

**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.

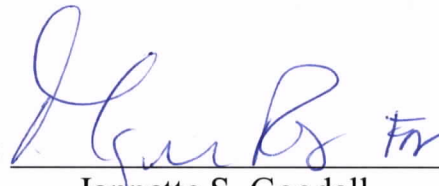
Location: 3800 North Capital of Texas Highway, Austin, Texas 78746

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;

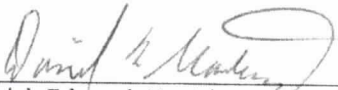
2. THENCE, North 27°38'02" East, a distance of 188.41 feet, leaving a southwesterly line of said Lot 3A and a northeasterly line of said Lot 2A, and crossing said Lot 3-A, to a calculated point in an easterly line of said Lot 3-A and in a westerly line of Lot 4-A, Block A of said Amended Plat of Lots 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, 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.

  
\_\_\_\_\_  
David Edward Martinez  
Registered Professional Land Surveyor 5434


01/27/21  
Date



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

TITLE REPORT REFERENCE:  
 STEWART TITLE OF AUSTIN, LLC  
 901 SOUTH MOPAC, BUILDING III, SUITE 100  
 AUSTIN, TEXAS 78746  
 FILE No. 549547  
 EFFECTIVE DATE: OCTOBER 4, 2019

BURKE TRAMMELL LAKE SIDE ADDITION,  
 SURVEY No. 3 VOL. 3, PG. 66  
 ABSTRACT No. 768 PRCT

TXDOT TYPE I MONUMENT FOUND  
 IN A SOUTHEASTERLY LINE OF LOT  
 1, BLOCK A, NALLE WOODS  
 SUBDIVISION RECORDED IN DOC.  
 200300029 OPRCT

LOT 52 EANES INDEPENDENT  
 SCHOOL DISTRICT  
 VOL. 12083, PG. 2192  
 RPRCT

INGRESS AND EGRESS EASEMENT  
 VOL. 8674, PG. 270 DRCT  
 DECLARATION OF EASEMENTS AND RESTRICTION  
 VOL. 12553, PG. 541 RPRCT

