

RESOLUTION NO. 20050623-064

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: Kathleen McComb

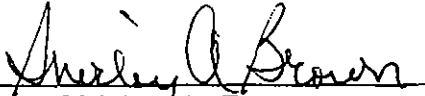
Project: Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program

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: 2402 White Horse Trail, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST:


Shirley A. Brown
City Clerk

Kathleen McComb
Lot 61, Allandale Section Three
To
City of Austin
(For Wastewater Easement)

FIELD NOTES FOR PARCEL 5106.17 WE

ALL OF THAT CERTAIN 0.019-ACRE (833 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 61, 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 KATHLEEN MCCOMB EXECUTED JANUARY 28, 1994 IN VOLUME 12113, PAGE 2237 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 ½" iron rod found in the north right-of-way line of White Horse Trail (50' R.O.W.) at the southwest corner of said Lot 61, same being the southeast corner of a "Reserve" Lot of said Allandale Section Three;

THENCE, with the north right-of-way line of said White Horse Trail S62°41'28"E a distance of 114.62 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= 10,096,692.60 and E= 3,113,863.57 for the southwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, leaving said north line of said White Horse Trail and through said Lot 61, N39°47'14"E a distance of 27.71 feet to a calculated point on the west line of a 10' Drainage Easement as recorded in plat for said Allandale, Section Three for an angle point of this tract;

THENCE, continuing through said Lot 61 and with said west line of 10' Drainage Easement N27°19'38"E, passing at a distance of 118.34 feet the south edge of a 5-foot public utility easement (P.U.E.) also recorded in plat for said Allandale, Section Three and in Volume 1058, Page 98, of the Deed Records of Travis County, Texas and continuing for a total distance of 123.34 feet to a calculated point in the north line of said Lot 61, same being the south line of Lot "A, Fred McNair Subdivision, as recorded in Plat Book 77, Page 201, of the Plat Records of Travis County, Texas, for the northwest corner of this tract;

THENCE, with the common line between said Lot 61 and said Lot "A", S62°42'18"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 Allandale, Section Three plat and in Volume 1058, Page 98 of the Deed Records of Travis County, Texas for the northeast corner of this tract;

THENCE, through said Lot 61 and with said west line of said 5-foot P.U.E., S27°19'38"W, passing at a distance of 5.00 feet the said south edge of said 5-foot P.U.E. (mentioned in the second course) and continuing for a total distance of 150.39 feet to a calculated point on the north line of said White Horse Trail for the southeast corner of this tract;

THENCE, with said north line of said White Horse Trail, N62°41'28"W a distance of 10.98 feet to the **POINT OF BEGINNING** and containing 0.019-acre (833 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.**

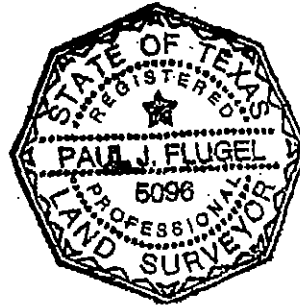


Paul J. Flugel

Registered Professional Land Surveyor No. 5096

Date: December 21, 2004

Revised: January 25, 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\lot61-Allandale3-WE

Austin Map No 525, Grid J28

TCAD No. 02-3203-0507

FIELD NOTES REVIEWED

By: PL Date: 2-1-05

Austin Clean Water Program
Survey Coordinator

Exhibit "A"

