

**RESOLUTION NO. 20150326-039**

**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: Wayne Allen Barbee

Project: Springdale / 290 Improvements Project

Public Purpose: a permanent waterline easement for the public use of construction, operation, maintenance, replacement, upgrade, repair, decommissioning, and removal of water lines and associated appurtenances and making connections therewith in, upon, over and across the 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 waterline 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 necessary and convenient to the exercise of its permanent easement rights; 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 waterline in the permanent waterline easement referred to above.

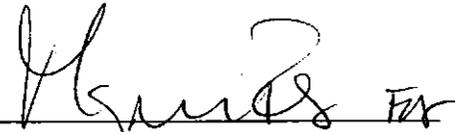
Location: (no physical address)  
Vacant lot off US 290 East, between Springdale Road and Chimney Hill Boulevard, Austin, Travis County, Texas.

The general route covered by this project includes the Chimney Hill Subdivision and the Walnut Trace Subdivision on either side of Springdale Road.

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

ADOPTED: March 26, 2015

ATTEST:



Janhette S. Goodall  
City Clerk

Exhibit " A "

Wayne Allen Barbee  
to  
The City of Austin  
(Water Line Easement)

**LEGAL DESCRIPTION – PARCEL 4796.01 WE**

**LEGAL DESCRIPTION FOR 0.039 ACRE (1,676 SQUARE FEET) OF LAND OUT OF LOT 1, CHIMNEYHILL P.U.D. FOURTH INSTALLMENT, A SUBDIVISION OF RECORD IN BOOK 70, PAGE 7 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WAYNE ALLEN BARBEE BY WARRANTY DEED RECORDED IN DOCUMENT NO. 2001170817 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 0.039 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a calculated point on the present northerly right-of-way line of U. S. Hwy. 290 East (right-of-way varies), at the southwest corner of said Lot 1, Chimneyhill P.U.D. Fourth Installment, same being the southeast corner of a called 1.796 acre tract of land conveyed to Jimmy Nassour, Trustee by Warranty Deed recorded in Document No. 2010046853 of the Official Public Records of Travis County, Texas, for the southwest corner of the tract herein described having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 0.99992808) grid coordinate values of **N=10,093,803.75, E=3,143,306.41**, from which a ½" rebar found bears **N62°38'07"W**, a distance of 0.87 and from said calculated point a TxDOT Type I concrete monument (measurement to top center) found at an angle point in the present northerly right-of-way line of U. S. Hwy. 290 East and the southerly line of said 1.796 acre tract bears **S84°02'52"W**, a distance of 123.34 to a calculated point and **N84°37'23"W**, a distance of 203.57 feet;

**THENCE**, departing the present northerly right-of-way line of U. S. Hwy. 290 East and along the southwesterly line of said Lot 1, Chimneyhill P.U.D. Fourth Installment and the northeasterly line of said 1.796 acre tract, **N62°38'07"W**, a distance of **50.98** feet to a calculated point at the southwest corner of a 10 foot wide Public Utility Easement dedicated by plat recorded in Book 70, Page 7 of the Plat Records of Travis County, Texas for the northwest corner of the tract herein described, from which a ½" rebar found at the most westerly corner of said Lot 1, Chimneyhill P.U.D. Fourth Installment bears **N62°38'07"W**, a distance of 116.56 feet;

**THENCE**, departing the northeasterly line of said 1.796 acre tract and crossing into said Lot 1, Chimneyhill P.U.D. Fourth Installment along the southerly line of said 10 foot wide Public Utility Easement, **N84°02'52"E**, a distance of **13.65** feet to a calculated point at the intersection of the southerly line of said 10 foot wide Public Utility Easement and the northeasterly line of a 7.5 foot wide Public Utility Easement dedicated by plat recorded in Book 70, Page 7 of the Plat Records of Travis County, Texas, for the most northerly northeast corner of the tract herein described;

**THENCE**, **S62°38'07"E**, a distance of **30.08** feet along the northeasterly line of said 7.5 foot wide Public Utility Easement to a calculated point on the southerly line of a 10 foot wide Water Line Easement dedicated by document recorded in Volume 3420, Page 268 of the Deed Records of Travis County, Texas, for an interior corner of the tract herein described;

City of Austin – Public Works Department – 505 Barton Springs Road, Suite 760  
Austin Texas, 78704 – Ph (512) 974-2661 – Fax (512) 974-7179

