

**RESOLUTION NO. 20181101-029**

**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 uses 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:

Owner:	Debra K. Jensen
Project:	Williamson Creek-Bitter Creek Tributary Channel Rehabilitation Project
Public Uses:	A permanent drainage easement described in the attached Exhibit "A" is necessary to construct, operate, maintain,

repair, replace and upgrade and making connections with a drainage channel and related facilities in, under, upon and across the property described in Exhibit "A."

A temporary construction easement, to be used during the initial construction period only, upon and across the abutting land as described in Exhibit "B."

Location: 2509 Bitter Creek Drive, Austin, Travis County, Texas  
78742-2832

The general route covered by this project is along an unnamed tributary to Williamson Creek that is located between Bitter Creek Drive and Bucks Run between Branchwood Drive and William Cannon Drive in Austin, Travis County, Texas. (District 2).

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

ADOPTED: November 1, 2018

ATTEST:

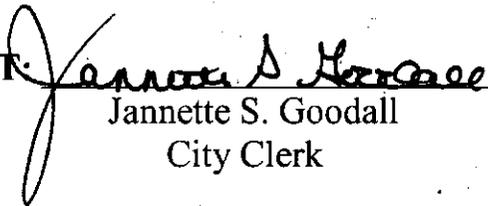
  
Jannette S. Goodall  
City Clerk

EXHIBIT " \_ "

Exhibit A

0.0045 AC.  
LOT 16, BLOCK A  
INDIAN HILLS SECTION 1

DESCRIPTION FOR PARCEL 4938.03 D.E.

DESCRIPTION OF 0.0045 OF ONE ACRE OR 195 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 16, BLOCK A, INDIAN HILLS SECTION 1, A SUBDIVISION OF RECORD IN VOLUME 55, PAGE 12, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 16 BEING DESCRIBED IN A DEED TO JAMES GORDON JENSEN, OF RECORD IN DOCUMENT NO. 2015105648, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0045 OF ONE ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the northwest corner of this tract, same being in the west line of said Lot 16 and said Jensen tract and the east line of Lot 17 in said Indian Hills Section 1 subdivision, said Lot 17 being described in a deed to Marta Lidia Dominguez, of record in Document No. 2012206484 Official Public Records, Travis County, Texas, from which a 1/2" iron rod found with cap at the northeast corner of said Lot 16 and said Jensen tract and the northwest corner of Lot 15 in said Indian Hills Section 1, said Lot 15 being described in a deed to Sylvia K. Bozant, of record in Document No. 2014032151, Official Public Records, Travis County, Texas, same being in the south right-of-way line of Bitter Creek Drive, bears  $N00^{\circ}14'34''E$  100.15 and  $S89^{\circ}52'28''E$  50.00 feet; said point of beginning having a Texas State Plane Coordinate (Texas Central Zone, NAD83, US feet, combined scale factor of 1.00005) grid value of  $N=10,039,217.84$   $E=3,110,972.38$ ;

THENCE, with the north line of this tract, crossing said Lot 16 and said Jensen tract, the following two (2) courses, numbered 1 and 2:

- 1)  $S78^{\circ}33'39''E$  31.49 feet to a calculated point; and
- 2)  $S87^{\circ}04'35''E$  16.47 feet to a calculated point at the east corner of this tract and being located in the north line of a 7.5 foot wide P.U.E. dedicated in said Indian Hills Section 1 subdivision;

THENCE, with the south line of this tract and the north line of said P.U.E., crossing said Lot 16 and said Jensen tract, the following two (2) courses, numbered 1 and 2:

- 1)  $S86^{\circ}20'23''W$  41.94 feet to a calculated point; and

Exhibit A

0.0045 AC.

- 2) N72°34'28"W 5.76 feet to a calculated point at the southwest corner of this tract, same being in the west line of said Lot 16 and said Jensen tract and the east line of said Lot 17 and said Dominguez tract;

THENCE, with the west line of this tract, said Lot 16 and said Jensen tract and the east line of said Lot 17 and said Dominguez tract, N00°14'34"E 8.04 feet to the POINT OF BEGINNING and containing 0.0045 of one acre or 195 square feet, within these metes and bounds, more or less.

Bearing Basis Note

The bearings described herein are based on the Texas State Plane Coordinate System, Central Zone, NAD83 (CORS96) Datum and were established by GPS observation. The bearings shown are grid bearings. The Combined Grid to Surface Scale Factor is 1.00005. All distances shown are surface distances.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.  
3301 Hancock Dr., Ste. 6  
Austin, TX 78731 (512) 451-8591  
TBPLS Firm# 10095500



A handwritten signature in black ink, appearing to read "Chris Conrad".

2/2/2018

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description.

