

RESOLUTION NO. 20180215-057

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 owner 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 owner now having, or who may acquire, an interest in the real property interests necessary to the City, described 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:

Owners: Billie Jo Figer, Michael G. Figer, Donald K. Figer, Betsy A. Lambeth, Keith H. Harmon and Bonnie G Harmon as trustees of the Harmon Family Trust

Project: Bluff Springs Substation Project

Public Use: The acquisition of a fee-simple interest in the property described in the attached Exhibits "A," and Exhibit "B" are necessary to permit the City to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade, or remove (in whole or in part) a transmission/distribution substation (the "Substation") that will further the City's ability to provide reliable electric utility services to the public, and to protect and promote public health and safety.

Location: 1101 E. Slaughter Lane, Austin, Travis County, Texas
78747

The general boundary lines of the project abut East Slaughter Lane, Austin Energy's existing Circuit 988 transmission line, and the Onion Creek, just south of Brandt Road, in the Austin 2-Mile extraterritorial jurisdiction, Travis County, Texas.

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

ADOPTED: February 15, 2018

ATTEST:

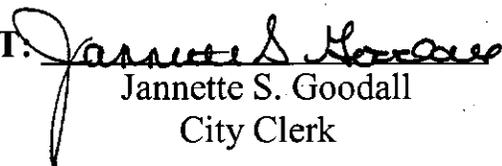

Jannette S. Goodall
City Clerk



EXHIBIT "A"

SURVEY OF 10.447 ACRES OR 455,086 SQUARE FEET OF LAND IN THE SANTIAGO DEL VALLE GRANT ABSTRACT NUMBER 24, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THE REMAINDER OF THAT CALLED 166.598 ACRES OF LAND AS DESCRIBED TO GEORGE W. BREWER IN THAT CERTAIN PARTITION DEED AS RECORDED IN VOLUME 9106, PAGE 615, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS, SAID 10.447 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH PREPARED HERewith AND LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING at a calculated point in the approximate center of Onion Creek (Grid Coordinates of N (Y) 10030268.968, E(X) 3105061.904 United States State plane Coordinates System, Texas Central Zone 4203, NAD83) for the northwest corner of that portion of the remainder of the said Brewer 166.598 acres of land situated to the east and adjoining the northeast right-of-way line of Slaughter Lane a dedicated road in Travis County, Texas, having a one hundred and twenty foot right-of-way width as described in Volume 11818, Page 224, Real Property Records Travis County, Texas, same being the northwest corner of the herein described 10.447 acres of land, same being the southwest corner of a called 25.156 acres of land described to City of Austin in that certain Special Warranty Deed (Parkland) as recorded in document number 2015001655 Official Public Records Travis County, Texas, same being a point on the northeast right-of-way line of the said Slaughter Lane and from this point a one-half inch iron rod found on the common dividing line of the said 25.156 acres of land and the northeast right-of-way line of the said Slaughter Lane bears North 25°06'23" West, a distance of 125.49 feet;

THENCE departing the northeast right-of-way line of the Slaughter Lane and along the common dividing line of the said City of Austin 25.156 acres of land and the said Brewer 166.598 acres of land, same being the approximate centerline of the said Onion Creek the following six (6) courses:

- 1) South 66°30'59" East, a distance of 73.16 feet to a calculated point for an interior angle corner of the herein described 10.447 acres of land;
- 2) South 85°37'28" East, a distance of 102.55 feet to a calculated point for an interior angle corner of the herein described 10.447 acres of land;
- 3) North 86°11'54" East, a distance of 92.85 feet to a calculated point for an exterior angle corner of the herein described 10.447 acres of land;
- 4) S77°52'12" East, a distance of 203.77 feet to a calculated point for an interior angle corner of the herein described 10.447 acres of land;
- 5) North 87°59'34" East, a distance of 186.27 feet to a calculated point for an interior angle corner of the herein described 10.447 acres of land;
- 6) North 83°44'37" East, a distance of 167.94 feet to a calculated point for the northeast corner of the herein described 10.447 acres of land and the said Brewer 166.598 acres of land, same being an interior angle corner of the said City of Austin 25.156 acres of land;

