

RESOLUTION NO. 20231019-050

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: APAC-Texas, Inc., a Delaware corporation.

Project: Boggy Creek Lift Station Force Main Extension.

Public Use: Installation of wastewater infrastructure.

Location: 00 Ed Bluestein Boulevard, Austin, Texas 78725.

The general route of the project is in southeast Austin along United States Highway 183 and immediately north of Austin-Bergstrom International Airport.

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

ADOPTED: October 19, 2023

ATTEST: *G. Brady for*
Myrna Riós
City Clerk



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

EXHIBIT "A"

APAC-TEXAS, INC
TO
CITY OF AUSTIN
(BOGGY CREEK LS FORCEMAIN
EXTENSION)

LEGAL DESCRIPTION PARCEL 5326.07
WASTEWATER EASEMENT

OF A 0.161 ACRE (7,016 SQUARE FEET) TRACT OF LAND OUT OF THE J. BURLESON SURVEY, ABSTRACT NO. 19 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF A 5.004 ACRE TRACT OF LAND DESCRIBED IN A DEED CONVEYED TO APAC-TEXAS, INC BY INSTRUMENT OF RECORD IN DOCUMENT NUMER 2016138858 OF THE OFFICIAL PUBLIC RECORD OF TRAVIS COUNTY TEXAS. SAID 0.161 ACRE TRACT (7,016 SQUARE FEET) OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

POINT OF BEGINNING, at a calculated point **S 63°37'01" E, 20.00 feet** from a concrete monument found on the irregular eastern Right of Way line of US 183, being the southwest boundary corner of said 5.004 acre tract and being on the northeast boundary line of a 30.83 acre tract of land having been conveyed to the City of Austin by instrument of record in Volume 511, Page 365 of the Official Public Record of Travis County, Texas. Said calculated point being the southwest corner of the herein described wastewater easement;

THENCE, N 27°17'27" E, 350.84 feet, traversing through said 5.004 acre tract and leaving the most southerly property line of said 5.004 acre tract, being parallel to said eastern Right of Way line of US183, to a calculated point on the northeast property line of said 5.004 acre tract, and being on the southwest property line of a 39.34 acre tract of land having been conveyed to APAC-Texas, Inc., by instrument of record in Document Number 2009205761 of the Official Public Record of Travis County, Texas, being **S 63°36'20" E, 20.00 feet** from a 1/2" iron rod found, and being the most northerly corner of said herein described wastewater easement;

THENCE, S 63°36'20" E, 20.00 feet, to a calculated point on the southwest property line of said 39.34 acre tract, the northeast property line of said 5.004 acre tract and being the most eastern corner of the herein described wastewater easement;

THENCE, S 27°17'27" W, 350.84 feet, traversing through said 5.004 acre tract and leaving the most northerly property line of said 5.004 acre tract and the most southern property line of said 39.34 acre tract, to a calculated point being the southeast corner of the herein described wastewater easement;

THENCE, N 63°37'01" W, 20.00 feet, continuing with the southwest property line of said 5.004 acre tract and the northeast property line of said 30.83 acre tract to the **POINT OF BEGINNING** and containing 0.161 acre (7,016 SQUARE FEET) of land.

BEARING BASIS NOTE

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

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS§

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 September 2022.



Macias & Associates, L.P.
512-689-4746

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

REFERENCES

Austin Grid No. M 21
TCAD PARCEL ID NO. 789582
MACIAS & ASSOCIATES, L.P., PROJECT NO. 87-50-21

FIELD NOTES REVIEWED
BY *[Signature]* DATE: 10/17/22
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

