# **RESOLUTION NO. 20120524-106**

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:

Owner:

Grand Oaks Owners Association, Inc.

Project:

Davis Lane Wastewater Extension Project

Public Purpose:

The permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade a permanent wastewater line and appurtenances, for the purpose of providing sanitary sewer services to

the public; and

A temporary working space 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 wastewater line and appurtenances.

Location:

2501 Sweet Clover Drive, on the north side of Davis Lane, south side of Brock Circle, approximately 500 feet west of Empress Boulevard, in Austin, Texas

78745.

Property:

Described in the attached and incorporated Exhibits

A and B.

**ADOPTED:** <u>May 24</u>, 2012

ATTEST: X

City Clerk

Grand Oaks Owners Association to The City of Austin (Wastewater Easement)

#### **LEGAL DESCRIPTION**

LEGAL DESCRIPTION FOR 0.037 ACRE (1,625 SQUARE FEET) OF LAND SITUATED IN THE THEODORE BISSEL SURVEY NO. 18, ABSTRACT NO. 3 IN TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 15, BLOCK "J", GRAND OAKS SUBDIVISION AMENDED PLAT, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200300192 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO GRAND OAKS **OWNERS ASSOCIATION** BY **SPECIAL** WARRANTY DEED SEPTEMBER 22, 2005 AND RECORDED IN DOCUMENT NO. 2005177474 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.037 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" iron rod with a cap stamped "Landesign" found on the present northerly right-of-way line of Davis Lane, also being on the southerly line of said Lot 15;

THENCE, along the present northerly right-of-way line of Davis Lane and the southerly line of said Lot 15, N 61°18′23″W, a distance of 226.54 feet to a calculated point for the **POINT OF BEGINNING** and the southeast corner of the herein described tract, having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 0.999981359) coordinate values of: N=10,041,086.34, E=3,090,455.41;

THENCE, continuing along the present northerly right-of-way line of Davis Lane

and the southerly line of said Lot 15, N 61°18'23"W, a distance of 15.08 feet to a calculated point for the southwest corner of the herein described tract, from which a ½" iron rod with a cap stamped "KC Eng." found at an angle point in the old northerly right-of-way line of Davis Lane, same being an angle point in the southerly line of that certain strip of land dedicated for right-of-way purposes by said Grand Oaks Subdivision Amended Plat bears N 61°18'23"W, a distance of 250.58 feet and S 27°15'51"W, a distance of 19.01 feet;

THENCE, departing the present northerly right-of-way line of Davis Lane and crossing said Lot 15 with the following two (2) courses:

- 1.) N 34°37'40"E, a distance of 65.98 feet to a calculated point for an angle point;
- 2.) N 07°13'27"E, a distance of 46.98 feet to a calculated point on the curving northerly line of said Lot 15, also being the curving southerly right-of-way line of Brock Circle, for the northwest corner of the herein described tract, from which a calculated point for a northerly corner of said Lot 15, also being the northeast corner of Lot 1, Block "J" bears a sub-chord of N 31°41'00"W, a distance of 12.16 feet and from said calculated point a ½" iron rod found with a cap stamped "Landesign" found at the easterly common corner of Lot 1 and Lot 2, Block "J" bears a sub-chord of N 18°32'51"W, a distance of 44.91 feet:

THENCE, along the northerly line of said Lot 15 and the southerly right-of-way line of Brock Circle along a curve to the left an arc distance of 20.72 feet to a calculated point for the northeast corner of the herein described tract. Said curve having a radius of 125.00 feet, a delta angle of 09°29′53" and a sub-chord bearing S 39°13′13″E, a distance of 20.70 feet. From said calculated point a calculated point for the Point of Tangency of said curve bears a sub-chord of S 57°39′06″E, a distance of 59.13 feet and from which a disturbed ½" iron rod found bears N 73°48′11″E, a distance of 0.57 feet;

THENCE, departing the present curving southerly right-of-way line of Brock Circle and crossing said Lot 15 with the following two (2) courses:

