

RESOLUTION NO. 20050623-025

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of a certain real property interest as stated hereinafter for the purpose hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interest and has been unable to agree with the owner of that real property interest on the fair market value thereof; **NOW, THEREFORE**,

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

That 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 of Austin against the owner now having or who may acquire an interest in the real property interest needed by the City, to acquire a certain real property interest at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or his successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition; said real property interest to be acquired is described in Exhibit "A," which is attached hereto and made a part hereof for all purposes.

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

Owner: Jack L. Payne, also known as Jackie L. Payne

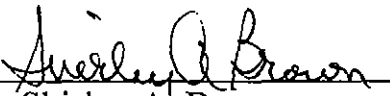
Project: IH 35 North; Windermere Sarah's Creek Wastewater Extension Project

Intended Purpose: the temporary working space easement is necessary to construct a wastewater line in an adjacent right-of-way to increase and improve the City of Austin's ability to provide wastewater service to the public.

Location: 1509 Three Points Road, Pflugerville, Texas, and see attached field note.

ADOPTED: June 23, 2005

ATTEST: _____


Shirley A. Brown
City Clerk

Field Notes

BEING 0.009 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE L. C. CUNNINGHAM SURVEY No. 63, ABSTRACT No. 163 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE TRACT CONVEYED TO JACKIE L. PAYNE BY DEED FILED FOR RECORD ON JANUARY 29, 1993, RECORDED IN VOLUME 11862, PAGE 303 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS SAID 0.009 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING, at a 1/2 inch iron pin found in the south line of Three Points Road (formerly Centex Street), same being a corner in a northerly line of the tract conveyed to Jackie L. Payne by deed recorded in Volume 11862, Page 303 of the Official Public Records of Travis County, Texas, same also being North 62°41'08" West, a distance of 94.96 feet from a 3/8 inch iron pin found at the northeast corner of said Payne tract, for the Point of Beginning and the northeast corner of the herein described tract of land having grid coordinates N=10137787.82, E=3138842.29;

1) THENCE, South 14°51'00" West, a distance of 10.00 feet, to a calculated point for the southeast corner of the herein described tract of land;

2) THENCE, North 75°09'00" West, a distance of 38.96 feet, to a calculated point for a corner;

3) THENCE, North 74°52'30" West, a distance of 1.67 feet, to a calculated point in the west line of said Jackie L. Payne tract, same being in the east line of the tract conveyed to R. J. Stroh Family Partnership by deed recorded in Volume 12429, Page 512 of the Official Public Records of Travis County, Texas, for the southwest corner of the herein described tract of land;

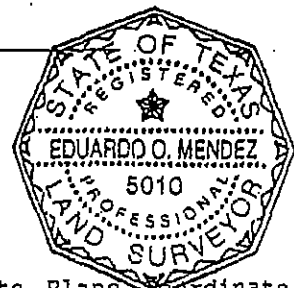
4) THENCE, North 24°29'30" East; a distance of 10.14 feet, with the west line of said Jackie L. Payne tract, and the east line of said R. J. Stroh Family Partnership tract, to a calculated point in the south line of Three Points Road, same being the northwest corner of said Jackie L. Payne tract and the northeast corner of said R. J. Stroh Family Partnership tract, for the northwest corner of the herein described tract of land;

5) THENCE, South 75°09'00" East, a distance of 38.94 feet, with the south line of Three Points Road, and a northerly line said Jackie L. Payne tract, to the Point of Beginning and containing an area of 0.009 of one acre of land, more or less.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

1/30/02
Date



Martinez, Wright & Mendez, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723
(512) 453-0767

Bearing Basis:

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (HARN). All coordinates shown hereon are adjusted to surface by dividing grid coordinates by a combined adjustment factor of 0.9999. All distances shown are surface distances.

TCAD No.:
CITY GRID No.:

0274280103
N-38

FIELD NOTES REVIEWED

By: Mike Little Date 02/03/02

Engineering Support Section
Department of Public Works
and Transportation

EXHIBIT "A"