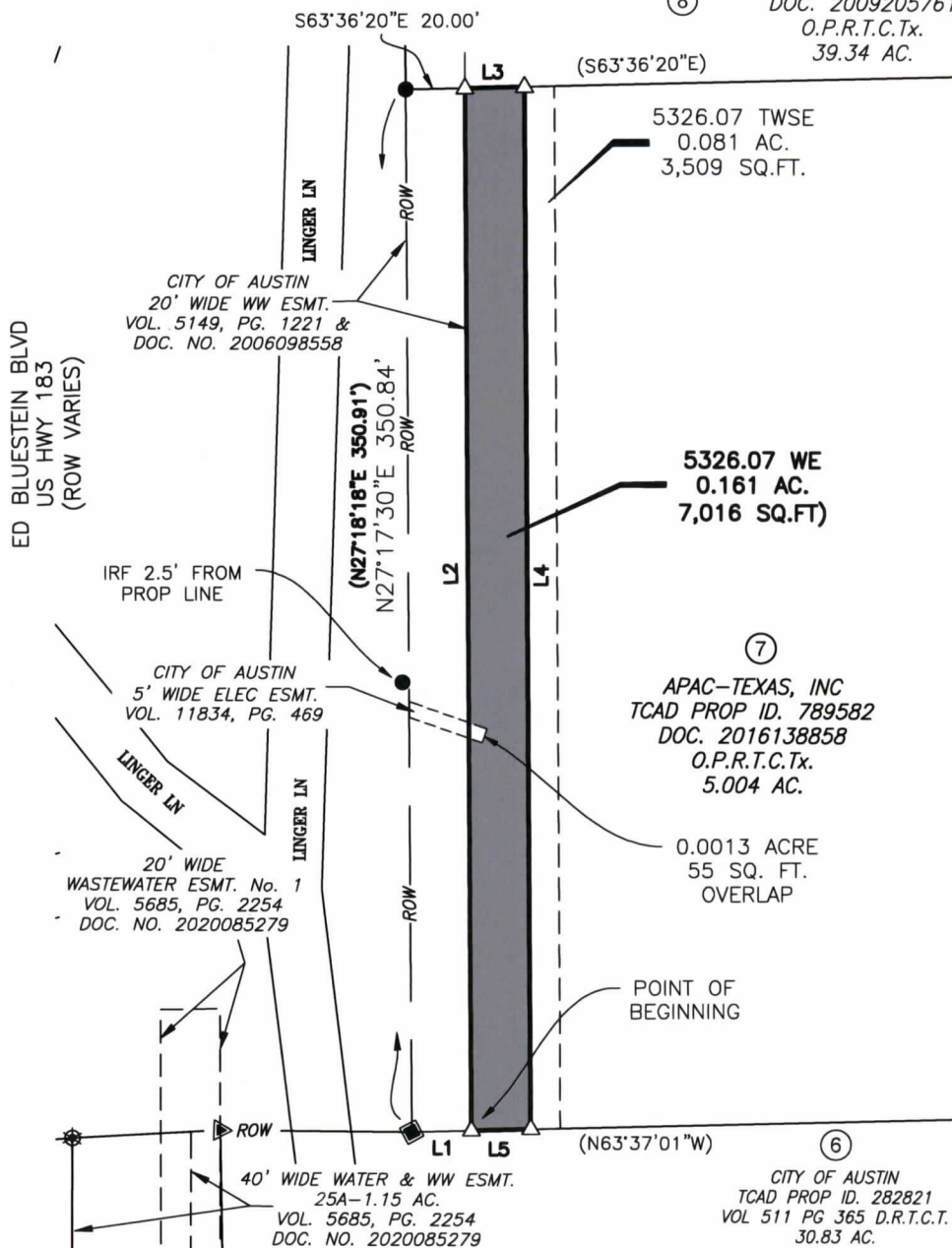
APAC TEXAS, INC
TCAD PROP ID. 789580
DOC. 2009205761
O.P.R.T.C.Tx.
39.34 AC.

LEGEND

- 1/2" IRON ROD FOUND UNLESS NOTED
- ⊙ IRON PIPE FOUND
- △ CALCULATED POINT
- CONCRETE MONUMENT FOUND
- ✱ COTTON SPINDLE FOUND
- ▲ MAG NAIL FOUND IN CONCRETE
- R.O.W. RIGHT-OF-WAY
- O.P.R.T.C.T. OFFICIAL PUBLIC 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.B. POINT OF BEGINNING
- DE DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- WWLEFT WASTEWATER LINE EASEMENT FOR SUBTERRANEAN TUNNEL
- DOC. NO. DOCUMENT NUMBER
- VOL. VOLUME PAGE
- PG. PAGE

WW EASEMENT

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S63°37'01"E	20.00'
L2	N27°17'27"E	350.84'
L3	S63°36'20"E	20.00'
L4	S27°17'27"W	350.84'
L5	N63°37'01"W	20.00'



TITLE COMMITMENT NOTES:

THE EASEMENTS SHOWN OR NOTED AND ADDRESSED ON THIS SURVEY ARE THOSE LISTED IN STEWART TITLE OF AUSTIN, LLC EASEMENT REPORT OEAS1380 ISSUED ON JULY 2, 2021.

