

RESOLUTION NO. 20050623-071

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: Austin Park Plaza, LLC

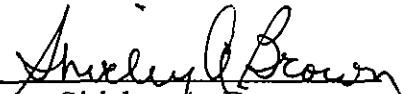
Project: Little Walnut/Buttermilk/North Capital Drive Project, a portion of the Austin Clean Water Program

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 easement, all temporary easements listed above are necessary to install wastewater lines.

Location: 829 Park Plaza, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST: _____


Shirley A. Brown
City Clerk

Austin Park Plaza L.L.C.
to
City of Austin
Lots 1 and 2
Courtlandt Place III-A Subdivision
(Wastewater Easement)
Little Walnut Creek North
CIP# 4926.026

FIELD NOTES FOR PARCEL 5000.56WE

BEING A 0.0793-ACRE (3,453 SQUARE FEET) TRACT OF LAND OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY, ABSTRACT NO. 57 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOTS 1 AND 2, COURTLANDT PLACE III-A SUBDIVISION IN THE CITY OF AUSTIN, RECORDED IN BOOK 80, PAGE 392 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO AUSTIN PARK PLAZA L.L.C. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 12254, PAGE 23 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.0793-ACRE (3,453 SQUARE FEET) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a calculated point from which a found ramset nail bears North 80 degrees 37 minutes 37 seconds East a distance of 0.23 feet for the southeast corner of Lot 1 of the Old San Francisco Addition to the City of Austin, recorded in Book 81, Page 44 of the Plat Records of Travis County, Texas, conveyed to ACFI OSF, LLC by Correction Substitute Trustee's Deed recorded in Document No. 2003048593 of the Official Public Records of Travis County, Texas, said point being the northeast corner of Lot 4 of the Courtlandt Place II Subdivision in the City of Austin, recorded in Book 78, Page 352 of the Plat Records of Travis County, Texas, conveyed to Danny D. Pounds by Warranty Deed recorded in Volume 9623, Page 332 of the Real Property Records of Travis County, Texas, said point also being in the west line of Lot 1 of said Courtlandt Place III-A Subdivision;

THENCE North 27 degrees 25 minutes 38 seconds East, along the common line between said Old San Francisco Addition Lot 1 and said Courtlandt Place III-A Subdivision Lot 1, a distance of 12.64 feet to a 60D nail set, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10100789.840, E=3129630.805, for the southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 27 degrees 25 minutes 38 seconds East, continuing along said common line, a distance of 26.00 feet to a 60D nail set for a corner;

THENCE South 62 degrees 40 minutes 08 seconds East, departing said common line, passing the west line of a public utility easement at a distance of 7.50 feet, continuing over and across said Lot 1, in all a distance of 61.51 feet to a 60D nail set for a corner;

THENCE North 27 degrees 19 minutes 52 seconds East, continuing over and across said Lot 1, a distance of 4.00 feet to a 60D nail set for a corner;

THENCE South 62 degrees 40 minutes 08 seconds East, continuing over and across said Lot 1 and said Lot 2, a distance of 84.15 feet to a 60D nail set for a corner in the north line of an existing variable width drainage and public utility easement dedicated by said plat of Courtlandt Place II Subdivision;

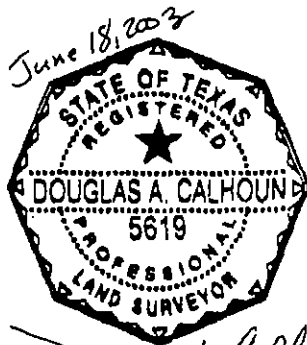
THENCE South 69 degrees 46 minutes 22 seconds West, along said north easement line, a distance of 4.03 feet to a 60D nail set for a corner;

THENCE South 85 degrees 43 minutes 22 seconds West, continuing along said north easement line, a distance of 51.57 feet to a 60D nail set for a corner;

THENCE North 62 degrees 40 minutes 08 seconds West, departing said north easement line over and across said Lot 1 and passing the east line of a public utility easement at a distance of 91.57 feet, continuing in all, a distance of 99.07 feet to the POINT OF BEGINNING, containing 0.0793 acre (3,453 square feet) of land more or less.

