

RESOLUTION NO. 20200521-046

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 interests, 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:

Owner:	F & B 4404 Oltorf, LP
Project:	Country Club Creek Trail Elmont Drive to East Oltorf Street Project
Public Uses:	To provide connectivity between many local attractions, homes, sidewalks, and bicycle lanes.

A sidewalk, trail, and recreational easement described in the attached Exhibit "A" is to install, construct, operate, use, maintain, repair, modify, upgrade, monitor, inspect, replace, make connections with multi-use trails, and promenade structures and related facilities in, under, upon and across the property described in Exhibit "A".

A temporary working space easement, to be used during the initial construction period only, upon and across the abutting land as described in Exhibit "B".

Location: 4404 E. Oltorf Street, Austin, Travis County, Texas 78741

The general route covered by this project is E. Oltorf Street to East Riverside Drive along Country Club Creek, and from East Riverside Drive to Elmont Drive along Wickersham Lane in Austin, Travis County, Texas. (District 2).

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

ADOPTED: May 21, 2020

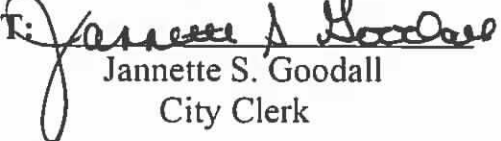
ATTEST: 
Jannette S. Goodall
City Clerk

Exhibit A

Exhibit " _____ "

F&B 4404 Oltorf, LP
to
The City of Austin
(Sidewalk, Trail and Recreational Easement)

LEGAL DESCRIPTION FOR PARCEL 4961.04 STARE

LEGAL DESCRIPTION FOR 1.133 ACRE (49,334 SQUARE FEET) TRACT OF LAND OUT OF LOT 3 AND A PORTION OF LOT 2, CHEVY CHASE SOUTH PHASE SIX, A SUBDIVISION OF RECORD IN BOOK 85, PAGE 127B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS. SAID LOT 3 AND SAID PORTION OF LOT 2 CONVEYED TO F&B 4404 OLTORF, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2013130889 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 1.133 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point on the northerly right-of-way line of East Oltorf Street (90' right-of-way), same being the southerly line of said Lot 3 for the southwest corner of the tract herein described having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (2011) Epoch 2010, U.S. Feet, Combined Scale Factor 0.999952039) grid coordinate values of N=10,056,009.61, E=3,119,688.01, from which an "X" on a concrete wall found at the southwest corner of said Lot 3, same being the southeast corner of Lot 1, Amended Plat of Tracts D and G, Willow Bend Addition, Section One, a subdivision of record in Book 86, Page 172D of the Plat Records of Travis County, Texas bears along the northerly right-of-way line of East Oltorf Street with the southerly line of said Lot 3, N62°30'15"W, a distance of 3.75 feet;

THENCE, departing the northerly right-of-way line of East Oltorf Street and crossing said Lot 3 and portion of Lot 2 with the following twenty-three (23) courses:

- 1.) N55°20'39"E, a distance of 23.27 feet to a calculated angle point;
- 2.) N42°00'14"E, a distance of 56.68 feet to a calculated angle point;
- 3.) N62°42'19"E, a distance of 22.61 feet to a calculated angle point;
- 4.) N34°39'47"E, a distance of 48.82 feet to a calculated angle point;
- 5.) N45°24'13"E, a distance of 36.83 feet to a calculated angle point;
- 6.) N60°06'26"E, a distance of 26.88 feet to a calculated angle point;
- 7.) N22°05'05"E, a distance of 21.63 feet to a calculated angle point;
- 8.) N52°04'18"E, a distance of 41.20 feet to a calculated angle point;
- 9.) N31°36'53"E, a distance of 213.05 feet to a calculated angle point;
- 10.) N02°28'46"E, a distance of 36.76 feet to a calculated angle point;

Exhibit A

- 11.) N23°40'49"E, a distance of 74.30 feet to a calculated angle point;
- 12.) N34°50'58"E, a distance of 138.19 feet to a calculated angle point;
- 13.) N42°26'26"E, a distance of 55.98 feet to a calculated angle point;
- 14.) N58°28'07"E, a distance of 42.87 feet to a calculated angle point;
- 15.) N22°46'20"E, a distance of 65.46 feet to a calculated angle point;
- 16.) N40°17'05"E, a distance of 185.58 feet to a calculated angle point;
- 17.) N58°06'22"E, a distance of 94.34 feet to a calculated angle point;
- 18.) N87°17'13"E, a distance of 15.51 feet to a calculated angle point;
- 19.) N56°23'27"E, a distance of 165.75 feet to a calculated angle point;
- 20.) N66°45'12"E, a distance of 30.27 feet to a calculated angle point;
- 21.) N81°23'17"E, a distance of 65.97 feet to a calculated angle point;
- 22.) N23°14'56"E, a distance of 41.11 feet to a calculated angle point;
- 23.) N57°36'22"E, a distance of 138.71 feet to a calculated point on the southerly line of Lot 4, Block A, Lot 1, Chevy Chase South, Phase Six Resubdivision, a subdivision of record in Book 99, Page 40 of the Plat Records of Travis County, Texas, same being the northerly line of said portion of Lot 2 for the northwest corner of the tract herein described, from which a ½" rebar found on the curving easterly right-of-way line of a cul-de-sac (60' radius) at the eastern terminus of a portion of Sheringham Drive (70' right-of-way) at the southwest corner of said Lot 4, same being a northerly corner of said portion of said Lot 2 and the east corner of a called 0.042 acre tract of land conveyed to the City of Austin and described as "Tract A" in Street Deed recorded in Volume 12560, Page 30 of the Real Property Records of Travis County, Texas bears along the northerly line of said portion of Lot 2 with the southerly line of said Lot 4, N63°49'16"W, a distance of 340.66 feet;

THENCE, along the northerly line of said portion of Lot 2 and the southerly line of said Lot 4, S63°49'16"E, a distance of 35.16 feet to a calculated point for the northeast corner of the tract herein described, from which a ½" rebar at the Point of Reverse Curvature on the curving southerly right-of-way line of a cul-de-sac (60' radius) at the western terminus of a portion of Sheringham Drive (70' right-of-way), same being the southerly line of a called 0.039 acre tract of land conveyed to the City of Austin and described as "Tract C" in Street Deed recorded in Volume 12560, Page 30 of the Real Property Records of Travis County, Texas and the northerly line of said portion of Lot 2, bears along the southerly line of said Lot 4 with the northerly line of said portion of Lot 2, S63°49'16"E, a distance of 35.53 feet to a calculated point on the curving westerly right-of-way line of Sheringham Drive, on the northerly line of said portion of Lot 2, same being the west corner of said 0.039 acre "Tract C" and the southeast corner of said Lot 4 (from which a rebar with cap stamped "Wallace Group" found bears N29°32'54"E, a distance of 1.72 feet), continuing along the curving southerly right-of-way line of Sheringham Drive with the northerly line of said portion of said Lot 2 with said curve having a chord bearing S59°17'30"E, a distance of 89.17 feet;

Exhibit A

THENCE, departing the southerly line of said Lot 4, Block A and crossing said portion of Lot 2 and said Lot 3 with the following twenty-three (23) courses:

