## **RESOLUTION NO. 20230126-058**

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: GTY-EPP Leasing, LLC

Project: Relocation of the City's water and wastewater lines to

accommodate the expansion of Interstate Highway 35 (Texas Department of Transportation's Interstate Highway 35 South Waterline Relocation: State Highway 71/Ben White Boulevard

to State Highway 45 Southeast Project).

Public Use: Accommodating roadway improvements, relocation of

wastewater infrastructure.

Location: 110 West Slaughter Lane, Austin, Texas, 78748.

The general route of the project is along Interstate Highway 35

South from Ben White Boulevard to State Highway 45

Southeast.

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

"Exhibit B."

ADOPTED: January 26, 2023 ATTEST: Stephan

City Clerk

## **EXHIBIT A**

County: Travis Highway: IH 35

Limits: US 290W to Slaughter Lane

CCSJ: 0015-13-077 RCSJ: 0015-13-400 Project No. R00002558

## PROPERTY DESCRIPTION FOR A PROPOSED WATER AND WASTEWATER EASEMENT

BEING a 0.0206 of one acre (896 square foot) easement situated in the F.M. Hodges Survey No. 22, Abstract No. 377, in Travis County, Texas, being a portion of Lot 1, James H. Watson Subdivision, a subdivision of record in Book 95, Page 389, Plat Records, Travis County, Texas, said Lot 1 conveyed to GTY-EPP Leasing, LLC by Special Warranty Deed dated September 6, 2017, as recorded in Document No. 2017148803, Official Public Records, Travis County, Texas; said 0.0206 of one acre (896 square foot) easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod with "Delta Surveying" cap found at northwest corner of said Lot 1 and said GTY-EPP Leasing tract, being at the southwest corner of Lot 1, Amended Plat of Congress Avenue Commercial Tract, being a 15.045 acre tract (Tract 1) conveyed to HEB Grocery Company, LP by Special Warranty Deed, as recorded in Document No. 2013098661, Official Public Records, Travis County, Texas, and being in the existing east right-of-way line of Congress Avenue (120 foot width);

THENCE, South 02°11'04" East, along the west line of said Lot 1, James H. Watson Subdivision and said GTY-EPP Leasing tract and the existing east right-of-way line of Congress Avenue, a distance of 149.79 feet to a calculated point at the northwest corner of this proposed easement, for the POINT OF BEGINNING, being 699.02 feet right of IH 35 Engineer's Baseline Station 3689+71.11, and having Surface Coordinates of N=10,034,922.50, E=3,101,118.66;

1) THENCE, **South 89°07'28" East**, along the north line of this proposed easement, crossing said Lot 1 and said GTY-EPP Leasing tract, a distance of **36.55 feet** to a calculated point at the northeast corner of this proposed easement, and being 666.01 feet right of IH 35 Engineer's Baseline Station 3689+56.13;

## **EXHIBIT A**

- 2) THENCE, South 02°08'31" East, along the east line of this proposed easement, crossing said Lot 1 and said GTY-EPP Leasing tract, a distance of 27.47 feet to a calculated point at the southeast corner of this proposed easement, being in the proposed north right-of-way line of East Slaughter Lane, and being 652.94 feet right of IH 35 Engineer's Baseline Station 3689+79.22;
- 3) THENCE, North 89°07'28" West, along the south line of this proposed easement, and the proposed north right-of-way line of East Slaughter Lane, crossing said Lot 1 and said GTY-EPP Leasing tract, a distance of 21.97 feet to a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) Type II bronze disk set at the southwest corner of this proposed easement, being in the west line of said Lot 1 and said GTY-EPP Leasing tract, and in the existing north right-of-way line of East Slaughter Lane (varying width), and being 672.79 feet right of IH 35 Engineer's Baseline Station 3689+88.20;
- 4) THENCE, North 45°30'19" West, along the west line of this proposed easement, said Lot 1 and said GTY-EPP Leasing tract, and the existing north right-of-way line of East Slaughter Lane, a distance of 21.19 feet to a 1/2-inch iron rod found at an angle point in the west line of this proposed easement, said Lot 1 and said GTY-EPP Leasing tract, being in the existing east right-of-way line of Congress Avenue, and being 692.91 feet right of IH 35 Engineer's Baseline Station 3689+81.86;
- 5) THENCE, North 02°11'04" West, continuing along the west line of this proposed easement, said Lot 1 and said GTY-EPP Leasing tract, and the existing east right-of-way line of Congress Avenue, a distance of 12.83 feet to the POINT OF BEGINNING and containing 0.0206 of one acre (896 square feet) of land within these metes and bounds.

