

RESOLUTION NO. 20231019-048

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: HOA Investment LLC, a Texas limited liability company.

Project: Upper Harris Branch Wastewater Interceptor - Phase 2 Project.

Public Use: Installation of wastewater infrastructure.

Location: 13422 Dessau Road, Austin, Texas 78753.

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

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

ADOPTED: October 19, 2023

ATTEST: _____

Myrna Rios for

Myrna Rios
City Clerk



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

Doucetengineers.com

EXHIBIT "A "

**HOA Investment LLC
To
City of Austin
(Wastewater Easement)
WE**

LEGAL DESCRIPTION FOR PARCEL 5273.06 WE

BEING A 0.732-ACRE EASEMENT OUT OF THE SAMUEL CUSHING SURVEY, ABSTRACT NUMBER 164, SECTION 70, TRAVIS COUNTY, TEXAS, SAID EASEMENT BEING A PORTION OF A CALLED 2.324-ACRE TRACT, CONVEYED TO HOA INVESTMENT LLC, RECORDED IN DOCUMENT NUMBER 2014118134, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], FURTHER DESCRIBED IN DOCUMENT NUMBER 2010100333 [O.P.R.T.C.T.]; SAID 0.732-ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron pipe (bent) found in the existing southeast right-of-way line of Dessau Road, a variable width right-of-way, for the northwest corner of said 2.324-acre tract, and for the northwest corner of the easement described herein;

THENCE, S27°49'02"W, with the common line of the existing southeast right-of-way line of said Dessau Road and said 2.324-acre tract, for a distance of 14.94 feet to a calculated point for the **POINT OF BEGINNING** and the northwest corner of the easement described herein;

THENCE, over and across said 2.324-acre tract, the following four (4) courses:

- 1) S62°48'32"E, for a distance of 246.07 feet to a 60D Nail set, of the easement described herein,
- 2) S28°10'57"W, for a distance of 208.62 feet to a 60D Nail set, of the easement described herein,
- 3) S60°18'10"E, for a distance of 164.18 feet to a 60D Nail set for an angle point of the easement described herein, and
- 4) S62°47'03"E, for a distance of 109.05 feet to a 60D Nail set in the common line of said 2.324-acre tract and a tract, conveyed to State of Texas, recorded in Volume 11339, Page 2005 of The Real Property Records of Travis County, Texas [R.P.R.T.C.T.] and for the northeast corner of the easement described herein;

THENCE, S08°49'34"W, with the common line of said 2.324-acre tract and said State of Texas tract, for a distance of 52.69 feet to a calculated point in the existing northeast right-of-way line of said E. Howard Ln. and for the common corner of said 2.324-acre tract and said State of Texas tract, and for the southwest corner of the easement described herein;

THENCE, with the common line of the existing northeast right-of-way line of said E. Howard Ln. and said 2.324-acre tract, the following two (2) courses:

- 1) N62°47'03"W, for a distance of 126.76 feet to a calculated point for an angle corner of the easement described herein, and

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EXHIBIT "A"

- 2) N60°18'10"W, for a distance of 213.96 feet to a calculated point for an angle corner of the easement described herein, from which a 1/2-inch iron rod found for the southeast corner of a Portion of Lot 1, Dessau Hall Subdivision, recorded in Volume 96, Page 103 of the Plat Records of Travis County, Texas [P.R.T.C.T.], being that same tract called 0.788-acre, conveyed to HOA Investments LLC, recorded in Document Number 2010100333 [O.P.R.T.C.T.].

THENCE, N28°10'57"E, with the common line of said 0.788-acre tract, and said 2.324-acre tract, for a distance of 168.69 feet to a calculated point, of the easement described herein,

THENCE, leaving the common line of said 0.788-acre tract and said 2.324-acre tract continue over and across said 2.324-acre tract, the following four (2) courses:

- 1) N28°15'46"E, for a distance of 62.76 feet to a 60D Nail set, of the easement described herein, and
- 2) N62°48'32"W, for a distance of 195.99 feet to a calculated point, of the easement described herein,

THENCE, N27°49'02"E, with the common line of the existing southeast right-of-way line of said Dessau Road and said 2.324-acre tract, for a distance of 25.00 feet to the **POINT OF BEGINNING** of the easement described herein and containing 0.732-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 §
 § **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.

