

RESOLUTION NO. 20050623-046

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 its 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: Texas Manufactured Housing Association

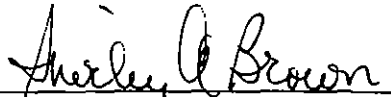
Project: U.S. 183 - Cameron to U.S. 290 Utility Relocation Project

Intended Purpose: permanent wastewater line easement to increase and improve the City of Austin's ability to provide wastewater service to the public.

Location: 2215 East Anderson Lane, Austin, Texas, and see attached field note.

ADOPTED: June 23, 2005

ATTEST:



Shirley A. Brown
City Clerk

DESCRIPTION OF A 2069 SQUARE FEET (0.0475 ACRE) VARIABLE WIDTH STRIP OF LAND LOCATED IN THE JOHN APPLGAI SURVEY NUMBER 58 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 2.43 ACRE TRACT OF LAND DESCRIBED IN THE WARRANTY DEED WITH VENDOR'S LIEN TO TEXAS MANUFACTURED HOUSING ASSOCIATION EXECUTED JANUARY 19, 1982 AND RECORDED IN VOLUME 7668, PAGE 646, DEED RECORDS OF TRAVIS COUNTY, TEXAS, A CALLED 1.005 ACRE PORTION OF SAID 2.43 ACRE TRACT HAVING BEEN PLATTED AS LOT 1, T.M.H.A. SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 82, PAGE 247, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID STRIP OF LAND TO BE USED AS A WASTEWATER EASEMENT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4-inch iron rod with aluminum cap stamped "SDHPT" found on the west line of Lot 3, Western Bank Plaza Sec. 3, a plat of record in Volume 81, Page 71, Plat Records of Travis County, Texas, being the east line of said Lot 1, being on the southerly right-of-way line of proposed U.S. 183, said point being the northeast corner of the tract described herein, from which point the north common corner of said Lot 3 and said Lot 1 bears, N 27° 27' 33" E, a distance of 20.11 feet;

THENCE S 27° 27' 33" W, with the common line of said Lot 3 and said Lot 1, a distance of 10.05 feet to a calculated southeastern angle point of the tract described herein, from which point, a 3/4-inch iron rod found for the common south corner of said Lot 3 and said Lot 1 bears, S 27° 27' 33" W, a distance of 157.91 feet;

THENCE leaving the west line of said Lot 3, crossing said Lot 1 with the southerly lines of the tract described herein, the following three (3) courses and distances:

1. N 53° 54' 08" W, a distance of 50.91 feet to a calculated angle point,
2. N 60° 15' 15" W, a distance of 40.96 feet to a calculated angle point.
3. N 59° 00' 47" W, a distance of 133.68 feet to a calculated angle point in the interior of said 2.43 acre tract, being on the west line of said Lot 1 and the tract described herein, from which point the southwest corner of said Lot 1 bears, S 27° 26' 55" W, a distance of 176.25 feet;

THENCE N 27° 27' 33" E, with the west line of said Lot 1 and the tract described herein, a distance of 3.31 feet to a 1/4-inch iron rod with aluminum cap stamped "SDHPT", said point being on the proposed southerly right-of-way line of said U.S. 183 and being the northwest corner of the tract described herein, from which point, the northwest corner of said Lot 1 bears N 27° 27' 33" E, a distance of 20.52 feet;

EXHIBIT "A"

FN2156(BDN)
SAM, Inc. Job No. 21055-20
July 12, 2001

T.M.H.A. SUBDIVISION
to City of Austin
(Variable Width Wastewater Easement)

THENCE again crossing said Lot 1 with the proposed southerly right-of-way lines of said U.S. 183, the following two (2) courses and distances:

1. S 68° 01' 09" E, a distance of 57.67 feet to a ½-inch iron rod with aluminum cap stamped "SDHPT" found for an angle point, and
2. S 56° 59' 02" E, a distance of 168.07 feet to the POINT OF BEGINNING and containing 2069 square feet (0.0475 acre) of land, more or less.

BEARING BASIS: Found two (2) ½-inch iron rods with aluminum caps stamped "SDHPT" marking the proposed southerly right-of-way line of said proposed U.S. 183. Bearing established as S 56° 59' 02" E, as shown on the attached sketch.

THE STATE OF TEXAS }

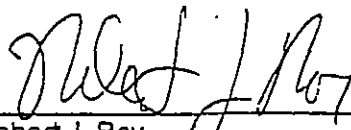
} KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS }

That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 12th day of July, 2001, A.D.

SURVEYING AND MAPPING, Inc.
4029 Capital Of Texas Hwy. So., Suite 125
Austin, Texas 78704


Robert J. Roy
Registered Professional Land Surveyor
No. 5159 - State of Texas

Reference:
TCAD #: 02-2823-01-05
AUSTIN GRID: M-27/28

FIELD NOTES REVIEWED
By Amelia [Signature] Date 7/13/01
Arch. Eng. Services Division
Department of Public Works
and Transportation

