

RESOLUTION NO. 20231019-046

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: Megan C. Symons, Frank Symons, and Suellen Symons.

Project: Williamson Creek Interceptor Project.

Public Use: Replace a wastewater tunnel with increased capacity for future growth in the Williamson Creek basin.

Location: 1912 Conestoga Trail, Austin, Texas 78744.

The general route of the project is along Williamson Creek,
from South First Street to South Pleasant Valley Road.

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

ADOPTED: October 19, 2023

ATTEST:



Myrna Rios
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS
FIRM REG. NO. 101141-00

EXHIBIT "A"

MEGAN, FRANK & SUELLEN SYMONS
TO
THE CITY OF AUSTIN
(LOWER WILLIAMSON CREEK
WASTEWATER INTERCEPTOR)

**LEGAL DESCRIPTION FOR PARCEL 5217.94 WE
WASTEWATER EASEMENT**

DESCRIPTION OF A 0.019 ACRE (845 SQUARE FEET) TRACT OF LAND OUT OF A LOT 5, BLOCK G, WAGON CROSSING SECTION 3-A AMENDED RECORDED IN BOOK 76, PAGE 267 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, HAVING BEEN CONVEYED TO MEGAN, FRANK & SUELLEN SYMONS BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2018142057 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.019 ACRE (845 SQUARE FEET) TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

POINT OF BEGINNING at calculated point on the curved northeast right of way line of Conestoga Trail, the south corner of Lot 6 and the west corner of said Lot 5, Block G, said Wagon Crossing Section 3-A. Said point also being **N 33°47'58" E, 1.08 feet** from an x found on concrete to the west corner of the herein described easement;

THENCE, N 33°47'58" E, 113.12 feet, with the northwest line of said Lot 5, the southeast line of said Lot 6 and the northwest line of the herein described easement to a ½" iron rod found at the east corner of said Lot 6, the north corner of said Lot 5, the southwest line of a 28.69 acre tract of land conveyed to Doris M. S. Lumsden and Lesley K. Iritani by instrument of record in Document Number 2013002859 of the Official Public Records of Travis County, Texas, and the north corner of the herein described easement;

THENCE, S 46°28'03" E, 7.61 feet, with the southwest line of said 28.69 acre tract and the northeast line of said Lot 5, to a calculated corner at the east corner of herein described easement;

THENCE, S 33°47'58 W, 112.21 feet, with the southeast line of said herein described easement to a calculated point on the curved right of way line of said Conestoga Trail for the south corner of the herein described easement;

EXHIBIT "A"

THENCE with said curved right of way line of Conestoga Trail and the southwest line of said Lot 5 with said curve to the left having a radius of 95.00 feet, a central angel of **04°31'48"**, an arc length of **7.51 feet**, and a **chord which bears N 53°21'46 W, 7.51 feet to the POINT OF BEGINNING and containing 0.019 acre (845 square feet) of land.**

BEARING BASIS NOTE

All bearings described herein are based upon the Texas State Plane Grid Coordinates System, NAD 83 (1986) Central Zone.

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

KNOW ALL MEN BY THESE PRESENTS:

That I, Carmelo L. Macias, a Registered Professional Land Surveyor, do hereby state 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 22nd day of August, 2022.
REV. 3 11-7-22



Macias & Associates, L.P.
512-442-7875

Carmelo L. Macias
Carmelo L. Macias
Registered Professional Land Surveyor
No. 4333 – State of Texas

REFERENCES

Austin Grid No. H 16
TCAD PARCEL ID NO. 329647
MACIAS & ASSOCIATES, L.P., PROJECT NO. 431-44-16

FIELD NOTES REVIEWED
BY *[Signature]* DATE: 11/09/22
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

z:/jobs/cas/Williamson creek/parcel data/94/Parcel 5217.94 WE legal desc REV 3.doc

EXHIBIT "A" SKETCH TO ACCOMPANY LEGAL DESCRIPTION

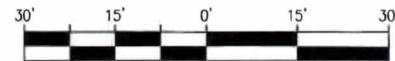
DORIS M. S. LUMSDEN
f/b/o LESLEY K. IRITANI
(28.690 ACRES)
DOC. NO. 2013002859
O.P.R.T.C.T.
T.C.A.D. NO. 04-2308-01-16

