

RESOLUTION NO. 20051201-027

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 needed real property interests 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 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:

Owner: Jane Eva Bullard

Project: Govalle 1 - West of Lamar 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

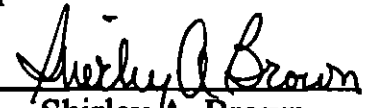
the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

Location: 3312 Westhill Drive, Austin, Texas.

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

ADOPTED: December 1, 2005

ATTEST:


Shirley A. Brown
City Clerk



MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

JANE EVA BULLARD
TO
CITY OF AUSTIN
(WASTEWATER EASEMENT)
March 1, 2005

DESCRIPTION FOR PARCEL 5112.70WE

DESCRIPTION OF A 0.006 ACRE (252 SQUARE FOOT) TRACT OF LAND OUT OF LOT 114-A, RESUBDIVISION OF LOTS 113-115, INCLUSIVE, WEST PARK ADDITION, A SUBDIVISION RECORDED IN VOLUME 9, PAGE 63, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 114-A BEING THAT SAME TRACT DESCRIBED IN A WARRANTY DEED DATED DECEMBER 23, 1965 TO JANE EVA BULLARD, RECORDED IN VOLUME 3063, PAGE 152, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.006 ACRE (252 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point having Texas State Plane Coordinate (Central Zone, NAD83 (HARN), U.S. Feet, Combined Scale Factor 0.99994) values of N=10,061,720.06, E=3,100,467.60, on the northwest right-of-way line of Westhill Drive, a 50-foot wide right-of-way, and on the southeast line of Lot 114-A of said Resubdivision of Lots 113-115, Inclusive, West Park Addition, for the south corner of this tract, from said point, a 1/2" iron rod found at the south corner of Lot 115-A of said Resubdivision of Lots 113-115, Inclusive, West Park Addition bears, S 48°13'49" W, 146.12 feet;

THENCE, across said Lot 114-A, the following three (3) courses:

- 1) N 41°46'11" W, a distance of 15.00 feet to a calculated point for the west corner of this tract;
- 2) N 48°13'49" E, a distance of 26.33 feet to a calculated point on the west line of a 10-foot wide sanitary sewer easement recorded in Volume 7, Page 44, Plat Records of Travis County, Texas, also being on the west line of a 0.029 acre wastewater and storm sewer easement recorded in Volume 12262, Page 1222, Real Property Records of Travis County, Texas, for the north corner of this tract;
- 3) S 09°59'23" W, with the west line of said 10-foot wide sanitary sewer easement and said 0.029 acre wastewater and storm sewer easement, a distance of 24.23 feet to a calculated point on northwest right-of-way line of Westhill Drive, and on the southeast line of said Lot 114-A, at the south corner of said 10-foot wide sanitary sewer easement and said 0.029 acre wastewater and storm sewer easement, for the east corner of this tract, from said point, a 1/2" iron rod found at a point of curvature on northwest right-of-way line of Westhill

0.006 Acre (252 Square Feet)
Wastewater Easement

5112.70WE

Exhibit "A"

Page 1 of 3

Drive, and on the southeast line of Lot 111 of West Park Addition, a subdivision recorded in Volume 7, Page 44, Plat Records of Travis County, Texas, bears, N 48°13'49" E, 319.27 feet;

THENCE, S 48°13'49" W, with the northwest right-of-way line of Westhill Drive and the southeast line of said Lot 114-A, a distance of 7.29 feet to the **POINT OF BEGINNING** and containing 0.006 acre (252 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Central Zone), NAD83 (HARN) Combined Scale Factor 0.99994). Project control points were established from reference station "AUSTIN RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56 and "H-20-3001" (CB11) having coordinate values of N=10,061,108.04, E=3,109,304.63.

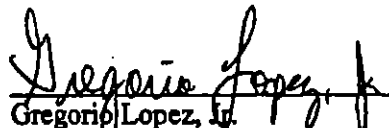
THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

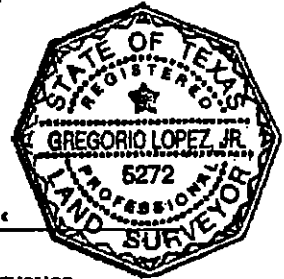
KNOW ALL MEN BY THESE PRESENTS:

That I, Gregorio Lopez, Jr., a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during December, 2004 and January, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 16th day of May, 2005, A.D.

