

**RESOLUTION NO. 20210603-041**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for the 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:	Barefoot Mosquito and Pest Control, Inc., as successor in interest to SPOTT Pest Prevention, Inc
Project:	City of Austin Waterline Relocation (Texas Department of Transportation Oak Hill Parkway Water Relocation (US 290-71)

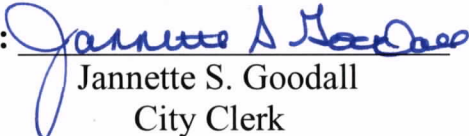
Public Use: Accommodating proposed roadway improvements, by allowing water infrastructures in conflict to be adjusted. A water line easement is needed for construction, operation, maintenance, replacement, upgrade, repair, decommissioning and removal of water lines and associated appurtenances and making connections therewith in, upon, over and across, the tract of land as described in "Exhibit A".

Location: 8060 West U.S. Highway 290, Austin, Travis County, Texas 78736

The general route of the project is SH 71 at Silvermine to US 290 at Circle Drive, beginning at William Cannon Drive, in Travis County, Texas. (District 8)

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: June 3, 2021

ATTEST:   
Jannette S. Goodall  
City Clerk

Spott Pest Prevention, Inc  
Assumed name:  
Barefoot Mosquito  
Control, Inc.,  
to  
The City of Austin  
(Water Line Easement)

**LEGAL DESCRIPTION FOR PARCEL 5221.20 WLE**

**DESCRIPTION OF A 0.104 ACRE (4,508 SQ. FT.) EASEMENT LOCATED IN THE JESSE WILLIAMS SURVEY NO. 62, ABSTRACT 788, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 2.281 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO SPOTT PEST PREVENTION, INC, RECORDED DECEMBER 1, 2017 IN DOCUMENT NO. 2017190626, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.); AND FILED UNDER THE ASSUMED NAME BAREFOOT MOSQUITO CONTROL, INC., RECORDED NOVEMBER 4, 2014 IN DOCUMENT NO. 2014165726, O.P.R.T.C.TX., SAID 0.104 ACRE (4,508 SQ. FT.) EASEMENT, AS SHOWN ON THE ATTACHED SKETCH AS PREPARED BY SAM, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a TxDOT type II monument found on the southwest corner of Lot 2, Resubdivision of The Hudson Tract, a subdivision record in Volume 66, Page 65, Plat Records of Travis County, Texas (P.R.T.C.TX.), described as Tract 1 in a deed to Cindee J. Schieffer A/K/A Cynthia Jeanne Schieffer and Marilyn Cox A/K/A Marilyn Odell, recorded in Document No. 2017041911, O.P.R.T.C.TX., on the existing north right-of-way line of U.S. 290, a variable width right-of-way, described in a deed to the State of Texas, recorded in Document No. 2002020801, O.P.R.T.C.TX., said point being the beginning of a non-tangent curve to the left;

**THENCE** with the existing north right-of-way line of said U.S. 290, with said non-tangent curve to the left, an arc distance of 316.20 feet, through a central angle of 03°15'42", having a radius of 5,554.58 feet, and a chord that bears **S 76°07'15" E** a distance of **316.16** feet to a TxDOT type II monument found (**Grid Coordinates: N= 10,055,880.81, E= 3,066,988.41**), for the southeast corner of a called 1.197 acre tract of land, described as Tract 2 in said Document No. 2017041911 to Cindee J. Schieffer A/K/A Cynthia Jeanne Schieffer and Marilyn Cox A/K/A Marilyn Odell, same being the southwest corner of said 2.281 acre tract and the **POINT OF BEGINNING** of the easement described herein;

**THENCE N 05°14'45" E**, departing the existing north right-of-way line of said U.S. 290, with the common line of said 1.197 acre tract and said 2.281 acre tract, passing at a distance of **0.69** feet, a 1/2-inch iron rod found, and continuing for **a total distance of 15.11 feet** to a calculated point, for the northwest corner of the easement described herein, said point being the beginning of a non-tangent curve to the left, from which a 1-inch iron pipe found for the northeast corner of said called 1.197 acre tract, the northwest corner of said called 2.281 acre tract, bears **N 05°14'45" E**, a distance of **309.00** feet;

**THENCE** departing said common line, over and across said 2.281 acre tract, the following two (2) courses and distances:

With said non-tangent curve to the left, an arc distance of 1.71 feet, through a central angle of 00°01'04", having a radius of 5,539.58 feet, and a chord that bears **S 77°44'30" E** a distance of **1.71** feet to a calculated point, and

**S 78°46'09" E**, a distance of **298.84** feet to a calculated point on the east line of said 2.281 acre tract, same being the west line of a remainder of a called 3.0773 acre tract of land, described in a deed to William E. Fowler, JR. and Clarice B. Fowler, recorded in Volume 12681, Page 2284, Real Property Records of Travis County, Texas (R.P.R.T.C.TX.), and in Document No. 2010026239, O.P.R.T.C.TX., for the northeast corner of the easement described herein;



