

RESOLUTION NO. 20050623-067

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 her 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: Lorna B. LaRue

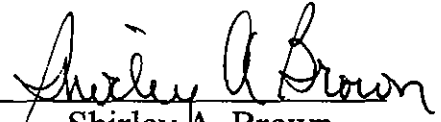
Project: Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program

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: 6107 Bull Creek, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST:


Shirley A. Brown
City Clerk

Lorna B. La Rue
Lot 39, Allandale Section Three
To
City of Austin
(For 5' Wastewater Easement)

FIELD NOTES FOR PARCEL 5106.04 WE

ALL OF THAT CERTAIN 0.010-ACRE (431 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE GEORGE W. SPEAR LEAGUE AND THE JAMES P. DAVIS SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OUT OF LOT 39, ALLANDALE SECTION THREE, A SUBDIVISION IN THE CITY OF AUSTIN, RECORDED IN PLAT BOOK 5, PAGE 102 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AS CONVEYED BY SPECIAL WARRANTY DEED TO LORNA B. LA RUE EXECUTED FEBRUARY 14, 2000 IN DOCUMENT NO. 2000030161, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a 1/2" iron pipe found on the east right-of-way line of Bull Creek Road (60' R.O.W.) at the common front corner of Lot 39 and Lot 40 of said Allandale Section Three; **THENCE**, with the common line between said Lot 39 and Lot 40, S43°35'04"E, a distance of 135.00 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (CORS), U.S. Feet, Combined Scale Factor 0.999919) values of N= 10,096,400.15 and E= 3,113,598.27 for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, with the common line between said Lot 39 and Lot 40, S43°35'04"E a distance of 5.00 feet to a calculated point on the west line of a 5-foot public utility easement (P.U.E.) as recorded on the plat of said Allandale Section Three and in Volume 1058, Page 98 of the deed Records of Travis County, Texas for the northeast corner of this tract;

THENCE, along said west line of said 5-foot P.U.E., S46°02'21"W a distance of 66.69 feet to a calculated point at a point of curvature of a curve to the left;

THENCE, continuing along said 5-foot P.U.E. and along a curve to the left having a radius of 354.13 feet, passing at an arc distance of 14.55 feet and continuing for a total arc length distance of 19.56 feet and a chord which bears S44°26'54"W a distance of 19.56 feet to a calculated point on the common line between said Lot 39 and Lot 38 of said Allandale Section Three for the southwest corner of this tract;

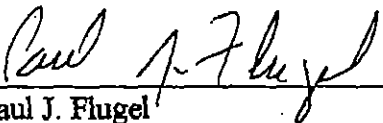
THENCE, with said common line between Lot 39 and Lot 38, N43°39'23"W a distance of 5.01 feet to a calculated point on the curving west line of a 10-foot drainage easement as recorded in said Allandale, Section Three plat for the southwest corner of this tract;

THENCE, continuing with said west line of said 10-foot drainage easement and along a curve to the right having a radius of 359.13 feet, passing at an arc distance of 5.01 feet and continuing for a total arc length distance of 19.59 feet and a chord which bears N44°28'36"E a distance of 19.58 feet to a calculated point at a point of tangency;

THENCE, N46°02'21"E a distance of 66.67 feet to **POINT OF BEGINNING** and containing 0.010-acre (431 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground in November of 2004 under my supervision.

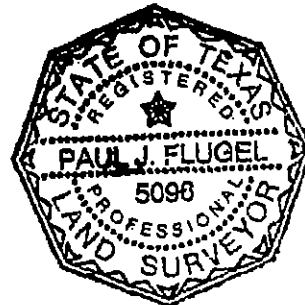
Prepared by **Landmark Surveying, Inc.**


Paul J. Flugel

Registered Professional Land Surveyor No. 5096

Date: December 21, 2004

Revised: February 1, 2005



Bearing Basis: Texas State Plane Coordinates (Texas Central Zone, NAD '83 (CORS), U.S. Feet, Combined scaled factor = 0.999919). All data derived from NAD '83, grid coordinates CB53, CB54 and CB55 as supplied by the City of Austin Monument Data Sheets

Z:\ClaunchandMiller\Whiterock\fieldnotes\lot39-Allandale3-5'we
Austin Map No.525, Grid J28
TCAD No. 02-3203-0304

