

RESOLUTION NO. 20130131-041

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 value of the property interests, 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 owner now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public uses 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: The Successor Trustee(s) of the Fragosa Family Trust

Project: North Acres Final Conveyance Project

Public Use: A permanent wastewater line easement described in Exhibit "A" for the purpose of installing, operating, maintaining, repairing, replacing, and upgrading permanent wastewater lines and appurtenances thereto, in

order to increase and improve the City's ability to provide sanitary sewer services to the public and to prevent leakage from wastewater lines to protect public health.

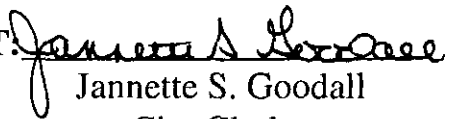
Location: 10623 Denell Circle, Austin, Travis County, Texas 78753

The general route of the project is along Polecat Creek, west of Dessau Road.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: January 31, 2013

ATTEST:


Jannette S. Goodall
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " A "

NORTH ACRES-FINAL CONVEYANCE
ANTONIO FRAGOSA AND
LEONILA G. FRAGOSA, TRUSTEES,
FRAGOSA FAMILY TRUST
TO
CITY OF AUSTIN

DESCRIPTION FOR WASTEWATER EASEMENT-PARCEL NO. 4614.04

LEGAL DESCRIPTION OF 0.010 ACRE (445 SQUARE FEET) OF LAND OUT OF THE J. APPLGAI SURVEY NO. 58, ABSTRACT NO. 29, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 12, BLOCK G, NORTH ACRES SECTION FOUR, A SUBDIVISION OF RECORD IN VOLUME 46, PAGE 95 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO THE FRAGOSA FAMILY TRUST, ANTONIO FRAGOSA AND LEONILA G. FRAGOSA, TRUSTEES, IN VOLUME 12655, PAGE 709 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.010 ACRE (445 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED IN TWO PARTS BY METES AND BOUNDS AS FOLLOWS:

PART 1 - 0.009 ACRE (393 SQUARE FEET)

BEGINNING at a 60D nail set in the curving north right-of-way line of Denell Circle (50' right-of-way,) same being the south line of said Lot 12, Block G, at the southeast corner of a 5-foot wide utility installation and maintenance easement described in Volume 3695, Page 658 of the Deed Records of Travis County, Texas, same being the southeast corner of a 10-foot wide drainage easement dedicated in said North Acres Section Four, for the southwest corner and **POINT OF BEGINNING** of this tract, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83/HARN,) values of N= 10,107,690.97, E=3,135,393.20, from which a 1/2" iron rod found in the curving north right-of-way line of said Denell Circle, at the common south corner of Lots 12 and 13, Block G, of said North Acres Section Four, bears South 85°01'11" West, a chord distance of 5.02 feet;

THENCE North 00°41'36" East, over and across said Lot 12, Block G, with the east lines of said 5-foot wide utility installation and maintenance easement and said 10-foot wide drainage easement, a distance of 81.93 feet to a 60D nail set in the south line of a 30-foot wide drainage and public utility easement dedicated in said North Acres Section Four, at the northeast corner of said 10-foot wide drainage easement, for the northwest corner of this tract;

THENCE South 83°17'06" East, continuing over and across said Lot 12, Block G, with the south line of said 30-foot wide drainage and public utility easement, a distance of 4.65 feet to a 60D nail set for the northeast corner of this tract;

THENCE South 00°25'39" West, continuing over and across said Lot 12, Block G, leaving the south line of said 30-foot wide drainage and public utility easement, a distance of 81.46 feet to a 60D nail set in the curving north right-of-way of said Denell Circle and the south line of said Lot 12, Block G, for the southeast corner of this tract, from which a 1/2" iron pipe found in the curving north right-of-way line of said Denell Circle, at the common west corner of Lots 11 and 12, Block G, of said North Acres Section Four, bears South 47°44'29" East, a chord distance of 62.20 feet;

THENCE with the curving north right-of-way of said Denell Circle and the south line of said Lot 13, Block G, and a curve to the left, having a radius of 50.00 feet, an arc length of 5.00 feet, a delta angle of 05°43'47", and a chord which bears North 89°04'20" West, a distance of 5.00 feet to the **POINT OF BEGINNING**, containing 0.009 acre (393 square feet) of land.

