

RESOLUTION NO. 20050901-013

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

WHEREAS, the City of Austin has attempted to purchase the real property interest but has been unable to agree with the owner 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 interest 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 acquisition.

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

Owner: Susan Frances Heard

Project: Gaston Lane Wastewater Improvements 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.

Location: 2401 Pemberton Parkway, Austin, Travis County, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: September 1, 2005

ATTEST:


Shirley A. Brown
City Clerk

Susan Frances Heard
to the
City of Austin
(For Wastewater Easement)

FIELD NOTES FOR PARCEL 5023.15 WE

ALL OF THAT CERTAIN 0.009-ACRE (400 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE GEO W. SPEAR LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.009-ACRE BEING OUT OF LOT 3, PEMBERTON HEIGHTS SECTION 12, A SUBDIVISION AS RECORDED IN BOOK 5, PAGE 23 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AS CONVEYED TO SUSAN FRANCES HEARD BY ASSUMPTION WARRANTY DEED DATED JULY 23, 1976 RECORDED IN VOLUME 5526, PAGE 1599 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for POINT OF REFERENCE at a ½" iron rod found on the east line of said Geo W. Spear League, said line also being the west line of the James Rogers Survey, said ½" iron rod found also being at the common southerly corner of Lot 4 and Lot 5, of said Pemberton Heights Section 12, Thence with the southeast line of said Lot 4, S27°38'30"W a distance of 131.62 feet to a ½" capped iron rod set, having Texas State Plane Coordinate (Texas Central Zone, NAD83/93 HARN, U.S. Feet, Combined Scale Factor 0.9999340) values of N=10,077,692.496, E=3,110,586.912, for the most easterly corner and POINT OF BEGINNING of the herein described tract of land;

THENCE with the common line of said Geo W. Spear League and the James Rogers Survey, also being the southeast line of said Lot 3, S27°38'30"W, pass the south line of a public utility easement at 5.00 feet as dedicated by plat recorded in Book 5, Page 23 of the Plat Records of Travis County, Texas, and continuing on for a total distance of 20.00 feet to a 60d nail set for the most southerly corner of this tract;

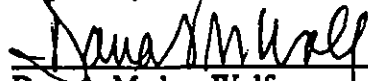
THENCE, crossing said Lot 3, the following two (2) courses:

- 1) N62°08'44"W distance of 20.00 feet to a 60d nail set for the most westerly corner of this tract; and**
- 2) N27°38'30"E, pass said south line of a public utility easement at 15.00 feet and continuing on for a total a distance of 20.00 feet to a 60d nail set for the most northerly corner of this tract;**

THENCE, with said common line of Lot 3 and 4, Pemberton Heights Section 12, S62°08'44"E a distance of 20.00 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 December, 2004 under my supervision.

Prepared by Landmark Surveying, Inc.



Dana A. Markus-Wolf

Registered Professional Land Surveyor No. 4998

February 17, 2005



Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83 Horizontal Grid Coordinates for the reference monuments H-24-4002, CB28 and CB55 as established and published by the City of Austin were used as the controlling monuments for this survey.

Combined scale factor=0.9999340

5023.15.doc

Austin Map No. 584, Grid No. H24

TCAD No. 0115010839

FIELD NOTES REVIEWED

By: PS Date: 2-17-05

Austin Clean Water Program
Survey Coordinator



SCALE 1"=30'

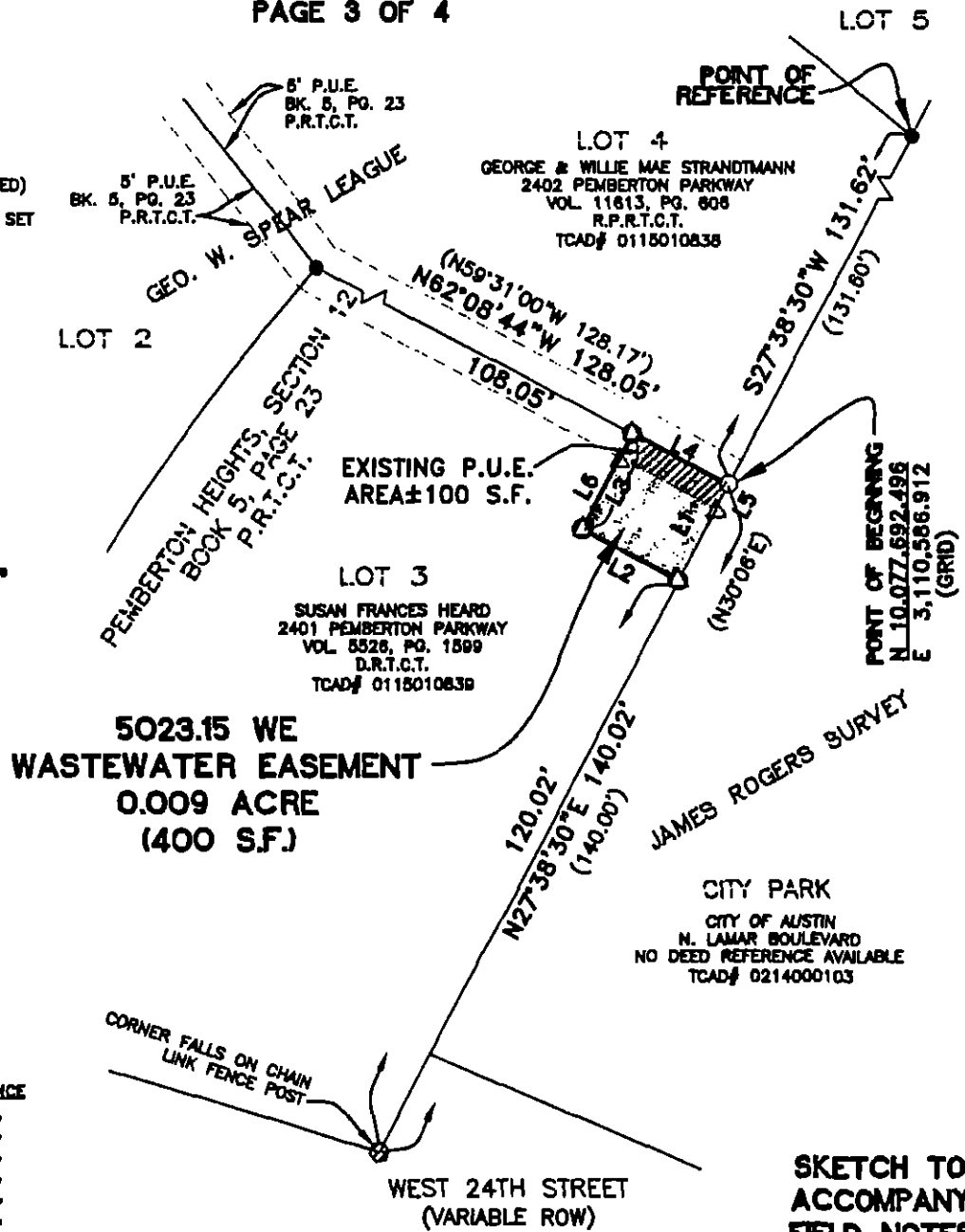
SURVEY OF A PORTION OF LOT 3, PEMBERTON HEIGHTS, SECTION 12, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