Macias & Associates, Inc.
5410 South 1st Street
Austin, Texas 78745
512-442-7875


Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 - State of Texas



REFERENCES

MAPSCO 2003 614N
Austin Grid No. MG-20
TCAD PARCEL ID NO. 04-0211-02-18
MACIAS & ASSOCIATES PROJ. NO. 324-04-04

FIELD NOTES REVIEWED

By: RCG Date: 5-18-05

Austin Clean Water Program
Survey Coordinator

0.006 Acre (252 Square Feet)
Wastewater Easement

5112.70WE

Exhibit "A"

Page 2 of 3



MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

JANE EVA BULLARD
TO
CITY OF AUSTIN
(TEMPORARY WORKING
SPACE EASEMENT)
March 1, 2005

DESCRIPTION FOR PARCEL 5112.70TWSE

DESCRIPTION OF A 0.018 ACRE (763 SQUARE FOOT) TRACT OF LAND OUT OF LOT 114-A, RESUBDIVISION OF LOTS 113-115, INCLUSIVE, WEST PARK ADDITION, A SUBDIVISION RECORDED IN VOLUME 9, PAGE 63, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 114-A BEING THAT SAME TRACT DESCRIBED IN A WARRANTY DEED DATED DECEMBER 23, 1965 TO JANE EVA BULLARD, RECORDED IN VOLUME 3063, PAGE 152, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.018 ACRE (763 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point having Texas State Plane Coordinate (Central Zone, NAD83 (HARN), U.S. Feet, Combined Scale Factor 0.99994) values of N=10,061,715.06, E=3,100,462.01, on the northwest right-of-way line of Westhill Drive, a 50-foot wide right-of-way, and on the southeast line of Lot 114-A of said Resubdivision of Lots 113-115, Inclusive, West Park Addition, for the south corner of this tract, from said point, a 1/2" iron rod found at the south corner of Lot 115-A of said Resubdivision of Lots 113-115, Inclusive, West Park Addition bears, S 48°13'49" W, 138.62 feet;

THENCE, across said Lot 114-A, the following five (5) courses:

- 1) N 41°46'11" W, a distance of 30.00 feet to a calculated point for the west corner of this tract;
- 2) N 48°13'49" E, a distance of 52.86 feet to a calculated point on the west line of a 10-foot wide sanitary sewer easement recorded in Volume 7, Page 44, Plat Records of Travis County, Texas, also being on the west line of a 0.029 acre wastewater and storm sewer easement recorded in Volume 12262, Page 1222, Real Property Records of Travis County, Texas, for the north corner of this tract;
- 3) S 09°59'23" W, with the west line of said 10-foot wide sanitary sewer easement and said 0.029 acre wastewater and storm sewer easement, a distance of 24.23 feet to a calculated point;

0.018 Acre (763 Square Feet)
Temporary Working Space Easement

5112.70TWSE

Exhibit "B"

Page 1 of 4

- 4) S 48°13'49" W, a distance of 26.33 feet to a calculated point for an interior corner of this tract;
- 5) S 41°46'11" E, a distance of 15.00 feet to a calculated point on the northwest right-of-way line of Westhill Drive, and on the southeast line of said Lot 114-A, for a corner of this tract, from said point, a 1/2" iron rod found at a point of curvature on northwest right-of-way line of Westhill Drive, and on the southeast line of Lot 111 of West Park Addition, a subdivision recorded in Volume 7, Page 44, Plat Records of Travis County, Texas, bears, N 48°13'49" E, 326.56 feet;

THENCE, S 48°13'49" W, with the northwest right-of-way line of Westhill Drive and the southeast line of said Lot 114-A, a distance of 7.50 feet to the **POINT OF BEGINNING** and containing 0.018 acre (763 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Central Zone), NAD83 (HARN) Combined Scale Factor 0.99994). Project control points were established from reference station "AUSTIN RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56 and "H-20-3001" (CB11) having coordinate values of N=10,061,108.04, E=3,109,304.63.

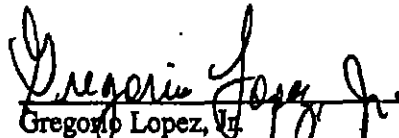
THE STATE OF TEXAS §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

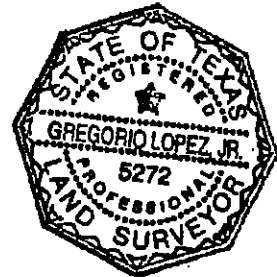
That I, Gregorio Lopez, Jr., a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during December, 2004 and January, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 16th day of May, 2005, A.D.

Macias & Associates, Inc.
5410 South 1st Street
Austin, Texas 78745
512-442-7875



Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 – State of Texas



REFERENCES
MAPSCO 2003 614N
Austin Grid No. MG-20
TCAD PARCEL ID NO. 04-0211-02-18
MACIAS & ASSOCIATES PROJ. NO. 324-04-04

FIELD NOTES REVIEWED
By: RCB Date: 5-18-05
Austin Clean Water Program
Survey Coordinator

