

RESOLUTION NO. 20190620-107

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: 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, and David A. Brewer, A Life Estate

Project: Onion Creek Odor Control Facility

Public Use: The permanent lateral support/bank stabilization and drainage easement described in the attached Exhibit "A" is necessary to permit the City to construct at a similar grade level as currently exists, which includes the operation, maintenance, repair, replacement and upgrade for the lateral support/bank stabilization and drainage improvements ("Improvements") to prevent erosion and to stabilize Onion Creek banks related to the Onion Creek Odor Control Facility.

Temporary working space easement described in the attached Exhibit "B" is necessary to permit the construction of a lateral support/bank stabilization and drainage easement ("Project") in, upon, and across the following described land.

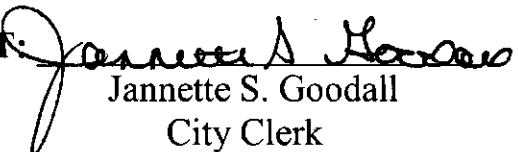
Location: 1101 E. Slaughter Lane, Austin, Travis County, Texas 78747

The general route of the project is east along east Slaughter Lane and one-half mile past the east Slaughter Lane bridge over Onion Creek, in the Austin 2-Mile extraterritorial jurisdiction, Travis County, Texas.

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

ADOPTED: June 20, 2019

ATTEST:


Jannette S. Goodall
City Clerk

Field Notes for Parcel 4975.05

BEING 0.058 OF ONE ACRE (2515 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT No. 24, IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 166.598 ACRE TRACT CONVEYED BY THE FOLLOWING INSTRUMENTS;

1. PORTION CONVEYED TO CURTIS B. FIGER AND SPOUSE BILLIE JO FIGER BY WARRANTY DEED EXECUTED DECEMBER 18, 1992, FILED FOR RECORD ON DECEMBER 18, 1992 AND RECORDED IN VOLUME 11836, PG. 1356 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
2. 5 ACRES OF LAND CONVEYED TO MICHAEL G. FIGER BY GIFT WARRANTY DEED EXECUTED ON DECEMBER 22, 1993, FILED FOR RECORD ON DECEMBER 22, 1993 AND RECORDED IN VOLUME 12088, PAGE 844 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
3. 5 ACRES OF LAND CONVEYED TO DONALD K. FIGER BY GIFT WARRANTY DEED EXECUTED ON DECEMBER 22, 1993, FILED FOR RECORD ON DECEMBER 22, 1993 AND RECORDED IN VOLUME 12088, PAGE 856 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
4. 5 ACRES OF LAND CONVEYED TO BETSY A. LAMBETH BY GIFT WARRANTY DEED EXECUTED ON DECEMBER 22, 1993 FILED FOR RECORD ON DECEMBER 22, 1993 AND RECORDED IN VOLUME 12088, PAGE 862 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
5. 8 ACRES OF LAND CONVEYED TO MICHAEL G. FIGER BY GIFT WARRANTY DEED EXECUTED ON JANUARY 5, 1994, FILED FOR RECORD ON FEBRUARY 6, 1994 AND RECORDED IN VOLUME 12097, PAGE 160 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
6. 8 ACRES OF LAND CONVEYED TO DONALD K. FIGER BY GIFT WARRANTY DEED EXECUTED ON JANUARY 5, 1994, FILED FOR RECORD ON FEBRUARY 6, 1994 AND RECORDED IN VOLUME 12097, PAGE 170 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
7. 8 ACRES OF LAND CONVEYED TO BETSY A. LAMBETH BY GIFT WARRANTY DEED EXECUTED ON JANUARY 5, 1994, FILED FOR RECORD ON FEBRUARY 6, 1994 AND RECORDED IN VOLUME 12097, PAGE 175 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
8. PORTION CONVEYED TO DAVID A. BREWER AND BILLIE JO FIGER, CO-TRUSTEES BY WARRANTY DEED EXECUTED APRIL 6, 1994, FILED FOR RECORD ON APRIL 6, 1994 AND RECORDED IN VOLUME 12159 PAGE 85 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
9. PORTION CONVEYED TO KEITH H. HARMON AND BONNIE HARMON TRUSTEES OF THE HARMON FAMILY TRUST ESTABLISHED BY TRUST AGREEMENT DATED NOVEMBER 3RD, 1999 BY GENERAL WARRANTY DEED EXECUTED ON NOVEMBER 3, 1999, FILED FOR RECORD ON NOVEMBER 6, 2000 AND RECORDED IN DOCUMENT 2000178631 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

