

**RESOLUTION NO. 20230413-053**

**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: East Creek ATX, LLC.

Project: The Upper Harris Branch Wastewater Interceptor – Phase 1 Project.

Public Use: Installing wastewater infrastructure requiring the acquisition of a wastewater easement.


Location: 12401 Hulsey Road, Manor, Texas 78653.

The general route of the project is the Upper Harris Branch  
wastewater basin from Dessau Road to Harris Branch Parkway.

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

**ADOPTED:** April 13, 2023

**ATTEST:**

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

Myrna Rios  
City Clerk



7401B Highway 71 West, Suite 160  
Austin, TX 78735  
Office: 512.583.2600  
Fax: 512.583.2601

[Doucetengineers.com](http://Doucetengineers.com)

**EXHIBIT " A "**

**East Creek ATX, LLC  
To  
City of Austin  
(Wastewater Easement)  
WE**

**LEGAL DESCRIPTION FOR PARCEL 5272.25 WE**

**BEING A 2.106-ACRE EASEMENT OUT OF THE MARIQUITA CASTRO SURVEY, ABSTRACT NUMBER 160, SECTION 50, TRAVIS COUNTY, TEXAS, SAID EASEMENT BEING PART OF A CALLED 47.733-ACRE TRACT, CONVEYED TO EAST CREEK ATX, LLC, RECORDED IN DOCUMENT NUMBER 2022008621, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.]; SAID 2.106-ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2-inch iron rod with cap stamped "LANDSIGN" found in the existing northeast right-of-way line of Hulsey Street, a 60 feet width right-of-way, recorded in Volume 61, Page 64 of the Plat Records of Travis County, Texas [P.R.T.C.T.], and for the southwest corner of said 47.733-acre tract, and an angle corner of a called 38.73-acre tract, conveyed to RH Pioneer North LLC, recorded in Document Number 2021093293 [O.P.R.T.C.T.], same being for the southwest corner of the easement described herein;

**THENCE**, N30°51'07"E, with the common line of said 47.733-acre tract and said 38.73-acre tract, for a distance of 579.52 feet to a 60D Nail set for the north corner of the easement described herein;

**THENCE**, over and across said 47.733-acre tract, the following three (3) courses:

- 1) S12°32'52"E, for a distance of 72.77 feet to a 60D Nail set for the northeast corner of the easement described herein,
- 2) S30°51'07"W, for a distance of 479.11 feet to a 60D Nail set for an angle corner of the easement described herein, and
- 3) S51°23'20"E, for a distance of 1,281.09 feet to a 60D Nail set in the common line of said 47.733-acre tract and a called 39.314-acre tract, conveyed to Harris Branch Master Association, Inc., recorded in Document Number 2006057009 [O.P.R.T.C.T.], and for the southeast corner of the easement described herein;

**THENCE**, S32°35'01"W, with the common line of said 47.733-acre tract and said 39.314-acre tract, for a distance of 50.33 feet to a 60D Nail set for the common corner of said 47.733-acre tract and a right-of-way dedication, recorded in Volume 61, Page 64 [P.R.T.C.T.], and for the south corner of the easement described herein;

**THENCE**, N51°23'12"W, with the common line of said 47.733-acre tract and said right-of-way dedication, for a distance of 1,307.43 feet to a 60D Nail set for an angle corner of the easement described herein;

**THENCE**, N61°17'09"W, with the common line of said 47.733-acre tract and said right-of-way dedication, for a distance of 22.41 feet to the **POINT OF BEGINNING** of the easement described herein and containing 2.106-acres more or less.

COMMITMENT YOU EXPECT.  
EXPERIENCE YOU NEED.  
PEOPLE YOU TRUST.



EXHIBIT "A"

**BEARING BASIS**

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD 83 (2011), Epoch 2010.

THE STATE OF TEXAS     §  
                                     §     **KNOW ALL MEN BY THESE PRESENTS:**  
COUNTY OF TRAVIS     §

That I, Christopher W. Terry, Registered Professional Land Surveyor, hereby certify that this description and accompanying plat of even date represent an actual survey performed on the ground.

A handwritten signature in blue ink, appearing to read "Chris Terry", written over a horizontal line.

