

RESOLUTION NO. 20050623-031

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" and "B," 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: Carter Family Partnership

Project: Little Walnut/Buttermilk at 290 and 183 Project, a portion of the Austin Clean Water Program

Intended Purpose: temporary ingress and egress easement and temporary staging area and material storage site easement, the temporary easements listed above are necessary to install wastewater lines to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate.

Location: 0 U.S. 290 Highway East, Austin, Texas, (north side of US Highway 290 East, just west of East Anderson Lane), and see attached field notes.

ADOPTED: June 23, 2005

ATTEST:

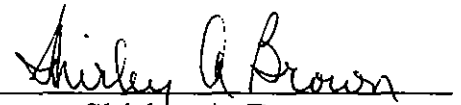

Shirley A. Brown
City Clerk

Exhibit "A"

Carter Family Partnership
To
City of Austin
(Temporary Ingress and Egress Easement)
John Applegate Survey No. 58, A-29
CIP # 4926.021
Page 1 of 6

FIELD NOTES FOR PARCEL 5011.01 TIAEE

LEGAL DESCRIPTION OF A 1.2268 ACRE (53,439 SQUARE FOOT) TRACT OR PARCEL OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, ABSTRACT NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 23.26 ACRE TRACT OF LAND CONVEYED TO THE CARTER FAMILY PARTNERSHIP BY SPECIAL WARRANTY DEED DATED JANUARY 22, 1991, OF RECORD IN VOLUME 11359, PAGE 0160 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS, SAID 1.2268 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN TWO PARTS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

PART 1

BEGINNING at a Texas Department of Transportation brass disc in concrete found for corner in the existing northerly right-of-way line of U.S. Highway 290 (width varies) having Texas State Plane Coordinates (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10091780.45, E=3134346.81, being the POINT OF COMMENCEMENT for the herein after described PART 2;

THENCE, S 66°42'08" W, along said existing northerly right-of-way line a distance 112.42 feet to a calculated point for corner;

THENCE, N23°17'52" W, departing said existing northerly right-of-way line and crossing said 23.26 acre tract a distance of 25.00 feet to a calculated point for corner;

THENCE, N66°42'08" E, a distance of 112.18 feet to calculated point for an angle point;

THENCE, N65°37'11" E, a distance of 246.81 feet to calculated point for an angle point;

THENCE, N47°27'59" E, a distance of 106.84 feet to calculated point for a corner;

THENCE, S42°32'01" E, a distance of 25.00 feet to calculated point for a corner being in said northerly right-of way line of said U.S. Highway 290;

THENCE, S47°27'59" W, along said existing northerly right-of-way line a distance of 110.83 feet to a Texas Department of Transportation brass disc in concrete found for an angle point;

THENCE, S65°37'11" W, continuing along said existing northerly right-of-way line, a distance of 251.04 feet to the POINT OF BEGINNING, containing 0.2698 acre (11,751 square feet) of land within the herein described PART 1.

Exhibit "A"

Page 2 of 6

PART 2

COMMENCING at a Texas Department of Transportation brass disc in concrete found for corner in the existing northerly right-of-way line of said U.S. Highway 290;

THENCE, S 66°42'08" W, along said existing northerly right-of-way line a distance of 158.90 feet to a Texas Department of Transportation brass disc in concrete found for an angle point;

THENCE, S 76°00'56" W, continuing along said existing northerly right-of-way line a distance of 155.56 feet to a calculated point for corner;

THENCE, N 23°22'34" W, departing said existing northerly right-of-way line and crossing said 23.26 acre tract a distance of 68.19 feet to a calculated point having Texas State Plane Coordinates (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10091742.60, E=3134022.86, for the southeasterly corner and POINT OF BEGINNING of the herein described tract;

