

**RESOLUTION NO. 20050623-032**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interest as stated hereinafter for the purposes 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: Henry Chang


Project: P2 Williamson 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.

Location: 5106 Spruce Cove, Austin, Texas, and see attached field note.

**ADOPTED:** June 23, 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.

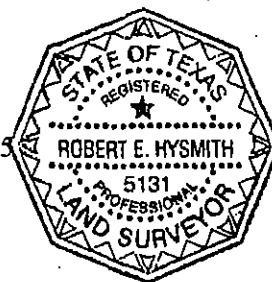
**BEARING BASIS NOTE**

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83/Harn), 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.

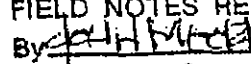


Landmark Surveying, Inc.  
Robert E. Hysmith, RPLS No. 5131  
1301 South Capital of Texas Highway, Suite B-315  
Austin, Texas 78746  
(512) 328-7411



TCAD# 03170201040000  
Austin Grid: J-16

Exhibit "A"  
Page 2 of 3

FIELD NOTES REVIEWED  
By  Date 6-12-2004  
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.

BLOCK 1  
PEPPERTREE PARK SECTION 2  
BOOK 57, PAGE 33 P.R.T.C.T.

**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	BEARING	CHORD DISTANCE	CHORD DELTA	ARC LENGTH	RADIUS
C1	S67°29'53"E (S69°48'00"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**

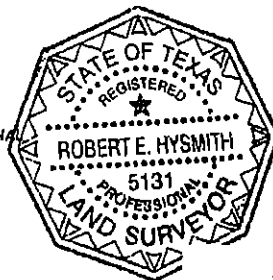
AS SURVEYED BY  
LANDMARK SURVEYING, INC.

*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. Mason  
F.B.: 754/5  
Disk: Z:\cda\ONION CREEK BASIN\AIMEEOC-grldbase-C.dwg  
Cogo:  
Job No.: 97-131-39-01



## **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)328-7415