

RESOLUTION NO. 20050623-066

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: The Lena Crawford Johnston Living Trust

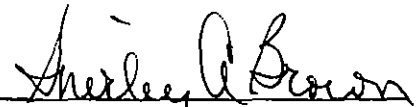
Project: Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program

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: 6203 Bull Creek Road, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST:



Shirley A. Brown
City Clerk

The Lena Crawford Johnston Living Trust
Lot 41, Allandale Section Three
To
City of Austin
(For 5' Wastewater Easement)

FIELD NOTES FOR PARCEL 5106.06 WE

ALL OF THAT CERTAIN 0.009-ACRE (400 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 41, 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 GENERAL WARRANTY DEED TO THE LENA CRAWFORD JOHNSTON LIVING TRUST AND EXECUTED JUNE 2, 1998 IN VOLUME 13198, PAGE 3347, OF THE REAL PROPERTY 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 40 and Lot 41 of said Allandale Section Three; **THENCE**, with the common line between said Lot 40 and Lot 41 S43°48'07"E a distance of 135.11 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= 10,096,455.64 and E= 3,113,655.81 for the southwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, through said Lot 41, and with a 10-foot drainage easement as recorded in Book 5, Page 102 of the Plat Records of Travis County, Texas, N46°02'21"E, passing at a distance of 5.00 feet the north edge of a 5-foot public utility easement (P.U.E.) also recorded in said Book 5, Page 102 of the Plat Records of Travis County, Texas, and continuing for a total distance of 79.99 feet to a calculated point on the common line between said Lot 41 and Lot 42 of said Allandale Section Three for the northwest corner of this tract;

THENCE, with said common line, S44°06'02"E a distance of 5.00 feet to a calculated point on the west line of another 5-foot P.U.E. as recorded in said Book 5, Page 102 of the

Plat Records of Travis County, and in Volume 1058, Page 98 of the Deed Records of Travis County, Texas for the northeast corner of this tract;

THENCE, with the west line of said 5-foot P.U.E., S46°02'21"W, passing at a distance of 75.01 feet said north edge of 5-foot P.U.E., and continuing for a total a distance of 80.01 feet to a calculated point on the common line between said Lot 40 and Lot 41, for the southeast corner of this tract;

THENCE, with said common line between Lot 40 and Lot 41, N43°48'07"W a distance of 5.00 feet to the **POINT OF BEGINNING** and containing 0.009-acre (400 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.

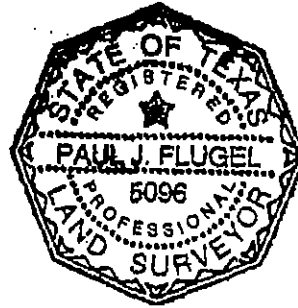
Prepared by **Landmark Surveying, Inc.**


Paul J. Flugel

Registered Professional Land Surveyor No. 5096

Date: December 21, 2004

Revised: January 21, 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, coordinates as supplied by the City of Austin Monument Data Sheets
Z:\ClaunchandMiller\Whiterock\fieldnotes\lot41-Allandale3-5'we
Austin Map No 525, Grid J28
TCAD No. 02-3203-0306

FIELD NOTES REVIEWED

By:  Date: 1-25-05

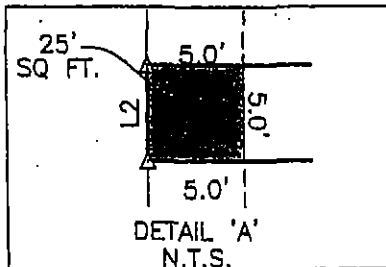
Austin Clean Water Program
Survey Coordinator

LEGEND

- O 1/2" IRON ROD SET W/CAP
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- A 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 44°06'02" E 5.00'
 L2 N 43°48'07" W 5.00'
 L3 N 44°06'02" W 5.00'



NAD 83
 COORDINATE SYSTEM (GRID)
 TEXAS CENTRAL (4203)
 COMBINED SCALE FACTOR 0.9999919
 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