FIELD NOTES REVIEWED

By:  Date: 2-1-05

**Austin Clean Water Program
Survey Coordinator**

LEGEND

- 1/2" IRON ROD SET W/CAP
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- △ CALCULATED POINT (NOT ESTABLISHED ON GROUND)
- () RECORD INFORMATION
- P.O.R. POINT OF REFERENCE
- P.O.B. POINT OF BEGINNING
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS

LINE TABLE

L1 S 43°35'04" E 5.00'
 L2 N 43°39'23" W 5.01'
 L3 N 43°35'04" W 5.02'

C1

R=359.13'
 D=03°07'30"
 L=19.59'
 CH=19.58'
 CB=N 44°28'36" E

C2

R=354.13'
 D=03°09'54"
 L=19.56'
 CH=19.56'
 CB=S 44°26'54" W

WOOD FRAME
 SHED ON
 CONCRETE
 12.2'x20.0'

SEE DETAIL 'A'

SURVEY OF A PORTION OF LOT 39, ALLANDALE, SECTION THREE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

BULL CREEK ROAD
 (60' ROW)

N 46°15'49" E 86.42'
 (N48°28'00"E 85.85')

SCALE 1"=30'

LOT 38

ALLANDALE SECTION THREE
 BOOK 5, PAGE 102
 P.R.T.C.T.

LOT 39

LORNA B. LA RUE
 8107 BULL CREEK ROAD.
 DOC. NO. 2000030161, O.P.R.T.C.T.
 TCAD #0232030304

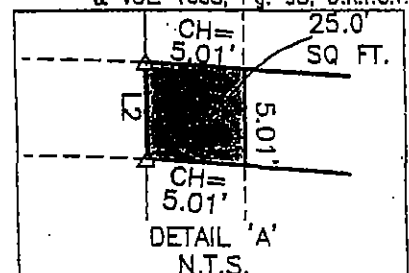
PARCEL 5106.04 WE
 WASTEWATER EASEMENT
 0.010-ACRE (431 S.F.)

WOOD FRAME
 SHED ON
 CONCRETE
 12.2'x20.0'

LOT 40

P.O.B.
 N 10,096,400.15
 E 3,113,598.27
 (GRID)

5' PUBLIC UTILITY ESMT.
 BK. 5, Pg. 102, P.R.T.C.T.
 & VOL 1058, Pg. 98, D.R.T.C.T.



SKETCH TO
 ACCOMPANY
 FIELD NOTES

Landmark
 SURVEYING, INC.

1301 S. CAPITAL OF TEXAS HWY.
 BUILDING B, SUITE 315
 AUSTIN, TEXAS 78746
 PH: (512)328-7411 FAX: (512)328-7415

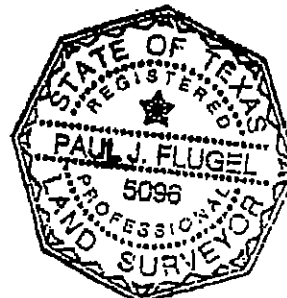
NAD 83
 COORDINATE SYSTEM (GRID)
 TEXAS CENTRAL (4203)
 COMBINED SCALE FACTOR 0.999919
 NAVD 88 VERTICAL DATUM
 HORIZONTAL AND VERTICAL COORDINATES FOR CB 53,
 CB 54, AND CB 55 AS PUBLISHED BY THE CITY OF
 AUSTIN, WERE USED AS THE CONTROLLING MONUMENTS
 FOR THIS SURVEY.

AS SURVEYED BY
 LANDMARK SURVEYING, INC.

PAUL J. FLUGEL
 Registered Professional Land Surveyor No. 5096
 DATE : DECEMBER 21, 2004

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE
 SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Client: CLaunch & MILLER, INC.
 Date: DECEMBER 21, 2004
 Office: KGM
 Crew: JMaore, A0chec
 F.B.: 777, 780
 Disk: Z:\claunch and miller\whiterock\landmark drawings\grid-staff\seamless\claunch-whiterock-esmts.dwg
 Cogo: c:\lee\claunch\whiterock c:\augie\claunch\whiterock
 Job No.: 530-05-04



Lorna B. La Rue
Lot 39, Allandale Section Three
To
City of Austin
(For 10' Temporary Working Space Easement)

