

**RESOLUTION NO. 20220303-038**

**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: Rundberg-Lamar Retail LP

Project: Circuit 811 Transmission Electric Line Upgrade Project

Public Use: Providing reliable, safe electricity service.

Location: The property is located on N. Lamar Blvd. between Cooper Dr. and W. Rundberg Ln, with no registered address, Austin, Texas 78753.

The general route of the project is along the east side of North Lamar from HWY 183 to the McNeil Substation.

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

**ADOPTED:** March 3, 2022

**ATTEST:**



Myrna Rios  
City Clerk



## EXHIBIT "A"

Page 1 of 2

### PROPERTY DESCRIPTION PARCEL 63A

SURVEY OF A 0.005 ACRES OR 224 SQUARE FEET OF LAND IN THE JOHN APPLGAIIT SURVEY NUMBER 58 AND BEING A PORTION OF THE REMAINDER OF LOT 6A, RESUBDIVISION OF LOTS 6, 7, 8 AND 9 OF NORTH LAMAR PARK ANNEX, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 71, PAGE 94, PLAT RECORDS TRAVIS COUNTY, TEXAS, THE SAID LOT 6A, BEING DESCRIBED TO RUNDBERG-LAMAR RETAIL, LP, IN THAT CERTAIN SPECIAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NUMBER 2001143234, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.005 ACRES BEING THAT PORTION OF LOT 6A, RETAINED BY RUNDBERG-LAMAR RETAIL, L.P., AS DESCRIBED IN THAT CERTAIN SPECIAL WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2006183566, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, THE RETAINED PART OF LOT 6A, BEING DESCRIBED BY METES AND BOUNDS THEREIN ON EXHIBIT A-1, CALLED EXCLUDED TRACT, 3,412 SQUARE FEET OF LAND, THE HEREIN DESCRIBED 0.005 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a one-half inch iron rod found having Grid Coordinates of N(y) 10,105,168.550, E(x) 3,127,794.500, Texas Central Zone 4203, NAD83, and being west corner of the herein described 0.005 acres of land and the said Lot 6A, and the said 3,412 square feet of land, same being the north corner of Lot 8-C, Resubdivision of Lots 8A & 8B Of The Resubdivision Of Lots 6, 7, 8 & 9 North Lamar Park Annex, a subdivision in Travis County, Texas, according to the plat recorded in Volume 72, Page 43, Plat Records Travis County, Texas and a point on the southeast right-of-way line of North Lamar Boulevard the width of which varies;

**THENCE**, coincident with the northwest and northeast lines of said 3,412 square feet of land the following two (2) courses:

- 1) North 24°42'01" East, a distance of 14.66 feet to a point not set for the north corner of the herein described 0.005 acres of land and the said 3,412 square feet of land, same being a point on the common dividing line of the said Lot 6A and the said North Lamar Boulevard and from this point a one-half inch iron rod found on the southeast right-of-way line of the said North Lamar Boulevard, same being the north corner of Lot 2, and the west corner of Lot 1, North Lamar Park Annex, a subdivision in Travis County, Texas, according to the plat recorded in Volume 56, Page 98, Plat Records Travis County, Texas, bears North 24°42'01" East, a distance of 330.83 feet;



EXHIBIT "A"

Page 2 of 2

- 2) South  $62^{\circ}53'53''$  East, a distance of 15.01 feet crossing over the said Lot 6A, to a point not set for the east corner of the herein described 0.005 acres of land and a point on the northeast line of the said 3,412 square feet of land;

**THENCE** South  $24^{\circ}42'01''$  West, crossing over the said Lot 6A and the said 3,412 square feet of land a distance of 15.18 feet to a point not set for the south corner of the herein described 0.005 acres of land and a point on the common dividing line of the said Lot 6A, the said 3,412 square feet of land and the said Lot 8-C and from this point a one-half inch iron rod found for the south corner of the said Lot 6A and the said 3,412 square feet of land, same being the east corner of the said Lot 8-C and the most southerly corner of Lot 1, Block "A" Runderg-Lamar Subdivision, a subdivision in Travis County, Texas, according to the plat recorded in Document Number 200100260, Official Public Records Travis County, Texas, bears  $N60^{\circ}54'57''W$ , a distance of 175.43 feet;

**THENCE** North  $60^{\circ}54'57''$  West, a distance of 15.04 feet and coincident with the common dividing line of the said of Lot 6-A, and the said Lot 8-C, same being the southwest line of the said 3,412 square feet of land to the **POINT OF BEGINNING** and containing 0.005 acres or 224 square feet of land, more or less.

**BASIS OF BEARINGS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.**

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision.



