

RESOLUTION NO. 20050623-023

WHEREAS, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of a certain real property interest as stated hereinafter for the purpose hereinafter stated; and

WHEREAS, the City of Austin has attempted to purchase said real property interest and has been unable to agree with the owners of that real property interest 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 interest needed by the City, to acquire a certain real property interest 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 acquisition; said real property interest to be acquired is described in Exhibit "A," which is attached hereto and made a part hereof for all purposes.

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

Owner: A.G. Ainsworth, Jr., Individually and as Trustee of the A.G. Ainsworth, Sr. Testamentary Trust, Garrison Gray Ainsworth, Don Ray Ainsworth, Spencer James Ainsworth and Mark Hutton Ainsworth

Project: 45th and Guadalupe Transportation System Management (TSM) Project.

Intended Purpose: fee simple interest in right-of-way for improvements and/or widening of a City of Austin street for public use.

Location: 4501 Guadalupe Street, Austin, Texas, and see attached field note.

ADOPTED: June 23, 2005

ATTEST: Shirley A. Brown
Shirley A. Brown
City Clerk

TALISMAN PARTNERS, LTD.
TO
CITY OF AUSTIN
(FEE TITLE)
LOT A, RESUB. KENRAY CORNERS
AND LOT 1-C, RESUB. OF
LOT 1 - BLOCK C - RAMSEY PLACE
CIP # 8400-607-8038

DESCRIPTION

DESCRIPTION OF 0.0454 OF ONE ACRE OR 1979 SQUARE FEET OF LAND OUT OF LOT A, RESUB. KENRAY CORNERS AND LOT 1-C, RESUB. OF LOT 1 - BLOCK C - RAMSEY PLACE, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OF RECORD IN BOOK 55, PAGE 70, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT BEING DESCRIBED IN A DEED TO TALISMAN PARTNERS, LTD., OF RECORD IN DOCUMENT NO. 1999001977, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0454 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a cross found cut in concrete at the southeast corner of this tract, of said Lot A, and of said Talisman Tract, same being the point of intersection of the north line of W. 45th Street and the west line of Avenue A, from which point a 1/2" iron rod found at the northeast corner of said Lot A and of said Talisman tract bears N27°17'11"E 230.33 feet, said point of beginning having Texas State Plane Coordinates (Texas Central Zone, NAD83 (93HARN), U.S. Feet, Combined Scale Factor 0.99993) values of N= 10086267.245, E= 3117332.761;

THENCE, with the south line of this tract, of said Lot A, and of Talisman tract, same being the north line of W. 45th Street, N62°16'35"W 133.73 feet a 1/2" iron rod found with a cap at the southwest corner of this tract, same being the southeast corner of that portion of Lot A described in a street deed to the City of Austin, of record in Document No. 1999017522, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southwest corner of said Lot A, of said Talisman tract, and of said City of Austin tract, bears N62°16'35"W 130.13 feet;

THENCE, with the southwest line of this tract and the northeast line of said City of Austin tract, crossing said Lot A and said Talisman tract, $N48^{\circ}16'03''W$ 51.43 feet to a 1/2" iron rod found with a cap at the northwest corner of this tract, same being the northeast corner of said City of Austin tract, from which point a cross found in concrete at the northwest corner of said City of Austin tract bears $N62^{\circ}17'27''W$ 80.16 feet;

THENCE, with the north line of this tract, crossing said Lot A and said Talisman tract, $S62^{\circ}17'27''E$ 183.54 feet to a punch hole set in concrete at the northeast corner of this tract, same being in the east line of said Lot A and of said Talisman tract, and in the west line of Avenue A;

THENCE, with the east line of this tract, of said Lot A, and of said Talisman tract, same being the west line of Avenue A, $S27^{\circ}17'11''W$ 12.50 feet to the POINT OF BEGINNING and containing 0.0454 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(93)(HARN), Combined Scale Factor 0.99993). The reference for this project is "Austin RRP", a fixed control point, and "BM1078", a TxDOT survey monument, having a grid bearing of $N60^{\circ}54'59''E$, and a grid distance of 21590.95 feet.

SURVEYED BY: McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6

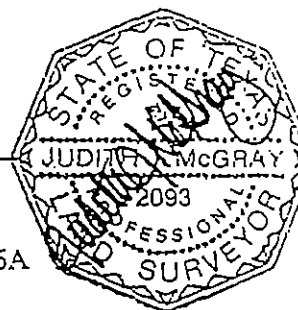
Austin, TX 78731 (512)451-8591

Judith J. McGray

3-28-2001

Judith J. McGray, Reg. Professional Land Surveyor No. 2093 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. De01016A



REFERENCES

TCAD # 02 2305 03 27

AUSTIN GRID J-26

EXHIBIT "A"

