## RESOLUTION NO. 20220519-050

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 including but not limited to the deposit of funds in the amount awarded by the Court appointed Special Commissioners.

## BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for: Owners:

National Retail Properties LP, a Delaware limited partnership

Project: William Cannon Drive Corridor Project

Project Public Use: Acquiring a Sidewalk, Trail, and Recreational Easement.

Location: 3431 W. William Cannon Drive, Austin, TX 78745

The general route of the project is along William Cannon Drive between Southwest Pkwy to McKinney Falls Pkwy.
Property:

ADOPTED: May 19 , 2022


City Clerk

## EXHIBIT "A"

City of Austin: Corridor Program
Corridor: William Cannon Drive
Segment: WCDR-C2
Segment From: U.S. Highway 290
Limits To: East of Brodie Lane

Parcel 5309.009 STARE
0.0520 Acre, 2,267 Sq. Ft.

Page 1 of 6
March 10, 2021
Revised August 30, 2021

PROPERTY DESCRIPTION - PARCEL 5309.009 STARE
DESCRIPTION OF A 0.0520 ACRE ( 2,267 SQUARE FOOT) PARCEL OF LAND OUT OF THE THEODORE BISSELL LEAGUE, SURVEY NO. 18, ABSTRACT NO. 3, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, CANNON OAKS, A SUBDIVISION RECORDED IN VOLUME 87, PAGES 32A - 32B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING CONVEYED TO NATIONAL RETAIL PROPERTIES, LP BY SPECIAL WARRANTY DEED EXECUTED DECEMBER 12, 2011 AND RECORDED IN DOCUMENT NUMBER 2011181193 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.0520 ACRE AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY CP\&Y, INC. IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a $1 / 2$-inch iron rod found on the existing southwest right-of-way line of William Cannon Drive (right-of-way width varies), for the common east corner of said Lot 1 and the north corner of Lot 2, of said Cannon Oaks Subdivision;

THENCE with the common existing southwest right-of-way line of said William Cannon Drive and the northeast line of said Lot 1 , North $64^{\circ} 17^{\prime} 10^{\prime \prime}$ West, a distance of 100.82 feet to a calculated point for the northeast corner and POINT OF BEGINNING hereof, having a Surface Coordinate of: North $=10,051,384.86$ feet and East $=3,087,545.37$ feet, being 59.48 feet right of Engineer's Baseline Station 335+73.27;

THENCE, through the interior of said Lot 1, with the proposed line of the herein described parcel, the following eight (8) courses and distances:

1) South $25^{\circ} \mathbf{4 2} \mathbf{5 0}$ " West, a distance of $\mathbf{5 . 0 0}$ feet to a calculated point, being 64.48 feet right of Engineer's Baseline Station 335+73.27, for an angle point hereof;
2) North $64^{\circ} \mathbf{1 7}{ }^{\prime} \mathbf{1 0 "}$ West, a distance of $\mathbf{5 7 . 5 7}$ feet to a calculated point, being 64.52 feet right of Engineer's Baseline Station 335+15.70, for an angle point hereof;
3) South $\mathbf{7 8}^{\circ} \mathbf{0 0}{ }^{\prime} \mathbf{1 9 "}$ West, a distance of $\mathbf{7 . 3 7}$ feet to a calculated point, being 69.02 feet right of Engineer's Baseline Station 335+09.87, for an angle point hereof;
4) South $27^{\circ} \mathbf{2 7} \mathbf{~ 4 1 " ~ W e s t , ~}^{\prime \prime}$, distance of $\mathbf{7 0 . 2 2}$ feet to a calculated point, being 139.21 feet right of Engineer's Baseline Station 335+07.77, for an angle point hereof;

## EXHIBIT "A"

City of Austin: Corridor Program<br>Corridor: William Cannon Drive<br>Segment: WCDR-C2<br>Segment From: U.S. Highway 290<br>Limits To: East of Brodie Lane

Parcel 5309.009 STARE 0.0520 Acre, 2,267 Sq. Ft.