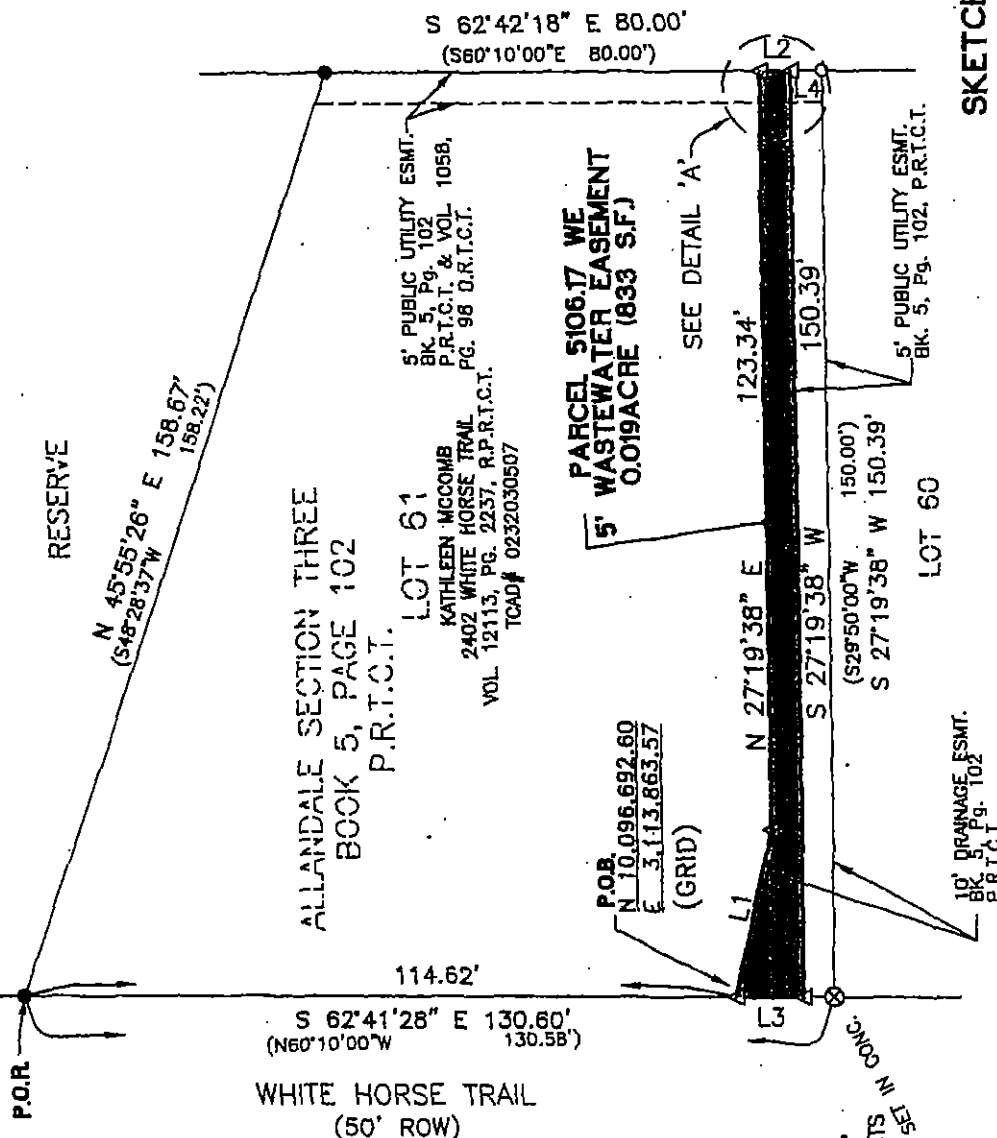
Page 2 of 3



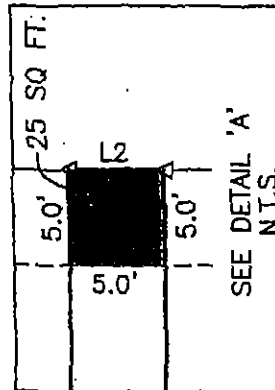
SCALE 1"=30'

FRED MCNAIR SUBDIVISION
BOOK 77, PG. 201
P.R.T.C.T.
LOT "A"

SURVEY OF A PORTION OF LOT 61,
ALLANDALE, SECTION THREE,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



SKETCH TO
ACCOMPANY
FIELD NOTES

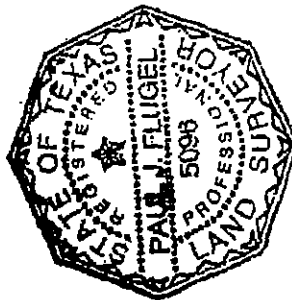


LEGEND

- 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 N 39°47'14" E 27.71'
- L2 S 62°42'18" E 5.00'
- L3 N 62°41'28" W 10.98'
- L4 N 62°42'18" W 5.00'



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

PAUL J. FLUGEL
Registered Professional Land Surveyor No. 5096
DATE : DECEMBER 21, 2005
REVISED : FEBRUARY 1, 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
Office: KCM
Crew: Mgoe, Aochoa
F.B.: 7/71, 780
Disk: z:\claunch and miller\whitlock\landmark-drawings\grid-stuff\claunch-whitlock-esmts.dwg
Cup: c:\lee\claunch\whitlock c:\eagle\claunch\whitlock

