RESOLUTION NO. 20211118-060

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: San Clemente at Davenport – North, Ltd.

Project: Loop 360 at Westlake Waterline Relocation Project

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 and wastewater lines and associated
appurtenances and making connections therewith in, upon, over and across, the tract of land as described in "Exhibit A".

The temporary ingress and egress easement described in the attached Exhibit “B” is necessary to permit the City, its agents, employees, and contractors to enter upon said real property in order to move thereon vehicles, tools, and equipment, and persons as the City may deem necessary and convenient.

Location: 3800 North Capital of Texas Highway, Austin, Texas 78746

The general route of the project is along Loop 360 south of Plaza on the Lake toward Cedar Street and ending at Westlake Drive.

Property: Described in the attached and incorporated Exhibits “A” and “B”.

ADOPTED: November 18, 2021

ATTEST: Jannette S. Goodall
City Clerk
EXHIBIT A

San Clemente at Davenport-North, Ltd.

To

The City of Austin
(For Water Line Easement)

Field Notes Parcel 5239.01 Water Line Easement

BEING 0.100 OF ONE ACRE (4,354 S.F.) OF LAND, OUT OF AND A PART OF THE BURKE TRAMMEL SURVEY NO. 3, ABSTRACT NO. 768 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 3-A, BLOCK A, AMENDED PLAT OF LOTS 2-A, 3-A AND 4-A, BLOCK A OF THE AMENDED PLAT OF LOTS 37-43, BLOCK A, DAVENPORT WEST P.U.D. SECTION 5, PHASE 6, RECORDED IN DOCUMENT 200900133 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO SAN CLEMENTE AT DAVENPORT-NORTH, LTD. BY SPECIAL WARRANTY DEED EXECUTED APRIL 2, 2008, FILED FOR RECORD ON APRIL 9, 2008 AND RECORDED IN DOCUMENT 2008057475 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.100 OF ONE ACRE (4,354 S.F.) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at an iron rod with cap marked Chaparral found in the northwest right-of-way line of Loop 360 (300' right-of-way) same being a southeasterly corner of said Lot 3-A and the most easterly corner of Lot 2-A, Block A of said Amended Plat of Lots 2-A, 3-A, and 4-A, Block A of the Amended Plat of Lots 37-43, Block A Davenport West P.U.D. Section 5, Phase 6, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Grid coordinate values, (Texas State Plane, Central Zone, NAD 83, (CORS 2011), U. S. Feet, Surface Adjustment Factor of 1.00008) values of N=10095499.27, E=3093970.55, from which an iron rod with cap marked Chaparral found in the northwest right-of-way line of Loop 360 at the most easterly southeast corner of Lot 1-A, Block A Amended Plat of Lots 37-43, Block A, Davenport West P.U.D. Section 5, Phase 6 recorded in Document 200700198 of the Official Public Records of Travis County, Texas bears South 27°38'02" West, a distance of 733.86 feet;

1. THENCE, North 62°22'40" West, a distance of 25.00 feet, leaving the northwest right-of-way line of Loop 360, with a southwesterly line of said Lot 3-A and a northeasterly line of said Lot 2-A, to a calculated point for the most westerly corner of the herein described tract of land, from which an iron rod with cap marked Chaparral found at an interior corner of said Lot 3-A and at a northerly corner of said Lot 2-A bears North 62°22'40" West, a distance of 0.11 feet;

2. THENCE, North 27°38'02" East, a distance of 188.41 feet, leaving a southwesterly line of said Lot 3A and a northeasterly line of said Lot 2A, and crossing said Lot 3-A and in a westerly line of said Lot 4-A, Block A of said Amended Plat of Lots 2-A, 3-A and 4-A, Block A of the Amended Plat of Lots 37-43, Block A, Davenport West P.U.D. Section 5, Phase 6, for the most northerly corner of the herein described tract of land, from which an iron rod with cap marked Chaparral found at a northeasterly corner of said Lot 3-A and an interior corner of said Lot 4-A bears North 13°37'04" West, a distance of 114.07 feet;

3. THENCE, South 13°37'04" East, with an easterly line of said Lot 3-A and a westerly line of said Lot 4-A, at a distance of 37.84 feet passing an iron rod with cap marked Chaparral found, in all a distance of 37.92 feet, to an iron rod with cap marked Chaparral found in the northwest right-of-way line of Loop 360, same being the most easterly corner of said Lot 3-A and an easterly...
corner of said Lot 4-A, for the most easterly corner of the herein described tract of land, from which a TxDOT Type I monument found in the northwest right-of-way line of Loop 360 and in a southeasterly line of Lot 1, Block A, Nalle Woods Subdivision recorded in Document 200300029 of the Official Public Records of Travis County, Texas bears North 27°38'02" East, a distance of 2,391.54 feet;