Page 2 of 6
March 10, 2021
Revised August 30, 2021

PROPERTY DESCRIPTION - PARCEL 5309.009 STARE
5) North $62^{\circ} 32^{\prime} \mathbf{1 9 "}$ West, a distance of 3.64 feet to a calculated point, being 139.10 feet right of Engineer's Baseline Station 335+04.08, for an angle point hereof;
 right of Engineer's Baseline Station 335+03.86, for an angle point hereof;
7) South $62^{\circ} 32^{\prime} 19$ " East, a distance of 3.64 feet to a calculated point, being 146.45 feet right of Engineer's Baseline Station 335+07.55, for an angle point hereof;
8) South $27^{\circ} 27^{\prime} 41^{\prime \prime}$ West, a distance of 95.95 feet to a calculated point on the common southwest line of said Lot 1 and the north line of said Lot 2, for the most southerly corner hereof, being 242.36 feet right of Engineer's Baseline Station 335+04.61;
9) THENCE, North $61^{\circ} 50^{\prime} \mathbf{0 1 "}$ West, with the said common southwest line of said Lot 1 and the north line of said Lot 2, a distance of $\mathbf{1 1 . 0 0}$ feet to a $5 / 8$-iron rod with yellow plastic cap stamped "CP\&Y" set, being 241.88 feet right of Engineer's Baseline Station 334+93.27, for the west corner of said Lot 1 and the most westerly northwest corner of said Lot 2, being on the existing southeast right-of-way line of Brodie Lane (right-of-way width varies), for the west corner hereof, from which a 1/2-inch iron rod with yellow plastic cap stamped "Terra Firma" found on the existing southeast right-of-way line of said Brodie Lane, for the common west corner of said Lot 2 and the north corner of Lot 4 of said Cannon Oaks Subdivision bears, South $27^{\circ} 27^{\prime} 41^{\prime \prime}$ West, a distance of 374.68 feet;

THENCE, with the common northwest line of said Lot 1 and the existing southeast right-of-way line of said Brodie Lane, the following two (2) courses and distances:
10) North $27^{\circ} 27^{\prime} \mathbf{4 1 "}$ East, a distance of 168.08 feet to a $1 / 2$-inch iron rod found, for a point of curvature hereof;
11) with the arc of a curve to the right, having a radius of $\mathbf{1 5 . 0 0}$ feet, an arc length of 23.11 feet, a central angle of $088^{\circ} \mathbf{1 6} \mathbf{\prime 2} 3^{\prime \prime}$, and a chord which bears, North $72^{\circ} \mathbf{1 6}^{\prime} \mathbf{0 8 \prime \prime}$ East, a distance of 20.89 feet to a $1 / 2$-inch iron rod found on the existing southwest right-of-way line of said William Cannon Drive, for a point of tangency hereof;

## EXHIBIT "A"

City of Austin: Corridor Program
Corridor: William Cannon Drive
Segment: WCDR-C2
Segment From: U.S. Highway 290
Limits To: East of Brodie Lane

Parcel 5309.009 STARE 0.0520 Acre, 2,267 Sq. Ft.

Page 3 of 6
March 10, 2021
Revised August 30, 2021

## PROPERTY DESCRIPTION - PARCEL 5309.009 STARE

12) THENCE, with the common existing southwest right-of-way line of said William Cannon Drive and the northeast line of said Lot 1, South $64^{\circ} 17^{\prime} 10^{\prime \prime}$ East, a distance of 59.39 feet the POINT OF BEGINNING hereof and containing 0.0520 acre ( $2,267 \mathrm{sq}$. ft.) of land.

## 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) 2001 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 08/28/2020.

Surveyed March 10, 2021 by:
Revised August 30, 2021 the proposed easement configuration.


