

RESOLUTION NO. 20220728-105

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: R&K Investments, A Texas General Partnership

Project: Circuit 811 Transmission Electric Line Upgrade Project

Public Use: Providing reliable, safe electricity service.

Location: 7544 N. Lamar Boulevard, Austin, Texas 78752.

The general route of the project is along the east side of North Lamar Boulevard from U.S. HWY 183 to the McNeil Substation.

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

ADOPTED: July 28, 2022

ATTEST:



Myrna Rios
City Clerk



EXHIBIT "A"

SURVEY OF 0.028 ACRES OR 1,233 SQUARE FEET OF LAND BEING A PORTION OF LOTS 10 THROUGH 16, BLOCK A, NORTH GATE ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN PLAT CABINET 3, PAGE 196, PLAT RECORDS TRAVIS COUNTY, TEXAS, AND BEING A PART OF THAT CALLED 0.555 ACRES, WHICH IS A PART OF THE SAID LOTS 10 THROUGH 16, BLOCK A, OF THE SAID SUBDIVISION, AS DESCRIBED TO R & K INVESTMENTS, A TEXAS GENERAL PARTNERSHIP IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN VOLUME 12132, PAGE 2123, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.028 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point not set for the west corner of the herein described 0.028 acres of land having Grid Coordinates of N(Y) 10098419.389, E(X) 3122281.454 United States State Plane Coordinate System, Texas Central Zone 4203, NAD83, same being a point on the common dividing line of the said Lot 10, and Lot 9, Crestview Station, a subdivision in Travis County, Texas, according to the plat recorded in Document Number 200700309, Official Public Records Travis County, Texas, same being a point on the southwest line of the said 0.555 acres and from this point a one-half inch iron rod found for an exterior angle corner of the said Lot 9, Crestview Station, same being the west corner of Lot 3, Cleo M Arnett Subdivision, a subdivision in Travis County, Texas, according to the plat recorded in Volume 12, Page 21, Plat Records Travis County, Texas, bears North 62°01'56" West, a distance of 215.34 feet

THENCE North 51°40'44" East, a distance of 80.67 departing said common dividing line and crossing over the said Lots 10 through 12, of the said North Gate Addition and the said 0.555 acres to a calculated point not set for the north corner of the herein described 0.028 acres of land, same being a point coincident with the common dividing line of the said Lot 12, North Gate Addition, the said 0.555 acres and North Lamar Boulevard, a street in Travis County, Texas, the right-of-way width which varies and from this point a pk-nail set in asphalt between a traffic signal metal light pole and a metal power pole for the east corner of the said 0.555 acres, the present east corner of the said Lot 16, of the said North Gate Addition, same being at the intersection of the northwest right-of-way line of the said North Lamar Boulevard and the southwest right-of-way line of Morrow Street, a street in Travis County, Texas, having a fifty-foot right-of-way width as depicted on the plat of the said North Gate Addition bears North 27°13'30" East, a distance of 100.86 feet;

THENCE South 27°13'30" West, a distance of 73.86 feet coincident with the northwest right-of-way line of the said North Lamar boulevard, the southeast line of the said 0.555 acres and the present southeast line of the said Lots 12 through Lot 10, Block A, North Gate Addition, to another pk-nail set in concrete near a large metal power pole for the south corner of the herein

described 0.028 acres of land, same being the present location of the south corner of the said Lot 10, same being the south corner of the said 0.555 acres, same being the east corner of the said Lot 9, Crestview Addition and a point on the northwest right-of-way line of the said Lamar Boulevard;

THENCE North 62°01'56" West, a distance of 33.40 feet along the common dividing line of the said Lot 10, North Gate Addition and the said Lot 9, Crestview Station to the **POINT OF BEGINNING** and containing 0.028 acres of land or 1,233 square feet of land, more or less.

BASIS OF BEARINGS: GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision.

