

RESOLUTION NO. 20211118-058

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: CH/Oak Hill Development, L.P.

Project: Oak Hill Parkway Water and Wastewater Relocation Project

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

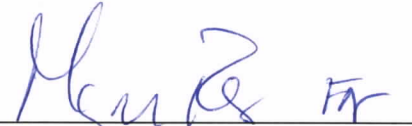
connections therewith in, upon, over and across, the tract of land as described in "Exhibit A".

Location: 578 feet east of Wolfcreek Pass, southeast line of U.S. Highway 290, Austin, Texas 78749 (aka 0 Wolfcreek Pass)

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: November 18, 2021

ATTEST:



Jannette S. Goodall
City Clerk

Ch/Oak Hill Development, L.P.
to
The City of Austin
(Water Line Easement)

LEGAL DESCRIPTION FOR PARCEL 5221.07 WLE

DESCRIPTION OF A 0.029 ACRE (1,249 SQ. FT.) EASEMENT LOCATED IN THE JESSE WILLIAMS SURVEY NO. 62, ABSTRACT 788, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 0.350 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO CH/OAK HILL DEVELOPMENT, L.P., RECORDED OCTOBER 31, 2005 IN DOCUMENT NO. 2005202808, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.); SAID 0.029 ACRE (1,249 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 5/8-iron rod with an unreadable yellow plastic cap found on the existing south right-of-way line of U.S. 290, a variable width right-of-way, as described in a deed to the State of Texas, recorded in Volume 1611, Page 98, Deed Records of Travis County, Texas (D.R.T.C.TX.), the northeast corner of said 0.350 acre tract, same being on the northwest corner of Lot 19-A, Wedgewood Commercial Section 1, a subdivision of record in Volume 59, Page 63, Plat Records of Travis County, Texas (P.R.T.C.TX.), described in a deed to Don A. Stewart, Inc., recorded in Volume 4354, Page 706, D.R.T.C.TX., said point being the beginning of a non-tangent curve to the left;

THENCE, with the existing south right-of-way line of said U.S. 290, along said non-tangent curve to the left, an arc distance of 3.18 feet, through a central angle of 00°04'46" having a radius of 2,291.83 feet and a chord that bears **S 64°27'47" W** a distance of **3.18** feet to a calculated point (**Grid Coordinates: N= 10,057,810.24, E= 3,073,625.67**), for the northeast corner and the **POINT OF BEGINNING** of the easement described herein;

THENCE, departing the existing south right-of-way line of said U.S. 290, over and across said 0.350 acre tract, the following two (2) courses and distances:

S 19°28'44" W, a distance of **40.77** feet to a calculated point, said point being the beginning of a non-tangent curve to the left, and

With said non-tangent curve to the left, an arc distance of 54.51 feet, through a central angle of 01°22'48" having a radius of 2,263.33 feet and a chord that bears **S 63°00'10" W** a distance of **54.51** feet to a calculated point on the common line of said 0.350 acre tract and Lot 2, Amended Plat of Lots 2, 3, 4 and 5 Oak Hill "Y" Section One, according to the map or plat thereof, recorded in Document No. 200800260, O.P.R.T.C.TX., described in a deed to Prosperity Bank, recorded in Document No. 2010037345, O.P.R.T.C.TX., for the southwest corner of the easement described herein;

THENCE N 38°59'04" W, with the common line of said 0.350 acre tract and said Lot 2, a distance of **15.29** 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 right;

THENCE, departing the common line of said 0.350 acre tract and said Lot 2, over and across said 0.350 acre tract, the following two (2) courses and distances:

With said non-tangent curve to the right, an arc distance of 51.76 feet, through a central angle of 01°18'06" having a radius of 2,278.33 feet and a chord that bears **N 62°53'18" E**, a distance of **51.76** feet to a calculated point, and

N 19°28'44" E, a distance of **19.52** feet to a calculated point on the existing south right-of-way line of said U.S. 290, said point being the beginning of a non-tangent curve to the right;

Exhibit "A"

Ch/Oak Hill Development, L.P.
to
The City of Austin
(Water Line Easement)

THENCE with the existing south right-of-way line of said U.S. 290, along said non-tangent curve to the right, an arc distance of 21.33 feet, through a central angle of 00°32'00" having a radius of 2,291.83 feet and a chord that bears **N 64°09'24" E**, a distance of **21.33** feet to the **POINT OF BEGINNING**, and containing **0.029** acre (1,249 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

Sent C. Re 4/15/20

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

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

REERENCES

TCAD Parcel I.D No. 311855



"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.07 WLE



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



U.S. 290
(VARIABLE WIDTH RIGHT-OF-WAY)
TXDOT CSJ NO. 0113-08-039

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

PARCEL 5221.07 WLE
WATER LINE EASEMENT
0.029 ACRE
(1,249 SQ. FT.)

