

RESOLUTION NO. 20181213-055

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:

Owners: Sanchez Family Properties LP, a Texas limited partnership

Project: Austin Energy Circuit 961/1004 Upgrade Parcel 4 Project

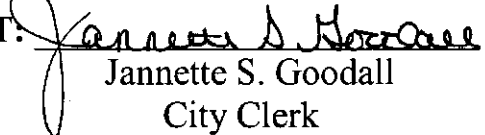
Public Use: An easement and right of way along, over, under, and across that portion of the Property bounded and described on Exhibit A and shown on Exhibit B, attached hereto and incorporated herein (the "Easement"), to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and electric telecommunications lines and systems; and all necessary or desirable appurtenances and structures (the "Facilities"), in the Easement, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and permit unimpeded access to the Facilities.

Location: 13613 North IH 35, Austin, Travis County, Texas 78753

The general route of the project is along the south side of Avenue N and West Howard Lane from the Howard Lane Substation on Gardenia Drive to the east side of Center Line Pass into the Techridge Substation, in Austin, Travis County, Texas. (District 7)

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

ADOPTED: December 13, 2018

ATTEST: 
Jannette S. Goodall
City Clerk

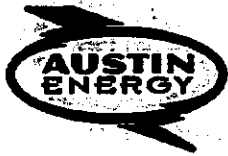


EXHIBIT "A"

SURVEY OF A TRACT OF LAND BEING 0.092 ACRES OR 4,027 SQUARE FEET OF LAND A PART OF LOT 4, BLOCK A, SCOFIELD RANCH RETAIL SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NUMBER 200100026 OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE SAID LOT 4, BEING DESCRIBED TO SANCHEZ FAMILY PROPERTIES, L.P. IN THAT CERTAIN SPECIAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NUMBER 2001080163, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.092 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING FOR REFERENCE at an "X" found scribed in a concrete driveway having Grid Coordinates of Y(N) 10127519.836, X(E) 3135849.230 United States state plane coordinate system, Texas Central Zone 4203, NAD83, for the southeast corner of the said Lot 4, Block A, of said subdivision, same being for an interior angle corner of Lot 1, Block A, of the said subdivision as described to HD Development Properties, L.P., in that certain Warranty deed as recorded in Document Number 200100026 Official Public Records Travis County, Texas;

THENCE North 26°34'53" East, coincident with the common dividing line of said Lot 4 and said Lot 1, a distance of 295.87 feet to a point not set for the southeast corner and **TRUE POINT OF BEGINNING** of the herein described 0.092 acres of land, said point having Grid Coordinates of Y(N) 10127784.340, X(E) 3135981.792 United States state plane coordinate system, Texas Central Zone 4203, NAD83;

THENCE North 59°53'41" West, departing said common dividing line and crossing over the said Lot 4, a distance of 267.64 feet to a point not set for the southwest corner of the herein described 0.092 acres of land, same being a point on the common dividing line of the said Lot 4 and Lot 1, Block A, Strasburger Subdivision, a subdivision in Travis County, Texas, according to the plat recorded in Document Number 200900066, Official Public Records, Travis County, Texas, the said Lot 1, Block A, Strasburger Subdivision being described to 7-Eleven, Inc. in that certain Special Warranty Deed recorded in Document Number 2012097169, Official Public Records, Travis County, Texas and from this point an iron rod with plastic cap stamped "BURY PARTNERS, INC." found for an interior angle corner in the west line of said Lot 4 bears the following two (2) courses:

1. South 07°42'34" West, with a common dividing line of said Lot 4 and said Lot 1, Strasburger Subdivision, a distance of 8.38 feet to a point not set;
2. South 62°32'07" East, with a common dividing line of said Lot 4 and said Lot 1, Strasburger Subdivision, a distance of 56.44 feet;

EXHIBIT "A"

THENCE North 07°43'19" East, coincident with the most northerly east dividing line of said Lot 4 and said Lot 1 Strasburger Subdivision, passing at a distance of 0.43 feet a one-half inch iron rod found for the most northerly northeast corner of said Lot 1, Strasburger Subdivision, same being an interior angle corner of Howard Lane (right-of-way varies), continuing for a total distance of 10.66 feet to a point not set for the northwest corner of the herein described 0.092 acres of land and from this point an iron rod with plastic cap stamped "BURY PARTNERS, INC." found for the northwest corner of the said Lot 4, same being an interior angle corner in the southwest and southeast right-of-way line of the said Howard Lane bears North 07°43'19" East, a distance of 26.65 feet;