THENCE, S 66°41'02" W, continuing to cross said 23.26 acre tract, at a distance of 226.53 feet passing the easterly line of a Wastewater Easement granted to the City of Austin dated March 18, 1987 of record in Volume 10173, Page 0929 of the Real Property Records of Travis County, Texas and dated May 8, 1987 of record in Volume 10246, Page 0577 of the Real Property Records of Travis County, Texas, at a distance of 247.70 feet passing the westerly line of said Wastewater Easement, continuing in all a distance of 249.78 feet to a calculated point for corner;

THENCE, N 35°07'02" W, at a distance of 15.52 feet passing the westerly line of said Wastewater Easement, at a distance of 173.28 feet passing the easterly line of said Wastewater Easement, continuing in all a distance of 298.26 feet to a calculated point for corner;

THENCE, N 19°05'23" W, a distance of 105.50 feet to a calculated point for corner;

THENCE, N 43°24'38" W, at a distance of 21.80 feet passing the easterly line of said Wastewater Easement, at a distance of 53.82 feet passing the westerly line of said Wastewater Easement, continuing in all a distance of 79.53 feet to a calculated point for corner, being the point of intersection with the centerline of Little Walnut Creek and the line common to said 23.26 acre tract and a called 8.454 acre tract conveyed to Walnut Creek Partners, L.P. by Warranty Deed dated June 28, 2001, of record in Document No. 2001106690 of the Official Public Records of Travis County, Texas;

THENCE, N 00°05'15" W, along said centerline and common line a distance of 41.27 feet to a calculated point for corner;

THENCE, N 18°14'26" E, continuing along said centerline and common line at a distance of 28.82 feet passing the westerly line of said Wastewater Easement, continuing in all a distance of 46.76 feet to a calculated point for corner;

THENCE, N 23°52'42" E, continuing along said centerline and common line a distance of 41.34 feet to a calculated point for corner;

Exhibit "A"

Page 3 of 6

THENCE, N 41°05'11" E, continuing along said centerline and common line at a distance of 30.38 feet passing the easterly line of said Wastewater Easement at a distance of 35.68 feet passing the westerly line of a Sanitary Sewer Easement (10 feet wide) granted to the City of Austin dated January 29, 1962 of record in Volume 2433, Page 366 of the Deed Records of Travis County, Texas, continuing in all a distance of 41.11 feet to a calculated point for corner;

THENCE, N 54°12'27" E, continuing along said centerline and common line at a distance of 12.42 feet passing the easterly line of the said Sanitary Sewer Easement, in all a distance of 87.83 feet to a calculated point for corner;

THENCE, S 40°47'00" W, departing said centerline and common line and crossing said 23.26 acre tract a distance of 82.26 feet to a calculated point for corner;

THENCE, S 12°16'09" W, a distance of 125.03 feet to a calculated point for corner;

THENCE, S 43°06'56" E, a distance of 52.84 feet to a calculated point for corner;

THENCE, S 63°55'23" E, a distance of 16.43 feet to a calculated point for corner;

THENCE, S 17°16'36" E, a distance of 115.95 feet to a calculated point for corner;

THENCE, S 34°52'55" E, a distance of 249.57 feet to a calculated point for corner;

THENCE, N 66°41'59" E, a distance of 210.20 feet to a calculated point for corner;


THENCE, S 23°18'01" E, a distance of 49.94 feet to the POINT OF BEGINNING, containing 0.9570 acre (41,688 square feet) of land within the herein described PART 2, and, a total of 1.2268 acres (53,439 square feet) of land within PARTS 1 and 2.

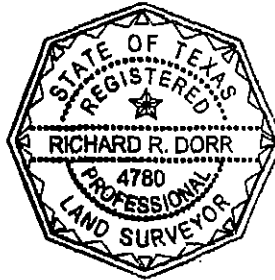
BEARING BASIS NOTE

All bearings and coordinates are referenced to the Texas State Plane Grid Coordinate System, Central Zone, NAD83(CORS) Datum. The coordinates were established from reference point "Austin RRP" having coordinate values N = 10086515.877, E = 3109682.468 and reference point "Austin" having coordinate values N = 10097010.901, E = 3128551.052. All bearings are based on two found Texas Department of Transportation brass disks in concrete in the northerly right-of-way line of U.S. Highway 290, having a grid bearing of S 66°42'08" W (N 66°44'27"E - TxDOT R.O.W. Map Bearing) and a surface distance of 158.90 feet (158.90 feet - TxDOT R.O.W. Map Distance). Combined Scale Factor = 0.999924726. All distances are surface distances.