PAUL J. FLUGEL
 Registered Professional Land Surveyor No. 5096
 DATE : DECEMBER 21, 2004 REVISED JANUARY 17, 2005

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

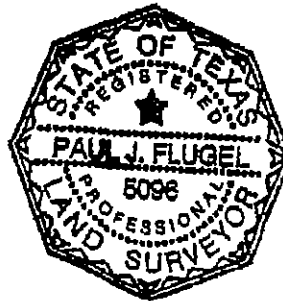
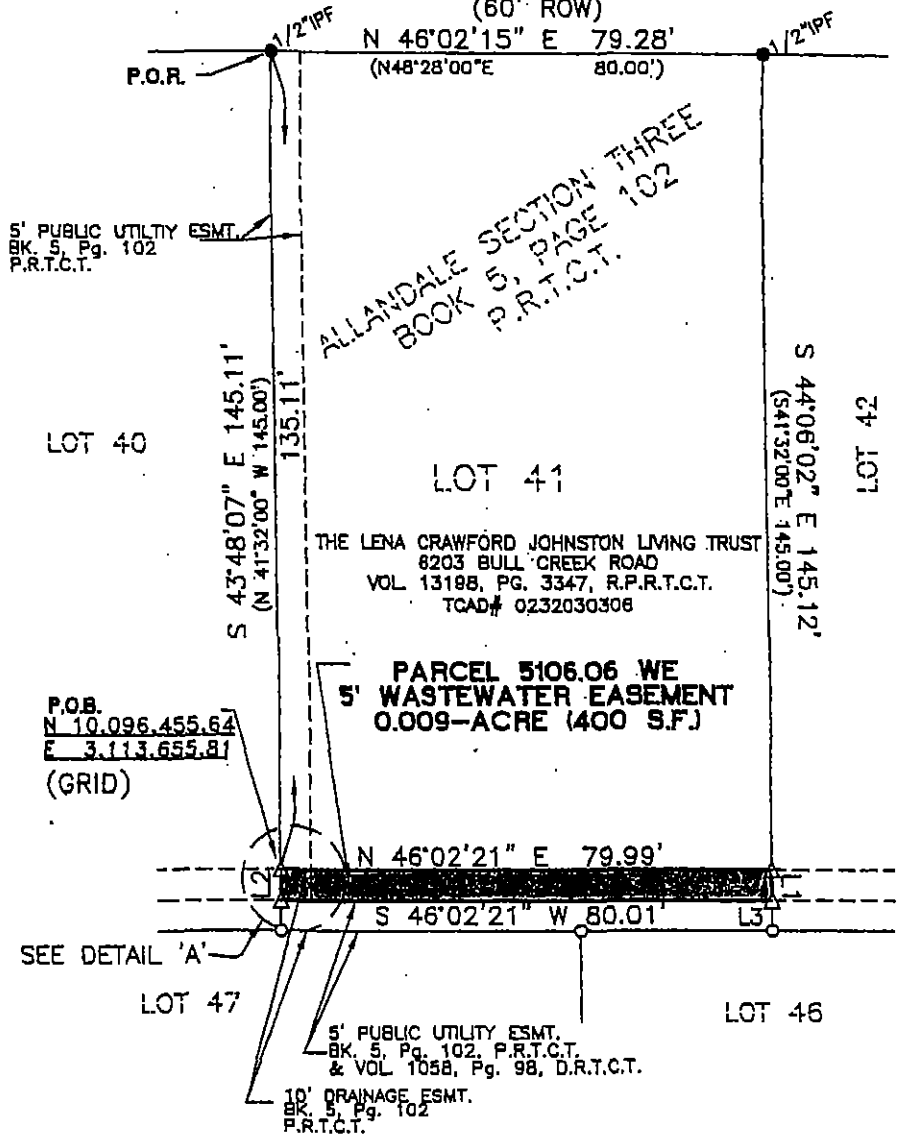
Client: CLAUUNCH & MILLER, INC.
 Date: DECEMBER 21, 2004 REVISED JANUARY 17, 2005
 Office: KGH
 Draw: JMcGee, A0choa
 Plot: 777, 780
 Task: Z:\claunch and miller\whitlock\landmark drawings\grid-staff\seamless\claunch-whitlock-esmt.dwg
 Logo: c:\ee\claunch\whitlock c:\augie\claunch\whitlock
 as No.: 630-93-04

