## RESOLUTION NO. 20220127-059

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: Northwest Center, Ltd.
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.

A Street Right of Way is needed to construct, operate and maintain the Facility in, upon and across, the tract of land as described in "Exhibit A".

A Temporary Construction Easement described in the attached "Exhibit B" is necessary to permit the City, its agents, employees, and contractors to enter upon said real property in order to move thereon vehicles, tools, and equipment, and persons as the City may deem necessary and convenient.

Location: 5901-6113 Burnet Rd., Austin, Texas 78757

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" and "Exhibit B".

ADOPTED: $\qquad$ January 27 2022 ATTEST:


## EXHIBIT "A"

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

> Parcel 5302.002 ROW
> 0.0275 Acres, 1, 197 Sq. Ft.

Page 1 of 6
May 18, 2021

## DESCRIPTION OF PARCEL 5302.002 ROW

DESCRIPTION OF A 0.0275 OF ONE ACRE (1,197 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 THAT PORTION OF BLOCK G DESIGNATED AS "PROPOSED COMMERCIAL PROPERTY", BURNET HEIGHTS SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 5, PAGE 39, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID "PROPOSED COMMERCIAL PROPERTY" OF BLOCK G, BEING DESCRIBED AS 2.7552 ACRES, CONVEYED TO NORTHWEST CENTER, LTD. BY DEEDS, EXECUTED DECEMBER 27, 2002, AS RECORDED IN DOCUMENT NO. 2002252464, CONVEYING AN UNDIVIDED 1/100 OF THE PROPERTY, AND IN DOCUMENT NO. 2002252465, CONVEYING AN UNDIVIDED 99/100 OF THE PROPERTY, BOTH RECORDED IN THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0275 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 most northerly northwest corner of said "Proposed Commercial Property" tract, being in the existing south right-of-way line of Romeria Drive ( 60 foot width right-of-way);

THENCE, along the north line of said "Proposed Commercial Property" tract and the said existing south right-of-way line of Romeria Drive, with a curve to the left, whose intersection angle is $90^{\circ} 40^{\prime} 24^{\prime \prime}$, radius is 20.00 feet, an arc distance of 31.66 feet, and the chord of which bears South $51^{\circ} 45^{\prime} 03 "$ West 28.45 feet to a calculated point at the most westerly northwest corner of said "Proposed Commercial Property" tract, being in the existing east right-of-way line of Burnet Road (varying width right-of-way);

THENCE, along the west line of said "Proposed Commercial Property" tract and the said existing east right-of-way line of Burnet Road, South $06^{\circ} 24^{\prime} 20^{\prime \prime}$ West 703.23 feet to a mag nail with "MCGRAY \& MCGRAY" washer set at the northwest corner of this parcel for the POINT OF BEGINNING, being 65.12 feet right of Engineer's Baseline Station $100+29.16$, and having Surface Coordinates of $\mathrm{N}=10,096,173.44 \mathrm{E}=3,115,097.87$;

## EXHIBIT "A"

City of Austin: Corridor Program
Parcel 5302.002 ROW
Corridor: Burnet Road
Segment: BURN-C2
0.0275 Acres, 1, 197 Sq. Ft.

Page 2 of 6
Segment From: Koenig Lane May 18, 2021
Limits To: US 183
CSJ: 1111-19-011
DESCRIPTION OF PARCEL 5302.002 ROW

THENCE, along the proposed north line of this parcel, crossing said "Proposed Commercial Property" tract, the following three (3) courses, numbered 1 through 3:

1) South $\mathbf{3 2}^{\circ} \mathbf{5 4} \mathbf{\prime 5 5 "}$ " East $\mathbf{8 . 9 4}$ feet to a mag nail with "MCGRAY \& MCGRAY" washer set, being 70.79 feet right of Engineer's Baseline Station 100+22.25;
2) South $\mathbf{6 2}^{\circ} \mathbf{2 9}^{\prime} \mathbf{0 7}$ " East $\mathbf{7 6 . 1 4}$ feet to a mag nail with "MCGRAY \& MCGRAY" washer set, being 141.83 feet right of Engineer's Baseline Station 99+94.87; and
3) North $\mathbf{7 0}^{\circ} \mathbf{3 6}{ }^{\prime} \mathbf{1 2 "}$ " East $\mathbf{2 3 . 9 7}$ feet to a mag nail set with "MCGRAY \& MCGRAY" washer set at the northeast corner of this parcel, being in the east line of said "Proposed Commercial Property" tract and the existing west right-of-way line of a 15 foot wide alley recorded in said Book 5, Page 39, and being 163.40 feet right of Engineer's Baseline Station 100+05.32;
4) THENCE, along the east line of this parcel and said "Proposed Commercial Property" tract, and the said existing west right-of-way line of said 15 foot wide alley, South $\mathbf{2 7}^{\circ} \mathbf{3 9} 9^{\prime} \mathbf{4 6 "}$ West 28.68 feet to a calculated point at the southeast corner of this parcel and said "Proposed Commercial Property" tract, being in the existing north right-ofway line of Koenig Lane (RM-2222, varying width right-of-way), from which a $3 / 8$ inch iron rod found in the south line of Lot 1 of said Block G, in said Burnet Heights Subdivision, and in the said existing north right-of-way line of Koenig Lane, bears South $62^{\circ} 27^{\prime} 01 "$ East 110.45 feet;
5) THENCE, along the south line of this parcel and said "Proposed Commercial Property" tract and the said existing north right-of-way line of Koenig Lane, N62 ${ }^{\circ} \mathbf{2 7}^{\prime} \mathbf{0 1}{ }^{\prime \prime}$ West $\mathbf{8 0 . 5 1}$ feet to a calculated point at the southwest corner of this parcel and said "Proposed Commercial Property" tract, being in the existing east right-of-way line of Burnet Road;

## EXHIBIT "A"

City of Austin: Corridor Program<br>Parcel 5302.002 ROW<br>Corridor: Burnet Road<br>Segment: BURN-C2<br>0.0275 Acres, 1, 197 Sq . Ft.<br>Page 3 of 6<br>Segment From: Koenig Lane<br>May 18, 2021<br>Limits To: US 183<br>CSJ: 1111-19-011

DESCRIPTION OF PARCEL 5302.002 ROW

THENCE, along the west line of this parcel and said "Proposed Commercial Property" tract and the said existing east right-of-way line of Burnet Road, the following two (2) courses, numbered 6 and 7:
6) with a curve to the right, whose delta angle is $\mathbf{6 8}^{\circ} 51,38^{\prime \prime}$, radius is $\mathbf{2 0 . 0 0}$ feet, an arc distance of $\mathbf{2 4 . 0 3}$ feet, and the chord of which bears North $28^{\circ} 01^{\prime} 08^{\prime \prime}$ West 22.61 feet to calculated point; and
7) North $\mathbf{0 6}^{\circ} \mathbf{2 4}$, $\mathbf{2 0}$ " East 2.94 feet to the POINT OF BEGINNING and containing 0.0275 of one acre ( 1,197 square feet) of land within these metes and bounds.

## 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.

## EXHIBIT "A"

City of Austin: Corridor Program<br>Corridor: Burnet Road<br>Segment: BURN-C2<br>Segment From: Koenig Lane<br>Parcel 5302.002 ROW<br>0.0275 Acres, 1, 197 Sq. Ft.<br>Page 4 of 6<br>Limits To: US 183<br>CSJ: 1111-19-011

## SURVEYED BY:

McGRAY \& McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591
TBPELS Survey Firm\# 10095500



A MAG NAIL WITH "MCGRAY \& MCGRAY" WASHER SET

- FOUND IRON ROD ( $1 / 2^{\prime \prime}$ UNLESS NOTED)
$\triangle$ CALCULATED POINT, NOT SET
- R

PROPERTY LINE (OWNERSHIP DIVSION) distance not to scale
DEED LINE (OWNERSHIP IN COMMON)
PARCEL NUMBER
P.U.E. PUBLIC UTILITY EASEMENT
(XXXX) RECORD INFORMATION
R.O.W. RIGHT-OF-WAY
© UNKNOWN MANHOLE
(O) COMMUNICATION MANHOLE
gas valve
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
n.t.S. NOT TO SCALE
D.R.T.C.TX. DEED RECORDS TRAVS COUNTY, TEXAS
O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS
P.R.T.C.TX. PLAT RECORDS TRAVIS COUNTY, TEXAS
(a) GARBAGE RECEPTACLE
(W) WATER METER
$\stackrel{W}{\otimes} \quad$ WATER VALVE
$U$ UNKNOWN VAULT
$\varnothing$ POWER POLE
p SIGN
TC TRAFFIC CONTROL BOX
GRAPHIC SCALE

