

RESOLUTION NO. 20050623-038

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: Pepperwood, Inc.

Project: Little Walnut/Buttermilk - North/Capital 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, the temporary easement listed above is necessary to install wastewater lines.

Location: 408 East Rundberg Lane, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST:

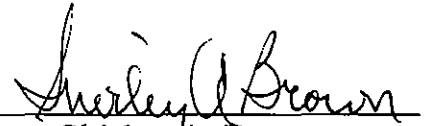

Shirley A. Brown
City Clerk

Exhibit A

Pepperwood, Inc.

to

City of Austin

Racetrac Subdivision No. 2

(Wastewater Easement)

Field Notes for Parcel 5000.31WE

BEING 0.045 (1,945 S.F.) OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPELGATT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, BLOCK 1, RACETRAC SUBDIVISION No. 2, RECORDED IN BOOK 102, PAGES 352 AND 353 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO PEPPERWOOD, INC. BY WARRANTY DEED FILED FOR RECORD ON OCTOBER 1, 1998 RECORDED IN VOLUME 13280, PAGE 3470 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.045 (1,945 S.F.) 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 calculated point in the southeasterly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1, Reed Subdivision, recorded in Book 82, Page 381 of the Plat Records of Travis County, Texas, conveyed to 3 AQ, Inc. by deed recorded in Volume 12296, Page 1597 of the Real Property Records of Travis County, Texas, same also being North 27°37'57" East, a distance of 142.39 feet from a 1/2 inch iron rod found in the north right-of-way line of Rundberg Lane (right-of-way varies) at the most southerly corner of Lot 1, Block 1 of said Racetrac Subdivision No. 2, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104467.91 and E=3130191.46;

1) THENCE, North 01°11'15" West, a distance of 28.19 feet, leaving said southeasterly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2 and northwesterly line of Lot 1, of said Reed Subdivision and crossing Lot 1, Block 1, of said Racetrac Subdivision No. 2, to a calculated point for a corner;

2) THENCE, North 11°52'54" West, a distance of 108.67 feet, to a calculated point in a northerly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2, same being in a southerly line of the tract conveyed to Texrun Enterprises, Inc, by deed recorded in Volume 13351, Page 1908 of the Real Property Records of Travis County, Texas, for the northwesterly corner of the herein described tract of land;

3) THENCE, South 61°44'58" East, a distance of 2.77 feet, with a northerly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and a southerly line of said Texrun tract to a 1/2 inch iron rod found for a northerly corner of Lot 1 of said Racetrac Subdivision No. 2, same being a southerly corner of said Texrun tract, for a northerly corner of the herein described tract of land;

4) THENCE, North 27°41'45" East, at a distance of 11.70 feet passing the east line of a 15 foot Sanitary Sewer easement recorded in Volume 3648, Page 1603 of the Deed Records of Travis County, Texas, in all a distance of 20.22

Exhibit A

feet, to a calculated point for the northeasterly corner of the herein described tract of land;

5) THENCE, South $11^{\circ}52'54''$ East, at a distance of 102.07 feet passing the north line of a 15 foot Sanitary Sewer easement recorded in Volume 10595, Page 57 of the Real Property Records of Travis County, Texas, in all a distance of 123.87 feet, leaving said northerly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and a southerly line of said Texrun tract and crossing Lot 1, Block 1 of said Racetrac Subdivision No. 2, to a calculated point for a corner;

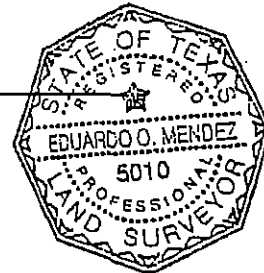
6) THENCE, South $01^{\circ}11'15''$ East, a distance of 2.33 feet, to a calculated point in the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1 of said Reed Subdivision, for the southeasterly corner of the herein described tract of land;

7) THENCE, South $27^{\circ}37'57''$ West, at a distance of 18.59 feet passing the east line of said 15 foot Sanitary Sewer easement recorded in Volume 3648, Page 1603 of the Deed Records of Travis County, Texas, in all a distance of 31.12 feet, with the southeasterly line of Lot 1 of said Racetrac Subdivision No. 2 and the northwesterly line of Lot 1 of said Reed Subdivision, to the Point of Beginning, and containing an area of 0.045 (1,945 S.F.) of one acre of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez
Eduardo O. Mendez
Registered Professional Land Surveyor 5010

6/24/03
Date



Martinez, Wright & Mendez, Inc.
7700 Chevy Chase Dr., Suite 100
Austin, Texas 78752
(512) 453-0767

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone NAD83 (CORS). For surface coordinates, divide grid coordinates by an adjustment factor of 0.9999638238). The reference for this project is a found brass cap, "SEC 6", having coordinate values $N=10097911.08$, $E=3133285.51$ in the west sidewalk along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Road, and a found brass cap, "SEC7", having coordinate values of $N=10099099.14$, $E=3134143.88$ in a concrete drainage inlet in the median section of Cameron Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearing of $N 35^{\circ}50'53'' E$ and a surface distance of 1465.81 feet.

