

RESOLUTION NO. 20220728-107

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: Corsair Lamar, LLC

Project: Circuit 811 Transmission Electric Line Upgrade Project

Public Use: Providing reliable, safe electricity service.

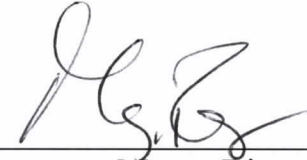
Location: 9717 N. Lamar Boulevard, Austin, Texas 78753.

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

Property: Described in the attached and incorporated “Exhibit A,” and “Exhibit B.”

ADOPTED: July 28, 2022

ATTEST:

A handwritten signature in black ink, appearing to read 'Myrna Rios', written over a horizontal line.

Myrna Rios
City Clerk

**PROPERTY DESCRIPTION
PARCEL 70**

SURVEY OF A 0.239 ACRES (10,396 SQUARE FEET) OF LAND, IN THE JOHN APPLGAIIT SURVEY NUMBER 58, AND BEING A PORTION OF LOT 2, NORTHWEND PHASE 'B' SECTION ONE-A, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 83, PAGE 115-D, PLAT RECORDS TRAVIS COUNTY, TEXAS, THE SAID LOT 2, BEING DESCRIBED TO CORSAIR LAMAR, LLC IN THAT CERTAIN SPECIAL WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2019202088 OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, SAID 0.239 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING one-half inch iron rod found having grid coordinates of N(Y) 10106523.76, E(X) 3128419.04, Texas Central Zone 4203, NAD83, for the west corner of the herein described 0.239 acres of land and the said Lot 2, same being a point on the southeast line of that certain ten foot strip of land dedicated as additional right-of-way as depicted on the plat of the said Northwend Phase 'B' Section One-A, same being a point on the southeast right-of-way line of North Lamar Boulevard and the north corner of Lot 4, Northwend Phase 'B' Section One-D, a subdivision in Travis County, Texas, according to the plat recorded in Volume 84, Page 97B, Plat Records Bastrop County, Texas;

THENCE North 24°46'12" East, a distance of 678.85 feet to a bolt found for a point of curvature of a curve to the right at the intersection of the southeast line of the said North Lamar Boulevard with the curving southerly right-of-way line of Longspur Boulevard West, according the plat of the said Northwend Phase 'B' Section One-A, for the point of curvature of the herein described 0.239 acres of land and the said Lot 2;

THENCE along a portion of said curve to the right, being concave to the southeast and along a portion of the common dividing line of the said Lot 2 and the said Longspur Boulevard West with the arc of said curve having the following curve elements: Delta Angle of 75°14'23", Radius of 20.00 feet, Arc Length of 26.26, the chord of which bears North 62°40'24" East, a chord distance of 24.42 feet to a calculated point for the most northerly corner of the herein described 0.239 acres of land, same being a point on the curving line of the said Lot 2 and the said Longspur Boulevard West and from this point a one-half inch iron rod found for the point of tangency of said curve bears along the arc of said curve and having the following curve elements: Delta Angle of 13°30'22", Radius of 20.00 feet, Arc Length of 4.71 feet, the chord of which bears North 72°57'13" East, a chord distance of 4.70feet;

EXHIBIT "A"

Page 2 of 4

THENCE South $24^{\circ}46'12''$ West, a distance of 698.11 feet crossing over the said Lot 2 to a calculated point for the south corner of the herein described 0.239 acres of land, same being a point on the common dividing line of the said Lot 2 and the said Lot 4, Northwend Phase 'B' Section One-D and from this point a magnail found for the east corner of the said Lot 4, same being an angle point of the southwest line of the said Lot 2, and the north corner of Lot 1, Northwend Phase 'B' Section One-D, bears South $65^{\circ}13'47''$ East, a distance of 153.86 feet;

THENCE North $65^{\circ}13'47''$ West, a distance of 15.00 feet along the common dividing line of the said Lot 2 and the said Lot 4 to the **POINT OF BEGINNING** and containing 0.239 acre (10,396 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.