THENCE South 29°49'47" East, along the common dividing line of the said City of Austin 25.156 acres of land and the said Brewer 166.598 acres of land a distance of 28.22 feet to an iron rod with plastic cap stamped "RPLS 5548" set for the most easterly corner of the herein described 10.447 acres of land, same being the northwest corner of that called 5.253 acres of land as condemned and awarded to the Lower Colorado River Authority as described in Volume 12454, Page 80, Real Property Records Travis County, Texas, and a point on last said common dividing line and from this point the south corner of the said City of Austin 25.156 acres of land bears South 29°49'47" East, passing at a distance of 161.57 feet an aluminum capped iron rod found for the northeast corner of the said 5.253 acres of land and continuing an additional distance of 47.69 feet for a Total Distance of 209.26 feet to a one inch iron rod found for a point on the northeast line of the said Brewer 166.598 acres of land;

THENCE South 08°26'08" West, with the northwest line of the said Lower Colorado River Authority 5.253 acres of land and severing from the said Brewer 166.598 acres of land a distance of 974.29 feet to an iron rod with a plastic cap stamped "RPLS 5548" set for the south corner of the herein described 10.447 acres of land, same being a point on the curving northeast right of way line of the said Slaughter Lane and from this point a one-half inch iron rod found for the point of tangency of said curve bears South 63°01'42" East, a chord distance of 655.85;

THENCE departing the westerly line of said Lower Colorado River Authority 5.253 acres of land and coincident with the northeast right-of-way line of Slaughter Lane, same being the southwest line of the east remainder of the said Brewer 166.598 acres of land the following two (2) courses:

- 1) With said curve to the right having the following curve elements: Delta Angle 26°43'11", Arc Length 788.13 feet, Radius Length 1690.00 feet the chord of which bears North 38°28'48" West, a Chord Distance of 781.00 feet to a one-half inch iron rod found for the point of tangency of said curve;
- 2) North 25°06'23" West, a distance of 178.14 feet to an iron rod with a plastic cap stamped "RPLS 5548" for an exterior angle corner of the herein described 10.447 acres of land, same being a point on said Slaughter Lane right-of-way and the southwest line of the east remainder of the said Brewer 166.598 acres of land;

THENCE severing from said Brewer 166.598 acres of land and along an existing barbed wire fence for the occupied south, east and north line of a cemetery the following three (3) courses:

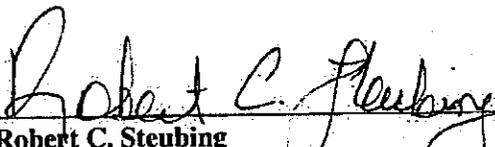
- 1) North 81°27'54" East, a distance of 65.03 feet to a wood corner post found for an interior angle corner of the herein described 10.447 acres of land and the occupied southeast corner of said cemetery;
- 2) North 12°05'46" West, a distance of 56.02 feet to a wood corner post found for an interior angle corner of the herein described 10.447 acres of land and the occupied northeast corner of the said cemetery;
- 3) South 89°42'14" West, a distance of 82.57 feet to an iron rod with plastic cap stamped "RPLS 5548" for an exterior angle corner of the herein described 10.447 acres of land, same being a point on the northeast right-of-way line of the said Slaughter Lane and the southwest line of the east remainder of the said Brewer 166.598 acres of land;

THENCE North 25°06'23" West, a distance of 221.24 feet to the **POINT OF BEGINNING** and containing 10.447 acres of land or 455,086 square feet of land more or less.

BASIS OF BEARINGS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision in February 2017.

