

RESOLUTION NO. 20181115-051

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:	Spicewood Forest Owner's Association, A Texas Non Profit Corporation
Project:	Wastewater Collection Systems Replacement Lines Group A Project

Public Uses: A temporary working space easement described in the attached Exhibit "A" is necessary to permit the construction of a Wastewater Collection System Replacement Lines Group A ("Project") in, upon, and across the described land.

A temporary access easement described in the attached Exhibit "B" is necessary to construct, maintain, and use, and then remove and restore the surface of the Temporary Easement Tract (described in Exhibit A) to a similar or better condition than existed prior to start of construction on the Temporary Easement Tract (described in Exhibit A), a temporary access road, and to provide ingress and egress access over the temporary access road in order to construct, maintain, repair, replace, use, upgrade, or remove wastewater lines for the Wastewater Collection System Replacement Lines Group A ("Project") in, upon, under, and across the described land.

Location: 4131 Spicewood Springs Road, Austin, Travis County, Texas 78731

The general route covered by this project is along in the access driveway located at approximately 4131 Spicewood Springs Road and proceeds southwest for approximately 550 feet as a temporary access easement that encompasses approximately three parking spaces, in the Austin, Travis County, Texas. (District 2).

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

ADOPTED: November 15, 2018

ATTEST:

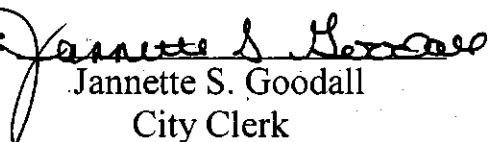

Jannette S. Goodall
City Clerk

EXHIBIT "A"

0.0137 AC.

LOT 1, SPICEWOOD SPRINGS ROAD OFFICE PARK

LEGAL DESCRIPTION FOR PARCEL 4910.08 TWSE

DESCRIPTION OF 0.0137 OF ONE ACRE OR 596 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 1, SPICEWOOD SPRINGS ROAD OFFICE PARK, A SUBDIVISION OF RECORD IN BOOK 85, PAGES 124A-124B, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO SPICEWOOD FOREST OFFICE CONDOMINIUMS, OF RECORD IN VOLUME 12654, PAGE 1588, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, AND IN VOLUME 12840, PAGE 2839, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0137 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, from which a 3/4" iron pipe found in the west line of said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract, same being the southeast corner of Lot 1, Mesa Oaks Village, Section 3-A, a subdivision of record in Book 81, Page 246, Plat Records, Travis County, Texas, said Lot 1 being described in a deed to RealTex Ventures, Inc., of record in Document 1999028996, Official Public Records, Travis County, Texas, and the northeast corner of Block A, Presbyterian Addition, a subdivision of record in Book 71, Page 61, Plat Records, Travis County, Texas, said Block A being described in a deed to First Presbyterian Church of Austin (U.P.), of record in Volume 5418, Page 2140, Deed Records, Travis County, Texas, bears N61°55'57"W 7.50 feet and S28°04'03"W 39.07 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=10,107,590.99 E=3,109,175.79;

THENCE, with the north line of this tract, crossing said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract, S61°31'27"E 22.23 feet to a calculated point at the northeast corner of this tract;

THENCE, with the east line of this tract, crossing said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract, S28°04'03"W 26.81 feet to a calculated point at the southeast corner of this tract;

0.0137 AC.

THENCE, with the south line of this tract, crossing said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract, **N61°35'33"W 22.23 feet** to a calculated point at the southwest corner of this tract, said point being 7.5 feet east of the west line of said Lot 1 in said Spicewood Spring Road Office Park and said Spicewood Forest Office Condominiums tract and the east line of said Lot 1 in said Mesa Oaks Village subdivision and said RealTex Ventures tract;

THENCE, with the west line of this tract, crossing said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract, 7.5 feet east of a parallel with the west line of said Lot 1 in said Spicewood Spring Road Office Park and said Spicewood Forest Office Condominiums tract and the east line of said Lot 1 in said Mesa Oaks Village subdivision and said RealTex Ventures tract, **N28°04'03"E 26.83 feet** to the POINT OF BEGINNING and containing 0.0137 of one acre or 596 square feet, within these metes and bounds, more or less.

0.0137 AC.

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.

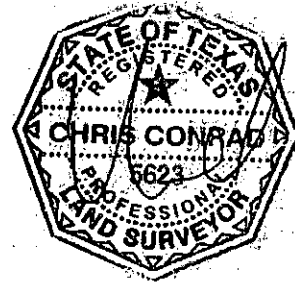
SURVEYED BY:

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 "U. Conrad", written over a horizontal line.

