

**RESOLUTION NO. 20231019-049**

**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.

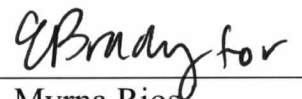
Location: 13525 Dessau Road, Austin, Texas 78660.

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  
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 "

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

**LEGAL DESCRIPTION FOR PARCEL 5273.56 WE**

**BEING A 0.1477-ACRE EASEMENT OUT OF THE SAMUEL CUSHING SURVEY, ABSTRACT NUMBER 164, SECTION 70, TRAVIS COUNTY, TEXAS, SAID EASEMENT BEING PART OF LOT 2, DESSAU PHASE II, RECORDED IN DOCUMENT NUMBER 201600085, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], BEING THAT SAME TRACT CONVEYED TO HOA INVESTMENT LLC, RECORDED IN DOCUMENT NUMBER 2017005857 [O.P.R.T.C.T.]; SAID 0.1477-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 and for the north corner of a called 2.324-acre tract, conveyed to HOA Investment LLC, recorded in Document Number 2014118134 [O.P.R.T.C.T.], being further described in Document Number 2010100333, [O.P.R.T.C.T.];

**THENCE**, S63°07'05"E, with the existing southeast right-of-way line of said Dessau Road and the north line of said 2.324-acre tract, for a distance of 11.00 feet to concrete right-of-way monument found for the **POINT OF BEGINNING**, for the west corner of said Lot 2 and for the southwest corner of the easement described herein;

**THENCE**, With said curve to the right, having an arc length of 129.47 feet, a radius of 8,132.08 feet, a delta angle of 00°54'44", and a chord which bears N28°30'58"E, for a distance of 129.47 feet, to a 60D Nail set for the northwest corner of the easement described herein;

**THENCE**, over and across said Lot 2, the following two (2) courses:

- 1) S61°02'06"E, for a distance of 50.00 feet to a 60D Nail set for the beginning of a curve to the left and for the northeast corner of the easement described herein, and
- 2) With said curve to the left, having an arc length of 127.93 feet, a radius of 8,086.35 feet, a delta angle of 00°54'23", and a chord which bears S28°30'58"W, for a distance of 127.92 feet, to a 60D Nail set in the south line of said Lot 2, same point being in the north line of said 2.324-acre tract and for the southeast corner of the easement described herein;

**THENCE**, N62°48'32"W, with the common line of said Lot 2 and said 2.324-acre tract, for a distance of 50.01 feet to the **POINT OF BEGINNING**, of the easement described herein and containing 0.1477-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.

12/19/2022

Date

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



FIELD NOTES REVIEWED

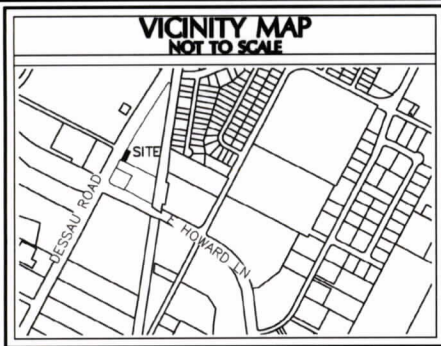
BY DATE: 01/18/23

CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT

**REFERENCES**

TCAD PID No. \_\_\_\_\_  
TCAD GID No. \_\_\_\_\_  
Vesting deed Doc. No. 2017005857





SAMUEL CUSHING SURVEY  
ABSTRACT NO. 164, SECTION 70

## EXHIBIT "A"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S63°07'05"E	11.00'
L2	S61°02'06"E	50.00'
L3	N62°48'32"W	50.01'

