

**RESOLUTION NO. 20220901-096**

**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: Nagobich Family Revocable Trust

Project: IH-35 Capital Express Structure Relocation, North Project

Public Use: Providing reliable and safe electricity service.

Location: 9913 North Interstate Highway 35, Austin, Texas 78753.

The general route of the project is along Interstate Highway 35  
between Rundberg Lane and Braker Lane.

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

**ADOPTED:** September 1, 2022

**ATTEST:** \_\_\_\_\_

*EBrady for*

Myrna Rios  
City Clerk

EXHIBIT "A"

Parcel 2  
0.0640 Acre Temporary Construction Easement  
John Applegait Survey No. 58, Abstract No. 29  
Travis County, Texas

DESCRIPTION FOR PARCEL 2  
0.0640 OF ONE ACRE TEMPORARY CONSTRUCTION  
EASEMENT

DESCRIPTION OF A 0.0640 OF ONE ACRE (2,786 SQUARE FOOT) EASEMENT, CONSISTING OF TWO PARTS, LOCATED IN THE JOHN APPLGAIIT SURVEY NO. 58, ABSTRACT NO. 29, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK A, AARON RENTS SUBDIVISION NO. 2, A SUBDIVISION OF RECORD IN BOOK 100, PAGES 23-24, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 CONVEYED TO GERMAN NAGOBICH, AS TRUSTEE OF THE NAGOBICH FAMILY REVOCABLE TRUST BY SPECIAL WARRANTY DEED, AS RECORDED IN DOCUMENT NO. 2007069276, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0640 OF ONE ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED IN TWO PARTS BY METES AND BOUNDS AS FOLLOWS:

PART 1 (0.0057 Ac.)

BEGINNING at a calculated point at the southwest corner of this easement, being in the west line of said Lot 1 and said Nagobich Family Revocable Trust tract, being in the existing east right-of-way line of IH 35 (300 foot width), from which a 1/2-inch iron rod found at the southeast corner of said Lot 1 and said Nagobich Family Revocable Trust tract, being at the northeast corner of Lot A, Freeman Subdivision No. 2, a subdivision of record in Book 46, Page 42, Plat Records, Travis County, Texas, said Lot A conveyed to Cuates Investments, LLC by Special Warranty Deed, as recorded in Document No. 2016021644, Official Public Records, Travis County, Texas, and in the existing west right-of-way line of Middle Fiskville Road, bears South 27°24'06" West 25.13 feet to a point at the southwest corner of said Lot 1 and said Nagobich Family Revocable Trust tract, and South 62°57'00" East 355.84 feet, and from which said 1/2-inch iron rod found a 1/2-inch iron pipe found at the southeast corner of said Lot A and said Cuates Investments tract, bears South 26°54'41" West 119.97 feet, said POINT OF BEGINNING having Grid Coordinates of N=10,105,637.89, E=3,131,863.67;

- 1) THENCE, along the west line of this easement, said Lot 1 and said Nagobich Family Revocable Trust tract, and the existing east right-of-way line of IH 35, **North 27°24'06" East 5.70 feet** to a calculated point at the northwest corner of this easement, being in the south line of a 20 foot electric line and telephone line easement granted to the City of Austin in Volume 1644, Page 255, Deed Records, Travis County, Texas;
- 2) THENCE, along the north line of this easement and the south line of said 20 foot electric line and telephone line easement, crossing said Lot 1 and said Nagobich Family Trust tract, **South 61°49'48" East 46.00 feet** to a calculated point at the northeast corner of this easement;
- 3) THENCE, along the east line of this easement, crossing said Lot 1 and said Nagobich Family Trust tract, **South 27°24'07" West 5.08 feet** to a calculated point at the southeast corner of this easement;
- 4) THENCE, along the south line of this easement, crossing said Lot 1 and said Nagobich Family Trust tract, **North 62°35'54" West 46.00 feet** to the POINT OF BEGINNING and containing 0.0057 of one acre (248 square feet) of land within these metes and bounds.