15' ELECTRIC EASEMENT
VOL. 12496, PG. 546

7' ELECTRIC EASEMENT
VOL. 2128, PG. 184

15 B.L.
VOL. 6091, PG. 687
VOL. 6451, PG. 2346

5' ELECTRIC EASEMENT
BOOK 76, PG. 155
BOOK 76, PG. 267
VOL. 2128, PG. 90

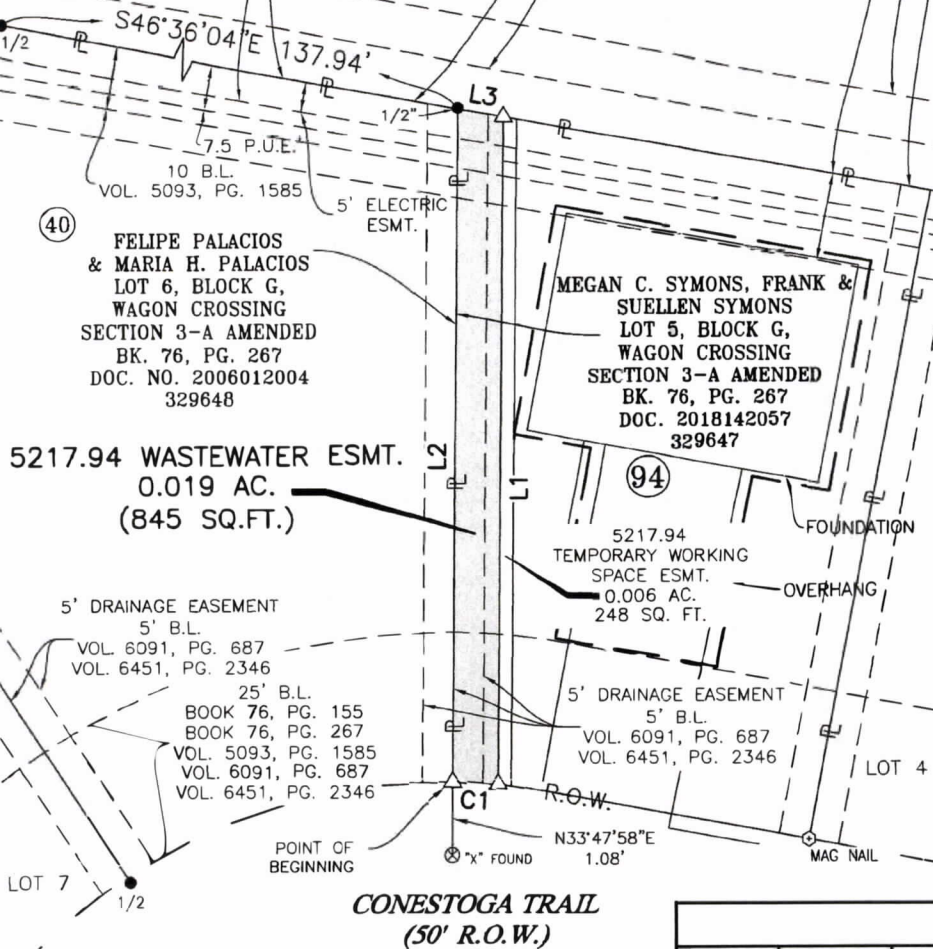


GRAPHIC SCALE

1"=30'

LEGEND

- 1/2" IRON ROD FOUND UNLESS NOTED
- △ CALCULATED POINT
- ▲ SET 60D NAIL
- ⊗ X FOUND IN CONCRETE
- ⊙ MAG NAIL FOUND IN CONCRETE
- R.O.W. RIGHT-OF-WAY
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS, TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- () RECORD INFORMATION
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- DE DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- WWLEFST WASTEWATER LINE EASEMENT FOR SUBTERRANEAN TUNNEL
- DOC. NO. DOCUMENT NUMBER
- VOL. VOLUME PAGE



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	DIRECTION	CHORD
C1	7.51'	95.00'	4°31'48"	N53°21'46"W	7.51'

TITLE COMMITMENT NOTES:

THE EASEMENTS SHOWN OR NOTED AND ADDRESSED ON THIS SURVEY ARE THOSE LISTED IN TITLE RESOURCES GUARANTY COMPANY OF No. 202002880 EFFECTIVE DATE: JULY 28, 2022

BEARING BASIS:

ALL BEARINGS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

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.

