

RESOLUTION NO. 20220127-060

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: Halle Properties, L.L.C.

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".

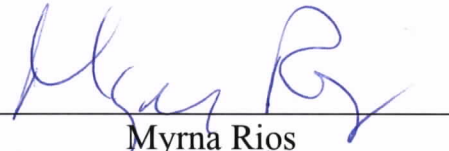
Location: 2623 W. Braker Ln., Austin, Texas 78758

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 5302.004 ROW
Corridor:	Burnet Road	0.0425 Acres, 1,851 Sq. Ft.
Segment:	BURN-C3	Page 1 of 8
Segment From:	Bright Verde Way	May 25, 2021
Limits To:	Loop 1	Revised: June 30, 2021
CSJ:	1376-02-042	

DESCRIPTION OF PARCEL 5302.004 ROW

DESCRIPTION OF A 0.0425 OF ONE ACRE (1,851 SQUARE FOOT) PARCEL, OUT OF THE JAMES B. ROGERS SURVEY NO. 19, ABSTRACT NO. 659, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1A, RESUBDIVISION OF SECTION TWO, BRAKER AT BURNET, A SUBDIVISION OF RECORD IN BOOK 100, PAGE 255, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1A CONVEYED TO HALLE PROPERTIES, L.L.C. BY DEED, EXECUTED JANUARY 6, 2000, AS RECORDED IN DOCUMENT NO. 2000106083, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0425 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 southeast corner of said Lot 1A and said Halle Properties tract, being at the southwest corner of Lot 2A in said Resubdivision of Section Two, Braker at Burnet subdivision, said Lot 2A conveyed to BSTX 2607 W. Braker Lane, LLC by deed, as recorded in Document No. 2014055627, Official Public Records, Travis County, Texas, and being in the north line of the remainder of that tract described as 0.598 of one acre conveyed to the City of Austin by deed, as recorded in Volume 12550, Page 1002, Real Property Records, Travis County, Texas;

THENCE, along the south line of said Lot 1A and said Halle Properties tract and the north line of the remainder of said 0.598 of one acre City of Austin tract, North 62°00'52" West 277.22 feet to a 1/2 inch iron rod with "MCGRAY MCGRAY" plastic cap set at the southeast corner of this parcel, being at the northwest corner of the remainder of said 0.598 of one acre City of Austin tract, and the northeast corner of a 0.012 of one acre tract described in that Declaration Of Use for Public Right-Of-Way by the City of Austin, as recorded in Document No. 2020232462, Official Public Records, Travis County, Texas, and being an angle point in the existing east right-of-way line of Burnet Road (FM-1325, varying width right-of-way) for the POINT OF BEGINNING, being 64.21 feet right of Engineer's Baseline Station 312+04.02, and having Surface Coordinates of N=10,116,534.26 E=3,120,233.74;

EXHIBIT "A"

City of Austin:	Corridor Program	Parcel 5302.004 ROW
Corridor:	Burnet Road	0.0425 Acres, 1,851 Sq. Ft.
Segment:	BURN-C3	Page 2 of 8
Segment From:	Bright Verde Way	May 25, 2021
Limits To:	Loop 1	Revised: June 30, 2021
CSJ:	1376-02-042	

DESCRIPTION OF PARCEL 5302.004 ROW

- 1) THENCE, along the south line of this parcel, said Lot 1A and said Halle Properties tract, the north line of said 0.012 of one acre right-of-way declaration and the said existing east right-of-way line of Burnet Road, **North 62°00'52" West 10.26 feet** to a 1/2 inch iron rod found at the southwest corner of this parcel, said Lot 1A and said Halle Properties tract, being at the northwest corner of said 0.012 of one acre right-of-way declaration, and being an angle point in the said existing east right-of-way line of Burnet Road, and being a point in the east line of that tract described as 1.42 acres conveyed to the State of Texas by deed, as recorded in Volume 663, Page 105, Deed Records, Travis County, Texas;
- 2) THENCE, along the west line of this parcel, said Lot 1A and said Halle Properties tract, the east line of said 1.42 acre State of Texas tract and the said existing east right-of-way line of Burnet Road, **North 15°00'50" East 123.57 feet** to a 1/2 inch iron rod found at the northwest corner of this parcel, said Lot 1A and said Halle Properties tract, and at the southwest corner of that tract described as 3,423 square feet conveyed to the City of Austin by deed, as recorded in Volume 9134, Page 220, Real Property Records, Travis County, Texas, and being in the existing south right-of-way line of Braker Lane (varying width right-of-way);
- 3) THENCE, along the north line of this parcel, said Lot 1A and said Halle Properties tract being the said existing south right-of-way line of Braker Lane and south line of said 3,423 square foot tract, **South 82°41'35" East 15.40 feet** to a 1/2 inch iron rod with "MCGRAY MCGRAY" plastic cap set at the northeast corner of this parcel, being 69.25 feet right of Engineer's Baseline Station 313+31.97, from which a 1/2 inch iron rod found at the northeast corner of said Lot 1A and said Halle Properties tract, being at the northwest corner of said Lot 2A and said BSTX 2607 W. Braker Lane tract, bears South 82°41'35" East 236.75 feet;