The bearings and coordinates are based on the Texas Coordinate System, Central Zone (4203), North American Datum of 1983, 2011 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a surface adjustment factor of 1.00011.

Access is permitted to the highway facility from the abutting remainder property.

Right of entry was unable to be obtained at the time of the survey. Monuments along the proposed right-of-way line were unable to be set, where noted.

## **EXHIBIT A**

A parcel plat of even date was prepared in conjunction with this property description.

STATE OF TEXAS §

**§** KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Troy R. Thomas, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 25th day of March, 2022 A.D.

## SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591 TBPELS Survey Firm# 10095500

17K1 3 25 2022

Troy R. Thomas, Reg. Professional Land Surveyor No. 6130 M:\TxDOT Division~20-018~Hwy 290 to Slaughter Ln\Description\Parcel 39E R1

FIELD NOTES REVIEWED

BY DATE: 04/12/22

CITY OF AUSTIN PUBLIC WORKS DEPARTMENT

# I.H. 35 (R.O. W. WIDTH VARIES) R. O. W. GTY-EPP LEASING, LLC SEPTEMBER 6, 2017 DOC. NO. 2017148803 O.P.R.T.C.T. (LOT 1) JAMES H. WATSON SUBDIVISION BK. 95 PG. 389 P.R.T.C.T. LOT 1 (1. 168 ACRES) PROPOSED WATER AND-WASTEWATER EASEMENT 0.0206 AC. 896 SQ.FT. P. O. C. PROPERTY INSET NOT TO SCALE I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN TROY RYAN THOMAS HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

#### NOTES:

- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE
  SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN
  DATUM OF 1983, 2011 ADJUSTMENT. ALL
  MEASUREMENTS ARE IN U.S. SURVEY FEET.
- COORDINATES AND DISTANCES ARE DISPLAYED IN SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.00011.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT PROVIDED BY CHICAGO TITLE INSURANCE COMPANY AS GF#21020263ROW, EFFECTIVE ON FEBRUARY 26, 2021 AND ISSUED ON MARCH 19, 2021.
- FIELD SURVEYING WAS PERFORMED FROM JULY 2020 THROUGH FEBRUARY 2022.
- ACCESS IS PERMITTED TO THE HIGHWAY FACILITY FROM THE ABUTTING REMAINDER PROPERTY.
- RIGHT OF ENTRY WAS UNABLE TO BE OBTAINED AT THE TIME OF SURVEY.
- THIS PARCEL PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

#### REVISIONS

1) UPDATE TO EASEMENT TITLE - 3/24/2022

RECORD	ACQUISITION	REMAINING RT
1.168 AC. 50,878 SQ. FT.	N/A	1.092 AC. 47,561 SQ. FT.



## Texas Department of Transportation





www.mcgray.com

PARCEL PLAT SHOWING PROPOSED WATER AND WASTEWATER EASEMENT IH 35 (US 290W TO SLAUGHTER LANE) TRAVIS COUNTY, TEXAS C.C.S.J.: 0015-13-077

