

RESOLUTION NO. 20210603-043

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:	Schmidt Investments, Ltd., a Texas limited partnership
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, and acquiring a water line easement 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".

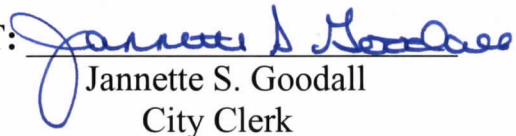
Location: 0 Circle Drive and 0 US Highway 290 West, EB aka 8360 US Hwy 290, Austin, Travis County, Texas 78736

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

Schmidt Investments, LTD.
to
The City of Austin
(Water Line Easement)

LEGAL DESCRIPTION FOR PARCEL 5221.04/5221.11 WLE

DESCRIPTION OF A 0.644 ACRE (28,054 SQ. FT.) EASEMENT LOCATED IN THE PETER MATSON SURVEY NO. 619, ABSTRACT 538, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 30.98 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO SCHMIDT INVESTMENTS, LTD., RECORDED IN JUNE 2, 1997 IN VOLUME 12946, PAGE 1939, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.TX.) AND A PORTION OF A CALLED 9.803 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO SCHMIDT INVESTMENTS, LTD., RECORDED JUNE 2, 1997 IN VOLUME 12946, PAGE 1836, R.P.R.T.C.TX.; SAID 0.644 ACRE (28,054 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 3/8-inch iron rod found for an interior ell corner of Lot 15, Forest Park Subdivision, a subdivision of record in Volume 75, Page 245, Plat Records of Travis County, Texas (P.R.T.C.TX.), described in a deed to Gerald Dean & Bettina M. Powell, recorded in Volume 7006, Page 1254, Deed Records of Travis County, Texas (D.R.T.C.TX.), same being the most westerly northwest corner of said 30.98 acre tract;

THENCE S 22°05'55" W, with the common line of said 30.98 acre tract and said Lot 15, a distance of **13.42** feet to a calculated point (**Grid Coordinates: N= 10,057,378.05, E= 3,062,658.92**), for the northwest corner and **POINT OF BEGINNING** of the easement described herein;

THENCE over and across said 30.98 acre tract and said 9.803 acre tract respectively, the following twelve (12) courses and distances:

S 76°46'34" E, a distance of **34.30** feet to a calculated point, said point being the beginning of a tangent curve to the right;

With said tangent curve to the right, an arc distance of 316.98 feet, through a central angle of 07°10'28" having a radius of 2,531.50 feet and a chord that bears **S 73°11'20" E**, a distance of **316.78** feet to a calculated point;

S 69°36'06" E, a distance of **1,060.11** feet to a calculated point;

S 73°53'27" E, a distance of **100.28** feet to a calculated point;

S 69°36'06" E, a distance of **350.62** feet to a calculated point;

S 76°38'39" E, a distance of **14.46** feet to a calculated point, for the northeast corner of easement described herein;

S 59°04'51" W, a distance of **21.49** feet to a calculated point, for the southeast corner of the easement described herein;

N 69°36'06" W, a distance of **350.98** feet to a calculated point;

N 73°53'27" W, a distance of **100.28** feet to a calculated point;

N 69°36'06" W, a distance of **1,060.67** feet to a calculated point, said point being the beginning of a tangent curve to the left;

Exhibit "A"

Schmidt Investments, LTD.
to
The City of Austin
(Water Line Easement)

With said tangent curve to the left, an arc distance of 315.11 feet, through a central angle of 07°10'28" having a radius of 2,516.50 feet and a chord that bears **N 73°11'20" W**, a distance of **314.90** feet to a calculated point; and

N 76°46'34" W, a distance of **36.64** feet to a 5/8-inch iron rod with TxDOT aluminum cap found on the common line of said 30.98 acre tract and said Lot 15, for the southwest corner of the easement described herein;

THENCE N 22°05'55" E, along said common line, a distance of **15.18** feet to the **POINT OF BEGINNING**, and containing **0.644** acre (28,054 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.