| LINE TABLE |  |  |
| :---: | :---: | :---: |
| LINE \# | DIRECTION | LENGTH |
| L1 | S32*54'55"E | 8.94' |
| L2 | S62'29'07"E | 76.14' |
| L3 | N70*36'12"E | $23.97^{\prime}$ |
| L4 | S27 $39^{\prime} 46^{\prime \prime} \mathrm{W}$ | 28.68' |
| (L4) | ( $\mathrm{N} 30 \times 03^{\prime} \mathrm{E}$ ) |  |
| L5 | N06.24'20"E | 2.94' |


| CURVE TABLE |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| CURVE \# | LENGTH | RADIUS | DELTA | BEARING | DISTANCE |
| C1 | $24.03^{\prime}$ | $20.00^{\prime}$ | $68^{\circ} 51^{\prime} 38^{\prime \prime}$ | N28 $^{\circ} 01^{\prime} 08^{\prime \prime} \mathrm{W}$ | $22.61^{\prime}$ |
| $(\mathrm{C} 1)$ | $\left(24.01^{\prime}\right)$ | $\left(20.0^{\prime}\right)$ | $\left(68^{\circ} 49^{\prime}\right)$ | $\left(\mathrm{S} 255^{\circ} 32^{\prime} \mathrm{E}\right)$ | $\left(22.59^{\prime}\right)$ |



| CITY OF AUSTIN - CORRIDOR PROGRAM |  |  |
| :--- | :--- | ---: |
| BURNET ROAD CORRIDOR, SEGMENT C2 |  |  |
| PARCEL PLAT -5302.002 ROW |  |  |
| 0.0275 ACRES, ( 1,197 SQ. FT.) |  |  |
| CSJ: 1111-19-011 | AUSTN GRID\# | J-28 |
| SURVEY DATE: 05/18/2021 | PROJECT: | $18-046$ |
| REVSION DATE: | PROPERTY ID: | 231082 |
| SCALE: | $1^{\prime \prime}=50^{\circ}$ | PAGE: |

## EXHIBIT B

City of Austin: Corridor Program<br>Parcel 5302.002 TCE<br>Corridor: Burnet Road<br>Segment: BURN-C2<br>Segment From: Koenig Lane<br>0.0047 Acres, 206 Sq. Ft.<br>Page 1 of 5<br>May 18, 2021<br>Limits To: US 183<br>CSJ: 1111-19-011

DESCRIPTION OF PARCEL 5302.002 TCE
DESCRIPTION OF A 0.0047 OF ONE ACRE (206 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 THAT PORTION OF BLOCK G DESIGNATED AS "PROPOSED COMMERCIAL PROPERTY", BURNET HEIGHTS SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 5, PAGE 39, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID "PROPOSED COMMERCIAL PROPERTY" OF BLOCK G, BEING DESCRIBED AS 2.7552 ACRES, CONVEYED TO NORTHWEST CENTER, LTD. BY DEEDS, EXECUTED DECEMBER 27, 2002, AS RECORDED IN DOCUMENT NO. 2002252464, CONVEYING AN UNDIVIDED 1/100 OF THE PROPERTY, AND IN DOCUMENT NO. 2002252465, CONVEYING AN UNDIVIDED 99/100 OF THE PROPERTY, BOTH RECORDED IN THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0047 OF ONE ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a punch hole in concrete found at the northeast corner of said "Proposed Commercial Property" tract, being the intersection of the existing south right-of-way line of Romeria Drive ( 60 foot width right-of-way) and the existing west right-ofway line of a 15 foot wide alley recorded in said Book 5, Page 39;

THENCE, along the east line of said "Proposed Commercial Property" tract and the said existing west right-of-way line of said 15 foot wide alley, the following three (3) courses:

South $06^{\circ} 49^{\prime} 26^{\prime \prime}$ West 479.09 feet to a calculated point;
South $16^{\circ} 42^{\prime} 15^{\prime \prime}$ West 161.49 feet to a calculated point; and

## EXHIBIT B

City of Austin: Corridor Program<br>Parcel 5302.002 TCE<br>Corridor: Burnet Road<br>Segment: BURN-C2<br>Segment From: Koenig Lane<br>0.0047 Acres, 206 Sq. Ft.<br>Page 2 of 5<br>May 18, 2021<br>Limits To: US 183<br>CSJ: 1111-19-011

