

RESOLUTION NO. 20191205-076

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:	Eric Malsam, Ellen Piepho, Nancy J. Duncan, and 2304 Thornton Road Condominium Owners Association, Inc.
Project:	West Bouldin Creek-Del Curto Storm Drain Improvement Project

Public Use: A storm drain infrastructure project to reduce flood risk. A permanent drainage easement described in the attached Exhibit A, is to install, construct, operate, use, maintain, repair, modify, upgrade, monitor, inspect, replace, make connections with, remove and decommission the existing drainage facilities.

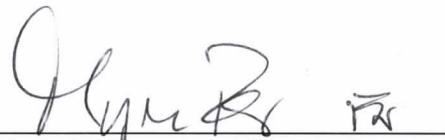
Location: 2304 Thornton Road, Units A and B, Austin, Travis County, Texas 78704

The general route of the project is in south central Austin in the South Lamar neighborhood and its area is bounded by Bluebonnet Lane, Del Curto Road, Delcrest Drive, Kinney Road and Thornton Road with offshoots along Southland Drive and Iva Lane, in Austin, Travis County, Texas. (District 5).

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: December 5, 2019

ATTEST:


Jannette S. Goodall
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS
Firm Registration No. 101141-0

EXHIBIT "A "

**2304 Thornton Road Condominium Owners
Association Inc.
to
City of Austin
Drainage Easement**

LEGAL DESCRIPTION 4905.28 DE

OF A 0.135 OF AN ACRE (5,880 SQUARE FEET) OF LAND, SITUATED IN THE ISAAC DECKER LEAGUE SURVEY NO. 20, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF THE SOUTH HALF OF LOT 16, BLOCK 2, FREDERICKSBURG ROAD ACRES SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 3, PAGE 168, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID SOUTH HALF OF LOT 16, BLOCK 2, FREDERICKSBURG ROAD ACRES SUBDIVISION BEING FULLY DESCRIBED IN THE DECLARATION OF CONDOMINIUM REGIME FOR 2304 THORNTON ROAD CONDOMINIUM OWNERS ASSOCIATION INC. RECORDED IN DOCUMENT NUMBER 2016035003 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.135 OF AN ACRE (5,880 SQUARE FEET) OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron pipe found, having grid coordinates of N=10,062,296.05, E=3,105,309.26, on the east line of said Lot 16, Block 2 and the west right of way line of Thornton Road. Said pipe also being on the northeast corner of the south half of said Lot 16 and the south east corner of the north half of said Lot 16 having been conveyed to Happy East Homes by instrument of record in Document Number 2018053720 Official Public Records of Travis County, Texas. Said iron pipe also being S 27°27'13" W 70.04 feet from a ½" iron rod found at the north east corner of said Lot 16 and N 27°20'31" E 69.89 feet from a ½" iron rod found at the south east corner of said Lot 16.

THENCE, S 27°20'31" W, a distance of 17.50 feet with the east line of said Lot 16, Block 2, the east line of the herein described tract of land and the west right of way line of Thornton Road, to an 80d nail set for the south east corner of the herein described tract of land.

THENCE, N 62°40'32" W, a distance of 41.41 feet leaving the east line of said Lot 16, the east line of the herein described tract of land and the west right of way line of Thornton Road with the south line of the herein described tract of land to a calculated point 1.0' from the overhang of the existing home.

THENCE, along the south line of the herein described tract of land and a line 1.0' away from and parallel to the overhang of the existing home the following seven (7) courses:

1. **THENCE, N 27°05'49" E**, a distance of 8.14 feet to a calculated point,
2. **THENCE, N 62°54'11" W**, a distance of 17.63 feet to a calculated point, 1.0' away from a plastic pad and an AC unit.
3. **THENCE, N 27°05'49" E**, a distance of 2.50 feet to a calculated point, 1.0' away from and parallel with a plastic pad and an AC unit.
4. **THENCE, N 62°54'11" W**, a distance of 5.00 feet to a calculated point, 1.0' away from and parallel with a plastic pad and an AC unit.
5. **THENCE, S 27°05'49" W**, a distance of 2.50 feet to a calculated point, 1.0' away from and parallel with a plastic pad and an AC unit.
6. **THENCE, N 62°54'11" W**, a distance of 44.41 feet to a calculated point,
7. **THENCE, S 27°12'28" W**, a distance of 5.92 feet to a calculated point,
8. **THENCE, N 62°47'32" W**, a distance of 19.57 feet to a calculated point,
9. **THENCE, S 27°12'28" W**, a distance of 2.49 feet to a calculated point,
10. **THENCE, N 63°18'53" W**, a distance of 6.02 feet to a calculated point,
11. **THENCE, S 27°16'01" W**, a distance of 10.96 feet to a calculated point,

THENCE, S 86°44'38" W, a distance of 80.91 feet leaving the line 1.0' away from and parallel to the overhang of the existing home to an 80D nail set on the south line of the south half of said Lot 16, Block 2 and the north line of Lot 15C, Block 2, Resubdivision of Lot 15, Block 2, Fredericksburg Road Acres Subdivision recorded in Document Number 200300105 Official Public Records of Travis County, Texas.

