

RESOLUTION NO. 20220127-058

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: The Walter E. Teinert and Florene L. Teinert Revocable Living Trust

Project: Burnet Road Corridor Project

Public Use: Constructing a shared-use path route and landscaping within the project area that will address congestion and enhance safety for pedestrians and cyclists as described in "Exhibit A".

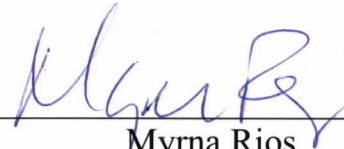
Location: 2012 W. Koenig Lane, Austin, Texas 78756

The general route of the project is along Burnet Road between
Koenig Lane to MoPac Expressway.

Property: Described in the attached and incorporated "Exhibit A."

ADOPTED: January 27, 2022

ATTEST:



Myrna Rios
City Clerk

EXHIBIT "A"

City of Austin:	Corridor Program	Parcel 5302.003 ROW
Corridor:	Burnet Road	0.0098 Acres, 425 Sq. Ft.
Segment:	BURN-C2	Page 1 of 5
Segment From:	Koenig Lane	May 18, 2021
Limits To:	US 183	Revised: August 17, 2021
CSJ:	1111-19-011	

DESCRIPTION OF PARCEL 5302.003 ROW

DESCRIPTION OF A 0.0098 OF ONE ACRE (425 SQUARE FOOT) PARCEL, OUT OF THE GEORGE W. SPEAR LEAGUE, SURVEY NO. 7, ABSTRACT NO. 697, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF A PORTION OF LOT 1, BLOCK G, BURNET HEIGHTS SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 5, PAGE 39, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID PORTION OF LOT 1 BEING DESCRIBED AS THE SOUTH 85.06 FEET OF LOT 1 CONVEYED TO THE WALTER E. TEINERT AND FLORENE L. TEINERT REVOCABLE LIVING TRUST BY DEED, EXECUTED SEPTEMBER 26, 2011, AS RECORDED IN DOCUMENT NO. 2011142115, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0098 OF ONE ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found at the northwest corner of said South 85.06 feet of Lot 1 and said Teinert Revocable Living Trust tract, being at the southwest corner of that tract described as Lot 1, Block G, save and except the South 85.06 feet of Lot 1 conveyed to Barbara Reiver by deed, as recorded in Document No. 2005110415, Official Public Records, Travis County, Texas, being in the existing east right-of-way line of a 15 foot wide alley recorded in said Book 5, Page 39;

THENCE, along the west line of said Teinert Revocable Living Trust tract and the said existing east right-of-way line of said 15 foot wide alley, South 27°10'53" West 72.77 feet to a mag nail with "MCGRAY & MCGRAY" washer set at the northwest corner of this parcel for the POINT OF BEGINNING, being 171.85 feet right of Engineer's Baseline Station 99+84.98, and having Surface Coordinates of N=10,096,117.47 E=3,115,198.96;

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City of Austin:	Corridor Program	Parcel 5302.003 ROW
Corridor:	Burnet Road	0.0098 Acres, 425 Sq. Ft.
Segment:	BURN-C2	Page 2 of 5
Segment From:	Koenig Lane	May 18, 2021
Limits To:	US 183	Revised: August 17, 2021
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DESCRIPTION OF PARCEL 5302.003 ROW

THENCE, along the proposed north line of this parcel, crossing said Teinert Revocable Living Trust tract, the following three (3) courses, numbered 1 through 3:

- 1) **South 62°29'07" East 6.73 feet** to a **calculated point, being 178.13 feet right of Engineer's Baseline Station 99+82.46;
- 2) **South 27°39'46" West 1.32 feet** to a **calculated point, being 177.65 feet right of Engineer's Baseline Station 99+81.24; and
- 3) **South 51°42'58" East 60.94 feet** to a 1/2 inch iron rod with "MCGRAY MCGRAY" plastic cap set at the southeast corner of this parcel, being in the south line of said Teinert Revocable Living Trust tract and the existing north right-of-way line of Koenig Lane (RM-2222, varying width right-of-way), and being 229.42 feet right of Engineer's Baseline Station 99+49.09, from which a 3/8 inch iron rod found at a point of curvature in the south line of said Teinert tract and existing north right-of-way line of Koenig Lane bears South 62°27'01" East 28.50 feet;
- 4) THENCE, along the south line of this parcel and said Teinert Revocable Living Trust tract and the said existing north right-of-way line of Koenig Lane, **North 62°27'01" West 66.52 feet** to a calculated point at the southwest corner of this parcel and said Teinert Revocable Living Trust tract, being in the said existing east right-of-way line of said 15 foot wide alley;
- 5) THENCE, along the west line of this parcel and said Teinert Revocable Living Trust tract and the said existing east right-of-way line of said 15 foot wide alley, **North 27°10'53" East**, passing at a distance of 0.34 feet a 1/2-inch iron rod with "Tri Tech Survey" plastic cap found, continuing an additional distance of 12.32 feet for a total distance of **12.66 feet** to the POINT OF BEGINNING and containing 0.0098 of one acre (425 square feet) of land within these metes and bounds.