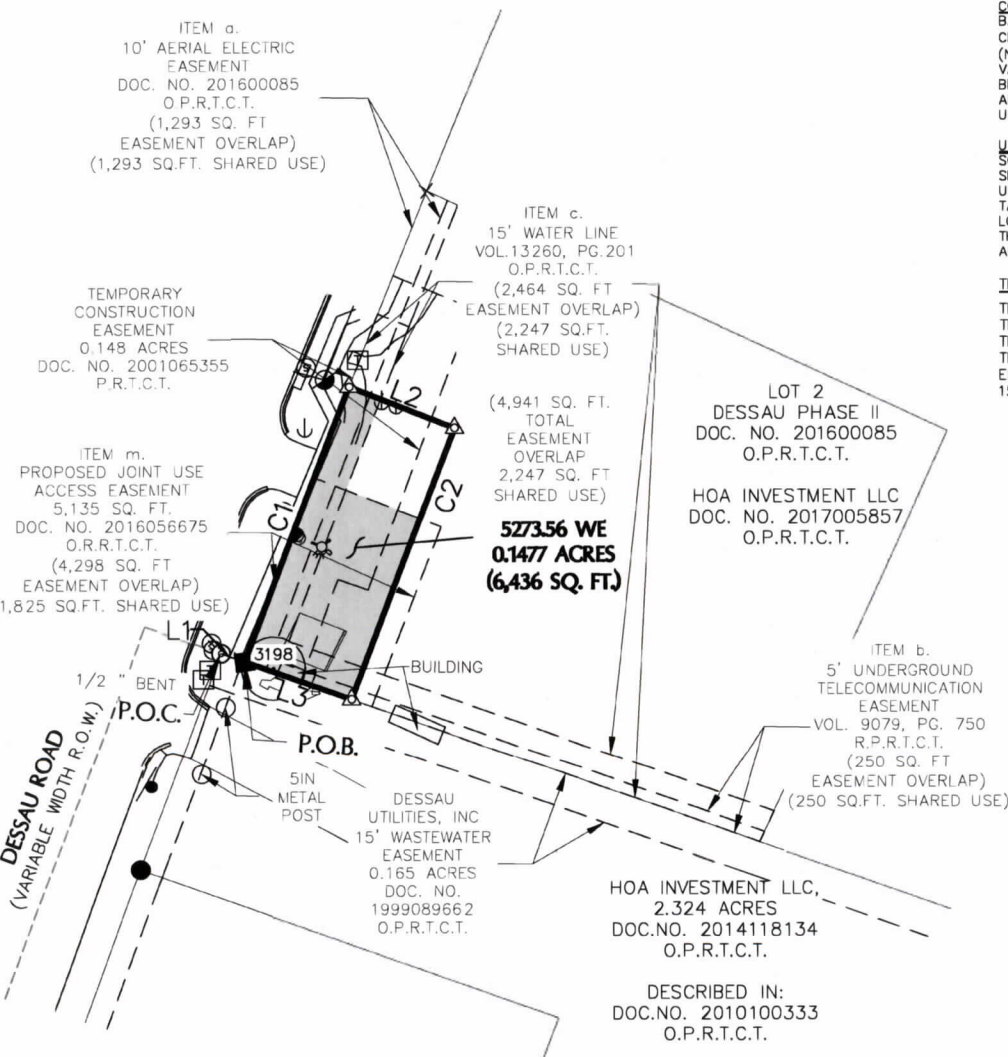


GRAPHIC SCALE: 1" = 80'

## LEGEND

	SUBJECT EASEMENT
	EXISTING EASEMENT
	EXISTING PROPERTY LINE
	EDGE OF PAVEMENT
	RIGHT OF WAY TYPE II
	MONUMENT FOUND
	1/2" IRON ROD FOUND [UNLESS NOTED]
	CALCULATED POINT
	60D NAIL SET
	IRON PIPE FOUND [AS NOTED]
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

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	129.47'	8,132.08'	00°54'44"	N28°30'58"E	129.47'
C2	127.93'	8,086.35'	00°54'23"	S28°30'58"W	127.92'



**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 COMMONWEALTH LAND TITLE INSURANCE COMPANY, GF. NO. 202104198A, EFFECTIVE DATE JUNE 29, 2022, AND ISSUED ON JULY 15, 2022.