EXHIBIT "A"

City of Austin:	Corridor Program	Parcel 5302.004 ROW
Corridor:	Burnet Road	0.0425 Acres, 1,851 Sq. Ft.
Segment:	BURN-C3	Page 3 of 8
Segment From:	Bright Verde Way	May 25, 2021
Limits To:	Loop 1	Revised: June 30, 2021
CSJ:	1376-02-042	

DESCRIPTION OF PARCEL 5302.004 ROW

THENCE, along the proposed east line of this parcel, crossing said Lot 1A and said Halle Properties tract, the following two (2) courses, numbered 4 and 5:

- 4) **South 15°06'37" West 104.09 feet** to a 1/2 inch iron rod with "MCGRAY MCGRAY" plastic cap set, being 69.25 feet right of Engineer's Baseline Station 312+27.87; and
- 5) **South 27°03'09" West 24.38 feet** to the POINT OF BEGINNING and containing 0.0425 of one acre (1,851 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.

Revised 06/30/2021: On plat pages 6-8, update existing improvements to match current conditions, add offset dimensions, correct reference to Building Setback Line.

EXHIBIT "A"

City of Austin: Corridor Program
Corridor: Burnet Road
Segment: BURN-C3
Segment From: Bright Verde Way
Limits To: Loop 1
CSJ: 1376-02-042

Parcel 5302.004 ROW
0.0425 Acres, 1,851 Sq. Ft.
Page 4 of 8
May 25, 2021
Revised: June 30, 2021

DESCRIPTION OF PARCEL 5302.004 ROW

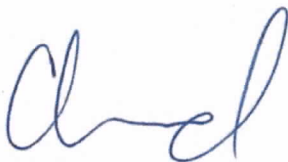
SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6