10/27/2022

Christopher W. Terry  
Registered Professional Land Surveyor  
Texas Registration No. 6649  
Doucet & Associates  
CTerry@DoucetEngineers.com  
TBPELS Firm Registration No. 10105800

Date



FIELD NOTES REVIEWED

BY DATE: 11/03/22

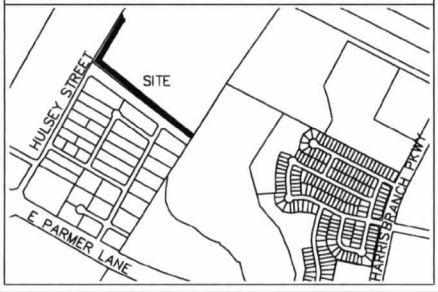
CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT

**REFERENCES**

TCAD PID No. 247925  
TCAD GID No. 0242410102  
Vesting deed Doc. No. 2022008621



# VICINITY MAP NOT TO SCALE



## MARIQUITA CASTRO SURVEY ABSTRACT NO. 160, SECTION 50

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S12°32'52"E	72.77'
L2	S32°35'01"W	50.33'
L3	N61°17'09"W	22.41'

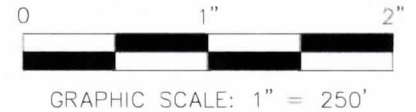
**EXHIBIT "A"**  
**CONTROL NOTE:**  
 BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT (EPOCH 2010). ALL COORDINATE VALUES AND DISTANCES SHOWN ARE GRID VALUES AND MAY BE CONVERTED TO SURFACE BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.00008.  
 UNITS: US SURVEY FEET.

**UTILITY NOTE:**  
 SOME POSSIBLE LOCATIONS OF UNDERGROUND UTILITIES ARE SHOWN HEREON AS A PRECAUTIONARY MEASURE BASED UPON OBSERVED SURVEY LOCATIONS. DOUCET DOES NOT TAKE RESPONSIBILITY FOR DETERMINING THE DEPTH OR LOCATION OF UNDERGROUND UTILITIES WITHIN OR AROUND THE SUBJECT SITE. ALL UTILITIES SHOULD BE FIELD VERIFIED AND CHECKED BY CONTRACTOR.

**TITLE COMMITMENT NOTES:**  
 THE EASEMENTS SHOWN OR NOTED AN ADDRESS ON THIS SURVEY ARE THOSE LISTED IN SCHEDULE B OF TITLE COMMITMENT ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, FILE NO. GF. NO. ATA-91-AUT20008317KAY, EFFECTIVE DATE SEPTEMBER 28, 2022, ISSUED ON OCTOBER 11, 2022.

## LEGEND

	SUBJECT EASEMENT
	EXISTING EASEMENT
	EXISTING PROPERTY LINE
	EDGE OF PAVEMENT
	OVERHEAD ELECTRIC
	1/2" IRON ROD FOUND [UNLESS NOTED]
	CALCULATED POINT
	60D NAIL SET
P.O.B.	POINT OF BEGINNING
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS



RH PIONEER NORTH LLC  
 CALLED 38.73 AC  
 DOC. NO. 2021093293  
 O.P.R.T.C.T.

EAST CREEK ATX, LLC  
 CALLED 47.733 ACRE  
 DOC. NO. 2022008621  
 O.P.R.T.C.T.

**57225 WE  
2106 ACRE  
(91,720 SQ. FT.)**  
 (435 SQ. FT. TOTAL EASEMENT OVERLAP)

CITY OF AUSTIN  
 ELECTRIC TRANSMISSION AND  
 DISTRIBUTION EASEMENT  
 CALLED 5.110 ACRES  
 DOC. NO. 2019176698  
 DOC. NO. 2019089787  
 O.P.R.T.C.T.