SAID 0.058 OF ONE ACRE (2515 S.F.) OF LAND BEING HEREINAFTER DESIGNATED AS PART 1 AND PART 2 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH;

Part 1

Beginning at a 100d nail with 'MWM' washer set in the interior of said 166.598 acre tract, same being in an easterly line of the access easement recorded in Document 2013002490 of the Official Public Records of Travis County, Texas and in an easterly line of the water line easement recorded in Document 2013002491 of the Official Public Records of Travis County, Texas, for the Point of Beginning and the most northerly and most westerly corner of the herein described tract of land, having coordinate (Texas State Plane, Central Zone, NAD 83(CORS 96) U.S. Feet, Surface Adjustment Factor 1.00003) values of N=10029137.37 and E=3104065.91, from which a 1/2 inch iron rod found in the south right-of-way line of Brandt Lane (R.O.W. varies), at the most northerly corner of said 166.598 acre tract, bears North 22°39'30" East, a distance of 1,684.02 feet and from said Point of Beginning a 60d nail found for a corner in a westerly line of said water line easement, bears North 04°18'21" West, a distance of 288.20 feet and North 73°55'21" West, a distance of 31.97 feet;

1. THENCE, South 29°40'59" East, a distance of 79.15 feet, leaving an easterly line of said access easement and an easterly line of said water line easement, to a calculated point for the most easterly corner of the herein described tract of land, from which a 60d nail found in the southwesterly line of Slaughter Lane roadway easement (120' width) recorded in Volume 11818, Page 224 of the Real Property Records of Travis County, Texas, same being the endpoint of a circular curve of 1810.00 feet radius, bears South 83°30'42" East, a distance of 2,208.36 feet;

2. THENCE, South 60°19'01" West, a distance of 10.00 feet, to a calculated point at the most easterly corner of said wastewater easement, for the most southerly corner of the herein described tract of land;

3. THENCE, North 29°40'59" West, a distance of 58.07 feet, with the northeasterly line of said wastewater easement, to a calculated point for a corner, same being in an easterly line of said access easement and in an easterly line of said water line easement;

4. THENCE, North 04°18'21" West, a distance of 23.33 feet, leaving a northeasterly line of said wastewater line easement, with an easterly line of said access easement and an easterly line of said water line easement, to the Point of Beginning and containing an area of 0.016 of one acre (686 s.f.) of land, more or less.

Part 2

Beginning at a calculated point in the interior of said 166.598 acre tract, same being in a northwesterly line of the wastewater easement conveyed to the City of Austin by deed recorded in Document 2013002493 of the Official Public Records of Travis County, Texas, same also being in a westerly line of the water line easement conveyed to the City of Austin by deed recorded in Document 2013002491 of the Official Public Records of Travis County, Texas, and in a westerly line of the access easement conveyed to the City of Austin by deed recorded in Document 2013002490 of the Official Public Records of Travis County, Texas, for the Point of Beginning and the most easterly corner of the herein described tract of land, having coordinate (Texas State Plane, Central Zone, NAD 83(CORS 96) U.S. Feet, Surface Adjustment Factor 1.00003) values of N=10029143.94 and E=3104035.34, from which 60d nail found in the southwesterly line of Slaughter Lane roadway easement (120' width) recorded in Volume 11818, page 224 of the Real Property Records of Travis County, Texas, same being the endpoint of a circular curve of 1810.00 feet radius, bears South 81°50'02" East, a distance of 2,287.18 feet;

