

RESOLUTION NO. 050127-13

WHEREAS, the Council finds that acquisition of the property interest described in the attachment is necessary for a public use; and

WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interest to be acquired; **NOW, THEREFORE,**

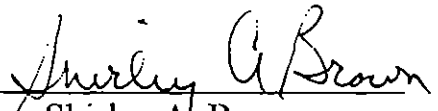
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property interest.

The owner of the property interest to be acquired is Henry Chang and the property is located at 5106 Spruce Cove, Austin, Travis County, Texas.

ADOPTED: January 27, 2005

ATTEST:


Shirley A. Brown
City Clerk

Henry Chang
to
City of Austin
Lot 4, Block 1,
Peppertree Park,
Section 2
(Wastewater Easement)

FIELD NOTES FOR PARCEL 5202.03 WE

LEGAL DESCRIPTION OF A 0.037 ACRE (1,625 SQUARE FEET) TRACT OR PARCEL OF LAND, BEING OUT OF AND PART OF LOT 4, BLOCK 1, PEPPERTREE PARK SECTION 2, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT OF RECORD FOUND IN BOOK 57, PAGE 33, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 4 HAVING BEEN CONVEYED TO HENRY CHANG BY DEED RECORDED IN DOCUMENT NO. 2004041301, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.037 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a 1" iron rod found at the northerly common corner of Lot 3 and said Lot 4, Block 1 of said subdivision, and being in the southerly right-of-way line of Spruce Cove (50-foot right-of-way);

THENCE, with the common line between said Lots 3 and 4, Block 1, S 43°00'31" W a distance of 207.58 feet to a calculated point having Texas State Plane Grid Coordinates (Texas Central Zone, NAD83/93HARN), of N = 10,045,671.45 and E = 3,112,567.11 and a combined scale factor of 1.00010; for the most northerly northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, thirty (30.00) feet north of and parallel to the south line of said Lot 4, Block 1, N 79°09'13" E, a distance of 159.88 feet to a calculated point in the west line of a 10-foot public utility easement as shown on said record plat, for the northeast corner of this tract;

THENCE, ten (10.00) feet west of and parallel to the common line of said Lot 4 and Lot 5 Block 1, S 02°54'30" W along the west line of said ten (10.00) foot public utility easement, a distance of 10.30 feet to a calculated point in the northerly line of a 10-foot public utility easement as shown on said record plat for the southeast corner of this tract;

Henry Chang
to
City of Austin
Lot 4, Block 1,
Peppertree Park,
Section 2
(Wastewater Easement)

THENCE, twenty (20.00) feet north of and parallel to the south line of said Lot 4, Block 1, S 79°09'13" W, along the north line of said 10-foot easement, a distance of 163.80 feet to a calculated point in the easterly line of a 7.5-foot public utility easement as shown on said record plat, for the southwest corner of this tract;

THENCE, N 15°01'27" E, along the easterly line of said 7.5-foot easement, a distance of 9.21 feet to a calculated point in the common line of said Lots 3 and 4 at the most westerly northwest corner of this tract;

THENCE with said common line of Lot 3 and Lot 4, Block 1, N 43°00'31" E a distance of 2.91 feet to the **POINT OF BEGINNING** and containing 0.037 acre of land, more or less.

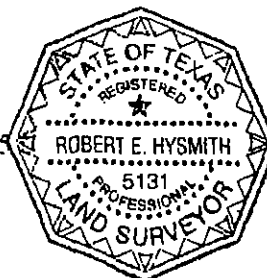
BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83/Ham), Combined Scale factor is 1.00010). Project Reference Control Points are two (2) cotton spindles found in Teri Road and have grid coordinates of N = 10,045,932.97, E = 3,113,096.17 and N = 10,046,017.05, E = 3,112,791.34.

I HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

Robert E. Hysmith

Landmark Surveying, Inc.
Robert E. Hysmith, RPLS No. 5131
1301 South Capital of Texas Highway, Suite B-313
Austin, Texas 78746
(512) 328-7411



TCAD# 03170201040000
Austin Grid: J-16

Exhibit "A"
Page 2 of 3

FIELD NOTES REVIEWED
By *[Signature]* Date *8-12-2004*
Engineering Support Section
Department of Public Works
and Transportation

**SURVEY OF A PORTION OF LOT 4, BLOCK 1,
PEPPERTREE PARK SECTION 2, CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS**



SCALE 1"=30'

LEGEND

- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- △ CALCULATED POINT
(NOT ESTABLISHED ON GROUND)
- 1/2" IRON PIPE FOUND
(UNLESS OTHERWISE NOTED)
- () RECORD INFORMATION
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- P.U.E. PUBLIC UTILITY EASEMENT
- P.R.T.C.T. Plat Records
Travis County, Texas
- D.R.T.C.T. Dead Records
Travis County, Texas
- R.P.R.T.C.T. Real Property Records
Travis County, Texas

BEARING BASIS NOTE:
Combined Scale Factor=1.00010. The Basis Of Bearings for this survey is the Texas State Plane Coordinate System, Central Zone 4203, NAD83/93HARN, as provided by the City of Austin Public Works Department.

POINT OF COMMENCEMENT

(50' R.O.W.)
SPRUCE COVE

HENRY CHANG
5206 SPRUCE COVE
DOC NO. 2004041301
O.P.R.T.C.T.
0317020104

LINE TABLE

LINE	BEARING	DISTANCE
L1	S02°54'30"W	10.30'
L2	N15°01'27"E	9.21'
L3	N43°00'31"E	2.91'

CURVE TABLE

CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
C1	S67°29'53"E (S69°40'00"E)	33.53' (34.01')	39°11'14"	34.20' (34.70')	50.00'
C2	N69°20'48"E (N71°35'00"E)	39.97' (40.23')	47°07'25"	41.12' (41.41')	50.00'

**PARCEL 5202.03 WE
PROPOSED 10' WASTEWATER
EASEMENT
0.037-ACRE
(1,625 S.F.)**

EXISTING
WASTEWATER
MANHOLE

POINT OF BEGINNING
N 10,045,671.45
E 3,112,567.11
(GRID)

**SKETCH TO
ACCOMPANY
FIELD NOTES**

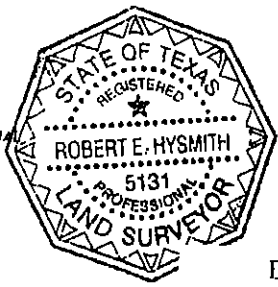
AS SURVEYED BY
LANDMARK SURVEYING, INC.

Robert E. Hysmith

Robert E. Hysmith
Registered Professional Land Surveyor No. 5131
DATE: August 3, 2004

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Client: City of Austin
Date: August 3, 2004
Office: SRLawrence
Crew: J. Hagan
F.B.I.: 754/5
Disk: Z:\cda\ONION CREEK BASIN\AINSEOC-gridbase-C.dwg
Cage:
Job No.: 07-131-39-01



RESTRICTIVE COVENANTS AND EASEMENTS
Easement rights as set forth in that certain Declaration recorded in/under Volume 4387, Page 1454 of the Real Property Records of Travis County, Texas DO AFFECT the subject tract.

TITLE COMMITMENT NOTE

All easements of which I have knowledge and those recorded easements furnished by LandAmerica Commonwealth Title of Austin, Inc. according to File No. 2519000630, are shown or depicted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

**Landmark
SURVEYING, INC.**
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
PH: (512)328-7411 FAX: (512)328-7413