BASIS OF BEARING:

The bearings described herein are Texas State Plane grid bearings (Texas Central Zone, NAD83 (1993) (HARN), Combined Scale Factor 0.9999638238). Project Reference Control Points are City of Austin reference points "SEC 6" having grid coordinate values N=10097911.079, E=3133285.511, and "SEC 7" having grid coordinate values N=10099099.138, E=3134143.883. For surface coordinates, multiply grid coordinates by an adjustment factor of 1.0000362.



Douglas A. Calhoun
Halff Associates, Inc.
1421 Wells Branch Parkway, Suite 104
Austin, Texas 78660
(512) 252-8184

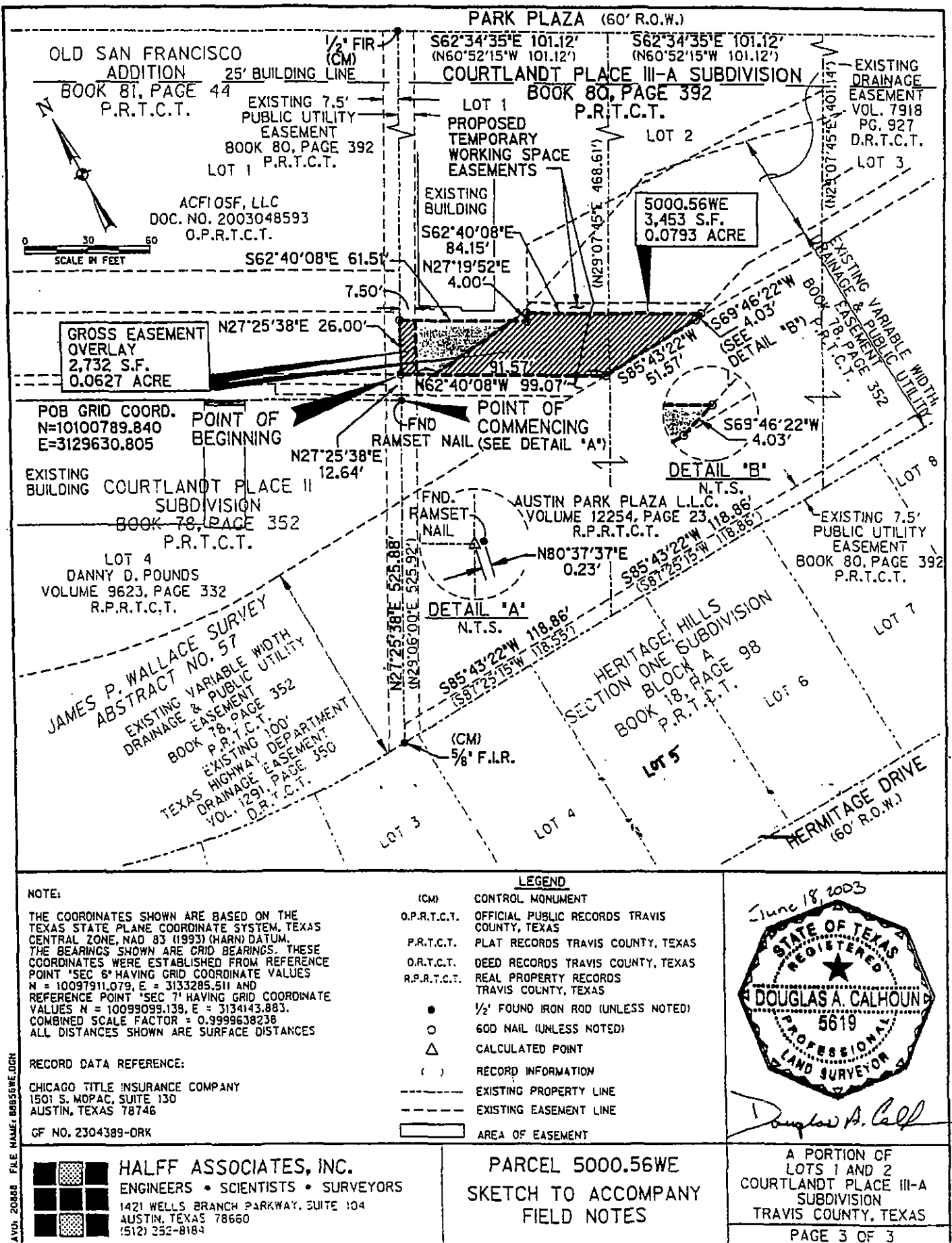
FIELD NOTES REVIEWED
By: *[Signature]* Date: 6-25-03