THENCE, N 62°40'32" W, a distance of 68.80 feet along the south line of said Lot 16, Block 2, the south line of the herein described tract of land and the north property line of said Lot 15C, to an 80d nail set at the westernmost corner of the herein described tract of land. Said 80D nail being S 62°40'32" E, a distance of 27.61 feet from a ½" iron rod found at the south west corner of said Lot 16, Block 2, the north west corner of said Lot 15C, the north east corner of Lot 3, Block 2, Evans Subdivision recorded in Document Number 200300263 of the Official Public Records of Travis County, Texas and the south east corner of Lot 11, Block 2 said Fredericksburg Road Acres Subdivision.

THENCE, N 86°44'38" E, a distance of 138.12 feet leaving the common property line of said Lot 16 and Lot 15C, Block 2, to an 80d nail set at the north line of said south half Lot 16, Block 2 and the south line of the north half of said Lot 16, Block 2, also being the north line of the herein described tract of land.

THENCE, S 62°40'32" E, a distance of 153.59 feet along the north property line of the south half of said Lot 16, Block 2 and the south property line of the north half of said Lot 16, Block 2, also being the north line of the herein described tract of land to the **POINT OF BEGINNING** and containing 0.135 of an acre (5,892 square feet) of land.

BEARING BASIS

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93). THE BEARINGS AND DISTANCES ARE GRID.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Carmelo Lettere Macias, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground during December, 2017 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 9th day of May, 2019.

Macias & Associates, L.P.
10017 Wild Dunes Drive
Austin, Texas 78747
512-442-7875

Carmelo L. Macias
Carmelo Lettere Macias
Registered Professional Land Surveyor
No. 4333 – State of Texas
Rev. 5

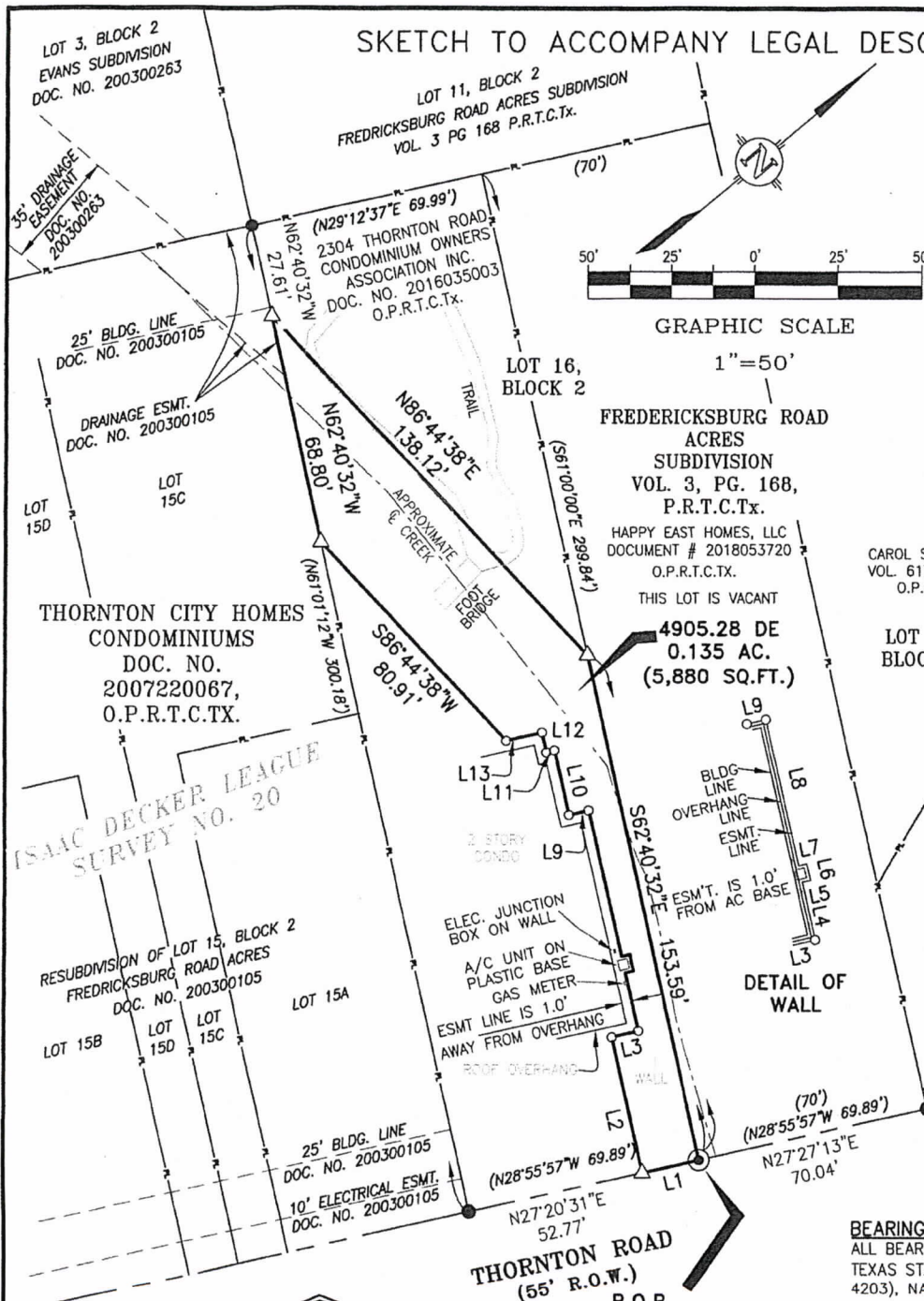
FIELD NOTES REVIEWED
BY *[Signature]* DATE: 05.20.2019
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT



REFERENCES

TCAD PID No. 0401062201
2304 Thornton Road Condominium Owners Association Inc.
Grant of Third-Party Easements: Document Number 2016035003
TC File No. 20160552 Stewart Title Guaranty Company
CAS Easement No. 24

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S27°20'31"W	17.50'
L2	N62°40'32"W	41.41'
L3	N27°05'49"E	8.14'
L4	N62°54'11"W	17.63'
L5	N27°05'49"E	2.50'
L6	N62°54'11"W	5.00'
L7	S27°05'49"W	2.50'
L8	N62°54'11"W	44.41'
L9	S27°12'28"W	5.92'
L10	N62°47'32"W	19.57'
L11	S27°12'28"W	2.49'
L12	N63°18'53"W	6.02'
L13	S27°16'01"W	10.96'

LEGEND

- 1/2" IRON PIPE FOUND
- 1/2" IRON ROD FOUND UNLESS NOTED
- △ 800 NAIL SET
- CALCULATED POINT
- R.O.W. RIGHT-OF-WAY
- O.P.R.T.C.Tx. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.Tx. DEED RECORDS, TRAVIS COUNTY, TEXAS
- P.R.W.C.Tx. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- DE DRAINAGE EASEMENT
- VOL. VOLUME
- PG. PAGE
- DOC. NO. DOCUMENT NUMBER

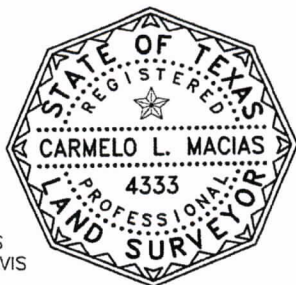
CARRIAGE PARK
CONDOMINIUMS
DOC. NO. 2004122667,
O.P.R.T.C.Tx.

BEARING BASIS:

ALL BEARINGS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

TITLE COMMITMENT NOTES:

THE EASEMENTS SHOWN OR NOTED AND ADDRESSED ON THIS SURVEY ARE THOSE LISTED IN SCHEDULE B OF TITLE COMMITMENT ISSUED BY STEWART TITLE GUARANTY COMPANY, FILE NO. 20160552 EFFECTIVE DATE: SEPTEMBER 26, 2016, ISSUED OCT.16, 2018. 10g. COMMON AREAS ARE REFERRED TO AS EASEMENTS.



STATE OF TEXAS
COUNTY OF TRAVIS

I HEREBY CERTIFY THAT THIS SURVEY IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Carmelo L. Macias May 9, 2019

CARMELO LETTERE MACIAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4333

PAGE 4 OF 4

PARCEL 4905.28 DE 1 REV. 5.DWG.

DATE: 11-05-2018
DRAWN BY: ALM
MAI JOB NO.: 431-45-17



MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS - FIRM NO. 101141-00

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10017 WILD DUNES DRIVE

AUSTIN, TEXAS 78747 O (512)442-7875

C (512)689-4746

WWW.MACIASWORLD.COM





Proposed Drainage Easement Acquisition at 2304 Thornton Rd



This is a preliminary map and should not be used for any purpose other than for informational purposes only.

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Produced by the City of Austin

-  Proposed Drainage Easement
-  Parcel of interest at 2304 Thornton Rd
-  TCAD Parcels
-  City Council Districts

2019 Aerial Imagery, City of Austin

