

RESOLUTION NO. 20200409-034

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: Laszlo Herczeg

Project: Spicewood Springs Road Mobility Improvements Project

Public Use: A mobility improvements project to address congestion and enhance mobility and safety for the public. A permanent right of way described in the attached Exhibit A, is to survey, conduct site review and analysis, and to construct, operate, maintain, repair, replace, upgrade, decommission, remove and make connection with the project improvement.

Location: 5003 Spicewood Springs Road, Austin, Travis County, Texas 78759

The general route of the project is located within the Austin city limits and is oriented east-west as Spicewood Springs connects with Loop 360 and Loop 1. The project area limits are approximately 4,000 feet of Spicewood Springs Road from Loop 360 to Mesa Drive, in Austin, Travis County, Texas. (District 10).

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: April 9, 2020

ATTEST:

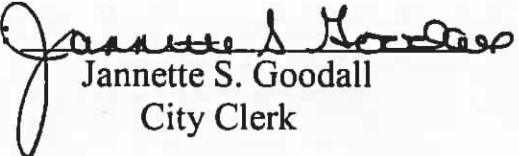

Jannette S. Goodall
City Clerk

EXHIBIT "A"

0.0181 acre out of the
James M. Mitchell Survey No. 17
Abstract No. 521, Travis County, Texas

(Right-of-Way Dedication)
Laszlo Herczeg
To City of Austin, Texas

LEGAL DESCRIPTION

BEING A DESCRIPTION OF 0.0181 ACRE OF LAND (APPROX. 789 SQUARE FEET), BEING OUT OF AND A PORTION OF THE JAMES M. MITCHELL SURVEY NO. 17, ABSTRACT NO. 521, IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT DESCRIBED IN DOCUMENT NO. 2000017269 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND CONVEYED TO LASZLO HERCZEG IN A GENERAL WARRANTY DEED DATED NOVEMBER 21, 2008, RECORDED IN DOCUMENT NO. 2008169731 OF THE SAID OFFICIAL PUBLIC RECORDS; SAID 0.0181 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found at an angle point in the existing southwest right-of-way line of Spicewood Springs Road (right-of-way width varies, shown on Right-of-Way Widening of Spicewood Springs Road, C.S.J. No. 8012-14-002), being also a point in a southeasterly line of the said Herczeg tract, being also the most northerly corner of a called 0.0221 acre tract of land conveyed to the City of Austin in Document No. 2005134048 of said Official Public Records, also being the northwest corner of a called 0.2977 acre tract of land conveyed to the City of Austin in Cause No. 1680 of the Probate Records of Travis County, Texas, described in Document No. 2001057843 of said Official Public Records, and the most southerly corner of the herein described tract of land, having Texas State Plane Grid Coordinate values (Central Zone 4203, NAD 83/2011) of Northing: 10,111,535.49 and Easting 3,106184.50, from which a 1/2-inch iron rod with yellow cap stamped "SAM, Inc." found in the existing southwest right-of-way line of Spicewood Springs Road, at the southeast corner of the said 0.0221 acre City of Austin tract bears South 10°00'48" East, a distance of 48.72 feet;

THENCE North 10°09'25" West, over and across the said Herczeg tract, with the proposed southwest right-of-way line of Spicewood Springs Road, a distance of 39.79 feet to a 5/8" iron rod found at an angle point in the existing southwest right-of-way line of Spicewood Springs Road, being a point in the northwest line of the said Herczeg tract, being the most southerly corner of a called 0.2128 acre tract of land conveyed to the City of Austin in Document No. 1999087726 of said Official Public Records, being also the most easterly corner of a called 2.31 acre tract of land (Tract 1) conveyed to 5005 SSR, LLC in Document No. 2014100348 of said Official Public Records, for the most westerly corner of the herein described tract of land;

THENCE with the existing southwest right-of-way line of Spicewood Springs Road, being in common with lines of the said Herczeg tract, the following three (3) courses and distances:

1. North 28°48'49" East, a distance of 22.98 feet to a 60d nail found for the most northerly corner of the herein described tract of land;
2. South 30°28'38" East, a distance of 29.89 feet to a 60d nail found for the most easterly corner of the herein described tract of land;

EXHIBIT "A"

0.0181 acre out of the
James M. Mitchell Survey No. 17
Abstract No. 521, Travis County, Texas

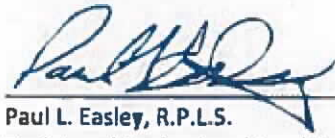
(Right-of-Way Dedication)
Laszlo Herczeg
To City of Austin, Texas

3. South 29°48'31" West, a distance of 38.66 feet to the **POINT OF BEGINNING** and containing 0.0181 acre of land, more or less, within these metes and bounds.

