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:

Described in the attached and incorporated "Exhibits A and B."

City Clerk

ADOPTED: May 19, 2022 ATTEST: Myrna Rios

EXHIBIT "A"

City of Austin:Corridor ProgramParcel 5309.009 STARECorridor:William Cannon Drive0.0520 Acre, 2,267 Sq. Ft.

Segment From: U.S. Highway 290

0.0525 ACI6, 2,267 Sq. Ft.
Page 1 of 6

March 10, 2021

Limits To: East of Brodie Lane 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° 17' 10" 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° 42' 50" West**, a distance of **5.00 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° 17' 10" West**, a distance of **57.57 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 78° 00' 19" West**, a distance of **7.37 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° 27' 41" West**, a distance of **70.22 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

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 2 of 6

March 10, 2021

Revised August 30, 2021

PROPERTY DESCRIPTION - PARCEL 5309.009 STARE

- 5) **North 62° 32' 19" 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;
- 6) **South 27° 27' 41" West**, a distance of **7.24 feet** to a calculated point, being 146.34 feet right of Engineer's Baseline Station 335+03.86, for an angle point hereof;
- 7) **South 62° 32' 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° 27' 41" 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° 50′ 01″ West, with the said common southwest line of said Lot 1 and the north line of said Lot 2, a distance of 11.00 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° 27′ 41″ 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° 27' 41" 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 **15.00 feet**, an arc length of **23.11 feet**, a central angle of **088° 16' 23"**, and a chord which bears, **North 72° 16' 08" 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° 17' 10" East**, a distance of **59.39 feet** the **POINT OF BEGINNING** hereof and containing 0.0520 acre (2,267 sq. ft.) of land.

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) 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.

Margaret A. Nolen, R.P.L.S. No. 5589

CP&Y, Inc.

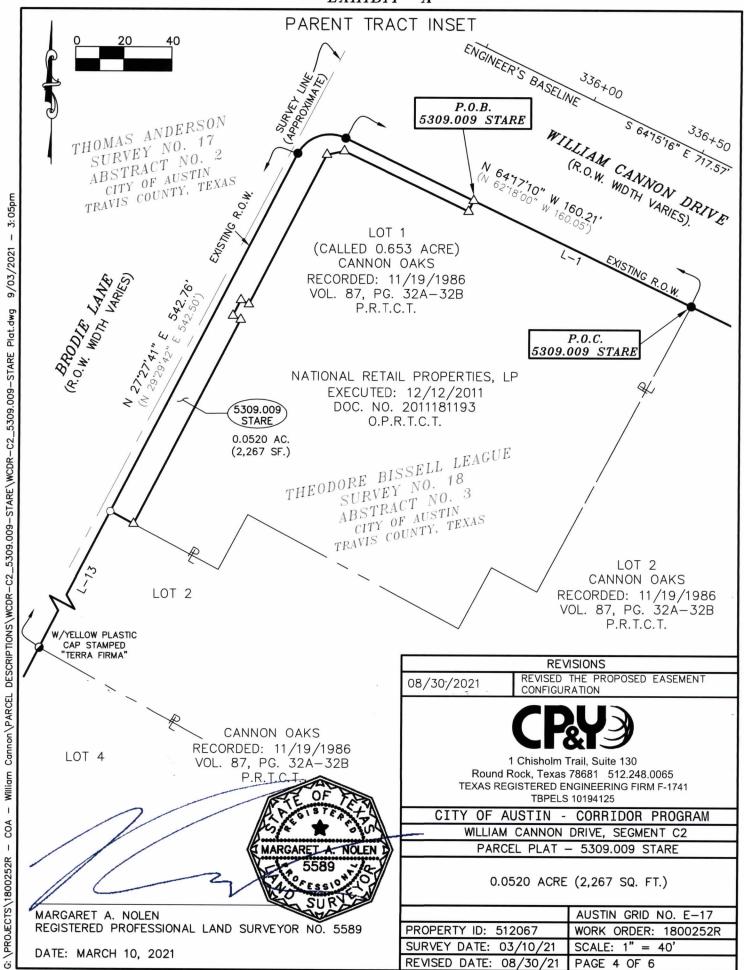
One Chisholm Trail, Suite 130 Round Rock, Texas 78681