CORRECTION WASTEWATER  
 LINE EASEMENT  
 DOC. 200200252 OPRCT

WASTEWATER LINE EASEMENT  
 DOC. 2002099002 OPRCT

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  
 DOC. 200900133 OPRCT

10' AERIAL ELECTRIC AND TELECOMMUNICATIONS  
 EASEMENT DOC. 200900133 OPRCT

SAN CLEMENTE AT  
 DAVENPORT-NORTH, LTD.  
 DOC. 2008057475 OPRCT

SIGN EASEMENT AGREEMENT  
 DOC. 2017098840 OPRCT

50' HWY. VEG.  
 BUFFER AND B.L.  
 DOC. 200000169 OPRCT

DECLARATION OF ACCESS, UTILITIES,  
 EASEMENT AND LIGHTING  
 DOC. 2006218386 OPRCT

5239.01 WATER  
 LINE EASEMENT  
 0.100 AC  
 (4,354 S.F.)

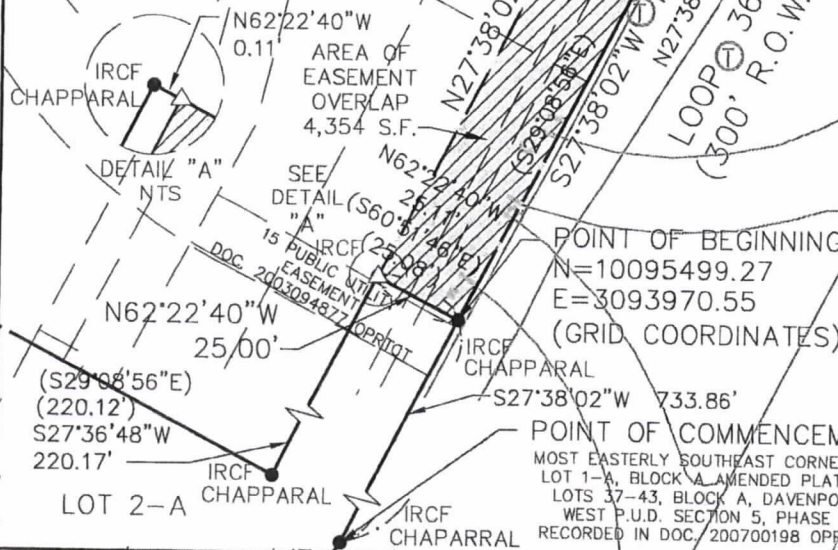
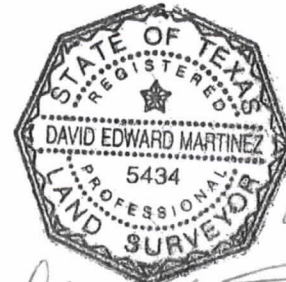
25' UNDERGROUND UTILITY EASEMENT  
 VOL. 10950, PG. 1805 DRCT

15' PUBLIC UTILITY EASEMENT  
 VOL. 12254, PG. 18 RPRCT

LEGEND:

- IRCF IRON ROD FOUND WITH CAP
- Mon TXDOT TYPE I MONUMENT FOUND
- △ CALCULATED POINT
- ( ) INDICATES RECORD DATA
- OPRCT OFFICIAL PUBLIC RECORDS OF
- PRCT TRAVIS COUNTY, TEXAS
- DRCT PLAT RECORDS OF TRAVIS
- DEED RECORDS OF TRAVIS
- AREA OF EASEMENT OVERLAP
- AREA OF EASEMENT

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.



**mwm**  
 DesignGroup

305 East Huntland Drive  
 Suite 200  
 Austin, Texas 78752  
 p: 512.453.0767  
 f: 512.453.1734

TBAE 1452  
 TRPE F-1416  
 TBPLS 10065600

SKETCH TO ACCOMPANY  
 FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 27-JAN-21  
 JOB NO: 537088  
 FILE: 5239.01\_WLE

3

3 of 3

## 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,;

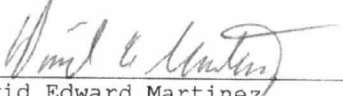
North 62°22'40" West, a distance of 25.00 feet, to a calculated point in a southwesterly line of said 3-A and in a northeasterly line of said Lot 2-A, from which to an iron rod with cap marked Chaparral found at an interior corner of said Lot 3-A and a northerly corner of said Lot 2-A, bears North 62°22'40"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

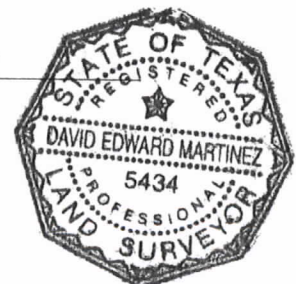
1. THENCE, North 62°21'58" West, a distance of 23.91 feet, to a calculated point for the point of curvature of a circular curve to the left;
2. THENCE, along said curve to the left of 25.00 feet radius, an arc length of 39.14 feet, having an angle of intersection of 89°42'00", (the long chord of said 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 northwesterly 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 Surveyors standards.

  
David Edward Martinez  
Registered Professional Land Surveyor 5434


01/26/21  
Date



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

0 50 100

HORIZONTAL SCALE IN FEET

WASTEWATER LINE EASEMENT  
DOC. 2002099002 OPRCT

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  
DOC. 200900133 OPRCT

SAN CLEMENTE AT  
DAVENPORT-NORTH, LTD.  
DOC. 2008057475  
OPRTCT

LOT 3-A BLOCK A

5239.01  
TEMPORARY INGRESS  
AND EGRESS EASEMENT  
0.164 AC (7,164 S.F.)

DECLARATION OF ACCESS, UTILITIES,  
LANDSCAPING AND LIGHTING  
EASEMENT  
DOC. 2006218386 OPRCT

WASTEWATER LINE  
EASEMENT  
DOC. 2002099003  
OPRTCT

N62°22'40"W  
0.11'  
IRCF  
CHAPARRAL  
LOT  
3-A  
LOT  
2-A  
DETAIL "A"  
NTS

AREA OF  
EASEMENT  
OVERLAP  
3,435 S.F.