Austin, TX 78731 (512) 451-8591

TBPELS Survey Firm# 10095500



06/30/2021

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

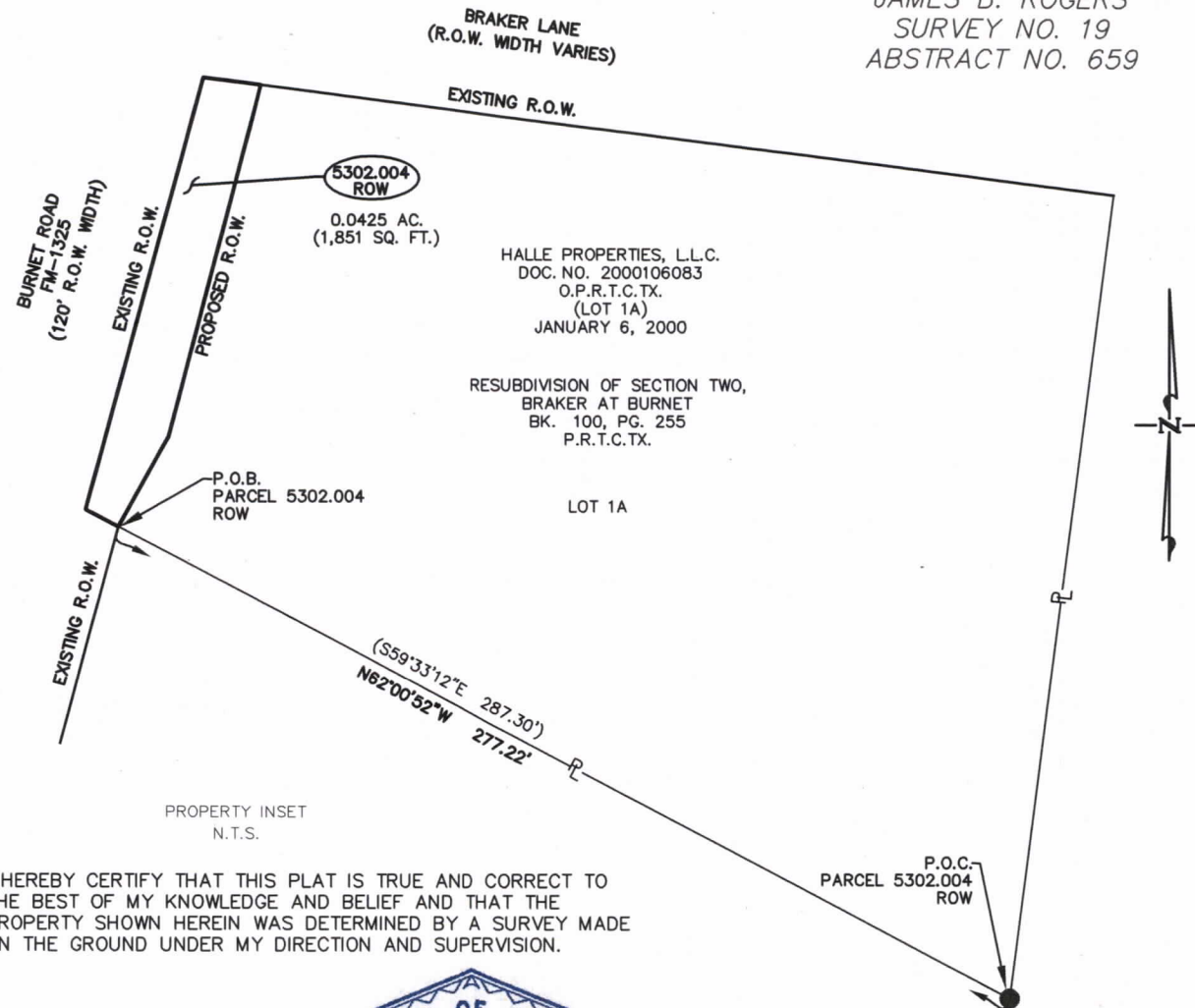
M:/COA-CORRIDORS-2018/CDM Smith-18-046_Burnet Road/Descriptions/Parcel 5302.004

Issued 05/25/2021

Revised 06/30/2021

AUSTIN GRID K-32
PARCEL ID: 547964

JAMES B. ROGERS
SURVEY NO. 19
ABSTRACT NO. 659



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 5/12/2020.

REVISIONS

06/30/2021	ON PLAT PAGES 6-8, UPDATE EXISTING IMPROVEMENTS TO MATCH CURRENT CONDITIONS, ADD OFFSET DIMENSIONS, CORRECT REFERENCE TO BUILDING SETBACK LINE
-	-

AREA TABLE - ACRES (SQUARE FEET)

WHOLE PROPERTY	ACQUISITION	REMAINDER
1.045 AC. (45,528 SF.)	0.0425 AC. (1,851 SF.)	1.003 AC. (43,677 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 C3		
PARCEL PLAT - 5302.004 ROW		
0.0425 ACRES, (1,851 SQ. FT.)		
CSJ:	1376-02-042	AUSTIN GRID# K-32
SURVEY DATE:	05/25/2021	PROJECT: 18-046
REVISION DATE:	06/30/2021	PROPERTY ID: 547964
SCALE:	N.T.S.	PAGE: 5 OF 8

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

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE 06/30/2021
Note: There is a description to accompany this plat.

