

RESOLUTION NO. 20150326-040

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:

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: Jimmy Nassour, Trustee

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.

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 Exhibit A.

ADOPTED: March 26, 2015

ATTEST:



Jannette S. Goodall
City Clerk

Jimmy Nassour, Trustee
to
The City of Austin
(Water Line Easement)

LEGAL DESCRIPTION – PARCEL 4796.02 WE

LEGAL DESCRIPTION FOR 0.111 ACRE (4,814 SQUARE FEET) OF LAND SITUATED IN THE HOWELL T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214 IN TRAVIS COUNTY, TEXAS, OUT 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. SAID 0.111 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 southeast corner of said 1.796 acre tract, same being the southwest corner 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, for the southeast 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 II brass disk monument in concrete found in the present northerly right-of-way line of U. S. Hwy. 290 east and 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 along said northerly right-of-way line of U. S. Hwy. 290 East, **N84°02'52"E**, a distance of 476.54 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 1.796 acre tract, **S84°02'52"W**, a distance of **123.34** feet to a calculated point for an angle point in the south line of the tract herein described;

THENCE, continuing along the present northerly right-of-way line of U.S. Hwy. 290 East and the southerly line of said 1.796 acre tract, **N84°37'23"W**, a distance of **142.53** feet to a calculated point for the west corner of the tract herein described, from which a TxDOT Type I concrete monument (measurement to top center) bears **N84°37'23"W**, a distance of 61.04 feet:

THENCE, departing the present northerly right-of-way line of U.S. Hwy. 290 East and crossing said 1.796 acre tract, **N84°02'52"E**, a distance of **220.50** feet to a calculated point on the northeasterly line of said 1.796 acre tract and the southwesterly line of said Lot 1, Chimneyhill P.U.D. Fourth Installment for the northeast 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, along the northeasterly line of said 1.796 acre tract and the southwesterly line of said Lot 1, Chimneyhill P.U.D. Fourth Installment, **S62°38'07"E**, a distance of **50.98** feet to the **POINT OF BEGINNING** and containing **0.111** acre (4,814 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 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. 02-2930-0111
Austin Grid N-27

FIELD NOTES REVIEWED

BY JOHN MOORE DATE 4-10-2014

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT



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

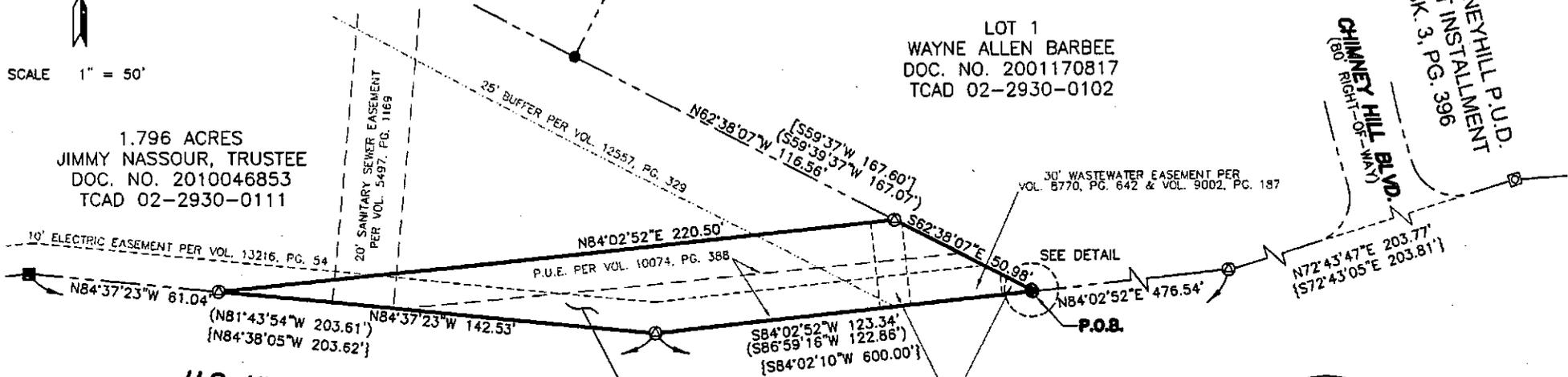
CHIMNEYHILL P.U.D. FOURTH INSTALLMENT
BK. 70, PG. 7

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

SCALE 1" = 50'

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

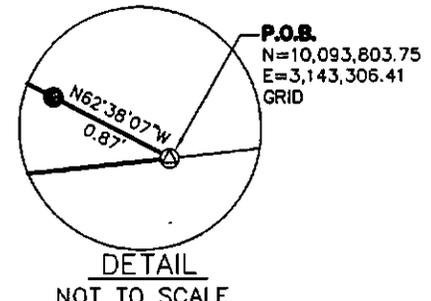
LOT 1
WAYNE ALLEN BARBEE
DOC. NO. 2001170817
TCAD 02-2930-0102



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

PARCEL 4796.02
WATER LINE EASEMENT
0.111 ACRE
(4,814 SQ. FT.)

TEMPORARY WORKING SPACE EASEMENTS
PER VOL. 9002, PG. 182
(EXPIRE AT COMPLETION OF CONSTRUCTION)



NOTE:
EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY STEWART TITLE GUARANTY COMPANY ON JUNE 28, 2013, FILE NO. 01247-8643. 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.

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 DOC. NO. 2010046853
- [] RECORD INFORMATION PER BK. 70, PG. 7
- { } RECORD INFORMATION PER TXDOT ROW PLANS CSJ NO. 0114-02-085



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 (4796.02 WE).DWG
FB. 4050, PG. 29-65

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DEPARTMENT OF PUBLIC WORKS
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