- 1.) S57°36'22"W, a distance of 147.76 feet to a calculated angle point;
- 2.) S23°14'56"W, a distance of 48.51 feet to a calculated angle point;
- 3.) S81°23'17"W, a distance of 78.79 feet to a calculated angle point;
- 4.) S66°45'12"W, a distance of 23.70 feet to a calculated angle point;
- 5.) S56°23'27"W, a distance of 171.32 feet to a calculated angle point;
- 6.) S87°17'13"W, a distance of 15.99 feet to a calculated angle point;
- 7.) S58°06'22"W, a distance of 81.83 feet to a calculated angle point;
- 8.) S40°17'05"W, a distance of 176.25 feet to a calculated angle point;
- 9.) S22°46'20"W, a distance of 70.50 feet to a calculated angle point;
- 10.) S58°28'07"W, a distance of 48.31 feet to a calculated angle point;
- 11.) S42°26'26"W, a distance of 49.77 feet to a calculated angle point;
- 12.) S34°50'58"W, a distance of 133.26 feet to a calculated angle point;
- 13.) S23°40'49"W, a distance of 65.76 feet to a calculated angle point;
- 14.) S02°28'46"W, a distance of 38.94 feet to a calculated angle point;
- 15.) S31°36'53"W, a distance of 226.26 feet to a calculated angle point;
- 16.) S52°04'18"W, a distance of 38.58 feet to a calculated angle point;
- 17.) S22°05'05"W, a distance of 23.93 feet to a calculated angle point;
- 18.) S60°06'26"W, a distance of 33.35 feet to a calculated angle point;
- 19.) S45°24'13"W, a distance of 30.14 feet to a calculated angle point;
- 20.) S34°39'47"W, a distance of 53.49 feet to a calculated angle point;
- 21.) S62°42'19"W, a distance of 24.62 feet to a calculated angle point;
- 22.) S42°00'14"W, a distance of 54.71 feet to a calculated angle point;
- 23.) S55°20'39"W, a distance of 10.93 feet to a calculated angle point on the northerly right-of-way line

Exhibit A

of East Oltorf Street, same being the southerly line of said Lot 3 for the southeast corner of the tract herein described, from which a ½" rebar found at the Point of Curvature of a curve to the left at the southeasterly corner of Lot 1, Block A, Nexus Subdivision, a subdivision of record in Document No. 201300125 of the Official Public Records of Travis County, Texas, at the intersection of the northerly right-of-way line of East Oltorf Street and the northwesterly right-of-way line of Wickersham Lane (90' right-of-way) bears along the northerly right-of-way line of East Oltorf Street with the southerly line of said Lot 3, S62°30'15"E, a distance of 382.75 feet to a calculated point at the Point of Curvature for a curve to the right, for the southeast corner of said Lot 3, same being the west corner of Monaco Condominiums, described in Condominium Declaration recorded in Volume 9517, Page 517 of the Real Property Records of Travis County, Texas (from which a ½ rebar found bears N15°24'48"W, a distance of 1.68 feet) and continuing along the curving northerly right-of-way line of East Oltorf Street with the southerly line of said Monaco Condominiums and said Lot 1, Block A, Nexus Subdivision along said curve to the right having a chord bearing S55°04'00"E, a distance of 527.27 feet;

THENCE, along the northerly right-of-way line of East Oltorf Street with the southerly line of said Lot 3, N62°30'15"W, a distance of 33.93 feet to the POINT OF BEGINNING containing 1.133 acre (49,334 Square Feet) of land, more or less.

This legal description was prepared by Mary P. Hawkins, R.P.L.S. No. 4433 from a survey made on the ground in July, August and December, 2018 and January and February, 2019. Bearings are based on the Texas State Plane Coordinate System NAD 83 (2011) Epoch 2010, Central Zone. The coordinates for this project were derived from utilizing base/RTK GPS observations from a steel rod found in concrete (NGS D1521) having grid coordinate, s of N=10,058,260.35, E=3,121,095.49. The distance shown are surface values. The combined scale factor is 0.999952039.



Mary P. Hawkins 4/10/19
Mary P. Hawkins, R.P.L.S. No. 4433
Quality Management Division
Department of Public Works
City of Austin

