

**RESOLUTION NO. 20190606-055**

**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:	WC 56 East Avenue, a Delaware limited liability company
Project:	Rainey Street 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.

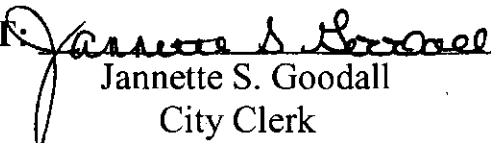
**Location:** 55 East Avenue, Austin, Travis County, Texas 78701

The general route of the project is along the south side of River Street and north side of Lambie Street, just west of the IH 35 frontage road, in Austin, Travis County, Texas. (District 9).

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

**ADOPTED:** June 6, 2019

**ATTEST:**

  
Jannette S. Goodall  
City Clerk



## EXHIBIT "A"

**SURVEY PLAT OF 0.252 ACRES OF LAND (10,983 SQUARE FEET OF LAND) BEING A PORTION OF THE WEST ONE-HUNDRED FEET (100') OF EAST AVENUE, A STREET IN THE CITY OF AUSTIN, AS DEPICTED ON THE MAP OF THE GOVERNMENT OUTLOTS, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP ON FILE IN THE TEXAS GENERAL LAND OFFICE AND BEING A PORTION OF THAT CALLED 0.9702 ACRES OF LAND AS DESCRIBED IN THAT CERTAIN DECLARATION OF DEPARTMENTAL TRANSFER OF OPERATIONS AND MAINTENANCE OBLIGATIONS AS DESCRIBED IN DOCUMENT NUMBER 2012178335 OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.252 ACRES OF LAND BEING SHOWN ON A PLAT PREPARED HERewith AND BEING MORE PARTICULARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** for reference at a one-half inch inside diameter pipe found at the apparent intersection of the northwest right-of-way line of the said East Avenue with the southwest right-of-way line of River Street, a street in the said City of Austin according to the map of said Government Out Lots, same being the northeast corner of that called 1.1178 acres described to WC 56 East Avenue, LLC, in that certain Special Warranty Deed With Vendor's Lien as recorded Document Number 2015026718, Official Public Records Travis County, Texas;

**THENCE** South  $73^{\circ}29'33''$  East, a distance of 66.00 feet crossing over the said East Avenue to a capped iron rod set for the northwest corner and **POINT OF BEGINNING** of the herein described 0.252 acres of land, same being the northwest corner of the said 0.9702 acres of land;

**THENCE** South  $73^{\circ}29'33''$  East, a distance of 33.92 feet and coincident with the northeast line of the said 0.9702 acres to a capped one half-inch iron rod set for the northeast corner of the herein described 0.252 acres of land, same being a point on the center line of the said East Avenue and a point on the northeast line of the said 0.9702 acres of land;

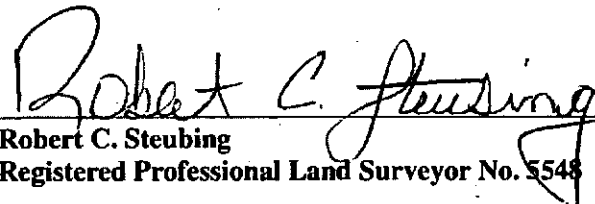
**THENCE** South  $16^{\circ}27'59''$  West, a distance of 324.20 feet and coincident with the center line of the said East Avenue and crossing over and severing from the said 0.9702 acres of land to a capped one-half inch iron rod set for the southeast corner of the herein described 0.252 acres of land, same being a point on the center line of the said East Avenue and a point on the southwest line of the said 0.9702 acres of land;

**THENCE** North  $68^{\circ}24'25''$  West, a distance of 34.29 feet and coincident with the southwest line of the said 0.9702 acres of land and crossing over the said East Avenue to a capped one-half inch iron rod set for the southwest corner of the herein described 0.252 acres of land and the said 0.9702 acres of land and from this point a one-half inch iron rod found for the southeast corner of the said WC 56 East Avenue, LLC, 1.1178 acres bears South  $64^{\circ}39'29''$  West, a distance of 88.60 feet crossing over the said East Avenue for the northeast corner of Lot A, Zopp Addition, a subdivision in Travis County, Texas, according to the plat recorded in Volume 65, Page 56, Plat Records Travis County, Texas;

**THENCE** North 16°30'27" East, a distance of 321.16 feet and coincident with the northwest line of the said 0.9702 acres of land and crossing over the said East Avenue to the **POINT OF BEGINNING** and containing 0.252 acres of land or (10,983 square feet) of land more or less.

**BASIS OF BEARINGS: 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 by me.

 05/02/2018  
Robert C. Steubing Date  
Registered Professional Land Surveyor No. 5548



SKETCH OF A PORTION OF EAST AVENUE AS DEPICTED ON THE  
MAP OF THE GOVERNMENT OUTLOTS, CITY OF AUSTIN, TRAVIS  
COUNTY, TEXAS, ON FILE IN THE TEXAS GENERAL LAND OFFICE

EXHIBIT "B" SKETCH  
TO ACCOMPANY  
FIELD NOTES



WC 66 East Avenue, LLC  
Doc# 2016026718 OPRTCT  
Special Warranty Deed With Vendor's Lien  
Called 1.1178 Acre

Lot A  
Zopp Addition  
65/56  
PRTCT

NUM	BEARING	DISTANCE
L1	S73°29'33"E	33.92'
L2	N68°24'25"W	34.29'

EAST AVENUE

B.O.C.

0.252 Acres (10,983 Sq.ft.)  
Senate Bill 16, 41st Legislature, 3rd Called Session, 1929,  
recorded in Volume 442, Page 201, DRTCT.