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

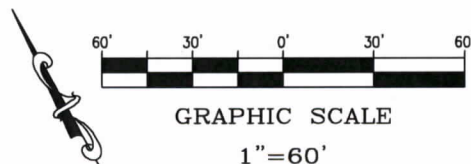
I HEREBY CERTIFY THAT THIS SURVEY IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Carmelo L. Macias

9/22/22

CARMELO LETTERE MACIAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4333

DATE



PAGE 3 OF 3

DATE: SEPTEMBER 22, 2022
DRAWN BY: JRB
MAI JOB NO.: 87-50-21



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 #101141-00

**STEWART TITLE OF AUSTIN TITLE LETTER FOR PARCEL 5326.07
WASTEWATER EASEMENT**

To: Stewart Title of Austin, LLC
From: Macias & Associates, LP
Date: September 22, 2022
File No: File No. OEAS1380,
Re: Parcel 5326.07 WASTEWATER EASEMENT TITLE LETTER

PARENT TRACT: 5.004 acres of land out of the J. Burleson Survey No. 19 in Travis County, Texas, and being the same property conveyed to APAC-Texas, Inc. in a deed recorded in Document Number 2016138858, of the Official Public Records of Travis County, Texas.

All those recorded easements shown on Stewart Title of Austin, File No. OEAS1380, dated July 2, 2021 and furnished to Macias & Associates are addressed herein. Unrecorded, unwritten, or undeterminable easements that are not addressed herein may exist.

1. Electric easement filed September 21, 1940 and recorded in Vol. 655, Page 355, of the Deed Records of Travis County, Texas. EASEMENT NOT LOCATABLE
2. Agreement filed July 17, 1941 and recorded in Vol. 680, Page 78, of the Deed Records of Travis County, Texas. EASEMENT NOT LOCATABLE
3. Pipeline easement filed July 25, 1949 and recorded in Vol. 960, Page 400, of the Deed Records of Travis County, Texas. EASEMENT NOT LOCATABLE
4. Pipeline easement filed February 11, 1964 and recorded in Vol. 2725, Page 51, of the Deed Records of Travis County, Texas. EASEMENT NOT LOCATABLE
5. Permit to Appropriate State Water filed November 22, 1972 and recorded in Vol. 1, Page 42, of the Public Waters Records of Travis County, Texas. NOT A SURVEY ISSUE
6. Sanitary sewer easement filed April 2, 1975 and recorded in Vol. 5149, Page 1221, of the Deed Records of Travis County, Texas. AFFECTS EASEMENT
7. Electric easement filed October 6, 1976 and recorded in Vol. 6330, Page 2058, of the Deed Records of Travis County, Texas. EASEMENT NOT LOCATABLE
8. Electric easement filed May 1, 1987 and recorded in Vol. 10226, Page 889, of the Real Property Records of Travis County, Texas. EASEMENT NOT LOCATABLE
9. Certificate of Adjudication filed September 1, 1988 and recorded in Vol. 10766, Page 1, of the Real Property Records of Travis County, Texas. NOT A SURVEY ISSUE
10. Certificate of Adjudication filed September 1, 1988 and recorded in Vol. 10766, Page 3, of the Real Property Records of Travis County, Texas. NOT A SURVEY ISSUE

11. Easement and Right of Way filed December 16, 1992 and recorded in Vol. 11834, Page 469, of the Real Property Records of Travis County, Texas. AFFECTS EASEMENT
12. Order combining water rights filed September 2, 1997 and recorded in Vol. 13010, Page 311, of the Real Property Records of Travis County, Texas. NOT A SURVEY ISSUE
13. Drainage Easement filed February 11, 1998 and recorded in Vol. 13118, Page 247, of the Real Property Records of Travis County, Texas. DOES NOT AFFECT EASEMENT
14. Water and Wastewater Easement filed May 30, 2006 and recorded in Document Number 2006098558, of the Official Public Records of Travis County, Texas. AFFECTS EASEMENT
15. Amendment to Certificate of Adjudication filed August 7, 2008 and recorded in Document Number 2008133681, of the Official Public Records of Travis County, Texas. NOT A SURVEY ISSUE