Puargaret A. Nolen, R.P.L.S. No. 5589
CP\&Y, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Ph. (512) 248-0065
TBPELS Firm No. 10194125
Project No. 1800252
AUSTIN GRID E-17
PROPERTY ID: 512067
G: \PROJECTS \1800252R - COA - William Cannon \PARCEL DESCRIPTIONS $\backslash$ WCDR-C2_5309.009-STARE $\backslash$ WCDR-C2_5309.009-STARE Plat.dwg 9/03/2021 - 3:05pm
(
© 2021 ALL RIGHTS RESERVED

ENGINEER'S BASELINE WILLIAM CANNON DR CURVE DATA:
PI NORTHING: $10,051,504.54^{\prime}$
PI EASTING: 3,087,434.14' PI STATION: $334+21.10$ RADIUS: 8000.00' DELTA: $\quad 001^{\circ} 1^{\prime} 47^{\prime \prime}$ RIGHT ARC LENGTH: 171.70' TANGENT LENGTH: 85.85'
CHORD BEARING: S64* $52^{\prime} 10^{\prime \prime} \mathrm{E}$
CHORD DISTANCE: 171.69'
PC STATION: $333+35.25$
PT STATION: 335+06.95
THOMAS ANDERSON
SURVEY NO. 17
ABSTRACT NO. 2
CITY OF CITY OF AUST, TEXAS

## 

TP




| CURVE TABLE |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| CURVE | RADIUS | ARC | DELTA | CH. BEARING | CHORD |  |
| C-1 | $15.00^{\prime}$ | $23.11^{\prime}$ | $088^{\prime} 16^{\prime} 23^{\prime \prime}$ | N $72^{\prime} 16^{\prime} 08^{\prime \prime}$ E | $20.89^{\prime}$ |  |
| $(\mathrm{C}-1)$ | $\left(15.00^{\prime}\right)$ | $\left(23.10^{\prime}\right)$ | $\left(88^{\circ} 13^{\prime} 33^{\prime \prime}\right)$ | $\left(\mathrm{N} 73^{\prime} 35^{\prime} 51^{\prime \prime} \mathrm{E}\right)$ | $\left(20.88^{\prime}\right)$ |  |

GENERAL 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 SHOWN HEREON ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE COMBINED ADJUSTMENT FACTOR OF 1.00011. ALL MEASUREMENTS ARE IN US SURVEY FEET.
2) STATIONS AND OFFSETS ARE RELATIVE TO THE CORRIDOR CENTERLINE PROVIDED BY ENGINEER 08/28/2020.
3) A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

| LINE TABLE |  |  |
| :---: | :---: | :---: |
| LINE | BEARING | LENGTH |
| L-1 | N 64*17'10" W | 100.82' |
| L-2 | S 25*42'50" W | 5.00' |
| L-3 | N 64*17'10" W | 57.57' |
| L-4 | S 78.00'19" W | 7.37' |
| L-5 | S 27*27'41" W | 70.22' |
| L-6 | N 62.32'19" W | 3.64' |
| L-7 | S 27*27'41" W | 7.24' |
| L-8 | S 62.32'19" E | 3.64' |
| L-9 | S 27*27'41" W | 95.95' |
| L-10 | N 61*50'01" W | 11.00' |
| L-11 | N 27*27'41" E | 168.08' |
| L-12 | S 64*17'10" E | 59.39' |
| L-13 | S 27*27'41" W | 374.68' |
| (L-11) | ( $\mathrm{N} 29^{\circ} 29^{\prime} 42^{\prime \prime} \mathrm{E}$ ) | (168.00') |
| (L-13) | (S 29*29'42" W) | (374.50') |

## LEGEND

$\triangle$ CALCULATED POINT

- $=1 / 2^{\prime \prime}$ IRON ROD FOUND
- $=1 / 2^{\prime \prime}$ IRON ROD FOUND WITH PLASTIC CAP STAMPED (AS NOTED)

