

RESOLUTION NO. 20050623-039

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: Wildflower Associates

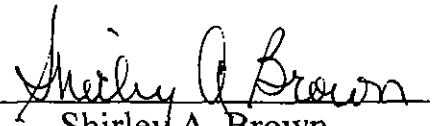
Project: Little Walnut/Buttermilk - Quail Creek Project, a portion of the Austin Clean Water Program

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 staging area and material storage site, all temporary easements listed above are necessary to install wastewater lines.

Location: 8912 North Lamar Boulevard, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST:


Shirley A. Brown
City Clerk

Wildflower Associates
to
City of Austin
(Wastewater Easement)

Field Notes for Parcel 5002.01WE

BEING 0.265 OF ONE ACRE 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, CAPITAL CITY, SECTION ONE, RECORDED IN BOOK 82, PAGE 397 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WILDFLOWER ASSOCIATES BY GENERAL WARRANTY DEED FILED FOR RECORD ON MARCH 27, 1997 RECORDED IN VOLUME 12900, PAGE 655 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.265 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 northeasterly right-of-way line of Peyton Gin Road, same being in the southwesterly line of said Lot 1, same also being South 62°55'17" East, a distance of 228.22 feet from a 1/4 inch iron rod found at the most westerly corner of said Lot 1, for the Point of Beginning and the southwesterly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93) HARN, US Feet, Combined Scale Factor 0.99994) values of N=10103878.20 and E=3126651.91;

1) THENCE, North 03°00'39" West, a distance of 144.38 feet, leaving said Peyton Gin Road right-of-way and crossing said Lot 1, to a calculated point for a corner;

2) THENCE, North 07°04'16" West, at a distance of 219.77 feet passing the easterly line of an existing Sanitary Sewer Easement recorded in Volume 7756, Page 410 of the Deed Records of Travis County, Texas, in all a distance of 399.81 feet, to a calculated point for a corner;

3) THENCE, North 17°37'43" East, a distance of 32.07 feet, to a calculated point in the northeasterly line of said Lot 1, same being in the southwesterly line of Lot A, Redman Development Corporation recorded in Book 62, Page 1 of the Plat Records of Travis County, Texas, conveyed to AH-DH Apartments, LTD., by deed recorded in Document No. 2001128309 of the Official Public Records of Travis County, Texas, for the most northerly corner of the herein described tract of land;

4) THENCE, South 63°12'13" East, a distance of 20.26 feet, with the northeasterly line of said Lot 1 and the southwesterly line of said Lot A to a calculated point for the most easterly corner of the herein described tract of land;

5) THENCE, South 17°37'43" West, a distance of 24.47 feet, leaving the southwesterly line of said Lot A and crossing said Lot 1, to a calculated point for a corner;

EXHIBIT "A"

Page 1 of 3

6) THENCE, South 07°04'16" East, a distance of 396.14 feet, to a calculated point for a corner;

7) THENCE, South 03°00'39" East, a distance of 156.67 feet, to a calculated point in the northeasterly right-of-way line of Peyton Gin Road, same being in the southwesterly line of said Lot 1, for the most southerly corner of the herein described tract of land;

8) THENCE, North 62°55'17" West, at a distance of 22.90 feet passing the easterly line of said Sanitary Sewer Easement, in all a distance of 23.11 feet, with the northeasterly line of Peyton Gin Road and the southwesterly line of said Lot 1, to the Point of Beginning, and containing an area of 0.265 of one acre of land, more or less.

