

RESOLUTION NO. 20211118-061

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: AG San Clemente 3700 LLC

Project: Loop 360 at Westlake Waterline Relocation Project

Public Use: Accommodating proposed roadway improvements, by allowing water infrastructures in conflict to be adjusted. Two water line easements are needed for construction, operation, maintenance, replacement, upgrade, repair, decommissioning and removal of water and wastewater lines and associated appurtenances and

making connections therewith in, upon, over and across, the tracts of land as described in Exhibits "A" and "B".

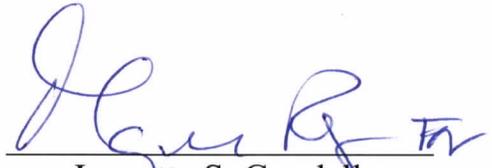
Location: 3700 North Capital of Texas Highway, Austin, Texas 78746

The general route of the project is along Loop 360 south of Plaza on the Lake toward Cedar Street and ending at Westlake Dr.

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

ADOPTED: November 18, 2021

ATTEST:

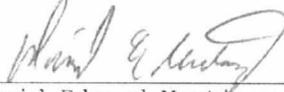


Jannette S. Goodall
City Clerk

4. THENCE, South 27°38'02" West, with the northwest right-of-way line of Loop 360 and a southeasterly line of said Lot 1-A, at a distance of 173.67 feet, passing an iron rod with cap marked Chaparral found, in all a distance of 275.63 feet to an iron rod with cap marked Chaparral found for a corner at the point of curvature of a non-tangent circular curve to the right, same being at the intersection of the northwest right-of-way line of Loop 360 and the northeasterly right-of-way line of Westlake Drive, same also being the most easterly southeast corner of said Lot 1-A;

5. THENCE, with the northerly right-of-way line of Westlake Drive and a southerly line of said Lot 1-A, along said curve to the right of 20.00 feet radius, an arc length of 31.27 feet, an angle of intersection of 89°34'22", (the long chord of said curve bears South 72°41'09" West, a distance of 28.18 feet), to the Point of Beginning and containing an area of 0.168 of one acre (7,302 s.f.) of land.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.



David Edward Martinez
Registered Professional Land Surveyor 5434

01/26/21
Date



MWM DesignGroup
305 East Huntland Drive, Suite 200
Austin, Texas, 78752 (512) 453-0767
TBPLS Firm Registration No. 10065600

Bearing Basis: The bearings shown hereon are based on Texas State Plane, Central Zone, NAD 83. All distances shown hereon are surface distances measured in U.S. feet.

TCAD: 0131150114
Austin Grid: F28

FIELD NOTES REVIEWED
BY:  DATE: 04/14/21
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

LEGEND: CHAPARRAL

● IRCF
 ()
 OPRCT

IRON ROD FOUND WITH CAP
 CALCULATED POINT
 INDICATES RECORD DATA
 OFFICIAL PUBLIC RECORDS OF
 TRAVIS COUNTY, TEXAS

AREA OF EASEMENT OVERLAP



AREA OF EASEMENT

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	20.00'	89°34'22"	31.27'	S72°41'09"W	28.18'
	(20.00')	(89°59'03")	(31.41')	(S74°05'27"W)	(28.28')

AG SAN CLEMENTE 3700 LLC
 DOC. 2018107962 OPRCT

5239.03 WATER
 LINE EASEMENT
 0.168 AC
 (7,302 SF)

WATER LINE EASEMENT
 DOC. 2003094872 OPRCT

AMENDED PLAT OF LOTS 37-43,
 BLOCK A, DAVENPORT WEST
 P.U.D. SECTION 5, PHASE 6
 DOC. 200700198 OPRCT

WASTEWATER LINE EASEMENT
 DOC. 2002099003 OPRCT

WATER EASEMENT
 DOC. 2012092939 OPRCT
 WASTEWATER LINE EASEMENT
 DOC. 2002099003 OPRCT
 CORRECTION WASTEWATER LINE EASEMENT
 DOC. 2002092939 OPRCT

AREA OF
 EASEMENT
 OVERLAP
 7,302 S.F.