Austin Clean Water Program
Survey Coordinator

REFERENCES:

TCAD #02-3619-0140
Austin Grid L-29

Exhibit "A"
Page 2 of 3



Austin Park Plaza L.L.C.
to
City of Austin
Lots 1 and 2
Courtlandt Place III-A Subdivision
(Temporary Working Space Easements)
Little Walnut Creek North
CIP# 4926.026

FIELD NOTES FOR PARCEL 5000.56TWSE

BEING A 0.0209-ACRE (910 SQUARE FEET) TRACT OF LAND AND A 0.0099-ACRE (432 SQUARE FEET) TRACT OF LAND OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY, ABSTRACT NO. 57 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOTS 1 AND 2, COURTLANDT PLACE III-A SUBDIVISION IN THE CITY OF AUSTIN, RECORDED IN BOOK 80, PAGE 392 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO AUSTIN PARK PLAZA L.L.C. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 12254, PAGE 23 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.0209-ACRE (910 SQUARE FEET) TRACT OF LAND AND SAID 0.0099-ACRE (432 SQUARE FEET) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

PART 1

COMMENCING at a calculated point from which a found ramset nail bears North 80 degrees 37 minutes 37 seconds East, a distance of 0.23 feet for the southeast corner of Lot 1 of the Old San Francisco Addition to the City of Austin, recorded in Book 81, Page 44 of the Plat Records of Travis County, Texas, conveyed to ACFI OSF, LLC by Correction Substitute Trustee's Deed recorded in Document No. 2003048593 of the Official Public Records of Travis County, Texas, said point being the northeast corner of Lot 4 of the Courtlandt Place II Subdivision in the City of Austin, recorded in Book 78, Page 352 of the Plat Records of Travis County, Texas, conveyed to Danny D. Pounds by Warranty Deed recorded in Volume 9623, Page 332 of the Real Property Records of Travis County, Texas, said point also being in the west line of Lot 1 of said Courtlandt Place III-A Subdivision from which a 5/8-inch found iron rod for the southwest corner of said Lot 1, Courtlandt Place III-A Subdivision, bears South 27 degrees 25 minutes 38 seconds West, a distance of 165.92 feet;

THENCE North 27 degrees 25 minutes 38 seconds East, along the common line between said Old San Francisco Addition Lot 1 and said Courtlandt Place III-A Subdivision Lot 1, a distance of 2.64 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10100780.983, E=3129626.162, for the southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 27 degrees 25 minutes 38 seconds East, continuing along said common line, a distance of 10.00 feet to a 60D nail set for a corner from which a 1/2-inch found iron rod for the northwest corner of said Lot 1, Courtlandt Place III-A Subdivision, bears North 27 degrees 25 minutes 28 seconds East, a distance of 347.32 feet;

THENCE South 62 degrees 40 minutes 08 seconds East, departing said common line over and across said Lot 1, a distance of 99.07 feet to a 60D nail set for a corner in the north line of an existing variable width drainage and public utility easement dedicated by said plat of Courtlandt Place II Subdivision;

THENCE South 85 degrees 43 minutes 22 seconds West, continuing over and across said Lot 1, and along said north easement line, a distance of 19.08 feet to a calculated point for a corner;

THENCE North 62 degrees 40 minutes 08 seconds West, departing said north easement line over and across said Lot 1, a distance of 82.84 feet to the POINT OF BEGINNING, containing 0.0209 acre (910 square feet) of land more or less.

PART 2

COMMENCING at a calculated point from which a found ramset nail bears North 80 degrees 37 minutes 37 seconds East, a distance of 0.23 feet for the southeast corner of said Old San Francisco Addition, said point being the northeast corner of Lot 4 of said Courtlandt Place II Subdivision, said point also being in the west line of Lot 1 of said Courtlandt Place III-A Subdivision from which a 5/8-inch found iron rod for the southwest corner of said Lot 1, Courtlandt Place III-A Subdivision, bears South 27 degrees 25 minutes 38 seconds West, a distance of 165.92 feet;

THENCE North 27 degrees 25 minutes 38 seconds East, along the common line between said Old San Francisco Addition Lot 1 and said Courtlandt Place III-A Subdivision Lot 1, a distance of 38.64 feet to a 60D nail set for a corner from which a 1/2-inch found iron rod for the northwest corner of said Lot 1, Courtlandt Place III-A Subdivision, bears North 27 degrees 25 minutes 38 seconds, a distance of 321.32 feet;