## DESCRIPTION OF PARCEL 5302.002 TCE

South $27^{\circ} 39^{\prime} 46$ " West 114.84 feet to a mag nail with "MCGRAY \& MCGRAY" washer set at the most eastern corner of this parcel for the POINT OF BEGINNING, being 163.40 feet right of Engineer's Baseline Station 100+05.32, and having Surface Coordinates of $\mathrm{N}=10,096,138.72 \mathrm{E}=3,115,192.86$;

THENCE, along the south line of this parcel, being the proposed north right-of-way line of Koenig Lane (RM-2222, varying width right-of-way), crossing said "Proposed Commercial Property" tract, the following two (2) courses, numbered 1 and 2:

1) South $70^{\circ} \mathbf{3 6}{ }^{\prime} \mathbf{1 2}$ " West 23.97 feet to a mag nail with "MCGRAY \& MCGRAY" washer set at the most southerly corner of this parcel, being 141.83 feet right of Engineer's Baseline Station 99+94.87; and
2) North $\mathbf{6 2}^{\circ} \mathbf{2 9} 9^{\prime} \mathbf{0 7}$ " West $\mathbf{3 . 6 7}$ feet to a calculated point at the southwest corner of this parcel, being 138.41 feet right of Engineer's Baseline Station 99+96.12;
3) THENCE, along the proposed northwest line of this parcel, crossing said "Proposed Commercial Property" tract, North $\mathbf{2 7}^{\circ} \mathbf{3 9} 9^{\prime} \mathbf{4 6 "}$ East 17.40 feet to a calculated point at the most northerly corner of this parcel, being 144.71 feet right of Engineer's Baseline Station 100+12.41;
4) THENCE, along the proposed northeast line of this parcel, crossing said "Proposed Commercial Property" tract, South 6246'29" East 20.00 feet to the POINT OF BEGINNING and containing 0.0047 of one acre ( 206 square feet) of land within these metes and bounds.

## EXHIBIT B

City of Austin: Corridor Program<br>Parcel 5302.002 TCE<br>Corridor: Burnet Road 0.0047 Acres, 206 Sq. Ft.<br>Segment: BURN-C2<br>Segment From: Koenig Lane Page 3 of 5<br>May 18, 2021<br>Limits To: US 183<br>CSJ: 1111-19-011

## DESCRIPTION OF PARCEL 5302.002 TCE

## 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.

## SURVEYED BY:

## McGRAY \& McGRAY LAND SURVEYORS, INC.

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


05/18/2021
Chris Conrad, Reg. Professional Land Surveyor No. 5623
Date
M:/COA-CORRIDORS-2018/CDM Smith~18-046_Burnet Road/Descriptions/Parcel 5302.002 TCE

AUSTIN GRID J-28
PARCEL ID: 231082

EXHIBIT B

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 WTH 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. STATONS AND CENTERUINE PROVIDED BY ENGINEER ON 5/15/2020.

| LINE TABLE |  |  |
| :---: | :---: | :---: |
| LINE\# | BEARING | distance |
| L1 | S06*49'26"W | 479.09' |
| (L1) | ( $\mathrm{NO9}{ }^{17} \mathrm{~T}^{\prime} \mathrm{E}$ ) | (478.94') |
| L2 | S16.42'15"W | 161.49' |
| (L2) | ( $\mathrm{N} 19{ }^{\circ} \mathrm{O} 7^{\prime} \mathrm{E}$ ) | (161.48') |
| L3 | S27*39'46"W | 114.84' |
| (L3) | (N30*03'E) | (143.39') |


| REVISIONS |  |
| :---: | :---: |
| - | - |
| - - | - |
| MCGRAY \& MCGRAY自 $A A N D$ SURVEYORS, INC.3301 HANCOCK DRIVE \#6AUSTN, TEXAS 78731MCGRAY.COM (512) $451-8591$TBPELS SURVEY FIRM \#10095500 |  |
| CITY OF AUSTIN - CORRIDOR PROGRAM |  |
| BURNET ROAD CORRIDOR, SEGMENT C2 |  |
| PARCEL PLAT - 5302.002 TCE |  |
| 0.0047 ACRES, (206 SQ. FT.) |  |
| CSJ: 1111-19-011 | AUSTIN GRID\# J-28 |
| SURVEY DATE: 05/18/2021 | PROJECT: 18-046 |
| REVSION DATE: | PROPERTY ID: 231082 |
| SCALE: N.T.S. | PAGE: 4 OF 5 |

EXHIBIT B