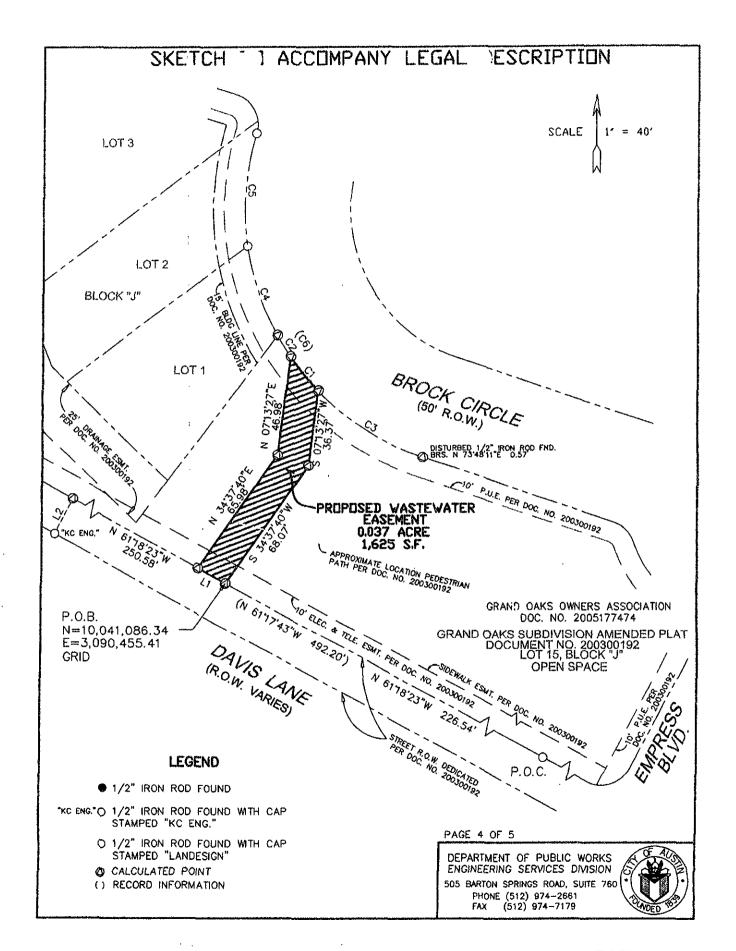
- 1.) S 07°13'27"W, a distance of 36.37 feet to a calculated point for an angle point;
- 2.) S 34°37'40"W;, a distance of 68.07 feet to the POINT OF BEGINNING and containing 0.037 acre (1,625 Square Feet) of land.

"This legal description was prepared by Mary P. Hawkins, R.P.L.S. No. 4433 from a survey made on the ground in October 2008." Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83. The controlling monuments for this project are a 60D nail set in the centerline of a grass median 100'+/- south of the intersection of the centerline of Sweet Clover Drive and the centerline of Empress Boulevard, having grid coordinate values of N=10,041,636.35, E=3,091,248.47 and a mag nail with washer stamped "COA Public Works" set 20'+/- south of the intersection of the centerline of Davis Lane and the centerline of Empress Boulevard, having grid coordinate values of N=10,040,888.09, E=3,090,778.98. The distances shown are surface distances. The combined scale factor is 0.999981369.

MACON POLICIONAL SALES CONTRACTOR SOUTH AND SO

Mary P. Hawkins, R.P.L.S. No. 4433
Engineering Services Division
Department of Public Works
City of Austin

REFERENCES
TCAD Parcel No. 04-2421-17-05
Austin Grid E-15



## SKETCH 1 ACCOMPANY LEGAL ESCRIPTION

NO.	RADIUS	ARC	DELTA	BEARING	CHORD
C1	125.00	20.72	09'29'53"	S 39'13'13"E	20.70
C2	125.00'	12.16'	05'34'33"	N 31'41'00"W	12.16
C3	125.00'	59.70'	27'21'51"	S 57'39'06"E	59.13'
C4	125.00'	45.15'	20'41'47"	N 18'32'51"W	44.91
C5	125.00	54.10'	24*47'57"	N 04'10'14"E	53.68
(C6)	(125.00')	(191.88")	(87'57'12")	(S 27'26'43"E)	(173.59')

NO.	BEARING	DISTANCE
L1	N 61'18'23"W	15.08
L2	S 2715'51"W	19.01

#### BEARING BASIS NOTE:

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. THE CONTROLLING MONUMENTS FOR THIS PROJECT ARE A 600 NAIL SET IN CENTERLINE OF A GRASS MEDIAN 100'+/- SOUTH OF THE INTERSECTION OF THE CENTERLINE OF SWEET CLOVER DRIVE AND THE CENTERLINE OF EMPRESS BOULEVARD HAVING GRID COORDINATE VALUES OF N=10,041,636.35. E=3,091,248.47 AND A MAG NAIL WITH WASHER STAMPED "COA PUBLIC WORKS" SET 20'+/- SOUTH OF THE INTERSECTION OF THE CENTERLINE OF DAVIS LANE AND THE CENTERLINE OF EMPRESS BOULEVARD HAVING GRID COORDINATE VALUES OF N=10,040,888.09, E=3,090,778.98. THE DISTANCES SHOWN ARE SURFACE DISTANCES. THE COMBINED SCALE FACTOR IS 0.999981369.