Ph. (512) 248-0065

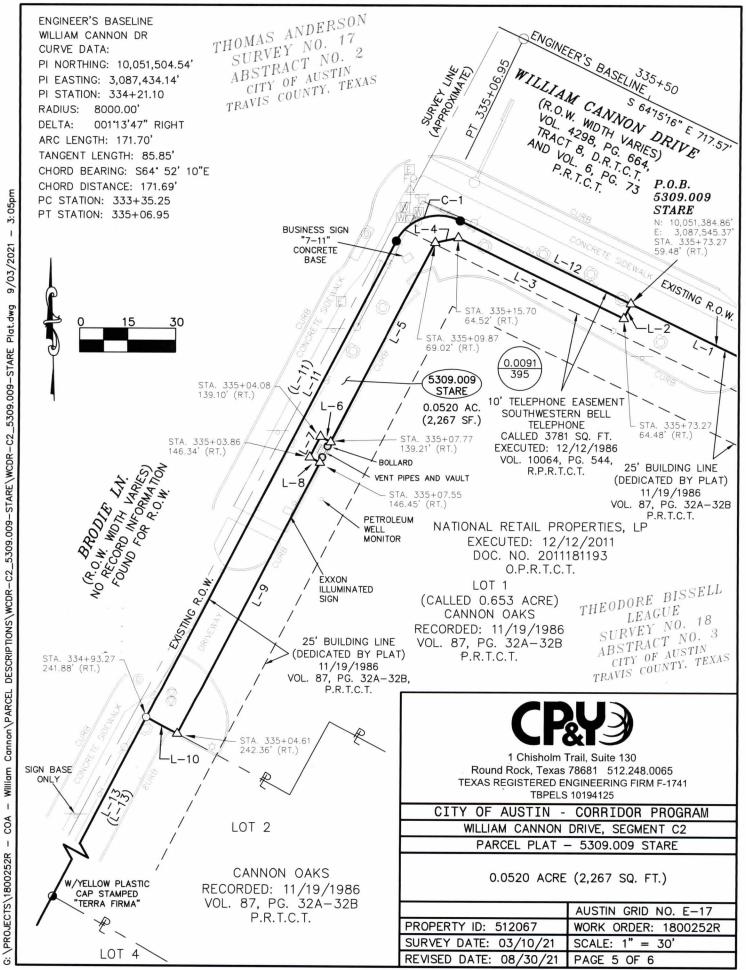
TBPELS Firm No. 10194125

Project No. 1800252

AUSTIN GRID E-17 PROPERTY ID: 512067



1



CURVE TABLE						
CURVE	RADIUS	ARC	DELTA	CH. BEARING	CHORD	
C-1	15.00'	23.11'	08816'23"	N 7216'08" E	20.89'	
(C-1)	(15.00')	(23.10')	(88°13'33")	(N 73°35'51" E)	(20.88')	

LEGEND

△ = CALCULATED POINT

● = 1/2" IRON ROD FOUND

= 1/2" 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

= AREA, IN ACRES/SQ FT, OF EXISTING EASEMENT WITHIN

PARCEL LIMITS (EQUALS PARCEL AREA IF NOT NOTED)

= LUMINARE STANDARD

= SIGN/MARKER

= WATER METER \bigcirc

= IRRIGATION CONTROL VALVE

-O- = POWER POLE

= TRAFFIC SIGNAL POLE

E = ELECTRIC METER

(E) = ELECTRIC MANHOLE

FO

= FIBER OPTICS CABLE MARKER

P.U.E. = PUBLIC UTILITY EASEMENT

P = PROPERTY/DEED LINE

(XX) = RECORD INFORMATION

R.O.W. = RIGHT-OF-WAY

P.O.B. = POINT OF BEGINNING

P.O.C. = POINT OF COMMENCEMENT

= TREE

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)	(N 29°29'42" E)	(168.00')			
(L-13)	(S 29*29'42" W)	(374.50')			

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.
- A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.