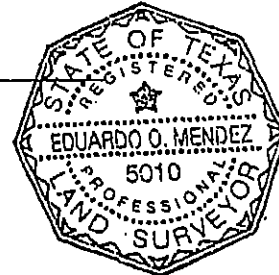
I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez, RPLS
Registered Professional Land Surveyor 5010

7/1/03

Date



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

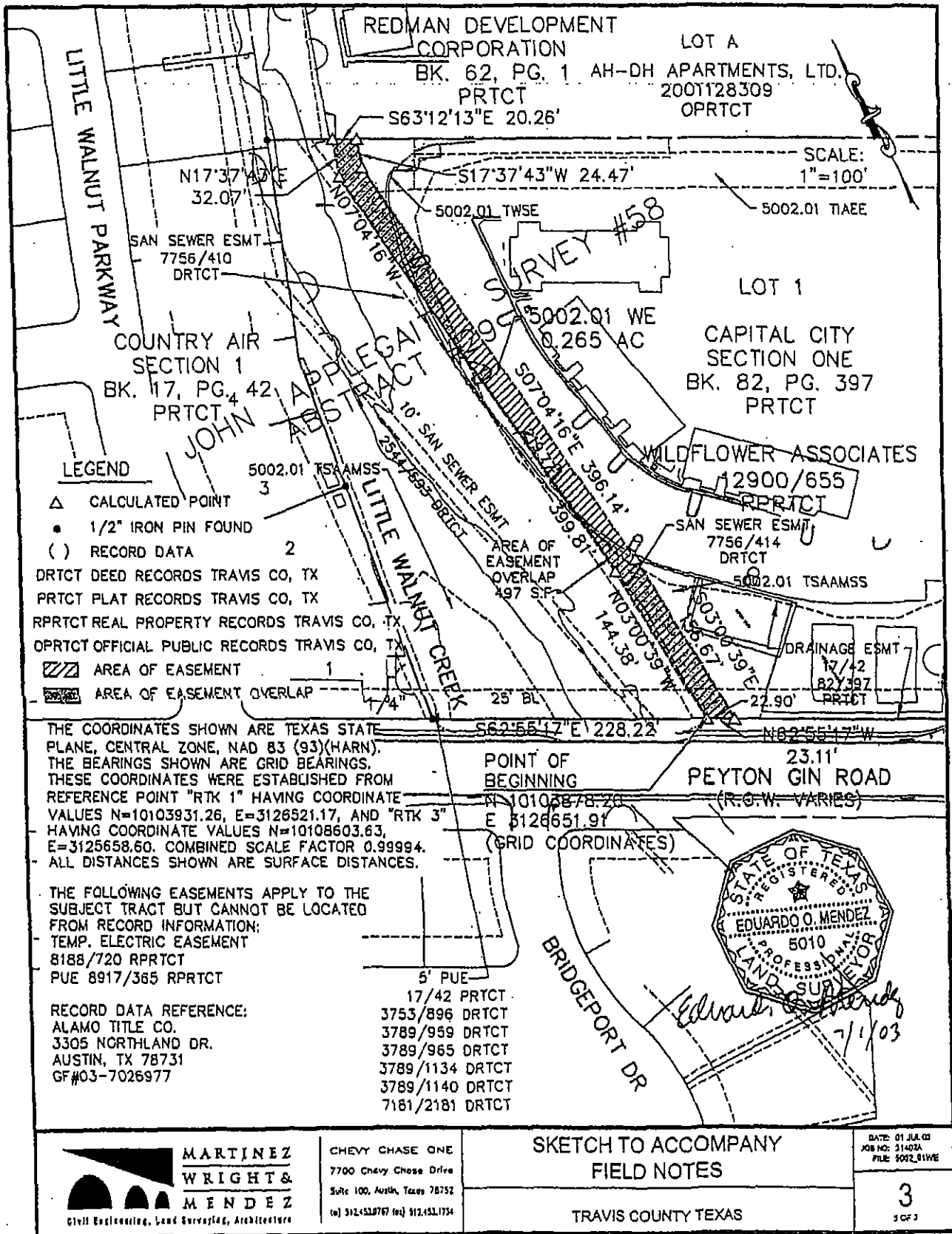
The bearings described herein are Texas State Plane, Central Zone NAD83 (HARN). For Surface coordinates divide grid coordinates by an adjustment factor of 0.99994. The reference points for this project is "RTK 1", a 60D nail having coordinate values of N=10103931.26, E=3126521.17 approximately 28' north of centerline Peyton Gin Rd., and approx. 8' east of centerline prolongation Bridgeport Dr. and "RTK-3", a 60d nail having coordinate values of N=10108603.63, E=3125658.60 approximately 22 feet east of the centerline of Parkfield Dr. and approx. 187' north of centerline of Stonebridge Dr. having a grid bearing of N10°27'35"W and a surface distance of 4751.61 feet.