Robert C. Steubing
Robert C. Steubing Registered Professional Land Surveyor No. 5548

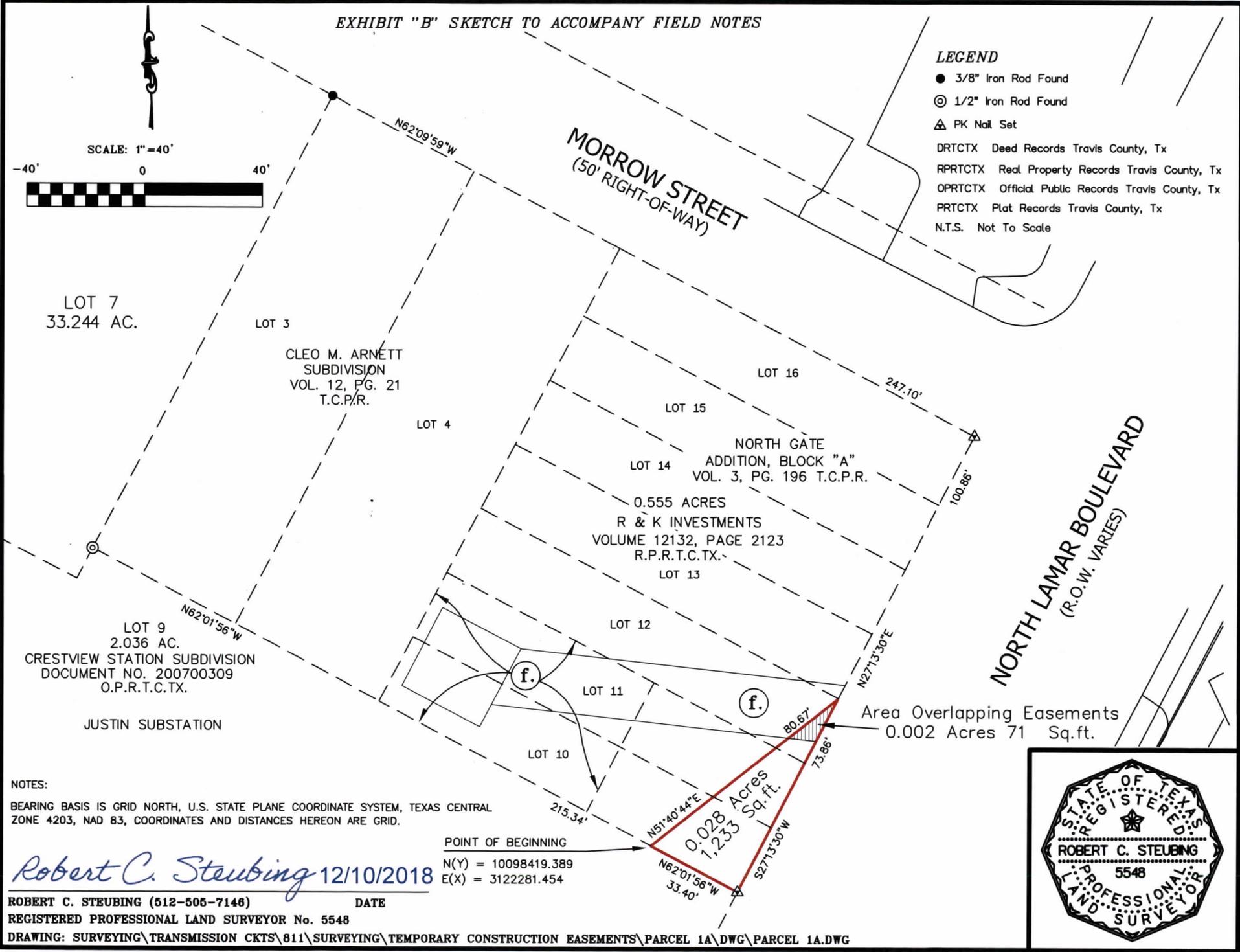
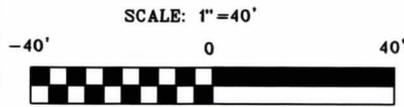


12/10/2018
Date

EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

LEGEND

- 3/8" Iron Rod Found
- ⊙ 1/2" Iron Rod Found
- △ PK Nail Set
- DRTCTX Deed Records Travis County, Tx
- RPRTCTX Real Property Records Travis County, Tx
- OPRTCTX Official Public Records Travis County, Tx
- PRTCTX Plat Records Travis County, Tx
- N.T.S. Not To Scale



NOTES:
 BEARING BASIS IS GRID NORTH, U.S. STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL
 ZONE 4203, NAD 83, COORDINATES AND DISTANCES HEREON ARE GRID.