R. C. S. J.: 0015-13-400

DATE: MARCH 2022

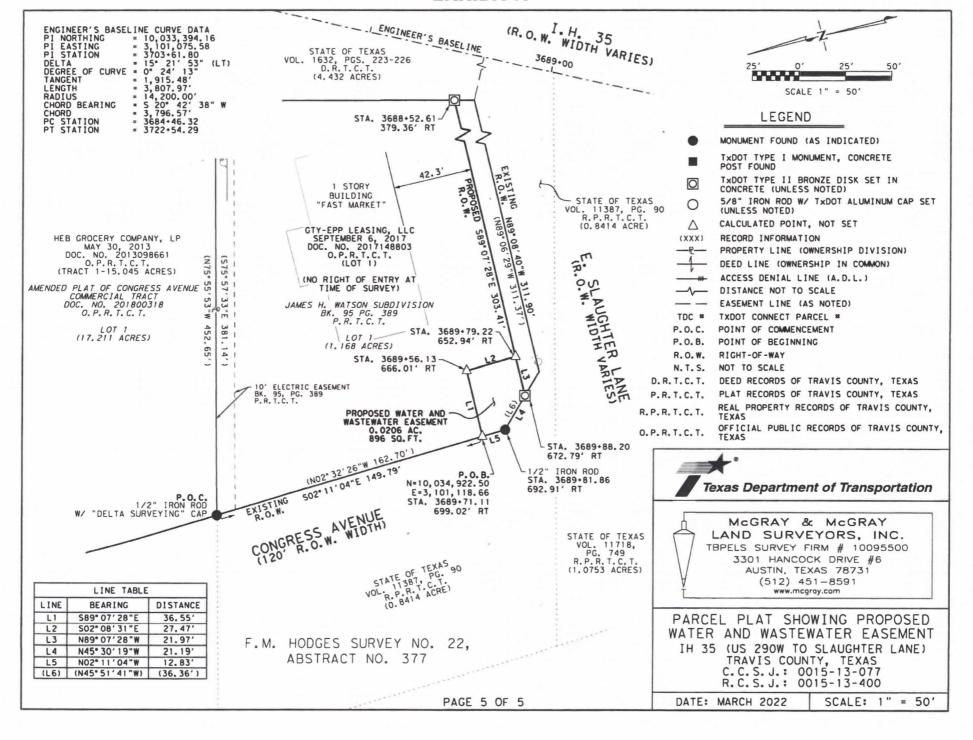
SCALE: N. T. S.

3/25/2022

TROY R. THOMAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6130

DATE

PAGE 4 OF 5



## **EXHIBIT B**

**County:** Travis **Highway:** IH 35

Limits: US 290W to Slaughter Lane

CCSJ: 0015-13-077 RCSJ: 0015-13-400 Project No. R00002558

## PROPERTY DESCRIPTION FOR A PROPOSED TEMPORARY EASEMENT

BEING a 0.0199 of one acre (868 square foot) easement situated in the F.M. Hodges Survey No. 22, Abstract No. 377, in Travis County, Texas, being a portion of Lot 1, James H. Watson Subdivision, a subdivision of record in Book 95, Page 389, Plat Records, Travis County, Texas, said Lot 1 conveyed to GTY-EPP Leasing, LLC by Special Warranty Deed dated September 6, 2017, as recorded in Document No. 2017148803, Official Public Records, Travis County, Texas; said 0.0199 of one acre (868 square foot) easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod with "Delta Surveying" cap found at northwest corner of said Lot 1 and said GTY-EPP Leasing tract, being at the southwest corner of Lot 1, Amended Plat of Congress Avenue Commercial Tract, being a 15.045 acre tract (Tract 1) conveyed to HEB Grocery Company, LP by Special Warranty Deed, as recorded in Document No. 2013098661, Official Public Records, Travis County, Texas, and being in the existing east right-of-way line of Congress Avenue (120 foot width);

THENCE, South 02°11'04" East, along the west line of said Lot 1, James H. Watson Subdivision and said GTY-EPP Leasing tract and the existing east right-of-way line of Congress Avenue, a distance of 132.19 feet to a calculated point at the northwest corner of this proposed easement, for the POINT OF BEGINNING, being 707.41 feet right of IH 35 Engineer's Baseline Station 3689+56.37, and having Surface Coordinates of N=10,034,940.08, E=3,101,117.99;

1) THENCE, **South 89°07'28" East**, along the north line of this proposed easement, crossing said Lot 1 and said GTY-EPP Leasing tract, a distance of **41.57 feet** to a calculated point at the northeast corner of this proposed easement, and being 669.89 feet right of IH 35 Engineer's Baseline Station 3689+39.31;

