# **RESOLUTION NO. 20050623-028**

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

WHEREAS, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests 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 interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or its successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A," "B," and "C," which are attached hereto and made a part hereof for all purposes.

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

Owner: Austin PC-1, Ltd.

Project: Upper Shoal Creek - Lower Hancock Branch Project, a

portion of the Austin Clean Water Program

Intended Purpose: permanent wastewater line easement, to upgrade and

improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate; and, temporary working space easement and temporary ingress and egress easement, all temporary easements listed above are necessary to install

wastewater lines.

Location: 2209 Hancock Drive, Austin, Texas, and see attached field

notes.

ADOPTED: June 23, 2005 A

ATTEST:

Shirley A. Brown

City Clerk

Austin PC-I
Lot 2, Block A, Podolnick Place
To
City of Austin
(for Wastewater Easement)

### FIELD NOTES FOR PARCEL 5005.12 WE

ALL OF THAT CERTAIN 0.001-ACRE (41 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS OUT OF LOT 2, BLOCK A, PODOLNICK PLACE AS RECORDED IN PLAT BOOK 93, PAGE 345-346 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AS CONVEYED BY DEED TO AUSTIN PC-I LTD. IN VOLUME 12340, PAGE 1375 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a 60d nail found on the southwest right-of-way line of Hancock Drive (70' R.O.W.), said a 60d nail found being the northeast corner of said Lot 2 and the north corner of Lot 3, Resubdivision of Block 3 of Rosedown, as recorded in Plat Book 25, Page 43, of the Plat Records of Travis County, Texas,

THENCE, with said right-of-way line, N54°00'03"W a distance of 31.88 feet to a calculated point; THENCE, leaving said right-of-way line, and with the common line between Lot 1 and Lot 2 of said Podolnick Place, S38°46'07"W a distance of 159.88 feet to a calculated point; and N54°36'43"W a distance of 44.04 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999924951) values of N= 10,090,674.345 and E= 3,114,218.099 for the northeast corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, through said Lot 2 the following three (3) courses:

1) S42°16'01"W a distance of 12.83 feet to a calculated point for the southernmost corner of this tract;

Exhibit "A" Page 1 of 3

- 2) N47°43'59"W a distance of 4.64 feet to a calculated point for a southwest corner of this tract;
- 3) N55°01'45"E a distance of 12.94 feet to a calculated point on the south line of Lot 1, of said Podolnick Place;

THENCE, with the common dividing line between said Lot 1 and said Lot 2, S54°36'43"E a distance of 1.79 feet to the POINT OF BEGINNING and containing 0.001-acre (41 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground in June of 2003 under my supervision.

Prepared by Landmark Surveying, Inc.

Registered Professional Land Surveyor No. 5096

Date: June 24, 2003

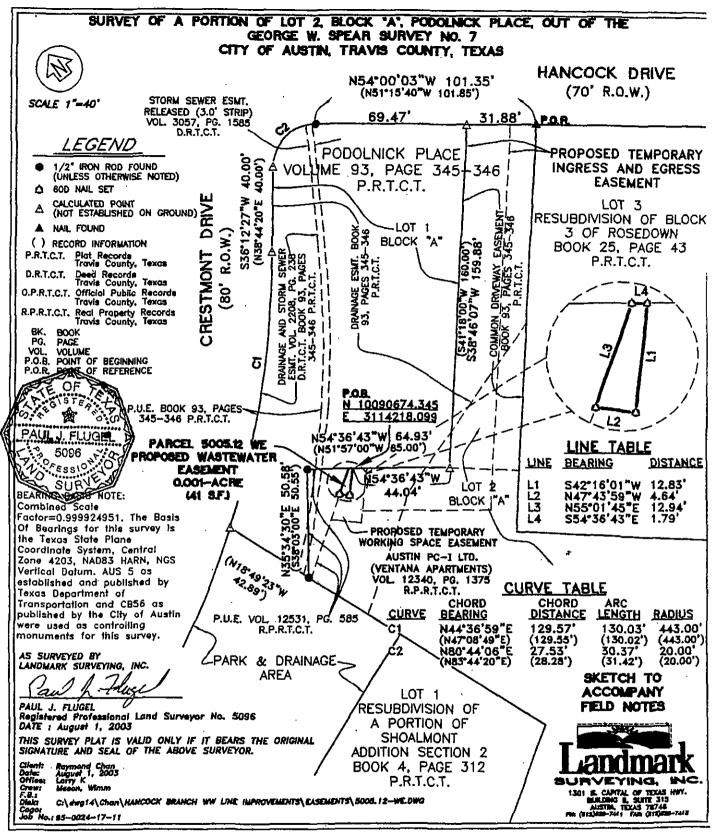
Bearing Basis: Texas State Plane Coordinate System (Texas Central Zone 4203, NAD '83 HARN, Combined scaled factor 0.999924951). All data derived from and referenced to CORES station AUS5 as established and published by the Texas Department of Transportation and CB56 as published by the City of Austin.

