

RESOLUTION NO. 20191003-063

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:	Topline Real Estate, LLC., a Texas limited liability company
Project:	Austin Energy Circuit 811 Upgrade Parcel 45 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: 8929 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:

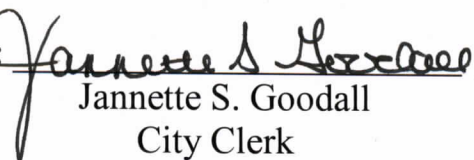

Jannette S. Goodall
City Clerk

EXHIBIT "A"

PAGE 1 OF 4



Landesign Services, Inc.

1220 McNeil Road
Suite 200
Round Rock, Texas 78681
Firm Registration No. 10001800
512-238-7901 office
512-238-7902 fax

PROPERTY DESCRIPTION PARCEL 45

BEING A 0.063 OF ONE ACRE (2734 SQUARE FEET) PARCEL OF LAND SITUATED IN THE J. APPLGAIT SURVEY, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT A, RESUBDIVISION OF LOTS 1,2, & 3, BLOCK D, NORTH LAMAR PARK SECTION THREE, RECORDED IN VOL. 59, PG. 16 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT A BEING DESCRIBED IN A SPECIAL WARRANTY DEED TO TOPLINE REAL ESTATE, LLC, RECORDED IN DOC. NO. 2012006004 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 0.063 OF ONE ACRE (2734 SQUARE FEET) PARCEL BEING SHOWN ON THE ATTACHED SKETCH LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rebar found (Grid Coordinates: N=10104038.150, E=3127267.024) for the North corner of said Lot A and the West corner of Lot 4, Block D, NORTH LAMAR PARK SECTION THREE, recorded in Vol. 20, Pg. 15 of the Plat Records of Travis County, Texas, also being in the existing Easterly right-of-way line of North Lamar Boulevard (R.O.W. Varies) for the most Northerly corner of the herein described tract, from which a 1/2-inch iron rebar found for the North corner of Lot 5, of said Block D and the West corner of said Block D, also being in said existing Easterly right-of-way line of North Lamar Boulevard, bears North 26°52'28" East a distance of 113.10 feet and North 24°53'38" East a distance of 8.00 feet;

THENCE **South 62°16'23" East** departing said existing Easterly right-of-way line of North Lamar Boulevard and coincident with the common dividing line of said Lot A and said Lot 4, a distance of **15.00** feet to a Calculated Point not set for the Northeast corner of the herein described tract;

THENCE **South 26°52'28" West** over and across said Lot A, a distance of **182.27** feet to a Calculated Point not set in the Southwest line of said Lot A, also being in the existing Northerly right-of-way line of Carpenter Avenue (R.O.W Varies);

EXHIBIT "A"

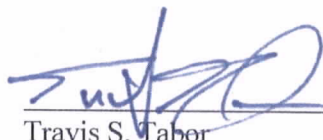
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THENCE **North 62°31'23" West** coincident with the common dividing line of said Lot A and said existing Northerly right-of-way line of Carpenter Avenue, a distance of **15.00** feet to a Calculated Point not set for the West corner of said Lot A and being at the intersection of said existing Northerly right-of-way line of Carpenter Avenue with said existing Easterly right-of-way line of North Lamar Boulevard;

THENCE **North 26°52'28" East** coincident with the common dividing line of said Lot A and said existing Easterly right-of-way line of North Lamar Boulevard, a distance of **182.33** feet to the **POINT OF BEGINNING** and containing 0.063 of one acre of land (2734 Square Feet) more or less.

All bearings shown hereon are based on the Texas State Plane Coordinate System (SPCS), Central Zone (4203), NAD83 (2011 Adjustment). All distances and coordinates shown hereon are grid values represented in U.S. Survey Feet.

This property description is accompanied by a separate plat of even date and was prepared by an on the ground survey made under my supervision during the month of October, 2016.