01/19/2023

Date

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

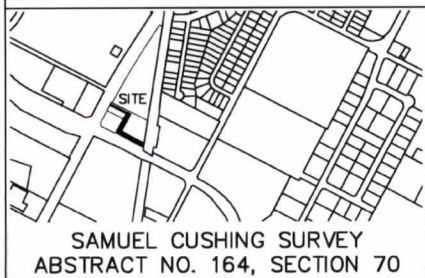


REFERENCES

TCAD PID No. 426718
TCAD GID No. 0258360601
Vesting deed Doc. No. 2014118134

FIELD NOTES REVIEWED
BY DATE: 02/09/23
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

VICINITY MAP NOT TO SCALE











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.

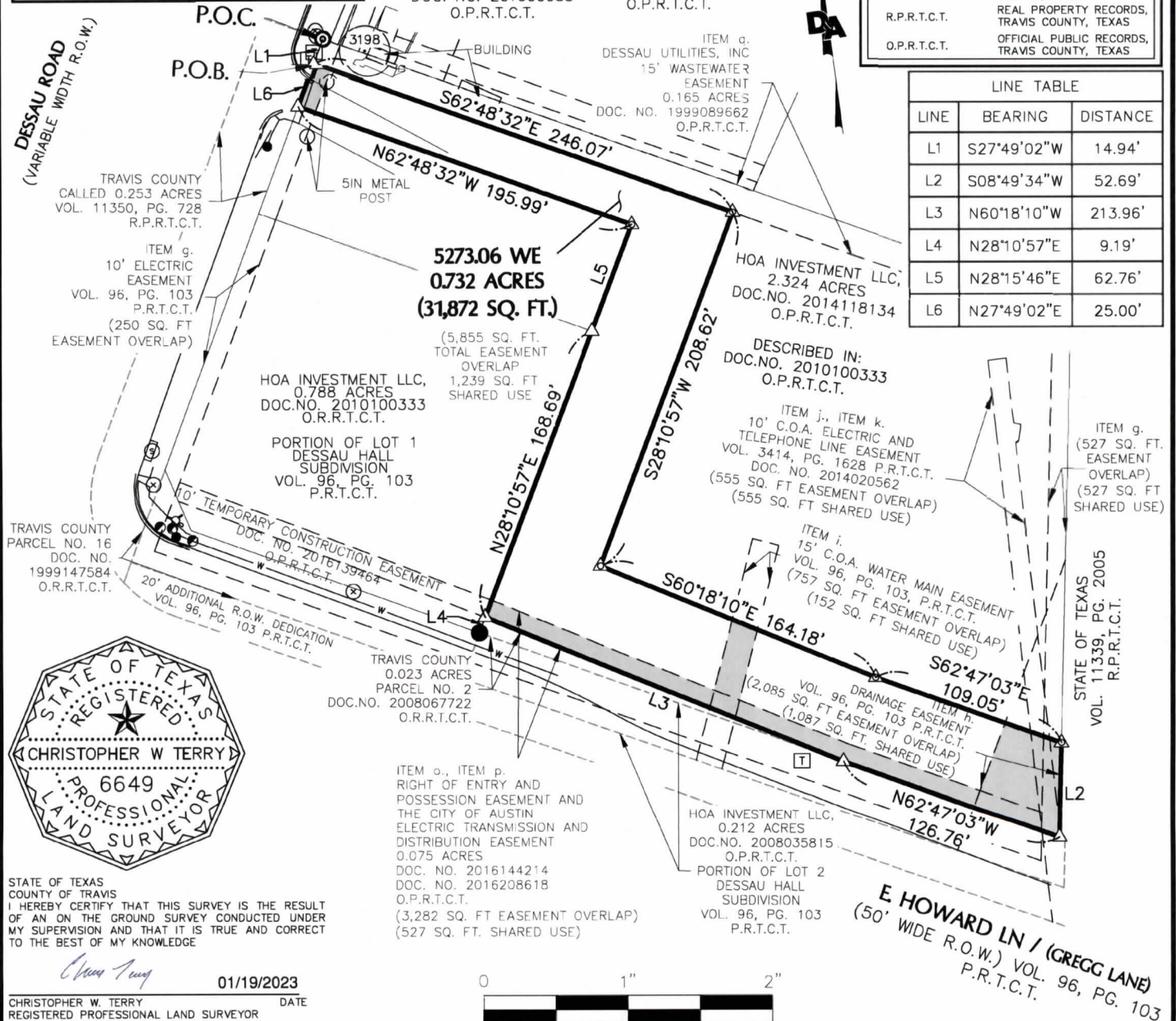
TITLE COMMITMENT NOTES:

THE EASEMENTS SHOWN OR NOTED AN ADDRESSED ON THIS SURVEY ARE THOSE LISTED IN SCHEDULE B OF TITLE COMMITMENT ISSUED BY CHICAGO TITLE INSURANCE COMPANY, OF NO. CTA-21-CTA 200268350, EFFECTIVE DATE OCTOBER 6, 2021, AND ISSUED ON OCTOBER 15, 2021.

LEGEND

	SUBJECT EASEMENT
	EXISTING EASEMENT
	EXISTING PROPERTY LINE
	EDGE OF PAVEMENT
	IRON PIPE FOUND [AS NOTED]
	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
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S27°49'02"W	14.94'
L2	S08°49'34"W	52.69'
L3	N60°18'10"W	213.96'
L4	N28°10'57"E	9.19'
L5	N28°15'46"E	62.76'
L6	N27°49'02"E	25.00'

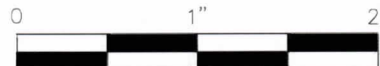


STATE OF TEXAS
COUNTY OF TRAVIS
I HEREBY CERTIFY THAT THIS SURVEY IS THE RESULT
OF AN ON THE GROUND SURVEY CONDUCTED UNDER
MY SUPERVISION AND THAT IT IS TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE

Christopher W. Terry

01/19/2023

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



GRAPHIC SCALE: 1" = 80'

Date:	01/19/2023
Drawn by:	JRT
Reviewed:	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

0.732 ACRE (31,872 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" = 80' Sheet: 3 OF 3



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

Doucetengineers.com

EXHIBIT “ B ”

**HOA Investment LLC
To
City of Austin
(Temporary Working Space Easement)
TWSE**

LEGAL DESCRIPTION FOR PARCEL 5273.06 TWSE

BEING A 0.319-ACRE EASEMENT COMPRISED OF TWO (2) PARTS: 0.059-ACRE (PART 1) AND 0.260-ACRE (PART 2), OUT OF THE SAMUEL CUSHING SURVEY, ABSTRACT NUMBER 164, SECTION 70, TRAVIS COUNTY, TEXAS, SAID EASEMENT BEING A PORTION OF A CALLED 2.324-ACRE TRACT, CONVEYED TO HOA INVESTMENT LLC, RECORDED IN DOCUMENT NUMBER 2014118134, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], FURTHER DESCRIBED IN DOCUMENT NUMBER 2010100333 [O.P.R.T.C.T.]; SAID 0.319-ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PART 1: (0.059 AC)

COMMENCING at a 1/2-inch iron pipe (bent) found in the existing southeast right-of-way line of Dessau Road, a variable width right-of-way, for the northwest corner of said 2.324-acre tract, and for the northwest corner of the easement described herein;

THENCE, S27°49'02"W, with the common line of the existing southeast right-of-way line of said Dessau Road and said 2.324-acre tract, for a distance of 39.94 feet to a calculated point for the **POINT OF BEGINNING** and the northwest corner of the easement described herein;

THENCE, over and across said 2.324-acre tract, the following three (3) courses:

- 1) S62°48'32"E, for a distance of 195.99 feet to a 60D Nail set for the northeast corner of the easement described herein,
- 2) S28°15'46"W, for a distance of 13.00 feet to a calculated point, of the easement described herein,
- 3) N62°48'32"W, for a distance of 195.89 feet with the common line of said existing southeast right-of-way line of said Dessau Road and said 2.324-acre tract and for the southwest corner of the easement described herein;

THENCE, N27°49'02"E, continuing along said common line of said existing southeast right-of-way line of said Dessau Road and said 2.324-acre tract, for a distance of 13.00 feet to the **POINT OF BEGINNING** of the easement described herein and containing 0.059-acres more or less.