THIS SKETCH WAS PREPARED FROM A SURVEY MADE ON THE GROUND IN OCTOBER 2008 WITH THE BENEFIT OF A TITLE COMMITMENT, CHICAGO TITLE INSURANCE COMPANY, FILE NO. CTA-07-CTA11000799JP.

MARY P. HAWKINS, R.P.L.S. NO. 4433 DATE
DRAWN BY: MARY P. HAWKINS
FILE: DAVIS LANE WASTEWATER ESMT.—REV 2 (2000).DWG

FB. 4007, PG. 37



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DEPARTMENT OF PUBLIC WORKS ENGINEERING SERVICES DIVISION 505 BARTON SPRINGS ROAD, SUITE 760

PHONE (512) 974-2661 FAX (512) 974-7179



Grand Oaks Owners Association to The City of Austin (Temporary Work Space Easements)

#### LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR TWO TRACTS OF LAND CONTAINING 0.051 ACRE OF LAND (2,189 SQUARE FEET) SITUATED IN THE THEODORE BISSEL SURVEY NO. 18, ABSTRACT NO. 3 IN TRAVIS COUNTY, TEXAS AND BEING A PORTION OF LOT 15, BLOCK "J", GRAND OAKS SUBDIVISION AMENDED PLAT, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200300192 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 15, BLOCK "J" CONVEYED TO GRAND OAKS OWNERS ASSOCIATION BY SPECIAL WARRANTY DEED SEPTEMBER 22, 2005 AND RECORDED IN DOCUMENT NO. 2005177474 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; TRACT ONE CONTAINING 0.027 ACRE OF LAND (1,163 SQUARE FEET) AND TRACT TWO CONTAINING 0.024 ACRE OF LAND (1,026 SQUARE FEET), SAID TWO TRACTS OF LAND CONTAINING 0.051 ACRE OF LAND (2.189) BEING SQUARE FEET) AND MORE PARTICULARLY DESCRIBED BY METES AND **BOUNDS AS FOLLOWS:** 

TRACT ONE - 0.027 Acres (1,163 S.F.)

**COMMENCING** at a ½" iron rod with a cap stamped "Landesign" found in the present northerly right-of-way line (r.o.w. varies) of Davis Lane, also being in the southerly line of said Lot 15;

THENCE, along the present northerly right-of-way line (r.o.w. varies) of Davis Lane and the southerly line of said Lot 15, N 61°18'23" W, a distance of 241.62 feet to a calculated point for the **POINT OF BEGINNING** and the southeast corner of the herein described tract, having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 0.999981359) coordinate values of: **N=10,041,093.58**, **E=3.090,442.18**:

THENCE, continuing along the present northerly right-of-way line of Davis Lane and the southerly line of said Lot 15, **N** 61°18'23" **W**, a distance of 10.05 feet to a calculated point for the southwest corner of the herein described tract, from which a ½" iron rod with a cap stamped "KC Eng." found at an angle point in the old northerly right-of-way line (r.o.w. varies) of Davis Lane, same being an angle point in the southerly line of that certain strip of land dedicated for right-of-way purposes by said Grand Oaks Subdivision Amended Plat bears N 61°18'23" W, a distance of 240.53 feet and S 27°15'51" W, a distance of 19.01 feet;

THENCE, departing the present northerly right-of-way line of Davis Lane and crossing said Lot 15 with the following two (2) courses:

- 1.) N 34°37'40" E, a distance of 64.58 feet to a calculated point for an angle point of the herein described tract;
- 2.) N 07°13'27" E, a distance of 49.81 feet to a calculated point in the northwesterly line of Lot 15, same being the southeasterly line of Lot 1, Block J of said Grand Oaks Subdivision Amended Plat for an angle point of the herein described tract, from which a ½" iron rod with cap stamped "KC Eng." Found at the most southerly corner of said Lot 1, same being an interior ell corner of said Lot 15 bears S 36°38'26" W, a distance of 81.76 feet;