Kathleen McComb
Lot 61, Allandale Section Three
To
City of Austin
(For 10' Temporary Working Space Easement)

FIELD NOTES FOR PARCEL 5106.17 TWSE

ALL OF THAT CERTAIN 0.033-ACRE (1,423 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 61, 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 KATHLEEN MCCOMB EXECUTED JANUARY 28, 1994 IN VOLUME 12113, PAGE 2237 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 rod found in concrete in the north right-of-way line of White Horse Trail (50' R.O.W.) at the southwest corner of said Lot 61, same being the southeast corner of a "Reserve" Lot of said Allandale Section Three;

THENCE, with the north right-of-way line of said White Horse Trail S62°41'28"E a distance of 110.60 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= 10,096,694.44 and E= 3,113,859.99 for the southwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, leaving said north line of said White Horse Trail and through said Lot 61, N27°19'38"E", passing at a distance of 145.39 feet the south edge of a 5-foot public utility easement as recorded in said plat of Allandale, Section Three and in Volume 1058, Page 98 of the Deed Records of Travis County, Texas and continuing for a total distance of 150.39 feet to a calculated point in the north line of said Lot 61, same being the south line of Lot "A, Fred McNair Subdivision, as recorded in Plat Book 77, Page 201, of the Plat Records of Travis County, Texas for the northwest corner of this tract;

THENCE, with the common line between said Lot 61 and said Lot "A", S62°42'18"E" a distance of 10.00 feet to a calculated point on the east line of a 10-foot Drainage Easement as recorded in said plat of Allandale, Section Three for the northeast corner of this tract;


THENCE, through said Lot 61 and with the east line of said 10-foot Drainage Easement, S27°19'38"W, passing at a distance of 5.00 feet said south edge of said 5-foot P.U.E. and continuing for a total distance of 123.34 feet to a calculated point for an angle point of this tract;

THENCE, leaving said drainage easement and continuing through said Lot 61, S39°47'14"W a distance of 27.71 feet to a calculated point on the north line of said White Horse Trail for the southeast corner of this tract;

THENCE, with said north line of said White Horse Trail, N62°41'28"W a distance of 4.02 feet to the **POINT OF BEGINNING** and containing 0.033-acre (1,423 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.

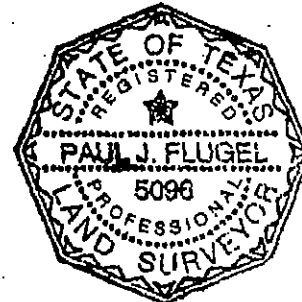
Prepared by **Landmark Surveying, Inc.**


Paul J. Flugel

Registered Professional Land Surveyor No. 5096

Date: December 21, 2004

Revised: January 25, 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\lot61-Allandale3-10'twse