Prepared By: **AUSTIN ENERGY**



Robert C. Steubing

03/18/2022

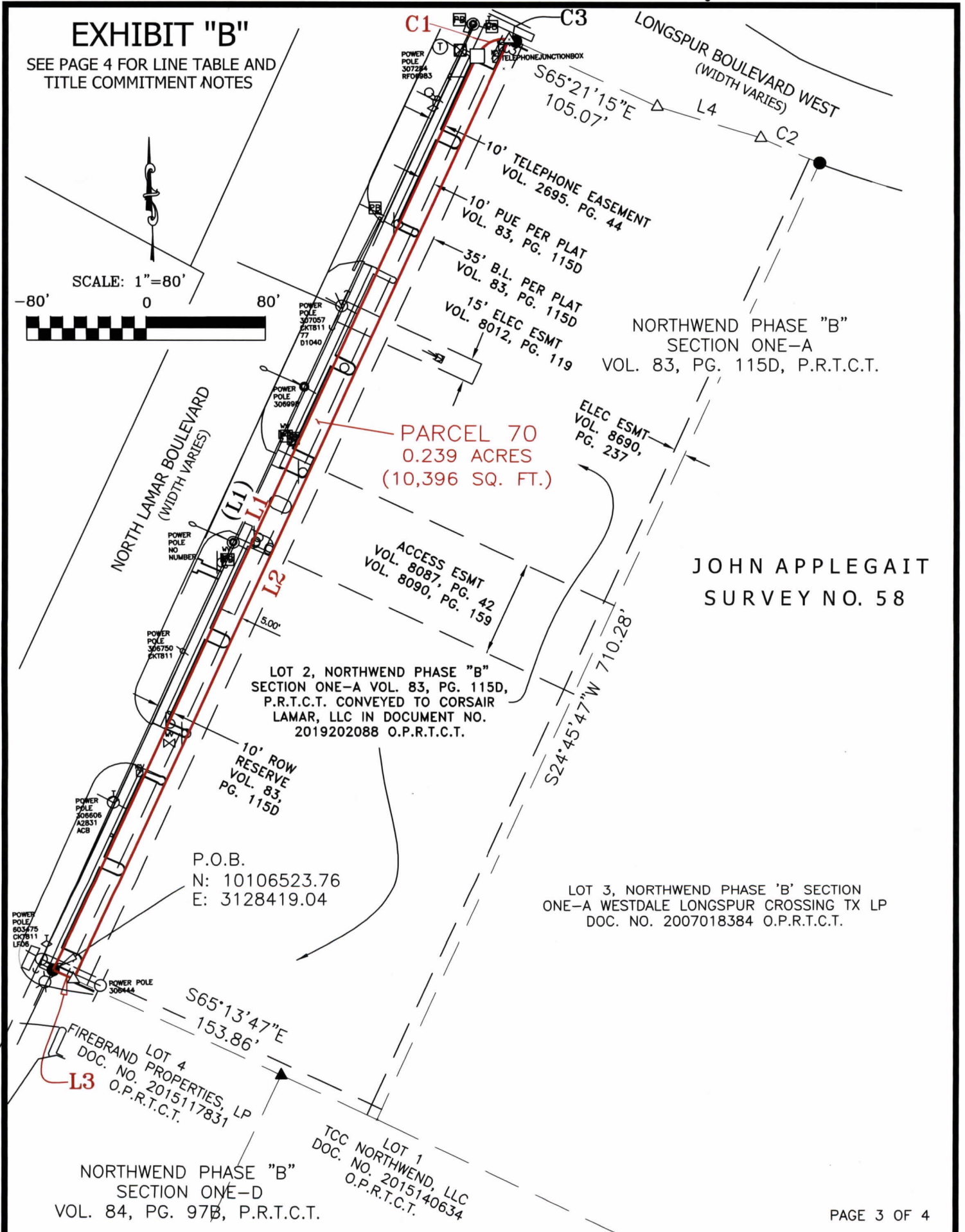
Robert C. Steubing Registered Professional Land Surveyor No. 5548

Date

EXHIBIT "B"

SEE PAGE 4 FOR LINE TABLE AND
TITLE COMMITMENT NOTES

SCALE: 1"=80'



TITLE COMMITMENT PROVIDED BY:

INDEPENDENCE TITLE COMPANY
GF NO.: 1719128-KFO
EFFECTIVE DATE: APRIL 1, 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.