THENCE, along the common dividing line of Lot 15 and Lot 1, **N 36°38'26"** E, a distance of **4.81** feet to a calculated point in the curving southerly right-of-way line (50' r.o.w.) of Brock Circle at the northerly corner of said Lot 15, same being the northeast corner of said Lot 1, for the most northerly corner of the herein described tract, from which a ½" iron rod found with a cap stamped "Landesign" found at the northeasterly common corner of said Lot 1 and Lot 2, Block "J" of said Grand Oaks Subdivision Amended Plat bears N 18°32'51" W, a chord distance of 44.91 feet:

THENCE, along the northerly line of said Lot 15 and the curving southerly right-of-way line (50' r.o.w.) of Brock Circle a distance of 12.16 feet along the arc of said curve to the left having a radius of 125.00 feet, a delta angle of 05°34'33" and a chord bearing **S 31°41'00"** E, a distance of **12.16** feet to a calculated point, for the northeast corner of the herein described tract, and from said calculated point a calculated point at the point of tangency of said curve bears S 52°54'07" E, a distance of 79.04 feet, and from the calculated point of tangency a disturbed ½" iron rod found bears N73°48'11"E, a distance of 0.57 feet;

THENCE, departing the present curving southerly right-of-way line of Brock Circle (50' r.o.w.) and crossing said Lot 15 with the following two (2) courses:

- 1.) S 07°13'27" W, a distance of 46.98 feet to a calculated point for an angle point of the herein described tract;
- 2.) S 34°37'40" W;, a distance of 65.98 feet to the POINT OF BEGINNING and containing 0.027 acre (1,163 Square Feet) of land.

#### TRACT TWO - 0.024 Acres (1,026 S.F.)

COMMENCING at a ½" iron rod with a cap stamped "Landesign" found in the present northerly right-of-way line (r.o.w. varies) of Davis Lane, same being in the southerly line of said Lot 15;

THENCE, along the present northerly right-of-way line of Davis Lane and the southerly line of said Lot 15, N 61°18'23" W, a distance of 216.49 feet to a calculated point for the **POINT OF BEGINNING** and the southeast corner of the herein described tract, having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 0.999981359) coordinate values of: N=10,041,081.51, E=3,090,464.23;

THENCE, continuing along the present northerly right-of-way line of Davis Lane and the southerly line of said Lot 15, N 61°18'23" W, a distance of 10.05 feet to a calculated point for the southwest corner of the herein described tract, from which a ½" iron rod with a cap stamped "KC Eng." found at an angle point in the old northerly right-of-way line of Davis Lane, same being an angle point in the southerly line of that certain strip of land dedicated for right-of-way purposes by said Grand Oaks Subdivision Amended Plat bears N 61°18'23" W, a distance of 265.66 feet and S 27°15'51" W, a distance of 19.01 feet;

THENCE, departing the present northerly right-of-way line of Davis Lane and crossing said Lot 15 with the following two (2) courses:

- 1.) N 34°37'40" E, a distance of 68.08 feet to a calculated point for an angle point of the herein described tract;
- 2.) N 07°13'27" E, a distance of 36.37 feet to a calculated point in the curving northerly line of Lot 15, same being the southerly right-of-way line (50' r.o.w.) of Brock Circle, for the northwest corner of the herein described tract, from which a ½" iron rod with a cap stamped "Landesign" found at the most northerly common corner of said Lot 1 and Lot 2, Block "J" of said Grand Oaks Subdivision Amended Plat bears N 26°05'04" W, a distance of 76.78 feet;

THENCE, along the northerly line of said Lot 15 and the curving southerly right-of-way line (50' r.o.w.) of Brock Circle a distance of 12.36 feet along the arc of said curve to the left having a radius of 125.00 feet, a delta angle of 05°39'58" a bearing of **S 46°48'09"** E, a chord distance of **12.36** feet to a calculated point for the northeast corner of the herein described tract, from which a calculated point at the point of tangency of said curve bears S 60°29'06" E, a chord distance of 47.05 feet, and from said calculated point of tangency a disturbed ½" iron rod found bears N 73°48'11" E, a distance of 0.57 feet;

THENCE, departing the present curving southerly right-of-way line (50' r.o.w.) of Brock Circle and crossing said Lot 15 with the following two (2) courses:

- 1.) S 07°13'27" W, a distance of 31.55 feet to a calculated point for an angle point of the herein described tract;
- 2.) S 34°37'40" W;, a distance of 69.48 feet to the POINT OF BEGINNING and containing 0.027 acre (1,163 Square Feet) of land.