REFERENCES

TCAD Parcel No. 03-1008-0504
Austin Grid K-19

FIELD NOTES REVIEWED

BY *Chad D. Dyer* DATE: *04.10.2019*

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

Exhibit A

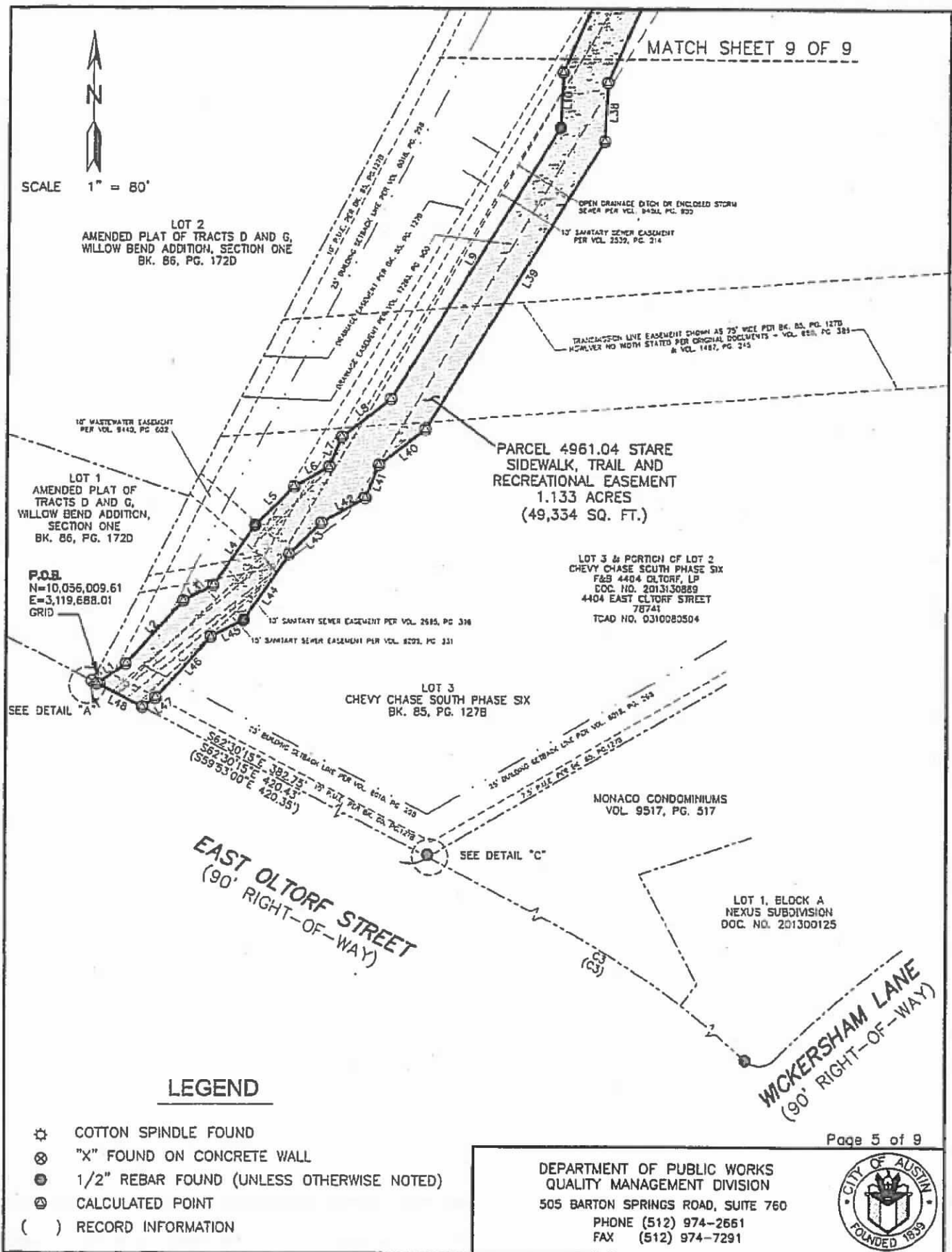


Exhibit A



SCALE 1" = 80'

LEGEND

- ⊙ COTTON SPINDLE FOUND
- ⊗ "X" FOUND ON CONCRETE WALL
- 1/2" REBAR FOUND (UNLESS OTHERWISE NOTED)
- ⊕ CALCULATED POINT
- () RECORD INFORMATION

LOT 2
AMENDED PLAT OF TRACTS D AND G,
WILLOW BEND ADDITION, SECTION ONE
BK. 85, PG. 1720

LOT 2
CHEVY CHASE SOUTH PHASE SIX
BK. 85, PG. 1278

PARCEL 4961.04 STARE
SIDEWALK, TRAIL AND
RECREATIONAL EASEMENT
1.133 ACRES
(49,334 SQ. FT.)

LOT 3
CHEVY CHASE SOUTH PHASE SIX
BK. 85, PG. 1278

LOT 3 & PORTION OF LOT 2
CHEVY CHASE SOUTH PHASE SIX
F&B 4404 OLCRF, LP
DOC. NO. 2013130809
4404 EAST OLCRF STREET
78741
TCAD NO. 0310080504

MATCH SHEET 5 OF 9

MATCH SHEET 7 OF 9

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DEPARTMENT OF PUBLIC WORKS
QUALITY MANAGEMENT DIVISION
505 BARTON SPRINGS ROAD, SUITE 760
PHONE (512) 974-2661
FAX (512) 974-7291



Exhibit A

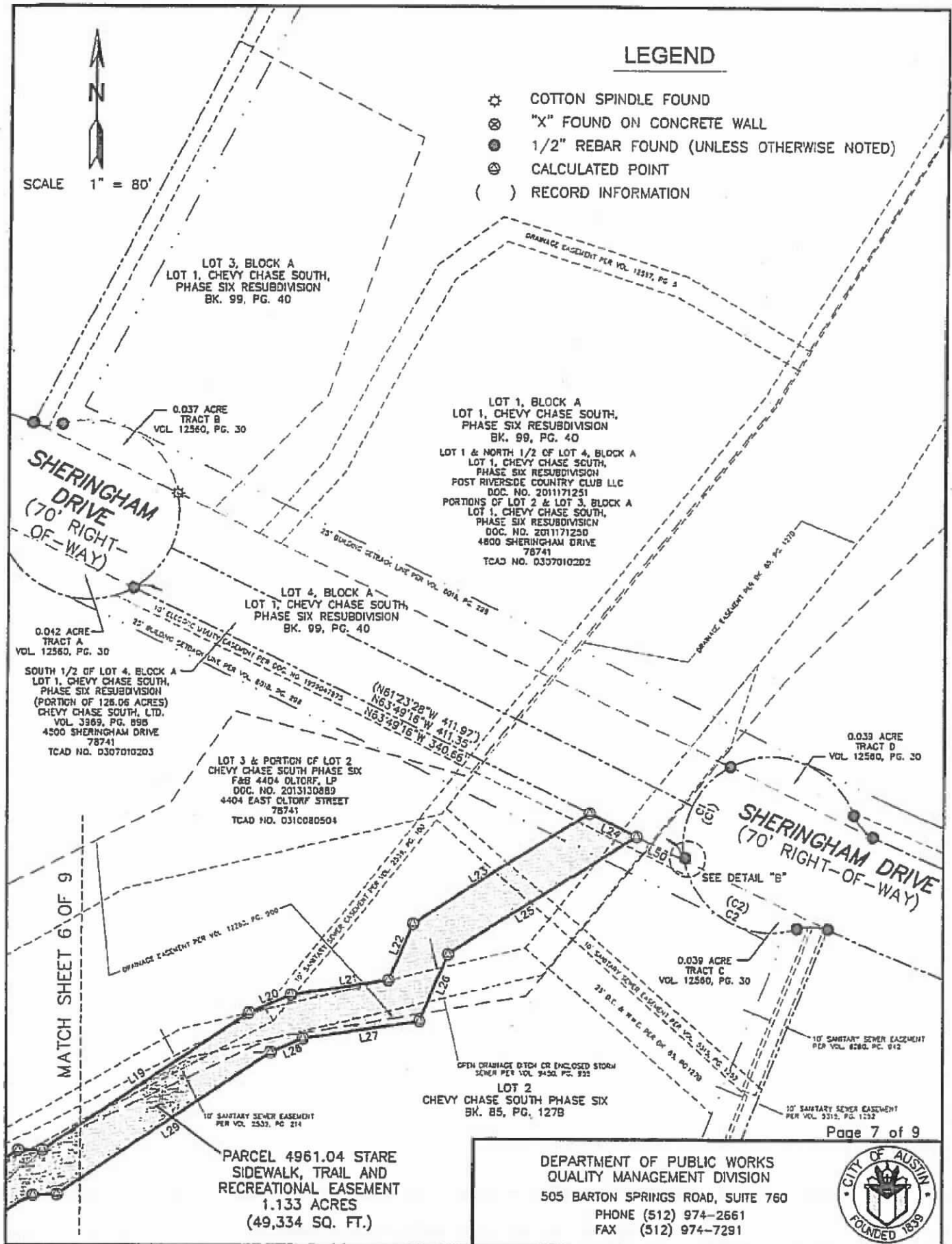


Exhibit A

LINE TABLE

NO.	BEARING	DISTANCE
L1	N55°20'39"E	23.27'
L2	N42°00'14"E	56.68'
L3	N62°42'19"E	22.61'
L4	N34°39'47"E	48.82'
L5	N45°24'13"E	36.83'
L6	N60°06'26"E	26.88'
L7	N22°05'05"E	21.63'
L8	N52°04'18"E	41.20'
L9	N31°36'53"E	213.05'
L10	N02°28'46"E	36.76'
L11	N23°40'49"E	74.30'
L12	N34°50'58"E	138.19'
L13	N42°26'26"E	55.98'
L14	N58°28'07"E	42.87'
L15	N22°46'20"E	65.46'
L16	N40°17'05"E	185.58'
L17	N58°06'22"E	94.34'
L18	N87°17'13"E	15.51'
L19	N56°23'27"E	165.75'
L20	N66°45'12"E	30.27'
L21	N81°23'17"E	65.97'
L22	N23°14'56"E	41.11'
L23	N57°36'22"E	138.71'
L24	S63°49'16"E	35.16'
L25	S57°36'22"W	147.76'

