

RESOLUTION NO. 20050623-068

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 owners 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 owners 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 owners hereinafter stated and/or their 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:

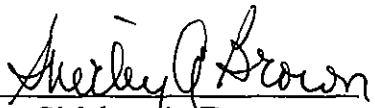
Owner: Mark R. Price and Anne K. Hansen

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: 6101 Bull Creek Road, Austin, Texas, and see attached field notes.

ADOPTED: June 23, 2005

ATTEST: 
Shirley A. Brown
City Clerk

Mark R. Price and spouse, Anne K. Hansen
Lot 36, Allandale Section Three
To
City of Austin
(For 5' Wastewater Easement)

FIELD NOTES FOR PARCEL 5106.01 WE

ALL OF THAT CERTAIN 0.013-ACRE (549 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 36, 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 WITH FIRST AND SECOND VENDOR'S LIEN TO MARK R. PRICE AND SPOUSE, ANNE K. HANSEN AND EXECUTED AUGUST 8, 2001 IN DOCUMENT NO. 2001134910, 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 rod with plastic cap set on the east right-of-way line of Bull Creek Road (60-foot R.O.W.) at the common front corner of Lot 36 and Lot 37 of said Allandale Section Three; **THENCE**, with the common line between said Lot 36 and Lot 37 S76°05'44"E a distance of 126.64 feet to a calculated point in the curving west line of an existing 10-foot drainage easement as recorded in the plat of said Allandale Section Three, having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (CORS), U.S. Feet, Combined Scale Factor 0.999919) values of N= 10,096,230.48 and E= 3,113,466.83 for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, with the common line between said Lot 36 and Lot 37, S76°05'44"E a distance of 5.05 feet to a calculated point on the curving west line of a 5-foot public utility easement (P.U.E.) as recorded in 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, through said Lot 36, with said west line of said 5-foot P.U.E., and along a curve to the left having a radius of 354.13 feet, passing the south edge of another 5-foot P.U.E. also recorded in said plat of Allandale, Section, Three at an arc length of 5.05 feet

and continuing for a total arc length of 50.40 feet and a chord which bears S18°08'25"W a distance of 50.35 feet to a calculated point at a point of tangency;

THENCE, continuing through said Lot 36 and continuing with the west line of said 5-foot P.U.E., S14°02'03"W a distance of 59.94 feet to a calculated point on the north right-of-way line of White Rock Drive (60' R.O.W.) for the southeast corner of this tract;

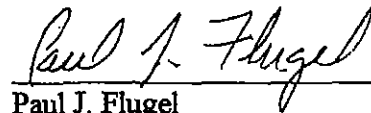
THENCE, with the north right-of-way line of said White Rock Drive, N62°33'56"W a distance of 5.14 feet to a calculated point for the southwest corner of this tract;

THENCE, leaving said north right-of-way line, N14°02'03"E a distance of 58.56 feet to a calculated point at a point of curvature of a curve to the right;

THENCE, with said curve to the right having a radius of 359.13 feet, passing at an arc length of 45.51 feet and continuing for a total arc length distance of 50.56 feet and a chord which bears N18°04'03"E a distance of 50.52 feet to the **POINT OF BEGINNING** and containing 0.013-acre (549 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 17, 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 for CB53, CB54, and CB55 as supplied by the City of Austin Monument Data Sheets

Z:\ClaunchandMiller\Whiterock\fieldnotes\lot36-Allandale3-5'we
Austin Map No. 525, Grid J28
TCAD No. 02-3203-0301

FIELD NOTES REVIEWED

By: RS Date: 1-19-05

Austin Clean Water Program
Survey Coordinator

**SURVEY OF A PORTION OF LOT 36,
ALLANDALE, SECTION THREE,
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**



SCALE 1"=30'

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 76°05'44" E 5.05'
L2 N 62°33'56" W 5.14'
L3 N 62°33'56" W 5.14'

P.O.R.

