

RESOLUTION NO. 20130523-083

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 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: Magdalena Ledesma

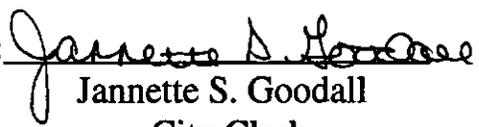
Project: Fort Branch Watershed Management Area Reach 6
& 7 Channel Rehabilitation – Truelight Area and
Eleanor Drive Area Project

Public Purpose: The permanent drainage easement described in the
attached Exhibit "A" is necessary to construct and
maintain structural improvements to stabilize the
Fort Branch creek bank and increase the channel
capacity, to reduce erosion, and to decrease the
frequency of flooding in the surrounding
neighborhood.

Location: 1214 Fort Branch Boulevard

Property: Described in the attached and incorporated Exhibit
A.

ADOPTED: May 23, 2013

ATTEST: 
Jannette S. Goodall
City Clerk



STATE OF TEXAS
COUNTY OF TRAVIS

(Drainage Easement)
Lot 23, Block 1, Lincoln Gardens Section One
Fort Branch Creek Reach 6 & 7, Proj. No. 6039.059

EXHIBIT " A "

LEGAL DESCRIPTION FOR PARCEL 4612.13

Legal description for a parcel of land containing 0.113 of an acre of land, equivalent to 4,944 square feet of land, out of and a part of Lot 23, Block 1, Lincoln Gardens Section One, a subdivision in the City of Austin, Travis County, Texas according to the map or plat thereof recorded in Book 5, Page 4 of the Plat Records of Travis County, Texas and being the same Lot 23, Block 1, Lincoln Gardens Section One which was conveyed to Magdalena Ledesma by that certain Gift Special Warranty Deed dated October 8, 2007 and recorded in Document Number 2007186300 of the Official Public Records of Travis County, Texas; said parcel of land being more particularly described by metes and bounds, as follows, and as shown on the attached sketch:

BEGINNING FOR REFERENCE at a 1/2-inch iron rod found on the curving west right-of-way line of Fort Branch Boulevard (50' Right-of-Way) monumenting the northeast corner of Lot 23, same being the southeast corner of Lot 22, above referenced Block 1, Lincoln Gardens Section One, from which said 1/2-inch iron rod found, another 1/2-inch iron rod found on said curving northwest right-of-way line of Fort Branch Boulevard at the northeast corner of said Lot 22, Block 1, same being the southeast corner of Lot 21, bears a chord bearing of N01°27'34"E a chord distance of 44.91 feet; **Thence**, with the common boundary line of said Lot 22 and said Lot 23, Block 1, N84°03'21"W a distance of 113.75 feet to an 80d nail set, for the northeast corner and **POINT OF BEGINNING** of this easement, having Texas Coordinate System of 1983 Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.999923385) values of N= 10,073,935.94, E= 3,133,634.55;

THENCE, through said Lot 23, Block 1, the following three (3) courses:

- 1) S02°36'08"E a distance of 77.30 feet to an 80d nail set on the north line of an existing 5' Public Utility easement as dedicated by said plat, for the southeast corner of this easement;
- 2) With said north line of an existing 5' Public Utility easement, S79°22'12"W a distance of 61.17 feet to an 80d nail set on the east line of an existing easement for park and drainage



purposes dedicated by plat for "Masonfield" recorded in Book 4, Page 205 of the plat records of Travis County, Texas, for the southwest corner of this easement, from which a capped 5/8-inch iron rod stamped "CM&N#4453" found monumenting an outside angle point of said existing easement for park and drainage purposes bears S07°59'55"E a distance of 27.62 feet to a calculated point, and S77°44'55"E a distance of 69.96 feet;

- 3) With said east line of an existing easement for park and drainage purposes, N07°59'55"W, a distance of 28.97 feet to an 80d nail set on the west line of said Lot 23, Block 1, at an angle point of this easement;

THENCE, with said west line of Lot 23, the following two (2) courses:

- 1) N08°02'53"E, a distance of 42.23 feet to an 80d nail set at an angle point of said west line of Lot 23, at an angle point of this easement;
- 2) N25°25'53"E, a distance of 25.00 feet to an 80d nail set at the northwest corner of said Lot 23, Block 1, same being the southwest corner of said Lot 22, Block 1, for the northwest corner of this easement, from which said 80d nail set, a 1/2-inch iron rod found at the northwest corner of said Lot 22, Block 1 bears N25°25'53"E a distance of 73.16 feet;

THENCE, with the said common line of Lot 23 and Lot 22, S84°03'21"E a distance of 44.23 feet to the "**POINT OF BEGINNING**", and containing 0.113 of an acre of land, more or less.

Basis of Bearing:

Bearings mentioned on this easement are based on Texas Coordinate System of 1983, Texas Central Zone 4203; Horizontal and Vertical Coordinates for Aus 5 and E.U.D. 169 as established and published by Texas Department Of Transportation and by the L.C.R.A. were used as the controlling monuments for this survey. Distances shown hereon are surface.