LINE TABLE

NO.	BEARING	DISTANCE
L26	S23°14'56"W	48.51'
L27	S81°23'17"W	78.79'
L28	S66°45'12"W	23.70'
L29	S56°23'27"W	171.32'
L30	S87°17'13"W	15.99'
L31	S58°06'22"W	81.83'
L32	S40°17'05"W	176.25'
L33	S22°46'20"W	70.50'
L34	S58°28'07"W	48.31'
L35	S42°26'26"W	49.77'
L36	S34°50'58"W	133.26'
L37	S23°40'49"W	65.76'
L38	S02°28'46"W	38.94'
L39	S31°36'53"W	226.26'
L40	S52°04'18"W	38.58'
L41	S22°05'05"W	23.93'
L42	S60°06'26"W	33.35'
L43	S45°24'13"W	30.14'
L44	S34°39'47"W	53.49'
L45	S62°42'19"W	24.62'
L46	S42°00'14"W	54.71'
L47	S55°20'39"W	10.93'
L48	N62°30'15"W	33.93'
L49	N62°30'15"W	3.75'
L50	S63°49'16"E	35.53'

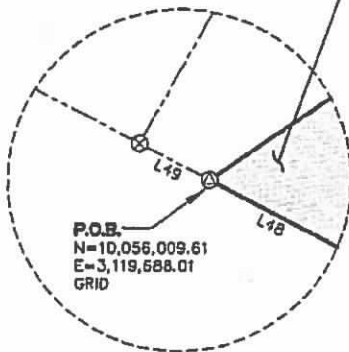
CURVE TABLE

NO.	CHORD BEARING	CHORD DISTANCE	CENTRAL ANGLE	ARC LENGTH	RADIUS
C1	N26°18'58"E	70.05'	71°25'31"	74.80'	60.00'
(C1)	(N28°18'39"E)	(70.02')	(71°23'39")	-	(60.00')
C2	S59°17'30"E	89.17'	95°59'10"	100.52'	60.00'
(C2)	(S55°37'08"E)	(89.33')	(96°13'05")	-	(60.00')
C3	S55°04'00"E	527.27'	14°52'41"	528.76'	2036.28'
(C3)	(S52°26'45"E)	(527.17')	(14°52'30")	(528.65')	(2036.28')

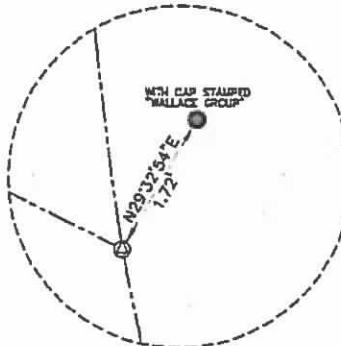


Exhibit A

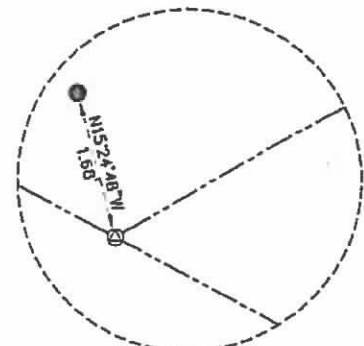
PARCEL 4961.04 STARE
SIDEWALK, TRAIL AND
RECREATIONAL EASEMENT
1.133 ACRES
(49,334 SQ. FT.)



DETAIL "A"
NOT TO SCALE



DETAIL "B"
NOT TO SCALE



DETAIL "C"
NOT TO SCALE

NOTE:

EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED TO STEWART TITLE GUARANTY COMPANY ON FEBRUARY 21, 2019, EFFECTIVE DATE FEBRUARY 12, 2019, FILE NO. 20180123. THERE MAY BE RECORDED OR UNRECORDED EASEMENTS NOT SHOWN HEREON THAT MAY AFFECT THE PROPERTY.

BEARING BASIS NOTE:

BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (2011) EPOCH 2010, CENTRAL ZONE. THE COORDINATES FOR THIS PROJECT WERE DERIVED FROM UTILIZING BASE/RTK GPS OBSERVATIONS FROM A STEEL ROD FOUND IN CONCRETE (NGS D1521) HAVING GRID COORDINATES OF N=10,058,260.35, E=3,121,095.49. THE DISTANCES SHOWN ARE SURFACE VALUES. THE COMBINED SCALE FACTOR IS 0.999952039.

THIS SKETCH WAS PREPARED FROM A SURVEY MADE ON THE GROUND IN JULY, AUGUST & DECEMBER, 2018 AND JANUARY & FEBRUARY, 2019.



Mary P. Hawkins 4/10/19
MARY P. HAWKINS, R.P.L.S. NO. 4433 DATE
DRAWN BY: MARY P. HAWKINS
COUNTRY CLUB CREEK TRAIL - 4961.04 STARE.DWG
FB. 4070, PG. 46 - 49

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DEPARTMENT OF PUBLIC WORKS
QUALITY MANAGEMENT DIVISION
505 BARTON SPRINGS ROAD, SUITE 760
PHONE (512) 974-2661
FAX (512) 974-7291



Exhibit B

Exhibit " _____ "

F&B 4404 Oltorf, LP
to
The City of Austin
(Temporary Working Space Easement)

LEGAL DESCRIPTION FOR PARCEL 4961.04 TWSE

LEGAL DESCRIPTION FOR 0.518 ACRE (22,581 SQUARE FEET) TRACT OF LAND, BEING COMPRISED OF FOUR TRACTS OF LAND SITUATED IN TRAVIS COUNTY, TEXAS. THE TRACT OF LAND HEREINAFTER REFERRED TO AS "TRACT ONE", CONTAINING 0.058 ACRE OF LAND (2,543 SQUARE FEET), BEING OUT OF LOT 3, CHEVY CHASE SOUTH PHASE SIX, A SUBDIVISION OF RECORD IN BOOK 85, PAGE 127B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, THE TRACT HEREINAFTER REFERRED TO AS "TRACT TWO", CONTAINING 0.182 ACRE OF LAND (7,907 SQUARE FEET), BEING OUT OF SAID LOT 3, CHEVY CHASE SOUTH PHASE SIX, THE TRACT OF LAND HEREINAFTER REFERRED TO AS "TRACT THREE", CONTAINING 0.172 ACRE OF LAND (7,495 SQUARE FEET), BEING OUT OF SAID LOT 3 AND A PORTION OF LOT 2, CHEVY CHASE SOUTH PHASE SIX AND THE TRACT OF LAND HEREINAFTER REFERRED TO AS "TRACT FOUR", CONTAINING 0.106 ACRE OF LAND (4,636 SQUARE FEET), BEING OUT SAID PORTION OF LOT 2, CHEVY CHASE SOUTH PHASE SIX. SAID LOT 3 AND SAID PORTION OF LOT 2 CONVEYED TO F&B 4404 OLTORF, LP BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2013130889 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID TRACT ONE, TRACT TWO, TRACT THREE AND TRACT FOUR BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT ONE

