RESOLUTION NO. 20230223-046

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:

McDonald's Corporation, a Delaware corporation, as successor by

merger to Franchise Realty Interstate Corporation, an Illinois

corporation.

Project:

North Lamar Boulevard Corridor Project.

Public Use: Reducing delay, improving the effectiveness of transit, and

creating continuous Americans with Disabilities Act-compliant

sidewalks, bicycle facilities, and either separate paths or a

shared-use path which will enhance safety for pedestrians and cyclists along the entire length of the project.

Location: 9422 North Lamar Boulevard, Austin, Texas 78753.

The general route of the project is along North Lamar

Boulevard between United States Highway 183 and Howard

Lane.

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

"Exhibit B."

ADOPTED: February 23, 2023 ATTEST: Bridge for

Myrna Rios
City Clerk

EXHIBIT "A"

City of Austin:

Corridor Program

Corridor:

North Lamar Boulevard

Segment:

Limits

NOLA-C3

Segment From:

South of Rundberg Lane

To:

Parmer Lane

CSJ:

0015-11-067

DESCRIPTION OF PARCEL 5306.002 STARE

DESCRIPTION OF A 0.0123 ACRE (535 SQUARE FEET) PARCEL OF LAND LOCATED IN THE JOHN APPLEGAIT SURVEY NO. 58, ABSTRACT NO. 29, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT B, LAMAR RUNDBERG VILLAGE, A SUBDIVISION RECORDED IN VOLUME 72, PAGE 70, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.TX.), REFERRED TO AS 40,001 SQUARE FEET, TRACT B, BEING SAID LOT B OF SAID SUBDIVISION IN A DEED TO FRANCHISE REALTY INTERSTATE CORPORATION, EXECUTED AUGUST 21, 1975, AND RECORDED IN VOLUME 5251, PAGE 484, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.); SAID 0.0123 ACRE (535 SQ. FT.) PARCEL, AS SHOWN ON A PLAT PREPARED BY SAM, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found, for the southwest corner of said Lot B, same being an interior ell corner on the east line of Lot 1, Tract "D", Resubdivision of Lots "A" and "D", Lamar Rundberg Village, a subdivision, recorded in Volume 77, Page 64, P.R.T.C.TX.;

THENCE, South 62°24'47" East, with the common line of said Lot B and said Lot 1, a distance of 203.79 feet to a calculated point, for the southwest corner and the **POINT OF BEGINNING** of the parcel described herein being 51.36 feet left of Corridor Centerline Station (C.C.S) 178+90.83, and having Surface Coordinates: N=10,106,905.06, E=3,128,319.46;

THENCE, departing the said common line of Lot B and Lot 1, with the proposed west line of this parcel, over and across said Lot B, the following four (4) courses and distances numbered 1 through 4:

- 1) North 24°43'02" East, a distance of 104.71 feet to a calculated point, being 51.36 feet left of C.C.S 179+95.53,
- 2) North 15°24'03" East, a distance of 20.09 feet to a calculated point, being 54.62 feet left of C.C.S 180+15.36,
- 3) North 24°43'02" East, a distance of 56.33 feet to a calculated point, being 54.62 feet left of C.C.S 180+71.69, and
- 4) North 11°41'36" East a distance of 15.13 feet to a calculated point, being 58.03 feet left of C.C.S 180+86.43 on the common line of said Lot B and of Lot C-1, Resubdivision of Lot C, Lamar Rundberg Village, a subdivision, recorded in Volume 75, Page 391, P.R.T.C.TX., for the northwest corner of the parcel described herein, from which a 1/2-inch iron rod found on the east line of said Lot 1, for the northwest corner of said Lot B, same being the southwest corner of said Lot C-1 bears North 62°23'20" West a distance of 197.03 feet;

Parcel 5306.002 STARE

Page 1 of 6

August 16, 2021

0.0123 Acres, 535 SQ. FT.

EXHIBIT "A"

City of Austin: Co

Corridor Program

Corridor:

North Lamar Boulevard

Segment:

NOLA-C3

Segment From:

South of Rundberg Lane

Limits

To:

Parmer Lane

CSJ:

0015-11-067

DESCRIPTION OF PARCEL 5306.002 STARE

- 5) **THENCE**, South 62°23′20″ East, with the common line of said Lot B and said Lot C-1, a distance of 8.03 feet to a 5/8-inch iron rod with a plastic cap stamped "SAM" set on the existing west right-of-way line of North Lamar Boulevard (Loop 275, a 100 foot wide right-of-way), same being the west line of a 0.27 acre tract conveyed to the State of Texas by deed, recorded in Volume 568, Page 316, D.R.T.C.TX., for the southeast corner of said Lot C-1, same being the northeast corner of said Lot B and the parcel described herein;
- 6) **THENCE**, South 24°46'03" West, departing the said common line of Lot B and Lot C-1, with the said existing west right-of-way line of North Lamar Boulevard and the said west line of the State of Texas 0.27 acre tract, same being the said east line of Lot B, a distance of 195.25 feet to a 1/2-inch iron rod found, for the most easterly northeast corner of said Lot 1, same being the southeast corner of said Lot B and of the parcel described herein;
- 7) **THENCE**, North 62°24'47" West, departing the said existing west right-of-way line of North Lamar Boulevard and the said west line of the State of Texas 0.27 acre tract, with the said common line of Lot B and Lot 1, a distance of 1.18 feet to the **POINT OF BEGINNING**, and containing 0.0123 acres (535 sq. ft.) of land.

THIS SPACE INTENTIONALLY LEFT BLANK

Parcel 5306.002 STARE

Page 2 of 6

August 16, 2021

0.0123 Acres, 535 SO. FT.

EXHIBIT "A"

City of Austin: Corridor Program

Corridor: North Lamar Boulevard

Segment: NOLA-C3

Segment From: South of Rundberg Lane

Limits To: Parmer Lane

CSJ: 0015-11-067

Parcel 5306,002 STARE 0.0123 Acres, 535 SQ. FT.

Page 3 of 6

August 16, 2021

DESCRIPTION OF PARCEL 5306.002 STARE

Notes

- 1. All Bearings shown are based on NAD83/2011 Texas Coordinate system, Central Zone. All distances shown are Surface and may be converted to Grid by dividing by a surface adjustment factor of 1.00010. All coordinates shown are in Surface and may be converted to Grid by dividing by the same factor. Project units are in U.S. Survey Feet.
- 2. North Lamar Corridor Centerline alignment derived from Freese & Nichols schematic received by SAM, LLC. on May 3, 2019. Stations and offsets are relative and perpendicular to Corridor Centerline.
- 3. A parcel plat of even date herewith was prepared in conjunction with this property description.
- 4. ** 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 COA.
- 5. * Area calculated by SAM, LLC.
- 6. Overhead Utilities Lines are not shown hereon.
- 7. Trees Info shown hereon was provided by Freese and Nichols.

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

8

That I, Neil Hines, 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, on the date shown below.

SURVEYING AND MAPPING, LLC 4801 Southwest Pkwy Building Two, Suite 100 Austin, Texas 78735 TBPELS Firm No. 10064300

Registered Professional Land Surveyor

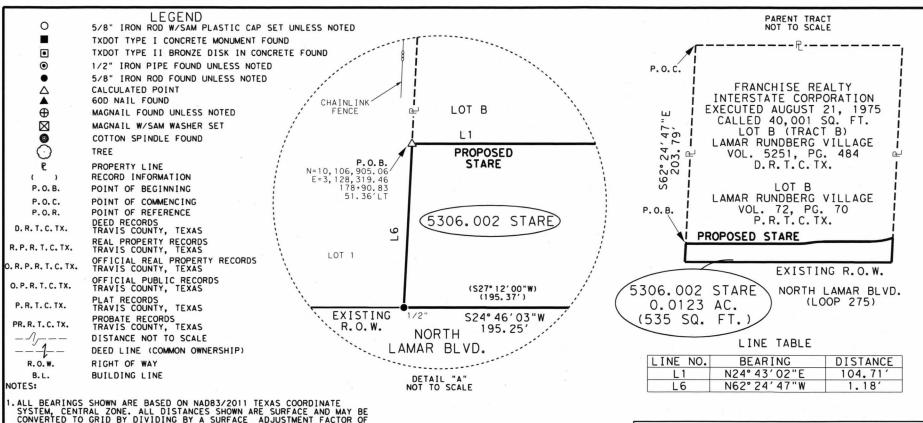
No. 5642 - State of Texas

AUSTIN GRID L-30 PROPERTY ID: R246640

FN 48360

SAM Job No. 42353A





- 1. ALL BEARINGS SHOWN ARE BASED ON NAD83/2011 TEXAS COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.00010. ALL COORDINATES SHOWN ARE IN SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE SAME FACTOR. PROJECT UNITS ARE IN U.S. SURVEY FEET.
- 2. NORTH LAMAR CORRIDOR CENTERLINE ALIGNMENT DERIVED FROM FREESE & NICHOLS SCHEMATIC RECEIVED BY SAM, LLC. ON MAY 3, 2019. STATIONS AND OFFSETS ARE RELATIVE AND PERPENDICULAR TO CORRIDOR CENTERLINE.
- 3.A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
- 4.**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 COA.
- 5. AREA CALCULATED BY SAM, LLC.
- OVERHEAD UTILITIES LINES ARE NOT SHOWN HEREON.
- 7. TREE INFO SHOWN HEREON WAS PROVIDED BY FREESE AND NICHOLS.
 I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY
 DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO
 THE BEST OF MY KNOWLEDGE AND BELIEF.