5. THENCE, South 60°19'01" West, a distance of 86.69 feet, with the northwest line of said wastewater line easement, to a calculated point in the southwesterly

line of said wastewater line easement, for the most southerly corner of the herein described tract of land;


6. THENCE, North 29°40'59" West, a distance of 20.00 feet, leaving the northwest line of said wastewater line easement, to a 100d nail set for the most westerly corner of the herein described tract of land;

7. THENCE North 60° 19'01" East, a distance of 96.17 feet, to a 100d nail set in a westerly line of said waterline easement for the most northerly corner of the herein described tract of land, from which a 60d Nail found at the most westerly corner of said water line easement bears North 04°18'21" West, a distance of 268.34 feet, and from said northerly corner a 1/2 inch iron rod found in the south right-of-way line of Brandt Lane (R.O.W. varies), at the most northerly corner of said 166.598 acre tract, bears North 24°03'27" East, a distance of 1670.51 feet;

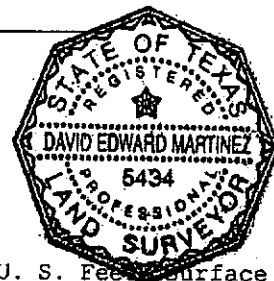
8. THENCE South 04°18'21" East, a distance of 22.14 feet, to the Point of Beginning and containing an area of 0.042 of one acre (1,829 s.f.) of land, more or less.

Part 1	0.016 Acres	(686 s.f.)
Part 2	0.042 Acres	(1829 s.f.)
Total	0.058 Acres	(2515 s.f.)

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.


David Edward Martinez
Registered Professional Land Surveyor 5434

07/25/19
Date



MWM DesignGroup
305 East Huntland Drive, Suite 200
Austin, Texas, 78752 (512) 453-0767
TBPLS Firm Registration No. 10065600