BEGINNING at a calculated point on the northerly right-of-way line of East Oltorf Street (90' right-of-way), same being the southerly line of said Lot 3 for the southwest corner of the tract herein described having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (2011) Epoch 2010, U.S. Feet, Combined Scale Factor 0.999952039) grid coordinate values of N=10,055,993.94, E=3,119,718.11, from which an "X" on a concrete wall found at the southwest corner of said Lot 3, same being the southeast corner of Lot 1, Amended Plat of Tracts D and G, Willow Bend Addition, Section One, a subdivision of record in Book 86, Page 172D of the Plat Records of Travis County, Texas bears along the northerly right-of-way line of East Oltorf Street with the southerly line of said Lot 3, N62°30'15"W, a distance of 37.68 feet;

THENCE, departing the northerly right-of-way line of East Oltorf Street and crossing said Lot 3 with the following six (6) courses:

- 1.) N55°20'39"E, a distance of 10.93 feet to a calculated angle point;
- 2.) N42°00'14"E, a distance of 54.71 feet to a calculated angle point;
- 3.) N62°42'19"E, a distance of 21.49 feet to a calculated point for the north corner of the tract herein described;
- 4.) S02°25'47"W, a distance of 45.60 feet to a calculated angle point;

Exhibit B

- 5.) **S25°59'44"W**, a distance of **22.01** feet to a calculated angle point;
- 6.) **S38°51'42"W**, a distance of **17.22** feet to a calculated point on the northerly right-of-way line of East Oltorf Street, same being the southerly line of said Lot 3 for the southeast corner of the tract herein described, from which a ½" rebar found at the Point of Curvature of a curve to the left at the southeasterly corner of Lot 1, Block A, Nexus Subdivision, a subdivision of record in Document No. 201300125 of the Official Public Records of Travis County, Texas at the intersection of the northerly right-of-way line of East Oltorf Street and the northwesterly right-of-way line of Wickersham Lane (90' right-of-way) bears along the northerly right-of-way line of East Oltorf Street with the southerly line of said Lot 3, **S62°30'15"E**, a distance of **335.04** feet to a calculated point at the Point of Curvature for a curve to the right, for the southeast corner of said Lot 3, same being the west corner of Monaco Condominiums, described in Condominium Declaration recorded in Volume 9517, Page 517 of the Real Property Records of Travis County, Texas (from which a ½ rebar found bears **N15°24'48"W**, a distance of **1.68** feet) and continuing along the curving northerly right-of-way line of East Oltorf Street with the southerly line of said Monaco Condominiums and said Lot 1, Block A, Nexus Subdivision along said curve to the right having a chord bearing **S55°04'00"E**, a distance of **527.27** feet;

THENCE, along the northerly right-of-way line of East Oltorf Street with the southerly line of said Lot 3, **N62°30'15"W**, a distance of **47.71** feet to the **POINT OF BEGINNING** containing **0.058** acre (2,543 Square Feet) of land, more or less.

TRACT TWO

BEGINNING at a calculated point in the interior of said Lot 3 for the southwest corner of the tract herein described having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (2011) Epoch 2010, U.S. Feet, Combined Scale Factor 0.999952039) grid coordinate values of **N=10,056,368.06**, **E=3,120,021.71**, from which an "X" on a concrete wall found on the northerly right-of-way line of East Oltorf Street, at the southwest corner of said Lot 3, same being the southeast corner of said Lot 1, Amended Plat of Tracts D and G, Willow Bend Addition, Section One bears **S43°22'25"W**, a distance of **490.78** feet;

THENCE, continuing through the interior of said Lot 3 with the following fourteen (14) courses:

- 1.) **N31°36'53"E**, a distance of **5.13** feet to a calculated angle point;
- 2.) **N02°28'46"E**, a distance of **38.94** feet to a calculated angle point;
- 3.) **N23°40'49"E**, a distance of **65.76** feet to a calculated angle point;
- 4.) **N34°50'58"E**, a distance of **133.26** feet to a calculated angle point;
- 5.) **N42°26'26"E**, a distance of **49.77** feet to a calculated angle point;
- 6.) **N58°28'07"E**, a distance of **37.57** feet to a calculated point for the northwest corner of the tract herein described;

Exhibit B

- 7.) **S38°01'31"E**, a distance of **14.83** feet to a calculated point for the northeast corner of the tract herein described, from which a ½" rebar found at the Point of Curvature of a curve to the left at the southeasterly corner of said Lot 1, Block A, Nexus Subdivision, at the intersection of the northerly right-of-way line of East Oltorf Street and the northwesterly right-of-way line of Wickersham Lane bears **S14°28'06"E**, a distance of **1146.70** feet;
- 8.) **S44°36'33"W**, a distance of **14.68** feet to a calculated angle point;
- 9.) **S25°40'12"W**, a distance of **9.32** feet to a calculated angle point;
- 10.) **N58°39'08"W**, a distance of **18.98** feet to a calculated angle point;
- 11.) **S31°18'16"W**, a distance of **199.11** feet to a calculated angle point;
- 12.) **S58°51'16"E**, a distance of **18.60** feet to a calculated angle point;
- 13.) **S31°10'46"W**, a distance of **91.93** feet to a calculated point for the southeast corner of the tract herein described;
- 14.) **N58°25'11"W**, a distance of **18.77** feet to the **POINT OF BEGINNING** containing **0.182** acre (7,907 Square Feet) of land, more or less.

TRACT THREE

BEGINNING at a calculated point in the interior of said Lot 3 for the southwest corner of the tract herein described having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (2011) Epoch 2010, U.S. Feet, Combined Scale Factor 0.999952039) grid coordinate values of **N=10,056,647.48**, **E=3,120,205.32**, from which an "X" on a concrete wall found on the northerly right-of-way line of East Oltorf Street, at the southwest corner of said Lot 3, same being the southeast corner of said Lot 1, Amended Plat of Tracts D and G, Willow Bend Addition, Section One bears **S39°17'52"W**, a distance of **822.07** feet;

THENCE, continuing through the interior of said Lot 3 and said portion of Lot 2 with the following twelve (12) courses:

- 15.) **N22°46'20"E**, a distance of **65.54** feet to a calculated angle point;
- 16.) **N40°17'05"E**, a distance of **176.25** feet to a calculated angle point;
- 17.) **N58°06'22"E**, a distance of **81.83** feet to a calculated point for the northwest corner of the tract herein described;
- 18.) **N87°17'13"E**, a distance of **15.99** feet to a calculated point for the northeast corner of the tract herein described, from which a ½" rebar found at the Point of Curvature of a curve to the left at the southeasterly corner of said Lot 1, Block A, Nexus Subdivision, at the intersection of the northerly right-of-way line of East Oltorf Street and the northwesterly right-of-way line of Wickersham Lane bears **S02°30'20"E**, a distance of **1372.25** feet;

Exhibit B

- 19.) S56°30'28"W, a distance of 91.57 feet to a calculated angle point;
- 20.) S41°06'29"W, a distance of 32.84 feet to a calculated angle point;
- 21.) S27°34'41"W, a distance of 88.83 feet to a calculated angle point;
- 22.) S12°23'06"E, a distance of 28.42 feet to a calculated angle point;
- 23.) S27°47'03"W, a distance of 41.63 feet to a calculated angle point;
- 24.) S50°57'46"W, a distance of 12.34 feet to a calculated point for the southeast corner of the tract herein described;
- 25.) N28°43'53"W, a distance of 19.05 feet to a calculated angle point;
- 26.) S61°25'57"W, a distance of 61.08 feet to the **POINT OF BEGINNING** containing 0.172 acre (7,495 Square Feet) of land, more or less.

