

RESOLUTION NO. 20120405-068

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 owners on the value of the property interest, or the damages, if any; **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 necessary to the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

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

Owners: Northtech Nine, LP

Project: The Martin Hill Transmission Main Project will provide water for the northwest and north quadrants of the City of Austin. It is a part of the City of Austin's Strategic Water Facility Plan and will provide additional transmission capacity from the Martin Hill Reservoir. The proposed 54-inch main will extend from Parmer Lane to the Martin Hill Reservoir. Approximately two thirds of the project follows the McNeil Road/Howard Lane alignment until it veers north to terminate at the reservoir site. Easements are needed for the portion of the project east of the McNeil Road Cut-off to the Martin Hill Reservoir site.

Public Purpose: The permanent water line easement described in the attached Exhibit "A" is necessary for the purposes of installing, laying, constructing, maintaining, inspecting, repairing, removing, replacing, renewing, using and operating water lines, together with all facilities, connectors and appurtenances; and

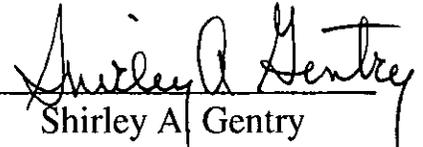
The temporary working space, staging area, and material storage site easement described in the attached Exhibit "B" is necessary to permit the City, its agents, employees, and contractors to enter upon said real property for the construction of the above referenced permanent water lines and related facilities, and to stage and store building materials for the purposes of constructing and installing permanent water lines.

Location: 4616-9 West Howard Lane
Austin, Travis County, Texas

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

ADOPTED: April 5, 2012

ATTEST:


Shirley A. Gentry
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " A "

NORTHTECH NINE, LP
TO
CITY OF AUSTIN
(WATERLINE EASEMENT)

DESCRIPTION FOR PARCEL 4657.03WE

DESCRIPTION OF A 0.026-ACRE (1,140 SQUARE FEET) TRACT OF LAND OUT OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, WELLS BRANCH TECHNOLOGY PARK, A SUBDIVISION RECORDED IN DOCUMENT NO. 200000062, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; HAVING BEEN CONVEYED TO NORTHTECH NINE, LP BY GENERAL WARRANTY DEED EXECUTED OCTOBER 26, 2007, RECORDED IN DOCUMENT NO. 2007202037, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.026-ACRE TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83, U.S. Feet, Combined Scale Factor 0.999888327) values of N=10,135,914.89, E=3,122,944.80, on the northwest line of said Lot 1, and the southeast line of a 6.845-acre tract of land conveyed to Austin White Lime Company, Ltd., by Corrected Partition Deed executed September 3, 1991, recorded in Volume 11777, Page 168, Real Property Records of Travis County, Texas, for the west corner and **POINT OF BEGINNING** of this tract, from which a ½-inch iron rod found at the west corner of said Lot 1, at the south corner of said 6.845-acre tract and on the northeast line of Lot 1, Kiddie Acres, a subdivision recorded in Book 87, Page 104B, Plat Records of Travis County, Texas, bears S 27°47'34" W, for a distance of 104.85 feet;

THENCE, N 27°47'34" E, with the northwest line of said Lot 1 of Wells Branch Technology Park and the southeast line of said 6.845-acre tract, a distance of 25.00 feet to a 60d nail set for the north corner of this tract, from which a ½ inch iron rod with plastic cap stamped "LC ENG" found in the southeast line of said 6.845-acre tract, at the north corner of Lot 4 and at the west corner of Lot 3, of said Wells Branch Technology Park, bears N 27°47'34" E, for a distance of 1,110.80 feet;

THENCE, crossing through the interior of said Lot 1 of Wells Branch Technology Park the following three (3) courses:

- 1) S 62°17'40" E, a distance of 45.52 feet to an "X" set in concrete on the northwest line of a Water Easement granted to the City of Austin, recorded in Document No. 2000184972, Official Public Records of Travis County, Texas, for the east corner of this tract;

- 2) S 27°21'07" W, with the northwest line of said Water Easement, a distance of 25.00 feet to an "X" set in concrete for the south corner of this tract;
- 3) N 62°17'40" W, leaving the northwest line of said Water Easement, a distance of 45.71 feet to the **POINT OF BEGINNING** and containing 0.026-acre (1,140 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83 Combined Scale Factor 0.999888327). Project control points were established from City of Austin reference monument "J-37-4001" having coordinate values of N=10,133,889.08, E=3,113,244.67. Distances shown herein are grid.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Todd Blenden, 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 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 28th day of March, 2011, A.D.