Carmelo L. Macias
CARMELO LETTERE MACIAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4333

08-22-22

DATE

PAGE 3 OF 4



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S33°47'58"W	112.21'
L2	N33°47'58"E	113.12'
L3	S46°28'03"E	7.61'

DATE: 08-22-2022
DRAWN BY: JRB
MAI JOB NO.: 431-44-16

REV. 3 11-7-22

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS - FIRM NO. 101141-00
★ ★ ★ ★ ★ ★ ★ ★
10017 WILD DUNES DRIVE
AUSTIN, TEXAS 78747 O (512) 442-7875
C (512) 689-4746 WWW.MACIASWORLD.COM



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS
FIRM REG. NO. 101141-00

EXHIBIT "B"

MEGAN, FRANK & SUELLEN SYMONS
TO
THE CITY OF AUSTIN
(LOWER WILLIAMSON CREEK
WASTEWATER INTERCEPTOR)

LEGAL DESCRIPTION FOR PARCEL 5217.94 TWSE
TEMPORARY WORKING SPACE EASEMENT

DESCRIPTION OF A 0.006 ACRE (248 SQUARE FEET) TRACT OF LAND OUT OF A LOT 5, BLOCK G, WAGON CROSSING SECTION 3-A AMENDED RECORDED IN BOOK 76, PAGE 267 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, HAVING BEEN CONVEYED TO MEGAN, FRANK & SUELLEN SYMONS BY INSTRUMENT OF RECORD IN DOCUMENT NUMBER 2018142057 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.006 ACRE (248 SQUARE FEET) TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

POINT OF BEGINNING, at calculated point on the curved northeast right of way line of Conestoga Trail. Said point being along a curve to the right having a radius of **95.00 feet**, a central angle of **04°31'48"**, and arc length of **7.51 feet** and a chord bearing **N 53°21'46" W, 7.51 feet**, from the west corner of Lot 5, Block G and the south corner of Lot 6, Block G, said Wagon Crossing, Section 3-A Amended. Said west corner of Lot 5, Block G and Lot 6, Block G, also being **N 33°47'58" W, 1.08 feet** from an "x" found in concrete;

THENCE, N 33°47'58" E, 112.38 feet, with the northwest line of the herein described easement to a calculated point on the southwest line of a 28.69 acre tract having been conveyed to Doris M. S. Lumsden and Lesley K. Iritani by instrument of record in Document Number 2013002859 of the Official Public Records of Travis County, Texas and the northeast line of said Lot 5 to the north corner of the herein described easement;

THENCE, S 46°26'02" E, 2.24 feet, with the southwest line of said 28.69 acre tract and the northeast line of said Lot 5, to a calculated corner at the east corner of herein described easement;

THENCE, S 33°47'58" W, 112.22 feet, with the southeast line of said herein described easement to a calculated point on the curved right of way line of said Conestoga Trail for the south corner of the herein described easement;

EXHIBIT "B"

THENCE, with said curved right of way line of Conestoga Trail and the southwest line of said Lot 5 with said curve to the left having a radius of **95.00 feet**, a central angel of **01°20'23"**, an arc length of **2.22 feet**, and a chord which bears **N 50°25'41 W, 2.22 feet** to the **POINT OF BEGINNING** and containing 0.006 acre (248 square feet) of land.

BEARING BASIS NOTE

All bearings described herein are based upon the Texas State Plane Grid Coordinates System, NAD 83 (1986) Central Zone.

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Carmelo L. Macias, a Registered Professional Land Surveyor, do hereby state 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 22nd day of August, 2022.