FIELD NOTES FOR PARCEL 5106.04 TWSE

ALL OF THAT CERTAIN 0.015-ACRE (663 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE GEORGE W. SPEAR LEAGUE AND THE JAMES P. DAVIS SURVEY, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OUT OF LOT 39, ALLANDALE SECTION THREE, A SUBDIVISION IN THE CITY OF AUSTIN, RECORDED IN PLAT BOOK 5, PAGE 102 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AS CONVEYED BY SPECIAL WARRANTY DEED TO LORNA B. LA RUE EXECUTED FEBRUARY 14, 2000 IN DOCUMENT NO. 2000030161, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR POINT OF REFERENCE at a 1/2" iron pipe found on the east right-of-way line of Bull Creek Road (60' R.O.W.) at the common front corner of Lot 39 and Lot 40 of said Allandale Section Three; **THENCE**, with the common line between said Lot 39 and Lot 40 S43°35'04"E a distance of 131.46 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (CORS), U.S. Feet, Combined Scale Factor 0.999919) values of N= 10,096,402.72 and E= 3,113,595.83 for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, with the common line between said Lot 39 and Lot 40, S43°35'04"E a distance of 3.54 feet to a calculated point on the west line of a 10-foot drainage easement as recorded on the plat of said Allandale Section Three for the northeast corner of this tract;

THENCE, through said Lot 39, and along said west line of said 10-foot drainage easement, S46°02'21"W a distance of 66.67 feet to a calculated point at a point of curvature of a curve to the left;

THENCE, through said Lot 39, and along said curving west line of said 10-foot drainage easement, along a curve to the left having a radius of 359.13 feet, passing at an arc distance of 14.57 feet and continuing for a total arc length distance of an arc length of 19.58 feet and a chord which bears S44°28'36"W a distance of 19.58 feet to a calculated point on the common line between said Lot 39 and Lot 38 of said Allandale Section Three for the southwest corner of this tract;

THENCE, with the common line between said Lot 39 and Lot 38 N43°39'23"W a distance of 10.02 feet to a calculated point for the southwest corner of this tract;

THENCE, through said Lot 39, and along a curve to the right having a radius of 369.13 feet, passing at an arc distance of 5.01 feet and continuing for a total arc length distance of 19.53 feet and a chord which bears N44°31'24"E a distance of 19.53 feet to a calculated point at a point of tangency and;

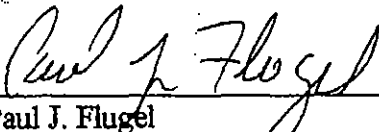
THENCE, through said Lot 39, N46°02'21"E a distance of 35.70 feet to an outside ell corner of this tract;

THENCE, through said Lot 39, S43°55'40"E a distance of 6.44 feet to an inside ell corner of this tract;

THENCE, through said Lot 39, N46°04'20"E a distance of 31.00 feet to **POINT OF BEGINNING** and containing 0.015-acre (663 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground in November of 2004 under my supervision.

Prepared by **Landmark Surveying, Inc.**

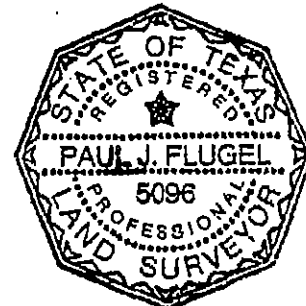


Paul J. Flugel

Registered Professional Land Surveyor No. 5096

Date: December 21, 2004

Revised: February 1, 2005



Bearing Basis: Texas State Plane Coordinates (Texas Central Zone, NAD '83 (CORS), U.S. Feet, Combined scaled factor = 0.999919). All data derived from NAD '83, grid coordinates CB53, CB54 and CB55 as supplied by the City of Austin Monument Data Sheets

Z:\ClaunchandMiller\Whiterock\fieldnotes\lot39-Allandale3-10'twse
Austin Map No.525, Grid J28
TCAD No. 02-3203-0304

Exhibit "B"
Page 2 of 3

FIELD NOTES REVIEWED
By:  Date: 2-1-05

Austin Clean Water Program
Survey Coordinator

LEGEND

- 1/2" IRON ROD SET W/CAP
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- △ CALCULATED POINT (NOT ESTABLISHED ON GROUND)
- () RECORD INFORMATION
- P.O.R. POINT OF REFERENCE
- P.O.B. POINT OF BEGINNING
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- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS

LINE TABLE

L1	N 46°02'21"	E	35.70'
L2	S 43°55'40"	E	6.44'
L3	N 46°04'20"	E	31.00'
L4	S 43°35'04"	E	3.54'
L5	N 43°39'23"	W	10.02'
L6	N 43°39'23"	W	10.18'

C1

R=369.13'
D=03°01'54"
L=19.53'
CH=19.53'
CB=N 44°31'24" E

C2

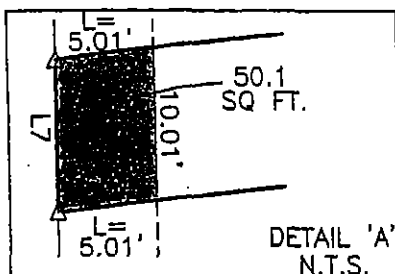
R=359.13'
D=03°07'27"
L=19.58'
CH=19.58'
CB=S 44°28'36" W

WOOD FRAME
SHED ON
CONCRETE
12.2'x20.0'

SEE
DETAIL 'A'

WOOD FRAME
SHED ON
CONCRETE
12.2'x20.0'

P.O.B.
N 10.096.402.72
E 3.113.595.83
(GRID)



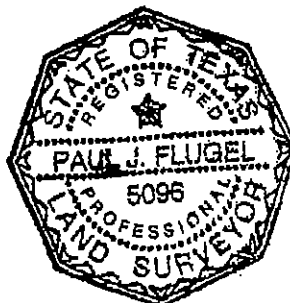
NAD 83
COORDINATE SYSTEM (GRID)
TEXAS CENTRAL (4203)
COMBINED SCALE FACTOR 0.999919
NAVD 88 VERTICAL DATUM
HORIZONTAL AND VERTICAL COORDINATES FOR CB 53,
CB 54, AND CB 55 AS PUBLISHED BY THE CITY OF
AUSTIN, WERE USED AS THE CONTROLLING MONUMENTS
FOR THIS SURVEY.

AS SURVEYED BY
LANDMARK SURVEYING, INC.

PAUL J. FLUGEL
Registered Professional Land Surveyor No. 5096
DATE : DECEMBER 21, 2004
REVISED : FEBRUARY 1, 2005

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE
SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Client: CLAUNCH & MILLER, INC.
Date: DECEMBER 21, 2004
Office: KGH
Grew: JMaore, AOchoa
F.B.: 777, 780
Disk: z:\claunch and miller\whitlock\landmark drawings\grid-staff\seamless\claunch-whitlock-esmts.dwg
Cogo: c:\es\claunch\whitlock c:\augie\claunch\whitlock
Job No.: 630-03-04



SKETCH TO
ACCOMPANY
FIELD NOTES

Landmark
SURVEYING, INC.

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
PH: (512)328-7411 FAX: (512)328-7413

Exhibit "B"
Page 3 of 3

SURVEY OF A PORTION OF LOT 39, ALLANDALE, SECTION THREE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

BULL CREEK ROAD
(60' ROW)

N 46°15'49" E 86.42'
(N48°28'00"E 85.85')

SCALE 1"=30'

ALLANDALE SECTION THREE
BOOK 5, PAGE 102
P.R.T.C.T.

5' PUBLIC UTILITY ESMT.
BK. 5, Pg. 102
P.R.T.C.T.

LOT 39

LORNA B. LA RUE
8107 BULL CREEK ROAD
DOC. NO. 2000030161, O.P.R.T.C.T.
TCAD# 0232030304

PARCEL 5106.04 TWSE
10' TEMPORARY
WORKING SPACE EASEMENT
0.015-ACRE (663 SF.)

LOT 40

S 43°35'04" E 145.00'
(S41°32'00"E)
131.46'

LOT 38

N 43°39'23" W 146.06'
(N41°32'00"W 145.00')

LOT 49

LOT 48

10' DRAINAGE ESMT.
BK. 5, Pg. 102, P.R.T.C.T.

5' PUBLIC UTILITY ESMT.
BK. 5, Pg. 102, P.R.T.C.T.
& VOL. 1058, Pg. 98, D.R.T.C.T.

S 46°02'21" W 66.67'