15' SOUTHWESTERN BELL
TELEPHONE COMPANY
VOL. 9165, PG. 357
R.P.R.T.C.TX.

1/2" W/PCAP
"CHAPARRAL
BOUNDARY"

SEE
DETAIL
"A"

P.O.B.
GRID N: 10,057,810.24
GRID E: 3,073,625.67

JESSE WILLIAMS
SURVEY NO. 62
ABSTRACT NO. 788

DON A. STEWART, INC
VOL. 4354, PG. 706
D.R.T.C.TX.
LOT 19-A
WEDGEWOOD COMMERCIAL
SECTION 1
VOL. 59, PG. 63
P.R.T.C.TX.

CH/OAK HILL
DEVELOPMENT, L.P.
RECORDED OCTOBER 31, 2005
CALLED 0.350 ACRES
DOC. NO. 2005202808
O.P.R.T.C.TX.

TCAD PARCEL I.D NO. 311855

LOT 1
290 AT 71 LLC
DOC. NO. 2016101988
O.P.R.T.C.TX.

LOT 2
PROSPERITY BANK
DOC. NO. 2010037345
O.P.R.T.C.TX.

AMENDED PLAT OF
LOTS 2,3,4 & 5
OAK HILL "Y" SECTION ONE
DOC. NO. 200800260
O.P.R.T.C.TX.

LOT 1
290 AT 71 LLC
DOC. NO. 2016101988
O.P.R.T.C.TX.

JOB NUMBER: 1019051384
DATE: 01/31/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.07 WLE
TRACT ID: 311855
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

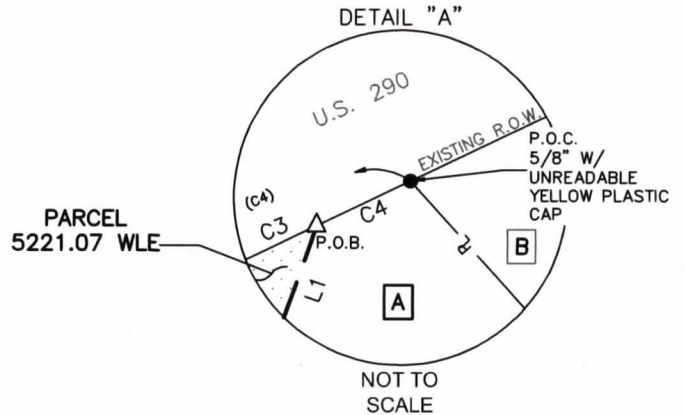
PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS

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OF 4

"EXHIBIT A"
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
FOR PARCEL 5221.07 WLE

[A]
CH/OAK HILL
DEVELOPMENT, L.P.
RECORDED OCTOBER 31, 2005
CALLED 0.350 ACRES
DOC. NO. 2005202808
O.P.R.T.C.TX.

[B]
DON A. STEWART, INC
VOL. 4354, PG. 706
D.R.T.C.TX.
LOT 19-A
WEDGEWOOD COMMERCIAL
SECTION 1
VOL. 59, PG. 63
P.R.T.C.TX.



LEGEND

—— R ——	PROPERTY LINE
—— S ——	APPROXIMATE SURVEY LINE
—— ———	EASEMENT
△	CALCULATED POINT
●	IRON ROD FOUND (AS SHOWN)
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	S19°28'44"W	40.77'
L2	N38°59'04"W	15.29'
L3	N19°28'44"E	19.52'

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	1°22'48"	2,263.33	54.51'	S63°00'10"W	54.51'
C2	1°18'06"	2,278.33	51.76'	N62°53'18"E	51.76'
C3	0°32'00"	2,291.83	21.33'	N64°09'24"E	21.33'
C4	0°04'46"	2,291.83	3.18'	S64°27'47"W	3.18'
(C4)		2,291.83	93.35	N63°20'07"E	93.34'

NOTE:
EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY ON SEPTEMBER 16, 2019, EFFECTIVE SEPTEMBER 6, 2019 GF NO. AUT-13-671-AUT19010386L. 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 4/15/20



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

DATE

JOB NUMBER: 1019051384
DATE: 01/31/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.07 WLE
TRACT ID: 311855
PARTY CHIEF: S. PESL
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

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