

RESOLUTION NO. 20150326-042

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City 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 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: George J. Shia

Project: Waters Park Relief Main Project

Public Purpose: a permanent wastewater line easement for the public use of construction, operation, maintenance, replacement, upgrade, repair, decommissioning, and removal of wastewater lines and associated appurtenances and making connections therewith in, upon, over and across the following described tracts of land described in Exhibit A with the right and privilege at all times of having ingress, egress, and regress, in along, upon and across such tract of land for the purpose of making additions to, improvement on and repairs to said wastewater line or any part thereof; the right to clear, cut, fell, remove, and dispose of any and all timber, underbrush, building improvements, and any other obstructions from said tract of land; and the right to enter upon said tract of land in order to move thereon such vehicles, tools, equipment, and persons as may be deemed necessary and convenient to the exercise of the permanent easement rights to be acquired in this proceeding; and

a temporary work space easement in, along, upon, and across the land described in Exhibit B, attached hereto and incorporated herein by reference, for the public use of permitting the City, its agents, employees, and contractors to enter upon said real property in order to move thereon vehicles, tools, and equipment and do whatever is reasonably necessary to construct the wastewater line in the permanent wastewater line easement referred to above.

Location:

(no physical address)

Vacant undeveloped property located entirely in District 7, along the southwest line of Adelphi Lane, northwest of Waters Park Road, in the City of Austin, Travis County, Texas.

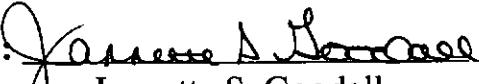
The general route covered by this project includes Adelphi Lane along Scribe Drive and Leaf Lane near MoPac in the Walnut Crossing Subdivision, in Austin, Travis County, Texas 78759.

Property:

Described in the attached and incorporated Exhibits A and B.

ADOPTED: March 26, 2015

ATTEST:


Jannette S. Goodall
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS TBPLS#101141-00

EXHIBIT " A "

GEORGE J. SHIA
TO
CITY OF AUSTIN
(WASTEWATER EASEMENT)

DESCRIPTION FOR PARCEL 4795.05WWE

DESCRIPTION OF A 0.161-ACRE (6,996 SQUARE FEET) TRACT OF LAND IN THE JAMES ROGERS SURVEY NO. 19, ABSTRACT NO. 659, TRAVIS COUNTY, TEXAS, A PORTION OF A CALLED 28.69-ACRE TRACT OF LAND, HAVING BEEN CONVEYED TO GEORGE J. SHIA BY CORRECTION SPECIAL WARRANTY DEED, RECORDED AUGUST 25, 1993, IN VOLUME 12007, PAGE 181 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