Robert C. Steubing 12/10/2018

ROBERT C. STEUBING (512-505-7146) DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

DRAWING: SURVEYING\TRANSMISSION CKTS\811\SURVEYING\TEMPORARY CONSTRUCTION EASEMENTS\PARCEL 1A\DWG\PARCEL 1A.DWG



Easements and Conditions of Record as per Chicago Title Insurance Company
Commitment Number GF No. 17110033ROW with an Effective Date of May 22, 2018

Schedule "B"

10. (c) **Water line easement executed by R & K Investments, a Texas general partnership and granted to City of Austin, recorded in County Clerk's File No. 2006197620, Official Public Records, Travis County, Texas.**
MAY OR MAY NOT APPLY, NO DESCRIPTION OF PROPERTY
- (f) **Grant of Easement and Assignment of Lease, dated December 28, 2010, by and between R & K Investments, a Texas general partnership and Global Signal Acquisitions II LLC, a Delaware limited liability company, recorded in County Clerk's File No. 2011020069, Official Public Records, Travis County, Texas.**
DOES APPLY TO THIS TRACT, PLOTTED HEREON
- (g) **Terms and provisions of Memorandum of Lease by and between R & K Investments, a Texas general partnership and Longhorn Pawn & Gun, Inc., a Texas corporation, dated May 8, 1998, filed October 2, 1998, recorded in Volume 13281, Page 2894, Official Public Records, Travis County, Texas; as affected by Amendment to Memorandum of Lease recorded in County Clerk's File No. 2001004269, Official Public Records, Travis County, Texas.**
DOES APPLY TO THIS TRACT, PLOTTED HEREON
- (h) **Terms and provisions of Memorandum of PCS Site Agreement by and between R & K Investments, a Texas general partnership and Sprint Spectrum L. P., a Delaware limited partnership dated August 17, 1999, filed January 9, 2001, recorded in County Clerk's File No. 2001004269, Official Public Records, Travis County, Texas. DOES APPLY TO THIS TRACT, SAME AS ITEM 10. f.**
- (i) **Terms and provisions of Mortgagee's Nondisturbance and Attornment Agreement by and between Pettigrew, Smith & Watkins, a Texas general partnership and Sprint Spectrum L. P., a Delaware limited partnership, filed April 11, 2001, recorded in County Clerk's File No. 2001055129, Official Public Records, Travis County, Texas. NOT A SURVEY RELATED ITEM**
- (j) **Terms and provisions of Site Designation Supplement to Master Lease and Sublease Agreement by and between STC Five LLC, a Delaware limited liability company, Global Signal Acquisitions II LLC, a Delaware limited liability company, and Sprint Spectrum L. P., a Delaware limited partnership, filed June 8, 2005, recorded in County Clerk's File No. 2005101215, Official Public Records, Travis County, Texas.**
NOT A SURVEY RELATED ITEM

Robert C. Steubing 12/10/2018

ROBERT C. STEUBING (512-505-7148) DATE

REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

DRAWING: SURVEYING\TRANSMISSION CKT\811\LAMAR 183 OVERPASS ROW WIDTH\PAWN SHOP ESMT.DWG

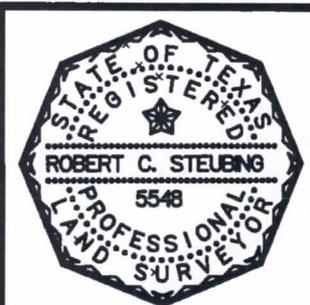




EXHIBIT ~~X~~ B

SURVEY OF 0.187 ACRES OR 8,131 SQUARE FEET OF LAND BEING A PORTION OF LOTS 10 THROUGH 16, BLOCK A, NORTH GATE ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN PLAT CABINET 3, PAGE 196, PLAT RECORDS TRAVIS COUNTY, TEXAS, AND BEING A PART OF THAT CALLED 0.555 ACRES, WHICH IS A PART OF THE SAID LOTS 10 THROUGH 16, BLOCK A, OF THE SAID SUBDIVISION, AS DESCRIBED TO R & K INVESTMENTS, A TEXAS GENERAL PARTNERSHIP IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN VOLUME 12132, PAGE 2123, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.187 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point not set for the south corner of the herein described 0.187 acres of land having Grid Coordinates of N(Y) 10098419.389, E(X) 3122281.454 United States State Plane Coordinate System, Texas Central Zone 4203, NAD83, same being a point on the common dividing line of the said Lot 10, and Lot 9, Crestview Station, a subdivision in Travis County, Texas, according to the plat recorded in Document Number 200700309, Official Public Records Travis County, Texas, same being a point on the southwest line of the said 0.555 acres and from this point a pk-nail set in concrete at the base of large wood electric pole for the present south corner of the said Lot 10, same being the east corner of the said Lot 9, Crestview Addition and a point on the northwest right-of-way line of the said Lamar Boulevard bears South 62°01'56" East, a distance of 33.40 feet;