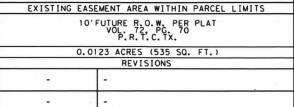
NEIL HINES
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5642, STATE OF TEXAS

8-16-2021

PAGE 4 OF 6
REF. FIELD NOTE NO. 48360

OF

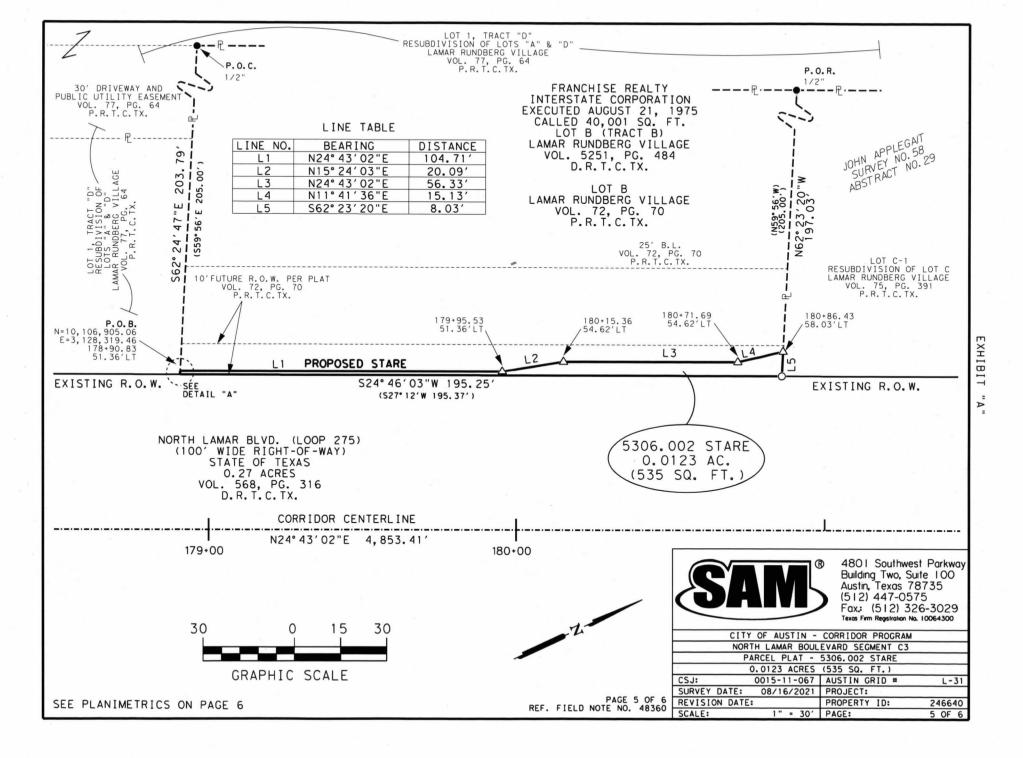
NEIL HINES





480 I Southwest Parkway Building Two, Suite 100 Austin, Texas 78735 (512) 447-0575 Fax: (512) 326-3029 Texas Frim Regalitolian No. 10064300

CITY OF AUSTIN -	CORRIDOR PROGRAM	
NORTH LAMAR BOUL	EVARD SEGMENT C3	
PARCEL PLAT -	5306.002 STARE	
0.0123 ACRES (535 SQ. FT.)		
CSJ: 0015-11-067	AUSTIN GRID #	L-31
SURVEY DATE: 08/16/2021	PROJECT:	
REVISION DATE:	PROPERTY ID:	246640
SCALE: NOT TO SCALE	PAGE:	4 OF 6