LEGEND

- 1/2" IRON ROD FOUND
- △ CALCULATED POINT
- ▲ MAGNAIL FOUND
- PUNCH HOLE FOUND
- POWER POLE
- ① TELEPHONE MANHOLE
- ☒ TELEPHONE BOX
- ◇ TELEPHONE MARKER
- LIGHT POLE
- ↖ GUY WIRE
- POWER POLE WITH LIGHT
- W WATER METER
- W WATER MANHOLE
- W WATER VALVE
- EB ELECTRIC PULL BOX
- POST
- BL BUILDING LINE
- ESMT EASEMENT
- POC POINT OF COMMENCEMENT
- 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

1. The following restrictive covenants of record in Volume 83, Page 115D, Plat Records, Travis County, Texas, AFFECT THIS TRACT.

10.f. Easement: Recorded: Volume 8012, Page 119, Deed Records, Travis County, Texas, and as shown on the plat set out in Schedule A hereof: To: City of Austin Purpose: Electric and Telephone. AFFECTS TRACT.

10.g. Easement: Recorded: Volume 8690, Page 237, Real Property Records, Travis County, Texas. To: City of Austin Purpose: Electric and Telephone. AFFECTS TRACT.

10.h. Telephone Cable Easement 10 ft. in width awarded to Southwestern Bell Telephone Company by Judgment under Cause No. 311, County Court, Travis County, Texas, a certified copy of which is recorded in Volume 2695, Page 44, Deed Records, Travis County Texas. AFFECTS THIS TRACT.

10.i. Terms, Conditions, and Stipulations in the Agreement: Recorded: Volume 8087, Page 42, Deed Records, Travis County, Texas. Type: Declaration of Easement. AFFECTS TRACT.

10.j. Terms, Conditions, and Stipulations in Lease Agreement: Recorded: Volume 8897, Page 340, Real Property Records, Travis County, Texas. Lessor: Chris V. Cox Lessee: Walgreen Co. NOT A SURVEYING MATTER.

10.l. Terms, Conditions, and Stipulations in Short Form Lease Agreement: Recorded: Document No. 2004005881, Official Public Records, Travis County, Texas. Lessor: 2M and 3D, LTD. Lessee: Family Dollar Stores of Texas, L.P. NOT A SURVEYING MATTER.

Line Table		
Line #	Direction	Length
L1	N24° 46' 12"E	678.85'
L2	S24° 46' 12"W	698.11'
L3	N65° 13' 47"W	15.00'
L4	S73° 14' 57"E	72.85'

Record Line Table		
Line #	Direction	Length
(L1)	N28° 59' 19"E	678.92'

CURVE TABLE					
Curve #	Length	Radius	Central Angle	Chord Bearing	Chord
C1	26.26'	20.00'	75°14'23"	N62°40'24"E	24.42'
C2	42.96'	684.32'	3°35'49"	S67°09'05"E	42.96'
C3	4.71'	20.00'	13°30'22"	N72°57'13"E	4.70'

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83 - 2011 ADJUSTMENT, CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

THIS MAP WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE FIELD WORK WAS COMPLETED IN JANUARY, 2017

Robert C. Steubing 03/18/2022

ROBERT C. STEUBING (512-505-7148) DATE
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548





EXHIBIT "X" B

SURVEY OF A 0.706 ACRES OR 30,745 SQUARE FEET OF LAND, IN THE JOHN APPELGADE SURVEY NUMBER 58, AND BEING A PART OF LOT 2, NORTHWEND PHASE 'B', SECTION ONE-A, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 83 PAGE 115D, PLAT RECORDS, TRAVIS COUNTY, TEXAS, THE SAID LOT 2, BEING DESCRIBED TO CORSAIR LAMAR, LLC, IN THAT CERTAIN SPECIAL WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 2019202088 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED 0.706 ACRES OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an calculated point not set having grid coordinates of North (Y) 10106499.040, East (X) 3128472.612, United States State Plane Coordinate System, Texas Central Zone 4203, NAD83, for the south corner of the herein described 0.706 acres of land, same being a point on the common dividing line of the said Lot 2 and Lot 4, Northwend Phase B, Section One-D, a subdivision in Travis County, Texas, according to the plat recorded in Volume 84, Page 97B, Plat Records Travis County, Texas, the said Lot 4, being described to Firebrand Properties, LP., in that certain Special Warranty Deed as recorded in Document Number 2015117831, Official Public Records Travis County, Texas, and from this point a magnail found for the east corner of the said Lot 4, same being an angle point of the southwest line of the said Lot 2, and the north corner of the said Lot 1, Northwend Phase, 'B' Section One-D bears South 65°13'47" East, a distance of 109.86 feet;