2017/Descriptions/Bitter Creek/Jensen PDE Rev2  
Issued 08/11/17, 10/20/17, 02/02/18

AUSTIN GRID H-15  
TCAD# 04-2601-07-62

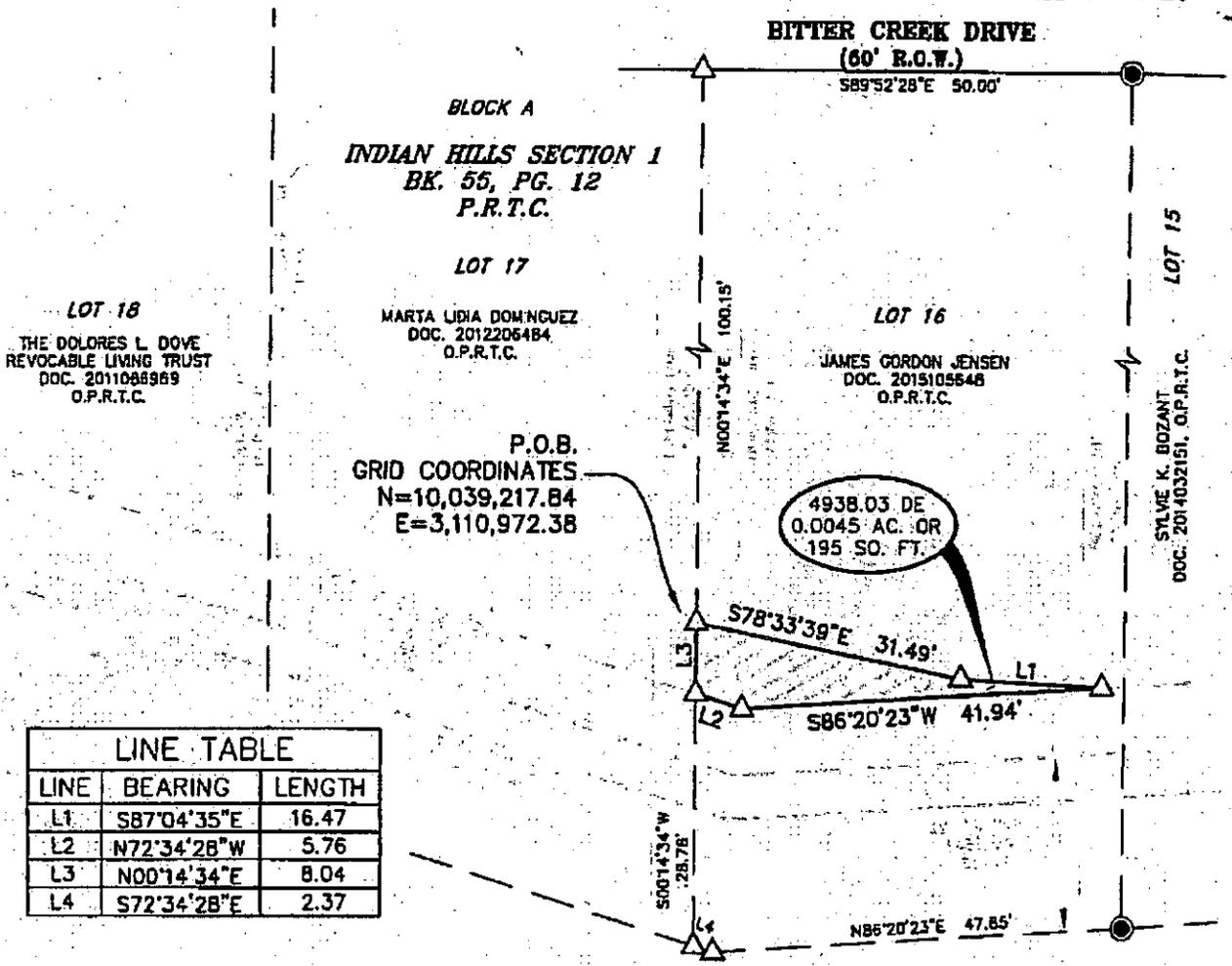
FIELD NOTES REVIEWED  
BY Chris Conrad DATE: 02-07-2018  
CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT

RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION OF  
0.0045 AC. OR 195 SQ. FT. OF LAND OUT OF  
LOT 16, BLOCK A, INDIAN HILLS SECTION 1  
AUSTIN, TRAVIS COUNTY, TEXAS

Exhibit A

SCALE 1" = 20'



LINE TABLE		
LINE	BEARING	LENGTH
L1	S87°04'35"E	16.47
L2	N72°34'28"W	5.76
L3	N00°14'34"E	8.04
L4	S72°34'28"E	2.37

**NOTES:**

1. THE COORDINATE SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (CORS98) DATUM AND WAS ESTABLISHED BY GPS OBSERVATION. THE BEARINGS SHOWN ARE GRID BEARINGS. THE COMBINED GRID TO SURFACE SCALE FACTOR IS 1.00005. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
2. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF FIDELITY NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT OF NO. AUT-13-671-AUT170017295G.