ITEM H.  
 CITY OF AUSTIN  
 20' WASTEWATER LINE EASEMENT  
 CALLED 0.9329 ACRES  
 OUT OF CALLED 47.72 ACRES  
 (PARENT 87.57 ACRES.)  
 VOL. 10768, PG. 2089  
 R.P.R.T.C.T.  
 (435 SQ. FT. EASEMENT OVERLAP)

BLOCK A  
 LOT 2

BALES AND  
 WARREN  
 SUBDIVISION

BLOCK B  
 LOT 1

BLOCK C  
 LOT 1

HARRIS BRANCH  
 MASTER ASSOCIATION, INC  
 CALLED 39.314 ACRES  
 DOC NO. 2006057009  
 O.P.R.T.C.T.

STATE OF TEXAS  
 COUNTY OF TRAVIS  
 I HEREBY CERTIFY THAT THIS SURVEY IS THE RESULT  
 OF AN ON THE GROUND SURVEY CONDUCTED UNDER  
 MY SUPERVISION AND THAT IT IS TRUE AND CORRECT  
 TO THE BEST OF MY KNOWLEDGE



*Christopher W. Terry*  
 10/27/2022  
 DATE  
 CHRISTOPHER W. TERRY  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NO. 6649  
 DOUCET & ASSOCIATES, INC.  
 CTERRY@DOUCETENGINEERS.COM

Date: 10/27/2022

Drawn by: JRT

Reviewer: CWT

Project: 1570-034

Field Book: 548

Party Chief: JSM

Survey Date: 03-07-2020

CITY OF AUSTIN, TEXAS  
 DEPARTMENT OF PUBLIC WORKS  
 ENGINEERING SERVICES DIVISION

2.106 ACRE (91,720 SQUARE FEET)  
 WASTEWATER EASEMENT

TRAVIS COUNTY, TEXAS



**DOUCET**

Civil Engineering // Entitlements // Geospatial  
 7401 B. Highway 71 W. Ste. 160  
 Austin, TX 78735, Tel: (512)-583-2600  
 www.doucetengineers.com  
 TBPE Firm Number: 3937  
 TBPELS Firm Number: 10105800



SCALE  
 1" = 250' Sheet: 3 OF 3



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**EXHIBIT "B "**

**East Creek ATX, LLC  
To  
City of Austin  
(Temporary Working Space Easement)  
TWSE**

**LEGAL DESCRIPTION FOR PARCEL 5272.25 TWSE**

**BEING A 1.052-ACRE EASEMENT OUT OF THE MARIQUITA CASTRO SURVEY, ABSTRACT NUMBER 160, SECTION 50, TRAVIS COUNTY, TEXAS, SAID EASEMENT BEING PART OF A CALLED 47.733-ACRE TRACT, CONVEYED TO EAST CREEK ATX, LLC, RECORDED IN DOCUMENT NUMBER 2022008621, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.]; SAID 1.052-ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 1/2-inch iron rod with cap stamped "LANDSIGN" found in the existing northeast right-of-way line of Hulsey Street, a 60 feet width right-of-way, recorded in Volume 61, Page 64 of the Plat Records of Travis County, Texas [P.R.T.C.T.], and for the southwest corner of said 47.733-acre tract, and an angle corner of a called 38.73-acre tract, conveyed to RH Pioneer North LLC, recorded in Document Number 2021093293 [O.P.R.T.C.T.];

**THENCE**, N30°51'07"E, with the common line of said 47.733-acre tract and said 38.73-acre tract, for a distance of 579.52 feet to a 60D Nail set for the **POINT OF BEGINNING**, and for the northwest corner of the easement described herein;

**THENCE**, N30°51'07"E, with the common line of said 47.733-acre tract and said 38.73-acre tract, for a distance of 36.39 feet a calculated point for the north corner of the easement described herein;

**THENCE**, over and across said 47.733-acre tract, the following three (3) courses:

- 1) S12°32'52"E, for a distance of 109.16 feet to a calculated point for the northeast corner of the easement described herein,
- 2) S30°51'07"W, for a distance of 467.23 feet to a calculated point for an angle corner of the easement described herein, and
- 3) S51°23'20"E, for a distance of 1,256.63 feet to a calculated point in the common line of said 47.733-acre tract and a called 39.314-acre tract, conveyed to Harris Branch Master Association, Inc., recorded in Document Number 2006057009 [O.P.R.T.C.T.], and for the southeast corner of the easement described herein;

**THENCE**, S32°35'01"W, with the common line of said 47.733-acre tract and said 39.314-acre tract, for a distance of 25.14 feet to a 60D Nail set for the south corner of the easement described herein;

COMMITMENT YOU EXPECT.  
EXPERIENCE YOU NEED.  
PEOPLE YOU TRUST.