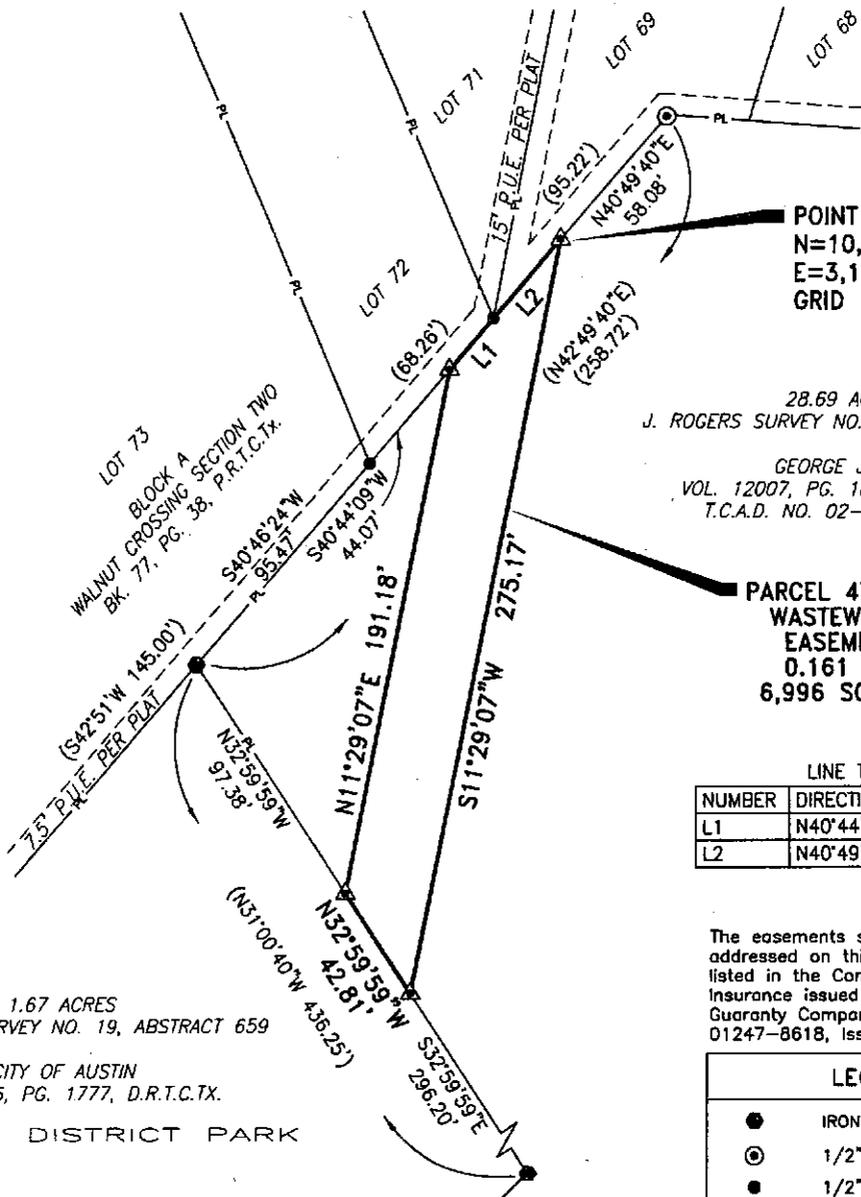
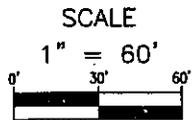
BEGINNING at a 60D nail set in the west line of said 28.69-acre tract and the east line of Lot 69, Block A, Walnut Crossing Section Two, a subdivision recorded in Volume 77, Page 38 of the Plat Records of Travis County, Texas, having Texas State Plane Coordinate (Central Zone, NAD83/HARN, U.S. Grid Feet, Combined Scale Factor 0.999896) values of N=10,123,513.03, E=3,122,677.94 for the northeast corner and **POINT OF BEGINNING** of this tract, from which a ½-inch pipe found at an angle point in the west line of said 28.69-acre tract and the east line of said Lot 69, bears N 40°49'40" E, a distance of 58.08 feet;

THENCE, S 11°29'07" W, through the interior of said 28.69-acre tract, a distance of 275.17 feet to a 60d nail set in the west line of said 28.69-acre tract and the east line of the Balcones District Park, a called 1.67-acre tract, conveyed to the City of Austin in Volume 7176, Page, 1777 of the Deed Records of Travis County, Texas, for the southeast corner of this tract, from which an iron bolt found at an angle point in the west line of said 28.69-acre tract and the east line of said 1.67-acre tract, bears S 32°59'59" E, a distance of 296.20 feet;

THENCE, N 32°59'59" W, with the west line of said 28.69-acre tract and the east line of said 1.67-acre tract, a distance of 42.81 feet to a 60d Nail set for the southwest corner of this tract, from which an iron bolt found at an angle point in the west line of said 28.69-acre tract, the east line of Lot 73 of said Block A, Walnut Crossing Section Two and at a north corner of said 1.67-acre tract, bears N 32°59'59" W, a distance of 97.38 feet;

THENCE, N 11°29'07" E, through the interior of said 28.69-acre tract, a distance of 191.18 feet to a 60d nail set in the west line of said 28.69-acre tract and the east line of Lot 72 of said Block A, Walnut Crossing Section Two, for the northwest corner of this tract, from which a ½-inch rod found in the west line of said 28.69-acre tract and at the common east corner of Lot 72 and Lot

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



POINT OF BEGINNING
N=10,123,513.03
E=3,122,677.94
GRID

28.69 ACRES
J. ROGERS SURVEY NO. 19, ABSTRACT 659

GEORGE J SHIA
VOL. 12007, PG. 181, R.P.R.T.C.Tx.
T.C.A.D. NO. 02-6010-03-28

PARCEL 4795.05
WASTEWATER
EASEMENT
0.161 AC.
6,996 SQ. FT.

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N40°44'09"E	24.22'
L2	N40°49'40"E	37.07'

The easements shown or noted and addressed on this survey are those listed in the Commitment for Title Insurance issued by Stewart Title Guaranty Company, File No. 01247-8618, Issued: JUNE 25, 2013.