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

Todd Blenden

 Todd Blenden
 Registered Professional Land Surveyor
 No. 6186 – State of Texas

REFERENCES

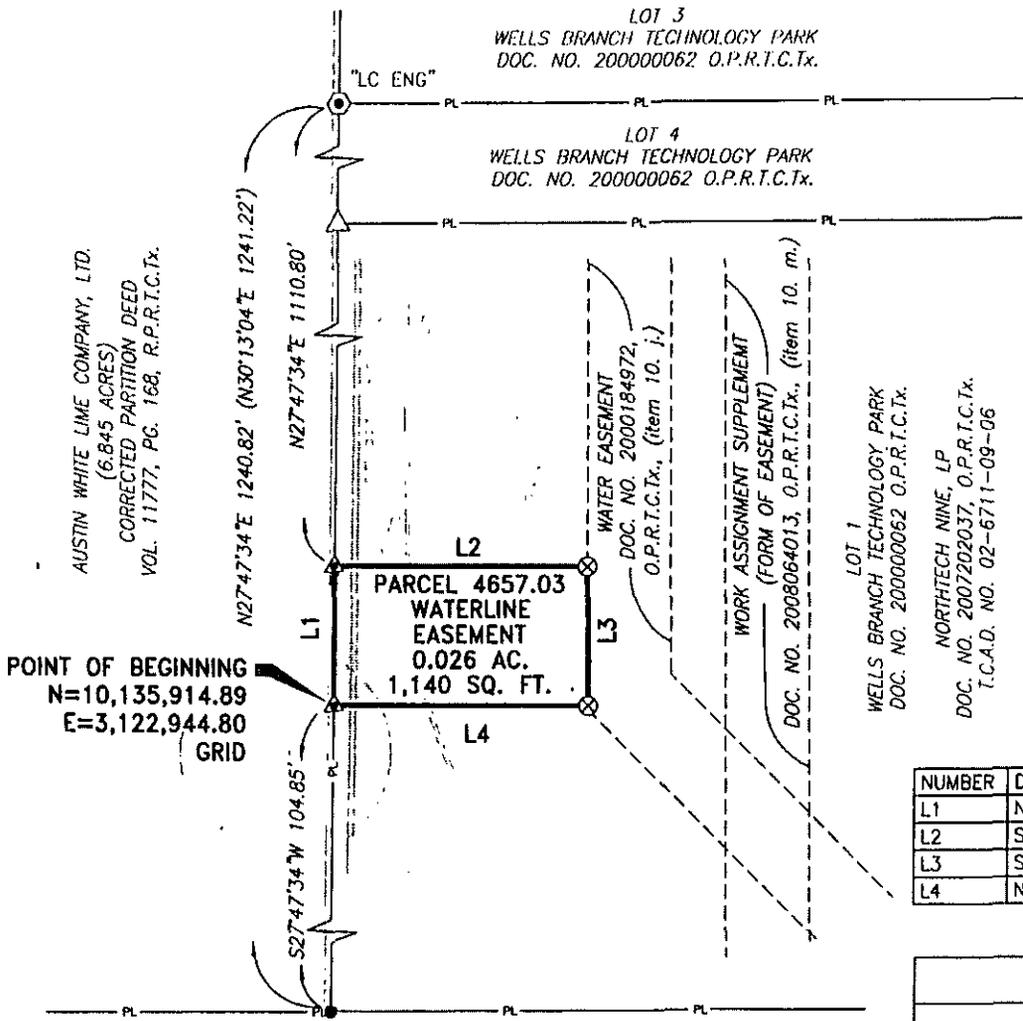
MAPSCO 2009 435V
 Austin Grid No. K-37
 TCAD PARCEL ID NO. 02-6711-09-06
 MACIAS & ASSOCIATES, L.P., PROJECT NO. 327-12-10