Survey Coordinator

C:\field-notes\fn-2003\r-chan-\hancock-branch\B1-lot2-podolnick-WE.doc Austin Map No 555, Grid J27 TCAD No. 02-2503-0311

Exhibit "A"

Page 2 of 3



Austin PC-I
Lot 2, Block A, Podolnick Place
To
City of Austin
(for Temporary Working Space Easement)

#### FIELD NOTES FOR PARCEL 5005.12 TWSE

ALL OF THAT CERTAIN 0.004-ACRE (156 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS OUT OF LOT 2, BLOCK A, PODOLNICK PLACE AS RECORDED IN PLAT BOOK 93, PAGE 345-346 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AS CONVEYED BY DEED TO AUSTIN PC-I LTD. IN VOLUME 12340, PAGE 1375 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a 60d nail found on the southwest right-of-way line of Hancock Drive (70' R.O.W.), said 60d nail found being the northeast corner of said Lot 2 and the north corner of Lot 3, Resubdivision of Block 3 of Rosedown, as recorded in Plat Book 25, Page 43, of the Plat Records of Travis County, Texas,

THENCE, with said right-of-way line, N54°00'03"W a distance of 31.88 feet to a nail set for the common corner of said Lot 2 and Lot 1, Block A, of said Podolnick Place; THENCE, leaving said right-of-way line, and with the common line between said Lot 1 and said Lot 2, S38°46'07"W a distance of 159.88 feet to a nail set for a common corner for said Lot 1 and said Lot 2; Thence continuing on the common line between said Lot 1 and said Lot 2, N54°36'43"W a distance of 37.38 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999924951) values of N= 10,090,670.486 and E= 3,114,223.531 for the northeast corner and POINT OF BEGINNING of the herein described tract of land;

**THENCE**, through said Lot 2 the following five (5) courses:

Exhibit "B" Page 1 of 3

- 1) S42°16'01"W a distance of 12.72 feet to a calculated point for the southeast corner of this tract;
- 2) S87°16'01"W a distance of 20.20 feet to a calculated point for the southwest corner of this tract;
- 3) N55°01'45"E a distance of 13.72 feet to a calculated point for an outside ell corner of this tract;
- 4) S47°43'59"E a distance of 4.64 feet to a calculated point for an inside ell corner of this tract;
- 5) N42°16'01"E a distance of 12.83 feet to a calculated point on the common line of said Lot 1 and said Lot 2 for the northern most corner of this tract;

THENCE, with the common dividing line between said Lot 1 and said Lot 2, S54°36'43"E a distance of 6.66 feet to the POINT OF BEGINNING and containing 0.004-acre (156 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground in June of 2003 under my supervision.

Prepared by Landmark Surveying, Inc.

Paul J. Flugel

Registered Professional Land Surveyor No. 5096

Date: June 24, 2003

Revised: September 19, 2003

Bearing Basis: Texas State Plane Coordinate System (Texas Central Zone 4203, NAD '83 HARN, Combined scaled factor 0.999924951). All data derived from and referenced to CORS station AUS5 as established and published by the Texas Department of Transportation and CB56 as published by the City of Austin.