Macias & Associates, L.P.
10017 Wild Dunes Drive
Austin, Texas 78747
512-442-7875

Carmelo L. Macias

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



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

EXHIBIT "B"

APAC-TEXAS, INC
TO
CITY OF AUSTIN
(BOGGY CREEK LS FORCEMAIN
EXTENSION)

LEGAL DESCRIPTION PARCEL 5326.07
TEMPORARY WORKING SPACE EASEMENT

OF A 0.081 ACRE (3,509 SQUARE FEET) TRACT OF LAND OUT OF THE J. BURLESON SURVEY, ABSTRACT NO. 19 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF A 5.004 ACRE TRACT OF LAND DESCRIBED IN A DEED CONVEYED TO APAC-TEXAS, INC BY INSTRUMENT OF RECORD IN DOCUMENT NUMER 2016138858 OF THE OFFICIAL PUBLIC RECORD OF TRAVIS COUNTY TEXAS. SAID 0.081 ACRE TRACT (3,509 SQUARE FEET) OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

POINT OF BEGINNING, at a calculated point **S 63°37'01" E, 40.00 feet** from a concrete monument found on the irregular eastern Right of Way line of US 183, being the southwest boundary corner of said 5.004 acre tract of land and being on the northeast boundary line of a 30.83 acre tract of land having been conveyed to the City of Austin by instrument of record in Volume 511, Page 365 of the Official Public Record of Travis County, Texas. Said calculated point being the southwest corner of the herein described temporary working space easement;

THENCE, N 27°17'27" E, 350.84 feet, traversing through said 5.004 acre tract and leaving the most southerly property line of said 5.004 acre tract, being parallel to said eastern Right of Way line, to a calculated point on the northeast property line of said 5.004 acre tract, and being on the southwest property line of a 39.34 acre tract of land having been conveyed to APAC-Texas, Inc., by instrument of record in Document Number 2009205761 of the Official Public Record of Travis County, Texas, and being the most northerly corner of said herein described temporary working space easement;

THENCE, S 63°36'20" E, 10.00 feet, to a calculated point on the southwest property line of said 39.34 acre tract, the northeast property line of said 5.004 acre tract and being the most eastern corner of the herein described temporary working space easement;

THENCE, S 27°17'27" W, 350.84 feet, traversing through said 5.004 acre tract and leaving the most northerly property line of said 5.004 acre tract and the most southern property line of said 39.34 acre tract, to a calculated point being the southeast corner of the herein described temporary working space easement;

THENCE, N 63°37'01" W, 10.00 feet, continuing with the southwest property line of said 5.004 acre tract and the northeast property line of said 30.83 acre tract to the **POINT OF BEGINNING** and containing 0.081 acre (3,509 SQUARE FEET) tract of land.

BEARING BASIS NOTE

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STATE OF TEXAS §

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WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 22nd day of September 2022.



Macias & Associates, L.P.
512-689-4746

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

REFERENCES

Austin Grid No. M 21
TCAD PARCEL ID NO. 789582
MACIAS & ASSOCIATES, L.P., PROJECT NO. 87-50-21

FIELD NOTES REVIEWED
BY: *[Signature]* DATE: 10/17/22
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