EXHIBIT "A"

JAMES B. ROGERS
SURVEY NO. 19
ABSTRACT NO. 659



MATCHLINE PAGE 7 OF 8

N 15° 06' 37" E 4,523.07'
ENGINEER'S BASELINE
312+00
BURNET ROAD
FM-1325
(R.O.W. WIDTH VARIES)

STATE OF TEXAS
VOL. 663, PG. 84
D.R.T.C.TX.
(0.16 AC.)
FEBRUARY 11, 1942

5302.004 ROW
0.0425 AC.
1,851 SQ. FT.

DECLARATION OF USE
FOR PUBLIC
RIGHT-OF-WAY BY
THE CITY OF AUSTIN
DOC. NO. 2020232462
O.P.R.T.C.TX.
(0.012 AC.)
NOVEMBER 5, 2020

LEGEND

- 1/2" IRON ROD WITH "MCGRAY MCGRAY" PLASTIC CAP SET
- △ CALCULATED POINT, NOT SET
- FOUND TXDOT TYPE II MONUMENT
- 1/2" IRON ROD FOUND
- P— PROPERTY LINE (OWNERSHIP DIVISION)
- +— DISTANCE NOT TO SCALE
- |— DEED LINE (OWNERSHIP IN COMMON)
- ① PARCEL NUMBER
- P.U.E. PUBLIC UTILITY EASEMENT
- (XXXX) RECORD INFORMATION
- R.O.W. RIGHT-OF-WAY
- WV WATER VALVE
- ICV IRRIGATION CONTROL VALVE
- TV CABLE MARKER
- TSLP TRAFFIC SIGNAL LIGHT POLE

- B.S.L. BUILDING SETBACK LINE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- N.T.S. NOT TO SCALE
- D.R.T.C.TX. DEED 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.P.R.T.C.TX. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- ⊙ SINGLE POST SIGN
- DROP INLET
- W WATER METER
- ⊕ TELEPHONE PEDESTAL
- ⊕ TELEPHONE MANHOLE
- ⊙ LIGHT POLE
- ⊙ GAS MARKER

- ⬢ EASEMENT DEED REFERENCE (SEE PAGE 8)
- ⊕ FIRE HYDRANT
- ⊕ ELECTRIC METER
- ⊕ JUNCTION BOX ELECTRIC
- ⊕ ELECTRIC MANHOLE
- ⊕ POWER POLE
- ⊕ GUY ANCHOR
- ⊕ TRANSFORMER
- ⊕ PEDESTRIAN SIGNAL BOX
- ⊕ TREE

PROPOSED ROW
STA. 312+27.87
69.25' RT
5' CONCRETE SIDEWALK
BUILDING OVERHANG
25' B.S.L.
BK. 100, PG. 255
P.R.T.C.TX.
LOT 1A
RESUBDIVISION OF SECTION TWO,
BRAKER AT BURNET
BK. 100, PG. 255
P.R.T.C.TX.
HALLE PROPERTIES, L.L.C.
DOC. NO. 2000106083
O.P.R.T.C.TX.
(LOT 1A)
JANUARY 6, 2000
2.4' COMMERCIAL BUILDING
5' CONCRETE SIDEWALK
7.5' P.U.E.
BK. 87, PG. 888
P.R.T.C.TX.
SIGN BASE
SIGN
CURB
EMH
P.O.B.
PARCEL 5302.004
ROW
N=10,116,534.26
E=3,120,233.74
STA. 312+04.02
64.21' RT
CONCRETE PAVING
ASPHALT PAVING
METAL BOLLARDS
N62°00'52"W 287.30'
BK. 87, PG. 888
P.R.T.C.TX.
CITY OF AUSTIN
VOL. 12550, PG. 1002
R.P.R.T.C.TX.
(0.598 AC.)
OCTOBER 20, 1995
CORRECTED IN
DOC. NO. 2017157199
O.P.R.T.C.TX.
ASPHALT PAVING
BUILDING OVERHANG

LINE TABLE		
LINE#	BEARING	DISTANCE
L1	N62°00'52"W	10.26
L2	N15°00'50"E	123.57'
L4	S15°06'37"W	104.09'
L5	S27°03'09"W	24.38'

LOT 2A
RESUBDIVISION OF SECTION TWO,
BRAKER AT BURNET
BK. 100, PG. 255
P.R.T.C.TX.
BSTX 2607 W. BRAKER LANE, LLC
DOC. NO. 2014055627
O.P.R.T.C.TX.
(LOT 2A)
APRIL 17, 2014
P.O.C.
PARCEL 5302.004
ROW

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LAND SURVEYORS, INC.