Prepared By: AUSTIN ENERGY


Robert C. Steubing
Registered Professional Land Surveyor No. 5548



02/09/2017
Date

SANTIAGO DEL VALLE GRANT



LOCATION MAP
NOT TO SCALE



Not To Scale

LEGEND

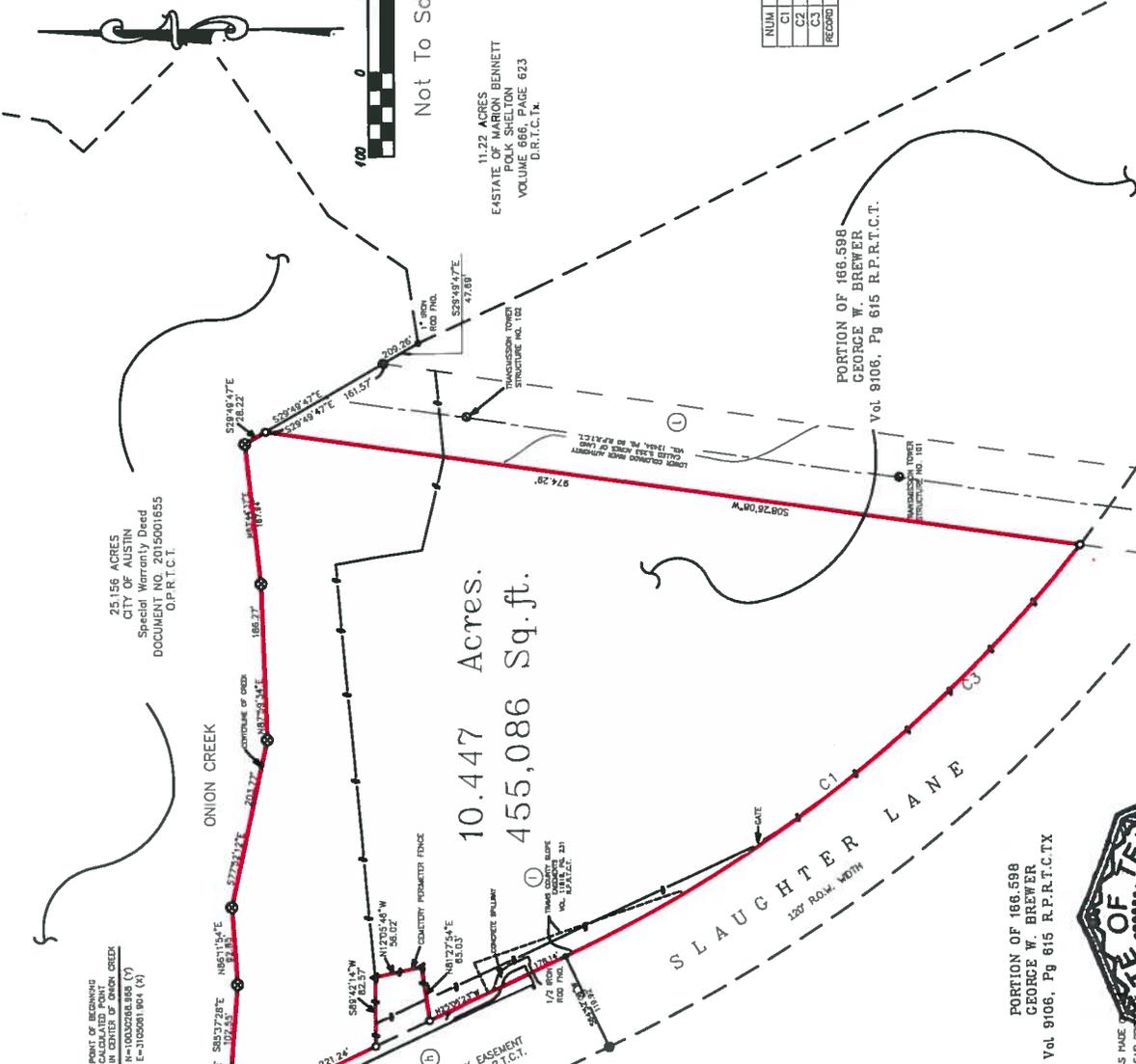
- PROPERTY PIN POINT
 - SIZE AND TYPE SIGN (LEGEND)
 - TOP SURVEYED AREA 50' W
 - 800 V.M. ROAD
 - CALCULATED POINT IN CREEK
 - ALUMINUM CORNER IRON ROD FOUND
 - WOOD POLE CORNER POST
- PREZEL** PLAT RECORDS TRAVIS COUNTY, TEXAS
BRANT PLAT RECORDS TRAVIS COUNTY, TEXAS
SLAUGHTER PLAT RECORDS TRAVIS COUNTY, TEXAS
WATER RECORDS TRAVIS COUNTY, TEXAS
TELEPHONE RECORDS TRAVIS COUNTY, TEXAS
UNDERGROUND UTILITY RECORDS TRAVIS COUNTY, TEXAS
OVERHEAD ELECTRIC/TELEPHONE LINE RECORDS TRAVIS COUNTY, TEXAS
BARRED LINE EASEMENT
UNLESS OTHERWISE NOTED

CURVE DATA

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	26°43'11"	788.13'	1690.00'	N38°28'48"W	781.00'
C2	22°22'38"	650.04'	1690.00'	S63°01'42"E	655.85'
C3	49°05'49"	1448.17'	1690.00'	N49°40'07"W	1404.26'
RECORD	49°05'48"	1448.16'	1690.00'	N49°40'43"W	1404.26'

BEARING-BASIS NOTE

UNITED STATES STATE PLANE COORDINATE SYSTEM
GRO NORTH, TEXAS CENTRAL ZONE 4203, NAD83



10.447 Acres.
455,086 Sq. ft.

PORTION OF 166.598
GEORGE W. BREWER
VOL. 9106, PG 615 R.P.R.T.C.T.X.