FIELD NOTES REVIEWED

By: *M. G. ...* Date *4/6/11*

Engineering Support Section
 Department of Public Works
 and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N27°47'34"E	25.00'
L2	S62°17'40"E	45.52'
L3	S27°21'07"W	25.00'
L4	N62°17'40"W	45.71'

LEGEND

- 1/2" IRON ROD FOUND
- ▲ 60D NAIL SET
- ⊙ 1/2" IRON ROD FOUND WITH CAP NOTED " "
- ⊗ "X" IN CONCRETE
- △ CALCULATED POINT
- PL — PROPERTY LINE
- BK., VOL., PG. BOOK, VOLUME, PAGE
- T.CAD. TRAVIS COUNTY APPRAISAL DISTRICT
- R.P.R.T.C.Tx. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.Tx. OFFICIAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.Tx. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION

The easements shown or noted and addressed on this survey are those listed in Schedule B of title commitment issued by Alamo Title Insurance, GF No. ATA-70-02-AT10001250CH, effective date: February 22, 2011.

BEARING BASIS:
THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, 4203) NAD 1983/HARN. THE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE MONUMENT "J-37-4001" HAVING COORDINATE VALUES OF N=10,133,889.08, E=3,113,244.67. COMBINED SCALE FACTOR 0.999888327. DISTANCES SHOWN HEREON ARE GRID.

STATE OF TEXAS }
COUNTY OF TRAVIS }

I hereby certify that this sketch was prepared from the results of an actual survey made on the ground under my supervision and that it is true and correct to the best of my knowledge.
Revised 3/28/2011



Todd Blenden 3/28/2011
TODD BLENDE N Date:
Registered Professional Land Surveyor
No. 6186 - State of Texas

PAGE 3 OF 3
DATE: 2-15-11
DRAWN BY: T.BLENDE N
M&A JOB NO.: 327-12-10
REFERENCE: F.B. 563, PG. 24

J:\JOBS\BLACK & VEATCH\327-10-10 MARTIN HILL WTM\DWG\EASEMENTS\4657.03WE.DWG

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS
★ ★ ★ ★ ★ ★ ★
5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 WWW.MACIASWORLD.COM



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " B "

NORTHTECH NINE, LP
TO
CITY OF AUSTIN
(TEMPORARY WORKING SPACE,
STAGING AREA, AND MATERIAL
STORAGE SITE EASEMENT)

DESCRIPTION FOR PARCEL 4657.03TWSSAAMSSE

DESCRIPTION OF A 0.092-ACRE (3,989 SQUARE FEET) TRACT OF LAND OUT OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, WELLS BRANCH TECHNOLOGY PARK, A SUBDIVISION RECORDED IN DOCUMENT NO. 200000062, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; HAVING BEEN CONVEYED TO NORTHTECH NINE LP, BY GENERAL WARRANTY DEED EXECUTED OCTOBER 26, 2007, RECORDED IN DOCUMENT NO. 2007202037, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.092-ACRE TRACT BEING COMPRISED OF THREE (3) PARTS: PART 1 CONTAINING 0.034-ACRE (1,460 SQUARE FEET) OF LAND, PART 2 CONTAINING 0.026-ACRE (1,136 SQUARE FEET) OF LAND, AND PART 3 CONTAINING 0.032-ACRE (1,393 SQUARE FEET) OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PART 1 (0.034-ACRE)

BEGINNING at a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83, U.S. Feet, Combined Scale Factor 0.999888327) values of N=10,135,914.89, E=3,122,944.80, on the northwest line of said Lot 1, and the southeast line of a 6.845-acre tract of land conveyed to Austin White Lime Company, Ltd., by Corrected Partition Deed executed September 3, 1991, recorded in Volume 11777, Page 168, Real Property Records of Travis County, Texas, for the north corner and **POINT OF BEGINNING** of this tract, from which a ½-inch iron rod with plastic cap stamped "LC ENG" found in the southeast line of said 6.845-acre tract, at the north corner of Lot 4 and at the west corner of Lot 3, of said Wells Branch Technology Park, bears N 27°47'34" E, for a distance of 1,135.80 feet;

THENCE, crossing through the interior of said Lot 1 of Wells Branch Technology Park the following three (3) courses:

- 1) S 62°17'40" E, a distance of 45.71 feet to an "X" chiseled in concrete on an angle point in the west line of a Water Easement granted to the City of Austin, recorded in Document No. 2000184972, Official Public Records of Travis County, Texas, for the northeast corner of this tract;

- 2) S 17°38'53" E, with the southwest line of said Water Easement, a distance of 35.58 feet to a calculated point for the south corner of this tract;
- 3) N 62°17'40" W, leaving the said southwest line of the Water Easement, a distance of 71.06 feet to a calculated point on the northwest line of said Lot 1, for the west corner of this tract, from which a ½-inch iron rod found at the west corner of said Lot 1, at the south corner of said 6.845-acre tract and on the northeast line of Lot 1, Kiddie Acres, a subdivision recorded in Book 87, Page 104B, Plat Records of Travis County, Texas, bears S 27°47'34" W, for a distance of 79.85 feet;

THENCE, N 27°47'34" E, with the northwest line of said Lot 1 of Wells Branch Technology Park and the southeast line of said 6.845-acre tract, a distance of 25.00 feet to the **POINT OF BEGINNING** and containing 0.034-acre (1,460 square feet) of land.

PART 2 (0.026-ACRE)

BEGINNING at a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83, U.S. Feet, Combined Scale Factor 0.999888327) values of N=10,135,937.00, E=3,122,956.46, on the northwest line of said Lot 1, and the southeast line of a 6.845-acre tract of land conveyed to Austin White Lime Company, Ltd., by Corrected Partition Deed executed September 3, 1991, recorded in Volume 11777, Page 168, Real Property Records of Travis County, Texas, for the west corner and **POINT OF BEGINNING** of this tract, from which a ½-inch iron rod found at the west corner of said Lot 1, at the south corner of said 6.845-acre tract and on the northeast line of Lot 1, Kiddie Acres, a subdivision recorded in Book 87, Page 104B, Plat Records of Travis County, Texas, bears S 27°47'34" W, for a distance of 129.85 feet;

THENCE, N 27°47'34" E, with the northwest line of said Lot 1 of Wells Branch Technology Park and the southeast line of said 6.845-acre tract, a distance of 25.00 feet to a calculated point, from which a ½-inch iron rod with plastic cap stamped "LC ENG" found in the southeast line of said 6.845-acre tract, at the north corner of Lot 4 and at the west corner of Lot 3, of said Wells Branch Technology Park, bears N 27°47'34" E, for a distance of 1,085.80 feet;

THENCE, crossing through the interior of said Lot 1 of Wells Branch Technology Park the following three (3) courses:

- 1) S 62°17'40" E, a distance of 45.33 feet to a calculated point on the northwest line of a Water Easement granted to the City of Austin, recorded in Document No. 2000184972, Official Public Records of Travis County, Texas, for the east corner of this tract;
- 2) S 27°21'07" W, with the northwest line of said Water Easement, a distance of 25.00 feet to an "X" chiseled in concrete, for the south corner of this tract;

THENCE, N 62°17'40" W, leaving the northwest line of said Water Easement, a distance of 45.52 feet to the **POINT OF BEGINNING** and containing 0.026-acre (1,136 square feet) of land.

PART 3 (0.032-ACRE)

BEGINNING at a calculated point having Texas State Plane Coordinate (Central Zone, NAD83, U.S. Feet, Combined Scale Factor 0.999888327) values of N=10,135,931.07, E=3,123,021.53, on the southeast line of a Water Easement granted to the City of Austin, recorded in Document No. 2000184972, Official Public Records of Travis County, Texas, for the north corner and **POINT OF BEGINNING** of this tract, from which a ½-inch iron rod found at the west corner of said Lot 1, at the south corner of said 6.845-acre tract and on the northeast line of Lot 1, Kiddie Acres, a subdivision recorded in Book 87, Page 104B, Plat Records of Travis County, Texas, bears N 62°17'40" W, for a distance of 60.33 feet and S 27°47'34" W, for a distance of 154.85 feet, also from said Point of Beginning, a ½-inch iron rod with plastic cap stamped "LC ENG" found in the southeast line of said 6.845-acre tract, at the north corner of Lot 4 and at the west corner of Lot 3, of said Wells Branch Technology Park, bears N 62°17'40" W, for a distance of 60.33 feet and N 27°47'34" E, for a distance of 1,085.80 feet;