LEGEND

- IRON BOLT FOUND
- ⊙ 1/2" IRON PIPE FOUND
- 1/2" IRON ROD FOUND
- ▲ 60D NAIL SET
- PL — PROPERTY LINE
- BK., VOL., PG. BOOK, VOLUME, PAGE
- T.C.A.D. TRAVIS COUNTY APPRAISAL
- P.U.E. PUBLIC UTILITY EASEMENT
- O.P.R.T.C.Tx. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- R.P.R.T.C.Tx. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.Tx. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION

1.67 ACRES
J. ROGERS SURVEY NO. 19, ABSTRACT 659
CITY OF AUSTIN
VOL. 7176, PG. 1777, D.R.T.C.Tx.
BALCONES DISTRICT PARK

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 POINT "L-35-1001" HAVING COORDINATE VALUES OF N=10,127,126.78, E=3,127,431.71. COMBINED SCALE FACTOR = 0.999896. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

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.

Todd Blenden 6/18/2014
TODD BLENDE, PE, RPLS Date:
Registered Professional Land Surveyor
No. 6186 - State of Texas

PAGE 3 OF 3
DATE: 4-23-14
DRAWN BY: T.BLENDE,
MAIL JOB NO.: 441-20-13
REFERENCE:

J:\JOBS\K FRIESE & ASSOC\441-20-13 WatersPark\Emts\DWG\4795.05\WWE.DWG

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS TBPLS FIRM #101141-00

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5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 WWW.MACIASWORLD.COM



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS TBPLS#101141-00

EXHIBIT " B "

GEORGE J. SHIA
TO
CITY OF AUSTIN
(TEMPORARY WORKING SPACE EASEMENT)

DESCRIPTION FOR PARCEL 4795.05TWSE

DESCRIPTION OF A 0.024-ACRE (1,029 SQUARE FEET) TRACT OF LAND IN THE JAMES ROGERS SURVEY NO. 19; ABSTRACT NO. 659, TRAVIS COUNTY, TEXAS, A PORTION OF A CALLED 28.69-ACRE TRACT OF LAND, HAVING BEEN CONVEYED TO GEORGE J. SHIA BY CORRECTION SPECIAL WARRANTY DEED, RECORDED AUGUST 25, 1993, IN VOLUME 12007, PAGE 181 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60D nail set in the west line of said 28.69-acre tract and the east line of the Balcones District Park, a called 1.67-acre tract, conveyed to the City of Austin in Volume 7176, page, 1777 of the Deed Records of Travis County, Texas, having Texas State Plane Coordinate (Central Zone, NAD83/HARN, U.S. Grid Feet, Combined Scale Factor 0.999896) values of N=10,123,213.03, E=3,122,642.86 for the southeast corner and **POINT OF BEGINNING** of this tract, from which an iron bolt found at an angle point in the west line of said 28.69-acre tract and the east line of said 1.67-acre tract, bears S 32°59'59" E, a distance of 260.02 feet;

THENCE, N 32°59'59" W, with the west line of said 28.69-acre tract and the east line of said 1.67-acre tract, a distance of 36.18 feet to a 60d Nail set for the southwest corner of this tract, from which an iron bolt found at an angle point in the west line of said 28.69-acre tract, the east line of Lot 73, Block A, Walnut Crossing Section Two, a subdivision recorded in Volume 77 Page 38 of the Plat Records of Travis County, Texas, and the north corner of said 1.67-acre tract, bears N 32°59'59" W, a distance of 140.19 feet;

THENCE, through the interior of said 28.69-acre tract the following three (3) courses:

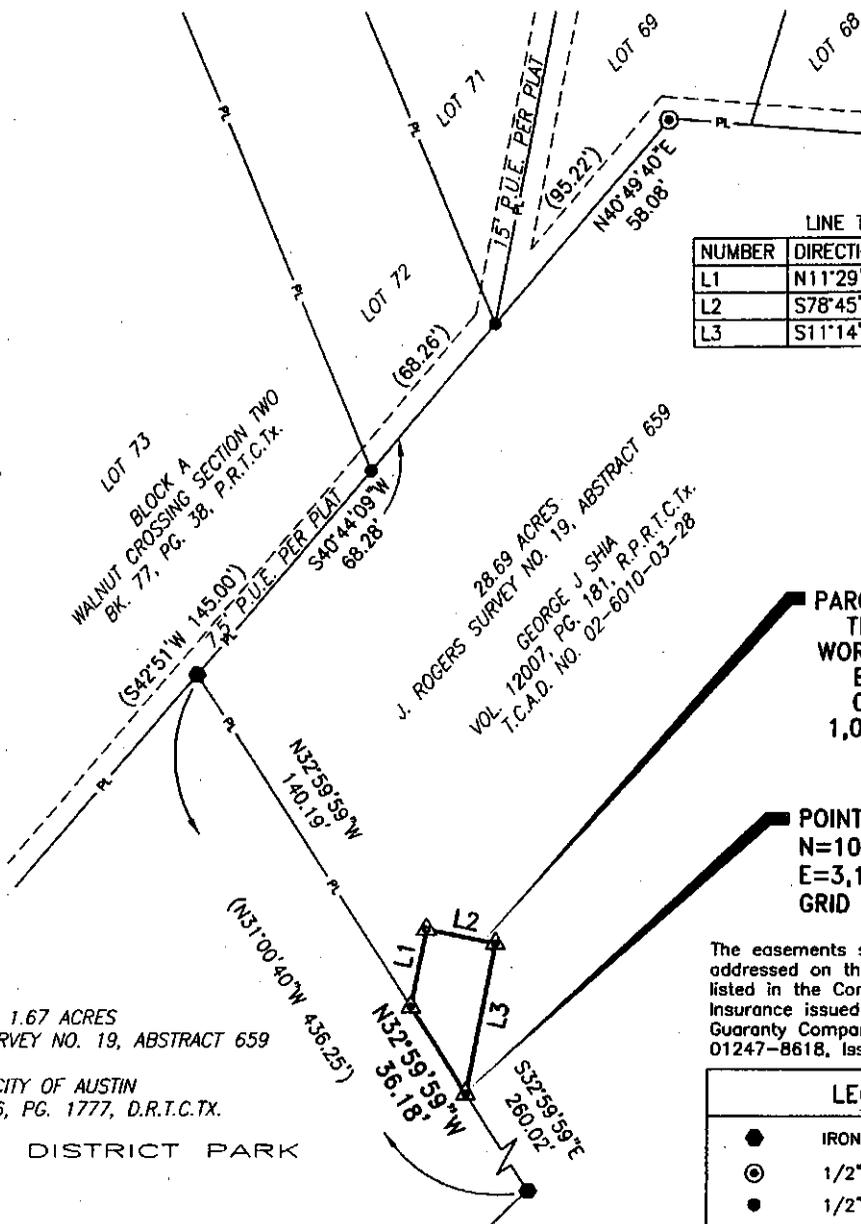
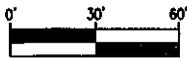
- 1) N 11°29'07" E, a distance of 27.89 feet to a 60d nail set for the northwest corner of this tract;
- 2) S 78°45'50" E, a distance of 25.12 feet to a 60d nail set for the northeast corner of this tract;
- 3) S 11°14'22" W, a distance of 53.81 feet to the **POINT OF BEGINNING** and containing 0.024-acre (1,029 square feet) of land.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



SCALE

1" = 60'



LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N11°29'07"E	27.89'
L2	S78°45'50"E	25.12'
L3	S11°14'22"W	53.81'

1.67 ACRES
J. ROGERS SURVEY NO. 19, ABSTRACT 659

CITY OF AUSTIN
VOL. 7176, PG. 1777, D.R.T.C.TX.

BALCONES DISTRICT PARK

**PARCEL 4795.05
TEMPORARY
WORKING SPACE
EASEMENT
0.024 AC.
1,029 SQ. FT.**

**POINT OF BEGINNING
N=10,123,213.03
E=3,122,642.86
GRID**

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LEGEND

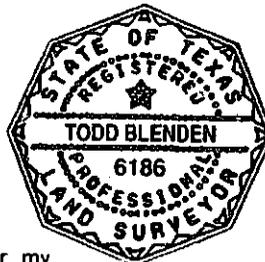
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- ⊙ 1/2" IRON PIPE FOUND
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STATE OF TEXAS }
COUNTY OF TRAVIS }

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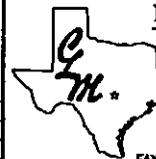


Todd Blenden 6/18/2014
TODD BLENDE, PE, RPLS Date:
Registered Professional Land Surveyor
No. 6186 - State of Texas

PAGE 3 OF 3

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