THENCE South 62 degrees 40 minutes 08 seconds East, departing said common line over and across said Lot 1, a distance of 61.51 feet to a 60D nail set for a corner;

THENCE North 27 degrees 19 minutes 52 seconds East, continuing over and across said Lot 1, a distance of 4.00 feet to a 60D nail set, having Texas State Plane Coordinate (Texas Central Zone, NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10100788.231, E=3129699.257, for the southwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 27 degrees 19 minutes 52 seconds East, continuing over and across said Lot 1, a distance of 5.00 feet to a calculated point for a corner;

EXHIBIT "B"

THENCE South 62 degrees 40 minutes 08 seconds East, continuing over and across said Lot 1 and said Lot 2, a distance of 88.73 feet to a calculated point for a corner in the north line of an existing variable width drainage and public utility easement dedicated by said plat of Courtlandt Place II Subdivision;

THENCE South 69 degrees 46 minutes 22 seconds West, continuing over and across said Lot 2, and along said north easement line, a distance of 6.78 feet to a 60D nail set for a corner;

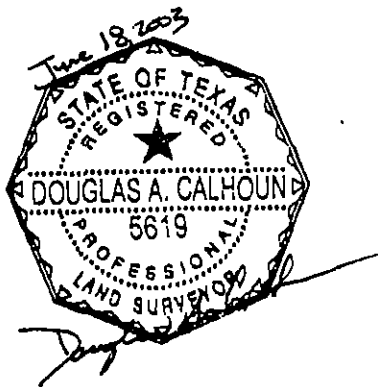
THENCE North 62 degrees 40 minutes 08 seconds West, departing said north easement line continuing over and across said Lot 2 and said Lot 1, a distance of 84.15 feet to the POINT OF BEGINNING, containing 0.0099 acre (432 square feet) of land more or less.

TOTAL PARTS 1 AND 2

The TOTAL SUM AREA of Parts 1 and 2 described hereinabove contains 0.0308 acre (1,342 square feet) of land more or less.

BASIS OF BEARING:

The bearings described herein are Texas State Plane grid bearings (Texas Central Zone, NAD83 (1993) (HARN), Combined Scale Factor 0.9999638238). Project Reference Control Points are City of Austin reference points "SEC 6" having grid coordinate values N=10097911.079, E=3133285.511, and "SEC 7" having grid coordinate values N=10099099.138, E=3134143.883. For surface coordinates, multiply grid coordinates by an adjustment factor of 1.0000362.



Halff Associates, Inc.
1421 Wells Branch Parkway, Suite 104
Austin, Texas 78660
(512) 252-8184