Exhibit "A"

Spott Pest Prevention, Inc  
Assumed name:  
Barefoot Mosquito  
Control, Inc.,  
to  
The City of Austin  
(Water Line Easement)

**THENCE S 05°25'40" W**, with the common line of said 2.281 acre tract and the remainder of said 3.0773 acre tract, passing at a distance of **12.22** feet, a TxDOT type II monument found on the existing north right-of-way line of said U.S. 290, for the southwest corner of said 3.0773 acre tract, continuing for **a total distance of 15.08 feet** to a calculated point on the existing north right-of-way line of said U.S. 290 for the southeast corner of said 2.281 acre tract and the easement described herein;

**THENCE N 78°46'09" W**, continuing with the existing north right-of-way line of said U.S. 290, a distance of **300.46** feet to the point of **POINT OF BEGINNING**, and containing **0.104** acre (4,508 sq. ft.) of land, more or less.

This property description is accompanied by a separate plat of even date.

Bearing Basis:

All bearings shown are based on the Texas Coordinate System, Central Zone, NAD83/2011. All distances shown are surface and may be converted to grid by dividing by a Surface Adjustment Factor of 1.000065048. Units: U.S. Survey Feet.

THE STATE OF TEXAS

§  
§  
§


KNOW ALL BY THESE PRESENTS:

COUNTY TRAVIS

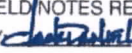
That I, Scott C. Brashear, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

SURVEYING AND MAPPING, LLC  
4801 Southwest Pkwy  
Building Two, Suite 100  
Austin, Texas 78735  
TX. Firm Reg. No. 10064300

  
Scott C. Brashear  
Registered Professional Land Surveyor  
No. 6660 – State of Texas

3/27/20  
Date

FIELD NOTES REVIEWED  
BY  DATE: 04/15/20  
CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT

REERENCES  
TCAD Parcel I.D No. 315296



"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
FOR PARCEL 5221.20 WLE

HUDSON LOOP  
(50' R.O.W.)  
WESTOAKS RESUBDIVISION  
VOL. 12, PG. 38  
P.R.T.C.TX.

J.P. JOHANNESSEN  
SURVEY NO. 648,  
ABSTRACT NO. 454



GRAPHIC SCALE  
SCALE 1" = 50'

TRAVIS COUNTY, TEXAS

TCAD PARCEL I.D NO. 315296

JESSE WILLIAMS  
SURVEY NO. 62,  
ABSTRACT NO. 788

CINDEE J. SCHIEFFER  
A/K/A CYNTHIA JEANNE SCHIEFFER  
AND MARILYNE COX  
A/K/A MARILYNE ODELL,  
(TRACT 1) LOT 2  
DOC. NO. 2017041911  
O.P.R.T.C.TX.

SPOTT PEST PREVENTION, INC  
RECORDED DECEMBER 1, 2017  
CALLED 2.281 ACRES  
DOC. NO. 2017190626  
O.P.R.T.C.TX.  
ASSUMED NAME: BAREFOOT MOSQUITO  
CONTROL, INC.  
RECORDED NOVEMBER 4, 2014  
DOC. NO. 2014165726  
O.P.R.T.C.TX.

RESUBDIVISION  
OF THE HUDSON TRACT  
VOL. 66, PG. 65  
P.R.T.C.TX.

CINDEE J. SCHIEFFER  
A/K/A CYNTHIA JEANNE SCHIEFFER  
AND MARILYNE COX  
A/K/A MARILYNE ODELL,  
(TRACT 2)  
CALLED 1.197 ACRES  
DOC. NO. 2017041911  
O.P.R.T.C.TX.

WILLIAM E. FOWLER, JR.  
AND CLARICE B. FOWLER  
REMAINDER OF A  
CALLED 3.0773 ACRE  
VOL. 12681, PG. 2284  
R.P.R.T.C.TX.  
DOC. NO. 2010026239  
O.P.R.T.C.TX.

STATE OF TEXAS  
DOC. 2002020801  
O.P.R.T.C.TX.

P.O.B.  
GRID N: 10,055,880.81  
GRID E: 3,066,988.41

PARCEL 5221.20 WLE  
WATER LINE EASEMENT  
0.104 ACRE  
(4,508 SQ. FT.)

(S 18°51'19" E 300.38')

EXISTING R.O.W.

SEE  
DETAIL "B"

U.S. 290  
(VARIABLE WIDTH RIGHT-OF-WAY)  
TXDOT CSJ NO. 0113-08

STATE OF TEXAS  
VOL. 1611, PG. 98  
D.R.T.C.TX.