PART 2 - 0.001 ACRE (52 SQUARE FEET)

BEGINNING at a 60D nail set in the south line of a 30-foot wide drainage and public utility easement dedicated in said North Acres Section Four, in said Lot 12, Block G, for the northwest corner and **POINT OF BEGINNING** of this tract, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83/HARN,) values of N= 10,107,754.51, E=3,135,550.36, from which a 1/2" iron rod found in the curving north right-of-way line of Denell Circle (50' right-of-way), at the common south corner of Lots 12 and 13, Block G, of said North Acres Section Four, bears North 83°17'06" West, a distance of 162.29 feet, and South 00°41'36" West, a distance of 82.94;

THENCE over and across said Lot 12, Block G, with the south and west lines of said 30-foot wide drainage and public utility easement, the following two (2) courses:

1. South 83°17'06" East, a distance of 13.10 feet to a 60D nail set for the northeast corner of this tract, from which a 1/2" iron rod found at a corner in the southwest line of Lot 41, Block A, Collinwood West, Section II-C, A Planned Unit Development, of record in Volume 102, Page 115 of the Plat Records of Travis County, Texas, same being the northeast corner of said Lot 12, Block G, bears North 41°33'57" East, a distance of 36.62 feet;
2. South 13°29'38" East, a distance of 8.50 feet to a 60D nail set for the southeast corner of this tract;

THENCE North 56°49'54" West, continuing over and across said Lot 12, Block G, and leaving the west line of said 30-foot wide drainage and public utility easement, a distance of 17.91 feet to the **POINT OF BEGINNING**, containing 0.001 acre (52 square feet) of land.

BEARING BASIS NOTE

The coordinates and bearings shown hereon are based on the Texas State Plane Coordinate System (Central Zone, NAD83/HARN, Combined Scale Factor = 1.0001). The coordinates were established by GPS from City of Austin monument "N-33-2001" having coordinate values of N=10,119,265.511, E=3,140,811.942 and City of Austin monument "N-33-3001" having coordinate values of N=10,117,927.194, E=3,141,156.827. All distances shown are surface distances.

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

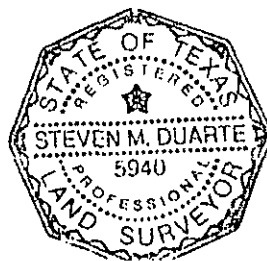
That I, Steven M. Duarte, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 23rd day of January, 2012, A.D.

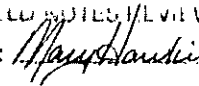
Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875



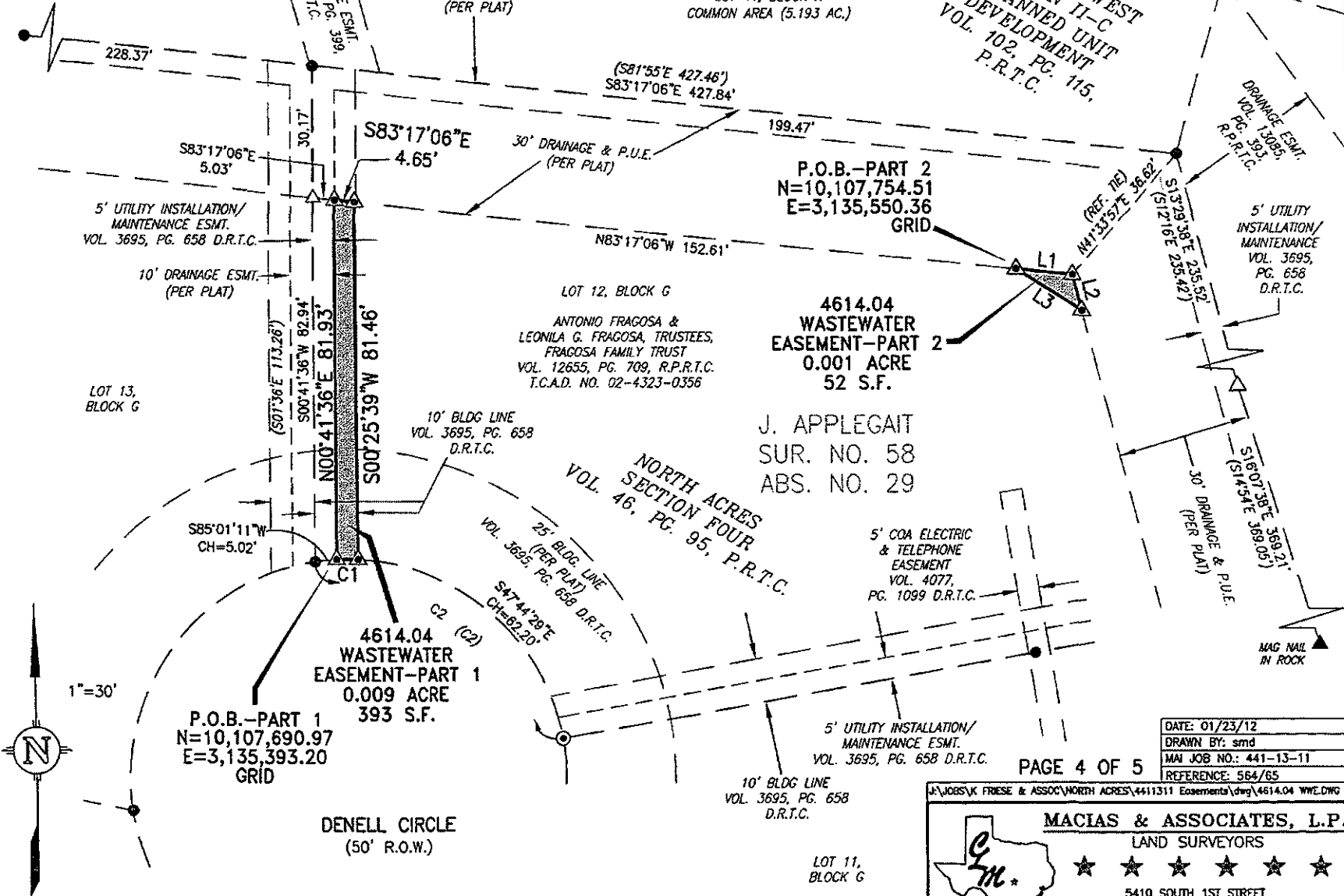
Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 – State of Texas