TRACT FOUR

BEGINNING at a calculated point on the southerly line of Lot 4, Lot 1, Chevy Chase South, Phase Six Resubdivision, a subdivision of record in Book 99, Page 40 of the Plat Records of Travis County, Texas, for the northwest corner of the tract herein described having Texas State Plane Coordinate System of 1983 (Texas Central Zone, NAD83 (2011) Epoch 2010, U.S. Feet, Combined Scale Factor 0.999952039) grid coordinate values of N=10,057,141.56, E=3,120,784.80, from which a ½" rebar found on the curving easterly right-of-way line of a cul-de-sac (60' radius) at the eastern terminus of a portion of Sheringham Drive (70' right-of-way) at the southwest corner of said Lot 4, same being a northerly corner of said portion of said Lot 2 and the east corner of a called 0.042 acre tract of land conveyed to the City of Austin and described as "Tract A" in Street Deed recorded in Volume 12560, Page 30 of the Real Property Records of Travis County, Texas bears along the common line of said remaining portion of Lot 2 and said Lot 4, N63°49'16"W, a distance of 375.82 feet;

THENCE, along the southerly line of said Lot 4 with the northerly line of said portion of Lot 2, S63°49'16"E, a distance of 35.53 feet to a calculated point on the curving westerly right-of-way line of a cul-de-sac (60' radius) at the western terminus of a portion of Sheringham Drive (70' right-of-way), for the southeast corner of said Lot 4, same being a northerly corner of said portion of Lot 2 and the west corner of a called 0.039 acre tract of land conveyed to the City of Austin and described as "Tract C" in Street Deed recorded in Volume 12560, Page 30 of the Real Property Records of Travis County, Texas, for a northerly corner of the tract herein described, from which a rebar with cap stamped "Wallace Group" found bears N29°32'54"E, a distance of 1.72 feet and a ½" rebar found on the curving westerly right-of-way line of Sheringham Drive, at the northeast corner of said Lot 4 and the west corner of a called 0.039 acre tract of land conveyed to the City of Austin and described as "Tract D" in Street Deed recorded in Volume 12560, Page 30 of the Real Property Records of Travis County, Texas bears along the curving westerly right-of-way line of Sheringham Drive with the easterly line of said Lot 4 with a curve to the right having a chord bearing N26°18'58"E, a distance of 70.05 feet;

THENCE, along the curving southerly right-of-way line of Sheringham Drive with the northerly line of said

Exhibit B

portion of Lot 2 with a curve to the left having a radius of 60.00 feet, a central angle of $54^{\circ}30'06''$, an arc distance of 57.07 feet and a chord bearing $S38^{\circ}32'58''E$, a distance of 54.95 feet to a calculated point for the northeast corner of the tract herein described, from which a $\frac{1}{2}$ " rebar found at the Point of Reverse Curvature on the southerly right-of-way line of Sheringham Drive, same being the southerly line of said 0.039 acre "Tract C" in Street Deed recorded in Volume 12560, Page 30 of the Real Property Records of Travis County, Texas and the northerly line of said portion of Lot 2 bears along the curving southerly right-of-way line of Sheringham Drive and said 0.39 acre Tract "C" with the northerly line of said portion of Lot 2 with a curve to the left having a chord bearing $S86^{\circ}32'33''E$, a distance of 42.50 feet;

THENCE, departing the southerly right-of-way line of Sheringham Drive and the southerly line of said 0.39 acre Tract "C" and crossing said portion of Lot 2 with the following three (3) courses:

- 1.) $S25^{\circ}53'36''W$, a distance of 30.00 feet to a calculated point for the southeast corner of the tract herein described;
- 2.) $N64^{\circ}06'24''W$, a distance of 118.39 feet to a calculated point for the southwest corner of the tract herein described;
- 3.) $N57^{\circ}36'22''E$, a distance of 63.34 feet to the **POINT OF BEGINNING** containing 0.106 acre (4,636 Square Feet) of land, more or less.

This legal description was prepared by Mary P. Hawkins, R.P.L.S. No. 4433 from a survey made on the ground in July, August and December, 2018 and January and February, 2019. Bearings are based on the Texas State Plane Coordinate System NAD 83 (2011) Epoch 2010, Central Zone. The coordinates for this project were derived from utilizing base/RTK GPS observations from a steel rod found in concrete (NGS D1521) having grid coordinate, s of N=10,058,260.35, E=3,121,095.49. The distance shown are surface values. The combined scale factor is 0.999952039.



Mary P. Hawkins 4/10/19

Mary P. Hawkins, R.P.L.S. No. 4433
Quality Management Division
Department of Public Works
City of Austin

REFERENCES

TCAD Parcel No. 03-1008-0504
Austin Grid K-19

FIELD NOTES REVIEWED

BY *[Signature]* DATE: *04/10/19*

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

5 of 12

Exhibit B



SCALE 1" = 80'

LOT 2
AMENDED PLAT OF TRACTS D AND G,
WILLOW BEND ADDITION, SECTION ONE
BK. 86, PG. 172D

LOT 1
AMENDED PLAT OF
TRACTS D AND G,
WILLOW BEND ADDITION,
SECTION ONE
BK. 86, PG. 172D

LOT 3
CHEVY CHASE SOUTH PHASE SIX
BK. 85, PG. 127B

LOT 3 & PORTION OF LOT 2
CHEVY CHASE SOUTH PHASE SIX
F&B 4404 OLTORF, LP
DOC. NO. 2013130889
4404 EAST OLTORF STREET
78741
TCAD NO. 0310080504

PARCEL 4961.04 TWSE
TRACT ONE
TEMPORARY WORKING
SPACE EASEMENT
0.058 ACRE
(2,543 SQ. FT.)

P.O.B.
N=10,055,993.94
E=3,119,718.11
GRID

MONACO CONDOMINIUMS
VOL. 9517, PG. 517

LOT 1, BLOCK A
NEXUS SUBDIVISION
DOC. NO. 201300125

EAST OLTORF STREET
(90' RIGHT-OF-WAY)

WICKERSHAM LANE
(90' RIGHT-OF-WAY)

LEGEND

- ⊛ COTTON SPINDLE FOUND
- ⊗ "X" FOUND ON CONCRETE WALL
- 1/2" REBAR FOUND (UNLESS OTHERWISE NOTED)
- ⊙ CALCULATED POINT
- () RECORD INFORMATION

Page 6 of 12

DEPARTMENT OF PUBLIC WORKS
QUALITY MANAGEMENT DIVISION
505 BARTON SPRINGS ROAD, SUITE 760
PHONE (512) 974-2661
FAX (512) 974-7291



Exhibit B



SCALE 1" = 80'

LEGEND

- ⊙ COTTON SPINDLE FOUND
- ⊗ "X" FOUND ON CONCRETE WALL
- 1/2" REBAR FOUND (UNLESS OTHERWISE NOTED)
- ⊕ CALCULATED POINT
- () RECORD INFORMATION

LOT 2
AMENDED PLAT OF TRACTS D AND G,
WILLOW BEND ADDITION, SECTION ONE
BK. 85, PG. 172D

LOT 2
CHEVY CHASE SOUTH PHASE SIX
BK. 85, PG. 127B

PARCEL 4961.04 TWSE
TRACT THREE
TEMPORARY WORKING
SPACE EASEMENT
0.172 ACRE
(7,495 SQ. FT.)