BEARING BASIS NOTE:

All bearings based on the Texas State Plane Coordinate System of 1983, Central Zone 4203 (NAD83/2011), EPOCH 2010.00. All distances shown hereon are surface and may be converted to grid by dividing by the surface adjustment factor of 1.00011. Units: U.S. Survey Feet.

I, Paul L. Easley, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision May 23, 2019.



02/18/19
Date

Paul L. Easley, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 4432
Halff Associates, Inc., TBPLS Firm No. 10029607
9500 Amberglen Blvd., Bldg. F, Suite 125
Austin, Texas 78729 512-777-4600



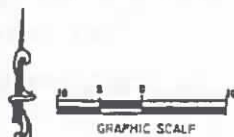
FIELD NOTES REVIEWED

BY  DATE: 12-16-2019

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

REFERENCES

TCAD # 01-4705-0104
AUSTIN GRID H-32

**LEGEND**

- IRON ROD FOUND (SIZE NOTED)
- ▲ 60D NAIL FOUND
- Ⓟ SIGN
- E OH— OVERHEAD ELECTRIC LINE
- () RECORD DATA
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PROBATE RECORDS OF TRAVIS COUNTY, TEXAS

JAMES COLEMAN
SURVEY NO. 25,
ABSTRACT NO. 169

JUDGMENT OF COURT
IN ABSENCE OF OBJECT
TO CITY OF AUSTIN
CALLED 0 2128 ACRE
DOC NO 1999087726
O.P.R.T.C.T.

SPACEWOOD SPRINGS ROAD
(C.S.J. NO. 6012, 14, 002)
(R.O.W. VARIES)

ASPH ALT
E OH
E OH
E OH
E OH
E OH
E OH

ASPHALT SHOULDER

APPROXIMATE LOCATION
OF SURVEY LINE

5005 SSR, LLC
TRACT 1: CALLED 2.31 ACRES
DOC NO 2014100348
O.P.R.T.C.T.

RIGHT-OF-WAY
DEDICATION
0.0181 ACRE
(789 SQ. FT.)

PROPOSED
ROW LINE

GATE
POSTS

FENCE
CROSSES
SUBJECT
TRACT

LASZLO HERCZEG
TRACT DESCRIBED
DOC NO 200017289
O.P.R.T.C.T.
CONVEYED IN
DOC NO 2008189731
O.P.R.T.C.T.

MAILBOX

P.O.B.
1/2" IRON ROD FOUND
GRID NORTHING: 10,111,535.49
GRID EASTING: 3,106,184.50

CITY OF AUSTIN
CALLED 0 2977 ACRE
CAUSE NO 1680
P.R.T.C.T.
DESCRIBED IN
DOCUMENT NO
2001057843
O.P.R.T.C.T.

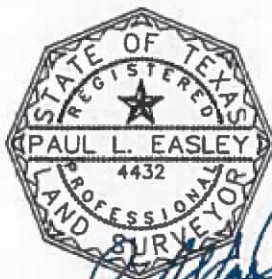
1/2" CITY OF AUSTIN
CALLED 0 0221 ACRE
DOC NO 2005134048
O.P.R.T.C.T.

1/2" WITH "SAM INC"
YELLOW CAP

EXISTING ROW LINE

THE BASIS OF BEARINGS IS THE TEXAS STATE PLANE
COORDINATE SYSTEM OF 1983 CENTRAL ZONE 4203, NAD
83/2011 EPOCH 2010.00. ALL COORDINATES AND DISTANCES
ARE U.S. SURVEY FEET SHOWN IN SURFACE VALUES AND
MAY BE CONVERTED TO GRID BY DIVIDING BY THE SURFACE
ADJUSTMENT FACTOR OF 1.00011

| LINE TABLE | | |
|---|---------------|----------|
| () = RECORD DATA FROM DOC NO 2000197522, O.P.R.T.C.T. | | |
| LINE NO. | BEARING | DISTANCE |
| 1.1 | N10°09'25"W | 39.79' |
| 1.2 | N28°48'49"E | 22.98' |
| (L2) | (N30°22'45"E) | (23.05') |
| 1.3 | S30°28'38"F | 29.89' |
| (L3) | (S29°05'19"E) | (29.89') |
| 1.4 | S29°48'31"W | 38.66' |
| (L4) | (S31°13'41"W) | (38.68') |