O $=5 / 8$ " IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "CP\&Y" D.R.T.C.T. = DEED RECORDS OF TRAVIS COUNTY, TEXAS
R.P.R.T.C.T. = REAL PROPERTY 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
$\left(\frac{x \times x}{x}\right)=$ AREA, IN ACRES/SQ FT, OF EXISTING EASEMENT WITHIN
parcel limits (equals parcel area if not noted)
= LUMINARE STANDARD
O = SIGN/MARKER
W = WATER METER
= IRRIGATION CONTROL VALVE
= POWER POLE
$0=$ TRAFFIC SIGNAL POLE
[E] = ELECTRIC METER
(E) = ELECTRIC MANHOLE

FO
$4=$ FIBER OPTICS CABLE MARKER
P.U.E. $=$ PUBLIC UTILITY EASEMENT
$\mathbb{P}=$ PROPERTY/DEED LINE
$(X X)=$ RECORD INFORMATION
R.O.W. $=$ RIGHT-OF-WAY
P.O.B. $=$ POINT OF BEGINNING
P.O.C. $=$ POINT OF COMMENCEMENT
$=$ TREE

## EXHIBIT B

City of Austin: Corridor Program
Corridor: William Cannon Drive
Segment: WCDR-C2
Segment From: U.S. Highway 290
Parcel 5309.009 TCE
0.0138 Acre, 602 Sq. Ft.

Page 1 of 5
March 10, 2021
Limits To: East of Brodie Lane

PROPERTY DESCRIPTION - PARCEL 5309.009 TCE
DESCRIPTION OF A 0.0138 ACRE ( 602 SQUARE FOOT) PARCEL OF LAND OUT OF THE THEODORE BISSELL LEAGUE, SURVEY NO. 18, ABSTRACT NO. 3, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, CANNON OAKS, A SUBDIVISION RECORDED IN VOLUME 87, PAGES 32A - 32B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING CONVEYED TO NATIONAL RETAIL PROPERTIES, LP BY SPECIAL WARRANTY DEED EXECUTED DECEMBER 12, 2011 AND RECORDED IN DOCUMENT NUMBER 2011181193 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.0138 ACRE AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY CP\&Y, INC. IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a $1 / 2$-inch iron rod found on the existing southwest right-of-way line of William Cannon Drive (right-of-way width varies), for the common east corner of said Lot 1 and the north corner of Lot 2, of said Cannon Oaks Subdivision;

THENCE with the common existing southwest right-of-way line of said William Cannon Drive and the northeast line of said Lot 1, North $64^{\circ} 17^{\prime} 10^{\prime \prime}$ West, a distance of 15.92 feet to a calculated point for the northeast corner hereof and POINT OF BEGINNING, having a Surface Coordinate of: North = 10,051,348.02 feet and East = 3,087,621.86 feet, being 59.44 feet right of Engineer's Baseline Station 336+58.16;

THENCE, through the interior of said Lot 1 , with the proposed line of the herein described parcel, the following three (3) courses and distances:

1) South $25^{\circ} \mathbf{4 2} \mathbf{5 0}$ " West, a distance of $\mathbf{1 2 . 0 0}$ feet to a calculated point, being 71.44 feet right of Engineer's Baseline Station 336+58.17, for the southeast corner hereof;
2) North $64^{\circ} \mathbf{1 7}{ }^{\prime} \mathbf{1 0 "}$ West, a distance of $\mathbf{5 0 . 2 0}$ feet to a calculated point, being 71.46 feet right of Engineer's Baseline Station 336+07.97, for the southwest corner hereof;
3) North $25^{\circ} \mathbf{4 2} \mathbf{~ 5 0 "}$ East, a distance of $\mathbf{1 2 . 0 0}$ feet to a calculated point, being 59.46 feet right of Engineer's Baseline Station 336+07.96, on the common northeast line of said Lot 1 and the existing southwest right-of-way line of said William Cannon Drive, for the northwest corner hereof, from which a $1 / 2$-inch iron rod found at the point of curvature on the common northeast line of said Lot 1 and the existing southwest right-of-way line of said William Cannon Drive bears, North $64^{\circ} 17^{\prime} 10^{\prime \prime}$ West, a distance of 94.08 feet;

## EXHIBIT B

City of Austin: Corridor Program
Corridor: William Cannon Drive
Segment: WCDR-C2
Segment From: U.S. Highway 290
Parcel 5309.009 TCE
0.0138 Acre, 602 Sq. Ft.