01/29/2018

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.

2016/Descriptions/COA WW Group A/Spicewood WS Esmt Rev2

Issued 05/09/17; Revised 01/29/18

AUSTIN GRID H-31
TCAD# 01-4401-04-12

FIELD NOTES REVIEWED

BY DATE: 02-01-2018

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION OF 0.0137 AC. OR 596 SQ. FT.
OF LAND OUT OF LOT 1, SPICEWOOD SPRINGS ROAD OFFICE PARK
AUSTIN, TRAVIS COUNTY, TEXAS

SCALE 1" = 30'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S61°31'27"E	22.23
L2	S28°04'03"W	26.81
L3	N61°35'33"W	22.23
L4	N28°04'03"E	26.83
L5	N61°55'57"W	7.50

MESA OAKS VILLAGE
SECTION 3-A
BK. 81, PG. 248
P.R.T.C.

REALTEX VENTURES, INC.
DOC. 1999028996
O.P.R.T.C.
LOT 1

15' P.U.E.

10' SAN. SEWER ESMT
VOL. 3707, PG. 1092

7.5' P.U.E.

S28°04'03"W 39.07'

N28°04'03"E 259.32'

P.O.B.
GRID COORDINATES
N=10,107,590.99
E=3,108,175.79

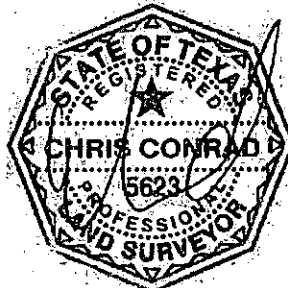
TEMPORARY WORK
SPACE EASEMENT
0.0137 AC. OR
596 SQ. FT.

SPICEWOOD SPRINGS ROAD
OFFICE PARK
BK. 86, PG. 124A-124B
P.R.T.C.

SPICEWOOD FOREST
OFFICE CONDOMINIUMS
VOL. 12654, PG. 1588
R.P.R.T.C.
AND
VOL. 12840, PG. 2839
R.P.R.T.C.

NOTES:

1. THE COORDINATE SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (CORS96) 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 INSURANCE GF NO. AUT-13-673-AUT16005536SG.



01/29/2018

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE

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TCAD/ 01-4401-04-12

M:\City of Austin\15-109\WW Collections System\DWG\Parcel\Spicewood WS Eamt

LEGEND

- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON PIPE FOUND (EXCEPT AS NOTED)
- △ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- P.U.E. PUBLIC UTILITY EASEMENT
- 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

REVISED: 01/29/18

ISSUED: 05/09/17

SURVEYED BY:

PAGE 4 OF 4

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

AUSTIN GRID/ H-31 JOB NO.: 15-109

LOT 1, SPICEWOOD SPRINGS ROAD OFFICE PARK

LEGAL DESCRIPTION FOR PARCEL 4910.08 TAE

DESCRIPTION OF 0.1488 OF ONE ACRE OR 6,483 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 1, SPICEWOOD SPRINGS ROAD OFFICE PARK, A SUBDIVISION OF RECORD IN BOOK 85, PAGES 124A-124B, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO SPICEWOOD FOREST OFFICE CONDOMINIUMS, OF RECORD IN VOLUME 12654, PAGE 1588, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, AND IN VOLUME 12840, PAGE 2839, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.1625 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, from which a 3/4" iron pipe found in the west line of said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract, same being the southeast corner of Lot 1, Mesa Oaks Village, Section 3-A, a subdivision of record in Book 81, Page 246, Plat Records, Travis County, Texas, said Lot 1 being described in a deed to RealTex Ventures, Inc., of record in Document 1999028996, Official Public Records, Travis County, Texas, and the northeast corner of Block A, Presbyterian Addition, a subdivision of record in Book 71, Page 61, Plat Records, Travis County, Texas, said Block A being described in a deed to First Presbyterian Church of Austin (U.P.), of record in Volume 5418, Page 2140, Deed Records, Travis County, Texas, bears N61°55'57"W 29.73 feet and S28°04'03"W 39.07 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=10,107,580.39 E=3,109,195.33;

THENCE, with the perimeter of this tract, crossing said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract, the following five (5) courses, numbered 1 through 5:

- 1) S61°31'27"E 3.37 feet to a calculated point;
- 2) N28°29'49"E 132.30 feet to a calculated point;
- 3) N64°18'47"E 57.49 feet to a calculated point;
- 4) N77°49'41"E 102.54 feet to a calculated point; and