Exhibit "A"


Page 4 of 6

 7-31-03
Richard R. Dorr
Registered Professional Land Surveyor
Texas Registration No. 4780



Prepared By:

Sunland Engineering Company
10497 Town & Country Way, Suite 550
Houston, Texas 77024
713-467-8484

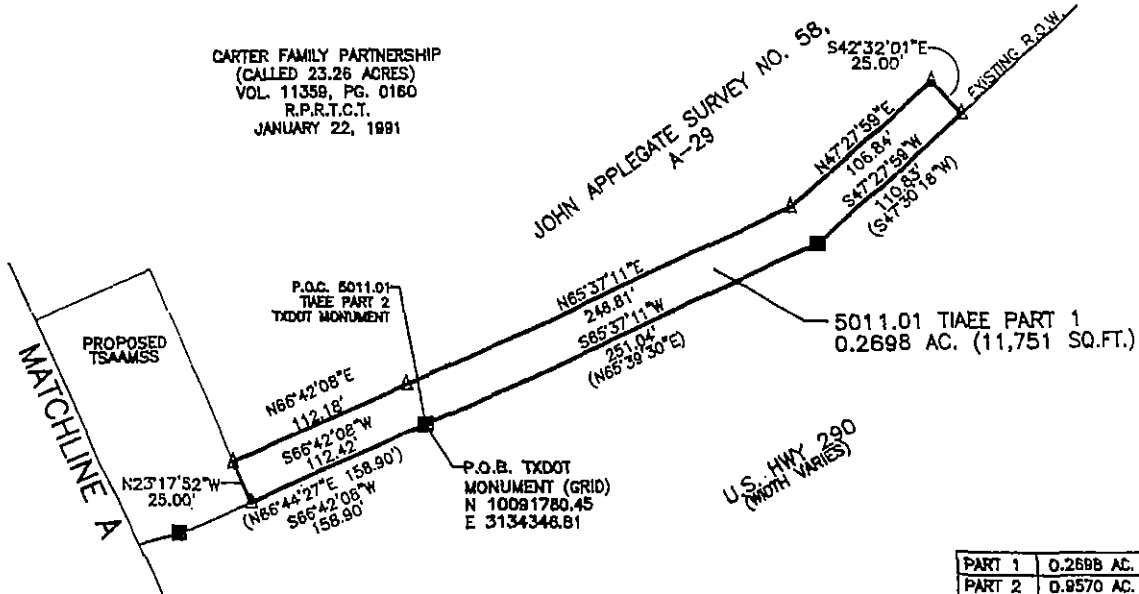
FIELD NOTES REVIEWED
By:  Date: 8-1-03
Austin Clean Water Program
Survey Coordinator

REFERENCES
TCAD #0228230101
AUSTIN GRID M-27

LEGEND SYMBOLS

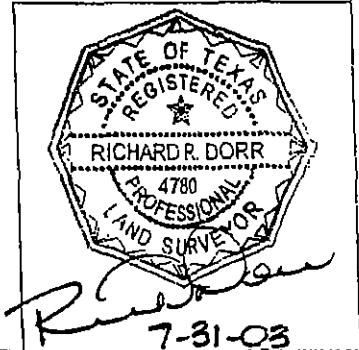
Exhibit "A"

- FOUND TXDOT BRASS DISC IN CONCRETE
- △ CALCULATED POINT
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS.
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS.
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY TEXAS
- () RECORD INFORMATION
- R.O.W. RIGHT-OF-WAY
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING



NOTES

- ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83 (CORS) DATUM. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "AUSTIN RRP" HAVING COORDINATES N = 10086515.877, E = 3109682.468 AND REFERENCE POINT "AUSTIN" HAVING COORDINATE VALUES N = 10097010.901, E = 3128551.052. ALL BEARINGS ARE BASED ON TWO FOUND TXDOT BRASS DISCS IN CONCRETE IN THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 290, HAVING A GRID BEARING OF S66°42'08"W (N66°44'27"E - TXDOT R.O.W. MAP BEARING) AND A SURFACE DISTANCE OF 158.90 FEET (158.90 FEET - TXDOT R.O.W. MAP DISTANCE). COMBINED SCALE FACTOR = 0.999924726. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
- THIS SURVEY RELIED ON RECORD INFORMATION CONTAINED IN AN OWNERSHIP AND LIEN CERTIFICATION PREPARED BY HERITAGE TITLE COMPANY OF AUSTIN, INC. FILE NO. A-039658 DATED APRIL 28, 2003.
- A METES AND BOUNDS DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS PARCEL SKETCH.



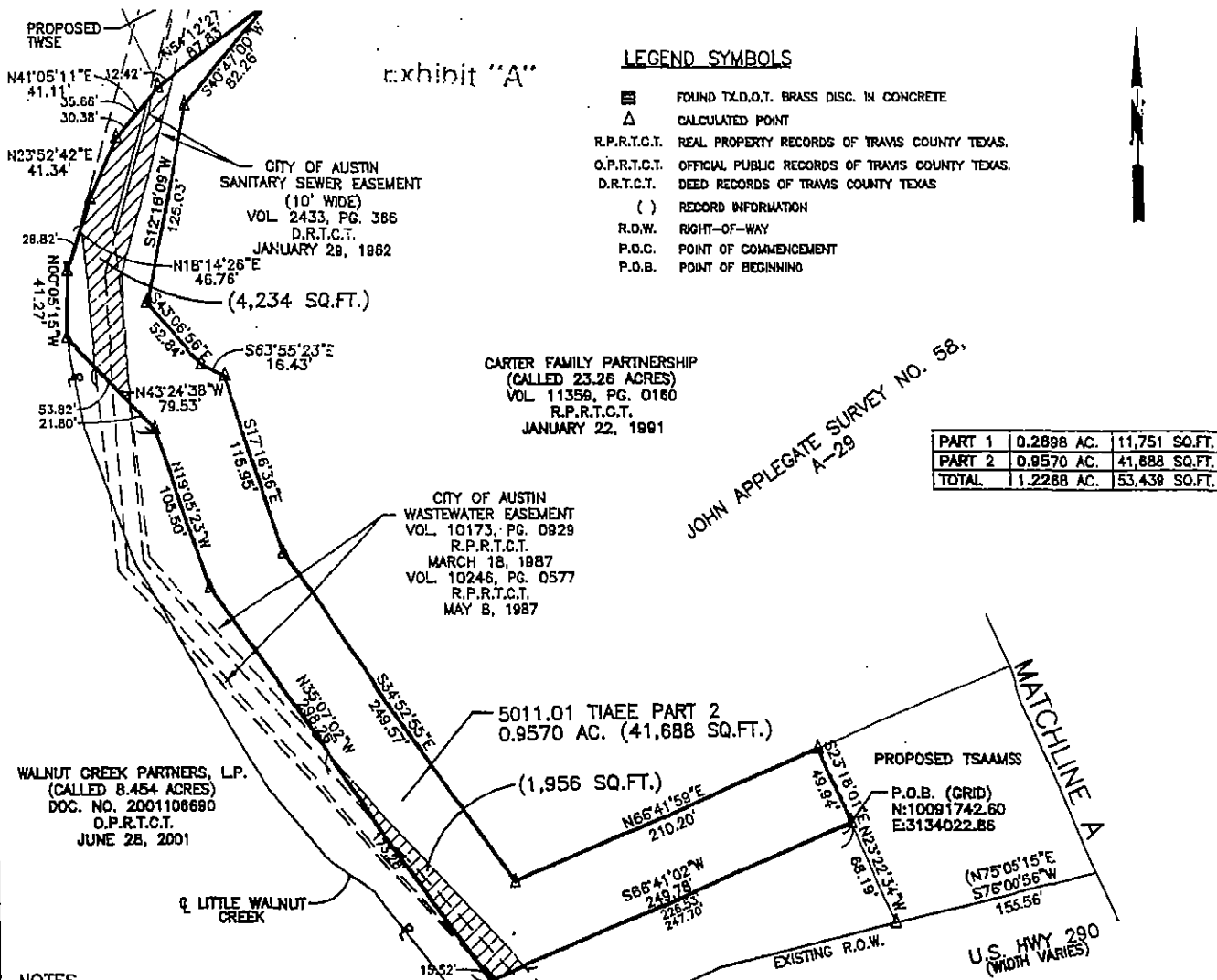
SUNLAND
ENGINEERING COMPANY

CIVIL ENGINEERING • SURVEYING • PROJECT MANAGEMENT
10417 TOWN & COUNTRY WAY, STE. 550 HOUSTON, TX 77024 (713) 467-8484
E-MAIL: info@sunlandgrp.com

**SKETCH OF PARCEL 5011.01 TIAEE
LITTLE WALNUT CREEK
(U.S. 290/U.S. 183)
JOHN APPLGATE SURVEY NO. 58, A-29
TRAVIS COUNTY, TEXAS**

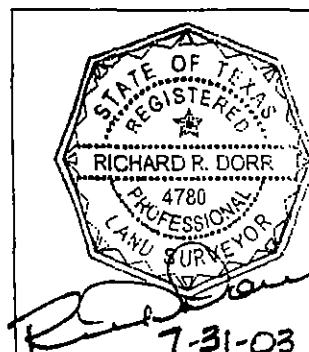


SURVEY BY: RRF	DATE: DECEMBER, 2002	SCALE: 1" = 100'
