

RESOLUTION NO. 20231019-051

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: 827 Ed Bluestein Boulevard, Austin, Texas 78721.

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 Rios
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 5326.09 WE
WASTEWATER EASEMENT

OF A 0.475 ACRE (20,711 SQUARE FEET) TRACT OF LAND OUT OF THE JESSE C. TANNEHILL SURVEY NO. 29 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF A 71.35 ACRE TRACT OF LAND DESCRIBED IN A DEED CONVEYED TO APAC-TEXAS, INC. BY INSTRUMENT OF RECORD IN DOCUMENT NUMER 2009205757 OF THE OFFICIAL PUBLIC RECORD OF TRAVIS COUNTY TEXAS. SAID 0.475 ACRE (20,711 SQUARE FEET) TRACT 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 being **S 37°38'46" W, 143.11 feet** from a 1/2" iron rod found at an angle point on the eastern property line of said 71.35 acre tract of land, being the same angle point on the western property 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, and traversing through an existing 20' wide wastewater permanent easement described in Volume 5685, Page 2254 and Document Number 2020085279 of the Official Public Record of Travis County, Texas. Also, being the most eastern corner of the herein described wastewater easement;

THENCE, S 37°38'46" W, 153.17 feet, along the eastern property line of said 71.35 acre tract of land and along the western property line of said 30.83 acre tract of land to a calculated angle point of the herein described wastewater easement;

THENCE, S 27°36'22" W, 353.23 feet, along the eastern property line of said 71.35 acre tract of land and along the western property line of said 30.83 acre tract of land to a calculated angle point and being the most southern corner of the herein described wastewater easement;

THENCE, N 00°24'13" E, 54.95 feet, traversing through and leaving the eastern boundary line of said 71.35 acre tract and the western boundary line of said 30.83 acre tract, to a calculated angle point of the herein described wastewater easement;

EXHIBIT "A"

THENCE, across the remaining portion of said 71.35 acre tract of land, the following four (4) courses:

1. **N 88°34'53" W, 4.41 feet**, to a calculated angle point of the herein described wastewater easement;
2. **N 31°48'11" E, 19.77 feet**, to a calculated angle point of the herein described wastewater easement;
3. **N 01°25'07" E, 77.36 feet**, to a calculated angle point of the herein described wastewater easement;
4. **N 33°24'49" E, 227.88 feet**, to a calculated angle point of the herein described wastewater easement;

THENCE, N 41°02'59" E, 145.32 feet, to a calculated point being on the most western boundary line of said 40' wide water and wastewater permanent easement described in Volume 5685, Page 2254 and Document Number 2020085279 of the Official Public Record of Travis County, Texas. Also, point being the most northern corner of the herein described wastewater easement;

THENCE, S 62°17'15" E, 31.64 feet, continuing with the most southwestern boundary line of said existing 40' wide water and wastewater permanent easement to the **POINT OF BEGINNING** and containing 0.475 acre (20,711 SQUARE FEET) of land.

EXHIBIT "A"

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 26th 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 20
TCAD PARCEL ID NO. 187760
MACIAS & ASSOCIATES, L.P., PROJECT NO. 87-50-21