FIELD NOTES REVIEWED

By: P.E. Date: 1-7-05

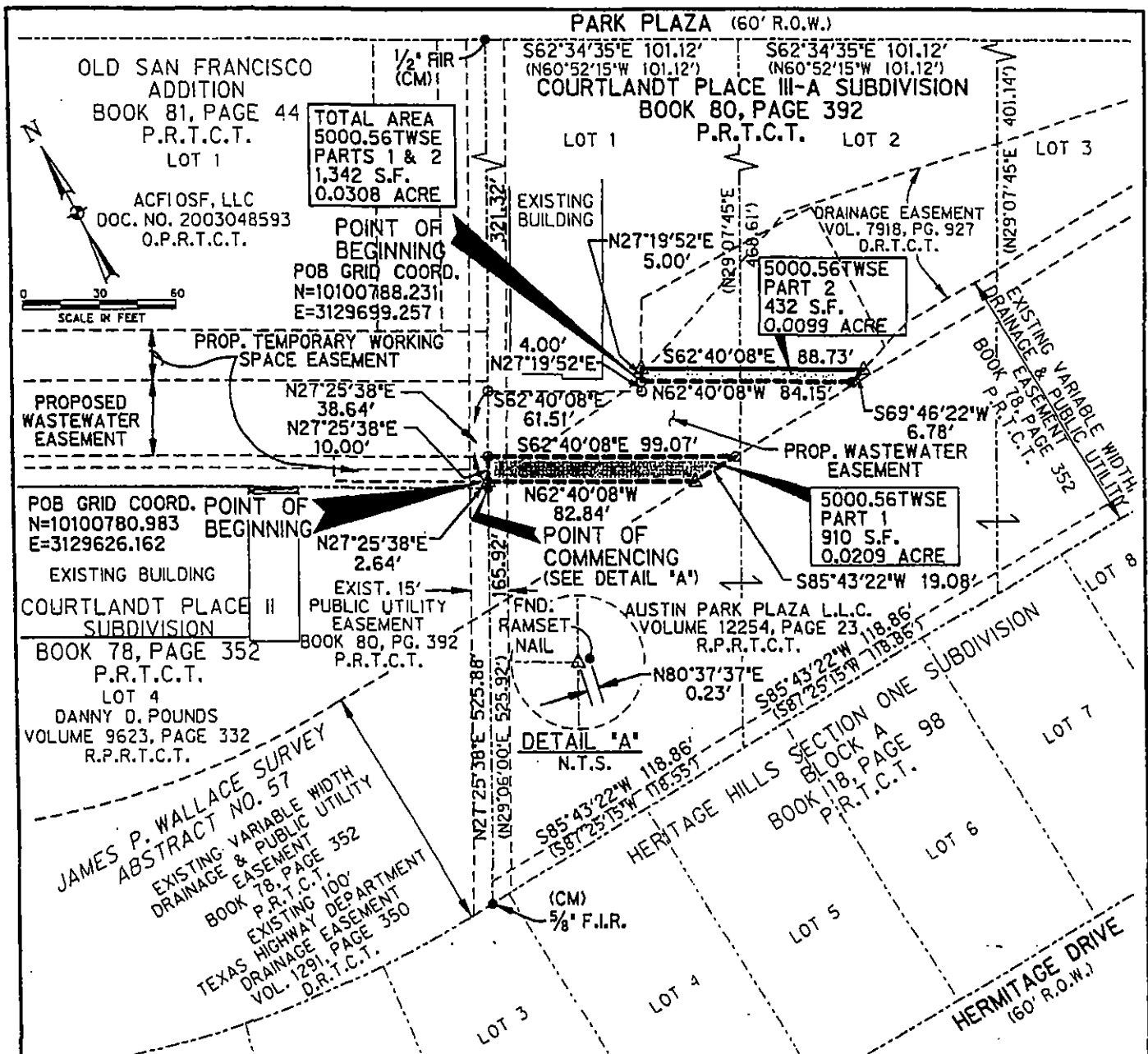
**Austin Clean Water Program
Survey Coordinator**

REFERENCES:

TCAD #02-3619-0140
Austin Grid L-29

EXHIBIT "B"

Page 3 of 4



NOTE:

THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83 (1993) (HARN) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "SEC 6" HAVING GRID COORDINATE VALUES N = 10097911.079, E = 3133285.511 AND REFERENCE POINT "SEC 7" HAVING GRID COORDINATE VALUES N = 10099099.138, E = 3134143.883. COMBINED SCALE FACTOR = 0.9999638238. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

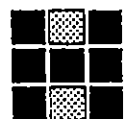
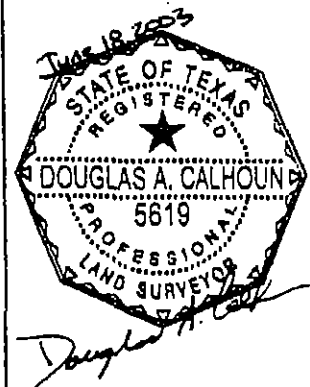
RECORD DATA REFERENCE:

CHICAGO TITLE INSURANCE COMPANY
1501 S. MOPAC, SUITE 130
AUSTIN, TEXAS 78746

CF NO. 2304389-DRK

LEGEND

(CM)	CONTROL MONUMENT
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
●	1/2" FOUND IRON ROD (UNLESS NOTED)
○	60D NAIL (UNLESS NOTED)
△	CALCULATED POINT
()	RECORD INFORMATION
---	EXISTING PROPERTY LINE
---	EXISTING EASEMENT LINE
---	AREA OF EASEMENT



HALFF ASSOCIATES, INC.
ENGINEERS • SCIENTISTS • SURVEYORS
1421 WELLS BRANCH PARKWAY, SUITE 104
AUSTIN, TEXAS 78660
(512) 252-8184

PARCEL 5000.56TWSE
SKETCH TO ACCOMPANY
FIELD NOTES

A PORTION OF
LOTS 1 AND 2
COURTLANDT PLACE III-A
SUBDIVISION
TRAVIS COUNTY, TEXAS

PAGE 4 OF 4

EXHIBIT "B"