TCAD No. : 2-3919-0304
Austin Grid: L30-3

FIELD NOTES REVIEWED
By: [Signature] Date: 7-10-03
Austin Clean Water Program
Survey Coordinator



Exhibit B

Pepperwood, Inc.
to
City of Austin
Racetrac Subdivision No. 2
(Temporary Working Space Easement)

Field Notes for Parcel 5000.31TWSE

BEING 0.073 OF ONE ACRE (3,193 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLGAIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, BLOCK 1, RACETRAC SUBDIVISION No. 2, RECORDED IN BOOK 102, PAGES 352 AND 353 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO PEPPERWOOD, INC. BY WARRANTY DEED FILED FOR RECORD ON OCTOBER 1, 1998 RECORDED IN VOLUME 13280, PAGE 3470 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.073 OF ONE ACRE (3,193 S.F.) OF LAND BEING HERINAFTER DESIGNATED AS PART 1, PART 2 AND PART 3 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

Part 1

BEGINNING at a calculated point in a northerly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in a southerly line of the tract conveyed to Texrun Enterprises, Inc. by deed recorded in Volume 13351, Page 1908 of the Real Property Records of Travis County, Texas, same also being South 27°41'45" West, a distance of 45.17 feet from a 1/2 inch iron rod found at a northerly corner of Lot 1, Block 1 of said Racetrac Subdivision No. 2, for the Point of Beginning and the most northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104636.40 and E=3130189.46;

1) THENCE, South 11°52'54" East, a distance of 125.61 feet, leaving said northerly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2 and a southerly line of said Texrun tract and crossing Lot 1, Block 1, of said Racetrac Subdivision No. 2, to a calculated point in the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1 of Reed Subdivision, recorded in Book 82, Page 381 of the Plat Records of Travis County, Texas, conveyed to 3 AQ, Inc. by deed recorded in Volume 12296, Page 1597 of the Real Property Records of Travis County, Texas, for the southeasterly corner of the herein described tract of land;

2) THENCE, South 27°37'57" West, a distance of 20.33 feet, with the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and the northwesterly line of Lot 1 of said Reed Subdivision, to a calculated point for the most southerly corner of the herein described tract of land;

3) THENCE, North 01°11'15" West, a distance of 2.33 feet, leaving said southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and the northwesterly line of Lot 1 of said Reed Subdivision and crossing Lot 1, Block 1 of said Racetrac Subdivision No. 2, to a calculated point for a corner;

4) THENCE, North 11°52'54" West, a distance of 123.87 feet, to a calculated point in the northerly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in a southerly line of said Texrun tract, for the northwesterly corner of the herein described tract of land;

Exhibit B

5) THENCE, North 27°41'45" East, a distance of 19.62 feet, to the Point of Beginning, and containing an area of 0.036 of one acre (1,571 S.F.) of land, more or less.

Part 2

BEGINNING at a calculated point in a northerly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in a southerly line of said Texrun tract, same also being South 61°44'58" East, a distance of 175.84 feet from a 1/2 inch iron rod found at a northerly corner of Lot 1, Block 1 of said Racetrac Subdivision No. 2, for the Point of Beginning and the most northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104610.18 and E=3130154.10;

1) THENCE, South 61°44'58" East, a distance of 16.35 feet, with a northerly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and a southerly line of said Texrun tract to a calculated point for the northeasterly corner of the herein described tract of land;

2) THENCE, South 11°52'54" East, a distance of 46.26 feet, leaving said common line and crossing Lot 1, Block 1, of said Racetrac Subdivision No. 2, to a calculated point for the most southerly corner of the herein described tract of land;

3) THENCE, North 61°52'52" West, a distance of 16.32 feet, to a calculated point for the southwesterly corner of the herein described tract of land;

4) THENCE, North 11°52'54" West, a distance of 46.31 feet, to the Point of Beginning, and containing an area of 0.013 of one acre (579 S.F.) of land, more or less.

Part 3

BEGINNING at a calculated point in the southeasterly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1 of said Reed Subdivision, same also being North 27°37'57" East, a distance of 124.72 feet from a 1/2 inch iron rod found in the north right-of-way line of Rundberg Lane (R.O.W. varies) at the most southerly corner of Lot 1, Block 1 of said Racetrac Subdivision No. 2, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104452.26 and E=3130183.27;

1) THENCE, North 24°50'06" West, a distance of 11.01 feet, to a calculated point for a corner;

2) THENCE, North 27°44'53" East, a distance of 4.60 feet, to a calculated point for a corner;

3) THENCE, North 67°16'54" West, a distance of 4.62 feet, to a calculated point for a corner;

4) THENCE, North 13°44'33" West, a distance of 2.98 feet, to a calculated point for a corner;

Exhibit B

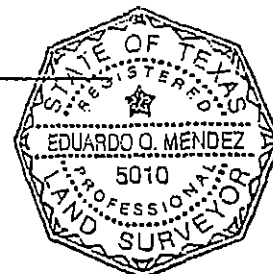
- 5) THENCE, North 27°52'13" East, a distance of 24.58 feet, to a calculated point for a corner;
- 6) THENCE, North 62°22'03" West, a distance of 10.78 feet, to a calculated point for a corner;
- 7) THENCE, North 11°52'54" West, a distance of 42.21 feet, to a calculated point for a corner;
- 8) THENCE, North 28°08'22" East, a distance of 19.44 feet, to a calculated point for the most northerly corner of the herein described tract of land;
- 9) THENCE, South 11°52'54" East, a distance of 61.29 feet, to a calculated point for a corner;
- 10) THENCE, South 01°11'15" East, a distance of 28.19 feet, to a calculated point in the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1 of said Reed Subdivision, for the southeasterly corner of the herein described tract of land;
- 11) THENCE, South 27°37'57" West, a distance of 17.67 feet, with the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and the northwesterly line of Lot 1 of said Reed Subdivision, to the Point of Beginning, and containing an area of 0.024 of one acre (1,043 S.F.) of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

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