**DOUCET**

**EXHIBIT "B"**

**THENCE**, over and across said 47.733-acre tract, the following three (3) courses:

- 1) N51°23'20"W, for a distance of 1,281.09 feet to a 60D Nail set for a southwest corner of the easement described herein,
- 2) N30°51'07"E, for a distance of 479.11 feet to a 60D Nail set for an angle corner of the easement described herein, and
- 3) N12°32'52"W, for a distance of 72.77 feet to the **POINT OF BEGINNING** of the easement described herein and containing 1.052-acres more or less.

**BEARING BASIS**

THE BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD 83 (2011), Epoch 2010.

**THE STATE OF TEXAS   §  
                                     §  
COUNTY OF TRAVIS   §**

**KNOW ALL MEN BY THESE PRESENTS:**

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*Christopher W. Terry*

10/27/2022

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Registered Professional Land Surveyor  
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Doucet & Associates  
CTerry@DoucetEngineers.com  
TBPELS Firm Registration No. 10105800

Date



FIELD NOTES REVIEWED  
BY *[Signature]* DATE: 11/03/22  
CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT

**REFERENCES**

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Vesting deed Doc. No. 2022008621



# VICINITY MAP NOT TO SCALE



## MARIQUITA CASTRO SURVEY ABSTRACT NO. 160, SECTION 50

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L2	S12°32'52"E	109.16'
L3	S32°35'01"W	25.14'
L4	N12°32'52"W	72.77'

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## LEGEND

	SUBJECT EASEMENT
	EXISTING EASEMENT
	EXISTING PROPERTY LINE
	EDGE OF PAVEMENT
	OVERHEAD ELECTRIC
	1/2" IRON ROD FOUND [UNLESS NOTED]
	CALCULATED POINT
	60D NAIL SET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS



RH PIONEER NORTH LLC  
CALLED 38.73 AC  
DOC. NO. 2021093293  
O.P.R.T.C.T.

CITY OF AUSTIN  
ELECTRIC TRANSMISSION AND  
DISTRIBUTION EASEMENT  
CALLED 5.110 ACRES  
DOC. NO. 2019176698  
DOC. NO. 2019089787  
O.P.R.T.C.T.

EAST CREEK ATX, LLC  
CALLED 47.733 ACRES  
DOC. NO. 2022008621  
O.P.R.T.C.T.

30725 TWSE  
1.052 ACRE  
(45,813 SQ. FT.)  
(788 SQ. FT. TOTAL  
EASEMENT OVERLAP)

ITEM h.  
CITY OF AUSTIN  
20' WASTEWATER LINE EASEMENT  
CALLED 0.9329 ACRES  
OUT OF CALLED 47.72 ACRES  
(PARENT 87.57 ACRES)  
VOL. 10785, PG. 2089  
R.P.R.T.C.T.  
(788 SQ. FT. EASEMENT  
OVERLAP)

STATE OF TEXAS  
COUNTY OF TRAVIS  
I HEREBY CERTIFY THAT THIS SURVEY IS THE RESULT  
OF AN ON THE GROUND SURVEY CONDUCTED UNDER  
MY SUPERVISION AND THAT IT IS TRUE AND CORRECT  
TO THE BEST OF MY KNOWLEDGE

*Christopher W. Terry*

10/27/2022

CHRISTOPHER W. TERRY  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6649  
DOUCET & ASSOCIATES, INC.  
CTERRY@DOUCETENGINEERS.COM



Date: 10/27/2022

Drawn by: JRT

Reviewer: CWT

Project: 1570-034

Field Book: 548

Party Chief: JSM

Survey Date: 03-07-2020

CITY OF AUSTIN, TEXAS  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING SERVICES DIVISION

1.052 ACRE (45,813 SQUARE FEET)  
TEMPORARY WORKING SPACE EASEMENT

TRAVIS COUNTY, TEXAS



**DOUCET**

Civil Engineering // Entitlements // Geospatial  
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