0.1488 AC.

- 5) **N62°19'51"E 111.75 feet** to a calculated point in the north line of said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract, and the south right-of-way line of Spicewood Springs Road, from which a 1/2" iron rod found at the northwest corner of said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract and the northeast corner of Lot 1, Fire Station No. 21 Addition, a subdivision of record in Book 57, Page 19, Plat Records, Travis County, Texas, said Lot 1 described in a deed to the City of Austin, of record in Volume 4275, Page 1620, Deed Records, Travis County, Texas, bears with a curve to the left whose intersection angle is 20°06'16", radius is 650.00 feet, an arc distance of 228.08 feet, the chord of which bears N38°58'59"W 226.91 feet;

THENCE, with the north line of this tract, said Lot 1 in said Spicewood Springs Road Office Park, and said Spicewood Forest Office Condominiums tract, with a curve to the right whose intersection angle is 01°19'20", radius is 650.00 feet, an arc distance of 15.00 feet, the chord of which bears S28°16'11"E 15.00 feet to a calculated point;

THENCE, with the perimeter of this tract, crossing said Lot 1 in said Spicewood Springs Road Office Park and said Spicewood Forest Office Condominiums tract, the following six (6) courses, numbered 1 through 6:

- 1) **S62°19'51"W 113.95 feet** to a calculated point;
- 2) **S77°49'41"W 102.80 feet** to a calculated point;
- 3) **S64°18'47"W 50.87 feet** to a calculated point;
- 4) **S28°29'49"W 154.23 feet** to a calculated point;
- 5) **N61°35'33"W 18.16 feet** to a calculated point, said point being 29.7 feet east of the west line of said Lot 1 in said Spicewood Spring Road Office Park and said Spicewood Forest Office Condominiums tract and the east line of said Lot 1 in said Mesa Oaks Village subdivision and said RealTex Ventures tract; and

0.1488 AC.

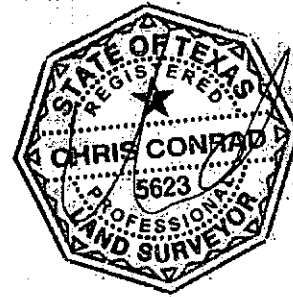
- 6) 29.7 feet east of and parallel with the west line of said Lot 1 in said Spicewood Spring Road Office Park and said Spicewood Forest Office Condominiums tract and the east line of said Lot 1 in said Mesa Oaks Village subdivision and said RealTex Ventures tract, N28°04'03"E 26.81 feet to the POINT OF BEGINNING and containing 0.1488 of one acre or 6,483 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 of Chris Conrad, consisting of stylized cursive letters.

04/13/2018

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

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2016/Descriptions/COA WW Group A/Spicewood Access Esmt Rev3
Issued 05/09/17; Revised 01/29/18, 04/13/18

AUSTIN GRID H-31
TCAD# 01-4401-04-12

FIELD NOTES REVIEWED

BY John R. [Signature] DATE: 04-26-2018

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

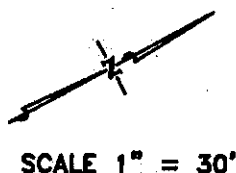
RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION OF 0.1488 AC. OR 6,483 SQ. FT.
OF LAND OUT OF LOT 1, SPICEWOOD SPRINGS ROAD OFFICE PARK
AUSTIN, TRAVIS COUNTY, TEXAS

LOT 1

SPICEWOOD SPRINGS ROAD
OFFICE PARK
BK. 85, PG. 124A-124B
P.R.T.C.

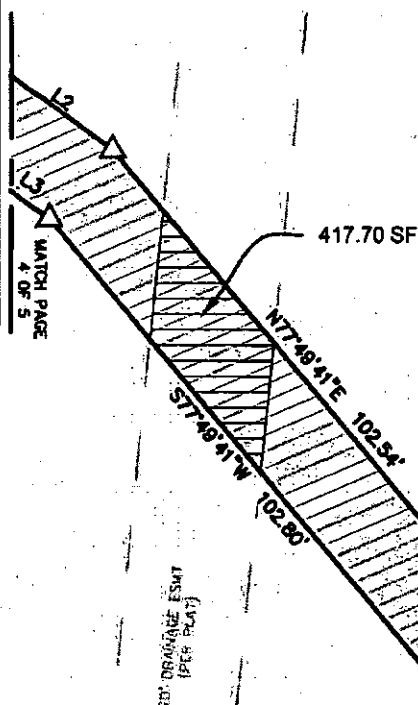
SPICEWOOD FOREST
OFFICE CONDOMINIUMS
VOL. 12654, PG. 1588
R.P.R.T.C.
AND
VOL. 12840, PG. 2839
R.P.R.T.C.