## **EXHIBIT B**

- 2) THENCE, South 02°08'31" East, along the east line of this proposed easement, crossing said Lot 1 and said GTY-EPP Leasing tract, a distance of 45.06 feet to a calculated point at the southeast corner of this proposed easement, being in the proposed north right-of-way line of East Slaughter Lane, and being 648.41 feet right of IH 35 Engineer's Baseline Station 3689+77.16;
- 3) THENCE, North 89°07'28" West, along the south line of this proposed easement, and the proposed north right-of-way line of East Slaughter Lane, crossing said Lot 1 and said GTY-EPP Leasing tract, a distance of 5.01 feet to a calculated point at the southwest corner of this proposed easement, being at the southeast corner of a proposed water and wastewater easement, and being 652.94 feet right of IH 35 Engineer's Baseline Station 3689+79.22;
- 4) THENCE, North 02°08'31" West, along the west line of this proposed easement, and the east line of said proposed water and wastewater easement, crossing said Lot 1 and said GTY-EPP Leasing tract, a distance of 27.47 feet to a calculated point at an angle point in the west line of this proposed easement, being at the northeast corner of said proposed water and wastewater easement, and being 666.01 feet right of IH 35 Engineer's Baseline Station 3689+56.13;
- 5) THENCE, North 89°07'28" West, continuing along the west line of this proposed easement, with the north line of said proposed water and wastewater easement, crossing said Lot 1 and said GTY-EPP Leasing tract, a distance of 36.55 feet to a calculated point at an angle point in the west line of this proposed easement, said Lot 1 and said GTY-EPP Leasing tract, being at the northwest corner of said proposed water and wastewater easement, and in the existing east right-of-way line of Congress Avenue, and being 699.02 feet right of IH 35 Engineer's Baseline Station 3689+71.11, from which a 1/2-inch iron rod found at an angle point in the west line of said Lot 1 and said GTY-EPP Leasing tract, bears South 02°11'04" East, a distance of 12.83 feet;
- 6) THENCE, North 02°11'04" West, continuing along the west line of this proposed easement, said Lot 1 and said GTY-EPP Leasing tract, and the existing east right-of-way line of Congress Avenue, a distance of 17.59 feet to the POINT OF BEGINNING and containing 0.0199 of one acre (868 square feet) of land within these metes and bounds.

### **EXHIBIT B**

The bearings and coordinates are based on the Texas Coordinate System, Central Zone (4203), North American Datum of 1983, 2011 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a surface adjustment factor of 1.00011.

Access is permitted to the highway facility from the abutting remainder property.

Right of entry was unable to be obtained at the time of the survey. Monuments along the proposed right-of-way line were unable to be set, where noted.

A parcel plat of even date was prepared in conjunction with this property description.

STATE OF TEXAS §

\$ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

That I, Troy R. Thomas, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 25th day of March, 2022 A.D.

3 25/2022

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591 TBPELS Survey Firm# 10095500

Troy R. Thomas, Reg. Professional Land Surveyor No. 6130

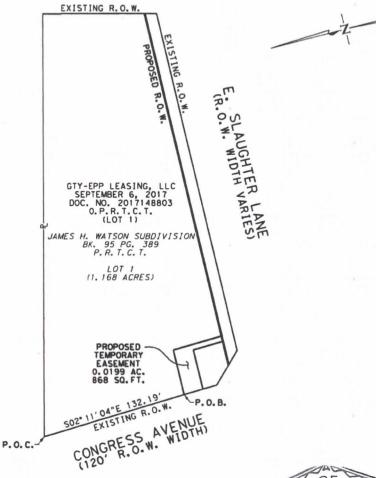
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FIELD NOTES REVIEWED

BY DATE: 04/12/22

CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

#### I.H. 35 (R. O. W. WIDTH VARIES)



PROPERTY INSET NOT TO SCALE

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

3/25/2022

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6130

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- 7. THIS PARCEL PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

#### REVISIONS

1) UPDATE TO FIELD NOTES 3/25/2022

RECORD	ACQUISITION	REMAINING RT
1.168 AC. 50,878 SQ. FT.	N/A	1.092 AC. 47,561 SQ. FT.



#### Texas Department of Transportation

McGRAY & McGRAY LAND SURVEYORS, INC.

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

www.mcgray.com

PARCEL PLAT SHOWING PROPOSED TEMPORARY EASEMENT IH 35 (US 290W TO SLAUGHTER LANE) TRAVIS COUNTY, TEXAS C.C.S.J.: 0015-13-077 R. C. S. J.: 0015-13-400

DATE: MARCH 2022

SCALE: N. T. S.



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