PAGE 3 OF 4

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" CAPPED IRON ROD SET
- 1/2" IRON PIPE FOUND
- △ CALCULATED POINT
- △ 60D NAIL SET
- METAL FENCE POST

WWMH
○ WASTEWATER MANHOLE
() RECORD INFORMATION
BK. BOOK
PG. PAGE
VOL. VOLUME
P.R.T.C.T. Plot 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



LINE TABLE

LINE	BEARING	DISTANCE
L1	S27°38'30"W	20.00'
L2	N62°08'44"W	20.00'
L3	N27°38'30"E	20.00'
L4	N62°08'44"E	20.00'
L5	S27°38'30"W	5.00'
L6	N27°38'30"E	15.00'

REVISED: February 17, 2008

Client: JOSE GUERRA

Date: JANUARY 24, 2008

Owner: MR. GUERRA

Drawn: J. Delaport

F.B.I: 821/01

File: Z:\jose guerra\steel creek swp\Landmark\Grid-Staff\assessment\Lamar & 25-30' assessment.dwg

Copy: as delaport

Job No.: 87-0138-04-02

SKETCH TO
ACCOMPANY
FIELD NOTES

Landmark
SURVEYING, INC.

1301 S. CAPITAL OF TEXAS HWY.
BUILDING 8, SUITE 318
AUSTIN, TEXAS 78748

PH 512-222-7411 FAX 512-222-7415

Exhibit "A"
Page 3 of 4

**SURVEY OF A PORTION OF LOT 3 PEMBERTON HEIGHTS
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
PAGE 4 OF 4**

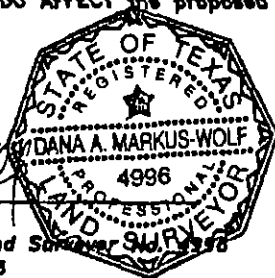
All easements of which I have knowledge and those recorded easements furnished by Towne & Country Title, Inc. according to Property Certificate dated December 8, 2004 are show or depicted hereon. Other than visible easements, no unrecorded or unwritten easements, which may exist, are shown hereon.

RESTRICTIVE COVENANTS, EASEMENTS, AND BUILDING LINES NOTE:

1. Covenants, conditions, obligations, restrictions, easements, charges and liens as set forth in that certain Declaration recorded in/under Volume 858, Page 312 of the Real Property Records of Travis County, Texas, DO AFFECT the proposed easement.
2. Restrictive covenants, easements and building lines as recorded in Book 5, Page 23 of the Plat Records of Travis County, Texas DO AFFECT the proposed easement.

AS SURVEYED BY
LANDMARK SURVEYING, INC.

Dana A. Markus-Wolf
Dana A. Markus-Wolf
Registered Professional Land Surveyor No. 4996
DATE : JANUARY 28, 2005



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

BEARING BASIS NOTE:
NAD 83 COORDINATE SYSTEM (GRID)
TEXAS CENTRAL (4203)
COMBINED SCALE FACTOR 0.9999340
HORIZONTAL COORDINATES FOR
N-24-4002, C828, AND C856 AS
PUBLISHED BY THE CITY OF AUSTIN,
WERE USED AS THE CONTROLLING
MONUMENTS FOR THIS SURVEY.

REVISED: February 17, 2005

Client: JOSE GUERRA
Date: JANUARY 28, 2005
Owner: M. Laughton
Drawn: F. Delaparra
F.S.I. 02/01
Title: E: Jose guerra / chool creek coop / Landmark / Old-Staff / easement / Lamer & 25-20' easement / dog
Cages: at / delaparra
Job No.: 87-0138-04-02

**SKETCH TO
ACCOMPANY
FIELD NOTES**

**Landmark
SURVEYING, INC.**
1301 E. CAPITAL OF TEXAS HWY.
BUILDING D, SUITE 318
AUSTIN, TEXAS 78746
PH (512) 388-7411 FAX (512) 388-7413