THENCE, along the southerly line of said 10 foot wide Water Line Easement, **N84°02'52"E**, a distance of **121.46** feet to a calculated point on the easterly line of said Lot 1, Chimneyhill P.U.D. Fourth Installment, same being a westerly line of a called 6.378 acre tract of land conveyed to Chimneyhill-Austin Homeowner's Association by Deed to Greenbelts and Common Areas recorded in Volume 6557, Page 545 of the Deed Records of Travis County, Texas, for the most easterly northeast corner of the tract herein described, from which a disturbed ½" rebar found bears **N05°59'31"W**, a distance of 152.39 feet to a calculated point for the northeast corner of said Lot 1, Chimneyhill P.U.D. Fourth Installment and an interior corner of said 6.378 acre tract and **S64°08'11"W**, a distance of 0.21 feet;

THENCE, along the easterly line of said Lot 1, Chimneyhill P.U.D. Fourth Installment and westerly line of said 6.378 acre tract, **S05°59'31"E**, a distance of **11.48** feet to a calculated point on the northerly right-of-way line of U.S. Hwy. 290 East at the southeast corner of said Lot 1, Chimneyhill P.U.D. Fourth Installment and a southwest corner of said 6.378 acre tract, from which a ½" rebar found bears **N05°59'31"W**, a distance of 0.90 feet and from said calculated point a TxDOT Type II brass disk monument in concrete found on the present northerly right-of-way line of U. S. Hwy. 290 East at an angle point on the southerly line of Chimneyhill P.U.D. First Installment, a subdivision of record in Book 3, Page 396 of the Plat Records of Travis County, Texas bears **N84°02'52"E**, a distance of 358.87 feet to a calculated point and **N72°43'47"E**, a distance of 203.77 feet;

THENCE, along the present northerly right-of-way line of U.S. Hwy. 290 East and the southerly line of said Lot 1, Chimneyhill P.U.D. Fourth Installment, **S84°02'52"W**, a distance of **117.67** feet to the **POINT OF BEGINNING** and containing **0.039** acre (1,676 Square Feet) of land, more or less.

This legal description was prepared by Mary P. Hawkins, R.P.L.S. No. 4433 from a survey made on the ground in August through November, 2013 and March, 2014. Bearings are based on the Texas State Plane Coordinate System of 1983, Central Zone derived from multiple GPS VRS observations. The controlling monuments for this project are a mag nail with washer stamped "COA Public Works" set on the west side of Chimneyhill Boulevard, having grid coordinate values of N=10,093,865.57, E=3,143,866.35 and a cotton spindle set on the north side of U.S. Hwy. 290 East, having grid coordinate values of N=10,093,747.56, E=3,142,969.38. The distances shown are surface values. The combined scale factor is 0.99992808.



*Mary P. Hawkins 2/18/15*

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

**REFERENCES**

TCAD Parcel No. 02-2930-0102  
Austin Grid N-27



SCALE 1" = 50'

(N87°54'W 199.81')  
N89°07'29"W 199.77'