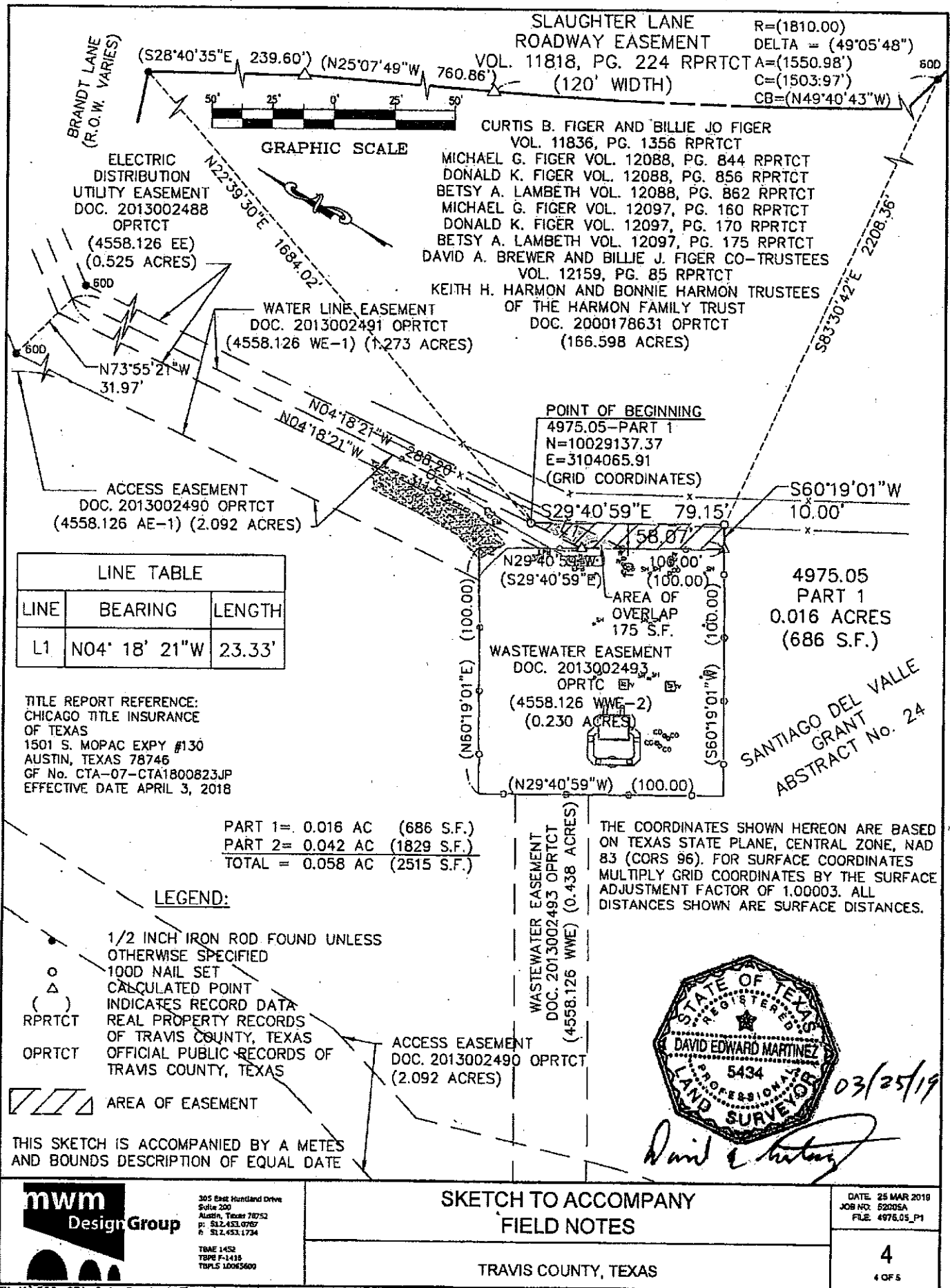
Bearing Basis: Texas State Plane, Central Zone, NAD 83 (CORS 96), U. S. Free Surface Adjustment Factor 1.00003. Project reference control points are a 1/2 inch iron rod found (Traverse 13) grid coordinates N=10029422.7180, E=3104131.6652, and a 1/2 inch iron rod found (Traverse 14) grid coordinates 10029273.3520, E=3103751.0403. For surface coordinates multiply grid coordinates by the Surface Adjustment Factor of 1.00003. All distances shown are surface distances.