PART 2 (0.0583 Ac.)

BEGINNING at a calculated point at the southwest corner of this easement, being in the west line of said Lot 1 and said Nagobich Family Revocable Trust tract, being in the existing east right-of-way line of IH 35 (300 foot width), and being in the north line of said 20 foot electric line and telephone line easement, from which a 1/2-inch iron rod found at the southeast corner of said Lot 1 and said Nagobich Family Revocable Trust tract, being at the northeast corner of said Lot A and said Cuates Investments tract, and in the existing west right-of-way line of Middle Fiskville Road, bears South 27°24'06" West 50.83 feet to a point at the southwest corner of said Lot 1 and said Nagobich Family Revocable Trust tract, and South 62°57'00" East 355.84 feet, and from which said 1/2-iron rod found a 1/2-inch iron pipe found at the southeast corner of said Lot A and said Cuates Investments tract, bears South 26°54'41" West 119.97 feet, said POINT OF BEGINNING having Grid Coordinates of N=10,105,660.70, E=3,131,875.50;



- 1) THENCE, along the west line of this easement, said Lot 1 and said Nagobich Family Revocable Trust tract, and the existing east right-of-way line of IH 35, **North 27°24'06" East 62.30 feet** to a calculated point at the northwest corner of this easement;
- 2) THENCE, along the north line of this easement, crossing said Lot 1 and said Nagobich Family Revocable Trust tract, **South 62°35'53" East 40.00 feet** to a calculated point at the northeast corner of this easement;

THENCE, along the east line of this easement, crossing said Lot 1 and said Nagobich Family Revocable Trust tract, the following three (3) courses, numbered 3 through 5:

- 3) **South 27°24'07" West 57.00 feet** to a calculated point,
- 4) **South 62°35'53" East 6.00 feet** to a calculated point, and
- 5) **South 27°24'07" West 5.92 feet** to a calculated point at the southeast corner of this easement, being in the north line of said 20 foot electric line and telephone line easement;

Parcel 2

- 6) THENCE, along the south line of this easement and the north line of said 20 foot electric line and telephone line easement, crossing said Lot 1 and said Nagobich Family Revocable Trust tract, **North 61°49'48" West 46.00 feet** to the POINT OF BEGINNING and containing 0.0583 of one acre (2,538 square feet) of land within these metes and bounds.

Part 1 0.0057 Acre 248 Square Feet

Part 2 0.0583 Acre 2,538 Square Feet

**Total 0.0640 Acre 2,786 Square Feet**

Bearing Basis Note

The bearings described herein are based on the Texas Coordinate System, Central Zone (4203), NAD83 (2011) EPOCH 2010.00. The bearings shown are grid bearings.

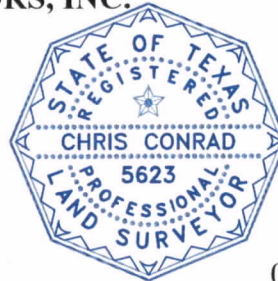
SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**

3301 Hancock Dr., Ste. 6

Austin, TX 78731 (512) 451-8591

TBPELS Survey Firm# 10095500



A handwritten signature in blue ink, appearing to read "Chris Conrad".

02/24/2022

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: There is a plat to accompany this description.

M:\HDR~21-145~AE Capital Express\Description\0.0640 TCE~Nagobich\_R1

Issued 02/04/2022, Revised 02/24/2022

AUSTIN GRID M-30

TCAD # 0240210826

EXHIBIT "B"

SKETCH TO ACCOMPANY DESCRIPTION  
OF 0.0640 AC. OR 2,786 SQ. FT. OF LAND  
OUT OF LOT 1, BLOCK A  
AARON RENTS SUBDIVISION NUMBER 2  
AUSTIN, TRAVIS COUNTY, TEXAS

SCALE 1" = 20'

LINE TABLE		
LINE#	BEARING	DISTANCE
L1	N27°24'06"E	5.70'
L2	S27°24'07"W	5.08'
L3	S62°35'53"E	6.00'
L4	S27°24'07"W	5.92'

JOHN APPELGAIT  
SURVEY NO. 58  
ABSTRACT NO. 29

AARON RENTS SUBDIVISION NUMBER 2  
BK. 100, PG. 23-24  
P.R.T.C.TX.