THENCE North 62°01'56" West, a distance of 24.78 feet along the common dividing line of the said 0.555 acres, the said Lot 10 and the said Lot 9, Crestview to a calculated point not set for the west corner of the herein described 0.187 acres of land, same being a point on last said common dividing line and from this point a one-half inch iron rod found for an exterior angle corner of the said Lot 9, Crestview Station, same being the west corner of Lot 3, Cleo M Arnett Subdivision, a subdivision in Travis County, Texas, according to the plat recorded in Volume 12, Page 21, Plat Records Travis County, Texas, bears North 62°01'56" West, a distance of 190.56 feet;

THENCE departing the last said common dividing line and crossing over the said Lots 10 through 16, North Gate Addition and the said 0.555 acres the following three (3) courses:

- 1) North 27°26'11" East, a distance of 66.43 feet to a calculated point not set for an exterior angle corner of the herein described 0.187 acres of land;
- 2) South 62°42'29" East, a distance of 6.62 feet to a calculated point not set for an interior angle corner of the herein described 0.187 acres of land;

3) North 27°41'28" East, a distance of 108.09 feet to a calculated point not set for the north corner of the herein described 0.187 acres of land, same being a point on the common dividing line of the said Lot 16, North Gate Addition and Morrow Street, a street in Travis County, Texas, having a fifty-foot right-of-way width as depicted on the said North Gate Addition plat, same being a point on the northeast line of the said 0.555 acres and from this point a one-half inch iron rod found for the north corner of the said Lot 3, Cleo M. Arnet Subdivision and a point on the southwest right-of-way line of the said Morrow Street bears North 62°09'59" West, a distance of 196.73 feet;

THENCE South 62°09'59" East, a distance of 50.44 feet and coincident with southwest right-of-way line of the said Morrow Street, the northeast line of the said Lot 16 and the northeast line of the said 0.555 acres to a pk-nail set in asphalt between a traffic signal light metal pole and a metal power pole for the east corner of the herein described 0.187 acres of land, the present east corner of the said Lot 16, and the east corner of the said 0.555 acres, same being at the intersection of the southwest right-of-way line of the said Morrow Street, with the northwest right-of-way line of the said Lamar Boulevard;

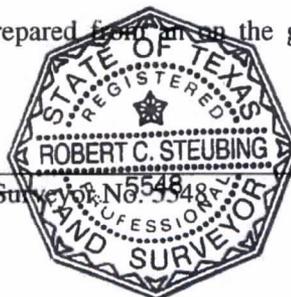
THENCE South 27°13'30" West, a distance of 100.86 feet coincident with the northwest right-of-way line of the said North Lamar Boulevard, same being the southeast line of the said 0.555 acres and the present southeast line of the said Lots 16 through Lot 10, Block A, North Gate Addition to a point not set for an exterior angle corner of the herein described 0.187 acres of land, same being a point on the southeast line of the said 0.555 acres, the present southeast line of the said Lot 12, and the northwest right-of-way line of the said North Lamar Boulevard;

THENCE South 51°40'44" West, a distance of 80.67 feet and departing the northwest right-of-way line of the said North Lamar, crossing over the said 0.555 acres and the said Lot 12 through Lot 10 the **POINT OF BEGINNING** and containing 0.187 acres of land or 8,131 square feet of land, more or less.