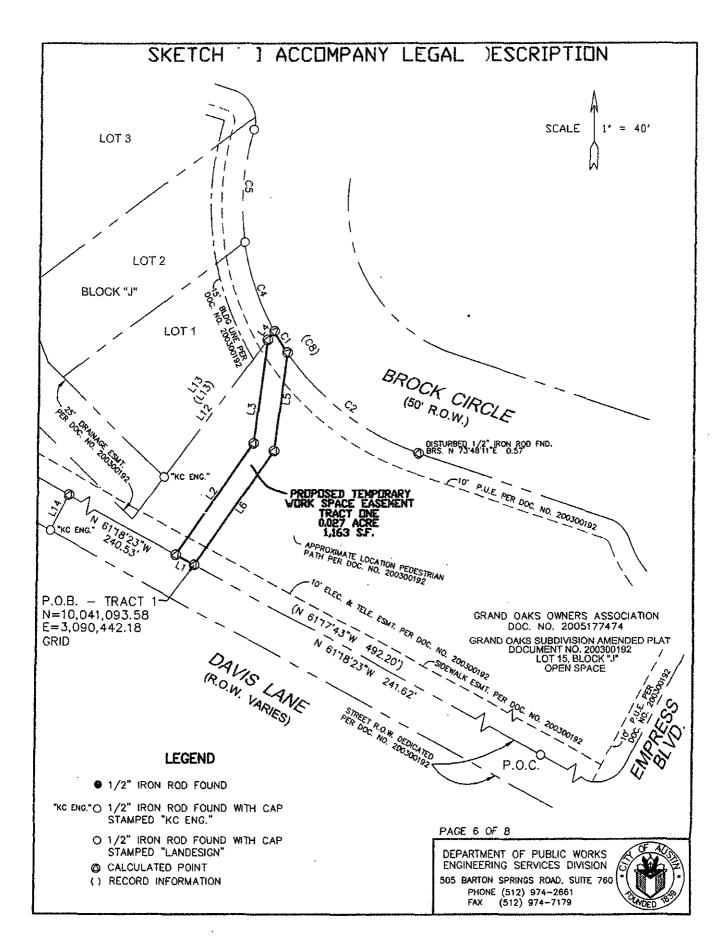
"This legal description was prepared by Mary P. Hawkins, R.P.L.S. No. 4433 from a survey made on the ground in October 2008." Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83. The controlling monuments for this project are a 60D nail set in the centerline of a grass median approx. 100' south of the intersection of the centerline of Sweet Clover Drive and the centerline of Empress Boulevard, having grid coordinate values of N=10,041,636.35, E=3,091,248.47 and a mag nail with washer stamped "COA Public Works" set approx. 20' south of the intersection of the centerline of Davis Lane and the centerline of Empress Boulevard, having grid coordinate values of N=10,040,888.09, E=3,090,778.98. The distances shown are surface distances. The combined scale factor is 0.999981369.