LOT 1

FIRE STATION
NO. 21 ADDITION
BK. 57, PG. 19
P.R.T.C.

CITY OF AUSTIN
VOL. 4275, PG. 1620
D.R.T.C.



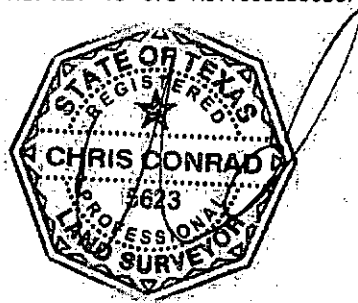
TEMPORARY
ACCESS EASEMENT
0.1488 AC. OR
-6,483 SQ. FT.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S61°31'27"E	3.37
L2	N84°18'47"E	57.49
L3	S64°18'47"W	50.87
L4	N61°35'33"W	18.16
L5	N28°04'03"E	26.81
L6	N61°55'57"W	7.50
L7	N61°55'57"W	22.23

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	15.00	650.00	01°19'20"	7.50	S28°16'11"E	15.00
C2	228.08	650.00	20°06'16"	115.22	N38°58'59"W	228.91

NOTES:

1. THE COORDINATE SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (CORS96) 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 INSURANCE GF NO. AUT-13-673-AUT16005536SG.



04/13/2018

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE
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TCAD# 01-4401-04-12

M:\City of Austin\15-109\WW Collections System\DWG\Parcel\Spicewood Access Esmt-Rev3

LEGEND

- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON PIPE FOUND (EXCEPT AS NOTED)
- △ CALCULATED POINT
- P.O.B. POINT OF BEGINNING
- P.U.E. PUBLIC UTILITY EASEMENT
- 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

REVISED: 01/29/18, 04/13/18

ISSUED: 05/09/17

SURVEYED BY: PAGE 5 OF 5

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

AUSTIN GRID# H-31 JOB NO.: 15-109

**SKETCH TO ACCOMPANY DESCRIPTION OF 0.1488 AC. OR 6,483 SQ. FT.
OF LAND OUT OF LOT 1, SPICEWOOD SPRINGS ROAD OFFICE PARK
AUSTIN, TRAVIS COUNTY, TEXAS**

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
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C2	228.08	650.00	20°06'16"	115.22	N38°58'59"W	226.91

LINE	BEARING	LENGTH
L1	S81°31'27"E	3.37
L2	N84°18'47"E	57.49
L3	S84°18'47"W	50.87
L4	N61°35'33"W	18.16
L5	N28°04'03"E	26.81
L6	N61°55'57"W	7.50
L7	N61°55'57"W	22.23

LOT 1

**MESA OAKS VILLAGE
SECTION 3-A
BK. 81, PG. 246
P.R.T.C.**

SCALE 1" = 30'

REALTEX VENTURES, INC.
DOC: 1999028996
O.P.R.T.C.
LOT 1

15' P.U.E

10' SAN. SEWER ESMI
VOL 3707, PG. 1092

3/4"

S28°04'03"W 39.07'

N28°04'03"E, 259.32'

P.O.B.
- GRID COORDINATES
N=10,107,580.39
E=3,109,185.33

N28°29'48"E 132.30'

S28°29'49"W 154.23'

TEMPORARY
ACCESS EASEMENT
0.1488 AC. OR
6,483 SQ. FT.

SPICEWOOD FOREST
OFFICE CONDOMINIUMS
VOL. 12654, PG. 1588
R.P.R.T.C.
AND
VOL. 12840, PG. 2839
R.P.R.T.C.

**SPICEWOOD SPRINGS ROAD
OFFICE PARK
BK. 85, PG. 124A-124B
P.R.T.C.**

LEGEND

- 1/2" IRON ROD FOUND
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 (EXCEPT AS NOTED)
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 P.U.E. PUBLIC UTILITY EASEMENT
 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

SURVEYED BY: PAGE 4 OF 5

**McGRAY & McGRAY
LAND SURVEYORS, INC.**

TBPLS FIRM# 10095500
 3301 HANCOCK DRIVE #6
 AUSTIN, TEXAS 78731
 (512) 451-8591

TCAD# 01-4401-04-12

M:\City of Austin\15-109\WW Collections System\DWG\Parcel\Spicewood Access Esmt-Rev3

AUSTIN GRID#: H-31 **JOB NO.:** 15-108

Proposed Easements at 4131 Spicewood Springs Rd

City of Austin
Real Estate Services



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, 9/6/2018

- Proposed Easements
- TCAD Parcels

2018 Aerial Imagery, City of Austin