Page 2 of 5
March 10, 2021
Limits To: East of Brodie Lane

## PROPERTY DESCRIPTION - PARCEL 5309.009 TCE

4) THENCE, South $64^{\circ} 17^{\prime} 10^{\prime \prime}$ East, with the common northeast line of said Lot 1 and the existing southwest right-of-way line of said William Cannon Drive, a distance of $\mathbf{5 0 . 2 0}$ feet to the POINT OF BEGINNING hereof and containing 0.0138 acre ( 602 sq . ft.) of land.

## 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) 2001 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 08/28/2020.


CP\&Y, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Ph. (512) 248-0065
TBPELS Firm No. 10194125
Project No. 1800252
AUSTIN GRID E-17
PROPERTY ID: 512067

## EXHIBIT B



## EXHIBIT B



C 2021 ALL RIGHTS RESERVED

## LEGEND

$\triangle=$ Calculated point

- $=1 / 2^{\prime \prime}$ IRON ROD FOUND
$0=1 / 2^{\prime \prime}$ IRON ROD FOUND WTH PLASTIC CAP STAMPED (AS NOTED)
D.R.T.C.T. $=$ DEED RECORDS OF TRAVIS COUNTY, TEXAS
R.P.R.T.C.T. $=$ REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS OF TRAVS COUNTY, TEXAS
P.R.T.C.T. = PLAT RECORDS OF TRAVIS COUNTY, TEXAS
$\left(\frac{x}{x} \frac{x}{x}\right)=$ AREA, IN ACRES/SQ FT, OF EXISTING EASEMENT WITHIN PARCEL LIMITS (EQUALS PARCEL AREA IF NOT NOTED)
中 = LUMINARE STANDARD
$\sigma=$ SIGN/MARKER
W = WATER METER
Q = IRRIGATION CONTROL VALVE
-O- = POWER POLE
$0=$ TRAFFIC SIGNAL POLE
[E] = ELECTRIC METER
(E) = ELECTRIC MANHOLE
$\stackrel{F}{\text { FO }}$
P.U.E. = PUBLIC UTLLITY EASEMENT
$\mathbb{R}=$ PROPERTY/DEED LINE
$(X X)=$ RECORD INFORMATION
R.O.W. $=$ RIGHT-OF-WAY
P.O.B. = POINT OF BEGINNING
P.O.C. $=$ POINT OF COMMENCEMENT
$=$ TREE

GENERAL 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 SHOWN HEREON ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE COMBINED ADJUSTMENT FACTOR OF 1.00011. ALL MEASUREMENTS ARE IN US SURVEY FEET.
2) STATIONS AND OFFSETS ARE RELATIVE TO THE WILLIAM CANNON CORRIDOR CENTERLINE PROVIDED BY ENGINEER 08/28/2020.
3) A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

| LINE TABLE |  |  |
| :---: | :---: | :---: |
| LINE | BEARING | LENGTH |
| L-1 | N 64.17'10" W | $15.92^{\prime}$ |
| L-2 | S 25.42'50' W | $12.00^{\prime}$ |
| L-3 | N 64.17'10" W | $50.20^{\prime}$ |
| L-4 | N $25^{\prime} 42^{\prime} 50^{\prime \prime} \mathrm{E}$ | $12.00^{\prime}$ |
| L-5 | S 64.17'10" E | $50.20^{\prime}$ |
| L-6 | N 64.17'10" W | $94.08^{\prime}$ |