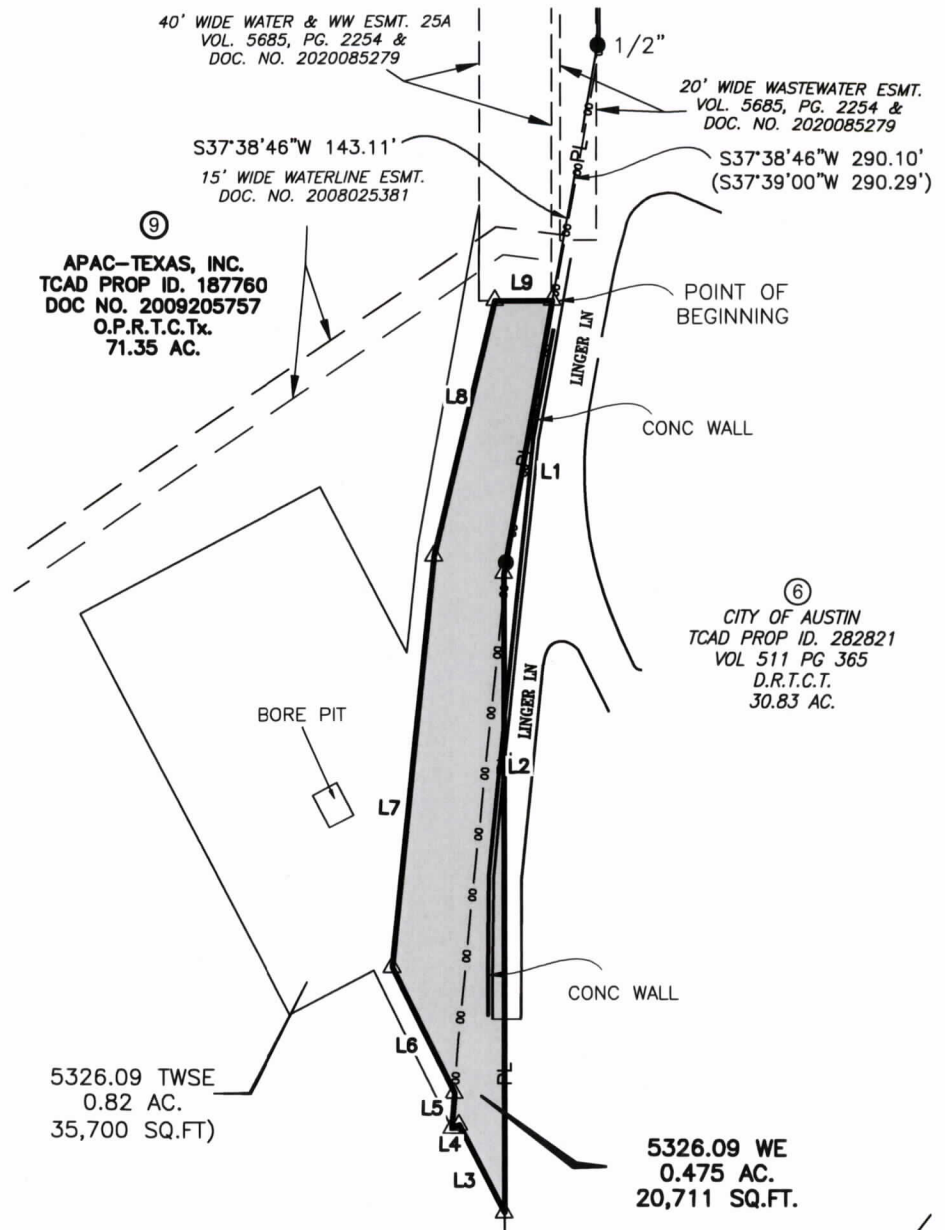
FIELD NOTES REVIEWED
BY *[Signature]* DATE: 10/17/22
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

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.Tx. 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
- WWLEFST WASTEWATER LINE EASEMENT FOR SUBTERRANEAN TUNNEL
- DOC. NO. DOCUMENT NUMBER
- VOL. VOLUME
- PG. PAGE

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S37°38'46"W	153.17'
L2	S27°36'22"W	353.23'
L3	N00°24'13"E	54.95'
L4	N88°34'53"W	4.41'
L5	N31°48'11"E	19.77'
L6	N01°25'07"E	77.36'
L7	N33°24'49"E	227.88'
L8	N41°02'59"E	145.32'
L9	S62°17'15"E	31.64'



TITLE COMMITMENT NOTES:

THE EASEMENTS SHOWN OR NOTED AND ADDRESSED ON THIS SURVEY ARE THOSE LISTED IN STEWART TITLE OF AUSTIN, LLC EASEMENT REPORT OEAS1375 ISSUED ON JULY 13, 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

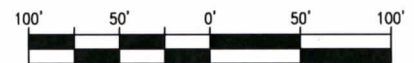
I HEREBY CERTIFY THAT THIS SURVEY IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED UNDER MY SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Carmelo L. Macias