TCAD No. : 2-3916-0102
Austin Grid: L30-3

FIELD NOTES REVIEWED

By: [Signature] Date: 7-16-03

Austin Clean Water Program
Survey Coordinator



Wildflower Associates
to
City of Austin
(Temporary Working Space Easement)

Field Notes for Parcel 5002.01TWSE

BEING 0.032 OF ONE ACRE (1377 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, CAPITAL CITY, SECTION ONE, RECORDED IN BOOK 82, PAGE 397 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WILDFLOWER ASSOCIATES BY GENERAL WARRANTY DEED FILED FOR RECORD ON MARCH 27, 1997 RECORDED IN VOLUME 12900, PAGE 655 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.032 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 northeast line of said Lot 1, same being in the southwest line of Lot A, Redman Development Corporation, recorded in Book 62, Page 1 of the Plat Records of Travis County, Texas, conveyed to AH-DH Apartments, LTD. by deed recorded in Document No. 2001128309 of the Official Public Records of Travis County, Texas, same also being South 63°12'13" East, a distance of 74.34 feet from a 1/2 inch iron rod found at the most northerly corner of said Lot 1, 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 (93) HARN, US Feet, Combined Scale Factor 0.99994) values of N=10104440.54 and E=3126622.91;

1) THENCE, South 63°12'13" East, a distance of 49.21 feet, with the northeast line of said Lot 1 and the southwest line of said Lot A, to a calculated point for the most easterly corner of the herein described tract of land;

2) THENCE, South 28°23'49" West, a distance of 12.62 feet, leaving the northeast line of said Lot 1 and the southwest line of said Lot A, crossing said Lot 1, to a calculated point in an existing wood fence for a corner;

3) THENCE, South 86°16'16" West, a distance of 17.52 feet, with the existing wood fence, to a calculated point for a corner;

4) THENCE, South 51°01'51" West, a distance of 24.93 feet, to a calculated point, for the most southerly corner of the herein described tract of land;

5) THENCE, North 67°10'58" West, a distance of 5.88 feet, leaving the existing wood fence, to a calculated point for a corner;

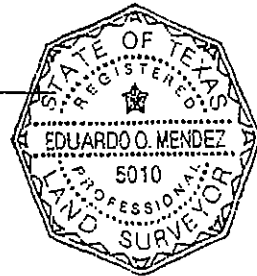
6) THENCE, North 07°04'16" West, a distance of 24.69 feet, to a calculated point for the most westerly corner of the herein described tract of land;

7) THENCE, North 17°37'43" East, a distance of 24.47 feet, to the Point of Beginning, and containing an area of 0.032 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

7/7/04
Date



Martinez, Wright & Mendez, Inc.
1106 Clayton Lane, Suite 400W
Austin, Texas 78723
(512) 453-0767

The grid coordinates shown are Texas State Plane, Central Zone, NAD 83 (93) HARN. For surface coordinates multiply grid coordinates by the adjustment factor 1.00006. The reference points for this project are RTK 1- 60D nail, having grid coordinates N=10103931.26 E=3126521.17, approx. 28' north of centerline Peyton Gin Rd., and approx. 8' east of centerline prolongation Bridgeport Dr.; RTK 2- 60D nail, having grid coordinates N=10105971.98 E=3127329.33, in center of Rundberg Ln. island, approx. 23' east of centerline of box culvert at Little Walnut Creek.; RTK 3- 60D nail, having grid coordinates N=10108603.63 E=3125658.60 approx. 22' east of centerline of Parkfield Dr. and approx. 187' north of centerline of Stonebridge Dr.; RTK 1 to RTK 3 having a grid bearing of N10°27'35"W and a surface distance of 4751.61'.