DRAWN BY: JLC, SMD	DATE: MAY 30, 2003	
CHECKED BY: RRD	DATE: JULY 31, 2003	SHEET NUMBER 5 OF 6



NOTES

1. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83 (CORS) DATUM. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "AUSTIN RRP" HAVING COORDINATES N = 10086515.877, E = 3109682.468 AND REFERENCE POINT "AUSTIN" HAVING COORDINATE VALUES N = 10097010.901, E = 3128551.052. ALL BEARINGS ARE BASED ON TWO FOUND TXDOT BRASS DISCS IN CONCRETE IN THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. 290, HAVING A GRID BEARING OF S66°42'08"W (N66°44'27"E - TXDOT R.O.W. MAP BEARING) AND A SURFACE DISTANCE OF 158.90 FEET (158.90 FEET - TXDOT R.O.W. MAP DISTANCE). COMBINED SCALE FACTOR = 0.999924726. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
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3. A METES AND BOUNDS DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS PARCEL SKETCH.



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**SKETCH OF PARCEL 5011.01 TIAEE
LITTLE WALNUT CREEK
(U.S. 290/U.S. 183)
JOHN APPLIGATE SURVEY NO. 58, A-29
TRAVIS COUNTY, TEXAS**



SURVEY BY: RRF

DATE: DECEMBER, 2002

SCALE: 1" = 100'

DRAWN BY: JLC, SMD

DATE: MAY 30, 2003

CHECKED BY: RRD

DATE: JULY 31, 2003

SHEET
NUMBER 6 OF 6

Exhibit "B"

Carter Family Partnership
To
City of Austin
(Temporary Staging Area and Material Storage Site)
John Applegate Survey No. 58, A-29
CIP #4926.021
Page 1 of 3