THENCE, S 62°17'40" E, a distance of 24.84 feet to a calculated point on the southeast line of a Work Assignment Supplement (Form of Easement) conveyed to Atmos Energy Corporation, recorded in Document No. 2008064013, Official Public Records of Travis County, Texas, for the east corner of this tract;

THENCE, S 27°19'17" W, with the southeast line of said Work Assignment Supplement , a distance of 68.42 feet to a calculated point on the northeast line of said Water Easement, for the south corner of this tract;

THENCE, with the easterly line of said Water Easement, the following two (2) courses:

- 1) N 17°38'53" W, a distance of 35.18 feet to a calculated point, for the west corner of this tract;
- 2) N 27°21'07" E, a distance of 43.70 feet to the **POINT OF BEGINNING** and containing 0.032-acre (1,393 square feet) of land.

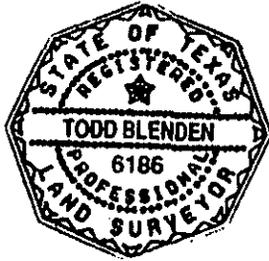
BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83 Combined Scale Factor 0.999888327). Project control points were established from City of Austin reference monument "J-37-4001" having coordinate values of N=10,133,889.08, E=3,113,244.67. Distances shown herein are grid.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Todd Blenden., 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 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 23rd day of August, 2011, A.D.



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

Todd Blenden

Todd Blenden
Registered Professional Land Surveyor
No. 6186 – State of Texas

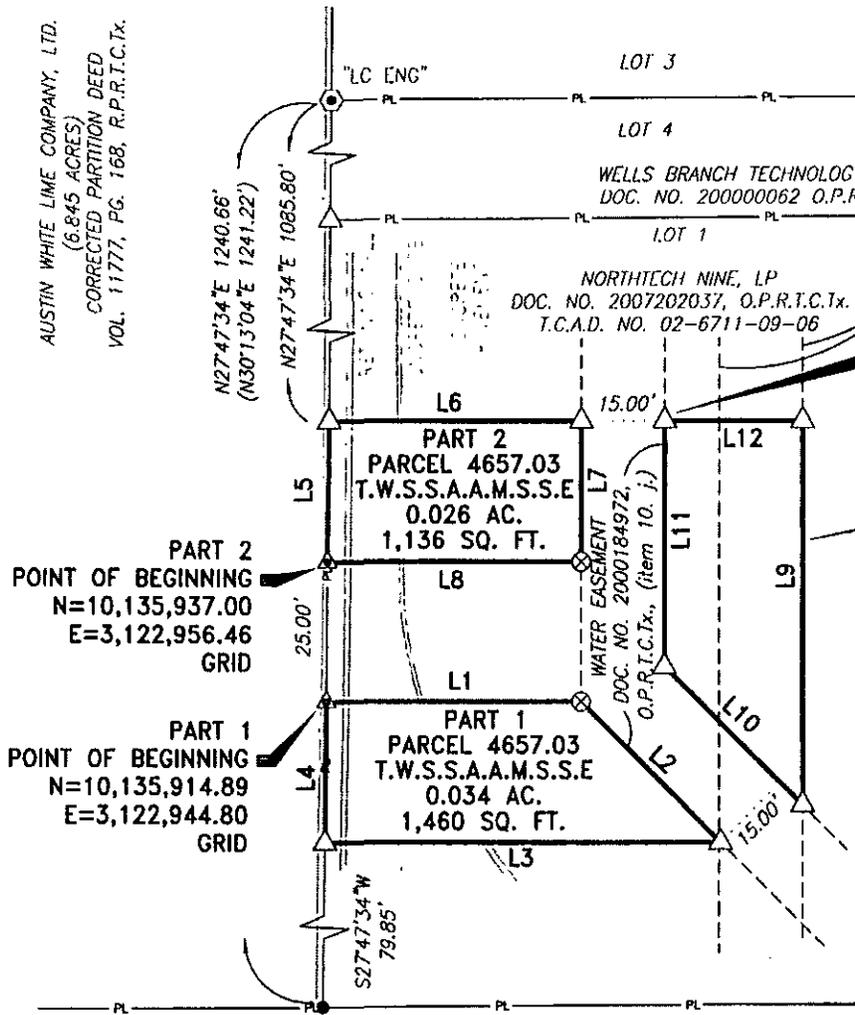
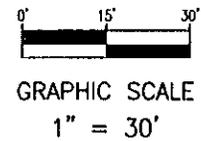
REFERENCES