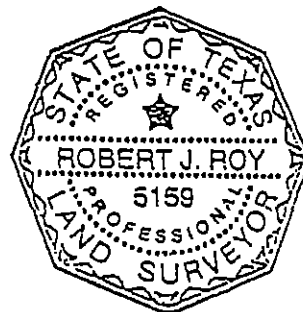
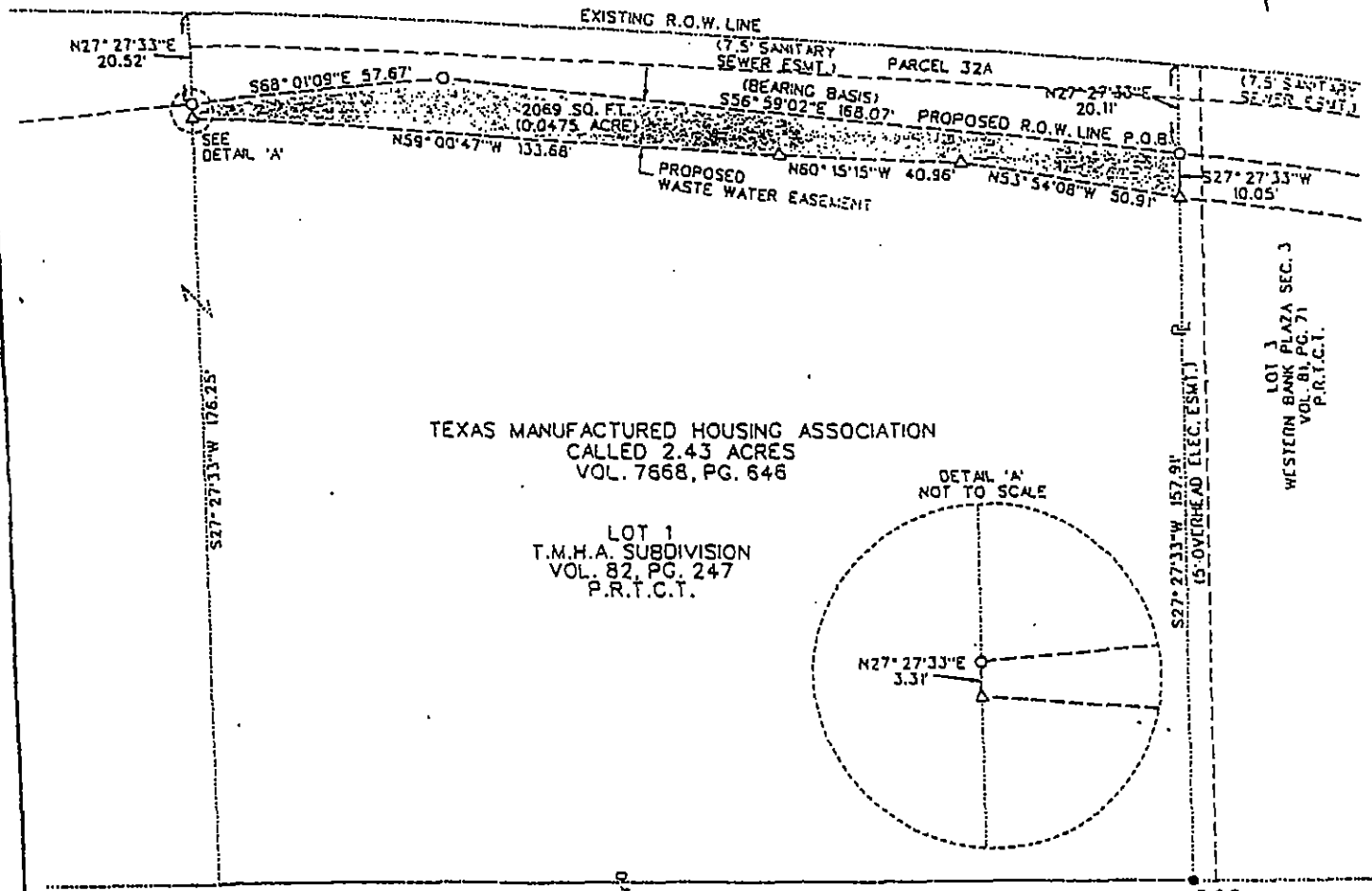


EXHIBIT "A"

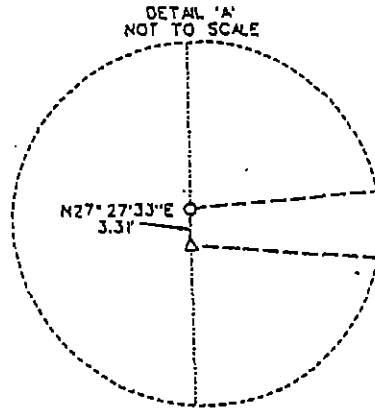
- LEGEND
- ⊙ TYPE 1 CONCRETE MONUMENT FOUND
 - 1/2" IRON ROD FOUND W/ CAP UNLESS NOTED
 - 1/2" IRON ROD FOUND UNLESS NOTED
 - ⊗ "X" MARK IN CONCRETE FOUND
 - ⊠ CALCULATED POINT
 - PROPERTY LINE
 - RECORD INFORMATION
 - P.O.B. POINT OF BEGINNING
 - P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
 - D.E.Z. DEED RECORDS TRAVIS COUNTY, TEXAS

U.S. HIGHWAY 183



TEXAS MANUFACTURED HOUSING ASSOCIATION
CALLED 2.43 ACRES
VOL. 7668, PG. 646

LOT 1
T.M.H.A. SUBDIVISION
VOL. 82, PG. 247
P.R.T.C.T.



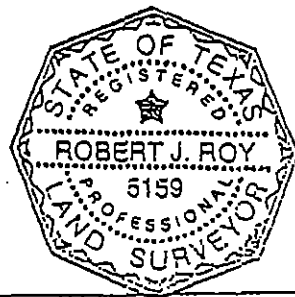
NOTES:

1. 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.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, ACCORDING TO AND AS PROVIDED BY THE TXDOT AUSTIN DISTRICT.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Robert J. Roy

ROBERT J. ROY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5159, STATE OF TEXAS



PAGE 3 OF 3
REF. FIELD NOTE NO. 2155



4029 Capital of Texas Highway, So.
Brooks Oaks Professional Plaza, Suite 125
Austin, Texas 78704
(512) 447-0575
Fax: (512) 326-3029

SKETCH TO ACCOMPANY
FIELD NOTE NO. 2155