JOB NUMBER: 1019051384  
DATE: 01/30/2020  
SCALE: 1" = 50'  
SURVEYOR: S. BRASHEAR  
TECHNICIAN: C. GALVAN  
DRAWING: PARCEL 5221.20 WLE  
TRACT ID: 315296  
PARTY CHIEF: S. PEST  
FIELDBOOKS:



4801 Southwest Parkway  
Building Two, Suite 100  
Austin Texas, 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS

PAGE 3  
OF 4



**A**

SPOTT PEST PREVENTION, INC  
 RECORDED DECEMBER 1, 2017  
 CALLED 2.281 ACRES  
 DOC. NO. 2017190626  
 O.P.R.T.C.TX.  
 ASSUMED NAME: BAREFOOT  
 MOSQUITO CONTROL, INC.  
 RECORDED NOVEMBER 4, 2014  
 DOC. NO. 2014165726  
 O.P.R.T.C.TX.

**"EXHIBIT A"**

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
 FOR PARCEL 5221.20 WLE

**C**

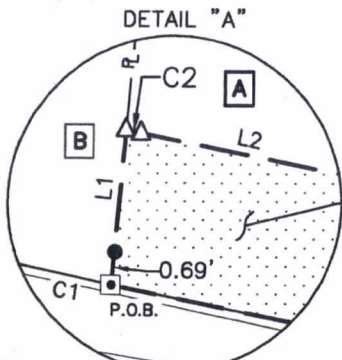
WILLIAM E. FOWLER, JR.  
 AND CLARICE B. FOWLER  
 REMAINDER OF A  
 CALLED 3.0773 ACRE  
 VOL. 12681, PG. 2284  
 R.P.R.T.C.TX.  
 DOC. NO. 2010026239  
 O.P.R.T.C.TX.

**B**

CINDEE J. SCHIEFFER  
 A/K/A CYNTHIA JEANNE SCHIEFFER  
 AND MARILYNE COX  
 A/K/A MARILYNE ODELL,  
 (TRACT 2)  
 CALLED 1.197 ACRES  
 DOC. NO. 2017041911  
 O.P.R.T.C.TX.

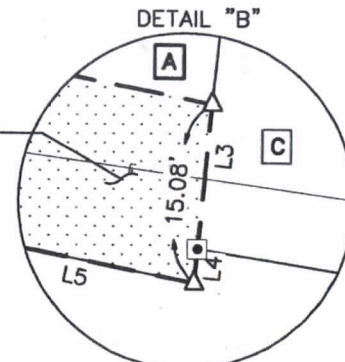
**LEGEND**

— R —	PROPERTY LINE
— S —	APPROXIMATE SURVEY LINE
— — —	EASEMENT
△	CALCULATED POINT
◻	TxDOT TYPE II MONUMENT FOUND
●	1/2" IRON ROD FOUND
⊙	1" IRON PIPE FOUND
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
D.R.T.C.TX.	DEED RECORDS TRAVIS COUNTY, TEXAS
R.P.R.T.C.TX.	REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
O.P.R.T.C.TX.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
P.R.T.C.TX.	PLAT RECORDS TRAVIS COUNTY, TEXAS
R.O.W.	RIGHT-OF-WAY
( )	RECORD INFORMATION



NOT TO  
 SCALE

PARCEL  
 5221.20 WLE



NOT TO  
 SCALE

**LINE TABLE**

NUMBER	DIRECTION	LENGTH
L1	N05°14'45"E	15.11'
L2	S78°46'09"E	298.84'
L3	S05°25'40"W	12.22'
L4	S05°25'40"W	2.86'
L5	N78°46'09"W	300.50'

**CURVE TABLE**

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	3°15'42"	5,554.58	316.20'	S76°07'15"E	316.16'
C2	0°01'04"	5,539.58	1.71'	S77°44'30"E	1.71'

NOTE:  
 EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY ON NOVEMBER 12, 2019, EFFECTIVE OCTOBER 30, 2019 GF NO. 201902421. THERE MAY BE RECORDED OR UNRECORDED EASEMENTS NOT SHOWN HEREON THAT MAY AFFECT THE PROPERTY.

ALL BEARINGS SHOWN ARE BASED ON NAD83/2011 TEXAS COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR 1.000065048. PROJECT UNITS ARE IN U.S. SURVEY FEET.

THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



SCOTT C. BRASHEAR  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO. 6660 - STATE OF TEXAS

DATE  
 3/27/20

JOB NUMBER: 1019051384  
 DATE: 01/30/2020  
 SCALE: 1" = 50'  
 SURVEYOR: S. BRASHEAR  
 TECHNICIAN: C. GALVAN  
 DRAWING: PARCEL 5221.20 WLE  
 TRACT ID: 315296  
 PARTY CHIEF: S. PESL  
 FIELD BOOKS:



4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: Info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS

PAGE 4  
 OF 4