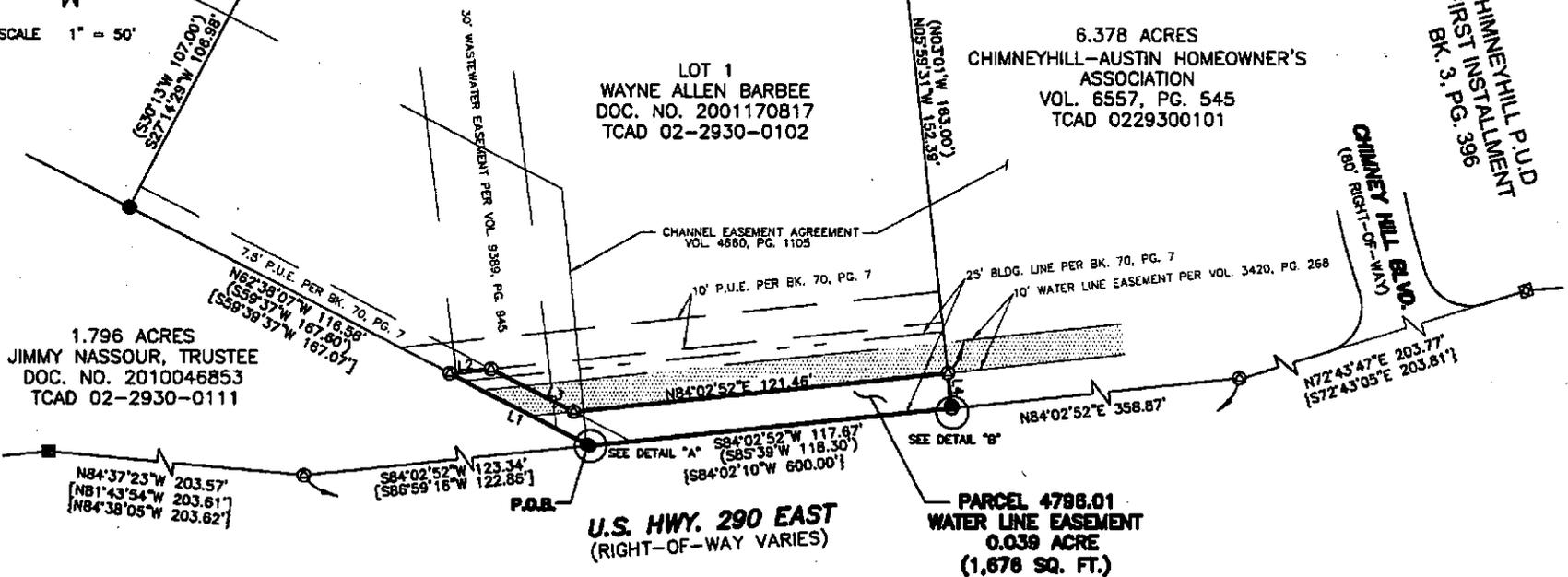
CHIMNEYHILL P.U.D. FOURTH INSTALLMENT  
BK. 70, PG. 7

HOWELL T. DAVIS SURVEY NO. 30  
ABSTRACT NO. 214

LOT 1  
WAYNE ALLEN BARBEE  
DOC. NO. 2001170817  
TCAD 02-2930-0102

6.378 ACRES  
CHIMNEYHILL-AUSTIN HOMEOWNER'S  
ASSOCIATION  
VOL. 6557, PG. 545  
TCAD 0229300101

CHIMNEYHILL P.U.D.  
FIRST INSTALLMENT  
BK. 3, PG. 396



1.796 ACRES  
JIMMY NASSOUR, TRUSTEE  
DOC. NO. 2010046853  
TCAD 02-2930-0111

U.S. HWY. 290 EAST  
(RIGHT-OF-WAY VARIES)

PARCEL 4796.01  
WATER LINE EASEMENT  
0.039 ACRE  
(1,676 SQ. FT.)

LINE TABLE

NO.	BEARING	DISTANCE
L1	N62°38'07"W	50.98'
L2	N84°02'52"E	13.65'
L3	S62°38'07"E	30.08'
L4	S05°59'31"E	11.48'

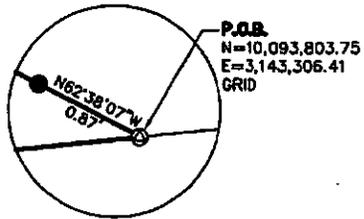
LEGEND

- 1/2" REBAR FOUND (UNLESS OTHERWISE NOTED)
- TXDOT TYPE I CONCRETE MONUMENT
- ⊠ TXDOT TYPE II MONUMENT - BRASS DISK IN CONCRETE
- ⊙ CALCULATED POINT
- ( ) RECORD INFORMATION PER BK. 70, PG. 7
- [ ] RECORD INFORMATION PER DOC. NO. 2010046853
- { } RECORD INFORMATION PER TXDOT ROW PLANS CSJ NO. 0114-02-085

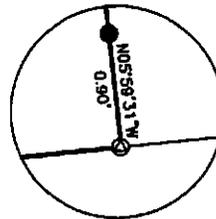
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DEPARTMENT OF PUBLIC WORKS  
QUALITY MANAGEMENT DIVISION  
505 BARTON SPRINGS ROAD, SUITE 760  
PHONE (512) 974-2661  
FAX (512) 974-7179

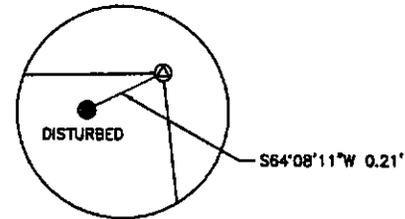




DETAIL "A"  
NOT TO SCALE



DETAIL "B"  
NOT TO SCALE



DETAIL "C"  
NOT TO SCALE

**NOTE:**

EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY STEWART TITLE GUARANTY COMPANY ON FEBRUARY 17, 2015, FILE NO. 01247-8641. THERE MAY BE RECORDED OR UNRECORDED EASEMENTS NOT SHOWN HEREON THAT MAY AFFECT THE PROPERTY.