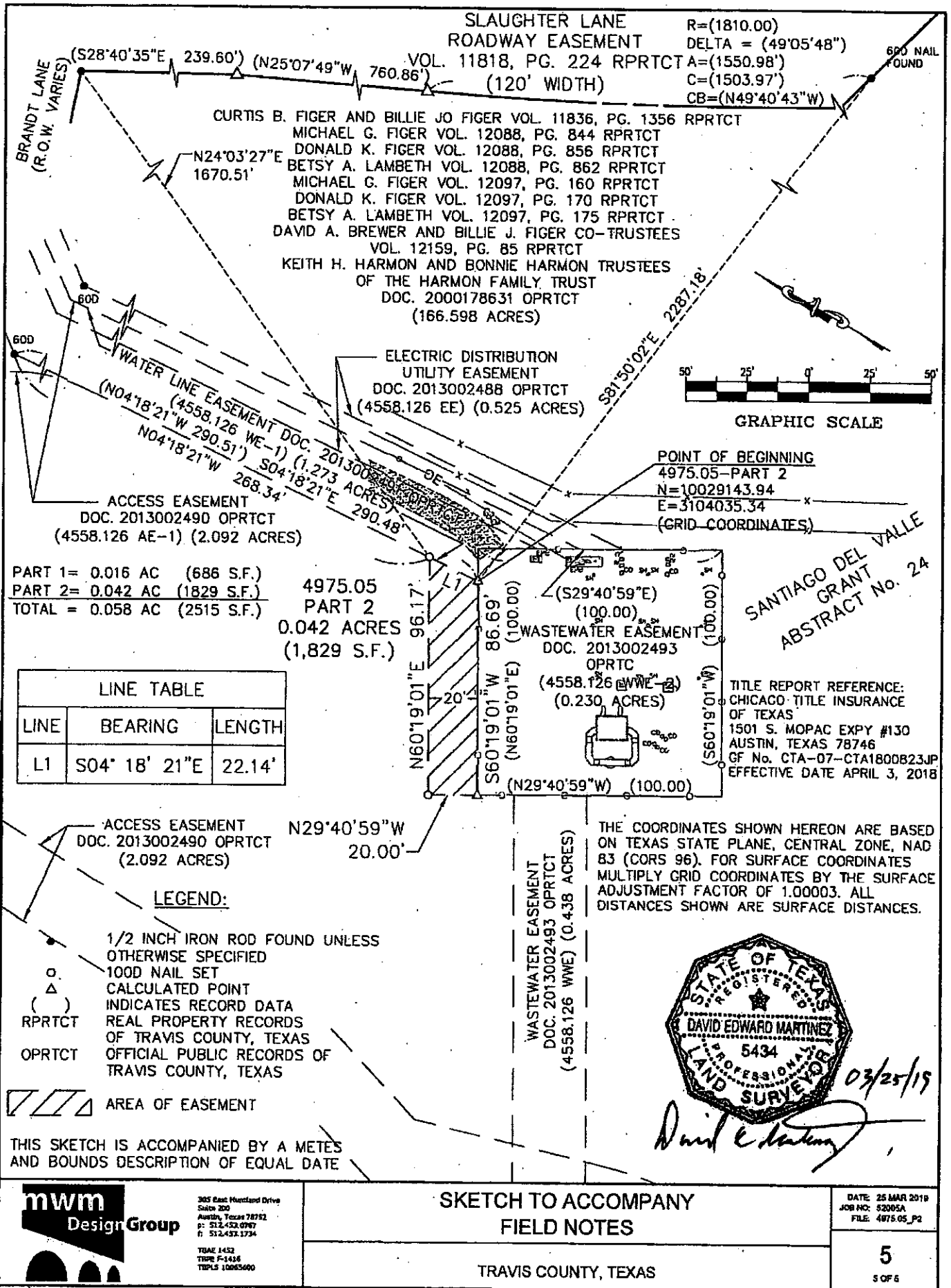
TCAD No.: PID No. 349866
City Grid: G12

FIELD NOTES REVIEWED

BY  DATE: 03-25-2019

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT





Field Notes for Parcel 4975.05 TWSE

BEING 0.340 OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT No. 24, IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 166.598 ACRE TRACT CONVEYED BY THE FOLLOWING INSTRUMENTS;

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SAID 0.340 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH;

Beginning at a 100d nail with 'MWM' washer set in the interior of said 166.598 acre tract, same being in an easterly line of the access easement recorded in Document 2013002490 of the Official Public Records of Travis County, Texas, and in an easterly line of the water line easement recorded in Document 2013002491 of the Official Public Records of Travis County, Texas, for the Point of Beginning and a corner of the herein described tract of land, having coordinate (Texas State Plane, Central Zone, NAD 83(CORS 96) U.S. Feet, Surface Adjustment Factor 1.00003) values of N=10029137.37 and E=3104065.91, from which a calculated point at the most easterly corner of the wastewater easement recorded in Document 2013002493 of the Official Public Records of Travis County, Texas bears South 04°18'21" East, a distance of 23.33 feet and South 29°40'59" East, a distance of 58.07 feet;

