

RESOLUTION NO. 20191003-058

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:	Firebrand Properties, LP, a Texas limited partnership
Project:	Austin Energy Circuit 811 Upgrade Parcel 69 Project

Public Use:

For upgrading the capacity of the overall electric system, and ensuring the distribution of safe and reliable electric services to the community. 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:

9525 North Lamar Boulevard, Austin, Travis County, Texas 78753

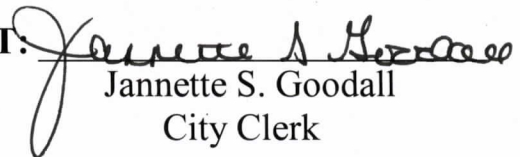
The general route of the project is along the east side of N. Lamar Blvd. from the Justin Lane Substation on North Lamar Blvd. crossing Lamar Blvd. at Wagon Trail Road from there the circuit traverses the North Park Estates and Gracywoods neighborhoods until it reaches the McNeil Substation on Knollpark Drive, in Austin, Travis County, Texas. (District 4).

Property:

Described in the attached and incorporated Exhibit A and B.

ADOPTED: October 3, 2019

ATTEST:


Jannette S. Goodall
City Clerk

**PROPERTY DESCRIPTION
PARCEL 69**

SURVEY OF 0.089 ACRES (3,890 SQUARE FEET) OF LAND IN THE JOHN APPLGAIIT SURVEY NUMBER 58, AND BEING A PORTION OF LOT 4, NORTHWEND PHASE "B" SECTION ONE-D, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 84, PAGE 97B, PLAT RECORDS TRAVIS COUNTY, TEXAS, THE SAID LOT 4, BEING DESCRIBED TO FIREBRAND PROPERTIES, LP.; IN THAT CERTAIN DOCUMENT RECORDED IN DOCUMENT NUMBER 2015117831, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, SAID 0.089 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculate point having grid coordinates of N(Y) 10106282.116, E(X) 3128323.858 NAD83, Texas Central Zone 4203, on the southerly common dividing line of the said Lot 4 and Lot 1, of the said NORTHWEND PHASE "B" SECTION ONE-D and from this point a magnail found for the south corner of the said Lot 4, same being an interior angle corner of the said Lot 1, bears South 65°24'15" East, a distance of 154.09 feet;

THENCE North 65°24'15" West, a distance of 15.00 feet along the common dividing line of the said Lot 1 and the said Lot 4, to a calculated point for the west corner of the herein described 0.089 acres of land and the said lot 4, same being a point on the southeast line of that certain ten foot strip of land dedicated as additional right-of-way as depicted on the plat of the said Northwend Phase "B" and a point on the southeast right-of-way line of the North Lamar Boulevard and from this point a punch hole found for the west corner of Lot 3, of the said Northwend Phase "B" Section One-D, same being a point on the southeast line of the said ten foot strip and the said North Lamar Boulevard bears South 24°48'37" West, a distance of 195.50 feet;

THENCE North 24°48'37" East, a distance of 259.34 feet and coincident with the southeast line of the said ten foot strip of land and the southeast right-of-way line of the said North Lamar Boulevard, same being the northwest line of the said Lot 4, to a one-half inch iron rod found for the north corner of the herein described 0.089 acres of land and the said Lot 4, same being the east corner of the said ten foot strip of land per Northwend Phase 'B' Section One-D, same being a point on the southeast right-of-way line of the said North Lamar Boulevard and the west corner of Lot 2, Northwend Phase 'B' Section One-A, a subdivision in Travis County, Texas, according to the plat recorded in Volume 83, Page 115D, Plat Records Travis County, Texas and a point southeast line of another ten foot strip of land dedicated for right-of-way purpose as depicted on the plat of Northwend Phase 'B';

EXHIBIT "A"

Page 2 of 4

THENCE South 65°13'47" East, a distance of 15.00 feet along the common dividing line of the said Lot 4 and the said Lot 2, Northwend Phase 'B' to a calculated point for the east corner of the herein described 0.089 acres of land, same being a point on last said common dividing line and from this point a magnail found for the east corner of the said Lot 4, same being a point on the southwest line of the said Lot 2, Northwend Phase 'B' bears South 65°13'47" East, a distance of 153.86 feet;

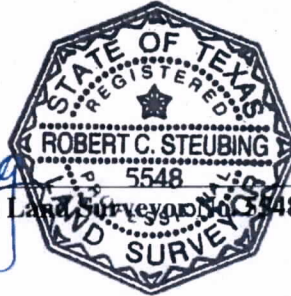
THENCE South 24°48'37" West, a distance of 259.29 feet crossing over the said Lot 4 to the **POINT OF BEGINNING**, and containing 0.089 acre (3,890 square feet) of land more or less.

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**

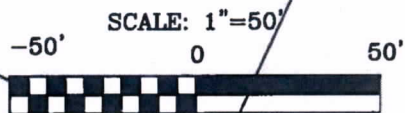

Robert C. Steubing Registered Professional Land Surveyor No. 5548



07/24/2017
Date

EXHIBIT "B"

SEE PAGE 4 FOR LINE TABLE AND
TITLE COMMITMENT NOTES



NORTH LAMAR BOULEVARD
(WIDTH VARIES)

PARCEL 69
0.089 ACRES
(3,890 SQ. FT.)

POWER POLE
306212 74 CKT811

POWER
POLE
603475
CKT811
LF06

TREE # 8367
16" LO

POWER
POLE
306403

POWER
POLE
306322
9523

TREE # 8297
19" LO

P.O.B.
N: 10106282.116
E: 3128323.858

LOT 1, NORTHWEND PHASE "B"

LOT 3, NORTHWEND PHASE "B"
SECTION ONE-D

LOT 2, NORTHWEND PHASE "B"
SECTION ONE-A
83, PG. 115D,
P.R.T.C.T.