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*

12/19/2022

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

Date: 12/19/2022  
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

0.1477 ACRE (6,436 SQUARE FEET)  
WASTEWATER EASEMENT

TRAVIS COUNTY, TEXAS

**DOUCET**  
Civil Engineering // Easements // 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



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**EXHIBIT " B "**

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

**LEGAL DESCRIPTION FOR PARCEL 5273.56 TWSE**

**BEING A 0.0732-ACRE EASEMENT OUT OF THE SAMUEL CUSHING SURVEY, ABSTRACT NUMBER 164, SECTION 70, TRAVIS COUNTY, TEXAS, SAID EASEMENT BEING PART OF LOT 2, DESSAU PHASE II, RECORDED IN DOCUMENT NUMBER 201600085, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS [P.R.T.C.T.], BEING THAT SAME TRACT CONVEYED TO HOA INVESTMENT LLC, RECORDED IN DOCUMENT NUMBER 2017005857 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.]; SAID 0.0732-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 and for the north corner of a called 2.324-acre tract, conveyed to HOA Investment LLC, recorded in Document Number 2014118134 [O.P.R.T.C.T.], being further described in Document Number 2010100333, [O.P.R.T.C.T.];

**THENCE**, S63°07'05"E, with the existing southeast right-of-way line of said Dessau Road and said 2.324-acre tract, for a distance of 11.00 feet to a concrete right-of-way monument found for the west corner of said Lot 2;

**THENCE**, S62°48'32"E, with the common line of said Lot 2 and said 2.324-acre tract, for a distance of 50.01 feet to a 60D Nail set for the beginning of a curve to the right, the **POINT OF BEGINNING**, and the southwest corner of the easement described herein;

**THENCE**, over and across said Lot 2 the following three (3) courses:

- 1) With said curve to the right, having an arc length of 127.93 feet, a radius of 8,086.35 feet, a delta angle of 00°54'23", and a chord which bears N28°30'58"E, for a distance of 127.92 feet to a 60D Nail set for the northwest corner of the easement described herein,
- 2) S61°02'06"E, for a distance of 25.00 feet to a calculated point for the beginning of a curve to the left and for the northeast corner of the easement described herein, and
- 3) With said curve to the left, having an arc length of 127.15 feet, a radius of 8,088.47 feet, a delta angle of 00°54'03", and a chord which bears S28°30'55"W, for a distance of 127.15 feet to a calculated point in the south line of said Lot 2, same point being in the north line of said 2.324-acre tract and for the southeast corner of the easement described herein;

**THENCE**, N62°48'32"W, with the common line of said Lot 2 and said 2.324-acre tract, for a distance of 25.01 feet to the **POINT OF BEGINNING** of the easement described herein and containing 0.0732-acres more or less.

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



**DOUCET**

**EXHIBIT "B"**

**BEARING BASIS**

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

**KNOW ALL MEN BY THESE PRESENTS:**

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*Christopher W. Terry*

12/19/2022

Date

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



FIELD NOTES REVIEWED

BY *[Signature]* DATE: 01/18/23

CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT

**REFERENCES**

TCAD PID No. \_\_\_\_\_

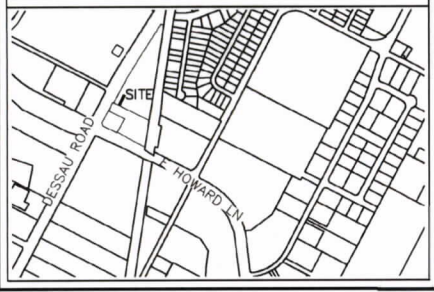
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# EXHIBIT "B"

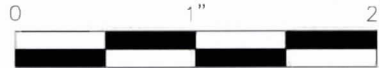
## VICINITY MAP NOT TO SCALE



SAMUEL CUSHING SURVEY  
ABSTRACT NO. 164, SECTION 70

## LINE TABLE

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L1	S63°07'05"E	11.00'
L2	S62°48'32"E	50.01'
L3	S61°02'06"E	25.00'
L4	N62°48'32"W	25.01'