THENCE South 62°02'03" East, departing the common dividing line of said Lot 4 and said Howard Lane and crossing over the said Lot 4, a distance of 270.67 feet to point not set on the common dividing line of the said Lot 4 and the said Lot 1, Scofield Ranch Retail Subdivision for the northeast corner of the herein described 0.092 acres of land and from this point an iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found on the apparent southwest margin of the said Howard Lane bears the following two (2) courses:

1. North 26°34'53" East, a distance of 25.01 feet to a point not set on the southeast right-of-way line of the said Howard Lane at the common northeast corner of said Lot 4 and said Lot 1, Block A, Scofield Ranch Retail Subdivision;
2. South 62°02'03" East, a distance of 726.80 feet;

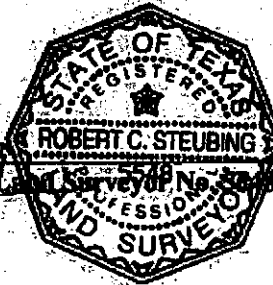
THENCE South 26°34'53" West, coincident with the common dividing line of the said Lot 1 and the said Lot 4, of said Scofield Ranch Retail Subdivision a distance of 20.01 feet to the POINT OF BEGINNING and containing 0.092 acres or 4,027 square feet of land, more or less.

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.

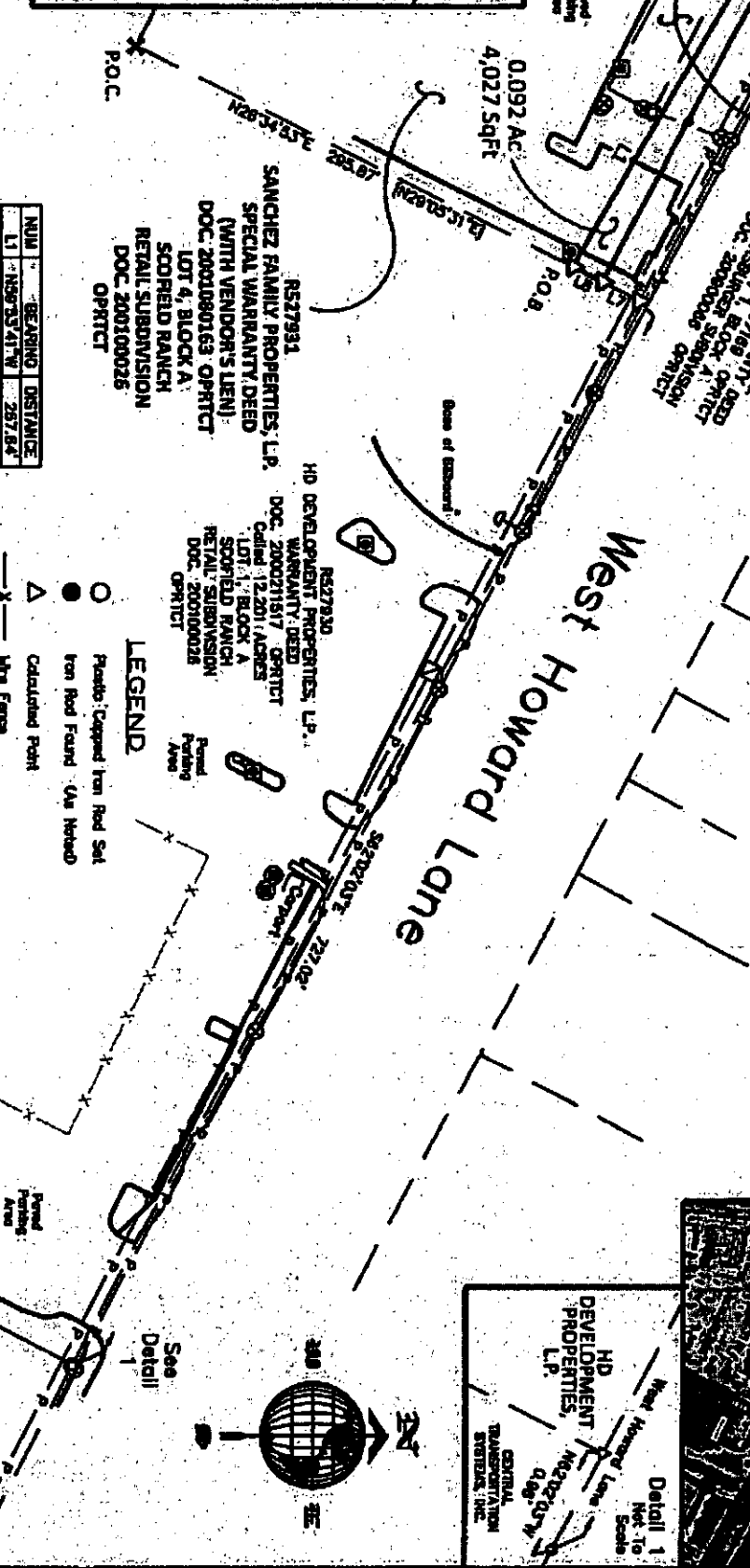
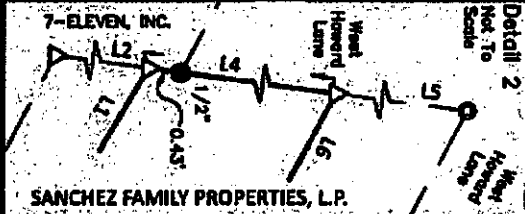
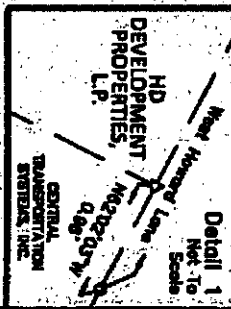
Prepared By: AUSTIN ENERGY