BASIS OF BEARINGS: GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83

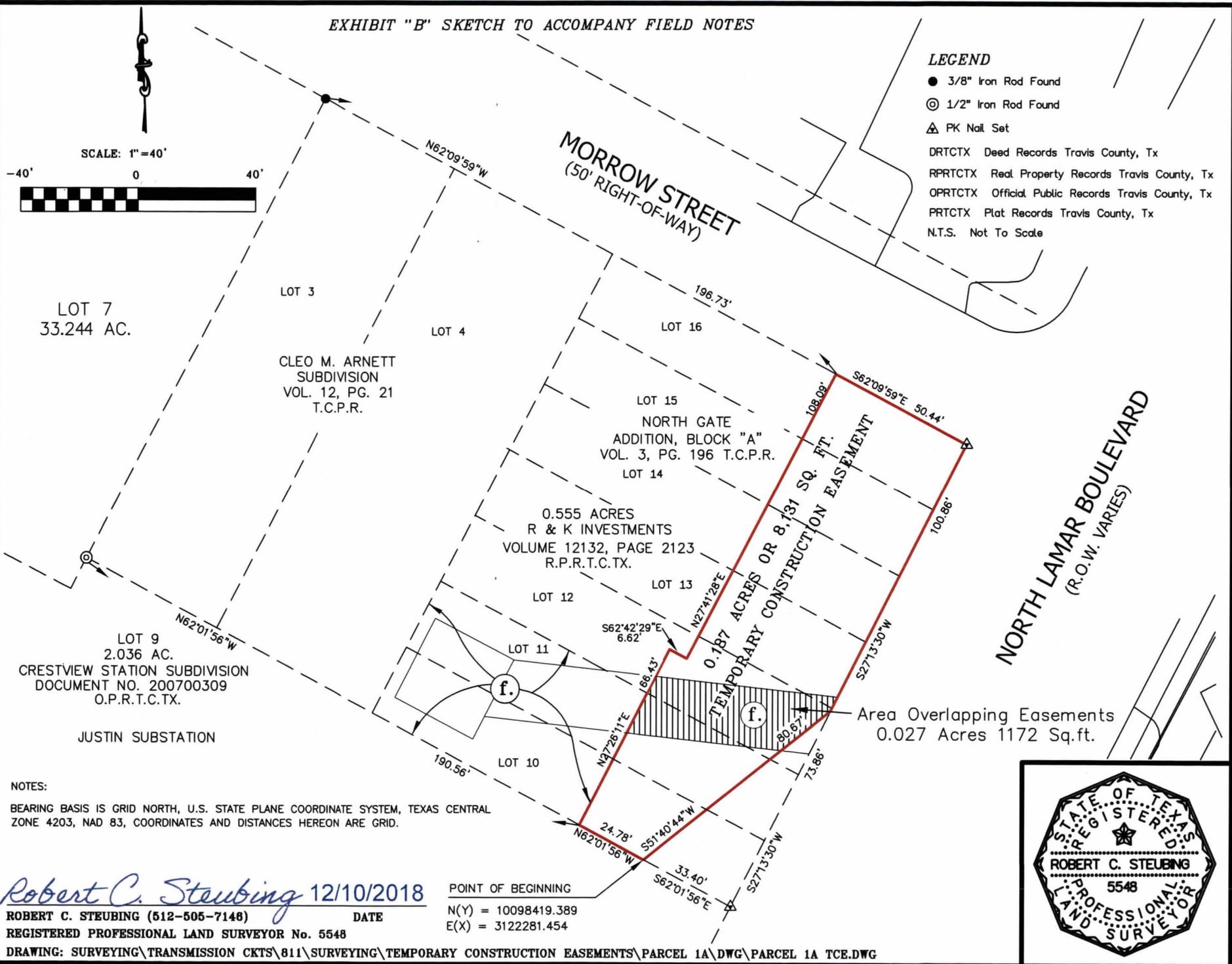
I hereby certify that these field notes were prepared from an on the ground survey made under my supervision.

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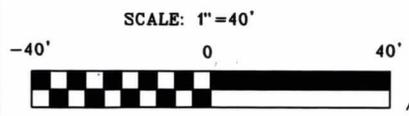
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EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES



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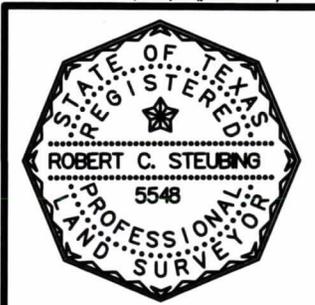
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Robert C. Steubing 12/10/2018
 ROBERT C. STEUBING (512-505-7148) DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

POINT OF BEGINNING
 N(Y) = 10098419.389
 E(X) = 3122281.454



Easements and Conditions of Record as per Chicago Title Insurance Company
Commitment Number GF No. 17110033ROW with an Effective Date of May 22, 2018

Schedule "B"

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DOES APPLY TO THIS TRACT, PLOTTED HEREON
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Robert C. Steubing 12/10/2018
ROBERT C. STEUBING (512-505-7148) DATE

REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548
DRAWING: SURVEYING\TRANSMISSION CKT 811\LAMAR 183 OVERPASS ROW WIDTH\PAWN SHOP ESMT.DWG