**LEGEND**

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD FOUND WITH CAP
- △ CALCULATED POINT
- DE DRAINAGE EASEMENT
- TCE TEMPORARY CONSTRUCTION EASEMENT
- P.O.B. POINT OF BEGINNING
- P.R.T.C. PLAT RECORDS, TRAVIS COUNTY
- D.R.T.C. DEED RECORDS, TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS, TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY



*Uel*

02/02/2018

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
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TCAD# 04-2601-07-82

M:\Bitter Creek\DWG\Parcel\Jensen PDE Rev2

ISSUED: 08/11/17  
SURVEYED BY:

REVISED: 02/02/18  
REVISED: 10/20/17  
PAGE 3 OF 3

**McGRAY & McGRAY**  
**LAND SURVEYORS, INC.**  
TEPLS FIRM# 10095500  
3301 HANCOCK DRIVE #8  
AUSTIN, TEXAS 78731  
(512) 451-8591

AUSTIN GRID# H-15 JOB NO.: 17-037

DESCRIPTION FOR PARCEL 4938.03 T.C.E.

DESCRIPTION OF 0.0189 OF ONE ACRE OR 824 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 16, BLOCK A, INDIAN HILLS SECTION 1, A SUBDIVISION OF RECORD IN VOLUME 55, PAGE 12, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 16 BEING DESCRIBED IN A DEED TO JAMES GORDON JENSEN, OF RECORD IN DOCUMENT NO. 2015105648, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0189 OF ONE ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the northeast corner of this tract, same being in the east line of said Lot 16 and said Jensen tract and the west line of Lot 15 in said Indian Hills Section 1 subdivision, said Lot 15 being described in a deed to Sylvia K. Bozant, of record in Document No. 2014032151, Official Public Records, Travis County, Texas, from which a 1/2" iron rod found with cap at the northeast corner of said Lot 16 and said Jensen tract and the northwest corner of said Lot 15 and said Bozant tract, same being in the south right-of-way line of Bitter Creek Drive, bears N00°14'34"E 89.51 feet; said point of beginning having a Texas State Plane Coordinate (Texas Central Zone, NAD83, US feet, combined scale factor of 1.00005) grid value of N=10,039,228.37 E=3,111,022.42;

THENCE, with the east line of this tract, said Lot 16 and said Jensen tract and the west line of said Lot 15 and said Bozant tract, S00°14'34"W 17.45 feet to a calculated point at the southeast corner of this tract and being located in the north line of a 7.5 foot wide P.U.E. dedicated in said Indian Hills Section 1 subdivision;

THENCE, with the south line of this tract, crossing said Lot 16 and said Jensen tract, the following three (3) courses, numbered 1 through 3:

- 1) S86°20'33"W 2.66 feet along the north line of said P.U.E. to a calculated point;
- 2) N87°04'35"W 16.47 feet to a calculated point; and

3) N78°33'39"W 31.49 feet to a calculated point at the southwest corner of this tract, same being in the west line of said Lot 16 and said Jensen tract and the east line of Lot 17 in said Indian Hills Section 1 subdivision, said Lot 17 described in a deed to Marta Lidia Dominguez, of record in Document No. 2012206484 Official Public Records, Travis County, Texas;

THENCE, with the west line of this tract, said Lot 16, and said Jensen tract and the east line of said Lot 17 and said Dominguez tract, N00°14'34"E 13.42 feet to a calculated point at the northwest corner of this tract;

THENCE, with the north line of this tract, crossing said Lot 16 and said Jensen tract, S86°41'43"E 50.07 feet to the POINT OF BEGINNING and containing 0.0189 of one acre or 824 square feet, within these metes and bounds, more or less.

Bearing Basis Note

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TBPLS Firm# 10095500



A handwritten signature in black ink, appearing to read "Uel", located below the surveyor's name and address.

2/2/2018

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

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2017/Descriptions/Bitter Creek/Jensen TCE Rev2  
Issued 08/11/17, 10/20/17, 02/02/18