WATER EASEMENT  
DOC. 2012092939  
OPRTCT  
CORRECTION  
WASTEWATER  
LINE EASEMENT  
DOC. 2002002552  
OPRTCT

10' AERIAL ELECTRIC AND  
TELECOMMUNICATIONS EASEMENT  
DOC. 200900133 OPRCT

IRCF  
CHAPARRAL

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. 200700198 OPRCT

LOOP 360  
(300' R.O.W.)

TxDOT TYP I MONUMENT FOUND  
IN A SOUTHEASTERLY LINE OF LOT 1,  
BLOCK A, NALLE WOODS SUBDIVISION  
RECORDED IN DOC. 200300029 OPRCT

IRCF  
CHAPARRAL

SAN CLEMENTE OFFICE  
PARTNERS LLC  
DOC. 2017098839  
OPRTCT

LOT 4-A

IRCF  
CHAPARRAL

LOT 4-A  
LOT 3-A  
0.08  
LOOP 360  
DETAIL A  
NTS

BURKE TRAMMELL  
SURVEY No. 3  
ABSTRACT No. 768

SEE  
DETAIL A

**LEGEND:**  
● IRCF IRON ROD FOUND WITH CAP  
■ Mon TxDOT TY I MONUMENT FOUND  
△ CALCULATED POINT  
( ) INDICATES RECORD DATA  
OPRTCT OFFICIAL PUBLIC RECORDS OF  
PRCTCT TRAVIS COUNTY, TEXAS  
DRCT PLAT RECORDS OF TRAVIS  
COUNTY, TEXAS  
DEED RECORDS OF TRAVIS  
COUNTY, TEXAS  
AREA OF EASEMENT OVERLAP  
AREA OF EASEMENT

POINT OF BEGINNING  
N=10095499.27  
E=3093970.55  
(GRID COORDINATES)

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.



01/26/21

**mwm**  
DesignGroup

305 East Huntland Drive  
Suite 200  
Austin, Texas 78752  
p: 512-453-0767  
f: 512-453-1734

TBAE 1452  
TBPE F-1416  
TBPLS 10065600

SKETCH TO ACCOMPANY  
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 26-JAN-21  
JOB NO: 53708B  
FILE: 5239.01\_TIAE

3  
3 of 4

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	25.00'	89°42'00"	39.14'	S72°47'02"W	35.26'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N27° 38' 02"E	12.22'
L2	N62° 21' 58"W	23.91'
L3	S27° 56' 03"W	13.00'
L4	S62° 03' 57"E	19.00'
L5	S27° 56' 03"W	65.50'
L6	N62° 03' 57"W	44.00'
L7	S62° 21' 58"E	25.00'
L8	S27° 38' 02"W	43.50'

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,  
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 COORDINATES MULTIPLY THE GRID COORDINATES  
 BY THE SURFACE ADJUSTMENT FACTOR 1.00008.  
 ALL DISTANCES SHOWN ARE SURFACE  
 DISTANCES MEASURED IN U. S. FEET.



*David E. Martinez* 01/26/21



305 East Huntland Drive  
 Suite 200  
 Austin, Texas 78752  
 p: 512.453.0767  
 f: 512.453.1734  
 TBAE 1452  
 TBPE F-1416  
 TBPLS 10065600

## SKETCH TO ACCOMPANY FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 26-JAN-21  
 JOB NO: 53708B  
 FILE: 5239.01\_TIAE

4  
4 of 4