THENCE North 65°13'47" West, coincident with the common dividing line of the said Lot 2 and the said Lot 4, a distance of 44.00 feet to a calculated point not set for the west corner of the herein described 0.706 acres of land and from this point a one-half inch iron rod found for on the southeast right-of-way line of North Lamar Boulevard (Right-of-Way varies) for the common west corner of the said Lot 2 and the said Lot 4 bears North 65°13'47" West, a distance of 15.00 feet;

THENCE North 24°46'12" East, departing the last said common dividing line and being fifteen feet from and parallel to the said southeast right-of-way of the said North Lamar Boulevard, and crossing over the said Lot 2, a distance of 698.11 feet to a calculated point not set for the north corner of the herein described 0.706 acres of land, same being a point on the curving south right-of-way line of West Longspur Boulevard (Right-of-Way varies), same being the northeast line of the said Lot 2, and from this point a square bolt found for the point of tangency of the said curve bears along said curve to the left, and being concave to the southeast having the following curve elements: a Delta Angle of 75°14'23", a Radius Length of 20.00 feet, a, Arc Length of 26.26 feet, the Chord of which bears South 62°40'23" West, a Chord Distance of 24.42 feet;

THENCE coincident with the curving right-of-way line of the said West Longspur Boulevard, along said curve being concave to the southwest having the following curve elements: a Delta Angle of 13°30'23", a Radius Length of 20.00 feet, an Arc Length of 4.71 feet and the Chord which bears South 72°57'07" East, a Chord Distance of 4.70 feet;

THENCE South 65°21'15" East, coincident with the southwest right-of-way line of the said West Longspur Boulevard, same being the northeast line of the said Lot 2, a distance of 39.34 feet to a calculated point not set for the east corner of the herein described 0.706 acres of land and from this point a one-half inch iron rod found for the common north corner of the said Lot 2 and the said Lot 3, bears the following three (3) courses coincident with the said south right-of-way:

1. South 65°21'15" East, a distance of 65.73 feet to a calculated point not set;

EXHIBIT "A" B

2. South 73°14'57" East, a distance of 72.85 feet to a calculated point not set for the point of tangency of a curve to the left, concave to the northwest;
3. With the said curve to the left, being concave to the northeast and having the following curve elements: a Radius Length of 684.32 feet, a Delta Angle of 03°35'49", an Arc Length of 42.96 feet and the Chord which bears South 67°09'05" East, a Chord Distance of 42.96 feet;

THENCE South 24°46'12" West, departing the southwest right-of-way line of the said West Longspur Boulevard and crossing over the said Lot 2, a distance of 698.83 feet to the **Point Of Beginning** and containing 0.706 Acres or 30,745 square feet of land, more or less.