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EXHIBIT "B"

DOUCET

PART 2: (0.260 AC)

COMMENCING at a 1/2-inch iron rod found in the existing northeast right-of-way line of E. Howard Ln., (a.k.a Gregg Lane), a 50-foot wide right-of-way, recorded in Volume 96, Page 103 [P.R.T.C.T.], and for the southwest corner of said Lot 1;

THENCE, N69°00'07"E, over and across said 2.324-acre tract for a distance of 76.49 feet to a 60D Nail set for the **POINT OF BEGINNING**, and the southwest corner of the easement described herein;

THENCE, over and across said 2.324-acre tract, the following five (5) courses:

- 1) N28°10'57"E, for a distance of 208.62 feet to a 60D Nail set for an angle corner of the easement described herein,
- 2) S62°56'05"E, for a distance of 25.00 feet to a calculate point of the easement described herein,
- 3) S28°10'57"W, for a distance of 184.76 feet to a calculate point of the easement described herein,
- 4) S60°18'10"E, for a distance of 139.29 feet to a calculate point of the easement described herein, and
- 5) S62°47'03"E, for a distance of 100.20 feet to a calculated point in the common line of said 2.324-acre tract and a tract conveyed to State of Texas, recorded in Volume 11339, Page 2005 of the Real Property Records of Travis County, Texas [R.P.R.T.C.T.] and for the northeast corner of the easement described herein;

THENCE, S08°49'34"W, with the common line of said 2.324-acre tract and said State of Texas tract, for a distance of 26.35 feet to a 60D Nail set for the southwest corner of the easement described herein;

THENCE, over and across said 2.324-acre tract, the following two (2) courses:

- 6) N62°47'03"W, for a distance of 109.05 feet to a 60D Nail set for an angle corner of the easement described herein, and
- 7) N60°18'10"W, for a distance of 164.18 feet to the **POINT OF BEGINNING** of the easement described herein and containing 0.260-acres more or less.



EXHIBIT "B"

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 that reads "Chris Terry".

01/19/2023

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

Date

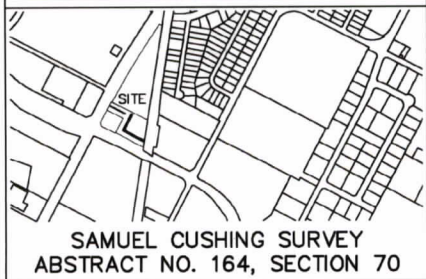


FIELD NOTES REVIEWED
BY DATE: 02/09/23
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