**BEARING BASIS NOTE:**

BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE DERIVED FROM MULTIPLE GPS VRS OBSERVATIONS. THE CONTROLLING MONUMENTS FOR THIS PROJECT ARE A MAG NAIL WITH WASHER STAMPED "COA PUBLIC WORKS" SET ON THE WEST SIDE OF CHIMNEYHILL BLVD. HAVING GRID COORDINATE VALUES OF N=10,093,865.57, E=3,143,866.35 AND A COTTON SPINDLE SET ON THE NORTH SIDE OF U.S. HWY. 290 EAST, HAVING GRID COORDINATE VALUES OF N=10,093,747.56, E=3,142,969.38. THE DISTANCES SHOWN ARE SURFACE VALUES. THE COMBINED SCALE FACTOR IS 0.99992808.

THIS SKETCH WAS PREPARED FROM A SURVEY MADE ON THE GROUND IN AUGUST THROUGH NOVEMBER, 2013 AND MARCH, 2014 AND REVISED ON FEBRUARY 18, 2015 TO REFERENCE NEW TITLE COMMITMENT ISSUED.



*Mary P. Hawkins* 2/18/15  
 MARY P. HAWKINS, R.P.L.S. NO. 4433 DATE  
 DRAWN BY: MARY P. HAWKINS  
 HWY. 290 WATER LINE ESMT (4796.01 WE) - REVISED.DWG  
 FB. 4050, PG. 29-65

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DEPARTMENT OF PUBLIC WORKS  
 QUALITY MANAGEMENT DIVISION  
 505 BARTON SPRINGS ROAD, SUITE 760  
 PHONE (512) 974-2661  
 FAX (512) 974-7179



Exhibit " **B** "

Wayne Allen Barbee  
to  
The City of Austin  
(Temporary Work Space Easement)

**LEGAL DESCRIPTION – PARCEL 4796.01 TWSE**

**LEGAL DESCRIPTION FOR 0.071 ACRE (3,089 SQUARE FEET) OF LAND OUT OF LOT 1, CHIMNEYHILL P.U.D. FOURTH INSTALLMENT, A SUBDIVISION OF RECORD IN BOOK 70, PAGE 7 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO WAYNE ALLEN BARBEE BY WARRANTY DEED RECORDED IN DOCUMENT NO. 2001170817 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 0.071 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a calculated point on the present northerly right-of-way line of U. S. Hwy. 290 East (right-of-way varies), at the southwest corner of said Lot 1, Chimneyhill P.U.D. Fourth Installment, same being the southeast corner of a called 1.796 acre tract of land conveyed to Jimmy Nassour, Trustee by Warranty Deed recorded in Document No. 2010046853 of the Official Public Records of Travis County, Texas, from which a ½" rebar found bears N62°38'07"W, a distance of 0.87 and from said calculated point a TxDOT Type I concrete monument (measurement to top center) found at an angle point in the present northerly right-of-way line of U. S. Hwy. 290 East and the southerly line of said 1.796 acre tract bears S84°02'52"W, a distance of 123.34 to a calculated point and N84°37'23"W, a distance of 203.57 feet;

**THENCE**, departing the present northerly right-of-way line of U. S. Hwy. 290 East (right-of-way varies) and along the southwesterly line of said Lot 1, Chimneyhill P.U.D. Fourth Installment and the northeasterly line of said 1.796 acre tract, N62°38'07"W, a distance of 50.98 feet to a calculated point for the southwest corner and the **POINT OF BEGINNING** of the tract herein described having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 0.99992808) grid coordinate values of **N=10,093,827.18, E=3,143,261.14**;

