

RESOLUTION NO. 20051117-023

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 needed 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:

Owners: D.J. Interests, Ltd.

Project: Riverside Drive Utility and Road Reconstruction Project

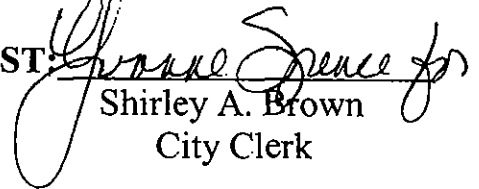
Intended Purpose: acquire a street deed to increase the turn radius at the street corner located at 501 South Congress Avenue in order to make that intersection safer for public use.

Location: 501 South Congress Avenue.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: November 17, 2005

ATTEST:


Shirley A. Brown
City Clerk

DEAN JOHNSTON, INC.
TO
CITY OF AUSTIN
(RIGHT-OF-WAY ACQUISITION)
CIP ID# 5374.002

DESCRIPTION

DESCRIPTION OF 0.0198 OF ONE ACRE, OF 863 SQUARE FEET OF LAND OUT OF THE ISAAC DECKER LEAGUE, ABSTRACT NO. 8 SURVEY NO. 20, IN TRAVIS COUNTY, TEXAS, SAME BEING OUT OF THAT TRACT DESCRIBED IN A DEED TO DEAN JOHNSTON, INC., OF RECORD IN VOLUME 4044, PAGE 204, DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0198 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with plastic cap set for the south corner of this tract, same being in the southeast line of said Johnston tract, same being the northeast corner of that tract described in a deed to DJ Interests, Ltd., of record in Volume 12868, Page 2279, Real Property Records, Travis County, Texas, and the west corner of that tract described in a deed to the City of Austin, of record in Volume 1788, Page 4, Deed Records, Travis County, Texas, same also being in the irregular southwest line of Riverside Drive, from said point a "X" cut in concrete found in the southwest line of Riverside Drive bears S46°49'02"E 28.58 feet to a mag nail set with a plastic washer and S39°37'17"E at 249.25 feet passing a 1/2" iron rod found, at 435.05 feet passing a "X" cut in concrete found, at 641.75 feet passing a pk nail found, in all a total distance of 784.96 feet, said point of beginning having Texas State Plane Grid Coordinate (Texas Central Zone, NAD83, (93HARN), U.S. Feet Combined Scale Factor 1.000060199), value of N=10,066,604.85, E=3,113,225.11;

THENCE, with the southwest line of this tract, crossing said Johnston tract, the following four courses:

1. N40°09'34"W 22.56 feet to a mag nail set with a plastic washer;
2. N58°20'19"W 4.00 feet to a mag nail set with a plastic washer;
3. N43°08'41"W 29.07 feet to a 1/2" iron rod set with plastic cap at the beginning of a curve to the left;
4. with said curve to the left, having an intersection angle of 75°33'39", a radius of 27.30 feet, and an arc distance of 36.00 feet, the chord of which bears N79°32'34"W 33.45 feet to a mag nail set with a plastic washer at the west corner of this tract, same being in the northwest line of said Johnston tract, and in the southeast line of South Congress Avenue, from said point a pk nail found in the southeast line of South Congress Avenue bears S16°32'56"W, at 619.54 feet passing a 1/2" iron pipe found, at 1131.89 feet passing a pk nail found, in all a total distance of 1311.58 feet;

Exhibit "A"

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THENCE, with the northwest line of this tract and said Johnston tract, same being the southeast line of South Congress Avenue, **N16°32'56"E 34.10 feet** to a mag nail set with a plastic washer for the north corner of this tract and said Johnston tract, same being the intersection point of the southeast line of South Congress Avenue and the southwest line of Riverside Drive;

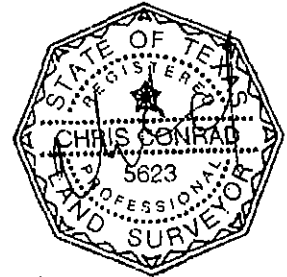
THENCE, with the northeast line of this tract and said Johnston tract, same being the southwest line of Riverside Drive, **S39°37'17"E 100.00 feet** to a mag nail set with a plastic washer for the east corner of this tract and said Johnston tract, same being the north corner of said City of Austin tract;

THENCE, with the southeast line of this tract and said Johnston tract, same being the northwest line of said City of Austin tract, same being the irregular southwest line of Riverside Drive, **S50°27'58"W 3.58 feet** to the POINT OF BEGINNING and containing 0.0198 of one acre within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid Bearings (Texas Central Zone, NAD83, (93HARN), Combined Scale Factor 1.000060199), Bearing Basis was provided by Dannenbaum Engineering Corporation.

SURVEYED BY:
McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591



A handwritten signature in cursive script, appearing to read "Chris Conrad".

5/11/05

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description. De03-046 Issued 5/20/03, Rev 6/10/03, 6/16/03, 5/11/05

CC/trm

Austin Grid: J-21
TCAD #: 02-0101-02-02

Exhibit "A"

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RE: CITY OF AUSTIN

ETCH TO ACCOMPANY DESCRIPTION OF
0.0198 AC. OR 863 SQ. FT. OF LAND OUT OF
THE ISAAC DECKER LEAGUE, ABS. NO. 8, SUR. NO. 20
AUSTIN, TRAVIS COUNTY, TEXAS

SCALE 1" = 20'

LEGEND

- 1/2" IRON ROD FOUND
 - ⊙ 1/2" IRON PIPE FOUND
 - ▲ PK NAIL FOUND
 - ⊗ "X" CUT IN CONCRETE
 - 1/2" IRON ROD SET WITH PLASTIC CAP RPLS #5623
 - ▷ MAG NAIL SET W/ WASHER
- RECORD INFORMATION
- (XXX) VOLUME 12868, PAGE 2279
- [XXX] VOLUME 4044, PAGE 204
- ((XXX)) VOLUME 1788, PAGE 4

51 SQUARE FEET OF LAND
FROM DOROTHY E. WAGNER
TO THE CITY OF AUSTIN
FOR STREET PURPOSES
VOL. 1788, PG. 4

LINE TABLE

L1	N40°09'34"W	22.56'
L2	N58°20'19"W	4.00'
L3	S50°27'58"W	3.58'
L4	S46°49'02"E	28.58'
((L3))	((N53°13'E	3.58'))
((L4))	((S44°30'E	28.58'))

0.0198 ACRE
OR 863 SQ. FT.

DEAN JOHNSTON, INC.
VOL. 4044, PG. 204
[0.12 ACRES]

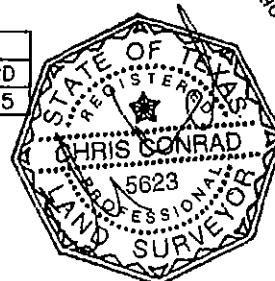
DJ INTRESTS, LTD.
VOL. 12868, PG. 2279
(1.65 ACRES)

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	36.00	27.30	75°33'39"	21.16	N79°32'34"W	33.45

NOTE:

THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93 HARN) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THE BEARING BASIS WAS PROVIDED BY DANNENBAUM ENGINEERING CORPORATION, COMBINED SCALED FACTOR = 1.000060199. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.



SURVEYED BY:

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623

DATE

Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat.

Exhibit "A"

CIP ID#: 5374.002

M: \sdspro\03-046-WELLS FARGO\dwg\PLAT-

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11/05 TCAD # 02-0101-02-02 AUSTIN GRID # J-21