1 Chisholm Trail, Suite 130 Round Rock, Texas 78681 512.248.0065 TEXAS REGISTERED ENGINEERING FIRM F-1741 TBPELS 10194125

CITY OF AUSTIN - CORRIDOR PROGRAM WILLIAM CANNON DRIVE, SEGMENT C2 PARCEL PLAT - 5309.009 STARE

0.0520 ACRE (2,267 SQ. FT.)

	AUSTIN GRID NO. E-17
PROPERTY ID: 512067	WORK ORDER: 1800252R
SURVEY DATE: 03/10/21	SCALE:
REVISED DATE: 08/30/21	PAGE 6 OF 6

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 TCE 0.0138 Acre, 602 Sq. Ft.

Page 1 of 5

March 10, 2021

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° 17' 10" 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° 42' 50" West**, a distance of **12.00 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° 17' 10" West**, a distance of **50.20 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° 42' 50" East, a distance of 12.00 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° 17' 10" West, a distance of 94.08 feet;

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 TCE

Page 2 of 5

March 10, 2021

0.0138 Acre, 602 Sq. Ft.

4) **THENCE**, **South 64° 17' 10" 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 **50.20 feet** to the **POINT OF BEGINNING** hereof and containing 0.0138 acre (602 sq. ft.) of land.

PROPERTY DESCRIPTION - PARCEL 5309.009 TCE

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) 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:

Margaret A. Nolen, R.P.L.S. No. 5589

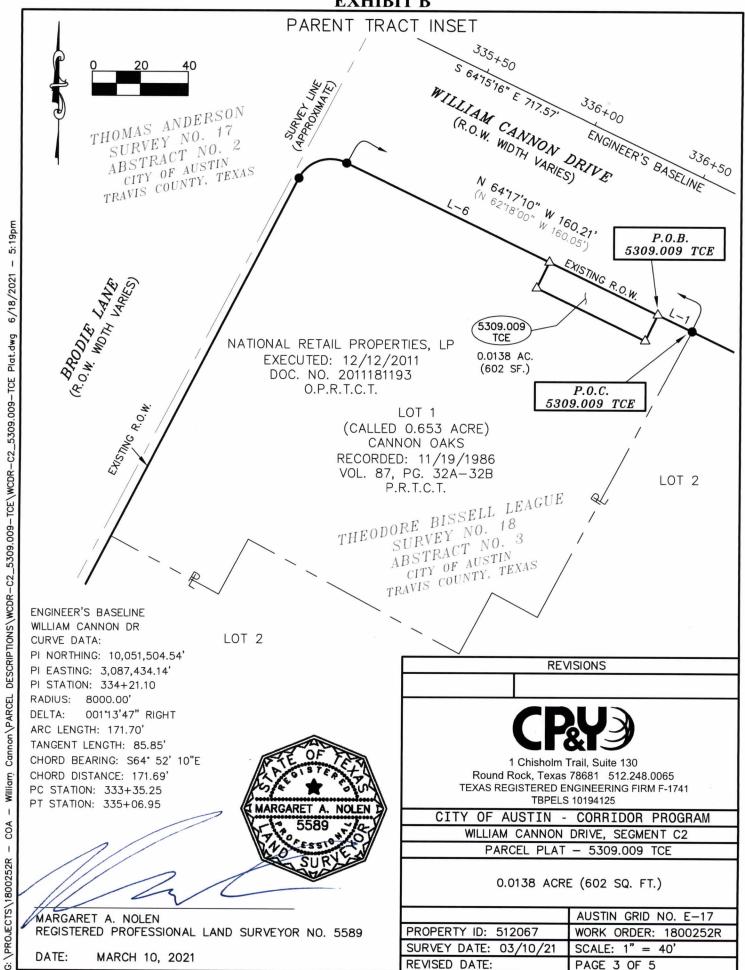
CP&Y, Inc.

