

RESOLUTION NO. 20050901-012

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owners 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, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: 9920 N. IH-35, L.L.C., 339 Elk Drive, L.L.C. and Wavecrest Properties, L.L.C.

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

Intended Purpose. the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate; and

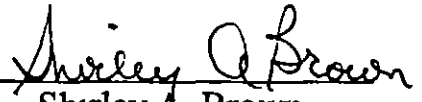
the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

Location: 9920 IH 35, Austin, Travis County, Texas

Property: Described in the attached and incorporated Exhibits A and B.

ADOPTED: September 1, 2005

ATTEST:


Shirley A. Brown
City Clerk

9920 NIH35, L.L.C., (as to 90%),
339 Elk Drive, L.L.C., (as to 5%),
and Wavecrest Properties, L.L.C.,
a Nevada Limited Liability Company (as to 5%)
to
City of Austin
Reindale Acres
(Wastewater Easement)

Field Notes for Parcel 5000 36WE

BEING 0 365 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLICAIT SURVEY No. 58, ABS 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE REMAINDER OF LOT 1, REINDALE ACRES, RECORDED IN BOOK 65, PAGE 87 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID PORTION OF THE REMAINDER OF LOT 1 CONVEYED TO 9920 NIH35, L.L.C., (AS TO 90%), 339 ELK DRIVE, L.L.C., (AS TO 5%) AND WAVECREST PROPERTIES, L.L.C., A NEVADA LIMITED LIABILITY COMPANY (AS TO 5%) BY WARRANTY DEED FILED FOR RECORD ON OCTOBER 4, 2004 RECORDED IN DOCUMENT 2004189253 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0 365 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH.

BEGINNING at a calculated point in the south right-of-way line of Rundberg Lane (right-of-way varies), same being in a northeasterly line of the remainder of said Lot 1, same also being South 61°52'21" East, a distance of 20 02 feet from an x cut in concrete at the most northerly corner of the remainder of said Lot 1, for the Point of Beginning and the most northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0 9999638238) values of N=10104185 38 and E=3130209 34;

1) THENCE, South 61°52'21" East, a distance of 43 49 feet, with the south right-of-way line of said Rundberg Lane and a northeasterly line of the remainder of said Lot 1 to a calculated point for a northeasterly corner of the herein described tract of land,

2) THENCE, South 53°56'13" West, a distance of 42.22 feet, leaving said Rundberg Lane and crossing said Lot 1, to a calculated point for a corner;

3) THENCE, South 25°27'42" West, a distance of 35 92 feet, to a calculated point for a corner;

4) THENCE, South 06°48'08" West, at a distance of 123 21 feet passing the north line of an existing Sanitary Sewer easement recorded in Volume 2451, Page 278 of the Deed Records of Travis County, Texas, in all a distance of 128 19 feet, to a calculated point for a corner,

5) THENCE, South 27°22'53" West, a distance of 162.24 feet, to a calculated point for a corner;

6) THENCE, South 16°14'54" East, a distance of 12 89 feet, to a calculated point for a corner,

7) THENCE, South 61°51'42" East, at a distance of 229 42 feet passing the west line of said Sanitary Sewer easement, in all a distance of 356 99 feet, to a calculated point in the west line of IH 35, same being in the east line of said Lot 1, for the most easterly corner of the herein described tract of land from which a 3/4 inch iron pipe found bears North 27°21'06" East, a distance of 174.93 feet;

8) THENCE, South 27°21'06" West, a distance of 19.96 feet, with the west line of said IH 35 and a southeasterly line of said Lot 1, to a calculated point at the most southerly

corner of the herein described tract of land from which a 3/4 inch iron rod found bears South 27°21'06" West, a distance of 20.00 feet,

9) THENCE, North 62°01'57" West, at a distance of 86.56 feet passing the east line of said Sanitary Sewer easement, in all a distance of 114.80 feet, leaving said IH 35 and crossing said Lot 1, to a calculated point for a corner in the northerly line of a 20 foot Drainage and Public Utility easement dedicated by said Reindale Acres,

10) THENCE, North 61°59'57" West, a distance of 59.75 feet to a calculated point for a corner,

11) THENCE, North 61°15'57" West, a distance of 56.27 feet to a calculated point for a corner,

12) THENCE, North 61°54'57" West, a distance of 155.09 feet to a calculated point at a corner of said 20 foot Drainage and Public Utility easement, for the most westerly corner of the herein described tract of land;