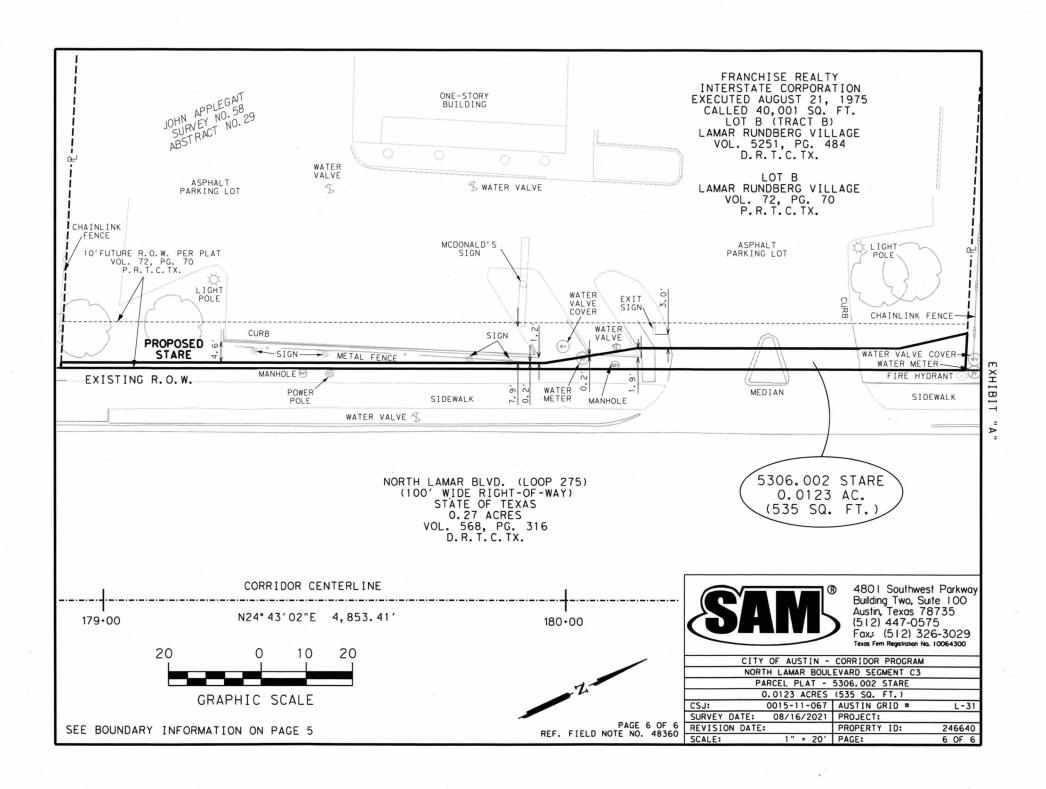


EXHIBIT "B"

City of Austin:

Corridor Program

North Lamar Boulevard

Corridor: Segment:

NOLA-C3

0.0636 Acres, 2,772 SQ. FT. Page 1 of 6

Segment From:

August 16, 2021

Parcel 5306.002 TCE

Limits To: South of Rundberg Lane Parmer Lane

CSJ:

0015-11-067

DESCRIPTION OF PARCEL 5306.002 TCE

DESCRIPTION OF A 0.0636 ACRE (2,772 SQUARE FEET) PARCEL OF LAND LOCATED IN THE JOHN APPLEGAIT SURVEY NO. 58, ABSTRACT NO. 29, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT B, LAMAR RUNDBERG VILLAGE, A SUBDIVISION RECORDED IN VOLUME 72, PAGE 70, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.TX.), REFERRED TO AS 40,001 SQUARE FEET, TRACT B. BEING SAID LOT B OF SAID SUBDIVISION IN A DEED TO FRANCHISE REALTY INTERSTATE CORPORATION. EXECUTED AUGUST 21. 1975. AND RECORDED IN VOLUME 5251. PAGE 484. DEED RECORDS OF TRAVIS COUNTY. TEXAS (D.R.T.C.TX.); SAID 0.0636 ACRE (2,772 SQ. FT.) PARCEL, AS SHOWN ON A PLAT PREPARED BY SAM, LLC. BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found, for the southwest corner of said Lot B, same being an interior ell corner on the east line of Lot 1, Tract "D", Resubdivision of Lots "A" and "D", Lamar Rundberg Village, a subdivision, recorded in Volume 77, Page 64, P.R.T.C.TX.;

THENCE, South 62°24'47" East, with the common line of said Lot B and said Lot 1, a distance of 197.65 feet to a calculated point, for the southwest corner and the POINT OF BEGINNING of the parcel described herein being 57.50 feet left of Corridor Centerline Station (C.C.S) 178+91.14, and having Surface Coordinates: N=10,106,907.91, E=3,128,314.02;

THENCE, departing the said common line of Lot B and Lot 1, with the proposed west line of this parcel, over and across said Lot B, the following three (3) courses and distances numbered 1 through 3:

- 1) North 24°43'02" East, a distance of 111.66 feet to a calculated point, being 57.50 feet left of C.C.S 180+02.79,
- 2) North 65°16'58" West, a distance of 22.12 feet to a calculated point, being 79.62 feet left of C.C.S 180+02.79, and
- 3) North 24°43'02" East, a distance of 84.73 feet to a calculated point, being 79.62 feet left of C.C.S 180+87.52 on the common line of said Lot B and of Lot C-1, Resubdivision of Lot C, Lamar Rundberg Village, a subdivision, recorded in Volume 75, Page 391, P.R.T.C.TX., for the northwest corner of the parcel described herein, from which a 1/2-inch iron rod found on the east line of said Lot 1, for northwest corner of said Lot B, same being the southwest corner of said Lot C-1 bears North 62°23'20" West a distance of 175.41 feet;
- 4) THENCE, South 62°23'20" East, with the common line of said Lot B and said Lot C-1, a distance of 21.62 feet to a calculated point, being 58.03 feet left of C.C.S 180+86.43, for the northeast corner of the parcel described herein, same being the northwest corner of a proposed STARE parcel;

EXHIBIT "B"

City of Austin:

Corridor Program

North Lamar Boulevard

Corridor: **Segment:**

NOLA-C3

0.0636 Acres, 2,772 SQ. FT.

Page 2 of 6

Segment From:

South of Rundberg Lane

Limits

To: CSJ:

Parmer Lane

0015-11-067

August 16, 2021

Parcel 5306.002 TCE

DESCRIPTION OF PARCEL 5306.002 TCE

THENCE, departing the said common line of Lot B and Lot C-1, with the proposed east line of this parcel, same being the proposed west line of said STARE parcel, over and across said Lot B, the following four (4) courses and distances numbered 5 through 8:

- 5) South 11°41'36" West, a distance of 15.13 feet to a calculated point, being 54.62 feet left of C.C.S 180+71.69.
- 6) South 24°43'02" West, a distance of 56.33 feet to a calculated point, being 54.62 feet left of C.C.S 180+15.36,
- 7) South 15°24'03" West, a distance of 20.09 feet to a calculated point, being 51.36 feet left of C.C.S 179+95.53, and
- 8) South 24°43'02" West, a distance of 104.71 feet to a calculated point, being 51.36 feet left of C.C.S 178+90.83 on the said common line of Lot B and Lot 1, for the southeast corner of the parcel described herein, same being the southwest corner of the said proposed STARE parcel;
- 9) **THENCE**, North 62°24'47" West, with the said common line of Lot B and Lot 1, a distance of 6.14 feet to the **POINT OF BEGINNING**, and containing 0.0636 acres (2,772 sq. ft.) of land.

THIS SPACE INTENTIONALLY LEFT BLANK

EXHIBIT "B"

City of Austin:

Corridor Program

Corridor:

North Lamar Boulevard

Segment:

NOLA-C3

Segment From:

South of Rundberg Lane

CSJ:

To:

Parmer Lane

0015-11-067

Parcel 5306.002 TCE

0.0636 Acres, 2,772 SQ. FT.

Page 3 of 6

August 16, 2021

DESCRIPTION OF PARCEL 5306.002 TCE

Notes

Limits

- 1. All Bearings shown are based on NAD83/2011 Texas Coordinate system, Central Zone. All distances shown are Surface and may be converted to Grid by dividing by a surface adjustment factor of 1.00010. All coordinates shown are in Surface and may be converted to Grid by dividing by the same factor. Project units are in U.S. Survey Feet.
- 2. North Lamar Corridor Centerline alignment derived from Freese & Nichols schematic received by SAM, LLC. on May 3, 2019. Stations and offsets are relative and perpendicular to Corridor Centerline.
- 3. A parcel plat of even date herewith was prepared in conjunction with this property description.
- 4. ** 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 COA.
- 5. * Area calculated by SAM, LLC.
- Overhead Utilities Lines are not shown hereon.
- 7. Trees Info shown hereon was provided by Freese and Nichols.

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

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.

That I, Neil Hines, a Registered Professional Land Surveyor, do hereby certify that the above description

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

SURVEYING AND MAPPING, LLC 4801 Southwest Pkwy Building Two, Suite 100 Austin, Texas 78735 TBPELS Firm No. 10064300

Registered Professional Land Surveyor

No. 5642 - State of Texas

AUSTIN GRID L-30 PROPERTY ID: R246640

FN 48360

SAM Job No. 42353A