Declaration Of  
Departmental Transfer  
of Operations And  
Maintenance Obligations  
Doc# 2012178335 OPRTCT  
Exhibit "A", 0.9702 Acres

Asphalt Parking

Center Line of  
East Avenue

Center Line of  
East Avenue

INTERSTATE HIGHWAY 36 R.O.W. VARIES

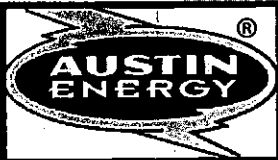
Lot 3

Lot 4

Lot 5

Lot 6

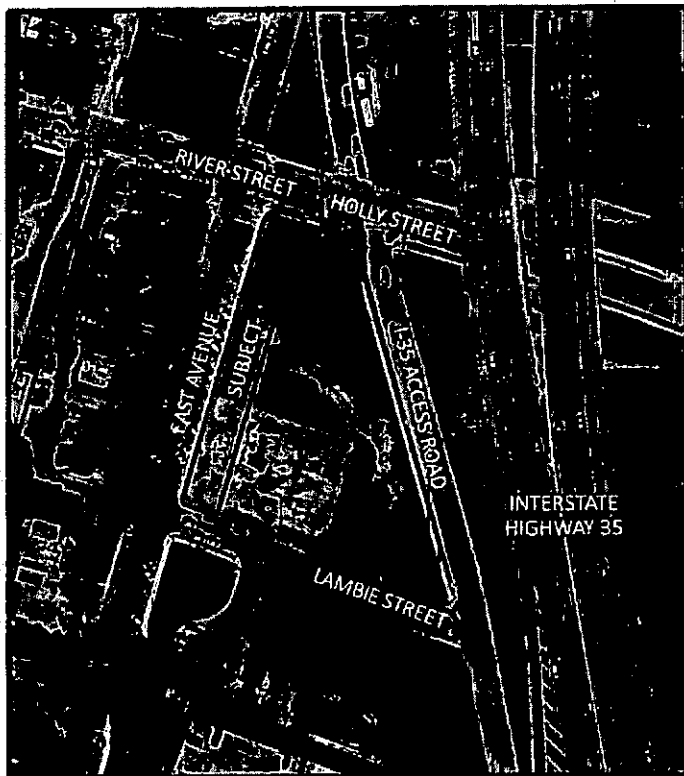
OUTLOT 54,  
DIVISION "O"  
ORIGINAL  
CITY OF AUSTIN  
Lot 7



## EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

### Legend

- 1/2" Iron Rod Found
- Plastic Capped Iron Rod Set
- ⊙ 1/2" Inside Diameter Pipe Found
- ⊗ Sewar Manhole
- Parking Kiosk
- ↓ Various Parking and other Signs
- P.O.C. Point Of Commencement
- P.O.B. Point Of Beginning
- DRTCT Deed Records, Travis County, Texas
- OPRTCT Official Public Records, Travis County, Texas
- RPRTCT Real Property Records, Travis County, Texas



SURVEYORS CERTIFICATION: TO THE OWNER AND/OR LIENHOLDER, THE UNDERSIGNED HEREBY CERTIFY THAT THE SURVEY WAS MADE ON THE GROUND 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.

1. EASEMENTS, BUILDING LINES AND/OR CONDITIONS OF RECORDS AS PER TITLE COMMITMENT NUMBER 201502263 AS PROVIDED BY HERITAGE TITLE COMPANY.

#### EASEMENTS AND/OR BUILDING LINES PER GF# 201502263

10.a. The terms, conditions, stipulations and easements of that certain Ordinance No. 20120628-035, dated July 9, 2012, recorded under Document No. 2012136279, of the Official Public Records of Travis County, Texas. AFFECTS TRACT BLANKET EASEMENT (TRACT 1)

10.b. The terms, conditions, stipulations and easements of that certain Memorandum, dated August 16, 2012, recorded under Document No. 2012136280, of the Official Public Records of Travis County, Texas. AFFECTS TRACT BLANKET EASEMENT (TRACT 1)

10.c. The terms, conditions and stipulations of that certain Declaration of Departmental Transfer of Operations and Maintenance Obligations dated October 18, 2012, recorded under Document No. 2012178335 of the Official Public Records of Travis County, Texas. AFFECTS TRACT BLANKET EASEMENT (TRACT 1).

#### NOTES:

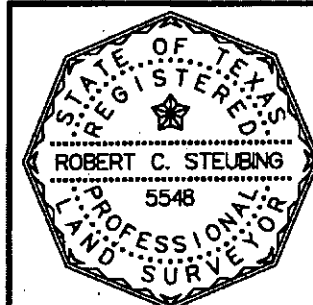
- 1) P.O.C. COORDINATES = N 10066950.938 E 3115842.887 GRID COORDINATES, TEXAS CENTRAL ZONE 4203, NAD83
- 2) P.O.B. COORDINATES = N 10066932.185 E 3115906.167 GRID COORDINATES, TEXAS CENTRAL ZONE 4203, NAD83
- 3) BEARING BASIS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD 83.
- 4.) MAPSCO Panel No.: 466  
TRAVIS COUNTY CENTRAL APPRAISAL DISTRICT ID NO: 819470, 191026

DRAWING: Surveying\Substations\Rainey St\West Part East Ave ROW Vacation Amended 4-26-2018.DWG

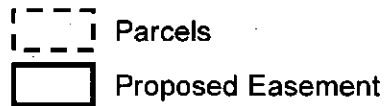
*Robert C. Steubing* 05/02/2018  
ROBERT C. STEUBING (512-505-7146) DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

SHEET 2 OF 2

Rev: 2018/04/26



# Proposed Easement 55 East Avenue



2018 Aerial Imagery, City of Austin



*AE Public Involvement  
& Real Estate Services*



0 50 100 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 ECervantes 4/10/2019