P.O.B.
N=10,055,647.48
E=3,120,205.32
GRID

PARCEL 4961.04 TWSE
TRACT TWO
TEMPORARY WORKING
SPACE EASEMENT
0.182 ACRE
(7,907 SQ. FT.)

LOT 3
CHEVY CHASE SOUTH PHASE SIX
BK. 85, PG. 127B

LOT 3 & PORTION OF LOT 2
CHEVY CHASE SOUTH PHASE SIX
F&B 4404 OLTORF, LP
DOC. NO. 2013130889
4404 EAST OLTORF STREET
78741
TCAD NO. 0310090504

P.O.B.
N=10,056,368.06
E=3,120,021.71
GRID

NOTE: SEE PAGES 9 & 10 FOR PROPERTY CORNER TIES

Page 7 of 12

DEPARTMENT OF PUBLIC WORKS
QUALITY MANAGEMENT DIVISION
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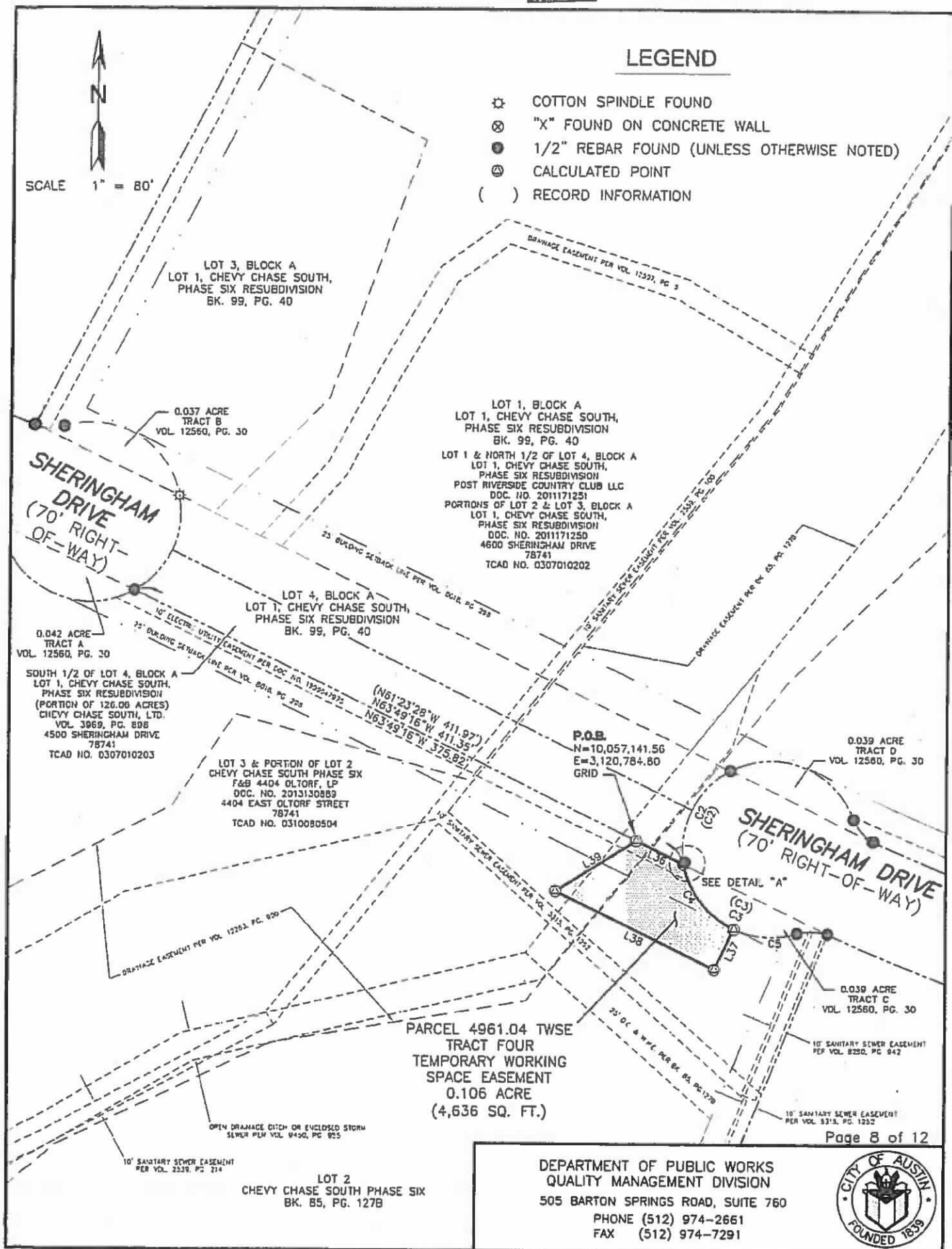
Exhibit 3

Exhibit B

PROPERTY CORNER TIES

NOT TO SCALE



SCALE 1" = 80'

PARCEL 4961.04 TWSE
TRACT TWO
TEMPORARY WORKING
SPACE EASEMENT
0.182 ACRE
(7,907 SQ. FT.)

P.O.B.

LOT 2
AMENDED PLAT OF TRACTS B AND C,
WILLOW BEND ADDITION, SECTION ONE
BK. 86, PG. 1720

S43°22'25"W 490.78'

LOT 3 & PORTION OF LOT 2
CHEVY CHASE SOUTH PHASE SIX
F&B 4404 OLTORF, LP
DDC NO. 2013130889
4404 EAST OLTORF STREET
78741
TCAD NO. 0310080504

LOT 1
AMENDED PLAT OF TRACTS B AND C,
WILLOW BEND ADDITION, SECTION ONE
BK. 86, PG. 1720

LOT 3
CHEVY CHASE SOUTH PHASE SIX
BK. 83, PG. 1278

MONACO CONDOMINIUMS
VOL. 8317, PG. 517

LOT 1, BLOCK A
HEAVIS SUBDIVISION
DOC NO. 201300123

EAST OLTORF STREET
(90' RIGHT-OF-WAY)

WICKERSHAM LANE
(90' RIGHT-OF-WAY)

S14°28'08"E 1146.70'

Page 9 of 12

DEPARTMENT OF PUBLIC WORKS
QUALITY MANAGEMENT DIVISION
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PHONE (512) 974-2661
FAX (512) 974-7291



Exhibit B

PROPERTY CORNER TIES

NOT TO SCALE



SCALE 1" = 80'

PARCEL 4961.04 TWSE
TRACT THREE
TEMPORARY WORKING
SPACE EASEMENT
0.172 ACRE
(7,495 SQ. FT.)