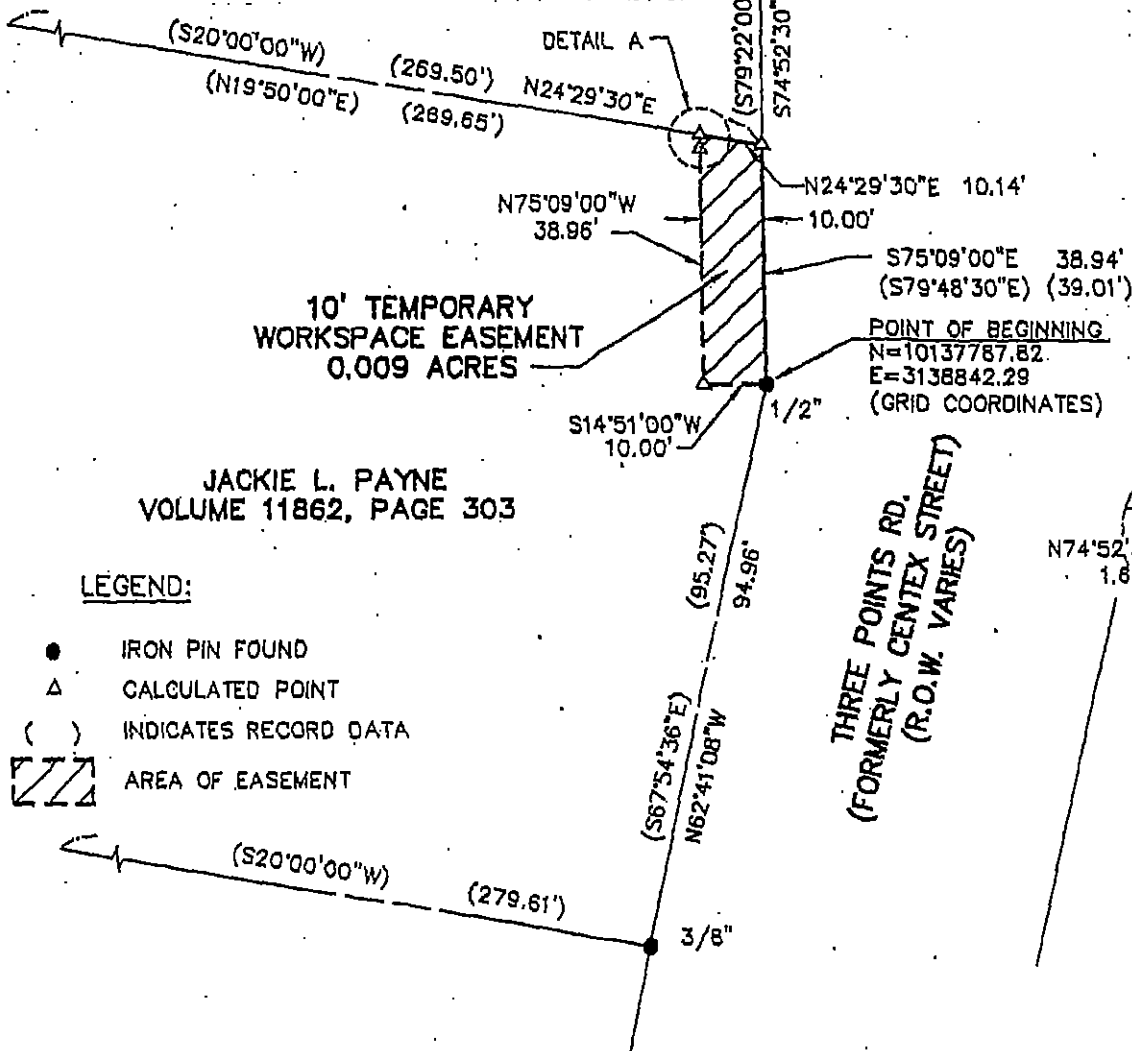
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S73°54'19"E 43.20'
(S78°39'00"E) (43.22')

SCALE:
1" = 30'

R. J. STROH FAMILY PARTNERSHIP
VOLUME 12429, PAGE 512

L. C. CUNNINGHAM SURVEY No. 63
ABSTRACT No. 163



LEGEND:

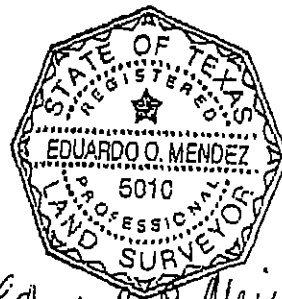
- IRON PIN FOUND
- △ CALCULATED POINT
- () INDICATES RECORD DATA
- ▨ AREA OF EASEMENT

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.

THE COORDINATES SHOWN ARE BASED ON TEXAS STATE PLANE, CENTRAL ZONE, NAD 83 (HARN). FOR SURFACE COORDINATES, DIVIDE BY 0.9999. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

CONTROL MONUMENTS:

AUSTIN RRP N=10086515.87, E=3109682.56, EL.=712.96
McGRAY & McGRAY #2 N=10093931.03, E=3108501.52, EL.=721.82



Eduardo O. Mendez 1/30/02



MARTINEZ
WRIGHT &
MENDEZ

Civil Engineering, Land Surveying, Architecture

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Suite 100W, Austin, Texas 78723
(tel) 512.455.9787 (fax) 512.452.1734

Olds Service Building, 102 E. Main St.
Suite 200, Round Rock, Texas 78681
(tel) 512.255.1433 (fax) 512.252.5201

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 30-JAN-02
JOB NO: 021564
FILE: JLPicard-Land

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