3301 HANCOCK DRIVE #6
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TBPELS SURVEY FIRM #10095500

CITY OF AUSTIN - CORRIDOR PROGRAM		
BURNET ROAD CORRIDOR, SEGMENT C3		
PARCEL PLAT - 5302.004 ROW		
0.0425 ACRES, (1,851 SQ. FT.)		
CSJ:	1376-02-042	AUSTIN GRID# K-32
SURVEY DATE:	05/25/2021	PROJECT: 18-046
REVISION DATE:	06/30/2021	PROPERTY ID: 547964
SCALE:	1" = 20'	PAGE: 6 OF 8

EXHIBIT "A"

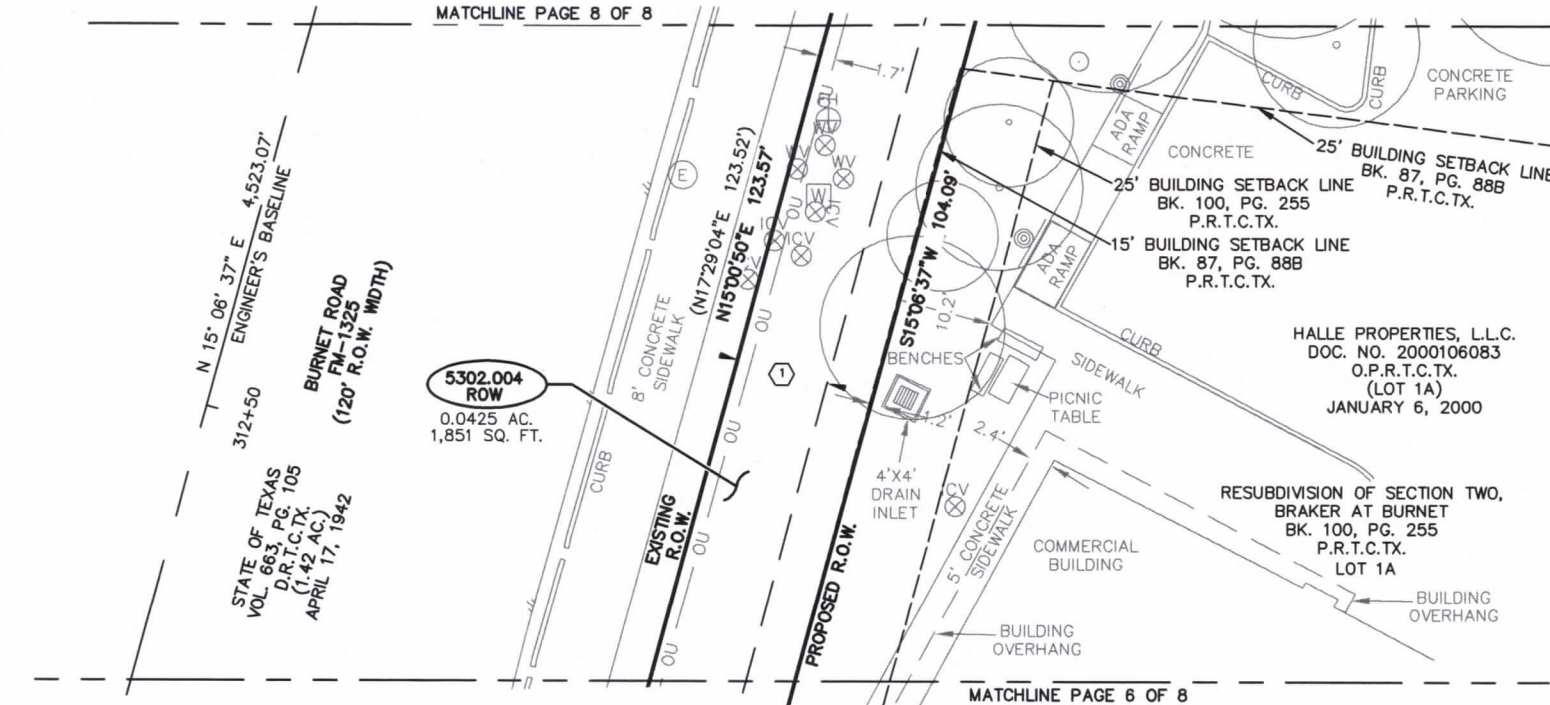
JAMES B. ROGERS
SURVEY NO. 19
ABSTRACT NO. 659

10' 0' 10' 20'
SCALE 1" = 20'