EXHIBIT "A"

City of Austin: Corridor Program
Corridor: Burnet Road
Segment: BURN-C2
Segment From: Koenig Lane
Limits To: US 183
CSJ: 1111-19-011

Parcel 5302.003 ROW
0.0098 Acres, 425 Sq. Ft.
Page 3 of 5
May 18, 2021
Revised: August 17, 2021

DESCRIPTION OF PARCEL 5302.003 ROW

Notes

1. All bearings and coordinates described herein are based on the Texas Coordinate System (TCS), Central Zone (4203), North American Datum of 1983 (NAD 83) 2011 Adjustment, Epoch 2010.00. All distances and coordinates described herein are Surface and may be converted to Grid by dividing the combined Adjustment Factor of 1.00011. All measurements are in U.S. Survey Feet.
2. A parcel plat of even date was prepared in conjunction with this property description.
3. **The monument(s) described as "calculated" may be set with a typical ROW/Easement marker, after acquisition is completed, under the supervision of a Registered Professional Land Surveyor, either employed or retained by the City of Austin.
4. Stations and offsets are relative to Corridor Centerline provided by Engineer on 05/15/2020.

Revised: August 17, 2021 Changed Building Setback line to 12 feet along Laird Drive.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591
TBPELS Survey Firm# 10095500



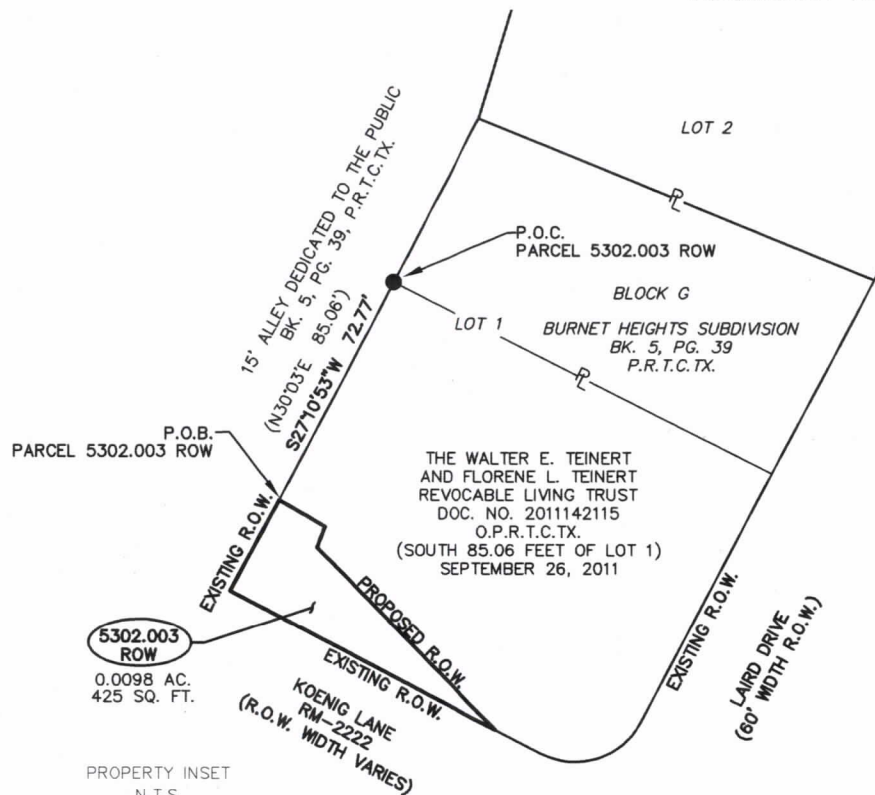
08/17/2021

Chris Conrad, Reg. Professional Land Surveyor No. 5623
M:/COA-CORRIDORS-2018/CDM Smith-18-046_Burnet Road/Descriptions/Parcel 5302.003