CERTIFICATION:

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

**As Prepared by
Landmark Surveying, LP**

Juan M. Canales, Jr.
Juan M. Canales, Jr.

Registered Professional Land Surveyor No. 4453
Vice President of the General Partner
Firm Registration No. 100727-00

4-4-13
Date

REFERENCES

MAPSCO 2009, Page 586-Q
AUSTIN GRID NO. M-23
TCAD PARCEL ID NO.02-0821-0104
Lot 23, Blk 1, Ledesma-DE-0.113.doc
Parcel 4612.13
1214 Fort Branch Boulevard



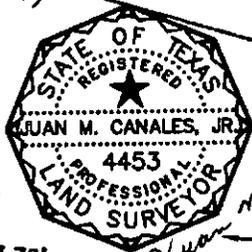
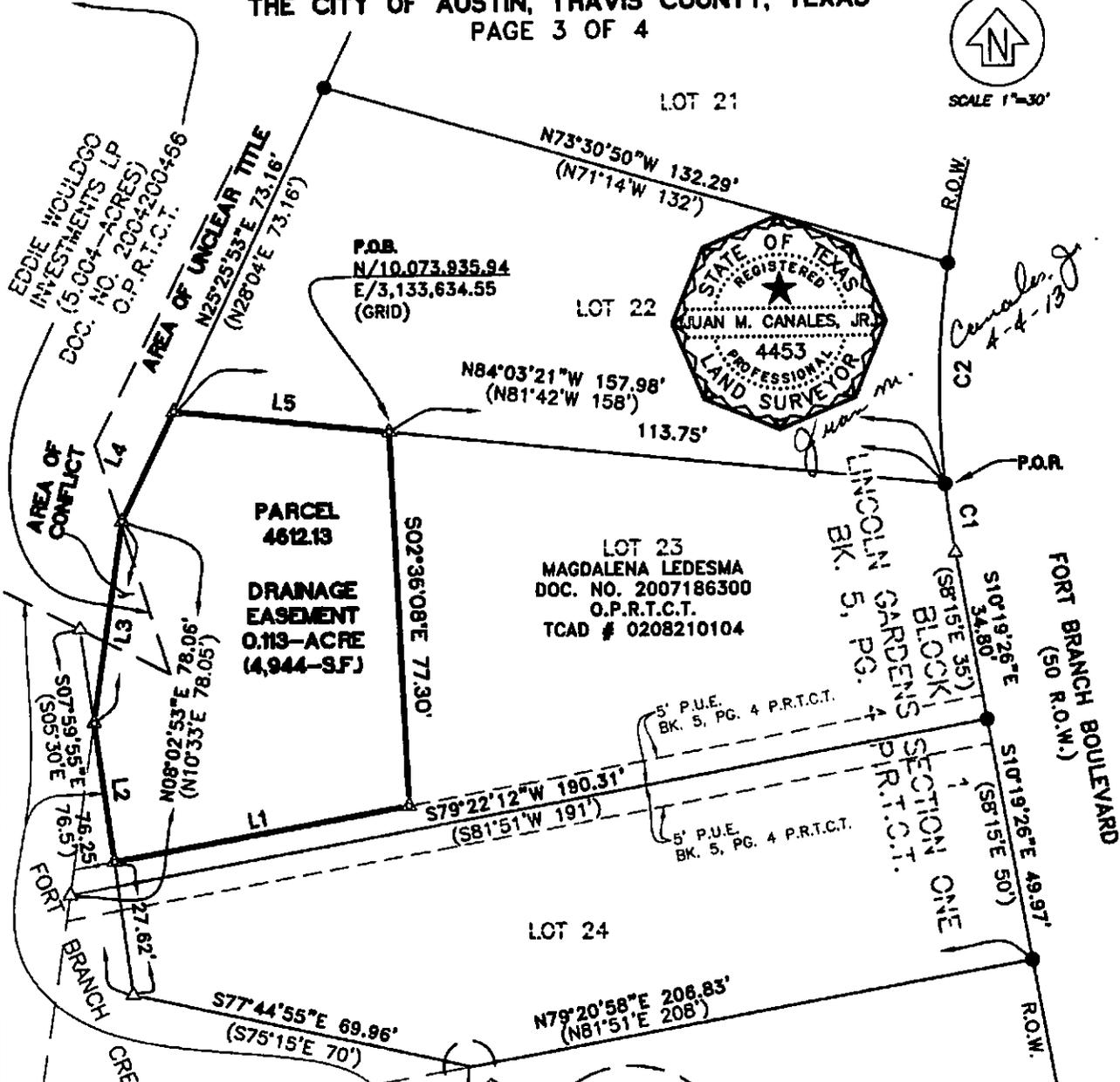
FIELD NOTES REVIEWED

by *Maury Tucker* Date *4/8/13*

Engineering Support Section
Department of Public Works
T.U.C.P./W.B.E./H.U.B./D.B.E.