SURVEY OF A PORTION OF LOT 41, ALLANDALE, SECTION THREE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



BULL CREEK ROAD (60' ROW)

SCALE 1"=30'



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)328-7413

**The Lena Crawford Johnston Living Trust
Lot 41, Allandale Section Three
To
City of Austin
(For 10' Temporary Working Space Easement)**

FIELD NOTES FOR PARCEL 5106.06 TWSE

ALL OF THAT CERTAIN 0.018-ACRE (800 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 41, 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 GENERAL WARRANTY DEED TO THE LENA CRAWFORD JOHNSTON LIVING TRUST AND EXECUTED ON JUNE 2, 1998 IN VOLUME 13198, PAGE 3347, OF THE REAL PROPERTY 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 40 and Lot 41 of said Allandale Section Three; **THENCE**, with the common line between said Lot 40 and Lot 41 S43°48'07"E a distance of 125.11 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= 10,096,462.86 and E= 3,113,648.88 for the southwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, through said Lot 41, N46°02'21"E, passing at a distance of 5.00 feet the north edge of a 5-foot public utility easement (P.U.E). recorded in said Allandale Section Three and continuing for a total distance of 79.93 feet to a calculated point on the common line between said Lot 41 and Lot 42 of said Allandale Section Three for the northwest corner of this tract;

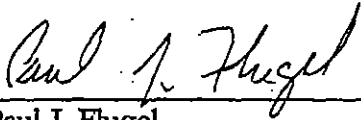
THENCE, with said common line, S44°06'02"E a distance of 10.00 feet to a calculated point on the west line of a 10-foot drainage easement as recorded in the plat of said Allandale Section Three for the northeast corner of this tract;

THENCE, with the west line of said 10-foot drainage easement, S46°02'21"W, passing at a distance of 74.99 feet said north edge of a 5-foot P.U.E and continuing for a total a distance of 79.99 feet to a calculated point on the common line between said Lot 40 and Lot 41, for the southeast corner of this tract;

THENCE, with said common line between Lot 40 and Lot 41, N43°48'07"W a distance of 10.00 feet the **POINT OF BEGINNING** and containing 0.018-acre (800 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: January 21, 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, coordinates as supplied by the City of Austin Monument Data Sheets
Z:\ClaunchandMiller\Whiterock\fieldnotes\lot41-Allandale3-10'twse
Austin Map No 525, Grid J28
TCAD No. 02-3203-0306

FIELD NOTES REVIEWED

By: PS Date: 1-25-05

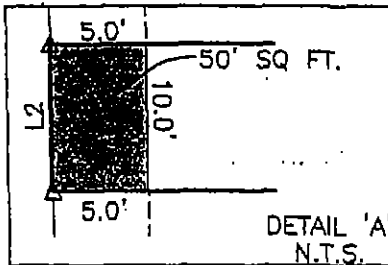
Austin Clean Water Program
Survey Coordinator