PORTION OF 166.598
GEORGE W. BREWER
VOL. 9106, PG 615 R.P.R.T.C.T.X.



EXCEPTION TO SCHEDULE "B"
CF NO. CTA-07-CTA1600811JP

- PRELIMINARY TELEPHONE EASEMENT, VOLUME 431, PAGE 478 O.P.R.T.C.T.X. DOES NOT APPLY.
- WATER & WASTE WATER EASEMENT, VOLUME 1001, PG 682 O.P.R.T.C.T.X. DOES NOT APPLY.
- ROADWAY EASEMENT, VOLUME 1181B PAGE 224 R.P.R.T.C.T.X. DOES NOT APPLY, PLOTTED HEREIN.
- UTILITY SUPPORT EASEMENT, VOLUME 1181B PAGE 221 O.P.R.T.C.T.X. DOES NOT APPLY, PLOTTED HEREIN.
- TELEPHONE EASEMENT, VOLUME 1276A PAGE 1 O.P.R.T.C.T.X. DOES NOT APPLY.
- TEMPORARY ACCESS EASEMENT, DOCUMENT NO. 2013081719 O.P.R.T.C.T.X. DOES NOT APPLY.
- ADJUDICATED EASEMENT, VOLUME 126A, PAGE 80 O.P.R.T.C.T.X. DOES NOT APPLY, PLOTTED HEREIN.
- RIGHT OF ENTRY AND POSSESSION, DOCUMENT NO. 201106080 O.P.R.T.C.T.X. DOES NOT APPLY.
- DRAINAGE EASEMENT, DOCUMENT NO. 2013081719 O.P.R.T.C.T.X. DOES NOT APPLY.
- UNDERGROUND UTILITY EASEMENT, DOCUMENT NO. 2013081719 O.P.R.T.C.T.X. DOES NOT APPLY.
- ELECTRIC DISTRIBUTION UTILITY EASEMENT, DOCUMENT NO. 2013081719 O.P.R.T.C.T.X. DOES NOT APPLY.
- UNDERGROUND UTILITY EASEMENT, DOCUMENT NO. 2013081719 O.P.R.T.C.T.X. DOES NOT APPLY.
- ACCESS EASEMENT, DOCUMENT NO. 2013081719 O.P.R.T.C.T.X. DOES NOT APPLY.
- WATER LINE EASEMENT, DOCUMENT NO. 2013081719 O.P.R.T.C.T.X. DOES NOT APPLY.
- WASTE WATER EASEMENT, DOCUMENT NO. 2013081719 O.P.R.T.C.T.X. DOES NOT APPLY.
- TELEPHONE LINE EASEMENT, VOLUME 101A, PAGE 317 O.P.R.T.C.T.X. DOES NOT APPLY.
- ELECTRIC / TELEPHONE LINE EASEMENT, VOLUME 228A, PAGE 228 O.P.R.T.C.T.X. DOES NOT APPLY.
- ELECTRIC / TELEPHONE LINE EASEMENT, VOLUME 228B, PAGE 137 O.P.R.T.C.T.X. DOES NOT APPLY.
- PIPE LINE / RIGHT OF WAY EASEMENT, VOLUME 224G, PAGE 384 O.P.R.T.C.T.X. DOES NOT APPLY.
- 100' UTILITY AND RIGHT OF WAY EASEMENT, VOLUME 9106, PAGE 638 R.P.R.T.C.T.X. DOES NOT APPLY.

THE OWNER AND/OR LENDHOLDER, THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE SURVEY WAS MADE TO THE BOUNDARY OF THE PROPERTY SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE IS CORRECT AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY SHOWN HEREON.

Robert C. Steubing 02/09/2017
ROBERT C. STEUBING REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5548
THIS SURVEY IS ONLY VALID WITH THE ORIGINAL SIGNATURE AND SEAL AFFIXED

SURVEY OF 10.447 ACRES OF LAND OUT OF A PORTION OF THE REMAINDER OF THAT CALLED 166.598 ACRES OF LAND DESCRIBED TO GEORGE W. BREWER IN THAT CERTAIN PARTITION DEED AS RECORDED IN VOL. 9106, PG. 615, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS

NOTICE: The data in this document is the responsibility of the surveyor. Any party accepting this document is advised that it is not to be used in any way other than as intended by the surveyor.

ELECTRIC SERVICE DELIVERY SURVEY DEPARTMENT

EXHIBIT "B"

1 OF 1

LOCATION MAP



Austin Energy Proposed Acquisition
10.477 Acres



AE Public Involvement
& Real Estate Services