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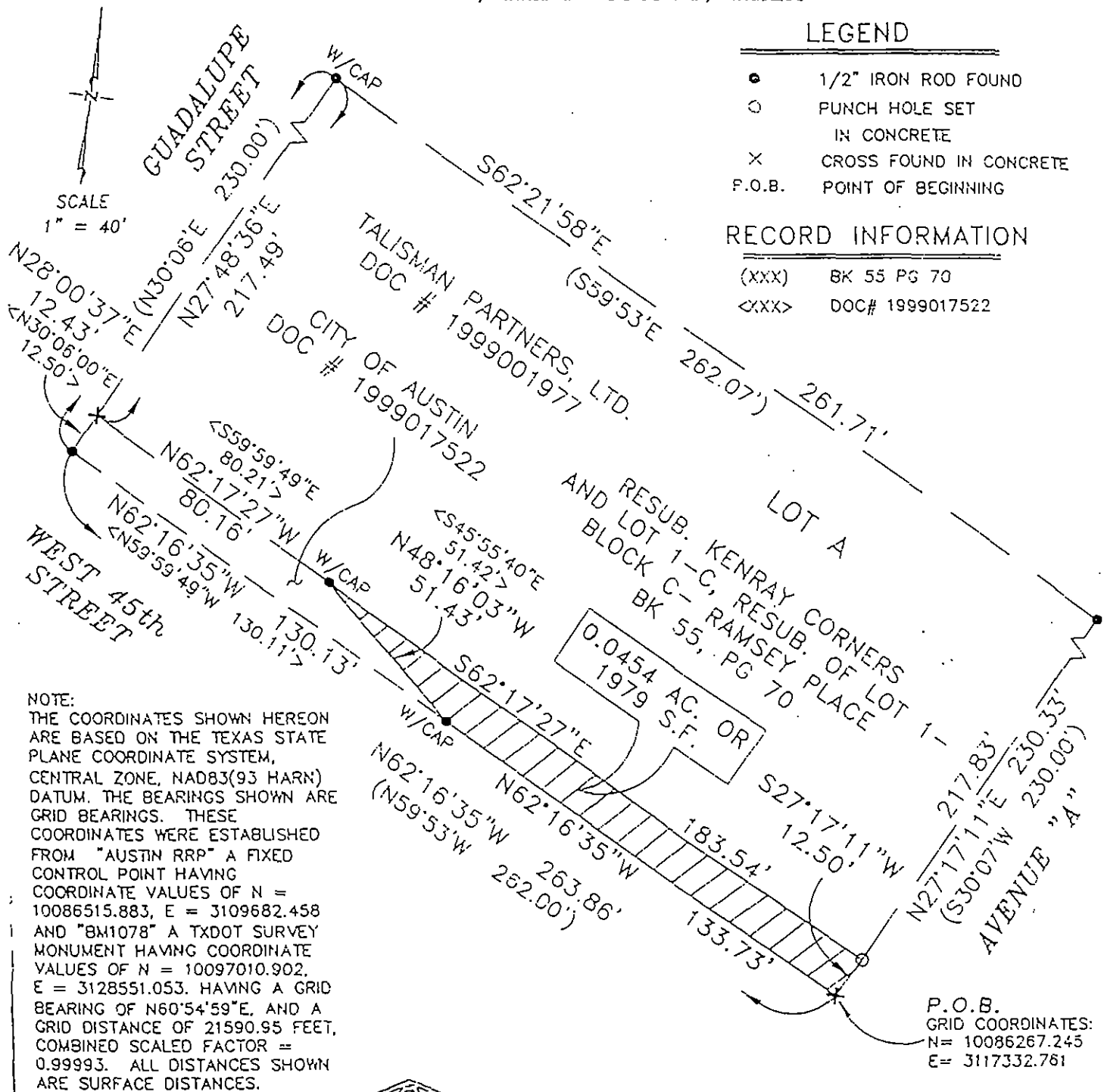
E: CITY OF AUSTIN/
TALISMAN
PARTNERS, LTD. 0.045 AC. OR 1979 SQ. FT. OF LAND OUT OF
LOT A, RESUB. KENRAY CORNERS AND LOT 1-C,
RESUB. OF LOT 1-BLOCK C- RAMSEY PLACE
AUSTIN, TRAVIS COUNTY, TEXAS

LEGEND

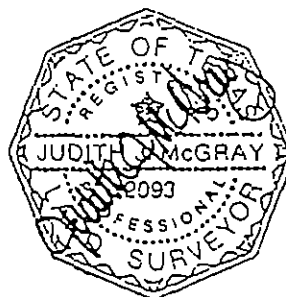
- 1/2" IRON ROD FOUND
- PUNCH HOLE SET
IN CONCRETE
- × CROSS FOUND IN CONCRETE
- P.O.B. POINT OF BEGINNING

RECORD INFORMATION

(XXX) BK 55 PG 70
<XXX> DOC# 1999017522



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. THESE
COORDINATES WERE ESTABLISHED
FROM "AUSTIN RRP" A FIXED
CONTROL POINT HAVING
COORDINATE VALUES OF N =
10086515.883, E = 3109682.458
AND "BM1078" A TXDOT SURVEY
MONUMENT HAVING COORDINATE
VALUES OF N = 10097010.902,
E = 3128551.053. HAVING A GRID
BEARING OF N60°54'59"E. AND A
GRID DISTANCE OF 21590.95 FEET,
COMBINED SCALED FACTOR =
0.99993. ALL DISTANCES SHOWN
ARE SURFACE DISTANCES.



SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

Judith J. McGray 3-28-2001
JUDITH J. MCGRAY, REG. PROF. LAND SURVEYOR NO. 2093 DATE

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through an original seal appears on its face. There is a description
accompany this plat.