4. THENCE, South 27°38'02" West, a distance of 159.90 feet, with the northwest right-of-way line of Loop 360 and a southeasterly line of said Lot 3-A, to the Point of Beginning and containing an area of 0.100 of one acre (4,354 s.f.) of land.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

[Signature]
David Edward Martinez
Registered Professional Land Surveyor 5434

MWM DesignGroup
305 East Huntland Drive, Suite 200
Austin, Texas, 78752 (512) 453-0767
TBPLS Firm Registration No. 10065600

Bearing Basis: The bearings shown hereon are based on Texas State Plane, Central Zone, NAD 83. All distances shown hereon are surface distances measured in U.S. feet.

TCAD: 0131150112
Austin Grid: F28

FIELD NOTES REVIEWED
BY DATE: 04/14/21
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT
**Sketch to Accompany Field Notes**

**Travis County, Texas**

**Date:** 27-JAN-21

**Job No.:** 537088

**File:** 5239.01_WLE

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**Lot 2-A Block A**

**Amended Plat of Lots 2-A, 3-A, and 4-A, Block A of the Amended Plat of Lots 37-43, Block A Davenport West P.U.D. Section 5, Phase 6**

**San Clemente at Davenport-North, Ltd.**

**Doc. 2008057475 OPRTCT**

**San Clemente Office Partners LLC**

**Doc. 2017098839 OPRTCT**

**5239.01 Water Line Easement**

0.10 AC

(4,354 S.F.)

**Point of Beginning**

N=10095499.27

E=3093970.55

(Grid Coordinates)

**Point of Commencement**

Most easterly southeast corner of Lot 1-A, Block A, Amended Plat of Lots 37-43, Block A, Davenport West P.U.D. Section 5, Phase 6 recorded in Doc. 20070198 OPRTCT

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**Horizontal Scale in Feet**

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**Notes:**

1. **Lot 2-A** Block A
2. **Amended Plat of Lots 2-A, 3-A, and 4-A, Block A of the Amended Plat of Lots 37-43, Block A Davenport West P.U.D. Section 5, Phase 6**
3. **San Clemente at Davenport-North, Ltd.**
4. **San Clemente Office Partners LLC**
5. **5239.01 Water Line Easement**
6. **Point of Beginning**
7. **Grid Coordinates**
8. **Point of Commencement**
9. **Horizontal Scale in Feet**

---

**Legend:**

- **ICF**
- **Mon**
- **( )** OPRTCT
- **△** ORTS
- **Legend:**
- **Iron Rod/Found with Cap**
- **TxDOT Ty I Monument Found**
- **Calculated Point**
- **Indicates Record Data**
- **Official Public Records of Travis County, Texas**
- **Plats Records of Travis County, Texas**
- **Deed Records of Travis County, Texas**

**Notes:**

- **Area of Easement Overlap**
- **Surface Coordinates Multiply the Grid Coordinates by the Surface Adjustment Factor 1.00008**
- **All Distances Shown are Surface Distances Measured in U. S. Feet.**
EXHIBIT B

San Clemente at Davenport-North, Ltd.

To

The City of Austin

(For Temporary Ingress and Egress Easement)

Field Notes for Parcel 5239.01 Temporary Ingress and Egress Easement

BEING 0.164 OF ONE ACRE (7,164 S.F.) OF LAND, OUT OF AND A PART OF
THE BURKE TRAMMEL SURVEY NO. 3, ABSTRACT NO. 768 IN TRAVIS COUNTY,
TEXAS, SAME BEING A PORTION OF LOT 3-A, BLOCK A, AMENDED PLAT OF
LOTS 2-A, 3-A AND 4-A, BLOCK A OF THE AMENDED PLAT OF LOTS 37-43,
BLOCK A, DAVENPORT WEST P.U.D. SECTION 5, PHASE 6, RECORDED IN
DOCUMENT 200900133 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
TEXAS CONVEYED TO SAN CLEMENTE AT Davenport-North, LTD. BY SPECIAL
WARRANTY DEED EXECUTED APRIL 2, 2008, FILED FOR RECORD ON APRIL 9,
2008 AND RECORDED IN DOCUMENT 2008057475 OF THE OFFICIAL PUBLIC
RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.164 OF ONE ACRE (7,164 S.F.)
OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at an iron rod with cap marked Chaparral found in the northwest
right-of-way line of Loop 360 (300' R.O.W.), same being the most easterly
southeast corner of Lot 1-A, Block A, Amended Plat of Lots 37-43, Block A,
Davenport West, P.U.D. Section 5, Phase 6 recorded in Document 200700198 of
the Official Public Records of Travis County, Texas, thence as follows:

North 27°38'02" East, a distance of 733.86 feet, to an iron rod with cap marked
Chaparral found in the northwest right-of-way line of Loop 360, same being a
southeasterly corner of Lot 3-A, Block A, Amended Plat of Lots 2-A, 3-A, and 4-
A, Block A of the Amended Plat of Lots 37-43, Block A Davenport West P.U.D.
Section 5, Phase 6 and the most easterly corner of Lot 2-A, Block A of said
Amended Plat of Lots 2-A, 3-A, and 4-A, Block A of the Amended Plat of Lots 37-
43, Block A Davenport West P.U.D. Section 5, Phase 6;

North 62°22'40" West, a distance of 25.00 feet, to a calculated point in a
southwesterly line of said 3-A and in a northeasterly line of said Lot 2-A,
from which to an iron rod with cap marked Chaparral found at an interior corner
of said Lot 3-A and a northerly corner of said Lot 2-A, bears North 62°22'40" West,
a distance of 0.11 feet;

North 27°38'02" East, a distance of 12.22 feet, to a calculated point in the
interior of said Lot 3-A, for the Point of Beginning and an easterly corner of
the herein described tract of land, having Grid coordinate (Texas State Plane,
Central Zone, NAD 83, (CORS 2011), U. S. Feet, Surface Adjustment Factor of
1.00008) values of N=10095499.27, E=3093970.55;

1.  THENCE, North 62°21'58" West, a distance of 23.91 feet, to a calculated
point for the point of curvature of a circular curve to the left;

2.  THENCE, along said curve to the left of 25.00 feet radius, an arc length
of 39.14 feet, having an angle of intersection of 89°42'00", (the long chord of
said curve bears South 72°47'02" West, a distance of 35.26 feet), to a calculated
point for the point of tangency;

3.  THENCE, South 27°56'03" West, a distance of 13.00 feet, to a calculated
point for an interior corner;
4. THENCE, South 62°03'57" East, a distance of 19.00 feet, to a calculated point for a corner;

5. THENCE, South 27°56'03" West, a distance of 65.50 feet, to a calculated point for the most southerly corner of the herein described tract of land;

6. THENCE, North 62°03'57" West, a distance of 44.00 feet, to a calculated point for the most westerly corner of the herein described tract of land;

7. THENCE, North 27°56'03" East, a distance of 146.74 feet, to a calculated point for the most northerly corner of the herein described tract of land;

8. THENCE, South 62°21'58" East, a distance of 73.55 feet, to a calculated point for the most easterly corner of the herein described tract of land, from which a TxDOT Type I Monument monument found in the northwest right-of-way line of Loop 360 and in a southeasterly line of Lot 1, Block A, Nalle Woods Subdivision recorded in Document 200300029 of the Official Public Records of Travis County, Texas bears South 62°21'58" West, a distance of 25.00 feet to a calculated point in the northerly right-of-way line of Loop 360, same being in a southeasterly line of said Lot 3-A, and North 27°38'02" East, at a distance of 104.18 feet passing a calculated point in the northwest right-of-way line of Loop 360, at the most easterly corner of said Lot 3-A and an easterly corner of Lot 4-A, Block A of said Amended Plat of Lots 2-A, 3-A, and 4-A, Block A of the Amended Plat of Lots 37-43, Block A Davenport West P.U.D. Section 5, Phase 6, from said calculated point an iron rod with cap marked Chapparal found bears North 13°37'04" West, a distance of 0.08 feet, in all a distance of 2,495.73 feet;

9. THENCE, South 27°38'02" West, a distance of 43.50 feet, to the Point of Beginning and containing an area of 0.164 of one acre (7,164 s.f.) of land.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveys standards.

[Signature]
David Edward Martinez
Registered Professional Land Surveyor 5434

DesignGroup
305 East Huntland Drive, Suite 200
Austin, Texas, 78752 (512) 453-0767
TBPLS Firm Registration No. 10065600

Bearing Basis: The bearings shown hereon are based on Texas State Plane, Central Zone, NAD 83. All distances shown hereon are surface distances measured in U.S. feet.

TCAD: 0131150112
Austin Grid: P20

FIELD NOTES REVIEWED
BY: __________________________
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

Page 2 of 4
SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 26-JAN-21

FILE: 5239_01_TIAE
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Title Report Reference:
Stewart Title Company of Austin, LLC
901 South Mopac, Building III, Suite 100
Austin, Texas, 78746
File No.: 549547
Effective Date: October 4, 2019

This sketch is accompanied by a metes and bounds description of equal date. The grid coordinates shown hereon are based on Texas State Plane, Central Zone, NAD 83 (CORS 2011). For surface coordinates multiply the grid coordinates by the surface adjustment factor 1.00008. All distances shown are surface distances measured in U. S. feet.