

**RESOLUTION NO. 20220609-075**

**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 including but not limited to the deposit of funds in the amount awarded by the Court appointed Special Commissioners.

**BE IT FURTHER RESOLVED:**

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Michael J. Fix and C. Grace Palmer Fix

Project: Oak Hill Parkway Water Relocation Project

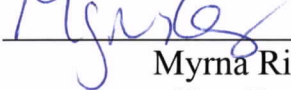
Public Use: Accommodating roadway improvements, relocation of wastewater infrastructure.

Location: 8311 Haskel Drive, Austin, Texas 78736.

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

Property: Described in the attached and incorporated "Exhibit A."

**ADOPTED:** June 09, 2022

**ATTEST:**   
Myrna Rios  
City Clerk

Michael J. Fix & C. Grace Palmer Fix  
to  
The City of Austin  
(Water Line Easement)

**LEGAL DESCRIPTION FOR PARCEL 5221.14 WLE**

**DESCRIPTION OF A 0.073 ACRE (3,162 SQ. FT.) EASEMENT LOCATED IN THE J.P. JOHANNESSEN SURVEY NO. 648, ABSTRACT 454, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 3, WESTOAKS SECTION THREE, A SUBDIVISION OF RECORD IN VOLUME 19, PAGE 61, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.TX.), DESCRIBED IN A DEED TO MICHAEL J. FIX AND C. GRACE PALMER FIX, RECORDED JULY 15, 1997 IN VOLUME 12976, PAGE 1414, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.TX.), SAID 0.073 ACRE (3,162 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 pipe found on the existing south right-of-way line of Haskell Drive, a 50 foot wide right-of-way, per plat recorded in Volume 19, Page 61, P.R.T.C.TX, at the northwest corner of Lot 2, of said Westoaks Section Three, described as Tract 1 in a deed to Tracy Lane Schagen, recorded in Document No. 2009115003, Official Public Records of Travis County, Texas (O.P.R.T.C.TX.), same being the northeast corner of a called 0.698 acre tract of land, described in a deed to George D. Bryan and Wife, Dorothy Jean Bryan, recorded in Volume 2448, Page 286, Deed Records of Travis County, Texas (D.R.T.C.TX.);

**THENCE S 63°44'00" E**, with said existing south right-of-way line of said Haskell Drive, a distance of **299.37** feet to a calculated point, at the northeast corner of a called 0.787 acre tract of land, described as Tract 2 in said Document No. 2009115003 to Tracy Lane Schagen, being further described in Volume 12588, Page 2140, Real Property Records, Travis County, Texas (R.P.R.T.C.TX.), same being the northwest corner of said Lot 3;

**THENCE S 17°55'30" W**, departing existing south right-of-way line of said Haskell Drive, with the common line of said Tract 2 and said Lot 3, a distance of **175.02** feet to a calculated point (**Grid Coordinates: N= 10,056,533.22, E= 3,065,049.86**), for the northwest corner and **POINT OF BEGINNING** of the easement described herein;

**THENCE S 71°06'32" E**, over and across said Lot 3, a distance of **208.96** feet to a calculated point on the east line of said Lot 3, same being the west line of Lot 4 of said Westoaks Section Three, described in a deed to Cindee J. Schieffer and Marilyn Cox, recorded in Document No. 2011114554, O.P.R.T.C.TX., for the northeast corner of the easement described herein;

**THENCE S 04°07'39" W**, with the east line of said Lot 3 and the west line of said Lot 4, a distance of **15.51** feet to a calculated point, for the southeast corner of the easement described herein;

**THENCE N 71°06'32" W**, over and across said Lot 3, a distance of **212.66** feet to 5/8-inch iron rod with TxDOT aluminum cap found on said common line of Tract 2 and Lot 3, for the southwest corner of the easement described herein;

THIS SPACE LEFT INTENTIONALLY BLANK

## Exhibit "A

Michael J. Fix & C. Grace Palmer Fix  
to  
The City of Austin  
(Water Line Easement)

THENCE N 17°55'30" E, with the common line of said Tract 2 and said Lot 3, a distance of **15.00** feet to the **POINT OF BEGINNING**, and containing **0.073** acre (3,162 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

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

REFERENCES  
TCAD Parcel I.D No. 312097

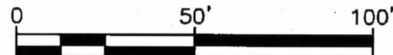
FIELD NOTES REVIEWED  
BY: John D. [Signature] DATE: 05/14/20  
CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT





# "EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
FOR PARCEL 5221.14 WLE



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



GEORGE D. BRYAN AND WIFE,  
DOROTHY JEAN BRYAN  
CALLED 0.698 ACRE  
VOL. 2448, PG. 286  
D.R.T.C.TX.