Page 4 of 4

Austin Park Plaza L.L.C.
to
City of Austin
Lots 1 & 2
Courtland Place III-A Subdivision
(Temporary Staging Area And
Material Storage Site)
Little Walnut Creek North
CIP# 4926.026

FIELD NOTES FOR PARCEL 5000.56TSAAMSS

BEING A 0.0957-ACRE (4,168 SQUARE FEET) TRACT OF LAND OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY, ABSTRACT NO. 57 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOTS 1 AND 2, COURTLANDT PLACE III-A SUBDIVISION IN THE CITY OF AUSTIN, RECORDED IN BOOK 80, PAGE 392 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO AUSTIN PARK PLAZA L.L.C. BY DEED RECORDED IN VOLUME 12254, PAGE 23 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.0957-ACRE (4,168 SQUARE FEET) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a 1/2-inch found iron rod for the most easterly northeast corner of Lot 1, Old San Francisco Addition in the City of Austin, recorded in Book 81, Page 44 of the Plat Records of Travis County, Texas, conveyed to ACFI OSF, LLC by Correction Substitute Trustee's Deed, recorded in Document No. 2003048593 of the Official Public Records of Travis County, Texas, said point being the northwest corner of said Lot 1 Courtlandt Place III-A subdivision and being on the southwest right-of-way line of Park Plaza Drive (60' right-of-way);

THENCE South 62 degrees 34 minutes 35 seconds East, along the common line between said Lots 1 & 2 and the southern right-of-way line of Park Plaza Drive, a distance of 202.11 feet to a point for corner, said point being the northwest corner of Lot 3 of said Courtlandt Place III-A Subdivision;

THENCE South 27 degrees 25 minutes 52 seconds West, departing said common line, along the common line between said Lot 2 and said Lot 3, a distance of 208.83 feet to a point for corner;

THENCE South 89 degrees 12 minutes 53 seconds West, departing said common line, over and across said Lot 2, a distance of 82.62 feet to a point for corner, having Texas State Plane Coordinate (Texas Central Zone; NAD83 (1993) (HARN), U.S. Feet, Combined Scale Factor 0.9999638238) values of N=10100818.55, E=3129791.357, for the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE South 00 degrees 47 minutes 07 seconds East, continuing across said Lot 2, a distance of 62.25 feet to a point for corner, said point being in the northern line of an existing variable width Drainage & Public Utility Easement, recorded in Book 78, Page 352 of the Plat Records of Travis County, Texas;

THENCE South 69 degrees 46 minutes 22 seconds West, continuing along said northern line of said easement, a distance of 12.62 feet to a point for corner;

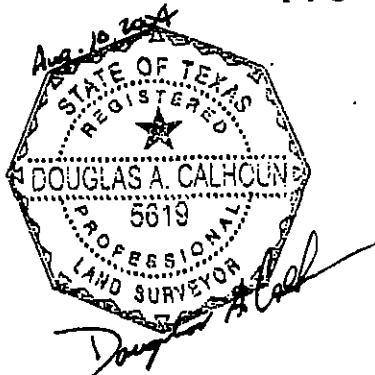
THENCE North 62 degrees 40 minutes 08 seconds West, a distance of 88.73 feet to a point for corner;

THENCE North 27 degrees 19 minutes 52 seconds East, a distance of 27.94 feet to a point for corner;

THENCE North 89 degrees 12 minutes 53 seconds East, a distance of 76.99 feet to the POINT OF BEGINNING, containing 0.0957 acre (4,168 square feet) of land, more or less.

BASIS OF BEARING:

The bearings described herein are Texas State Plane grid bearings (Texas Central Zone, NAD83 (1993) (HARN), Combined Scale Factor 0.9999638238). Project Reference Control Points are City of Austin reference points "SEC 6" having grid coordinate values N=10097911.079, E=3133285.511, and "SEC 7" having grid coordinate values N=10099099.138, E=3134143.883. For surface coordinates, multiply grid coordinates by an adjustment factor of 1.0000362.



Halff Associates, Inc.
1421 Wells Branch Parkway, Suite 104
Austin, Texas 78660
(512) 252-8184

FIELD NOTES REVIEWED

By: PF Date: 1-25-05

Austin Clean Water Program
Survey Coordinator

REFERENCES:

TCAD # 02-3619-0140
Austin Grid L-29

Exhibit "C"
Page 2 of 3