LOT 4, NORTHWEND PHASE "B"
SECTION ONE-D
VOL. 84, PG. 97B,
P.R.T.C.T.
FIREBRAND PROPERTIES, LP IN
DOCUMENT NO. 2015117831
O.P.R.T.C.T.

NORTHWEND PHASE "B" SECTION ONE-D
VOL. 84, PG. 97B,
P.R.T.C.T.

LOT 1
TCC NORTHWEND, LLC
DOC. NO. 2015140634
O.P.R.T.C.T.

PAGE 3 OF 4



ROBERT C. STEUBING (512-505-7146)
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

DATE

Robert C. Steubing 07/24/2017

Line Table		
Line #	Direction	Length
L1	N65° 24' 15"W	15.00'
L2	N24° 48' 37"E	259.34'
L3	S65° 13' 47"E	15.00'
L4	S24° 48' 37"W	259.29'

Record Line Table		
Line #	Direction	Length
(L2)	N26° 59' 19"E	259.00'

LEGEND

●	1/2" IRON ROD FOUND
△	CALCULATED POINT
▲	MAGNAIL FOUND
■	PUNCH HOLE FOUND
⊥	SIGN
⊙	BOLLARD
→	TRAFFIC LIGHT
○	POWER POLE
⊙	TELEPHONE MANHOLE
⊗	LIGHT POLE
~	GUY WIRE
⊙	POWER POLE WITH LIGHT
⊙	WATER MANHOLE
⊗	WATER VALVE

LEGEND

⊞	ELECTRIC PULL BOX
○	POST
BL	BUILDING LINE
ESMT	EASEMENT
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
PUE	PUBLIC UTILITY EASEMENT
ROW	RIGHT-OF-WAY
JAD	JOINT ACCESS AND DRAINAGE
D.R.T.C.T.	DEED RECORDS TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY, TEXAS
()	RECORD INFORMATION

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83 - 2011 ADJUSTMENT, CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

COMMITMENT FOR TITLE INSURANCE PROVIDED BY:

INDEPENDENCE TITLE COMPANY

GF NO.: 1719126-KFO

ONLY THOSE ITEMS LISTED IN SCHEDULE B OF THE ABOVE REFERENCED COMMITMENT FOR TITLE INSURANCE WERE REVIEWED FOR THE PURPOSE OF THIS SURVEY. NO ADDITIONAL RESEARCH WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, OR OTHER ENCUMBRANCES WHICH AFFECT THIS SURVEY THAT ARE NOT KNOWN TO THIS SURVEYOR.

- The following restrictive covenants of record: Volume 83, Page 115D and Volume 84, Page 97B, Plat Records, Travis County, Texas, AFFECTS TRACT.
- Any and all easements, building lines and conditions, covenants and restrictions as set forth in plat recorded in Volume 83, Page 115D, Plat Records, Travis County, Texas. AFFECTS TRACT.
- Easement/Reservation as shown on the plat and dedication set out in Schedule A hereof: Purpose: future right of way, Location: 10 feet adjacent to and parallel with North Lamar Blvd. AFFECTS TRACT.
- Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: public utility, Location: 10 feet adjacent to and parallel with the 10 foot future right of way line. AFFECTS TRACT.
- Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: joint access, drainage and public utility, Location: Portion of 45 feet along the southwest property line. AFFECTS TRACT.
- Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: joint access, drainage and public utility Location: 30 feet along the northeast property line. AFFECTS TRACT.
- Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: joint access, drainage and public utility Location: 25 feet along the southeast property line. DOES NOT AFFECT TRACT.
- Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: public utility and drainage, Location: 7.5 feet along the northeast property line. AFFECTS TRACT.
- Building setback lines as shown on the recorded plat and dedication set out in Schedule A hereof. AFFECTS THIS TRACT.
- Easement: awarded to Southwestern Bell Telephone Company Recorded: Volume 2695, Page 44, Deed Records, Travis County, Texas. To: awarded to Southwestern Bell Telephone Company Purpose: telephone line, together with all rights recited therein. AFFECTS TRACT.
- Right of First Refusal contained in Option Agreement dated 7/22/1983, by and between Burger King Corporation and Jim Ray, Trustee, as referenced in the Warranty Deed: Recorded: Volume 8614, Page 486, Deed Records, Travis County, Texas. AFFECTS TRACT.
- Terms, Conditions, and Stipulations in the Agreement: Recorded: Volume 10865, Page 342, Real Property Records, Travis County, Texas. Type: Easement (Non-exclusive for access). AFFECTS TRACT.

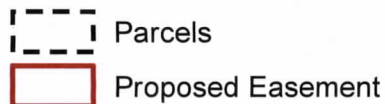
THIS MAP WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE FIELD WORK WAS COMPLETED IN JUNE, 2017

Robert C. Steubing 07/24/2017
ROBERT C. STEUBING (512-505-7146) DATE
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548



**Proposed Electric Transmission
and Distribution Easement
for
Austin Energy Transmission
Circuit 811 Upgrade**

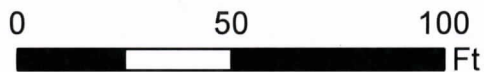
**Owner: Firebrand Properties, LP - Parcel #69
Location: 9525 N Lamar Blvd**



2018 Aerial Imagery, City of Austin



*AE Public Involvement
& 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 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 7/17/2019