P.O.C.

(S 61°35' E 299.62')  
L5

TRACY LANE  
SCHAGEN  
TRACT 1  
DOC. NO.  
2009115003  
O.P.R.T.C.TX.

TRACY LANE SCHAGEN  
CALLED 0.787 ACRES  
(TRACT 2)  
DOC. NO.  
2009115003  
O.P.R.T.C.TX.

HASKELL DRIVE  
(50' R.O.W.)  
PER PLAT  
VOL. 19, PG. 61  
P.R.T.C.TX.)

LOT 2  
WESTOAKS  
SECTION THREE  
VOL. 19, PG. 61  
P.R.T.C.TX.

FURTHER DESCRIBED  
IN  
VOL. 12588, PG.  
2140  
R.P.R.T.C.TX.

EXISTING R.O.W.

TCAD PARCEL I.D NO. 312097

MICHAEL J. FIX & C. GRACE PALMER FIX  
RECORDED JULY 15, 1997  
VOL. 12976, PG. 1414  
R.P.R.T.C.TX.

LOT 3  
WESTOAKS SUBDIVISION,  
SECTION THREE  
VOL. 19, PG. 61  
P.R.T.C.TX.

P.O.B.  
GRID N: 10,056,533.22  
GRID E: 3,065,049.86

CHANNEL EASEMENT  
VOL. 1611, PG. 104  
D.R.T.C.TX.

CINDEE J. SCHIEFFER & MARILYN COX  
TRACT THREE  
DOC. NO. 2011114554  
O.P.R.T.C.TX.

LOT 4  
WESTOAKS,  
SECTION THREE  
VOL. 19, PG. 61  
P.R.T.C.TX.

STATE OF TEXAS  
DOC. NO. 2019161741  
O.P.R.T.C.TX.

EXISTING R.O.W.

PARCEL 5221.14 WLE  
WATER LINE EASEMENT  
0.073 ACRE  
(3,162 SQ. FT.)

U.S. 290  
(VARIABLE WIDTH RIGHT-OF-WAY)  
TXDOT CSJ NO. 0113-08-060

STATE OF TEXAS  
VOL. 1611, PG. 84  
D.R.T.C.TX.

JOB NUMBER: 1019051384  
DATE: 01/30/2020  
SCALE: 1" = 50'  
SURVEYOR: S. BRASHEAR  
TECHNICIAN: C. GALVAN  
DRAWING: PARCEL 5221.14 WLE  
TRACT ID: 312097  
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

Texas Firm Registration No. 10064300

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS

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OF 4

# "EXHIBIT A"

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR PARCEL 5221.14 WLE

### LEGEND

— P —	PROPERTY LINE
— S —	APPROXIMATE SURVEY LINE
— — —	EASEMENT
○	5/8" IRON ROD W/TxDOT ALUM CAP FOUND
△	CALCULATED POINT
●	1/2" IRON PIPE FOUND
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
D.R.T.C.TX.	DEED RECORDS TRAVIS COUNTY, TEXAS
R.P.R.T.C.TX.	REAL PROPERTY 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.O.W.	RIGHT-OF-WAY
( )	RECORD INFORMATION

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S71°06'32"E	208.96'
L2	S04°07'39"W	15.51'
L3	N71°06'32"W	212.66'
L4	N17°55'30"E	15.00'
L5	S63°44'00"E	299.37'
L6	S17°55'30"W	175.02'

### NOTE:

EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY ON SEPTEMBER 12, 2019, EFFECTIVE SEPTEMBER 4, 2019 GF NO. 20190854. 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*

5/12/20



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 5221.14 WLE  
TRACT ID: 312097  
PARTY CHIEF: S. PESL  
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PROJECT: CITY OF AUSTIN — OAKHILL EASEMENTS

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OF 4