13) THENCE, North 27°22'53" East, at a distance of 186.18 feet passing the south line of said Sanitary Sewer easement, in all a distance of 187.56 feet, with the east line of said 20 foot Drainage and Public Utility easement, to a calculated point for a corner,

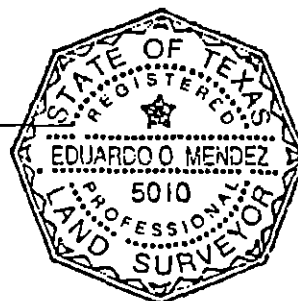
14) THENCE, North 06°48'08" East, at a distance of 9.27 feet passing the north line of said Sanitary Sewer easement, at a distance of 30.78 feet passing the east line of said 20 foot Drainage and Public Utility easement, in all a distance of 138.16 feet, to a calculated point for a corner in the east line of said 20 foot Drainage and Public Utility easement,

15) THENCE, North 25°26'57" East, a distance of 68.57 feet, with the east line of said 20 foot Drainage and Public Utility easement, to the Point of Beginning, and containing an area of 0.365 of one acre of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez
Eduardo O. Mendez
Registered Professional Land Surveyor 5010

11/15/04
Date



Martinez, Wright & Mendez, Inc.
7700 Chevy Chase Dr., Suite 100
Austin, Texas 78752
(512) 453-0767

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone NAD83 (CORS). For surface coordinates, divide grid coordinates by an adjustment factor of 0.9999638238). The reference for this project is a found brass cap, "SEC 6", having coordinate values N=10097911.08, E=3133285.51 in the west sidewalk along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Road, and a found brass cap, "SEC7", having coordinate values of N=10099099.14, E=3134143.88 in a concrete drainage inlet in the median section of Cameron Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearing of N 35°50'53" E and a surface distance of 1465.81 feet

TCAD No. 2-3919-0251
Austin Grid. L30-3

FIELD NOTES REVIEWED

By JTH Meade Date 11-17-2004

Engineering Support Section
Department of Public Works
and Transportation

Exhibit "A"
Page 2 of 3



MARTINEZ
WRIGHT &
MENDEZ
Surveying Architects

CHEVY CHASE ONE
7700 CHEVY CHASE DRIVE
SUITE 100 AUSTIN TEXAS 78752
TEL: 512 453.0767 FAX: 512 453 1734

SKETCH TO ACCOMPANY
FIELD NOTES

Exhibit "A"
Page 3 of 3

A PORTION OF
LOT 1
REINDALE ACRES
TRAVIS COUNTY, TEXAS

9920 NIH35, L L.C., (as to 90%),
339 Elk Drive, L.L.C., (as to 5%),
and Wavecrest Properties, L L.C.,
a Nevada Limited Liability Company (as to 5%)
to
City of Austin
Reindale Acres
(Temporary Working Space Easement)

Field Notes for Parcel 5000.36TWSE

BEING 0.366 OF ONE ACRE (15,974 S F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY No 58, ABS 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE REMAINDER OF LOT 1, REINDALE ACRES, RECORDED IN BOOK 65, PAGE 87 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID PORTION OF THE REMAINDER OF LOT 1 CONVEYED 9920 NIH35, L L C., (AS TO 90%), 339 ELK DRIVE, L.L.C., (AS TO 5%) AND WAVECREST PROPERTIES, L.L C., A NEVADA LIMITED LIABILITY COMPANY (AS TO 5%) BY WARRANTY DEED FILED FOR RECORD ON OCTOBER 4, 2004 RECORDED IN DOCUMENT 2004189253 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0 366 OF ONE ACRE (15,974 S.F.) OF LAND BEING HERINAFTER DESIGNATED AS PART 1, PART 2, PART 3, PART 4 AND PART 5 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH

Part 1

BEGINNING at a calculated point in the southwesterly right-of-way line of Rundberg Lane (right-of-way varies), same being in a northeasterly line of the remainder of said Lot 1, same also being South 61°52'21" East, a distance of 63.51 feet from an X cut in concrete at the most northerly corner of the remainder of said Lot 1, for the Point of Beginning and the most northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0 9999638238) values of N=10104164 88 and E=3130247.69,