Scott C. Brashear 5/12/20

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

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

REFERENCES

TCAD Parcel I.D No. 446656 and 312076

FIELD NOTES REVIEWED
BY: *[Signature]* DATE: 05/14/20
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

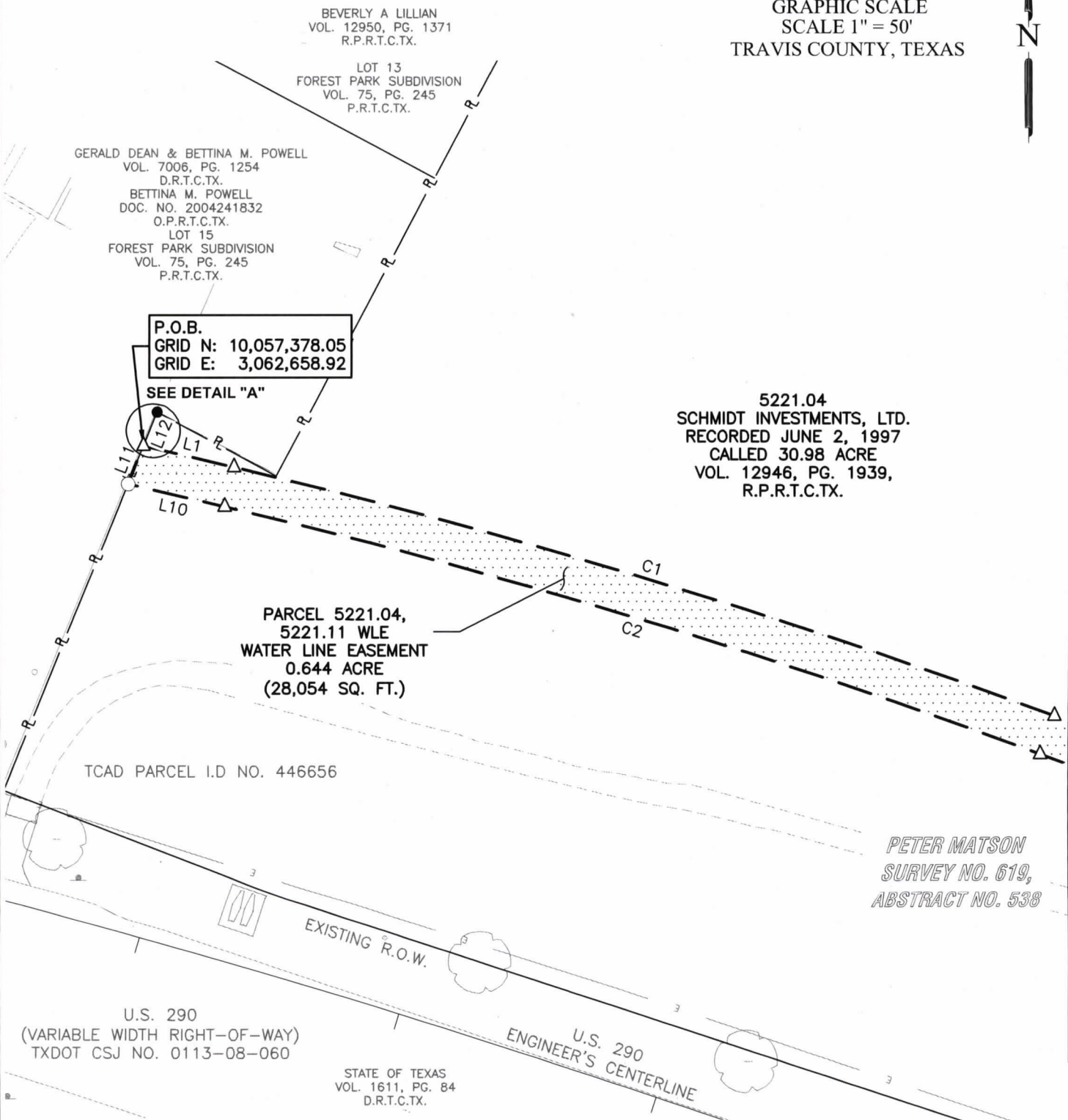


"EXHIBIT A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.04, 5221.11 WLE



GRAPHIC SCALE
SCALE 1" = 50'
TRAVIS COUNTY, TEXAS

N



MATCHLINE PAGE 4

JOB NUMBER: 1019051384
DATE: 01/30/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.04, 5221.11 WLE
TRACT ID: 446656, 312076
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