Robert C. Steubing
Robert C. Steubing Registered Professional Land Surveyor No. 5548



09/12/2017
Date

EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES



NS27931
SANCHEZ FAMILY PROPERTIES, L.P.
SPECIAL WARRANTY DEED
(WITH VENDOR'S LIEU)
DOC. 2001080163 OPRCT
LOT 4, BLOCK A
SCORED RANCH
RETAIL SUBDIVISION
DOC. 200109026
OPRCT

NS27930
HD DEVELOPMENT PROPERTIES, L.P.
WARRANTY DEED
DOC. 20021817 OPRCT
Called 12.201.1 ACRES
LOT 1, BLOCK A
SCORED RANCH
RETAIL SUBDIVISION
DOC. 200109026
OPRCT

LEGEND

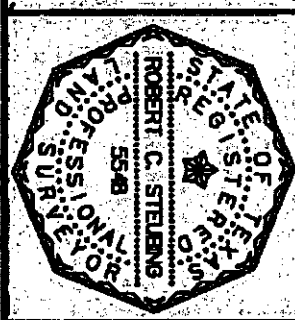
- Plotted/Calculated from Red Set
- Iron Rod Found (Use Noted)
- △ Calculated Point
- X — the Fence
- P — Overhead/Electric Line
- I — Record Information
- P.O.B. — Point of Beginning
- P.O.C. — Point of Commencement
- ⊙ Electric Transmission Line Tower
- ⊙ AMV Meter Valve LH
- ⊙ 1/2" Sched. 40 Concrete
- ⊙ Plastic Capped Iron Rod Found
- ⊙ Area Light
- ⊙ Fire Hydrant
- ⊙ Water Meter
- ⊙ Down Gate Anchor
- ⊙ Official Public Records Texas County Texas
- ⊙ Field Property Records Texas County Texas
- ⊙ Field Records Texas County Texas

- NOTES:**
1. P.O.C. COORDINATES -
N 101° 27' 18.83" E 313.0949.230
GRID COORDINATES, TEXAS SOUTH
CENTRAL, ZONE 4204, NAD83
 2. P.O.B. COORDINATES -
N 101° 27' 18.83" E 313.0949.230
GRID COORDINATES, TEXAS SOUTH
CENTRAL, ZONE 4204, NAD83
 3. BEARING BASE IS GRID NORTH,
UNITED STATES STATE PLANE COORDINATE
SYSTEM, TEXAS CENTRAL ZONE 4201,
NAD 83, DISTANCES HEREON ARE GRID.
 4. MAPSCO Plat No. 448
Texas County Central Appraisal District
ID No. 527930

NUM	BEARING	DISTANCE
L1	N59°33'41"W	287.84'
L2	S07°42'54"W	8.38'
L3	N10°27'49"E	56.44'
L4	N40°03'48"W	568.48'
L5	N07°42'18"E	10.67'
L6	N10°27'49"E	270.67'
L7	N26°34'53"E	25.01'
L8	S28°34'53"W	20.01'
L9	N129°05'31"E	