FIELD NOTES FOR PARCEL 5011.01 TSAAMSS

LEGAL DESCRIPTION OF A 0.6138 ACRE (26,736 SQUARE FOOT) TRACT OR PARCEL OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, ABSTRACT NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 23.26 ACRE TRACT OF LAND CONVEYED TO THE CARTER FAMILY PARTNERSHIP BY SPECIAL WARRANTY DEED DATED JANUARY 22, 1991, OF RECORD IN VOLUME 11359, PAGE 0160 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.6138 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a Texas Department of Transportation brass disc in concrete found for corner in the northerly right-of-way line of U.S. Highway 290 (width varies);

THENCE, S 66°42'08" W, along said northerly right-of-way line a distance of 112.42 feet to a calculated point having Texas State Plane Coordinates (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.999924726) values of N=10091735.99, E=3134243.56, for the southeasterly corner and POINT OF BEGINNING of the herein described tract;

THENCE, S 66°42'08" W, continuing along said northerly right-of-way line a distance of 46.48 feet to a Texas Department of Transportation brass disc found for an angle point;

THENCE, S 76°00'56" W, continuing along said northerly right-of-way line a distance of 155.56 feet to a calculated point for corner,

THENCE, N 23°22'34" W, departing said northerly right-of-way line a distance of 68.19 feet to a calculated point for corner;

THENCE, N 23°18'01" W, a distance of 49.94 feet to a calculated point for corner;

THENCE, N 66°41'59" E, a distance of 200.09 feet to a calculated point for corner;

THENCE, S 23°17'52" E, a distance of 143.32 feet to the POINT OF BEGINNING, containing 0.6138 acre (26,736 square feet) of land.

BEARING BASIS NOTE

All bearings and coordinates are referenced to the Texas State Plane Grid Coordinate System, Central Zone, NAD83(CORS) Datum. The coordinates were established from reference point "Austin RRP" having coordinate values N = 10086515.877, E = 3109682.468 and reference point "Austin" having coordinate values N = 10097010.901, E = 3128551.052. All bearings are based on two found Texas Department of Transportation brass disks in concrete in the northerly right-of-way line of U.S. Highway 290, having a grid bearing of S 66°42'08" W (N 66°44'27"E - TxDOT R.O.W. Map Bearing) and a surface distance of 158.90 feet (158.90 feet - TxDOT R.O.W. Map Distance). Combined Scale Factor = 0.999924726. All distances are surface distances.

 7-31-03


Richard R. Dorr
Registered Professional Land Surveyor
Texas Registration No. 4780



Prepared By:

Sunland Engineering Company
10497 Town & Country Way, Suite 550
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713-467-8484