Travis S. Tabor

Registered Professional Land Surveyor
State of Texas No. 6428

03/22/2017

Date



Job Number: 16-006_811 Upgrade

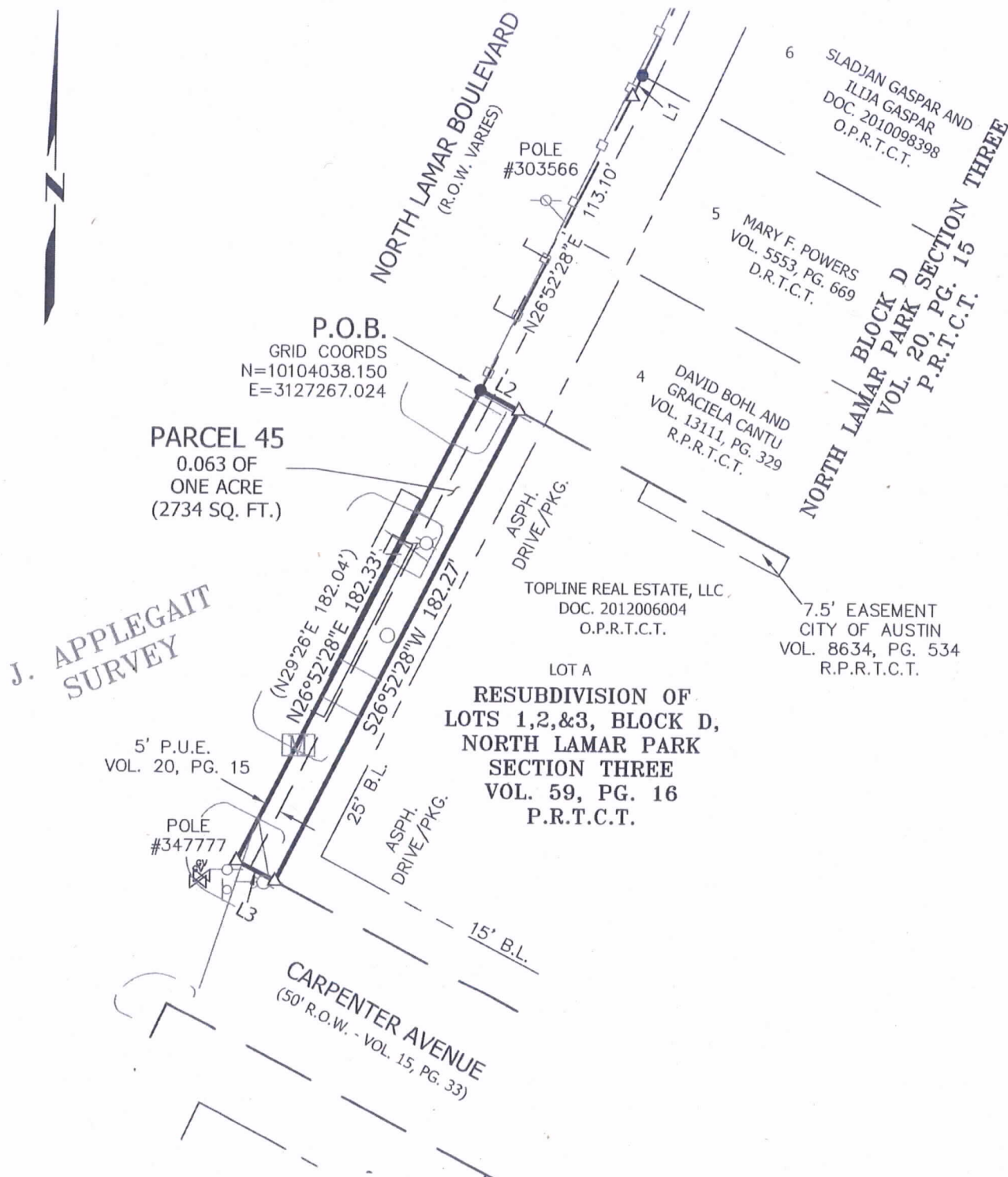
Attachments: Survey Drawing: L:\City of Austin\811 Upgrade\DWGS\Parcels\16006_Parcel 45



GRAPHIC SCALE

EXHIBIT "B"

SEE SHEET 4 FOR LINE TABLE AND
TITLE COMMITMENT NOTES



JOB NUMBER: 16-006		DATE: 01/27/2017	
PROJECT NAME: 811 UPGRADE			
DRAWING NAME: 16006_PARCEL 45			
DRAWING FILE PATH: L:\City of Austin\811 Upgrade\DWGS\Parcels			
FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\Metes and Bounds			
RPLS: TST	TECH: DH	PARTYCHIEF: AG	CHK BY: JB
SHEET 03 of 04		FIELDBOOKS: 265/267	SCALE: 1"= 50'



LANDESIGN SERVICES, INC.

512-238-7901
1220 MCNEIL ROAD
SUITE 200
ROUND ROCK, TEXAS 78681
FIRM REGISTRATION NO. 10001800

COMMITMENT FOR TITLE INSURANCE PROVIDED BY:

CHICAGO TITLE INSURANCE COMPANY

GF NO.: 1619579-KFO

ISSUE DATE: JUNE 10, 2016 - EFFECTIVE DATE: MAY 27, 2016

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.

1. THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS DESCRIBED IN VOL. 20, PG. 15, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; VOL. 2833, PG. 458; VOL. 2876, PG. 238 AND VOL. 3136, PG. 1027, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

SCHEDULE B EXCEPTIONS:

- 10a. NOT A SURVEY MATTER.
10b. ANY VISIBLE AND APPARENT EASEMENT, EITHER PUBLIC OR PRIVATE, LOCATED ACROSS THE LAND, THE EXISTENCE OF WHICH IS NOT DISCLOSED BY THE PUBLIC RECORDS AS HEREIN DEFINED AND ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE SURVEY OF THE LAND. NOTED HEREON.
10c. NOT A SURVEY MATTER.
10d. NOT A SURVEY MATTER.
10e. BUILDING SETBACK LINES AS SHOWN ON RECORDED PLAT AND DEDICATION. NOTED AND SHOWN HEREON.
10f. 5' PUBLIC UTILITY EASEMENT ALONG THE REAR PROPERTY LINE AS SHOWN ON RECORDED PLAT AND DEDICATION. SHOWN HEREON.
10g. ANY AND ALL EASEMENTS, BUILDING LINES AND CONDITIONS, COVENANTS AND RESTRICTIONS AS SET FORTH ON THE PLAT RECORDED IN VOL. 20, PG. 15, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. NOTED HEREON.
10h. BUILDING SETBACK LINES AS SET FORTH IN INSTRUMENT RECORDED IN VOL. 2833, PG. 458, VOL. 2876, PG. 238, AND VOL. 3136, PG. 1027, DEED RECORDS OF TRAVIS COUNTY, TEXAS. NOTED HEREON.
10i. 5' PUBLIC UTILITY AND DRAINAGE EASEMENT ALONG THE REAR PROPERTY LINE, AS SET FORTH IN VOL. 2833, PG. 458, VOL. 2876, PG. 238, AND VOL. 3136, PG. 1027, DEED RECORDS OF TRAVIS COUNTY, TEXAS. NOTED HEREON.
10j. 7.5' ELECTRIC/TELEPHONE EASEMENT RECORDED IN VOL. 8634, PG. 534, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS. SHOWN HEREON - DOES NOT AFFECT.
10k. NOT A SURVEY MATTER.

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 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.

THIS MAP WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE FIELD WORK WAS COMPLETED IN OCTOBER, 2016.

TRAVIS S. TABOR
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS - NO. 6428

03/22/2017
DATE



Line Table		
Line #	Direction	Length
L1	N24° 53' 38"E	8.00'
L2	S62° 16' 23"E	15.00'
L3	N62° 31' 23"W	15.00'

LEGEND

- IRON REBAR FOUND (1/2" OR AS NOTED)
- IRON PIPE FOUND (1/2" OR AS NOTED)
- ⊙ IRON REBAR FOUND WITH CAP (ILLEGIBLE)
- ▲ NAIL FOUND (PK OR AS NOTED)
- △ CALCULATED POINT NOT SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- O.R.T.C.T. OFFICIAL RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- C.R.T.C.T. CONDOMINIUM RECORDS OF TRAVIS COUNTY, TEXAS
- R.O.W. RIGHT-OF-WAY
- P.U.E. PUBLIC UTILITY EASEMENT
- U.E. UTILITY EASEMENT
- B.L. BUILDING LINE
- (S45°E 45') RECORD INFO. PER TRAVIS COUNTY

LEGEND

- GUARDRAIL
- POLE
- POWER POLE
- ⊥ SIGN POST
- WV WATER VALVE
- WM WATER METER
- MH UNKNOWN MANHOLE
- PB ELECTRIC PULLBOX
- M MAILBOX
- WOOD PRIVACY FENCE
- IRON FENCE
- OHE OVERHEAD ELECTRIC
- ⊗ ELECTRIC MISC.
- ⊕ ELECTRIC MANHOLE
- CO WASTEWATER CLEANOUT
- ICV IRRIGATION CONTROL VALVE
- WM WATER METER
- ⊗ FIRE HYDRANT
- BP BOLLARD
- ⊕ TELEPHONE MANHOLE
- TEL TELEPHONE PEDESTAL
- TV CABLE MARKER
- CONC. CONCRETE
- ASPH. ASPHALT
- PKG. PARKING AREA
- E.P. EDGE OF PAVEMENT
- B.O.C. BACK OF CURB

JOB NUMBER: 16-006	DATE: 01/27/2017
PROJECT NAME: 811 UPGRADE	
DRAWING NAME: 16006_PARCEL 45	
DRAWING FILE PATH: L:\City of Austin\811 Upgrade\DWGS\Parcels	
FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\FIELD\Field to Office\FNs	
RPLS: TST	TECH: DH
PARTYCHIEF: AG	CHK BY: JB
SHEET 04 of 04	FIELDBOOKS: 265/267
SCALE: 1" = 50'	

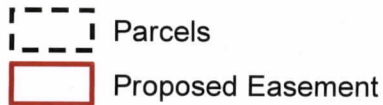


LANDESIGN SERVICES, INC.

512-238-7901
1220 MCNEIL ROAD
SUITE 200
ROUND ROCK, TEXAS 78681
FIRM REGISTRATION NO. 10001800

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

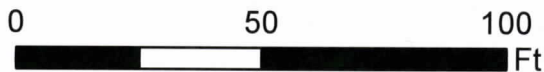
**Owner: Topline Real Estate, LLC - Parcel #45
Location: 8929 N Lamar Blvd**



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 7/19/2019