Surveyed September 2009, Revised Description March 28, 2013

**SURVEY OF A PORTION OF LOT 23, BLOCK 1,
LINCOLN GARDENS SECTION ONE,
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**
PAGE 3 OF 4



Canales, Jr.
4-4-13

EDDIE HOULDOGO
INVESTMENTS LP
DOC. NO. 2004-ACRES)
O.P.R.T.C.T.

P.O.B.
N/10,073.935.94
E/3,133,634.55
(GRID)

LOT 23
MAGDALENA LEDESMA
DOC. NO. 2007186300
O.P.R.T.C.T.
TCAD # 0208210104

TRACT B
MASONFIELD
BOOK 4, PAGE 205
P.R.T.C.T.

DEDICATED TO PUBLIC
FOR PARK &
DRAINAGE PURPOSES
BK. 4, PG. 205
P.R.T.C.T.

**SKETCH TO
ACCOMPANY
FIELD NOTES**



Surveyed: 9/2009, Revised: 03/28/2013
 Client: HDR
 Date: March 28, 2013
 Office: Anna Burroughs
 Crew: J. Lee
 F.B.: 1153/32-33
 Path: t:\hdr\reaches 6 and 7\landmark drawings\grid-staff\easements\fbwma-grid-base-c.dwg
 Job No.: 492-18-01

**SURVEY OF A PORTION OF LOT 23, BLOCK 1,
LINCOLN GARDENS SECTION ONE,
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**
PAGE 5 OF 5

LEGEND

- 1/2" Iron Rod Found (Unless Otherwise Noted)
- △ Calculated Point "Not Established on Ground"
- ▲ 80d Nail Set
- () Record Information
- R.O.W. Right-of-Way
- P.O.B. Point of Beginning
- P.O.R. Point of Reference
- BK. Book
- PG. Page
- VOL. Volume
- D.E. Drainage Easement
- P.U.E. Public Utility Easement

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S79°22'12"W	61.17'
L2	N07°59'55"W	28.97'
L3	N08°02'53"E	42.23'
L4	N25°25'53"E (N28°04'E)	25.00' (25')
L5	S84°03'21"E	44.23'

CURVE TABLE						
	CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
P.R.T.C.T. Plat Records Travis County, Texas						
D.R.T.C.T. Deed Records Travis County, Texas	C1	S08°06'04"E (S05°52'E)	14.31' (14.30')	04°41'28"	14.31' (14.31')	174.80' (174.80')
R.P.R.T.C.T. Real Property Records Travis County, Texas	C2	N01°27'34"E (N03°54'E)	44.91' (45')	14°45'39"	45.03' (45.11')	174.80' (174.80')

Utility and Improvement Note:

Utilities and improvements exist on this survey, but are not shown hereon.

The property described hereon is contained within Zone AE as scaled from F.I.R.M. Map Number 48453C0470H, dated September 26, 2008, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

Restrictive Covenant and Easement Note:

- 10d. Any right, claim, or interest to the subject property, in regard to the easterly boundary of the property shown on the plat of "Masonfield" recorded in Book 4, Page 205 of the Plat Records of Travis County, Texas. DOES APPLY to the subject parcel.
- 10i. Any right, claim, or interest to the subject property, in regard to the property described in that certain Deed recorded under Document No. 2004200466 of the Official Public Records of Travis County, Texas. DOES APPLY to the subject parcel.
- 10j. Right of Entry and Possession, dated December 16, 2011, executed by Magdalena Ledesma, granted to the City of Austin, recorded under Document No. 2011187403 of the Official Public Records of Travis County, Texas. DOES APPLY to the subject parcel.

All easements of which I have knowledge and those recorded easements furnished by Alliant National Title Insurance Company, according to GF No. 00090672, are shown or noted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

BEARING BASIS NOTE:

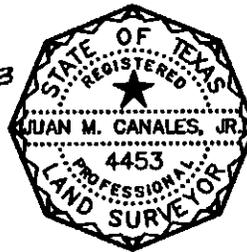
TEXAS COORDINATE SYSTEM OF 1983
TEXAS CENTRAL ZONE 4203
COMBINED SCALE FACTOR = 0.999923385
NAVD'88 VERTICAL DATUM
HORIZONTAL AND VERTICAL COORDINATES FOR AUS 5 AND E.U.D. 169 AS ESTABLISHED AND PUBLISHED BY TEXAS DEPARTMENT OF TRANSPORTATION AND BY THE L.C.R.A. WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

DISTANCES SHOWN HEREON ARE SURFACE.

AS SURVEYED BY
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

Juan M. Canales, Jr. 4-4-13

JUAN M. CANALES, JR.
Registered Professional Land Surveyor No. 4453
SURVEY DATE September 2009, Revised March 28, 2013
THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR



SKETCH TO
ACCOMPANY
FIELD NOTES



2205 EAST 5TH STREET
AUSTIN, TEXAS 78702
PH: (512)328-7411 FAX: (512)328-7413

Client: HDR
Date: March 28, 2013
Office: Anna Burroughs
Crow: J. Lee
F.B.: 1153/32-33
Path: t:\hdr\reaches 6 and 7\landmark drawings\grid-staff\easements\fbwma-grid-base-c.dwg
Job No.: 492-16-01