TCAD No. : 2-3916-0102
Austin Grid: L30-3

FIELD NOTES REVIEWED
By JOHN MOORE Date 7-8-2004
Engineering Support Section
Department of Public Works
and Transportation

LEGEND

- △ CALCULATED POINT
- 1/2" IRON PIN FOUND
- () RECORD DATA
- DRTCT DEED RECORDS TRAVIS CO, TX
- PRTCT PLAT RECORDS TRAVIS CO, TX
- RPRTCT REAL PROPERTY RECORDS TRAVIS CO, TX
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
- ▨ AREA OF EASEMENT
- || WOOD FENCELINE

THE FOLLOWING EASEMENTS APPLY TO THE SUBJECT TRACT BUT CANNOT BE LOCATED FROM RECORD INFORMATION:
TEMP. ELECTRIC EASEMENT
8188/720 RPRTCT

LOT A

SCALE:
1"=50'

AH-DH APARTMENTS, LTD.
2001128309
OPRTCT

REDMAN DEVELOPMENT CORPORATION
BK. 62, PG. 1
PRTCT

COUNTRY AIR SECTION 1
BK. 17, PG. 42
PRTCT

POINT OF BEGINNING
N 10104440.54
E 3126622.91
(GRID COORDINATES)

5002.01 TWSE
0.032 AC
(1377 SF)

S63°12'13"E 49.21'

(S60°18'12"E)

S28°23'49"W 12.62'

S86°16'16"W 17.52'

S51°01'51"W 24.93'

N67°10'58"W 5.88'

N07°04'16"W

24.69'

5002.01WE

SAN SEWER ESMT
7756/410
DRTCT

RECORD DATA REFERENCE:
ALAMO TITLE CO.
3305 NORTHLAND
AUSTIN, TX 78731
GF# 03-7026977

LOT 1

WILDFLOWER ASSOCIATES
12900/655
RPRTCT

JOHN APPELGAIT
SURVEY #58
ABSTRACT #29

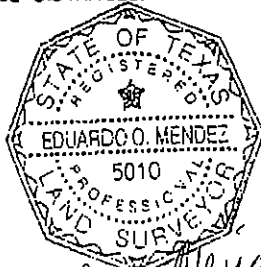
CAPITAL CITY
SECTION ONE
BK. 82, PG. 397
PRTCT

THE COORDINATES SHOWN ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83 (93)(HARN). THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "RTK 1" HAVING COORDINATE VALUES N=10103931.26, E=3126521.17, "RTK 2" HAVING COORDINATE VALUES N=10105971.98, E=3127329.33 AND "RTK 3" HAVING COORDINATE VALUES N=10108603.63, E=3125658.60. COMBINED SCALE FACTOR 0.99994. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

DRAINAGE ESMT
82/397
PRTCT

5002.01WE

SAN SEWER ESMT
7756/414
DRTCT



Eduardo O. Mendez
7/7/04

5' PUE
17/42 PRTCT
3753/896 DRTCT
3789/959 DRTCT
3789/965 DRTCT
3789/1134 DRTCT
3789/1140 DRTCT
17151/2181 DRTCT

LITTLE WALNUT CREEK

MARTINEZ
WRIGHT &
MENDEZ
Civil Engineering, Land Surveying, Architecture

CHEVY CHASE ONE
7700 Chevy Chase Drive
June 100, Austin, Texas 78752

SKETCH TO ACCOMPANY
FIELD NOTES

DATE: 6 JULY 04
JOB NO: 314024
FILE: 0002_01TWSE

3

Exhibit "B"
Page 3 of 3

TRAVIS COUNTY TEXAS

Wildflower Associates
to
City of Austin
Temporary Staging Area and
Material Storage Site)