*Robert C. Steubing*

Robert C. Steubing

Registered Professional Land Surveyor No. 5548

07/14/2021

Date



# EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES

## PARCEL 63A

POWER POLE  
# 305034

EDWARD C. KEEFE, TRUSTEE OF THE EDWARD C. KEEFE REVOCABLE TRUST  
AND TERESA M. KEEFE, TRUSTEE OF THE TERSA M. KEEFE REVOCABLE TRUST  
SPECIAL WARRANTY DEED

DOC. NO. 2009026639 O.P.R.T.C.T.

Lots 2, 3, 4 & 5, North Lamar Park Annex

Per Vol 56, Pg 98, P.R.T.C.T.

THE CITY OF AUSTIN  
10' ELECTRIC DISTRIBUTION, TRANSMISSION  
AND TELECOMMUNICATIONS EASEMENT  
DOC. NO. 2001188083 O.P.R.T.C.T.

LOTS 2 THROUGH 5  
LOT 6-A

JOHN APPELGAIT  
SURVEY NO. 58

EDWARD C. KEEFE, TRUSTEE OF THE EDWARD C. KEEFE REVOCABLE TRUST  
AND TERESA M. KEEFE, TRUSTEE OF THE TERSA M. KEEFE REVOCABLE TRUST  
SPECIAL WARRANTY DEED

DOC. NO. 2009026639 O.P.R.T.C.T.

LOT 6A, RESUBDIVISION OF LOTS 6, 7, 8 &  
9 OF NORTH LAMAR PARK ANNEX

PER VOL. 71, PG. 94 P.R.T.C.T.

LESS AND EXCEPT 3,412 SQ. FT. DRAINAGE ESMT.

NUM	BEARING	DISTANCE
L1	N24°42'01"E	14.66'
L2	S62°53'53"E	15.01'
L3	S24°42'01"W	15.18'
L4	N60°54'57"W	15.04'

Edward C. Keefe as Trustee of the  
Edward C. Keefe Revocable Trust  
AND

Mesa Pavillion Associates, L.L.C.  
Special Warranty Deed  
Ingress/Egress Easement  
Doc. No. 2006183566 OPRTCT

PARCEL 63A  
0.005 ACRES  
(224 SQ. FT.)

YC ENTERPRISES LLC  
SPECIAL WARRANTY DEED  
DOC# 2019114089 O.P.R.T.C.T.

LOT 8-C, RESUBDIVISION OF LOTS 8A & 8B OF THE RESUBDIVISION OF LOTS 6,  
7, 8 & 9 NORTH LAMAR PARK ANNEX PER VOL. 72, PG. 43, P.R.T.C.T.

EDWARD C. KEEFE, TRUSTEE OF THE EDWARD C. KEEFE REVOCABLE TRUST  
AND TERESA M. KEEFE, TRUSTEE OF THE TERSA M. KEEFE REVOCABLE TRUST  
SPECIAL WARRANTY DEED

DOC. NO. 2009026639 O.P.R.T.C.T.

LOT 1, BLOCK "A"

RUNDBERG-LAMAR SUBDIVISION

DOC. NO. 200100260, O.P.R.T.C.T.

NORTH LAMAR BOULEVARD  
(WIDTH VARIES)

POWER POLE # 304858  
CKT8116980  
RF13833

P.O.B.  
Grid Coordinates  
N(Y) 10105168.550  
E(X) 3127794.500

SEE DETAIL ONE

ELECTRIC MANHOLE

BILLBOARD POLE

BILLBOARD

N60°54'57"W

Remainder of Lot 6A,

Special Warranty Deed With Assignment Of Vendor's Lien

Doc. No. 2001143234 OPRTCT

Vol. 71 Pg. 94 PRTCT

Resubdivision Of Lots 6, 7, 8 and 9 of North Lamar Park

175.43'

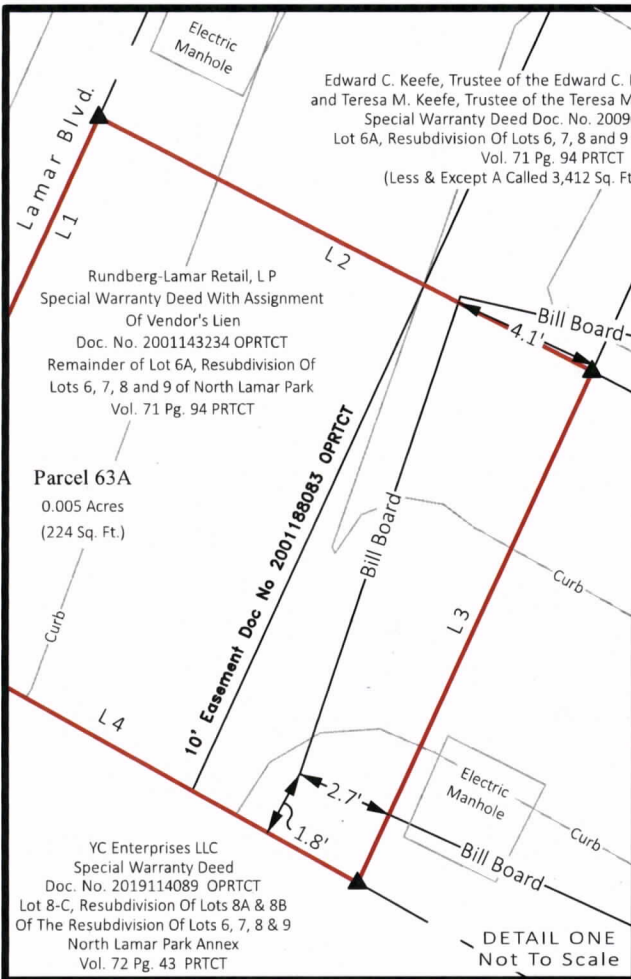
SCALE: 1"=30'