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	EXISTING PROPERTY LINE
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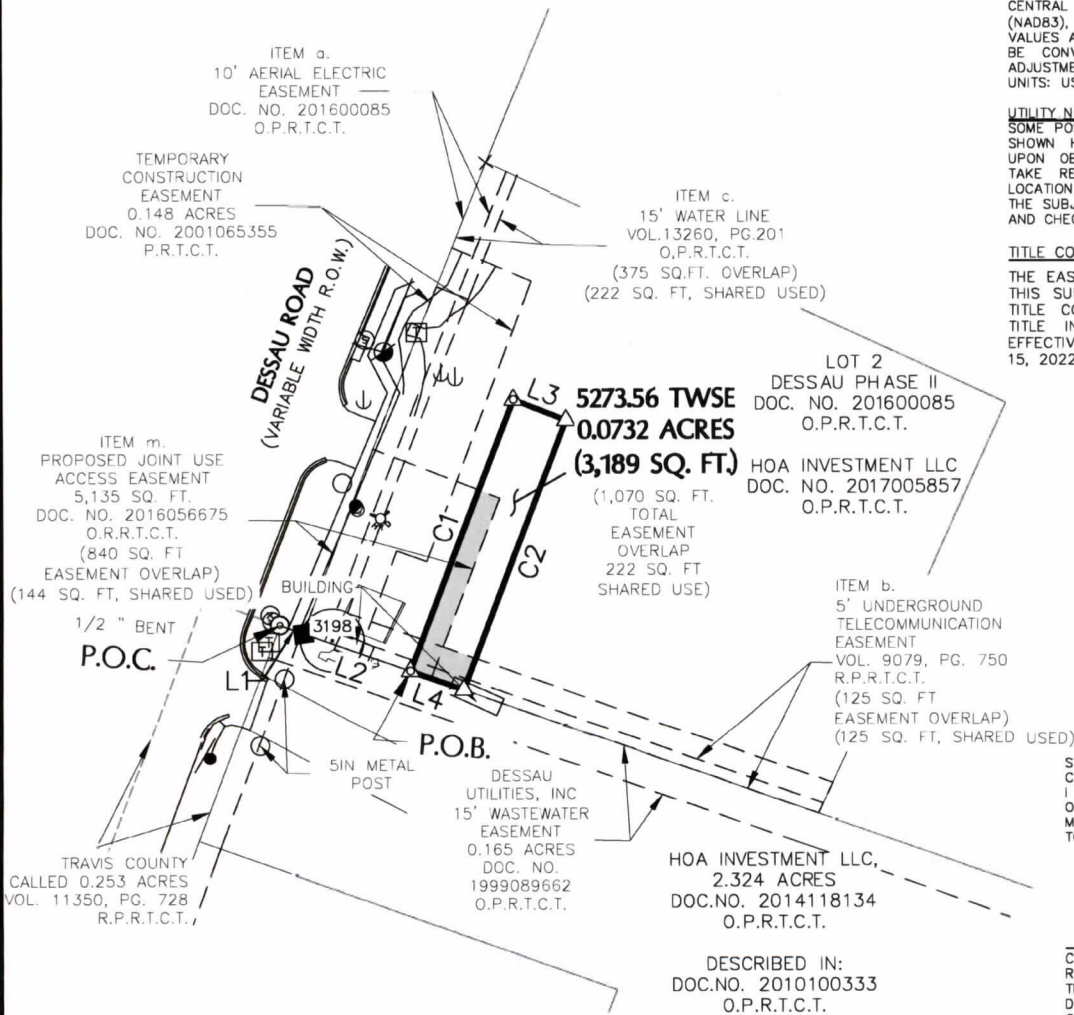
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STATE OF TEXAS  
COUNTY OF TRAVIS  
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*Christopher W. Terry*

12/19/2022

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

Date: 12/19/2022  
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

0.0732 ACRE (3,189 SQUARE FEET)  
TEMPORARY WORKING SPACE EASEMENT

TRAVIS COUNTY, TEXAS

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