- 1) THENCE, South 61°52'21" East, a distance of 54 33 feet, with the southwesterly right-of-way line of said Rundberg Lane and a northeasterly line of the remainder of said Lot 1, to a calculated point for the most easterly corner of the herein described tract of land,
- 2) THENCE, South 27°21'49" West, a distance of 41 25 feet, leaving said Rundberg Lane and crossing said Lot 1, to a calculated point for a corner;
- 3) THENCE, South 72°21'49" West, a distance of 17 24 feet, to a calculated point for a corner,
- 4) THENCE, South 27°21'49" West, a distance of 64 72 feet, to a calculated point for a corner,
- 5) THENCE, North 62°38'11" West, a distance of 15 00 feet, to a calculated point for a corner,
- 6) THENCE, South 27°21'49" West, a distance of 67 01 feet, to a calculated point for a corner,
- 7) THENCE, South 62°38'10" East, a distance of 15 20 feet, to a calculated point for a corner,
- 8) THENCE, South 27°22'53" West, a distance of 16 87 feet, to a calculated point for the most southerly corner of the herein described tract of land,
- 9) THENCE, North 62°38'10" West, a distance of 15 00 feet, to a calculated point for a corner,

- 10) THENCE, North 27°22'53" East, a distance of 9 08 feet, to a calculated point for a corner,
- 11) THENCE, North 06°48'08" East, a distance of 128 19 feet, to a calculated point for a corner,
- 12) THENCE, North 25°27'42" East, a distance of 35 92 feet, to a calculated point for a corner;
- 13) THENCE, North 53°56'13" East, a distance of 42.22 feet, to the Point of Beginning, and containing an area of 0 190 of one acre (8,293 S F.) of land, more or less

Part 2

COMMENCING at an X cut in concrete in the southwesterly right-of-way line of said Rundberg Lane, same being the most northerly corner of the remaining portion of said Lot 1, thence as follows

South 61°52'21" East, a distance of 20.02 feet, with the southwesterly right-of-way line of said Rundberg Lane and a northeasterly line of the remainder of said Lot 1, to a calculated point,

South 25°26'57" West, a distance of 68 57 feet, to the Point of Beginning and the most northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0 9999638238) values of N=10104123 47 and E=3130179 87;

- 1) THENCE, South 06°48'08" West, a distance of 107.38 feet, to a calculated point for the most southerly corner of the herein described tract of land,
- 2) THENCE, North 61°35'43" West, a distance of 34 38 feet, to a calculated point for the most westerly corner of the herein described tract of land,
- 3) THENCE, North 25°26'57" East, a distance of 99.97 feet, to the Point of Beginning, and containing an area of 0 039 of one acre (1,716 S.F.) of land, more or less

Part 3

BEGINNING at a 1/2 inch iron rod found at a westerly corner of said Lot 1, same being the most easterly corner of the tract conveyed to O N Lavani and Mavur C. Vaghani by deed recorded in Volume 13210, Page 1743 of the Real Property Records of Travis County, Texas, same also being South 61°35'43" East, a distance of 44 55 feet from a 1/2 inch iron rod found at the most westerly corner of said Lot 1, for the Point of Beginning and the most northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104003 45 and E=3130149 88;

- 1) THENCE, South 61°35'43" East, a distance of 16.74 feet, to a calculated point for a corner,
- 2) THENCE, South 06°48'08" West, a distance of 9 27 feet, to a calculated point for a corner,
- 3) THENCE, South 27°22'53" West, a distance of 6 38 feet, to a calculated point for the most southerly corner of the herein described tract of land,
- 4) THENCE, North 61°35'43" West, a distance of 20 00 feet, to a calculated point in a northwesterly line of said Lot 1, same being in the southeasterly line of said Lavani and

Vaghani tract to a calculated point for the most westerly corner of the herein described tract of land,

5) THENCE, North 27°22'53" East, a distance of 15 00 feet, with the northwesterly line of said Lot 1 and the southeasterly line of said Lavani and Vaghani tract, to the Point of Beginning, and containing an area of 0 007 of one acre (286 S F) of land, more or less

Part 4

BEGINNING at a calculated point in the west line of IH 35 (right-of-way varies), same being in the east line of said Lot 1, same also being North 27°21'06" East, a distance of 39 96 feet from a 3/4 inch iron rod found at the most southerly corner of said Lot 1, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0 9999638238) values of N=10103655.53 and E=3130426 72,

1) THENCE, North 61°51'42" West, a distance of 356.99 feet, to a calculated point for a corner,

2) THENCE, North 16°14'54" West, a distance of 12 89 feet, to a calculated point for a corner,

3) THENCE, North 27°22'53" East, a distance of 19 54 feet, to a calculated point for the most northerly corner of the herein described tract of land,