BLOCK A
 LOT 1-A

WATER EASEMENT
 DOC. 2012092939 OPRCT

LATERAL SUPPORT EASEMENT
 VOL. 12329, PG. 542 RPRCT

10' ELECTRIC EASEMENT
 DOC. 2000001691 OPRCT

WESTLAKE DRIVE
 (90' R.O.W.)

POINT OF BEGINNING
 N=10094840.79
 E=3093603.30
 (GRID COORDINATES)

DAVENPORT WEST,
 SECTION 5, PHASE 5
 DOC. 2000001711 OPRCT

LOT 1-A BLOCK A

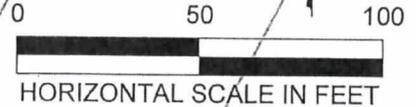
BURKE TRAMMELL
 SURVEY No. 3
 ABSTRACT No. 768

MONUMENT FOUND IN A SOUTHEASTERLY
 LINE OF LOT 1, BLOCK A, NALLE WOODS
 SUBDIVISION RECORDED IN
 DOC. 200300029 OPRCT

AMENDED PLAT OF LOTS 2-A, 3-A,
 AND 5-A, BLOCK A OF THE AMENDED
 PLAT OF LOTS 37-43, BLOCK A
 DAVENPORT WEST P.U.D. SECTION 5,
 PHASE 6
 DOC. 200900133 OPRCT

LOT 2-A

LOOP 360
 (300' R.O.W.)



IRCF
 CHAPARRAL
 TITLE REPORT REFERENCE:
 STEWART TITLE OF AUSTIN, LLC
 901 SOUTH MOPAC, BUILDING III, SUITE 100
 AUSTIN, TEXAS 78746
 FILE No.: 549534
 EFFECTIVE DATE: SEPTEMBER 26, 2019

THIS SKETCH IS ACCOMPANIED BY A METES
 AND BOUNDS DESCRIPTION OF EQUAL DATE:
 THE GRID COORDINATES SHOWN HEREON ARE
 BASED ON TEXAS STATE PLANE, CENTRAL ZONE,
 NAD 83 (CORS 2011). FOR SURFACE
 COORDINATES MULTIPLY THE GRID COORDINATES
 BY THE SURFACE ADJUSTMENT FACTOR 1.00008.
 ALL DISTANCES SHOWN ARE SURFACE
 DISTANCES MEASURED IN U. S. FEET.



David E. Martinez



305 East Huntland Drive
 Suite 200
 Austin, Texas 78752
 p: 512.453.0767
 f: 512.453.1734

 TBAE 1452
 TBPE F-1416
 TBPLS 10065600

SKETCH TO ACCOMPANY
 FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 26-JAN-21
 JOB NO: 53708B
 FILE: 5239.03WLE

3

3 of 3

EXHIBIT B

AG San Clemente 3700 LLC
To
The City of Austin
(For Water Line Easement)