SHEET 1 OF 2 Rev. 2017/08/28
DRAWING: B/Berry/Berry/Berry/Transmissions also 1001/0801/Berry/Land

Robert C. Stelling
09/12/2017
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548



BS05605:
CENTRAL
TRANSPORTATION
SYSTEMS, INC.
GENERAL WARRANTY DEED
Vol. 12355 Pg. 912, OPRCT
Vol. 94 Pg. 133, OPRCT

Statement and Conditions of Record as per Chicago Title Company, Commitment Number CTA1700203:

1. RESTRICTIVE COVENANTS as per: Instrument No. (a) 2001007703, 2001025608, 2001036235, 2001100361 and 2002116979 and (b) (a) recorded under Instrument No. (a) 2001000182 and 2001003394, Official Public Records, Travis County, Texas Instrument No. (a) 2002100342, 2001080152, 2002169707, 2001025608, 2002144637 and 2003100406, Official Public Records, Travis County, Texas

10. G.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: City of Austin
Purpose: As provided in said instrument
Recording No.: Document No. 2001023695, Official Public Records of Travis County, Texas
DOES NOT EFFECT TRACT.

10. H.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: City of Austin
Purpose: As provided in said instrument
Recording No.: Document No. 2001176487, Official Public Records of Travis County, Texas
DOES NOT EFFECT TRACT.

10. I.) Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plot:
Purpose: electric lines and systems
Affects: 15 feet in width, sidewalk easement 35 feet in width and 25 feet reserved for future right of way, along the Interstate 35 property line.
Recording No.: Instrument No. (a) 200100026, Official Public Records of Travis County, Texas
DOES NOT EFFECT TRACT.

10. J.) Matters contained in that certain document:
Entitled: Declaration of Easements and Restrictive Covenants regarding the Maintenance of Drainage Facilities and Storm Sewer for Three Points Retail Center
Recording No.: Instrument No. 2001036235, of the Official Public records, of Travis County, Texas.
BLANKET EASEMENT: DOES EFFECT TRACT.

10. K.) Matters contained in that certain document:
Entitled: Reciprocal Easement and Operation Agreement and Amendments, thereto
Recording No.: Instrument No. 2001007703, amended in Instrument No. (a) 2002100365, and 2002116979, Official Public Records, Travis County, Texas.

10. L.) Matters contained in that certain document:
Entitled: Development Agreement with Restrictive Covenants
Date: May 15, 2001
Executed by: Howard 2001 Ltd and Sanchez Family Properties LP Recording Date: May 21, 2001
Recording No.: Document No. 2001080152, Official Public Records of Travis County, Texas
DOES NOT EFFECT TRACT.

10. M.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Purpose: As provided in said instrument
Recording No.: Volume 4734, Page 1572, Deed Records of Travis County, Texas
DOES NOT EFFECT TRACT.

10. N.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Purpose: As provided in said instrument
Recording No.: Volume 11834, Page 429, Real Property Records, Travis County, Texas, and as shown on plat recorded in Document No. 2001000206, Plat Records of Travis County, Texas
DOES NOT EFFECT TRACT.



10. O.) Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plot:
Purpose: As provided in said instrument
Affects: 15 feet in width along the southeast property line(s)
Recording No.: Instrument No. (a) 2001000206, of the Official Public Records, Travis County, Texas.
DOES NOT EFFECT TRACT.

10. P.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Purpose: As provided in said instrument
Recording No.: Instrument No. 2001023695, Official Public Records of Travis County, Texas
DOES NOT EFFECT TRACT.

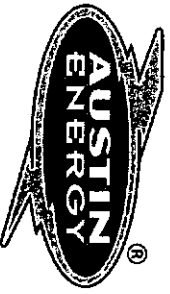
10. Q.) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Purpose: As provided in said instrument
Recording No.: Instrument No. 2001140887, of the Official Public records, of Travis County, Texas.
DOES NOT EFFECT TRACT.



Proposed Easement at Sanchez Family Properties LP

-  Parcels
-  Proposed Easement

2018 Aerial Imagery, City of Austin



AE Public Involvement
& Real Estate Services



0 100 200
Feet

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 AUSTIN ENERGY for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by MGomez 11/15/2018