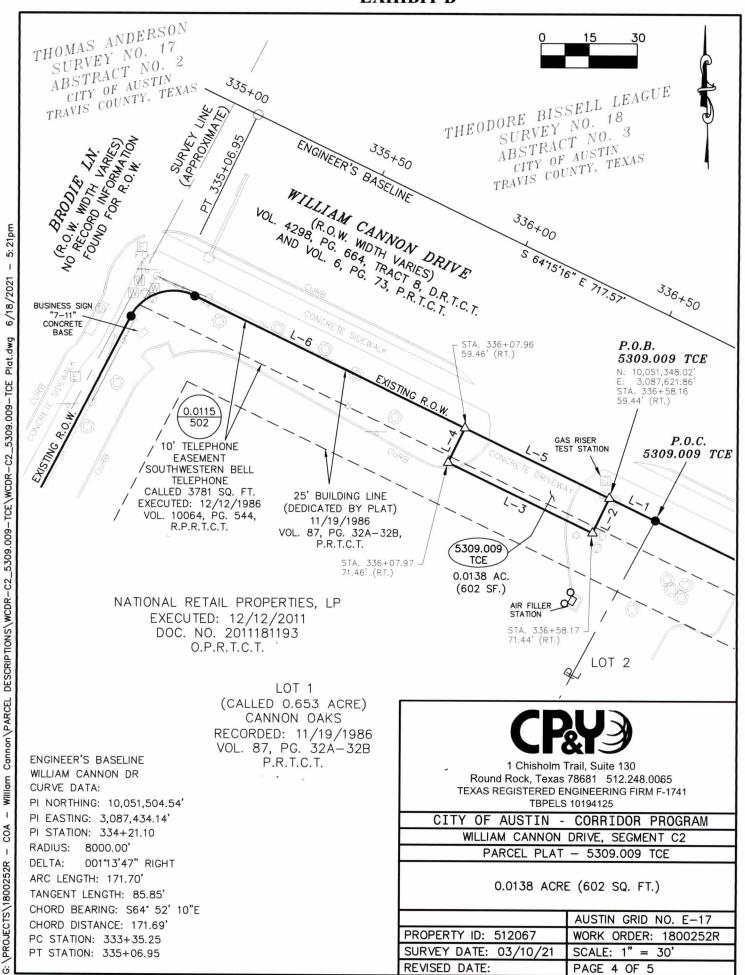
One Chisholm Trail, Suite 130 Round Rock, Texas 78681 Ph. (512) 248-0065

TBPELS Firm No. 10194125

Project No. 1800252

AUSTIN GRID E-17 PROPERTY ID: 512067





LEGEND

△ = CALCULATED POINT

= 1/2" IRON ROD FOUND

= 1/2" IRON ROD FOUND WITH 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 TRAVIS COUNTY, TEXAS

P.R.T.C.T. = PLAT RECORDS OF TRAVIS COUNTY, TEXAS

= AREA, IN ACRES/SQ FT, OF EXISTING EASEMENT WITHIN
PARCEL LIMITS (EQUALS PARCEL AREA IF NOT NOTED)

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= SIGN/MARKER

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R.O.W. = RIGHT-OF-WAY

P.O.B. = POINT OF BEGINNING

P.O.C. = POINT OF COMMENCEMENT

= TREE

LINE TABLE				
LINE	BEARING	LENGTH		
L-1	N 64°17'10" W	15.92'		
L-2	S 25*42'50" W	12.00'		
L-3	N 64°17'10" W	50.20'		
L-4	N 25*42'50" E	12.00'		
L-5	S 64°17'10" E	50.20'		
L-6	N 64°17'10" W	94.08'		

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.
- STATIONS AND OFFSETS ARE RELATIVE TO THE WILLIAM CANNON CORRIDOR CENTERLINE PROVIDED BY ENGINEER 08/28/2020.
- A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.



1 Chisholm Trail, Suite 130
Round Rock, Texas 78681 512.248.0065
TEXAS REGISTERED ENGINEERING FIRM F-1741
TBPELS 10194125

CITY OF AUSTIN - CORRIDOR PROGRAM
WILLIAM CANNON DRIVE, SEGMENT C2
PARCEL PLAT - 5309.009 TCE

0.0138 ACRE (602 SQ. FT.)

	AUSTIN GRID NO. E-17	
PROPERTY ID: 512067	WORK ORDER: 1800252R	
SURVEY DATE: 03/10/21	SCALE:	
REVISED DATE:	PAGE 5 OF 5	