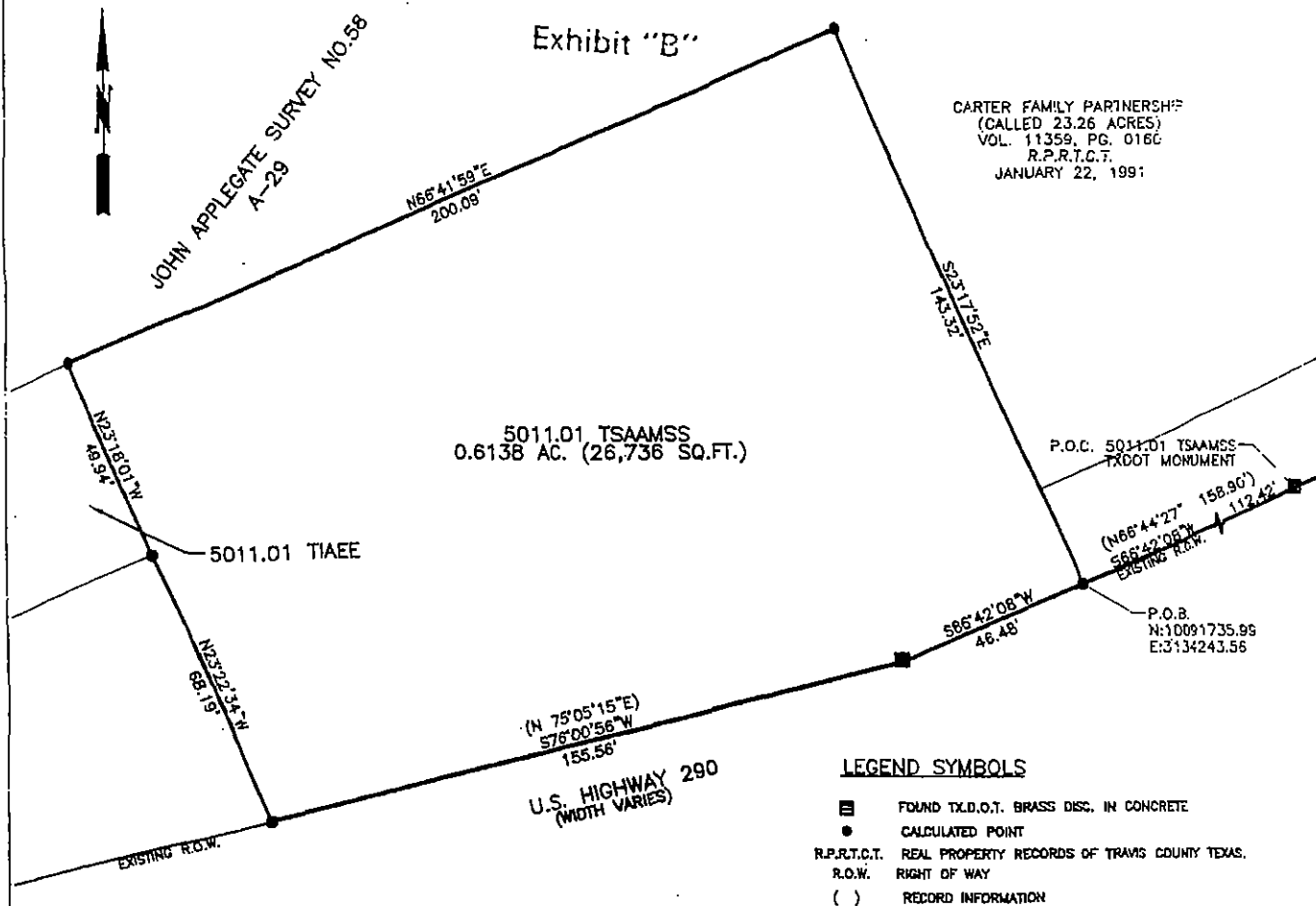
 FIELD NOTES REVIEWED

By:  Date: 8-1-03

Austin Clean Water Program
Survey Coordinator

REFERENCES

TCAD #0228230101
AUSTIN GRID M-27

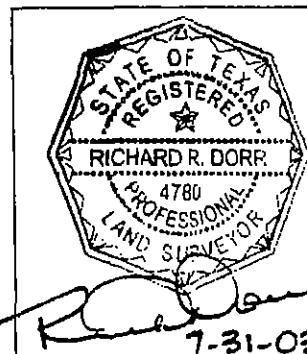


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3. A METES AND BOUNDS DESCRIPTION WAS PREPARED IN CONJUNCTION WITH THIS PARCEL SKETCH.



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**SKETCH OF PARCEL 5011.01 TSAAMSS
LITTLE WALNUT CREEK
(U.S. 290/U.S. 183)
JOHN APPLGATE SURVEY NO 58, A-29
TRAVIS COUNTY, TEXAS**

acwcp

SURVEY BY: RRF

DATE: DECEMBER, 2002

SCALE: 1" = 40'

DRAWN BY: JLC, SMD

DATE: MAY 30, 2003

CHECKED BY: RRD

DATE: JULY 31, 2003

SHEET
NUMBER 3 OF 3