AUSTIN GRID H-15  
TCAD# 04-2601-07-62

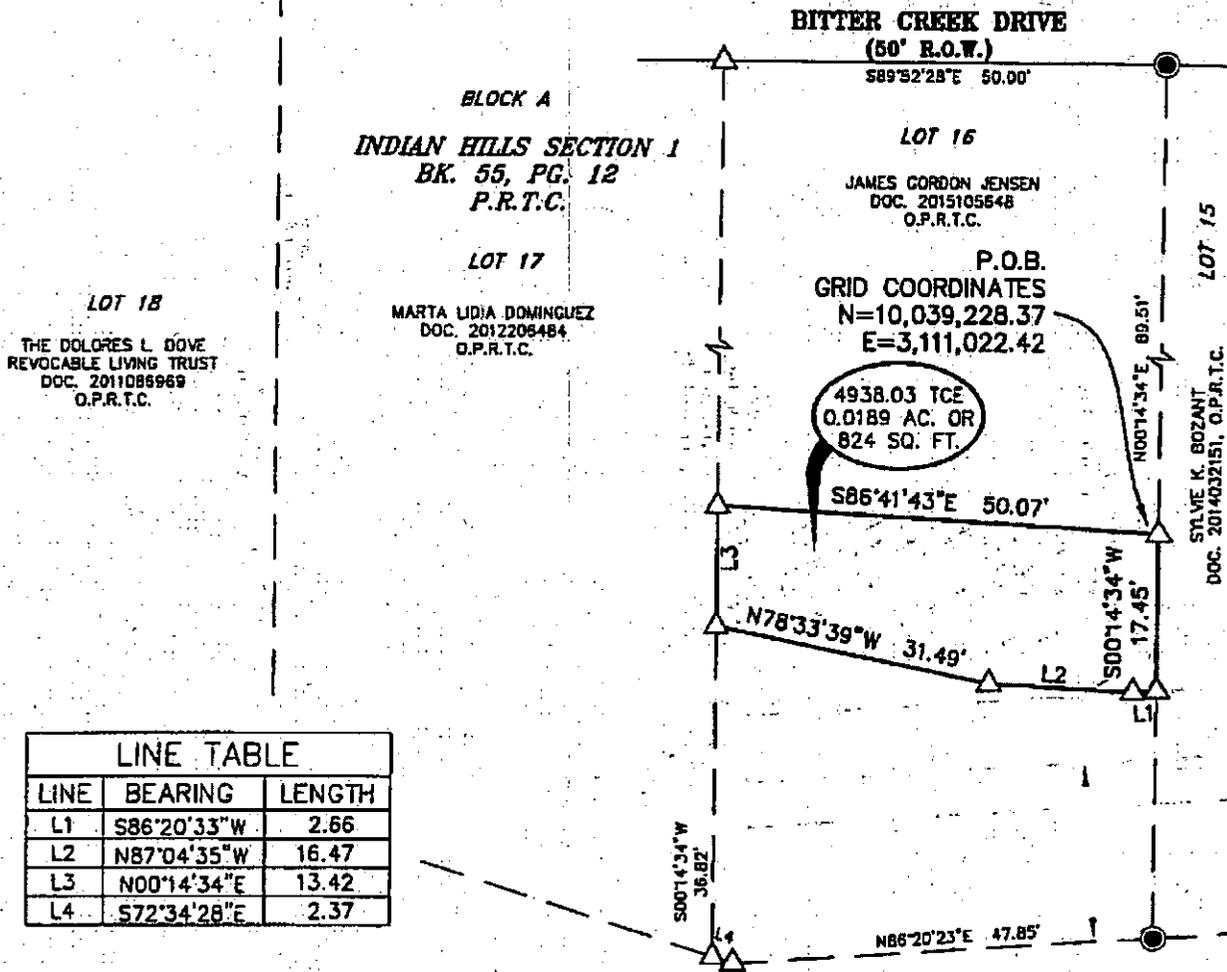
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PUBLIC WORKS DEPARTMENT

RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION OF  
 0.0189 AC. OR 824 SQ. FT. OF LAND OUT OF  
 LOT 16, BLOCK A, INDIAN HILLS SECTION 1  
 AUSTIN, TRAVIS COUNTY, TEXAS

Exhibit B

SCALE 1" = 20'



NOTES:

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LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD FOUND WITH CAP
- △ CALCULATED POINT
- DE DRAINAGE EASEMENT
- TCE TEMPORARY CONSTRUCTION EASEMENT
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- O.P.R.T.C. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY



*Chris Conrad*

02/02/2018

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
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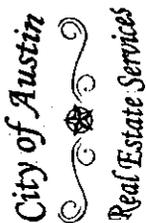
M:\Bitter Creek\DWG\Parcel\Jensen TCE Rev2

ISSUED: 08/11/17 REVMED: 02/02/18  
 SURVEYED BY: PAGE 3 OF 3 REVMED: 10/20/17

**McGRAY & McGRAY**  
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 TBPLS FIRM# 10095500  
 3301 HANCOCK DRIVE #8  
 AUSTIN, TEXAS 78731  
 (512) 451-8581

AUSTIN GRID# H-15 JOB NO.: 17-037

# Proposed Easements at 2509 Bitter Creek Dr



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Office of Real Estate Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by CBoas, 8/17/2018

-  Proposed Drainage Easement
-  Proposed Temporary Construction Easement
-  TCAD Parcels

2017 Aerial Imagery, City of Austin