Macias & Associates, L.P.
512-442-7875

Carmelo L. Macias

Carmelo L. Macias
Registered Professional Land Surveyor
No. 4333 – State of Texas

REFERENCES

Austin Grid No. H 16
TCAD PARCEL ID NO. 329647
MACIAS & ASSOCIATES, L.P., PROJECT NO. 431-44-16

FIELD NOTES REVIEWED
BY: *[Signature]* DATE: 11/01/22
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(46) 170/0 LESLEY K. IRITANI
(28.690 ACRES)
DOC. NO. 2013002859
O.P.R.T.C.T.
T.C.A.D. NO. 04-2308-01-18

5' ELECTRIC EASEMENT
BOOK 76, PG. 155
BOOK 76, PG. 267
VOL. 2128, PG. 90

15' ELECTRIC EASEMENT
VOL. 12496, PG. 546

7' ELECTRIC EASEMENT
VOL. 2128, PG. 184

15 B.L.
VOL. 6091, PG. 687-
VOL. 6451, PG. 2346

GRAPHIC SCALE

$$1'' = 30'$$

LEGEND

- | | |
|--------------|--|
| ● | 1/2" IRON ROD FOUND
UNLESS NOTED |
| △ | CALCULATED POINT |
| ▲ | SET 60D NAIL |
| ⊗ | X FOUND IN CONCRETE |
| ⊙ | MAG NAIL FOUND IN CONCRETE |
| R.O.W. | RIGHT-OF-WAY |
| O.P.R.T.C.T. | OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY, TEXAS |
| D.R.T.C.T. | DEED RECORDS, TRAVIS
COUNTY, TEXAS |
| R.P.R.T.C.T. | REAL PROPERTY RECORDS
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| P.R.T.C.T. | PLAT RECORDS, TRAVIS
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| WWLEFST | WASTEWATER LINE
EASEMENT FOR
SUBTERRANEAN TUNNEL |
| DOC. NO. | DOCUMENT NUMBER |
| VOL.
PG. | VOLUME PAGE |

FELIPE PALACIOS
& MARIA H. PALACIOS
LOT 6, BLOCK G,
WAGON CROSSING
SECTION 3-A AMENDED
BK. 76, PG. 267
DOC. NO. 2006012004
329648

5217.94 WASTEWATER ESMT.
0.019 AC.
(845 SQ.FT.)

5' DRAINAGE EASEMENT
5' B.L.
VOL. 6091, PG. 687
VOL. 6451, PG. 2346

25' B.L.
BOOK 76, PG. 155
BOOK 76, PG. 267
VOL. 5093, PG. 1585
VOL. 6091, PG. 687
VOL. 6451, PG. 2346

POINT OF
BEGINNING

CONESTOGA TRAIL
(50' R.O.W.)

TITLE COMMITMENT NOTES:

THE EASEMENTS SHOWN OR NOTED AND ADDRESSED
ON THIS SURVEY ARE THOSE LISTED IN TITLE
RESOURCES GUARANTY COMPANY GF No. 202002880
EFFECTIVE DATE: JULY 28, 2022

BEARING BASIS:

ALL BEARINGS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEMS (CENTRAL ZONE 4203), NAD83 (93).

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.



CURVE TABLE

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C1	2.22'	95.00'	1°20'23"	N50°25'41"W	2.22'
C2	7.51'	95.00'	4°31'48"	N53°21'46"W	7.51'

LINE TABLE

LINE	DIRECTION	DISTANCE
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L2	S46°26'02"E	2.24'
L3	S33°47'58"W	112.22'

DATE: 07-22-2022
DRAWN BY: JRB
MAI JOB NO.: 431-44-16

MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS - FIRM NO. 101141-00

★ ★ ★ ★ ★
10017 WILD DUNES DRIVE

AUSTIN, TEXAS 78747 O (512)442-7875

C (512) 689-4746 WWW.MACIASWORLD.COM

08-22-22

DATE _____

PAGE 3 OF 4

CARMELO LETTERE MACIAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4333