Austin Map No 525, Grid J28

TCAD No. 02-3203-0507

FIELD NOTES REVIEWED

By:  Date: 2-1-05

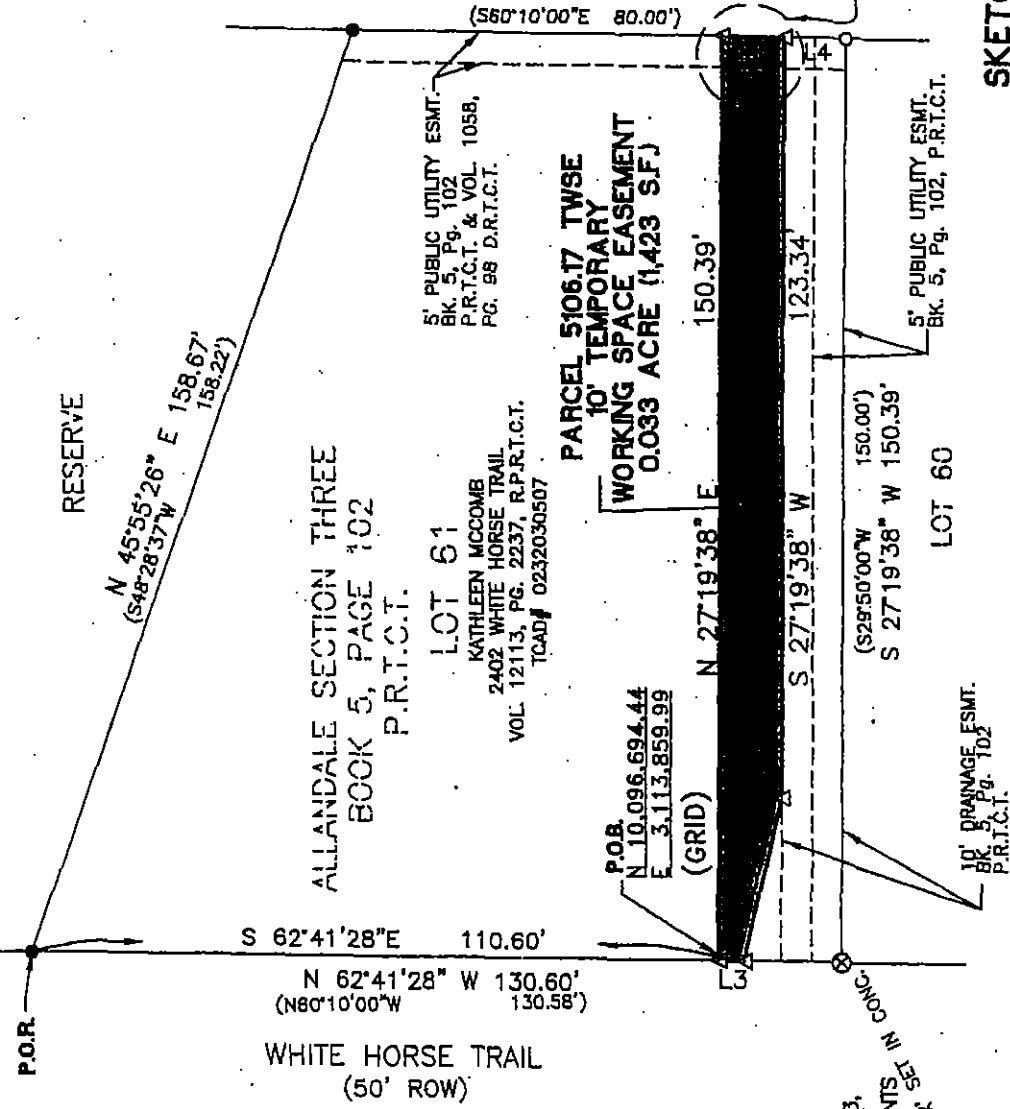
Austin Clean Water Program
Survey Coordinator



SCALE 1"=30'

**SURVEY OF A PORTION OF LOT 61,
ALLANDALE, SECTION THREE,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

FRED MCNAIR SUBDIVISION
BOOK 77, PG. 201
P.R.T.C.T.
LOT "A"



**SKETCH TO
ACCOMPANY
FIELD NOTES**

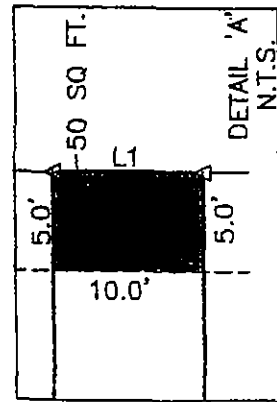
Landmark
SURVEYING, INC.
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)528-7411 FAX: (512)528-7413



- LEGEND**
- 1/2" IRON ROD SET W/GAP
 - 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
 - A CALCULATED POINT (NOT ESTABLISHED ON GROUND)
 - () RECORD INFORMATION
 - P.O.R. POINT OF REFERENCE
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 - D.R.T.C.T. TRAVIS COUNTY, TEXAS
 - D.EED 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

LINE	BEARING	DISTANCE
L1	S 62°42'18" E	10.00'
L2	S 39°47'14" W	27.71'
L3	N 62°41'28" W	4.02'
L4	N 62°42'18" W	10.00'



NAD 83
COORDINATE SYSTEM (GRID)
TEXAS CENTRAL (4203)
COMBINED SCALE FACTOR 0.9999919
NAD 83 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 : FEBRUARY 1, 2005
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Client: CLUNCH & MILLER, INC.
Date: DECEMBER 21, 2004
Office: KCM
Draw: JMoore, ADchoa
F.B.I. 777, 760
Disk: z:\clunch and miller\whitlock\landmark drawings\pld--nat\assessmen\clunch-whitlock-essmths.dwg
Copro: c:\ee\clunch\whitlock c:\ee\clunch\whitlock
Job No.: 630-03-04