Field Notes Parcel 5239.02 Water Line Easement

BEING 0.263 OF ONE ACRE OF LAND, OUT OF AND A PART OF THE BURKE TRAMMEL SURVEY NO. 3, ABSTRACT NO. 768 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 2-A, BLOCK A, AMENDED PLAT OF LOTS 2-A, 3-A AND 5-A, BLOCK A OF THE AMENDED PLAT OF LOTS 37-43, BLOCK A, DAVENPORT WEST P.U.D. SECTION 5, PHASE 6, RECORDED IN DOCUMENT 200900133 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO AG SAN CLEMENTE 3700 LLC BY SPECIAL WARRANTY DEED EXECUTED JULY 12, 2018, FILED FOR RECORD ON JULY 12, 2018 AND RECORDED IN DOCUMENT 2018109567 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.263 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at an iron rod with cap marked Chaparral found in the northwest right-of-way line of Loop 360 (300' right-of-way) at the most easterly corner of said Lot 2-A, same being a southeasterly corner of Lot 3-A, Block A of said Amended Plat of Lots 2-A, 3-A, and 5-A, Block A of the Amended Plat of Lots 37-43, Block A Davenport West P.U.D. Section 5, Phase 6, for the Point of Beginning and the most easterly corner of the herein described tract of land, having Grid coordinate values, (Texas State Plane, Central Zone, NAD 83, (CORS 2011), U. S. Feet, Surface Adjustment Factor of 1.00008) values of N=10095499.27, E=3093970.55, from which a TxDOT Type I monument found in the northwest right-of-way line of Loop 360 and in a southeasterly line of Lot 1, Block A, Nalle Woods Subdivision recorded in Document 200300029 of the Official Public Records of Travis County, Texas bears North 27°38'02" East, a distance of 2,551.44 feet;

1. THENCE, South 27°38'02" West, a distance of 458.23 feet, with the northwest right-of way line of Loop 360 and the southeasterly line of said Lot 2-A, to a calculated point at the most southerly corner of said Lot 2-A and the most easterly corner of Lot 1-A, Block A Amended Plat of Lots 37-43, Block A, Davenport West P.U.D. Section 5, Phase 6 recorded in Document 200700198 of the Official Public Records of Travis County, Texas, for the most southerly corner of the herein described tract of land, from which an iron rod with cap marked Chaparral found in the northwest right-of-way line of Loop 360 at the most easterly southeast corner of said Lot 1-A bears South 27°38'02" West, a distance of 275.63 feet;

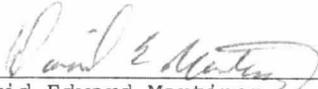
2. THENCE, North 62°32'02" West, at a distance of 0.25 feet passing an iron rod with cap marked Chaparral found, in all a distance of 25.00 feet, leaving the northwest right-of-way line of Loop 360, with the southwesterly line of said Lot 2-A and the northeasterly line of said Lot 1-A, to a calculated point for the most westerly corner of the herein described tract of land, from which an iron rod with cap marked Chaparral found at the most northerly corner of said Lot 2-A and at an internal corner of said Lot 1-A bears North 62°32'02" West, a distance of 582.62 feet;

3. THENCE, North 27°38'02" East, a distance of 458.30 feet, leaving the southwesterly line of said Lot 2-A and the northeasterly line of said Lot 1-A and crossing said Lot 2-A, to a calculated point in a northeasterly line of said Lot 2-A and in a southwesterly line of said Lot 3-A, for the most northerly corner of the herein described tract of land, from which an iron rod with cap

marked Chaparral found at a northerly corner of said Lot 2-A and at an interior corner of said Lot 3-A bears North 62°22'40" West, a distance of 0.11 feet;

4. THENCE, South 62°22'40" East, a distance of 25.00 feet, with a northeasterly line of said Lot 2-A and a southwesterly line of said Lot 3-A, to the Point of Beginning and containing an area of 0.263 of one acre of land.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.



David Edward Martinez
Registered Professional Land Surveyor 5434

02/12/21
Date



MWM DesignGroup
305 East Huntland Drive, Suite 200
Austin, Texas, 78752 (512) 453-0767
TBPLS Firm Registration No. 10065600

Bearing Basis: The bearings shown hereon are based on Texas State Plane, Central Zone, NAD 83. All distances shown hereon are surface distances measured in U.S. feet.