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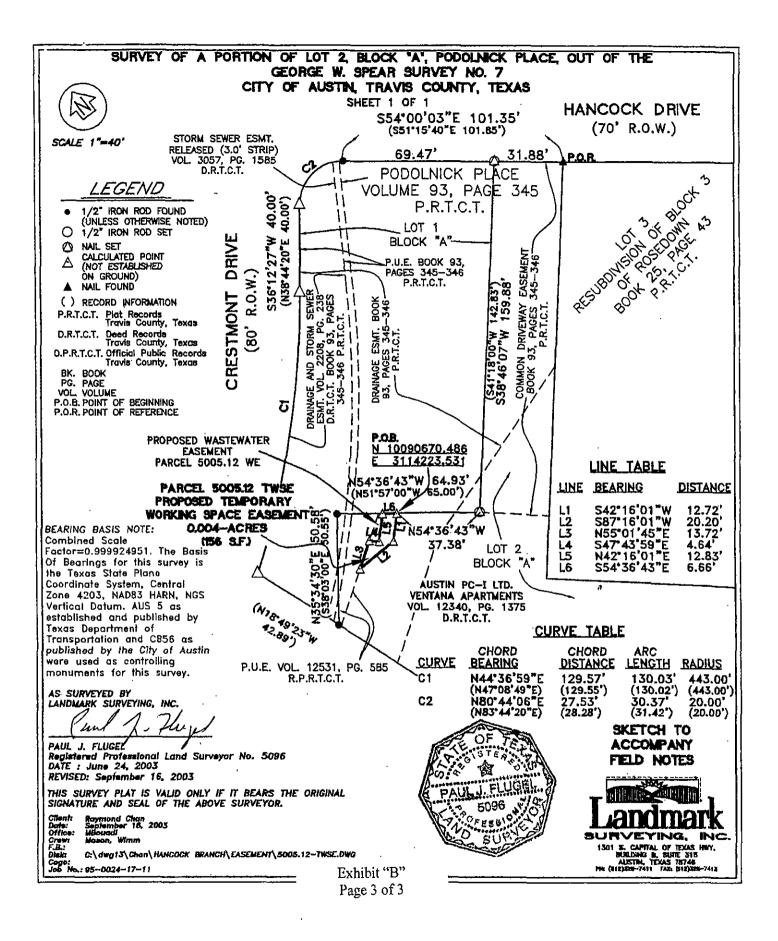
Austin Map No 555, Grid J27

TCAD No. 02-2503-0311

RELID NOTES REVIEWED

ustin Clean Water Programs Survey Coordinator

Exhibit "B" Page 2 of 3



Austin PC-I
Lot 2, Block A, Podolnick Place
To
City of Austin
(for Temporary Ingress and Egress Easement)

#### FIELD NOTES FOR PARCEL 5005.12 TIAEE

ALL OF THAT CERTAIN 0.110-ACRE (4,793 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY NO. 7, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS OUT OF LOT 2, BLOCK A, PODOLNICK PLACE AS RECORDED IN PLAT BOOK 93, PAGE 345-346 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AS CONVEYED BY DEED TO AUSTIN PC-I LTD. IN VOLUME 12340, PAGE 1375 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a 60d nail found on the southwest right-of-way line of Hancock Drive (70' R.O.W.), said 60d nail found being the northeast corner of said Lot 2 and the north corner of Lot 3, Resubdivision of Block 3 of Rosedown, as recorded in Plat Book 25, Page 43, of the Plat Records of Travis County, Texas,

THENCE, with said right-of-way line, N54°00'03"W a distance of 1.85 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999924951) values of N= 10,090,755.842 and E= 3,114,378.423 for the northeast corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, through said Lot 2 the following two (2) courses:

- 1) S38°46'07"W a distance of 159.63 feet to a calculated point for the southernmost corner of this tract;
- 2) N54°28'54"W a distance of 30.05 feet to a nail set for a common lot corner for said Lot 2 and Lot 1, Block A, of said Podolnick Place and also being the southwest corner of this tract;

  Exhibit "C"

Page 1 of 3

THENCE, with the common dividing line between said Lot 1 and said Lot 2, N38°46'07"E a distance of 159.88 feet to a nail set on said southwest right-of-way line of Hancock Drive, same being the common lot corner for said Lot 2 and said Lot 1 and also being the most northern corner of this tract;

THENCE, with said southwest right-of-way line, S54°00'03"E a distance of 30.04 feet to the POINT OF BEGINNING and containing 0.110-acre (4,793 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground in June of 2003 under my supervision.

Prepared by Landmark Surveying, Inc.

Paul J. Flugel

Registered Professional Land Surveyor No. 5096

Date: June 24, 2003

Revised: September 18, 2003

Bearing Basis: Texas State Plane Coordinate System (Texas Central Zone 4203, NAD '83 HARN, Combined scaled factor 0.999924951). All data derived from and referenced to CORS station AUS5 as established and published by the Texas Department of Transportation and CB56 as published by the City of Austin.

C:\field-notes\fn-2003\r-chan-\hancock-branch\B1-Lot2-podolnick-tiaee.doc Austin Map No 555, Grid J27 TCAD No. 02-2503-0311

Austin Clean Water Program
Survey Coordinator

Exhibit "C" Page 2 of 3