JAMES M. MITCHELL
SURVEY NO. 17,
ABSTRACT NO. 521

HALFF DWG FILE V-201-TR-33071 HERCZEG

SHEET 3 OF 3

| | |
|---------------------------|------------|
| Issued: | 07/18/2019 |
| Scale: | 1" = 20' |
| Drawn By: | JAO |
| Approved By: | PLE |
| HALFF Office: | AUSTIN |
| V-201-TR-33071 HERCZEG | |

0.0181 ACRE RIGHT-OF-WAY DEDICATION

JAMES M. MITCHELL SURVEY NO. 17,
ABSTRACT NO. 521
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



9500 AMBERGLEN BLVD
BLDG F STE 125
AUSTIN, TEXAS 78729
TEL (512) 777-4800
FAX (512) 252-8141
TBPLS FIRM NO. 10029607

Proposed Right-Of-Way Dedication located at Spicewood Springs Road



City of Austin
Real Estate Services



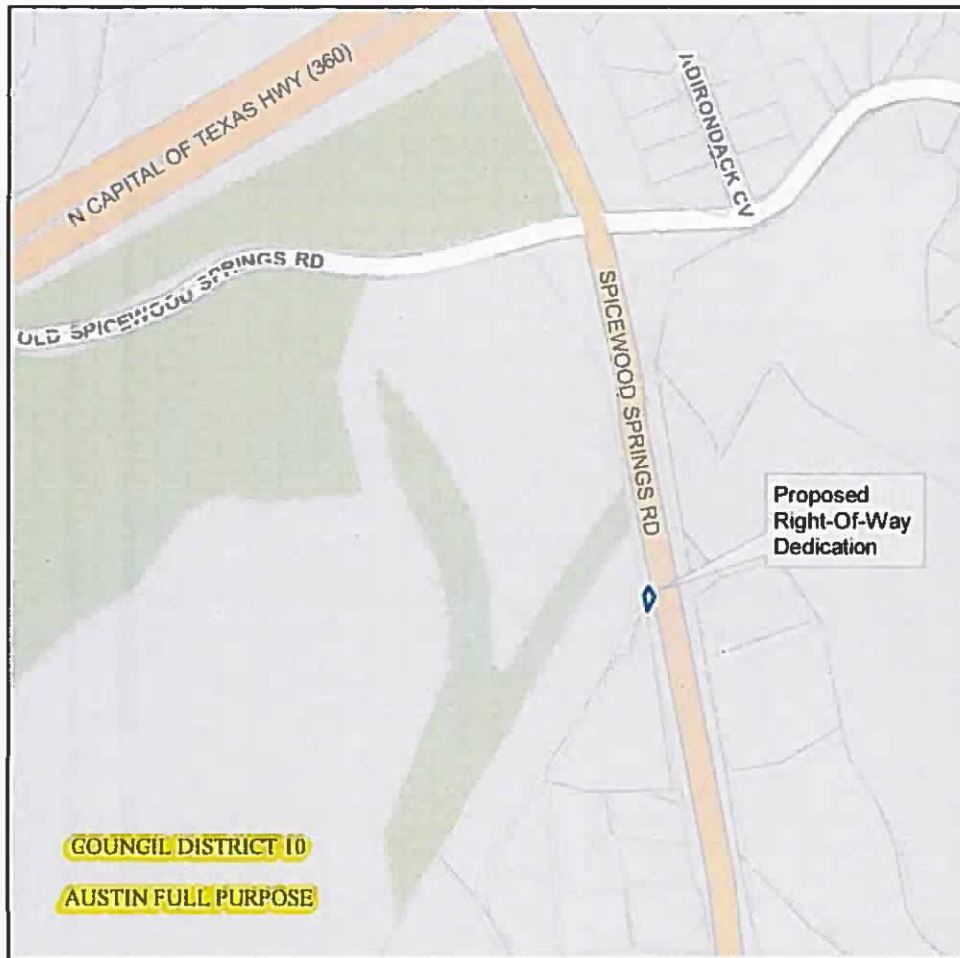
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by 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, 2/27/2020

-  Proposed Right-Of-Way Dedication
-  TCAD Parcels

2019 Aerial Imagery, City of Austin



0 750 1,500 Feet



0 50 100 Feet