Field Notes for Parcel 5002:01TSAAMSS

BEING 0.251 OF ONE ACRE (10,947 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, CAPITAL CITY, SECTION ONE, RECORDED IN BOOK 82, PAGE 397 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WILDFLOWER ASSOCIATES BY GENERAL WARRANTY DEED FILED FOR RECORD ON MARCH 27, 1997 RECORDED IN VOLUME 12900, PAGE 655 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.251 OF ONE ACRE (10,947 S.F.) OF LAND HEREIN DESIGNATED AS PART 1 AND PART 2 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 the northeasterly right-of-way line of Peyton Gin Road (R.O.W. varies), same being in the southwesterly line of said Lot 1, same also being South 62°55'17" East, a distance of 15.28 feet from a 1/4 inch iron rod found at the most westerly corner of said Lot 1, for the Point of Beginning and the most westerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93) HARN, US Feet, Combined Scale Factor 0.99994) values of N=10103975.12 and E=3126462.32;

- 1) THENCE, North 20°53'17" East, a distance of 78.39 feet, leaving said Peyton Gin Road and crossing said Lot 1, to a calculated point for a corner;
- 2) THENCE, North 01°47'12" West, a distance of 41.91 feet, to a calculated point for the northwesterly corner of the herein described tract of land;
- 3) THENCE, North 67°35'39" East, a distance of 13.55 feet, to a calculated point for the northeasterly corner of the herein described tract of land;
- 4) THENCE, South 24°38'43" East, a distance of 73.67 feet, to a calculated point for a corner;
- 5) THENCE, South 04°49'20" East, a distance of 93.42 feet, to a calculated point in the northeasterly line of said Peyton Gin Road, same being in the southwesterly line of said Lot 1, for the most southerly corner of the herein described tract of land;
- 6) THENCE, North 62°55'17" West, a distance of 87.32 feet, with the northeasterly line of said Peyton Gin Road and the southwesterly line of said Lot 1, to the Point of Beginning, and containing an area of 0.152 (6,641 S.F.) of one acre of land, more or less.

Part 2

BEGINNING at a calculated point in the northeasterly right-of-way line of said Peyton Gin Road, same being in the southwesterly line of said Lot 1, same also being North 62°55'17" West, a distance of 171.37 feet from a 1/2 inch iron rod found at a corner in the southwesterly line of said Lot 1, 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 (93) HARN, US Feet, Combined Scale Factor 0.99994) values of N=10103858.45 and E=3126690.54;

1) THENCE, North 62°55'17" West, a distance of 20.28 feet, with the northeasterly right-of-way line of said Peyton Gin Road and the southwesterly line of said Lot 1, to a calculated point for the southwesterly corner of the herein described tract of land;

2) THENCE, North 03°00'39" West, a distance 156.67 feet, leaving said Peyton Gin Road and crossing said Lot 1, to a calculated point for the most northerly corner of the herein described tract of land;

3) THENCE, South 44°25'39" East, a distance of 52.18 feet, to a calculated point for a corner;

4) THENCE, South 42°46'27" West, a distance of 44.36 feet, to a calculated point for a corner;

5) THENCE, South 45°22'47" East, a distance of 79.70 feet, to a calculated point for a corner;

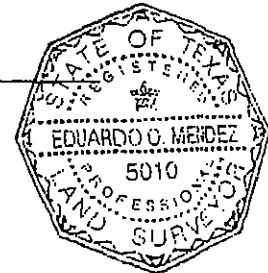
6) THENCE, South 42°43'50" West, a distance of 54.29 feet, to the Point of Beginning, and containing an area of 0.099 of one acre (4,306 S.F.) of land, more or less.