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS
PAGE 3
OF 8

Texas Firm Registration No. 10064300

"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.04, 5221.11 WLE



GRAPHIC SCALE
SCALE 1" = 50'
TRAVIS COUNTY, TEXAS

N

PETER MATSON
SURVEY NO. 619,
ABSTRACT NO. 538

5221.04
SCHMIDT INVESTMENTS, LTD.
RECORDED JUNE 2, 1997
CALLED 30.98 ACRE
VOL. 12946, PG. 1939,
R.P.R.T.C.TX.

PARCEL 5221.04, 5221.11 WLE
WATER LINE EASEMENT
0.644 ACRE
(28,054 SQ. FT.)

TCAD PARCEL I.D NO. 446656

EXISTING R.O.W.

U.S. 290
ENGINEER'S CENTERLINE

U.S. 290
(VARIABLE WIDTH RIGHT-OF-WAY)
TXDOT CSJ NO. 0113-08-060

STATE OF TEXAS
VOL. 1611, PG. 84
D.R.T.C.TX.

JOB NUMBER: 1019051384
DATE: 01/30/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.04, 5221.11 WLE
TRACT ID: 446656, 312076
PARTY CHIEF: S. PESTL
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 4
OF 8

"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.04, 5221.11 WLE



GRAPHIC SCALE

SCALE 1" = 50'

TRAVIS COUNTY, TEXAS



PETER MATSON
SURVEY NO. 619,
ABSTRACT NO. 538

5221.04
SCHMIDT INVESTMENTS, LTD.
RECORDED JUNE 2, 1997
CALLED 30.98 ACRE
VOL. 12946, PG. 1939,
R.P.R.T.C.TX.

PARCEL 5221.04, 5221.11 WLE
WATER LINE EASEMENT
0.644 ACRE
(28,054 SQ. FT.)

TCAD PARCEL I.D NO. 446656

EXISTING R.O.W.

U.S. 290
ENGINEER'S CENTERLINE

U.S. 290
(VARIABLE WIDTH RIGHT-OF-WAY)
TXDOT CSJ NO. 0113-08-060

STATE OF TEXAS
VOL. 1611, PG. 84
D.R.T.C.TX.

JOB NUMBER: 1019051384
DATE: 01/30/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.04, 5221.11 WLE
TRACT ID: 446656, 312076
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 5
OF 8

"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.04, 5221.11 WLE



GRAPHIC SCALE
SCALE 1" = 50'

TRAVIS COUNTY, TEXAS

N

PETER MATSON
SURVEY NO. 619,
ABSTRACT NO. 538

5221.04
SCHMIDT INVESTMENTS, LTD.
RECORDED JUNE 2, 1997
CALLED 30.98 ACRE
VOL. 12946, PG. 1939,
R.P.R.T.C.TX.

PARCEL 5221.04,
5221.11 WLE
WATER LINE EASEMENT
0.644 ACRE
(28,054 SQ. FT.)

5221.11
SCHMIDT INVESTMENTS, LTD.
RECORDED JUNE 2, 1997
CALLED 9.803 ACRE
VOL. 12946, PG. 1836,
R.P.R.T.C.TX.

TCAD PARCEL I.D NO. 446656

EXISTING R.O.W.
U.S. 290
(VARIABLE WIDTH RIGHT-OF-WAY)
TXDOT CSJ NO. 0113-08-060

U.S. 290
ENGINEER'S CENTERLINE

STATE OF TEXAS
VOL. 1611, PG. 84
D.R.T.C.TX.

TCAD PARCEL I.D NO. 312076

10' ELECTRIC EASEMENT
VOL. 9586, PG. 978
P.R.T.C.TX.

WATER TRANSMISSION
EASEMENT
VOL. 10026, PG. 899
P.R.T.C.TX.