Date

AUSTIN GRID J-28
PARCEL ID: 231095

GEORGE W. SPEAR LEAGUE
SURVEY NO. 7
ABSTRACT NO. 697



NOTES:

1. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM (TCS), CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983 (NAD 83) 2011 ADJUSTMENT, EPOCH 2010.00. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING THE COMBINED ADJUSTMENT FACTOR OF 1.00011. ALL MEASUREMENTS ARE IN U.S. SURVEY FEET.
2. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
3. **THE MONUMENT(S) DESCRIBED AS "CALCULATED" MAY BE SET WITH TYPICAL ROW/EASEMENT MARKER, AFTER ACQUISITION IS COMPLETED, UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY THE CITY OF AUSTIN.
4. STATIONS AND OFFSETS ARE RELATIVE TO CORRIDOR CENTERLINE PROVIDED BY ENGINEER ON 5/15/2020.

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




Chris Conrad

08/17/2021

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE
Note: There is a description to accompany this plat.

REVISIONS		
08/17/2021	REVISED BUILDING SETBACK LINE	
-	-	
AREA TABLE - ACRES (SQUARE FEET)		
WHOLE PROPERTY	ACQUISITION	REMAINDER
0.2226 AC. (9,695 SF.)	0.0098 AC. (425 SF.)	0.2128 AC. (9,270 SF.)



**McGRAY & McGRAY
LAND SURVEYORS, INC.**

3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
MCGRAY.COM (512) 451-8591
TBPELS SURVEY FIRM #10095500

CITY OF AUSTIN - CORRIDOR PROGRAM		
BURNET ROAD CORRIDOR, SEGMENT C2		
PARCEL PLAT - 5302.003 ROW		
0.0098 ACRE, (425 SQ. FT.)		
CSJ: 1111-19-011	AUSTIN GRID#	J-28
SURVEY DATE: 05/18/2021	PROJECT:	18-046
REVISION DATE: 08/17/2021	PROPERTY ID:	231095
SCALE:	N.T.S.	PAGE: 4 OF 5

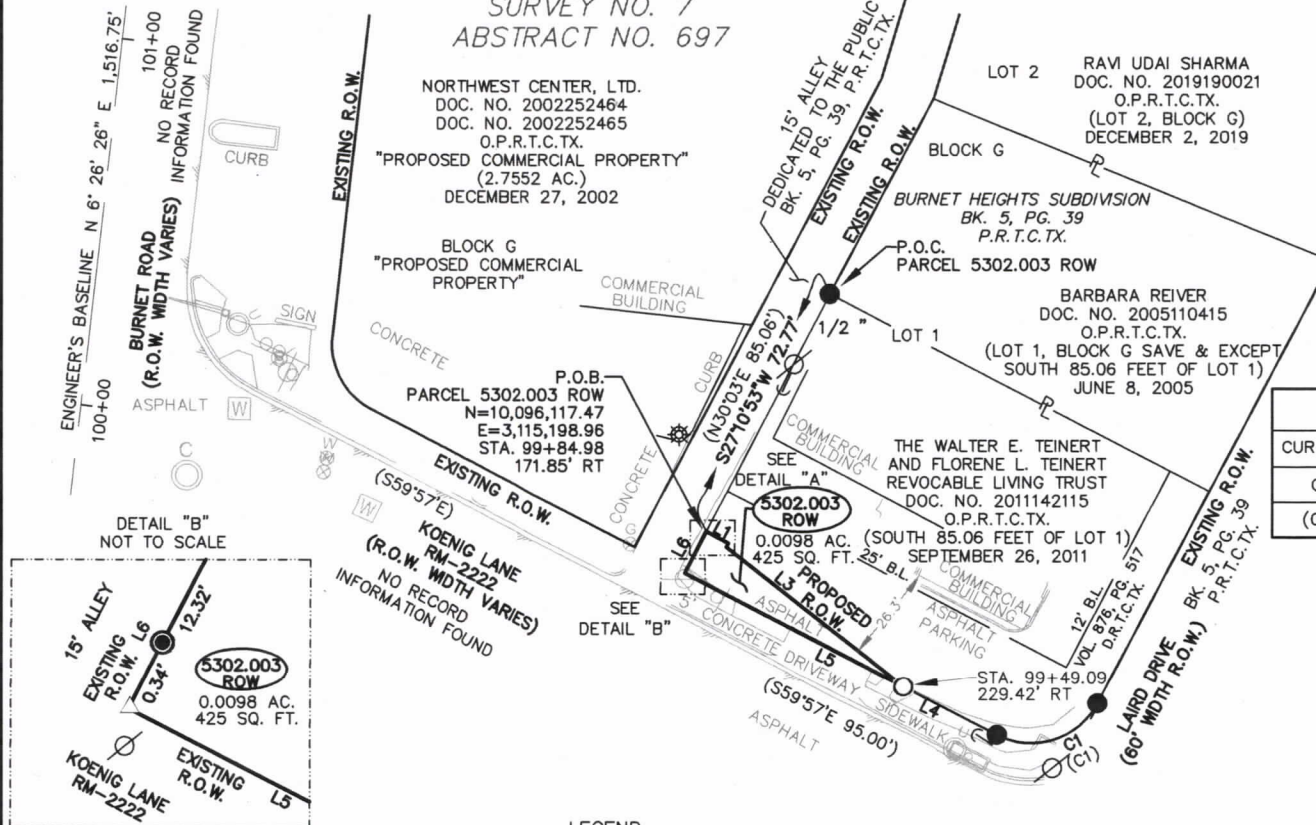
EXHIBIT "A"