1. THENCE, North 04°18'21" West, a distance of 23.08 feet, with an easterly line of said access easement and an easterly line of said water line easement, to a calculated point for a corner, from which a 60d nail found for a corner in a westerly line of said water line easement, bears North 04°18'21" West, a distance of 265.12 feet and North 73°55'21" West, a distance of 31.97 feet;

2. THENCE, North 60°19'01" East, a distance of 30.11 feet, leaving an easterly line of said access easement and an easterly line of said water line easement, to a calculated point for the most northerly corner of the herein described tract of land, from which a 1/2 inch iron rod found in the south right-of-way line of Brandt Lane (R.O.W. varies), at the most northerly corner of said 166.598 acre tract, bears North 22°22'52" East, a distance of 1,639.63 feet;

3. THENCE, South 29°40'59" East, a distance of 150.00 feet, to a calculated point for the most easterly corner of the herein described tract of land, from which 60d nail found in the southwesterly line of Slaughter Lane roadway easement (120' width) recorded in Volume 11818, Page 224 of the Real Property Records of Travis County, Texas, same being the endpoint of a circular curve of 1810.00 feet radius, bears South 83°57'32" East, a distance of 2,146.63 feet;

4. THENCE, South 60°19'01" West, a distance of 170.00 feet, to a calculated point for the most southerly corner of the herein described tract of land;

5. THENCE, North 29°40'59" West, a distance of 170.00 feet, to a calculated point for the most westerly corner of the herein described tract of land;


6. THENCE, North 60°19'01" East, a distance of 20.00 feet, to a 100d nail with MWM Washer set for a corner;

7. THENCE, South 29°40'59" East, at distance of 20.00 feet, passing a calculated point in a northwesterly line of said wastewater easement, continuing with a southwesterly line of said wastewater easement, in all a distance of 120.00 feet, to a calculated point in a southeasterly line of said wastewater easement for a corner;

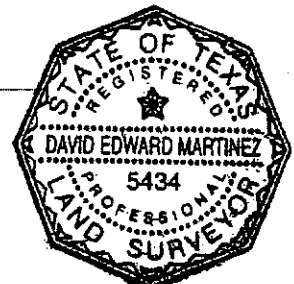
8. THENCE, North 60°19'01" East, with a southeasterly line of said wastewater easement, at a distance of 100.00 feet passing a calculated point at the most easterly corner of said wastewater easement, in all a distance of 110.00 feet, to a 100D nail with 'MWM' washer set for a corner;

9. THENCE, North 29° 40'59" West, a distance of 79.15 feet, to the Point of Beginning and containing an area of 0.340 of one acre of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.


David Edward Martinez
Registered Professional Land Surveyor 5434

11/09/18
Date



MWM DesignGroup
305 East Huntland Drive, Suite 200
Austin, Texas, 78752 (512) 453-0767
TBPLS Firm Registration No. 10065600

Bearing Basis: Texas State Plane, Central Zone, NAD 83 (CORS 96), U. S. Feet, Surface Adjustment Factor 1.00003. Project reference control points are a 1/2 inch iron rod found (Traverse 13) grid coordinates N=10029422.7180, E=3104131.6652, and a 1/2 inch iron rod found (Traverse 14) grid coordinates 10029273.3520, E=3103751.0403. For surface coordinates multiply grid coordinates by the Surface Adjustment Factor of 1.00003. All distances shown are surface distances.