JOB NUMBER: 1019051384
DATE: 01/30/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.04, 5221.11 WLE
TRACT ID: 446656, 312076
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 6
OF 8

"EXHIBIT A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.04, 5221.11 WLE



GRAPHIC SCALE
 SCALE 1" = 50'
 TRAVIS COUNTY, TEXAS



PETER MATSON
SURVEY NO. 619,
ABSTRACT NO. 538

5221.11
SCHMIDT INVESTMENTS, LTD.
RECORDED JUNE 2, 1997
CALLED 9.803 ACRE
VOL. 12946, PG. 1836,
R.P.R.T.C.TX.

PARCEL 5221.04,
5221.11 WLE
WATER LINE EASEMENT
0.644 ACRE
(28,054 SQ. FT.)

TCAD PARCEL I.D NO. 312076

10' ELECTRIC EASEMENT
 VOL. 9586, PG. 978
 P.R.T.C.TX.

10' ELECTRIC EASEMENT
 VOL. 9586, PG. 978
 P.R.T.C.TX.

WASTEWATER LINE
 EASEMENT
 VOL. 12554, PG. 2796
 P.R.T.C.TX.

EXISTING R.O.W.

U.S. 290
 (VARIABLE WIDTH RIGHT-OF-WAY)
 TXDOT CSJ NO. 0113-08-060

U.S. 290
 ENGINEER'S CENTERLINE

STATE OF TEXAS
 VOL. 1611, PG. 84
 D.R.T.C.TX.

SCENIC BROOK DRIVE
 (50' R.O.W. PER PLAT
 VOL. 19, PG. 61
 P.R.T.C.TX.)

MATCHLINE PAGE 6

JOB NUMBER: 1019051384
 DATE: 01/30/2020
 SCALE: 1" = 50'
 SURVEYOR: S. BRASHEAR
 TECHNICIAN: C. GALVAN
 DRAWING: PARCEL 5221.04, 5221.11 WLE
 TRACT ID: 446656, 312076
 PARTY CHIEF: S. PESTL
 FIELDBOOKS:



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

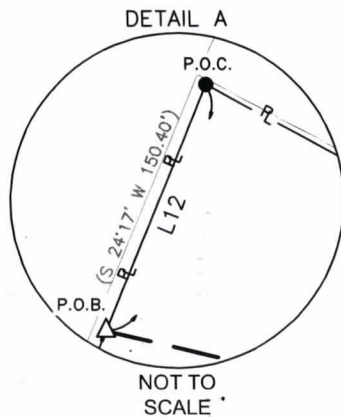
Texas Firm Registration No. 10064300

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS

PAGE 7
 OF 8

"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR PARCEL 5221.04, 5221.11 WLE



LEGEND

- R — PROPERTY LINE
- S — APPROXIMATE SURVEY LINE
- — — EASEMENT
- 3/8" IRON ROD FOUND
- △ CALCULATED POINT
- 5/8" IRON ROD W/TxDOT ALUM CAP 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

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	S76°46'34"E	34.30'
L2	S69°36'06"E	1060.11'
L3	S73°53'27"E	100.28'
L4	S69°36'06"E	350.62'
L5	S76°38'39"E	14.46'
L6	S59°04'51"W	21.49'
L7	N69°36'06"W	350.98'
L8	N73°53'27"W	100.28'
L9	N69°36'06"W	1060.67'
L10	N76°46'34"W	36.64'
L11	N22°05'55"E	15.18'
L12	S22°05'55"W	13.42'

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	7°10'28"	2,531.50	316.98'	S73°11'20"E	316.78'
C2	7°10'28"	2,516.50	315.11'	N73°11'20"W	314.90'

NOTE:
EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY STEWART TITLE GUARANTY COMPANY ON SEPTEMBER 13, 2019, EFFECTIVE SEPTEMBER 5, 2019 FILE NO. 20190851. 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 5/12/20

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

DATE



JOB NUMBER: 1019051384
DATE: 01/30/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.04, 5221.11 WLE
TRACT ID: 446656, 312076
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 8
OF 8