### NOTES:

BEARING BASIS IS GRID NORTH, U.S. STATE PLANE COORDINATE SYSTEM,  
TEXAS CENTRAL ZONE 4203, NAD 83, DISTANCES HEREON ARE GRID.

# EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES PARCEL 63A



## LEGEND

●	1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
▲	CALCULATED POINT
○	BOLLARD
⊗	ELECTRIC METER
⊠	IRRIGATION CONTROL VALVE
⊙	SIGN
⊕	LIGHT POLE
⊖	POWER POLE
⊗	POWER POLE WITH LIGHT
⊘	WATER VALVE
⊙	WATER METER
•	FLAG POLE
⊞	ELECTRIC PULL BOX
○	BILLBOARD POST
BL	BUILDING LINE
ESMT	EASEMENT
POB	POINT OF BEGINNING
PUE	PUBLIC UTILITY EASEMENT
ROW	RIGHT-OF-WAY
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
( )	RECORD INFORMATION

COMMITMENT FOR TITLE INSURANCE PROVIDED BY: FIDELITY NATIONAL TITLE INSURANCE COMPANY  
GF No.: AUT-13-671-AUT21008486L  
ISSUE DATE: May 28, 2021- EFFECTIVE DATE: April 29, 2021

ONLY THOSE ITEMS LISTED IN SCHEDULE B OF THE ABOVE REFERENCED COMMITMENT FOR TITLE INSURANCE WERE REVIEWED FOR THE PURPOSE OF THIS SURVEY.  
NO ADDITIONAL RESEARCH WAS PERFORMED BY THIS SURVEYOR.  
THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, OR OTHER ENCUMBRANCES WHICH AFFECT THIS SURVEY THAT ARE NOT KNOWN TO THIS SURVEYOR.

1. The following restrictive covenants of record itemized below:

- Those recorded in Document No. 2001159059, Official Public Records [ NOT A SURVEYING MATTER ]; Volume 71, Page 94, Plat Records [ AFFECTS TRACT AS SHOWN HEREON ], both of Travis County, Texas.
- 10.D. 25 foot wide Building Line along west property line, as set forth on the plat recorded in Volume 71, Page 94, Plat Records of Travis County, Texas.
- 10.E. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document: [ AFFECTS TRACT AS SHOWN HEREON. ]
- Granted to: City of Austin Purpose: electric transmission and distribution facilities and appurtenances
- Recording Date: November 7, 2001 Recording No: Document No. 2001188083, Official Public Records of Travis County, Texas
- 10.F. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document: [ BLANKET TYPE EASEMENT. AFFECTS TRACT. ]
- Granted to: City of Austin Purpose: electric lines and systems
- Recording Date: October 29, 2002 Recording No: Document No. 2002204916, Official Public Records of Travis County, Texas
- 10.G. Terms, conditions, stipulations and provision contained in that certain Drainage Easement Agreement executed by Rundberg-Lamar Retail, LP, recorded on May 11, 2003 in Document No. 2003132304, Official Public Records of Travis County, Texas. [ DRAINAGE EASEMENT CONTAINS ALL OF PARENT TRACT TO THIS TRACT AND AS SUCH AFFECTS ALL OF THIS TRACT. ]
- 10.H. Billboard Easement as disclosed in Deed recorded on September 21, 2006 in Document No. 2006183566, Official Public Records of Travis County, Texas. [ AFFECTS TRACT ]
- 10.I. Easement Estate and easement rights as conveyed in a Deed granted to Edward C. Keefe, Trustee of the Edward C. Keefe Revocable Trust dated May 23, 1997, and Teresa M. Keefe, Trustee of the Teresa M. Keefe Revocable Trust dated July 15, 1997, recorded on February 23, 2009 in Document No. 2009026639, Official Public Records of Travis County, Texas. [ AFFECTS TRACT ]

*Robert C. Steubing* 07/14/2021  
ROBERT C. STEUBING (512-505-7146) DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