4) THENCE, South 60°16'25" East, a distance of 18 92 feet, to a calculated point for a corner;

5) THENCE, South 26°35'53" West, a distance of 14 42 feet, to a calculated point for a corner,

6) THENCE, South 61°47'51" East, a distance of 191.45 feet, to a calculated point for a corner,

7) THENCE, North 28°09'49" East, a distance of 10.00 feet, to a calculated point for a corner,

8) THENCE, South 61°50'11" East, a distance of 14 46 feet, to a calculated point for a corner,

9) THENCE, South 23°12'11" East, a distance of 15.81 feet, to a calculated point for a corner;

10) THENCE, South 61°50'11" East, a distance of 128 51 feet, to a calculated point in the west right-of-way line of IH 35 (right-of-way varies), same being in the east line of said Lot 1, for the most easterly corner of the herein described tract of land,

11) THENCE, South 27°21'06" West, a distance of 13 66 feet, with the west right-of-way line of said IH 35 and the east line of said Lot 1, to the Point of Beginning, and containing an area of 0 125 of one acre (5,457 S.F) of land, more or less

Part 5

BEGINNING at a 3/4 inch iron rod found in the west line of IH 35 (right-of-way varies), same being the most southerly corner of said Lot 1 and the most easterly corner of the remainder of Lot 7, Georgian Acres, recorded in Book 4, Page 341 of the Plat Records of Travis County, Texas, conveyed to Fravin C Patel by deed recorded in Document 2000052165 of the Official Public Records of Travis County, Texas, same also being South 27°21'06" West, a distance of 214 89 feet from a 3/4 inch iron pipe found at the most easterly corner

of said Lot 1, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0 9999638238) values of N=10103620.04 and E=3130408 36,

1) THENCE, North 62°01'57" West, a distance of 7 99 feet, with the southwesterly line of said Lot 1 and the northeasterly line of said Lot 7 and Lot 6, to a calculated point for a corner,

2) THENCE, North 27°30'46" East, a distance of 16 00 feet, to a calculated point for a corner,

3) THENCE, North 62°01'57" West, a distance of 15.60 feet, to a calculated point for the most westerly corner of the herein described tract of land,

4) THENCE, North 27°58'03" East, a distance of 4 00 feet, to a calculated point for the most northerly corner of the herein described tract of land,

5) THENCE, South 62°01'57" East, a distance of 23.51 feet, to a calculated point in the west right-of-way line of said IH 35, same being in the east line of said Lot 1, for the most easterly corner of the herein described tract of land,

6) THENCE, South 27°21'06" West, a distance of 20 00 feet, with the west right-of-way line of said IH 35 and the east line of said Lot 1, to the Point of Beginning, and containing an area of 0 005 of one acre (222 S F) of land, more or less

Summary

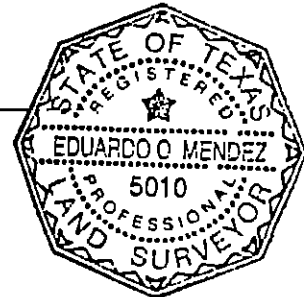
Part 1	0 190 ac	8,293 s f
Part 2	0 039 ac	1,716 s f
Part 3	0 007 ac	286 s f
Part 4	0 125 ac	5,457 s f
Part 5	0 005 ac	222 s f
Total	0 366 ac	15,974 s f

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards

Eduardo O. Mendez

Eduardo O Mendez
Registered Professional Land Surveyor 5010

11/15/04
Date



Martinez, Wright & Mendez, Inc
7700 Chevy Chase Drive Suite 100
Austin, Texas 78752
(512) 453-0767

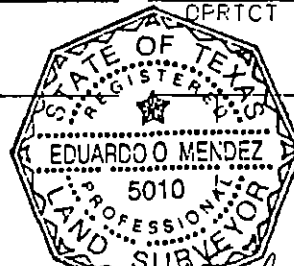
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TCAD No : 2-3919-0251
Austin Grid L30-3

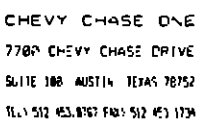
Exhibit "B"
Page 4 of 5

FIELD NOTES REVIEWED
By JOHN MOORE Date 11-17-2004
Engineering Support Section
Department of Public Works
and Transportation

SCALE
1"=100'



Edwards, O. W. 11/15/04



A PORTION OF
LOT 1
REINDALE ACRES
TRAVIS COUNTY, TEXAS