MAPSCO 2009 435V
Austin Grid No. K-37
TCAD PARCEL ID NO. 02-6711-09-06
MACIAS & ASSOCIATES, L.P., PROJECT NO. 327-12-10

FIELD NOTES REVIEWED
By: *[Signature]* Date *9/19/11*
Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

AUSTIN WHITE LIME COMPANY, LTD.
(6.845 ACRES)
CORRECTED PARTITION DEED
VOL. 11777, PG. 168, R.P.R.T.C.Tx.



WORK ASSIGNMENT SUPPLEMENT
(FORM OF EASEMENT)
DOC. NO. 2008064013, O.P.R.T.C.Tx.,
(item 10. m.)

PART 3
POINT OF BEGINNING
N=10,135,931.07
E=3,123,021.53
GRID
PART 3
PARCEL 4657.03
T.W.S.S.A.A.M.S.S.E
0.032 AC.
1,393 SQ. FT.

PART 2
POINT OF BEGINNING
N=10,135,937.00
E=3,122,956.46
GRID

PART 1
POINT OF BEGINNING
N=10,135,914.89
E=3,122,944.80
GRID

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S62°17'40"E	45.71'
L2	S17°38'53"E	35.58'
L3	N62°17'40"W	71.06'
L4	N27°47'34"E	25.00'
L5	N27°47'34"E	25.00'
L6	S62°17'40"E	45.33'
L7	S27°21'07"W	25.00'
L8	N62°17'40"W	45.52'
L9	S27°19'17"W	68.42'
L10	N17°38'53"W	35.18'
L11	N27°21'07"E	43.70'
L12	S62°17'40"E	24.84'

LEGEND

- 1/2" IRON ROD FOUND
- ▲ 60D NAIL SET
- ⊙ 1/2" IRON ROD FOUND WITH CAP NOTED " "
- ⊗ "X" IN CONCRETE
- △ CALCULATED POINT
- PL — PROPERTY LINE
- BK., VOL., PG. BOOK, VOLUME, PAGE
- T.C.A.D. TRAVIS COUNTY APPRAISAL DISTRICT
- R.P.R.T.C.Tx. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.Tx. OFFICIAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.Tx. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION

The easements shown or noted and addressed on this survey are those listed in Schedule B of title commitment issued by Alamo Title Insurance, GF No. ATA-70-02-AT10001250CH, effective date: February 22, 2011.

BEARING BASIS:

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, 4203) NAD 1983/HARN. THE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE MONUMENT "J-37-4001" HAVING COORDINATE VALUES OF N=10,133,889.08, E=3,113,244.67. COMBINED SCALE FACTOR 0.999888327. DISTANCES SHOWN HEREON ARE GRID.

STATE OF TEXAS }
COUNTY OF TRAVIS }

I hereby certify that this sketch was prepared from the results of an actual survey made on the ground under my supervision and that it is true and correct to the best of my knowledge.
Revised 8/23/2011

LOT 1
KIDDIE ACRES
BK. 87, PG. 104B, P.R.T.C.Tx.



Todd Blenden 8/23/2011
TODD BLENDE N Date:
Registered Professional Land Surveyor
No. 6186 - State of Texas

PAGE 5 OF 5
DATE: 2-15-11
DRAWN BY: T.BLENDE N
MAP JOB NO.: 327-12-10
REFERENCE: F.B. 563, PG. 24

J:\JOBS\BLACK & VEATCH\327-10-10 MARTIN HILL WITH DWG\EASEMENTS\4657.03\TWSSA\SSSE.DWG

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS
★ ★ ★ ★ ★ ★ ★
5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 WWW.MACIASWORLD.COM