MATCHLINE PAGE 8 OF 8

MATCHLINE PAGE 6 OF 8



LEGEND

○	1/2" IRON ROD WITH "MCGRAY MCGRAY" PLASTIC CAP SET	B.S.L.	BUILDING SETBACK LINE	○	TREE
△	CALCULATED POINT, NOT SET	P.O.B.	POINT OF BEGINNING	⊕	EASEMENT DEED REFERENCE (SEE PAGE 8)
⊙	FOUND TXDOT TYPE II MONUMENT	P.O.C.	POINT OF COMMENCING	FH	FIRE HYDRANT
●	1/2" IRON ROD FOUND	N.T.S.	NOT TO SCALE	E	ELECTRIC METER
— —	PROPERTY LINE (OWNERSHIP DIVISION)	D.R.T.C.TX.	DEED RECORDS TRAVIS COUNTY, TEXAS	(E)	JUNCTION BOX ELECTRIC
— —	DISTANCE NOT TO SCALE	O.P.R.T.C.TX.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS	EMH	ELECTRIC MANHOLE
— —	DEED LINE (OWNERSHIP IN COMMON)	P.R.T.C.TX.	PLAT RECORDS TRAVIS COUNTY, TEXAS	—○—	POWER POLE
①	PARCEL NUMBER	R.P.R.T.C.TX.	REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS	—	GUY ANCHOR
P.U.E.	PUBLIC UTILITY EASEMENT	⊙	SINGLE POST SIGN	T	TRANSFORMER
(XXXX)	RECORD INFORMATION	■	DROP INLET	PSS	PEDESTRIAN SIGNAL BOX
R.O.W.	RIGHT-OF-WAY	W	WATER METER	TSLP	TRAFFIC SIGNAL LIGHT POLE
WV	WATER VALVE	T	TELEPHONE PEDESTAL		
ICV	IRRIGATION CONTROL VALVE	⊙	TELEPHONE MANHOLE		
◇	CABLE MARKER	*	LIGHT POLE		
		⊙	GAS MARKER		

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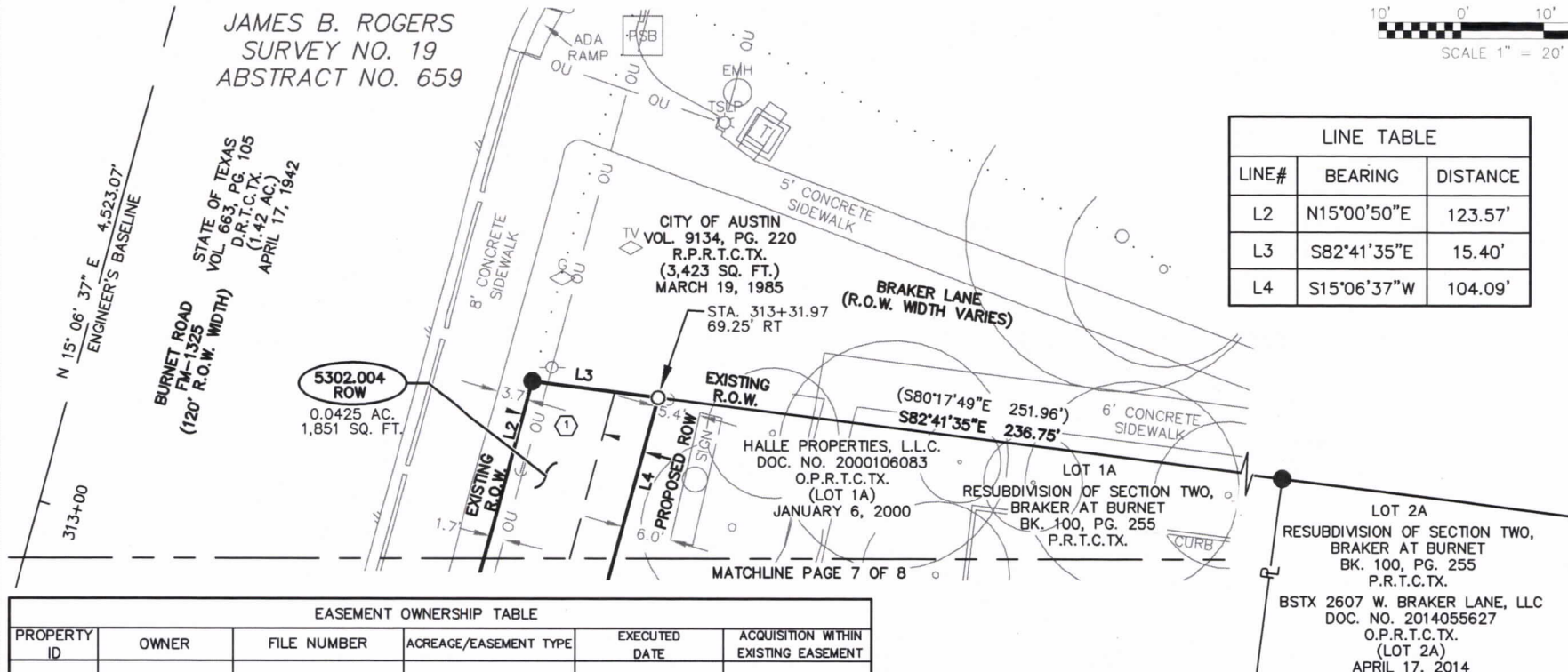
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BURNET ROAD CORRIDOR, SEGMENT C3		
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EXHIBIT "A"