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

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

LOT 36
MARK R. PRICE AND SPOUSE,
ANNE K. HANSEN
6101 BULL CREEK ROAD
DOC. NO. 2001134910, O.P.R.T.C.T.
TCAD #0232030301

WHITE ROCK DRIVE
(60' ROW)
N 62°33'56" W
(N 60°10'00" W)

SEE DETAIL 'A'
**PARCEL 5106.01 WE
5' WASTEWATER EASEMENT
0.013-ACRE (549 S.F.)**

C1
R = 359.13'
D = 08°04'00"
L = 50.56'
CH = 50.52'
CB = N 18°04'03" E

C2
R = 354.13'
D = 08°09'14"
L = 50.40'
CH = 50.35'
CB = S 18°08'25" W

P.O.B.
N 10.096.230.48
E 3.113.466.83
(GRID)

C3
R = 25.00'
D = 75°51'00" (76°41'53")
L = 33.47' (33.84')
CH = 31.08' (31.37')
CB = N 24°38'46" W
(N 21°43'00" E)

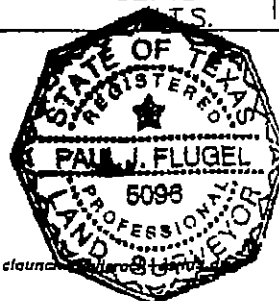
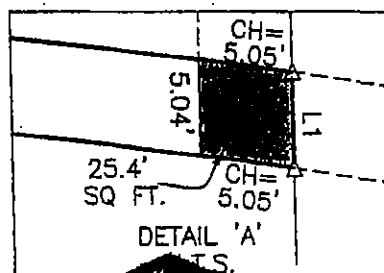
C4
R = 349.13'
D = 08°16'25" (05°59'10")
L = 50.42' (36.48')
CH = 50.37' (36.46')
CB = N 18°12'01" E
(S 21°48'00" W)

**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



**EXHIBIT "A"
PAGE 3 OF 3**

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, 2004 REVISED JANUARY 17, 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 REVISED: January 17, 2005
Office: KGM
Draw: JMcGee, AChad
F.B.: 777, 780
Jlsk: Z:\claunch and miller\whitlock\landmark drawings\grid-staff\seasement\claunch and miller\survey
Logo: c:\ee\claunch\whitlock or\augie\claunch\whitlock
Job No.: 630-03-04

Mark R. Price and spouse, Anne K. Hansen
Lot 36, Allandale Section Three
To
City of Austin
(For 10' Temporary Working Space Easement)

FIELD NOTES FOR PARCEL 5106.01 TWSE

ALL OF THAT CERTAIN 0.025-ACRE (1,079 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 36, 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 WITH FIRST AND SECOND VENDOR'S LIEN TO MARK R. PRICE AND SPOUSE, ANNE K. HANSEN AND EXECUTED AUGUST 8, 2001 IN DOCUMENT NO. 2001134910, 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 rod with plastic cap set on the east right-of-way line of Bull Creek Road (60-foot R.O.W.) at the common front corner of Lot 36 and Lot 37 of said Allandale Section Three; **THENCE**, with the common line between said Lot 36 and Lot 37 S76°05'44"E a distance of 116.54 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= 10,096,232.91 and E= 3,113,457.02 for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, with the common line between said Lot 36 and Lot 37, S76°05'44"E a distance of 10.10 feet to a calculated point on the curving 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 curving west line of said 10-foot drainage easement along a curve to the left having a radius of 359.13 feet, passing the south edge of another 5-foot P.U.E. also recorded in the plat of said Allandale Section Three at an arc distance of 5.05 and continuing for a total arc length of 50.38 feet and a chord which bears S18°04'54"W a distance of 50.34 feet to a calculated point at a point of tangency;

THENCE continuing with the west line of said 10-foot drainage easement S14°02'03"W a distance of 58.56 feet to a calculated point on the north right-of-way line of White Rock Drive (60-Foot R.O.W.) for the southeast corner of this tract;

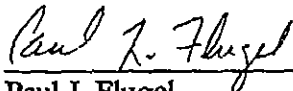
THENCE, with the north line of said White Rock Drive N62°33'56"W a distance of 10.28 feet to a calculated point for the southwest corner of this tract;

THENCE N14°02'03"E a distance of 56.18 feet to a calculated point at a point of curvature of a curve to the right;

THENCE, with said curve to the right having a radius of 369.13 feet, passing at an arc length of 45.60 feet and continuing for a total arc length distance of 50.53 feet and a chord which bears N17°57'21"E a distance of 50.49 feet to the **POINT OF BEGINNING** and containing 0.025-acre (1,079 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 17, 2005



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Austin Map No. 525, Grid J28

TCAD No. 02-3203-0301

FIELD NOTES REVIEWED

By:  Date: 1-19-05

Austin Clean Water Program
Survey Coordinator

EXHIBIT "B"
PAGE 3 OF 3