P.O.B.

LOT 2
AMENDED PLAT OF TRACTS D AND G,
WILLOW BEND ADDITION, SECTION ONE
B/C. 84, P.C. 1720

LOT 1
AMENDED PLAT OF TRACTS D AND G,
WILLOW BEND ADDITION, SECTION ONE
B/C. 84, P.C. 1720

LOT 3 & PORTION OF LOT 2
CHEVY CHASE SOUTH PHASE SIX
F&B 4404 OLTORF, LP
DOC. NO. 2013130889
4404 EAST OLTORF STREET
78741
TCAD NO. 0310680504

LOT 3
CHEVY CHASE SOUTH PHASE SIX
B/C. 85, P.C. 1278

MONACO CONDOMINIUMS
VOL. 8317, P.C. 317

LOT 1, BLOCK A
HEDUS SUBDIVISION
DOC. NO. 201306123

EAST OLTORF STREET
(90' RIGHT-OF-WAY)

WICKERSHAM LANE
(90' RIGHT-OF-WAY)

Page 10 of 12

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Exhibit B

LINE TABLE

NO.	BEARING	DISTANCE
L1	N55°20'39"E	10.93'
L2	N42°00'14"E	54.71'
L3	N62°42'19"E	21.49'
L4	S02°25'47"W	45.60'
L5	S25°59'44"W	22.01'
L6	S38°51'42"W	17.22'
L7	N62°30'15"W	47.71'
L8	N62°30'15"W	37.68'
L9	S62°30'15"E	335.04'
L10	N31°36'53"E	5.13'
L11	N02°28'46"E	38.94'
L12	N23°40'49"E	65.76'
L13	N34°50'58"E	133.26'
L14	N42°26'26"E	49.77'
L15	N58°28'07"E	37.57'
L16	S38°01'31"E	14.83'
L17	S44°36'33"W	14.68'
L18	S25°40'12"W	9.32'
L19	N58°39'08"W	18.98'
L20	S31°18'16"W	199.11'

LINE TABLE

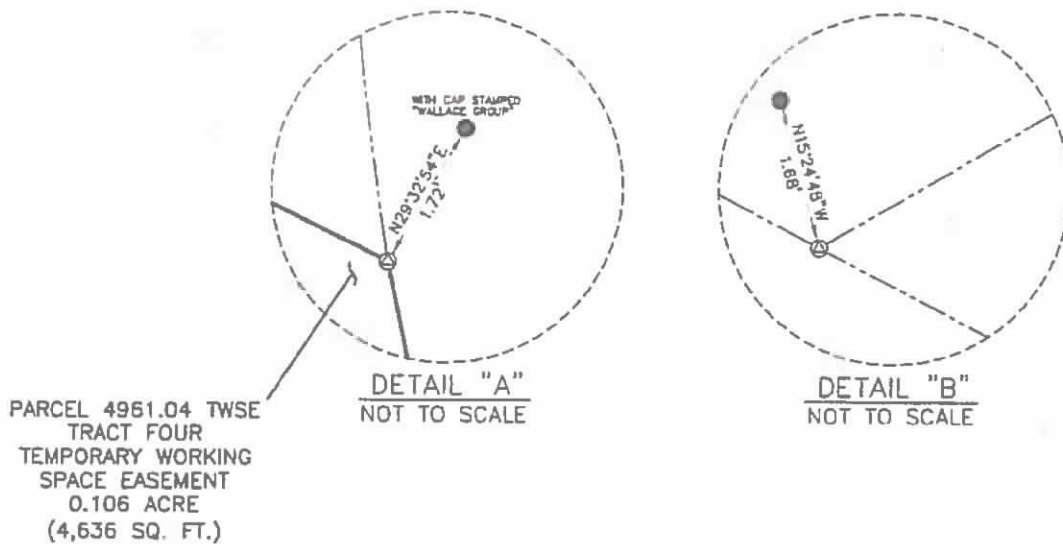
NO.	BEARING	DISTANCE
L21	S58°51'16"E	18.60'
L22	S31°10'46"W	91.93'
L23	N58°25'11"W	18.77'
L24	N22°46'20"E	65.54'
L25	N40°17'05"E	176.25'
L26	N58°06'22"E	81.83'
L27	N87°17'13"E	15.99'
L28	S56°30'28"W	91.57'
L29	S41°06'29"W	32.84'
L30	S27°34'41"W	88.83'
L31	S12°23'06"E	28.42'
L32	S27°47'03"W	41.63'
L33	S50°57'46"W	12.34'
L34	N28°43'53"W	19.05'
L35	S61°25'57"W	61.08'
L36	S63°49'16"E	35.53'
L37	S25°53'36"W	30.00'
L38	N64°06'24"W	118.39'
L39	N57°36'22"E	63.34'

CURVE TABLE

NO.	CHORD BEARING	CHORD DISTANCE	CENTRAL ANGLE	ARC LENGTH	RADIUS
C1	S55°04'00"E	527.27'	14°52'41"	528.76'	2036.28'
(C1)	(S52°26'45"E)	(527.17')	(14°52'30")	(528.65')	(2036.28')
C2	N26°18'58"E	70.05'	71°25'31"	74.80'	60.00'
(C2)	(N28°18'39"E)	(70.02')	(71°23'39")	—	(60.00')
C3	S59°17'30"E	89.17'	95°59'10"	100.52'	60.00'
(C3)	(S55°37'08"E)	(89.33')	(96°13'05")	—	(60.00')
C4	S38°32'58"E	54.95'	54°30'06"	57.07'	60.00'
C5	S86°32'33"E	42.50'	41°29'03"	43.44'	60.00'



Exhibit B



NOTE:

EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED TO STEWART TITLE GUARANTY COMPANY ON FEBRUARY 21, 2019, EFFECTIVE DATE FEBRUARY 12, 2019, FILE NO. 20180123. THERE MAY BE RECORDED OR UNRECORDED EASEMENTS NOT SHOWN HEREON THAT MAY AFFECT THE PROPERTY.

BEARING BASIS NOTE:

BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (2011) EPOCH 2010, CENTRAL ZONE. THE COORDINATES FOR THIS PROJECT WERE DERIVED FROM UTILIZING BASE/RTK GPS OBSERVATIONS FROM A STEEL ROD FOUND IN CONCRETE (NGS D1521) HAVING GRID COORDINATES OF N=10,058,260.35, E=3,121,095.49. THE DISTANCES SHOWN ARE SURFACE VALUES. THE COMBINED SCALE FACTOR IS 0.999952039.

THIS SKETCH WAS PREPARED FROM A SURVEY MADE ON THE GROUND IN JULY, AUGUST & DECEMBER, 2018 AND JANUARY & FEBRUARY, 2019.



Mary P. Hawkins 4/10/19
MARY P. HAWKINS, R.P.L.S. NO. 4433 DATE
DRAWN BY: MARY P. HAWKINS
COUNTRY CLUB CREEK TRAIL - 4961.04 TWSE.DWG
FB. 4070, PG. 46 - 49

DEPARTMENT OF PUBLIC WORKS
QUALITY MANAGEMENT DIVISION
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