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

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

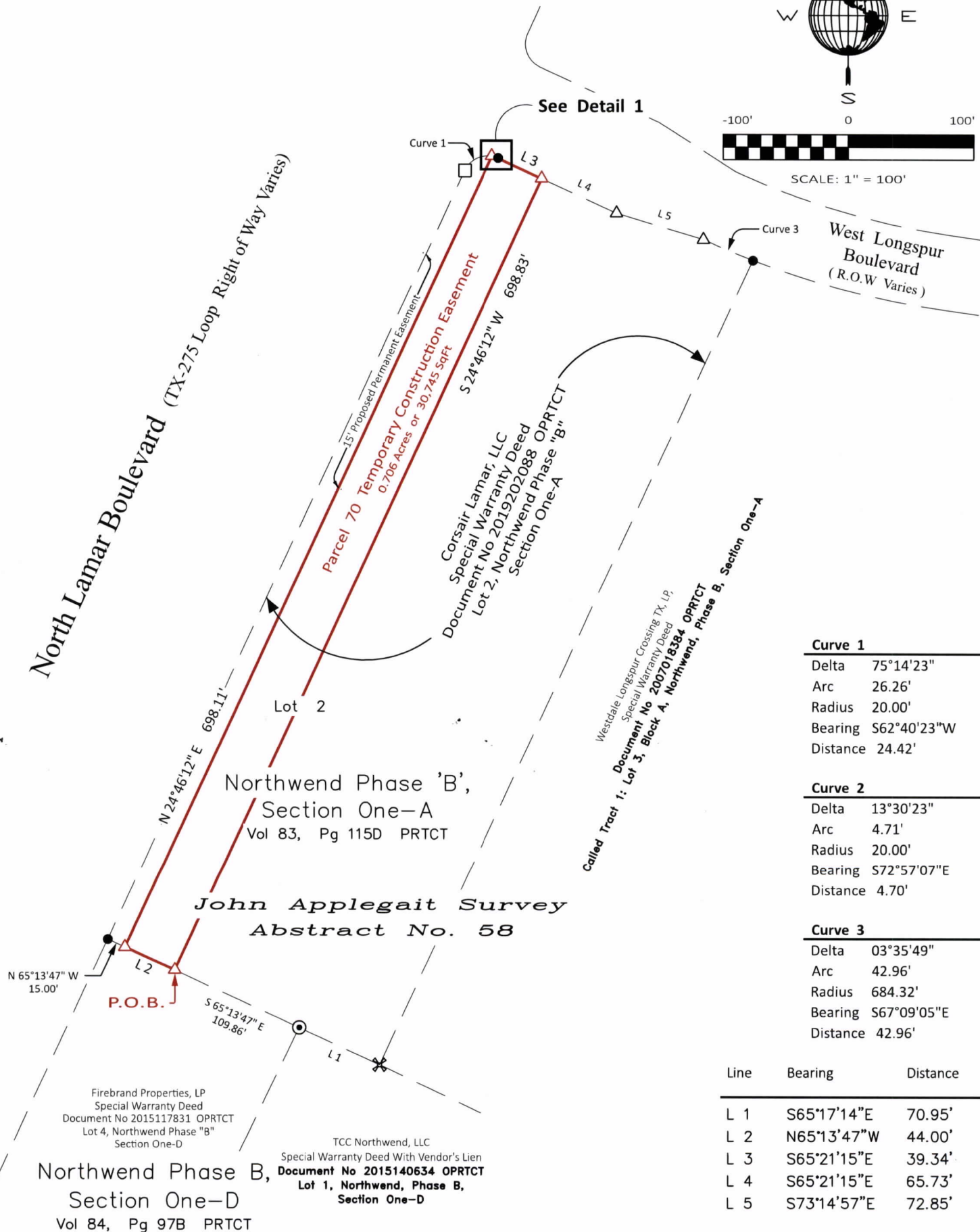


Robert C. Steubing

03/18/2022

Robert C. Steubing Registered Professional Land Surveyor No. 5548

Date



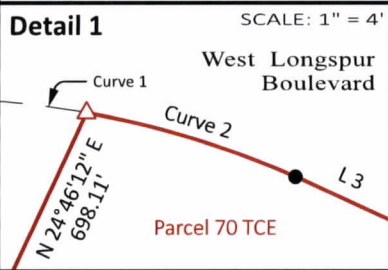
Curve 1	
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Bearing	S72°57'07"E
Distance	4.70'

Curve 3	
Delta	03°35'49"
Arc	42.96'
Radius	684.32'
Bearing	S67°09'05"E
Distance	42.96'

Line	Bearing	Distance
L 1	S65°17'14"E	70.95'
L 2	N65°13'47"W	44.00'
L 3	S65°21'15"E	39.34'
L 4	S65°21'15"E	65.73'
L 5	S73°14'57"E	72.85'

EXHIBIT "B" SKETCH TO ACCOMPANY FIELD NOTES



Legend

- ⊙ MAG Nail Found
- 1/2" Iron Rod Found
- ✕ X Scribed in Concrete Found
- △ Calculated Point Not Set
- Square Bolt Found

P.O.C. Point of Commencement

P.O.B. Point of Beginning

OPRTCT Official Public Records, Travis County, Texas

PRTCT Plat Records, Travis County, Texas

TITLE COMMITMENT PROVIDED BY: INDEPENDENCE TITLE COMPANY GF NO.: 1719128-KFO

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NOTES:

1. P.O.B. COORDINATES = N 10106499.040 E 3128472.612 GRID COORDINATES, TEXAS CENTRAL ZONE 4203, NAD83

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

3. MAPSCO Panel No.: 526B Travis County Central Appraisal District ID No.: 249274

Robert C. Steubing 03/18/2022

ROBERT C. STEUBING (512-505-7148) DATE

REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

SHEET 4 OF 4 Rev: 03/18/2022

DRAWING: H:\Survey\Surveying\Transmission ckts\811\Surveying\Temporary Construction Easements\Parcel 70\DWG\Parcel 70 Temp Const Esmnt.dwg

