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: January 27, 2022 ATTEST:

Myrna Rios City Clerk

City of Austin: Corridor Program Parcel 5302.002 ROW

Corridor: Burnet Road 0.0275 Acres, 1,197 Sq. Ft.

Segment: BURN-C2 Page 1 of 6

From: Koepig Lane

May 18, 2021

Segment From: Koenig Lane May 18, 2021

Limits To: US 183 CSJ: 1111-19-011

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°40'24", radius is 20.00 feet, an arc distance of 31.66 feet, and the chord of which bears South 51°45'03" 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°24'20" 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 N=10,096,173.44 E=3,115,097.87;

City of Austin: Corridor Program

Parcel 5302.002 ROW

Corridor: Burnet Road

0.0275 Acres, 1,197 Sq. Ft.

Segment: BURN-C2

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 32°54'55" East 8.94 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 62°29'07" East 76.14 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 70°36'12" East 23.97 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 27°39'46" 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°27'01" 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°27'01" West 80.51 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;

City of Austin: Corridor Program Parcel 5302.002 ROW

Corridor: Burnet Road 0.0275 Acres, 1,197 Sq. Ft.

Segment: BURN-C2 Page 3 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 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 68°51'38", radius is 20.00 feet, an arc distance of 24.03 feet, and the chord of which bears North 28°01'08" West 22.61 feet to calculated point; and
- 7) North 06°24'20" 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

- 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.

City of Austin: Corridor Program

Corridor: Burnet Road

Segment: BURN-C2 From: Koenig Lane

Limits To: US 183

CSJ: 1111-19-011

Parcel 5302.002 ROW

0.0275 Acres, 1,197 Sq. Ft.

Page 4 of 6

May 18, 2021

DESCRIPTION OF PARCEL 5302.002 ROW

SURVEYED BY:

Segment

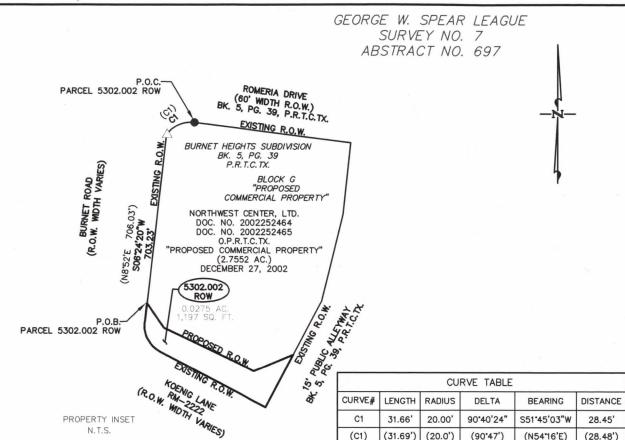
McGRAY & McGRAY LAND SURVEYORS, INC.

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 M:/COA-CORRIDORS-2018/CDM Smith~18-046_Burnet Road/Descriptions/Parcel 5302.002 Date

AUSTIN GRID J-28 PARCEL ID: 231082



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.
- 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.
- STATIONS AND OFFSETS ARE RELATIVE TO CORRIDOR CENTERLINE PROVIDED BY ENGINEER ON 5/15/2020.

REVISIONS				
Ī	_			
	-			
AREA TABLE - ACRES (SQUARE FEET)				
WHOLE PROPERTY	ACQUISITION	REMAINDER		
2.7552 AC. (120,018 SF.)	0.0275 AC. (1,197 SF.)	2.7277 AC. (118,821 SF.)		



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

CITY OF AUSTIN - C	ORRIDOR PRO	OGRAM		
BURNET ROAD CORRIDOR, SEGMENT C2				
PARCEL PLAT - 5302.002 ROW				
0.0275 ACRES, (1,197 SQ. FT.)				
CSJ: 1111-19-011	AUSTIN GRID#	J-28		
SURVEY DATE: 05/18/2021	PROJECT:	18-046		
REVISION DATE:	PROPERTY ID:	231082		
SCALE: N.T.S.	PAGE:	5 OF 6		

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.