TCAD No.:

PID No. 349866

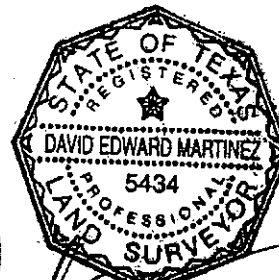
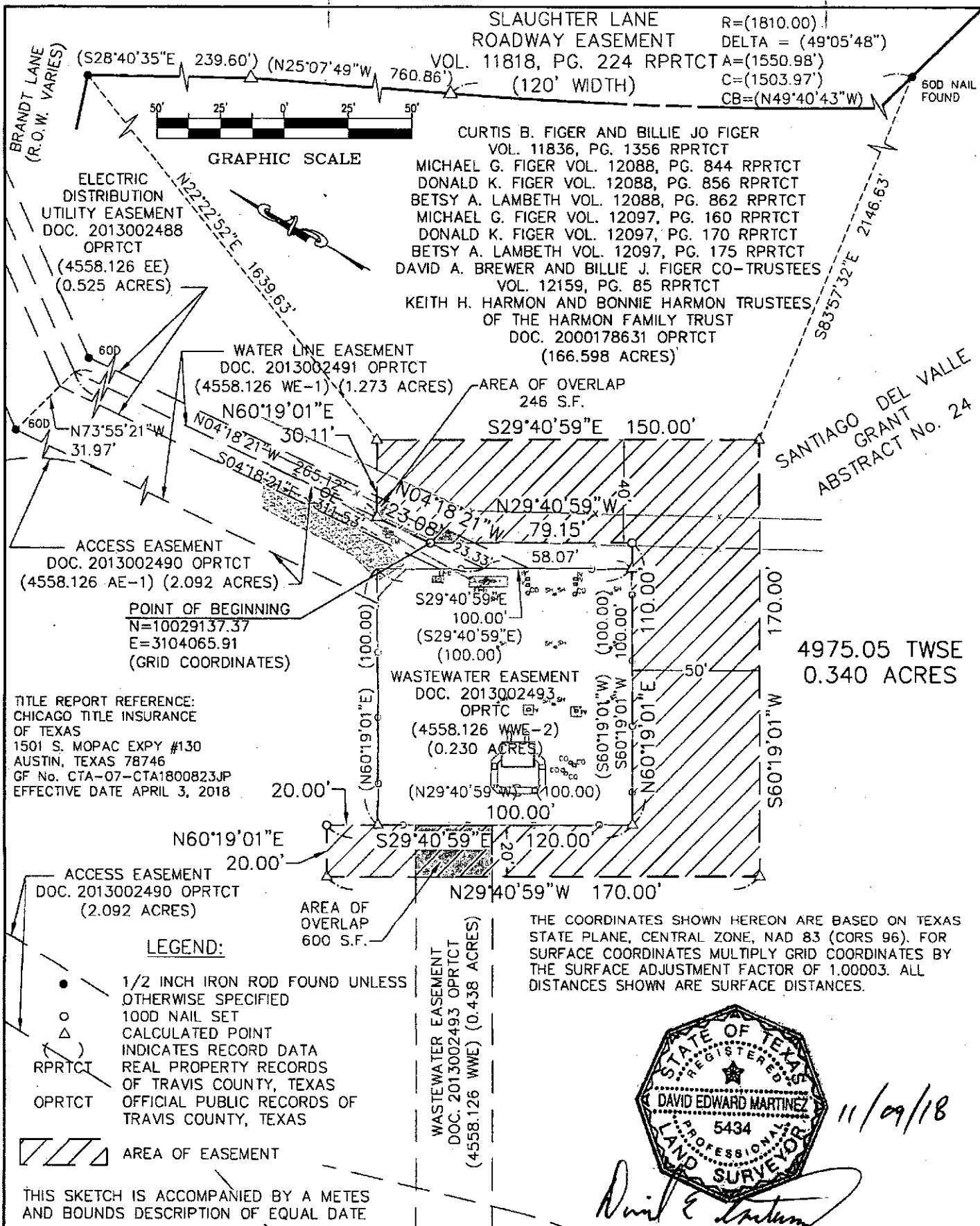
City Grid:

G12

FIELD NOTES REVIEWED

BY  DATE: 11-26-2018

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT



mwm
Design Group

3015 East Huntland Drive
Suite 200
Austin, Texas 78752
P: 512.453.0757
F: 512.453.1734

TBAE 1452
TBPE F-1415
TBPLS 10065600

**SKETCH TO ACCOMPANY
FIELD NOTES**

TRAVIS COUNTY, TEXAS

DATE: 09 NOV 2018
JOB NO: 52005A
FILE: 0.340Ac_TWSE





3

3 of 3

Onion Creek Odor Control Facility at 1101 East Slaughter Lane

City of Austin
Real Estate Services



-  Property of Interest
-  Proposed Lateral Support/Bank Stabilization and Drainage Easement
-  Proposed Temporary Work Space Easement
-  Property Lot Lines

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.

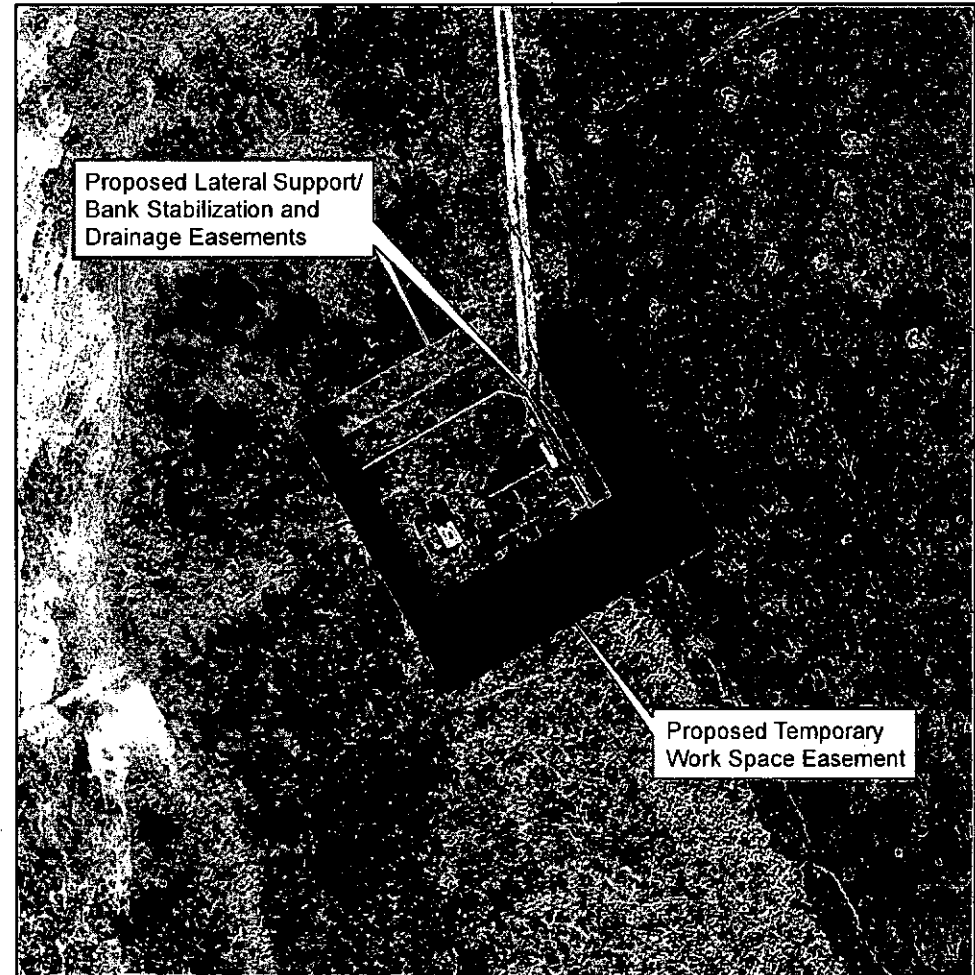
This product has been produced by the Office of Real Estate Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by MMcDonald, 5/19/2019

2018 Aerial Imagery, City of Austin



0 1,000 2,000 Feet



0 100 200 Feet