JAMES B. ROGERS
SURVEY NO. 19
ABSTRACT NO. 659

10' 0' 10' 20'
SCALE 1" = 20'

LINE TABLE		
LINE#	BEARING	DISTANCE
L2	N15°00'50"E	123.57'
L3	S82°41'35"E	15.40'
L4	S15°06'37"W	104.09'



EASEMENT OWNERSHIP TABLE

PROPERTY ID	OWNER	FILE NUMBER	ACREAGE/EASEMENT TYPE	EXECUTED DATE	ACQUISITION WITHIN EXISTING EASEMENT
1	CITY OF AUSTIN	DOC. NO. 1999127582 O.P.R.T.C.TX.	10' WIDE ELECTRIC EASEMENT	OCTOBER 20, 1999	1,254 SQ. FT.
2	THE PUBLIC	BK. 87, PG. 88B P.R.T.C.TX.	7.5' WIDE PUBLIC UTILITY EASEMENT	MAY 15, 1987	83 SQ. FT.

LEGEND

○	1/2" IRON ROD WITH "MCGRAY MCGRAY" PLASTIC CAP SET	B.S.L.	BUILDING SETBACK LINE	○	TREE
△	CALCULATED POINT, NOT SET	P.O.B.	POINT OF BEGINNING	⊙	TRAFFIC SIGNAL LIGHT POLE
■	FOUND TXDOT TYPE II MONUMENT	P.O.C.	POINT OF COMMENCING	TV	CABLE MARKER
●	1/2" IRON ROD FOUND	N.T.S.	NOT TO SCALE	⬢	EASEMENT DEED REFERENCE (SEE PAGE 8)
—P—	PROPERTY LINE (OWNERSHIP DIVISION)	D.R.T.C.TX.	DEED RECORDS TRAVIS COUNTY, TEXAS	⊕	FIRE HYDRANT
—	DISTANCE NOT TO SCALE	O.P.R.T.C.TX.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS	⊕	ELECTRIC METER
—+—	DEED LINE (OWNERSHIP IN COMMON)	P.R.T.C.TX.	PLAT RECORDS TRAVIS COUNTY, TEXAS	⊕	JUNCTION BOX ELECTRIC
①	PARCEL NUMBER	R.P.R.T.C.TX.	REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS	⊕	ELECTRIC MANHOLE
P.U.E.	PUBLIC UTILITY EASEMENT	⊙	SINGLE POST SIGN	⊕	POWER POLE
(XXXX)	RECORD INFORMATION	■	DROP INLET	⊕	GUY ANCHOR
R.O.W.	RIGHT-OF-WAY	W	WATER METER	⊕	TRANSFORMER
WV	WATER VALVE	⊕	TELEPHONE PEDESTAL	⊕	PEDESTRIAN SIGNAL BOX
ICV	IRRIGATION CONTROL VALVE	⊕	TELEPHONE MANHOLE		
⊕	GAS MARKER	⊕	LIGHT POLE		

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CITY OF AUSTIN - CORRIDOR PROGRAM
BURNET ROAD CORRIDOR, SEGMENT C3
PARCEL PLAT - 5302.004 ROW
0.0425 ACRES, (1,851 SQ. FT.)

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