TCAD: 0131150114
Austin Grid: F28

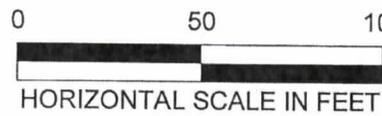
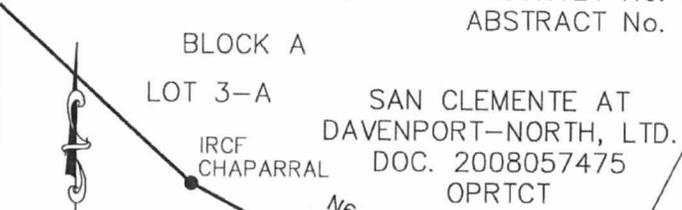
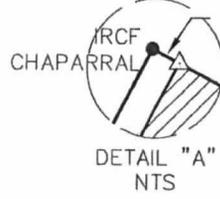
FIELD NOTES REVIEWED
BY  DATE: 04/14/21
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

LINE TABLE		
LINE	BEARING	LENGTH
L1	S27° 38' 02"W	275.63'
L2	N27° 38' 02"E	2551.44'

TXDOT TYPE I MONUMENT FOUND IN A SOUTHEASTERLY LINE OF LOT 1, BLOCK A, NALLE WOODS SUBDIVISION RECORDED IN DOC. 200300029 OPRTCT

TITLE REPORT REFERENCE:
 STEWART TITLE OF AUSTIN, LLC
 901 SOUTH MOPAC, BUILDING III, SUITE 100
 AUSTIN, TEXAS, 78746
 FILE No.: 549557
 EFFECTIVE DATE: OCTOBER 3, 2019

BURKE TRAMMELL
 SURVEY No. 3
 ABSTRACT No. 768

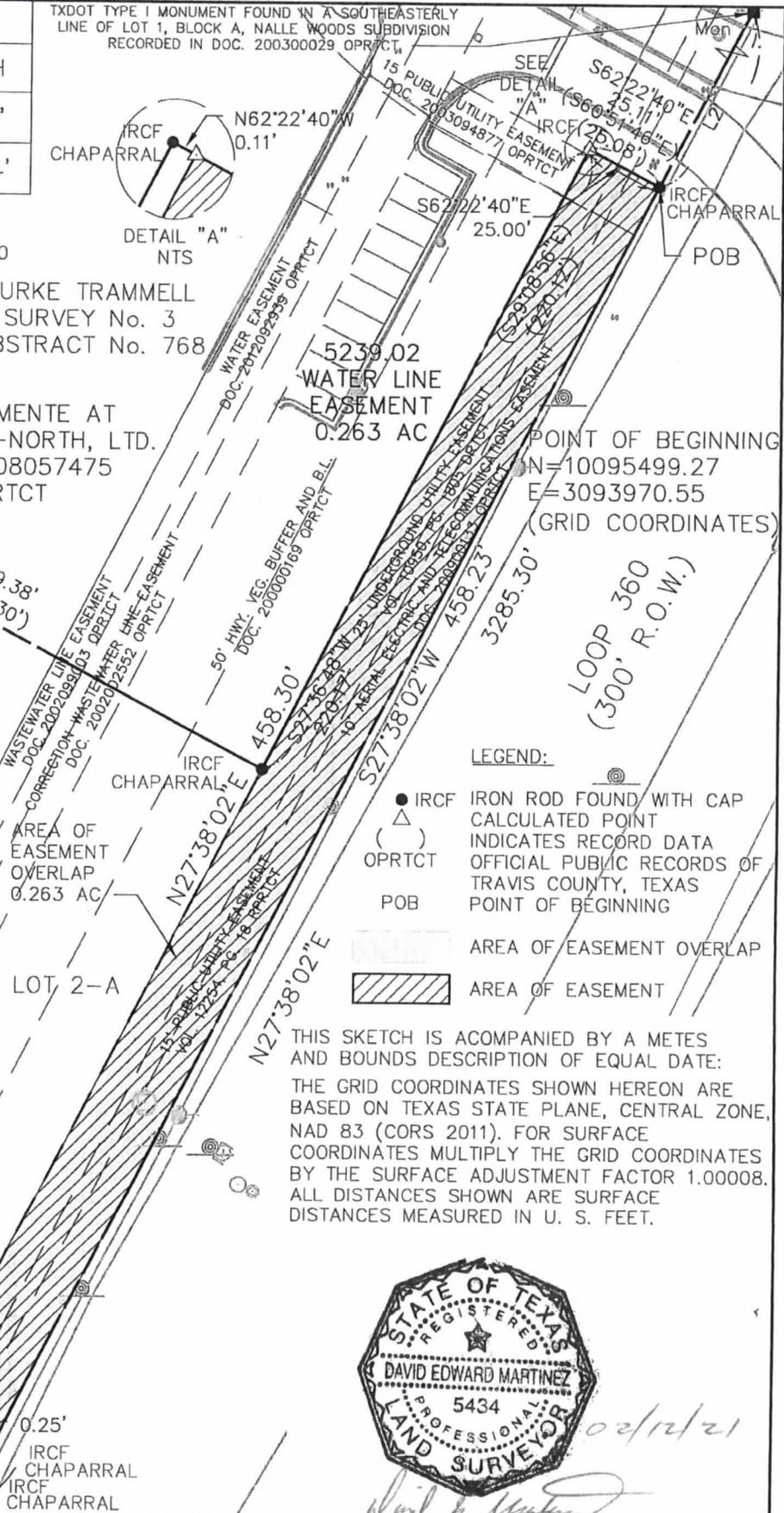
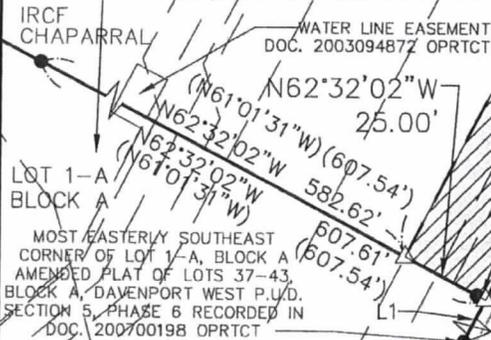