**THENCE**, continuing along the southwesterly line of said Lot 1, Chimneyhill P.U.D. Fourth Installment and the northeasterly line of said 1.796 acre tract, N62°38'07"W, a distance of 35.38 feet to a calculated point for the northwest corner of the tract herein described, from which a ½" rebar found at the most westerly corner of said Lot 1, Chimneyhill P.U.D. Fourth Installment bears N62°38'07"W, a distance of 81.18 feet **THENCE**, departing the northeasterly line of said 1.796 acre tract and crossing into said Lot 1, Chimneyhill P.U.D. Fourth Installment with the following five (5) courses:

- 1.) **N84°02'52"E**, a distance of **134.02** feet to a calculated point for the northeast corner of the tract herein described;
- 2.) **S38°05'03"E**, a distance of **30.65** feet to a calculated point on the northerly line of a 10 foot wide Water Line Easement dedicated in document recorded in Volume 3420, Page 268 of the Deed Records of Travis County, Texas, for the southeast corner of the tract herein described;
- 3.) **S84°02'52"W**, along the northerly line of said 10 foot wide Water Line Easement, a distance of

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Austin Texas, 78704 – Ph (512) 974-2661 – Fax (512) 974-7179

97.19 feet to a calculated point at the intersection of the northerly line of said 10 foot Water Line Easement and the northeasterly line of a 7.5 foot wide Public Utility Easement dedicated by plat recorded in Book 70, Page 7 of the Plat Records of Travis County, Texas, for a southerly corner of the tract herein described;

- 4.)  $N62^{\circ}38'07''W$  along the northeasterly line of said 7.5 foot wide Public Utility Easement, a distance of 11.87 feet to a calculated point for an interior corner of the tract herein described;
- 5.)  $S84^{\circ}02'52''W$ , crossing said 7.5 foot wide Public Utility Easement, a distance of 13.65 feet to the **POINT OF BEGINNING** and containing 0.071 acre (3,089 Square Feet) of land, more or less.

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*Mary P. Hawkins 4/9/14*  
Mary P. Hawkins, R.P.L.S. No. 4433  
Quality and Standards Management Division  
Department of Public Works  
City of Austin

REFERENCES

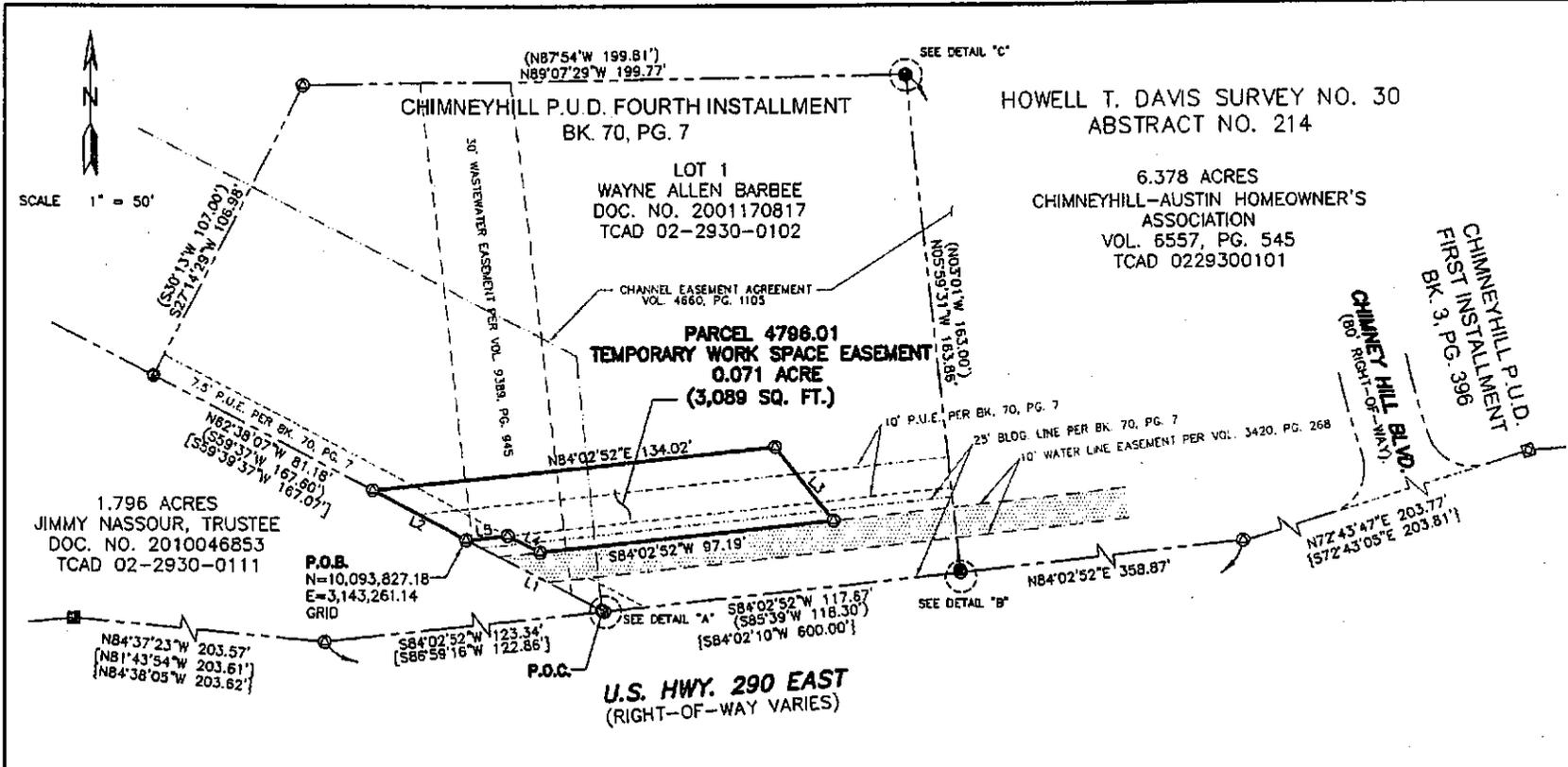
TCAD Parcel No. 02-2930-0102  
Austin Grid N-27