REFERENCES

TCAD PID No. 426718
TCAD GID No. 0258360601
Vesting deed Doc. No. 2014118134

VICINITY MAP NOT TO SCALE











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TITLE COMMITMENT NOTES:
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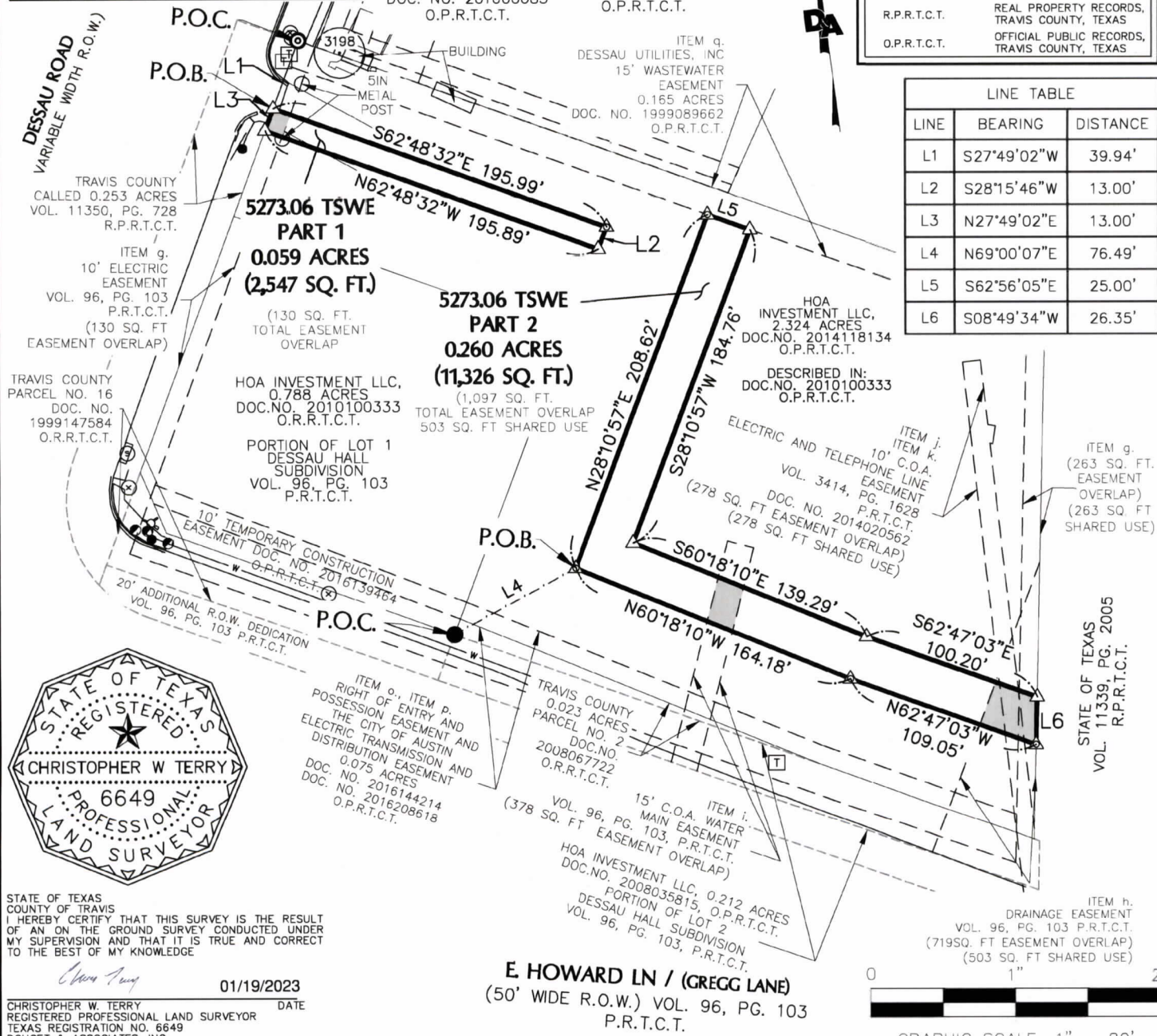
LEGEND

	SUBJECT EASEMENT
	EXISTING EASEMENT
	EXISTING PROPERTY LINE
	EDGE OF PAVEMENT
	IRON PIPE FOUND [AS NOTED]
	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
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

LOT 2
DESSAU PHASE II
DOC. NO. 201600085
O.P.R.T.C.T.

HOA INVESTMENT LLC
DOC. NO. 2017005857
O.P.R.T.C.T.

LINE	BEARING	DISTANCE
L1	S27°49'02\"W	39.94'
L2	S28°15'46\"W	13.00'
L3	N27°49'02\"E	13.00'
L4	N69°00'07\"E	76.49'
L5	S62°56'05\"E	25.00'
L6	S08°49'34\"W	26.35'



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.

01/19/2023
DATE

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

E HOWARD LN / (GREGG LANE)
(50' WIDE R.O.W.) VOL. 96, PG. 103
P.R.T.C.T.



Date: 01/19/2023	CITY OF AUSTIN, TEXAS DEPARTMENT OF PUBLIC WORKS ENGINEERING SERVICES DIVISION	 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" = 80' Sheet: 4 OF 4
Drawn by: JRT	0.059 ACRE (2,547 SQUARE FEET) PART 1		
Reviewer: CWT	0.260 ACRE (11,326 SQUARE FEET) PART 2		
Project: 1570-034	TEMPORARY WORKING SPACE EASEMENT		
Field Book: 548	TRAVIS COUNTY, TEXAS		
Party Chief: JSM			
Survey Date: 03-07-2020			