AG SAN CLEMENTE 3700 LLC
 DOC. 2018109567 OPRTCT

AMENDED PLAT OF LOTS
 2-A, 3-A, AND 5-A,
 BLOCK A OF THE AMENDED
 PLAT OF LOTS 37-43,
 BLOCK A DAVENPORT WEST
 P.U.D. SECTION 5, PHASE 6
 DOC. 200900133 OPRTCT

WASTEWATER LINE EASEMENT
 DOC. 2002099003 OPRTCT

AMENDED PLAT OF LOTS
 37-43, BLOCK A,
 DAVENPORT WEST P.U.D.
 SECTION 5, PHASE 6
 DOC. 200700198 OPRTCT



LEGEND:

- IRCF IRON ROD FOUND WITH CAP
- △ CALCULATED POINT
- () INDICATES RECORD DATA
- OPRTCT OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- POB POINT OF BEGINNING
- ▨ AREA OF EASEMENT OVERLAP
- ▩ AREA OF EASEMENT

THIS SKETCH IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EQUAL DATE: THE GRID COORDINATES SHOWN HEREON ARE BASED ON TEXAS STATE PLANE, CENTRAL ZONE, NAD 83 (CORS 2011). FOR SURFACE COORDINATES MULTIPLY THE GRID COORDINATES BY THE SURFACE ADJUSTMENT FACTOR 1.00008. ALL DISTANCES SHOWN ARE SURFACE DISTANCES MEASURED IN U. S. FEET.



mwm
 Design Group

305 East Huntland Drive
 Suite 200
 Austin, Texas 78752
 p: 512.453.0767
 f: 512.453.1734

TBAE 1452
 TBPE F-1416
 TBPLS 10055600

SKETCH TO ACCOMPANY
 FIELD NOTES

DATE: 12-FEB-21
 JOB NO: 53708B
 FILE: 5239.02WLE

TRAVIS COUNTY, TEXAS