LOT 1  
(3.532 AC.)  
BLOCK A

GERMAN NAGOBICH, AS TRUSTEE OF THE  
NAGOBICH FAMILY REVOCABLE TRUST DATED  
NOVEMBER 30, 2001  
DOC. NO. 2007069276  
O.P.R.T.C.TX.  
(LOT 1)  
APRIL 3, 2007

{A}  
CITY OF AUSTIN  
20' ELECTRIC LINE AND  
TELEPHONE LINE EASEMENT  
VOL. 1644, PG. 255  
D.R.T.C.TX.  
NOVEMBER 25, 1955

{B}  
10' CITY OF AUSTIN  
ELECTRIC EASEMENT  
BK. 100, PG. 23-24  
P.R.T.C.TX.

{C}  
40' X 50' JOINT USE  
ACCESS EASEMENT  
BK. 100, PG. 23-24  
P.R.T.C.TX.

ISSUED: 02/04/2022  
REVISED: 02/24/2022

TCAD# 0240210826

**McGRAY & McGRAY**  
**LAND SURVEYORS, INC.**

3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
MCGRAY.COM (512) 451-8591  
TBPELS SURVEY FIRM #10095500

SCALE:	1" = 20'	AUSTIN GRID#	M-30
DATE:	02/24/2022	TECH:	JPJ
PROJECT:	21-145	FIELD:	
FIELD BOOK:		SHEET:	1 OF 2



EXHIBIT "B"

SKETCH TO ACCOMPANY DESCRIPTION  
OF 0.0640 AC. OR 2,786 SQ. FT. OF LAND  
OUT OF LOT 1, BLOCK A  
AARON RENTS SUBDIVISION NUMBER 2  
AUSTIN, TRAVIS COUNTY, TEXAS

LEGEND

⊙	1/2" IRON PIPE FOUND (UNLESS NOTED)
●	1/2" IRON ROD FOUND (UNLESS NOTED)
△	CALCULATED POINT
—○—	POWER POLE
⊛	LIGHT POLE
O.P.R.T.C.TX.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
P.R.T.C.TX.	PLAT RECORDS TRAVIS COUNTY, TEXAS
D.R.T.C.TX.	DEED RECORDS TRAVIS COUNTY, TEXAS
T.C.E.	TEMPORARY CONSTRUCTION EASEMENT

**NOTES:**

1. ALL COORDINATES SHOWN HEREON ARE GRID COORDINATES AND IN U.S. SURVEY FEET.

2. THIS PROJECT IS REFERENCED, FOR ALL BEARING AND COORDINATE BASIS, TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM OF 1983 (2011) EPOCH 2010.00.

3. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH GF NO. 202105089 ISSUED JANUARY 13, 2022.

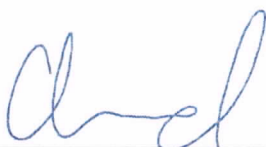
**BEARING BASIS:**

ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, (4203), NAD83 (2011) EPOCH 2010.00, ALL DISTANCES ARE GRID.

ISSUED: 02/04/2022

TCAD# 0240210826


REVISED: 02/24/2022



02/24/2022

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



 <b>McGRAY &amp; McGRAY</b> <b>LAND SURVEYORS, INC.</b> 3301 HANCOCK DRIVE #6 AUSTIN, TEXAS 78731 MCGRAY.COM (512) 451-8591 TBPELS SURVEY FIRM #10095500			
SCALE:	1" = 20'	AUSTIN GRID#	M-30
DATE:	02/24/2022	TECH:	JPJ
PROJECT:	21-145	FIELD:	
FIELD BOOK:		SHEET:	2 OF 2