REFERENCES
MAPSCO 2009, 496-Z
AUSTIN GRID NO. M-31
TCAD PARCEL ID NO. 02-4323-0356
MACIAS & ASSOCIATES, L.P., PROJECT NO. 441-13-11

FIELD NOTES REVIEWED
By:  Date: 1/24/12
Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LEGEND	
●	1/2" IRON ROD FOUND
⊙	1/2" IRON PIPE FOUND
▲	NAIL FOUND (TYPE NOTED)
△	60D NAIL SET
△	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
VOL., PG.	VOLUME, PAGE
P.R.T.C.	PLAT RECORDS OF TRAVIS COUNTY
D.R.T.C.	DEED RECORDS OF TRAVIS COUNTY
R.P.R.T.C.	REAL PROPERTY RECORDS OF TRAVIS COUNTY
()	RECORD INFORMATION
P.O.B.	POINT OF BEGINNING

LINE TABLE		
Number	Bearing	Distance
L1	S83°17'06"E	13.10'
L2	S13°29'38"E	8.50'
L3	N56°49'54"W	17.91'

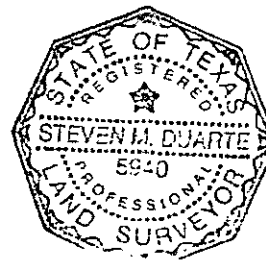
CURVE TABLE			
Number	C1	C2	C2
Delta Angle	5°43'47"	88°25'13"	
Radius	50.00'	50.00'	50.00'
Arc Length	5.00'	77.16'	77.55'
Chord Length	5.00'	69.73'	70.01'
Chord Bearing	N89°04'20"W	S53°29'08"E	N52°28'W

BEARING BASIS:

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83/HARN, COMBINED SCALE FACTOR = 1.0001). THE COORDINATES WERE ESTABLISHED BY GPS FROM CITY OF AUSTIN MONUMENT "N-33-2001" HAVING COORDINATE VALUES OF N=10,119,255.511, E=3,140,811.942 AND CITY OF AUSTIN MONUMENT "N-33-3001" HAVING COORDINATE VALUES OF N=10,117,927.194, E=3,141,156.827. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

NOTE:

THE EASEMENTS SHOWN OR NOTED AND ADDRESSED ON THIS SURVEY ARE THOSE LISTED ON THE TITLE COMMITMENT ISSUED BY ALLIANT NATIONAL TITLE INSURANCE CO., INC., GF. NO. 090885, EFFECTIVE DATE: SEPTEMBER 29, 2011.



[Signature]
Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas

1/23/12
Date:

PAGE 5 OF 5

DATE: 01/23/12
DRAWN BY: smd
MAT JOB NO.: 441-13-11
REFERENCE: 564/65

J:\JOBS\K FRIESE & ASSOC\NORTH ACRES\4411311 Easement\dwg\4614.04 WVE.DWG

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

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