LEGEND

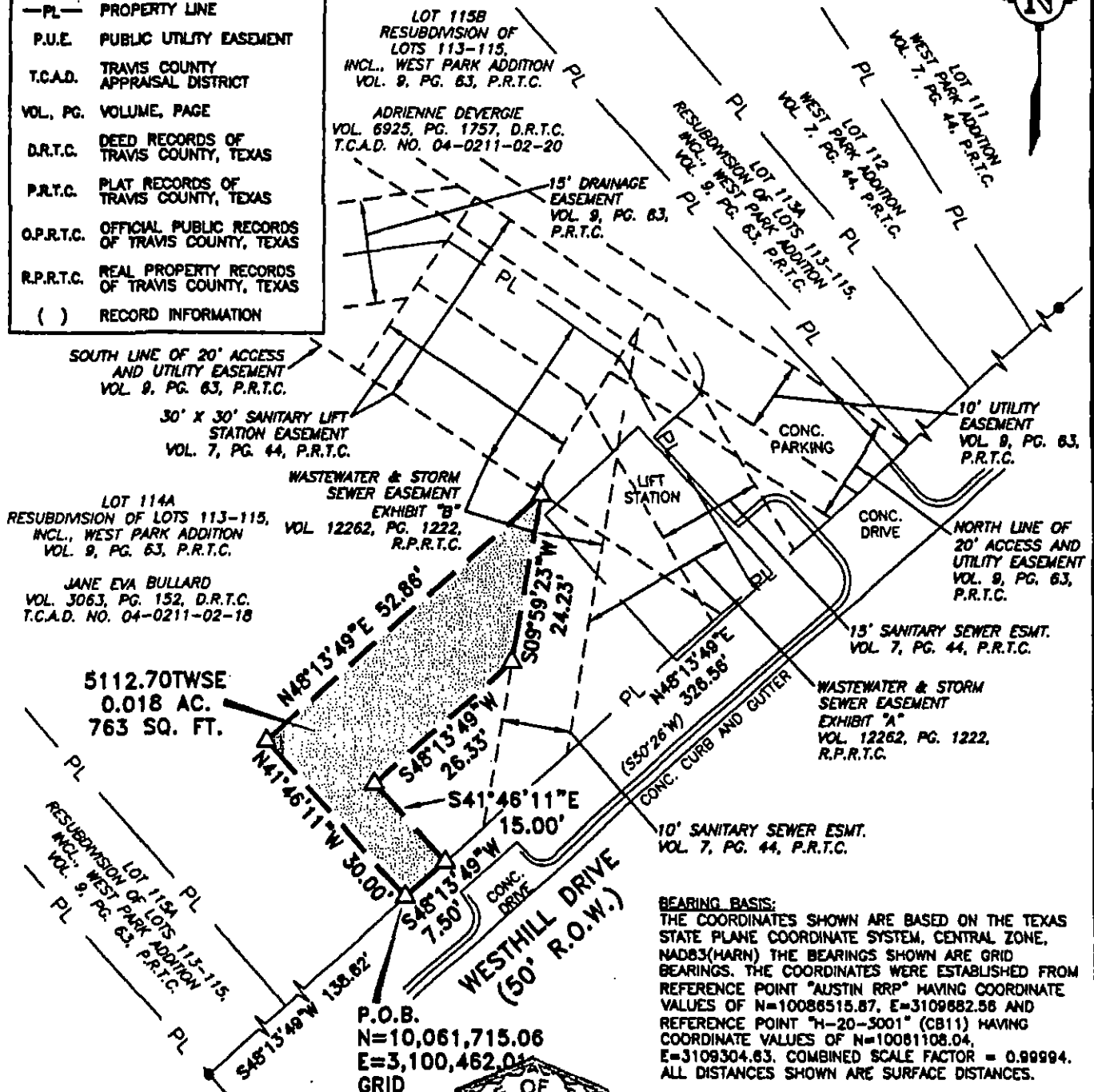
- 1/2" IRON ROD FOUND
- △ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- PL— PROPERTY LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- T.C.A.D. TRAVIS COUNTY APPRAISAL DISTRICT
- VOL. PG. VOLUME, PAGE
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



GRAPHIC SCALE

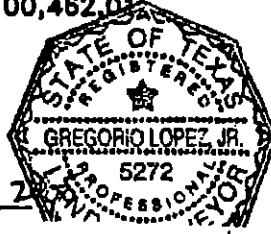
1"=20'



BEARING BASIS:

THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(HARN). THE BEARINGS SHOWN ARE GRID BEARINGS. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "AUSTIN RRP" HAVING COORDINATE VALUES OF N=10086515.87, E=3109682.58 AND REFERENCE POINT "H-20-3001" (CB11) HAVING COORDINATE VALUES OF N=10081108.04, E=3109304.83. COMBINED SCALE FACTOR = 0.99994. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

DRAWING: 5112.70TWS.DWG DRAWN BY: M.G. DATE: 05-08-05
MAI JOB NO. 324-04-04 REFERENCE: FB. 419, PG. 1



Gregorio Lopez Jr.
Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 - State of Texas

Exhibit "B"
Page 4 of 4

MACIAS & ASSOCIATES, INC.
LAND SURVEYORS
★ ★ ★ ★ ★
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FAX (512)442-7876 EMAIL: MACIASURVEY@EARTHLINK.NET