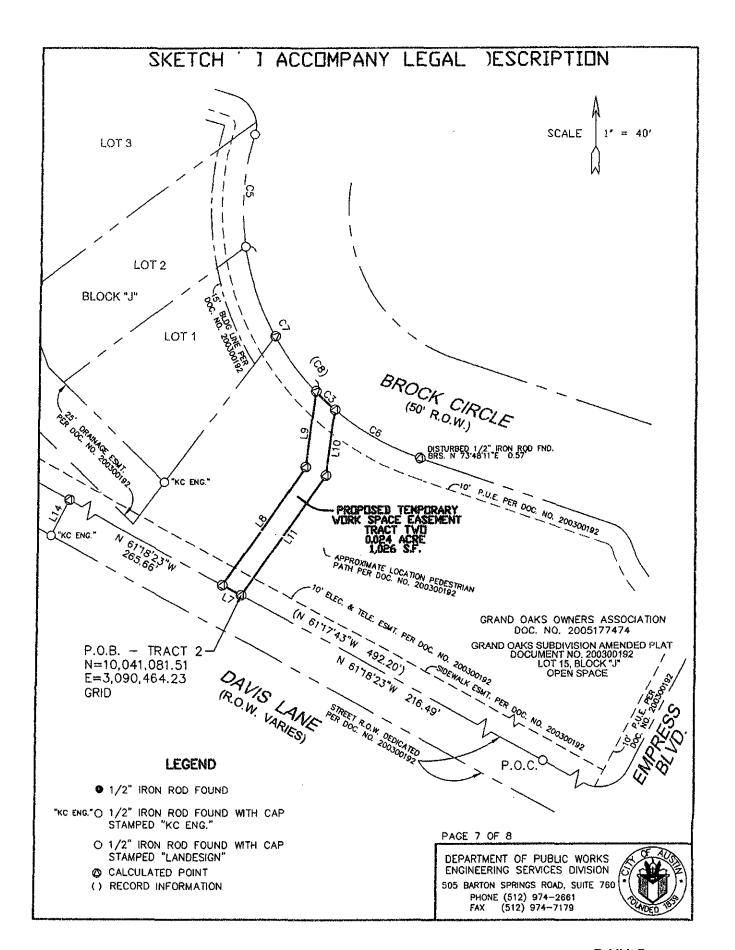
Mary P. Hawkins, R.P.L.S. No. 4433

Engineering Services Division Department of Public Works

City of Austin

REFERENCES
TCAD Parcel No. 04-2421-17-05
Austin Grid E-15





### SKETCH : ACCOMPANY LEGAL ESCRIPTION

NO.	RADIUS	ARC	DELTA	BEARING	CHORD
C1	125.00'	12.16'	05'34'33"	S 31'41'00"E	12.16
C2	125,00	80.42	36'51'41"	S 52'54'07"E	79.04
C3	125.00'	12.36	05'39'58"	S 46*48'09"E	12.36
C4	125.00'	45.15'	20*41'47"	N 18'32'51"W	44.91
C5	125.00'	54.10'	24*47'57"	N 04'10'14"E	53.68'
C6	125.00'	47.33	21'41'47"	S 60'29'06"E	47.05
C7	125.00'	78.04	35'46'22"	N 26'05'04"W	76.78
(C8)	(125.00')	(191.88")	(87'57'12")	(S 27'26'43"E)	(173.59')

NO.	BEARING	DISTANCE
L1	N 61°18'23"W	10.05'
L2	N 34'37'40"E	64.58'
L3	N 07'13'27"E	49.81
L4	N 36'38'26"E	4.81'
L5	S 07'13'27"W	46,98'
1_6	S 34*37'40"W	65.98'
L7	N 61'18'23"W	10.05'
L8	N 34'37'40"E	68.08'
L9	N 07"13'27"E	36.37'
L10	S 07'13'27"W	31.55'
L11	S 34'37'40"W	69.48'
L12	S 36'38'26"W	81.76'
L13	S 36'38'26"W	86.57
(L13)	(S 36'36'17"W)	(86.33')
L14	S 27'15'51"W	19.01

BEARING BASIS NOTE:

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83. THE CONTROLLING MONUMENTS FOR THIS PROJECT ARE A 60D NAIL SET IN CENTERLINE OF A GRASS MEDIAN 100'+/- SOUTH OF THE INTERSECTION OF THE CENTERLINE OF SWEET CLOVER DRIVE AND THE CENTERLINE OF EMPRESS BOULEVARD HAVING GRID COORDINATE VALUES OF N=10,041,636.35. E=3,091,248.47 AND A MAG NAIL WITH WASHER STAMPED "COA PUBLIC WORKS" SET 20'+/- SOUTH OF THE INTERSECTION OF THE CENTERLINE OF DAVIS LANE AND THE CENTERLINE OF EMPRESS BOULEVARD HAVING GRID COORDINATE VALUES OF N=10,040,888.09, E=3.090.778.98. THE DISTANCES SHOWN ARE SURFACE DISTANCES. THE COMBINED SCALE FACTOR IS 0.999981369.

THIS SKETCH WAS PREPARED FROM A SURVEY MADE ON THE GROUND IN OCTOBER 2008 WITH THE BENEFIT OF A TITLE COMMITMENT, CHICAGO TITLE INSURANCE COMPANY, FILE NO. CTA-07-CTA11000799JP.

MARY P. HAWKINS, R.P.L.S. NO. 4433 DRAWN BY: MARY P. HAWKINS

FILE: DAVIS LANE WASTEWATER ESMT.—TWSE. (2000).DWG FB. 4007, PG. 37

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DEPARTMENT OF PUBLIC WORKS ENGINEERING SERVICES DIVISION

505 BARTON SPRINGS ROAD, SUITE 760 PHONE (512) 974-2661 FAX (512) 974-7179