**FIELD NOTES REVIEWED**

BY *John Moore* DATE *4-10-2014*

**CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT**

City of Austin – Public Works Department – 505 Barton Springs Road, Suite 760  
Austin Texas, 78704 – Ph (512) 974-2661 – Fax (512) 974-7179



SCALE 1" = 50'

1.796 ACRES  
 JIMMY NASSOUR, TRUSTEE  
 DOC. NO. 2010046853  
 TCAD 02-2930-0111

P.O.B.  
 N=10,093,827.18  
 E=3,143,261.14  
 GRID

U.S. HWY. 290 EAST  
 (RIGHT-OF-WAY VARIES)

LINE TABLE

NO.	BEARING	DISTANCE
L1	N62°38'07"W	50.98'
L2	N62°38'07"W	35.38'
L3	S38°05'03"E	30.65'
L4	N62°38'07"W	11.87'
L5	S84°02'52"W	13.65'

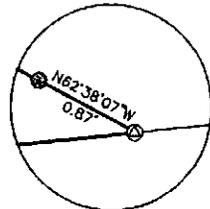
LEGEND

- 1/2" REBAR FOUND (UNLESS OTHERWISE NOTED)
- TXDOT TYPE I CONCRETE MONUMENT
- ⊠ TXDOT TYPE II MONUMENT - BRASS DISK IN CONCRETE
- ⊙ CALCULATED POINT
- ( ) RECORD INFORMATION PER BK. 70, PG. 7
- [ ] RECORD INFORMATION PER DOC. NO. 2010046853
- | } RECORD INFORMATION PER TXDOT ROW PLANS CSJ NO. 0114-02-085

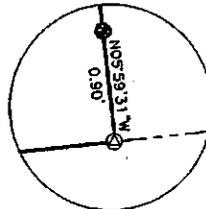
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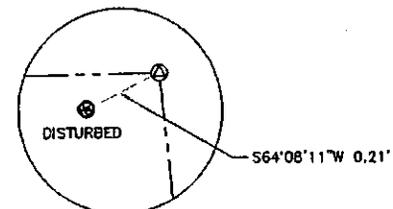




DETAIL "A"  
NOT TO SCALE



DETAIL "B"  
NOT TO SCALE



DETAIL "C"  
NOT TO SCALE

**NOTE:**

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*Mary P. Hawkins* 4/9/14  
 MARY P. HAWKINS, R.P.L.S. NO. 4433 DATE  
 DRAWN BY: MARY P. HAWKINS  
 HWY. 290 WATER LINE ESMT (4796.01 TWSE).DWG  
 FB. 4050, PG. 29-65

Page 4 of 4

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 QUALITY AND STANDARDS MANAGEMENT DIVISION  
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