Page 2 of 3

J:/jobs/aecom/boggy creek/parcel data/01/PARCEL 5326.07 TWSE LEGAL DESC

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

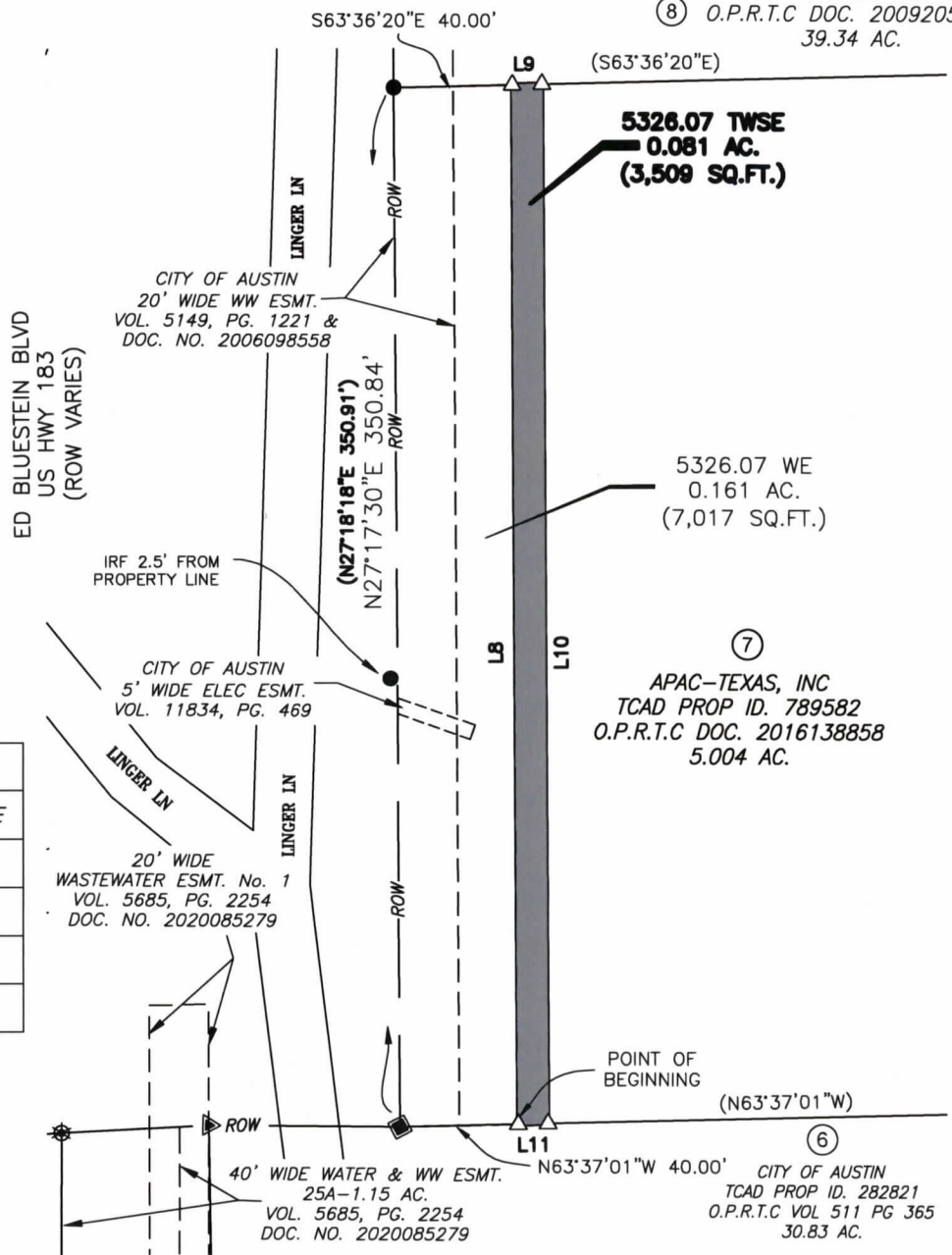
APAC TEXAS, INC
TCAD PROP ID. 789580
⑧ O.P.R.T.C. DOC. 2009205761
39.34 AC.

LEGEND

- 1/2" IRON ROD FOUND UNLESS NOTED
- ⊙ IRON PIPE FOUND
- △ CALCULATED POINT
- CONCRETE MONUMENT FOUND
- ✱ COTTON SPINDLE FOUND
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- WWLEFST WASTEWATER LINE EASEMENT FOR SUBTERRANEAN TUNNEL
- DOC. NO. DOCUMENT NUMBER
- VOL. PG. VOLUME PAGE

LINE TABLE		
LINE	DIRECTION	DISTANCE
L8	N27°17'27"E	350.84'
L9	S63°36'20"E	10.00'
L10	S27°17'27"W	350.84'
L11	N63°37'01"W	10.00'



TITLE COMMITMENT NOTES:

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STATE OF TEXAS
COUNTY OF TRAVIS

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Carmelo L. Macias

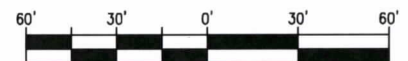
9/22/22

CARMELO LETTERE MACIAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4333

DATE



PAGE 3 OF 3



GRAPHIC SCALE

1"=60'

DATE: September 22, 2022
DRAWN BY: JRB
MAI JOB NO.: 87-50-21



MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS - FIRM NO. 101141-00

★ ★ ★ ★ ★
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