05/18/2021

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



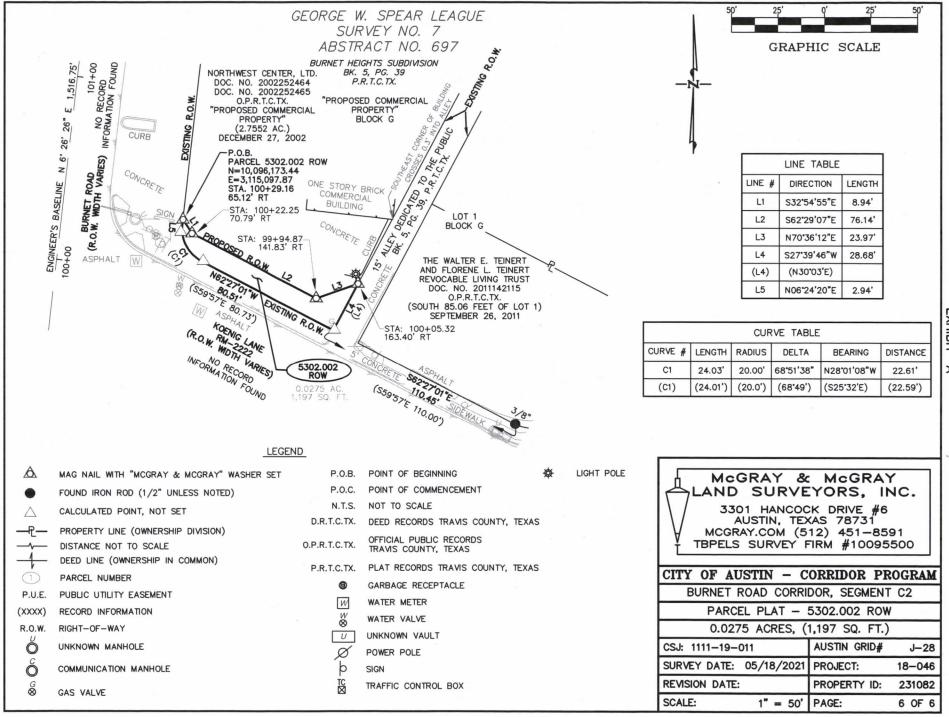


EXHIBIT B

City of Austin: Corridor Program Parcel 5302.002 TCE

Corridor: Burnet Road 0.0047 Acres, 206 Sq. Ft.

Segment: BURN-C2 Page 1 of 5

Segment From: Koenig Lane May 18, 2021
Limits To: US 183

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-of-way 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°49'26" West 479.09 feet to a calculated point;

South 16°42'15" West 161.49 feet to a calculated point; and

EXHIBIT B

City of Austin: Corridor Program

Corridor: Burnet Road

Segment: BURN-C2

From: Koenig Lane

Limits To: US 183

Segment

CSJ: 1111-19-011

Parcel 5302.002 TCE

0.0047 Acres, 206 Sq. Ft.

Page 2 of 5

May 18, 2021

DESCRIPTION OF PARCEL 5302.002 TCE

South 27°39'46" 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 N=10,096,138.72 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°36'12" 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 62°29'07" West 3.67 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 27°39'46" 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 62°46'29" 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

Parcel 5302.002 TCE Corridor: Burnet Road 0.0047 Acres, 206 Sq. Ft.

Segment: BURN-C2

Page 3 of 5

Segment

May 18, 2021

From: Koenig Lane Limits To: US 183

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.

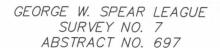
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591 TBPELS Survey Firm# 10095500

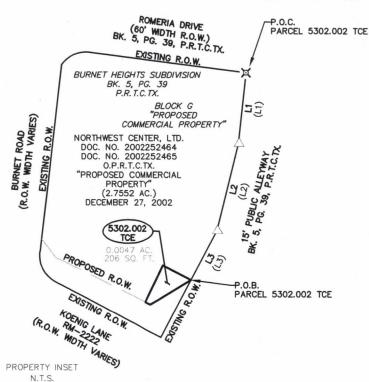
05/18/2021

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

Date

AUSTIN GRID J-28 PARCEL ID: 231082





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.
- 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.
- STATIONS AND OFFSETS ARE RELATIVE TO CORRIDOR CENTERLINE PROVIDED BY ENGINEER ON 5/15/2020.

LINE TABLE		
LINE#	BEARING	DISTANCE
L1	S06*49'26"W	479.09'
(L1)	(N09°17'E)	(478.94')
L2	S16°42'15"W	161.49'
(L2)	(N19°07'E)	(161.48')
L3	S27°39'46"W	114.84'
(L3)	(N30°03'E)	(143.39')

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.



05/18/2021

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

McGRAY & McGRAY LAND SURVEYORS, INC.

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

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

REVISION DATE: PROPERTY ID: 231082

SCALE: N.T.S. PAGE: 4 OF 5