LEGEND

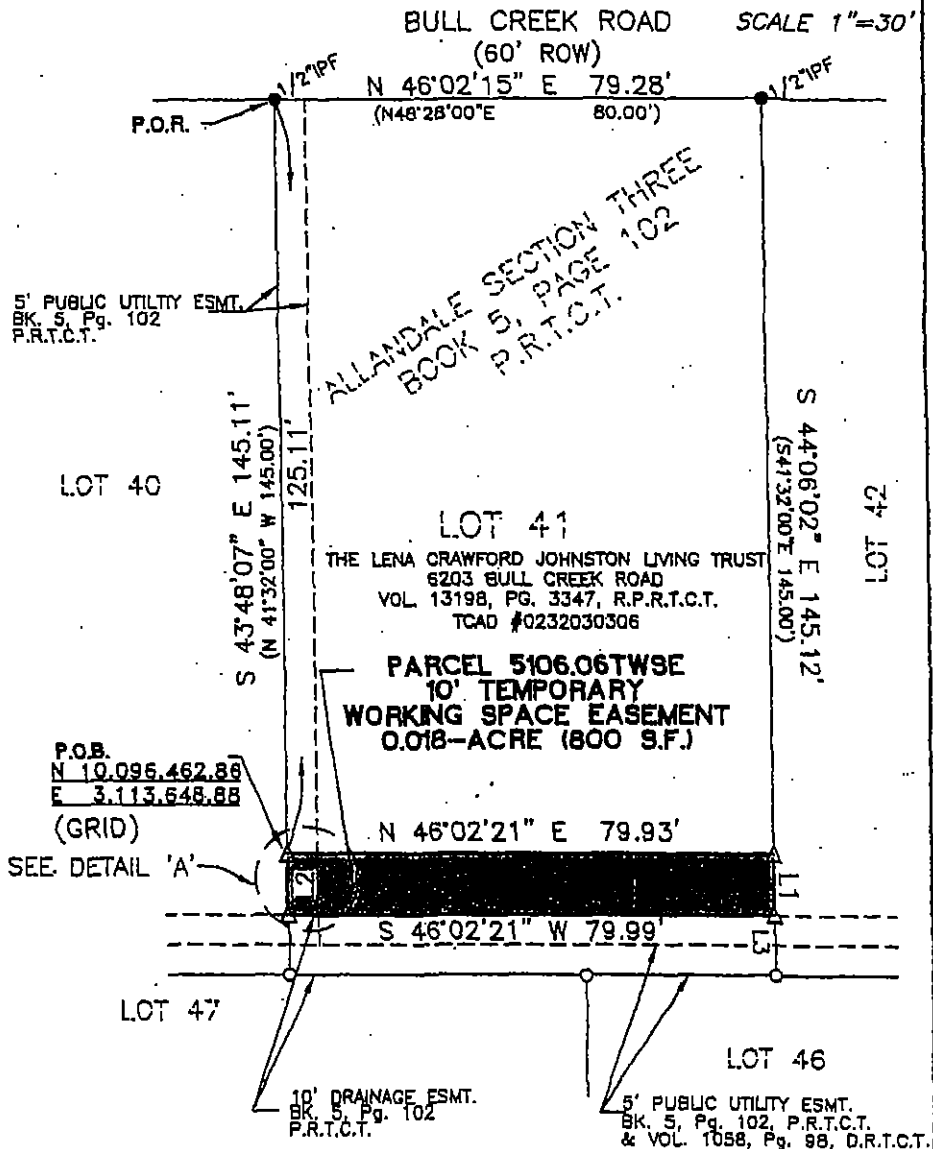
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- △ CALCULATED POINT (NOT ESTABLISHED ON GROUND)
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- TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS
- TRAVIS COUNTY, TEXAS

LINE TABLE

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 AUSTIN, WERE USED AS THE CONTROLLING MONUMENTS
 FOR THIS SURVEY.

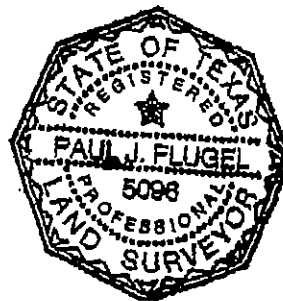
AS SURVEYED BY
 LANDMARK SURVEYING, INC.

Paul J. Flugel

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

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 SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Client: CLAUICH & MILLER, INC.
 Date: DECEMBER 21, 2004 REVISED JANUARY 21, 2005
 Title: KCM
 Rev: JMaaga, AQchca
 S.I.: 777, 780
 Bk: Z:\claunch and miller\whiterock\landmark drawings\grid-staff\seamant\claunch-whiterock-esmt.dwg
 Sgs: c:\ee\claunch\whiterock c:\augie\claunch\whiterock
 Job No.: 630-03-04



SKETCH TO
 ACCOMPANY
 FIELD NOTES

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 SURVEYING, INC.

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 AUSTIN, TEXAS 78746
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