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, RPLS
Registered Professional Land Surveyor 5010

7/1/03

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, Central Zone NAD83 (HARN). For Surface coordinates divide grid coordinates by an adjustment factor of 0.99994. The reference points for this project is "RTK 1", a 60d nail having coordinate values of N=10103931.26, E=3126521.17 approximately 28' north of centerline Peyton Gin Rd., and approx. 8' east of centerline prolongation Bridgeport Dr. and "RTK-3", a 60d nail having coordinate values of N=10108603.63, E=3125658.60 approximately 22 feet east of the centerline of Parkfield Dr. and approx. 187' north of centerline of Stonebridge Dr. having a grid bearing of N10°27'35" and a surface distance of 4751.61 feet.

TCAD No. : 2-3916-0102
Austin Grid: L30-3

FIELD NOTES REVIEWED
By: [Signature] Date: 7-15-03

Austin Clean Water Program
Survey Coordinator

LEGEND

- △ CALCULATED POINT
- 1/2" IRON PIN FOUND
- () RECORD DATA

PRCT PLAT RECORDS TRAVIS CO, TX
 RPRTCT REAL PROPERTY RECORDS TRAVIS CO, TX
 OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
 DRTCT DEED RECORDS TRAVIS CO, TX
 [Hatched Box] AREA OF EASEMENT

| | | |
|--------|-----------|----------|
| PART 1 | 0.152 AC. | 6641 SF |
| PART 2 | 0.099 AC. | 4306 SF |
| TOTAL | 0.251 AC. | 10947 SF |

SCALE:
1"=100'

CAPITAL CITY
SECTION ONE
BK. 82, PG. 397
PRCT

WILDFLOWER ASSOCIATES
12900/655
RPRTCT

COUNTRY AIR
SECTION 1
BK. 17, PG. 42
PRCT

LITTLE WALNUT PARKWAY

PART 1
0.152 AC
(6641 SF)

PART 2
0.099 AC
(4306 SF)

5' PUE
17/42 PRCT
3753/896 DRTCT
3789/959 DRTCT
3789/965 DRTCT
3789/1134 DRTCT
3789/1140 DRTCT
7161/2181 DRTCT

THE COORDINATES SHOWN ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83 (93)(HARN). THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "RTK 1" HAVING COORDINATE VALUES N=10103931.26, E=3126521.17, "RTK 2" HAVING COORDINATE VALUES N=10105971.98, E=3127329.33 AND "RTK 3" HAVING COORDINATE VALUES N=10108603.63, E=3125658.60. COMBINED SCALE FACTOR 0.99994. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

THE FOLLOWING EASEMENTS APPLY TO THE SUBJECT TRACT BUT CANNOT BE LOCATED FROM RECORD INFORMATION:
 TEMP. ELECTRIC EASEMENT
 8188/720 RPRTCT
 PUE 8917/365 RPRTCT

RECORD DATA REFERENCE:
 ALAMO TITLE CO.
 3305 NORTHLAND DR.
 AUSTIN, TX 78731
 GF# 03-7026977

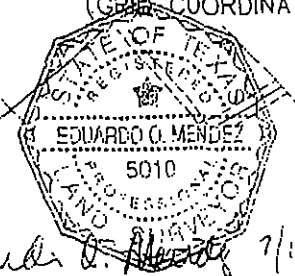
POINT OF BEGINNING

PART 1
N 10103975.12
E 3126462.32
(GRID COORDINATES)

POINT OF BEGINNING
 PART 2
N 10103858.45
E 3126690.54
(GRID COORDINATES)

BRIDGEPORT DR

PEYTON GIN ROAD (R.O.W. VARIES)



MARTINEZ
WRIGHT &
MENDEZ

Civil Engineering, Land Surveying, Architecture

CHEVY CHASE ONE
 7700 Chevy Chase Drive
 Suite 100, Austin, Texas 78752
 (512) 351-1000

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY TEXAS

DATE: 01 JUL 03
 JOB NO: 21452A
 FILE: 5002.01TSAAM

3

3 OF 3