GEORGE W. SPEAR LEAGUE
SURVEY NO. 7
ABSTRACT NO. 697

25' 0' 25' 50'
SCALE 1" = 50'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S62°29'07"E	6.73'
L2	S27°39'46"W	1.32'
L3	S51°42'58"E	60.94'
L4	S62°27'01"E	28.50'
L5	N62°27'01"W	66.52'
L6	N27°10'53"E	12.66'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
C1	31.59'	19.93'	90°50'01"	N72°07'58"E	28.39'
(C1)	(31.42')	(20.00')	(90°00')	(N75°03'E)	(28.28')



LEGEND

- | | | | | | |
|--------|--|---------------|--|---|------------|
| △ | CALCULATED POINT | P.O.B. | POINT OF BEGINNING | ☼ | LIGHT POLE |
| △ | MAG NAIL WITH "MCGRAY & MCGRAY" WASHER SET | P.O.C. | POINT OF COMMENCEMENT | ← | DOWN GUY |
| ● | FOUND IRON ROD (3/8" UNLESS NOTED) | N.T.S. | NOT TO SCALE | ⊗ | GAS VALVE |
| ○ | 1/2" IRON ROD WITH PLASTIC "MCGRAY MCGRAY" CAP SET | D.R.T.C.TX. | DEED RECORDS TRAVIS COUNTY, TEXAS | | |
| ⊙ | 1/2" IRON ROD WITH PLASTIC "TRI TECH SURVEY" CAP FOUND | O.P.R.T.C.TX. | OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS | | |
| — — | PROPERTY LINE (OWNERSHIP DIVISION) | P.R.T.C.TX. | PLAT RECORDS TRAVIS COUNTY, TEXAS | | |
| — — | DISTANCE NOT TO SCALE | ⊗ | GARBAGE RECEPTACLE | | |
| — — | DEED LINE (OWNERSHIP IN COMMON) | W | WATER METER | | |
| ① | PARCEL NUMBER | W | WATER VALVE | | |
| P.U.E. | PUBLIC UTILITY EASEMENT | U | VAULT | | |
| (XXXX) | RECORD INFORMATION | ⊗ | POWER POLE | | |
| R.O.W. | RIGHT-OF-WAY | ⊗ | SIGN | | |
| ⊗ | MANHOLE | B.L. | BUILDING SETBACK LINE | | |
| ⊗ | COMMUNICATION MANHOLE | | | | |

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CITY OF AUSTIN - CORRIDOR PROGRAM	
BURNET ROAD CORRIDOR, SEGMENT C2	
PARCEL PLAT - 5302.003 ROW	
0.0098 ACRE, (425 SQ. FT.)	
CSJ: 1111-19-011	AUSTIN GRID# J-28
SURVEY DATE: 05/18/2021	PROJECT: 18-046
REVISION DATE: 08/17/2021	PROPERTY ID: 231095
SCALE: 1" = 50'	PAGE: 5 OF 5

EXHIBIT "A"