

290 at 71 LLC,
to
The City of Austin
(Water and Wastewater Easement)

With said non-tangent curve to the right, an arc distance of 172.27 feet, a central angle of 04°18'24" having a radius of 2,291.83 feet and a chord that bears **N 59°44'48" E** a distance of **172.23** feet to the **POINT OF BEGINNING**, and containing **0.042** acre (1,825 sq. ft.) of land, more or less.

PART 2: 0.004 ACRE (185 SQ. FT.)

COMMENCING at a mag nail with a shiner 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 on the northwest corner of Lot 2, of said Amended Plat of Lots 2, 3, 4 And 5 Oak Hill "Y" Section One, described in a deed to Prosperity Bank, recorded in Document No. 2010037345, O.P.R.T.C.TX., same being the northeast corner of said Lot 1, said point being the beginning of a non-tangent curve to the left;

THENCE, along the existing south right-of-way line of said U.S. 290, with said non-tangent curve to the left, an arc distance of 201.50, through a central angle of 05°02'15" having a radius of 2,291.83 feet and a chord that bears **S 59°16'06" W**, a distance of **201.44** feet to a calculated point, on the northwest corner of said Lot 1, same being on the northeast corner of Lot 3, of said Amended Plat of Lots 2, 3, 4 And 5 Oak Hill "Y" Section One, described in a deed to Austin Y Star LLC, recorded in Document No. 2009210503, O.P.R.T.C.TX.;

THENCE S 35°29'39" E, departing the existing south right-of-way line of said U.S. 290, with the east line of said Lot 1, same being the west line of said Lot 3, a distance of **13.67** feet to a calculated point (**Grid Coordinates: N= 10,057,648.50, E= 3,073,366.46**), for the northwest corner and the **POINT OF BEGINNING (Part 2)** of the easement described herein;

THENCE, departing said common line, over and across said Lot 1, the following three (3) courses and distances:

N 57°17'25" E, a distance of **5.36** feet to a calculated point, for the northeast corner of the easement described herein, from which the northwest corner of (Part 1) 0.042 acre easement, bears **N 66°48'19" E**, a distance of **25.59** feet,

S 35°29'44" E, a distance of **34.45** feet to a calculated point, for the southeast corner of the easement described herein, and

S 56°50'07" W, a distance of **5.36** feet to a calculated point on the common line of said Lot 1 and said Lot 3, for the southwest corner of the easement described herein;

THIS SPACE LEFT INTENTIONALLY BALNK

Exhibit "A"

290 at 71 LLC,
to
The City of Austin
(Water and Wastewater Easement)

N 35°29'39" W, with said common line, a distance of 34.49 feet to the POINT OF BEGINNING, and containing 0.004 acre (185 sq. ft.) of land, more or less.

PART 1 0.042 ACRE
PART 2 0.004 ACRE
TOTAL 0.046 ACRE

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.

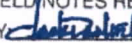
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

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



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

3/27/20
Date

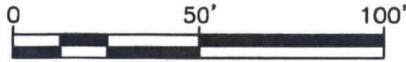
FIELD NOTES REVIEWED
BY  DATE: 04/15/20
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

REFERENCES
TCAD Parcel I.D No. 773469



"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.27 W/WE



GRAPHIC SCALE
SCALE 1" = 50'

TRAVIS COUNTY, TEXAS



U.S. 290
ENGINEER'S CENTERLINE

JESSE WILLIAMS
SURVEY NO. 62,
ABSTRACT NO. 788

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

PARCEL 5221.27 W/WE
WATER AND
WASTEWATER EASEMENT
PART 1: 0.042 ACRE
(1,825 SQ. FT.)

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

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

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

P.O.C.
PART 1 AND
PART 2

P.O.B. (PART 1)
GRID N: 10,057,748.25
GRID E: 3,073,543.26

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

WATER QUALITY &
DETENTION POND EASEMENT
DOC. NO. 2007194934
O.P.R.T.C.TX.

SEE DETAIL "A"

TCAD PARCEL I.D. NO. 773469

LOT 1
290 AT 71 LLC
RECORDED JUNE 28, 2016
DOC. NO. 2016101988
O.P.R.T.C.TX.

P.O.B. (PART 2)
GRID N: 10,057,648.50
GRID E: 3,073,366.46

15' DRAINAGE EASEMENT
DOC. NO. 2008045401
O.P.R.T.C.TX.

PARCEL 5221.27 W/WE
WATER AND
WASTEWATER EASEMENT
PART 2: 0.004 ACRE
(185 SQ. FT.)

WATER & WASTEWATER
LINE EASEMENT
DOC. NO. 200800260
P.R.T.C.TX.

LOT 2
PROSPERITY BANK
DOC. NO. 2010037345
O.P.R.T.C.TX.

AMENDED PLAT OF
LOTS 2,3,4 & 5
OAK HILL "Y"
SECTION ONE
DOC. NO. 200800260
O.P.R.T.C.TX.

JOB NUMBER: 1019051384
DATE: 02/01/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.27 W/WE
TRACT ID: 773469
PARTY CHIEF: S. PESL
FIELD BOOKS:



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

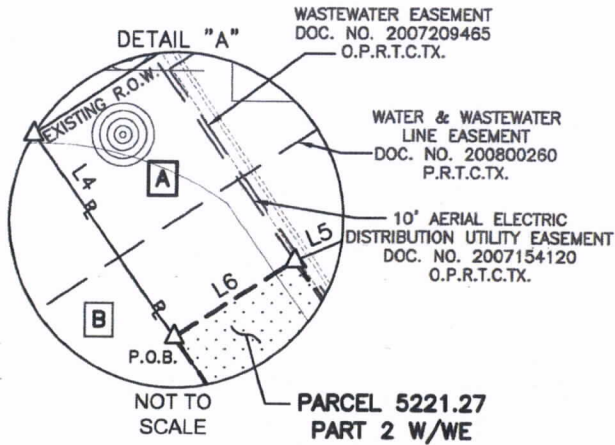
Texas Firm Registration No. 10064300

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS

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"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR PARCEL 5221.27 W/WE



B

LOT 3
AUSTIN Y STAR LLC
DOC. NO. 2009210503
O.P.R.T.C.TX.

LINE TABLE			LINE TABLE		
NUMBER	DIRECTION	LENGTH	NUMBER	DIRECTION	LENGTH
(L1)	S38°58'37"E	49.54'	L1	S38°58'32"E	10.71'
(L9)	N35°29'44"W	194.70'	L2	N35°29'44"W	10.66'
			L3	S38°58'32"E	18.42'
			L4	S35°29'39"E	13.67'
			L5	N66°48'19"E	25.59'
			L6	N57°17'25"E	5.36'
			L7	S35°29'44"E	34.45'
			L8	S56°50'07"W	5.36'
			L9	N35°29'39"W	34.49'
			L10	S36°59'35"E	63.16'
			L11	S66°14'46"E	52.13'

LEGEND

— R —	PROPERTY LINE
— S —	APPROXIMATE SURVEY LINE
---	EASEMENT
●	1/2" IRON ROD W/PCAP STAMPED "CHAPARRAL BOUNDARY" FOUND
△	CALCULATED POINT
⊕	MAG NAIL W/SHINER STAMPED "CHAPARRAL BOUNDARY" FOUND
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

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	4°22'39"	2,263.33	172.92'	S59°44'14"W	172.88'
C2	4°18'24"	2,291.83	172.27'	N59°44'48"E	172.23'
C3	0°22'55"	2,291.83	15.27'	N61°58'45"E	15.27'
C4	5°02'15"	2,291.83	201.50'	N59°16'10"E	201.44'
(C4)		(2,291.83)	(201.50')	(N59°06'03"E)	(201.44)'

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 5, 2019 OF NO. 1938015-KFO. THERE MAY BE RECORDED OR UNRECORDED EASEMENTS NOT SHOWN HEREON THAT MAY AFFECT THE PROPERTY.

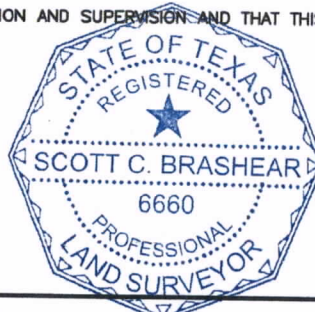
ALL BEARINGS SHOWN ARE BASED ON NAD83/2011 TEXAS COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR 1.000065048. PROJECT UNITS ARE IN U.S. SURVEY FEET.

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: 02/01/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.27 W/WE
TRACT ID: 773489
PARTY CHIEF: S. PESL
FIELD BOOKS:



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

Texas Firm Registration No. 10064300

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS
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