9/23/22

CARMELO LETTERE MACIAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4333

DATE



GRAPHIC SCALE

1"=100'

PAGE 4 OF 4

DATE: SEPTEMBER 23, 2022
DRAWN BY: GINO MACIAS, SIT
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 REG. NO. 101141-00

EXHIBIT "B"

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

LEGAL DESCRIPTION PARCEL 5326.09 TWSE
TEMPORARY WORKING SPACE EASEMENT

OF A 0.82 ACRE (35,700 SQUARE FEET) TRACT OF LAND OUT OF THE JESSE C. TANNEHILL SURVEY NO. 29 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING OUT OF A 71.35 ACRE TRACT OF LAND DESCRIBED IN A DEED CONVEYED TO APAC-TEXAS, INC. BY INSTRUMENT OF RECORD IN DOCUMENT NUMER 2009205757 OF THE OFFICIAL PUBLIC RECORD OF TRAVIS COUNTY TEXAS. SAID 0.82 ACRE (35,700 SQUARE FEET) TRACT 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 64°07'18" W, 109.98 feet** from a 1/2" iron rod found at an angle point on the eastern boundary line of said 71.35 acre tract of land and on the western 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 Deed Records of Travis County, Texas. Also, traversing through an existing 20' wide wastewater easement described in Volume 5685, Page 2254 and Document Number 2020085279 and a 40' wide water and wastewater easement described in Volume 5685, Page 2254 and Document Number 2020085279 of the Official Public Record of Travis County, Texas. Calculated point being on the western boundary line of said 40' wide water and wastewater easement and being the most northeastern corner of the herein described temporary working space easement;

THENCE, S 27°42'48" W, 52.45 feet, through a 15' wide waterline easement described in Document Number 2008025381 of the Official Public Record of Travis County, Texas, to a calculated point being at the southwest corner of said 40" wide water and wastewater easement and being an angle point of the herein described temporary working space easement;

THENCE, S 62°17'00" E, 8.95 feet, to a calculated angle point on the southwest boundary line of said 40" wide water and wastewater permanent easement and being the most eastern corner of the herein described temporary working space easement;

EXHIBIT "B"

THENCE, across the remaining portion of said 71.35 acre tract of land, the following three (3) courses:

1. **THENCE S 41°02'59" W, 145.32 feet**, to a calculated angle point of the herein described temporary working space easement;
2. **THENCE, S 33°24'49" W, 227.88 feet**, to a calculated angle point of the herein described temporary working space easement;
3. **THENCE, S 01°25'07" W, 77.36 feet**, to a calculated angle point of the herein described temporary working space easement;

THENCE, S 31°48'11" W, 19.77 feet, to a calculated angle point and being the most southern point of the herein described temporary working space easement;

THENCE, across the remaining portion of said 71.35 acre tract of land, the following six (6) courses:

1. **N 01°25'07" E, 97.40 feet**, to a calculated angle point of the herein described temporary working space easement;
2. **N 90°00'0" W, 52.48 feet**, to a calculated angle point of the herein described temporary working space easement;
3. **N 00°00'00" E, 250.00 feet**, to a calculated angle point of the herein described temporary working space easement;
4. **N 90°00'00" E, 150.00 feet**, to a calculated angle point of the herein described temporary working space easement;
5. **S 00°00'00" E, 102.89 feet**, to a calculated angle point of the herein described temporary working space easement;
6. **N 33°32'18" E, 59.85 feet**, to a calculated angle point of the herein described temporary working space easement;

THENCE, N 37°51'25" E, 190.21 feet, traversing through said 71.35 acre tract and said 15' wide waterline easement and being on the most western boundary line of said existing 40' wide water and wastewater easement to the **POINT OF BEGINNING** and containing 0.82 acre (35,700 SQUARE FEET) of land.

EXHIBIT "B"

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 26th 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 20
TCAD PARCEL ID NO. 187760
MACIAS & ASSOCIATES, L.P., PROJECT NO. 87-50-21

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

EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

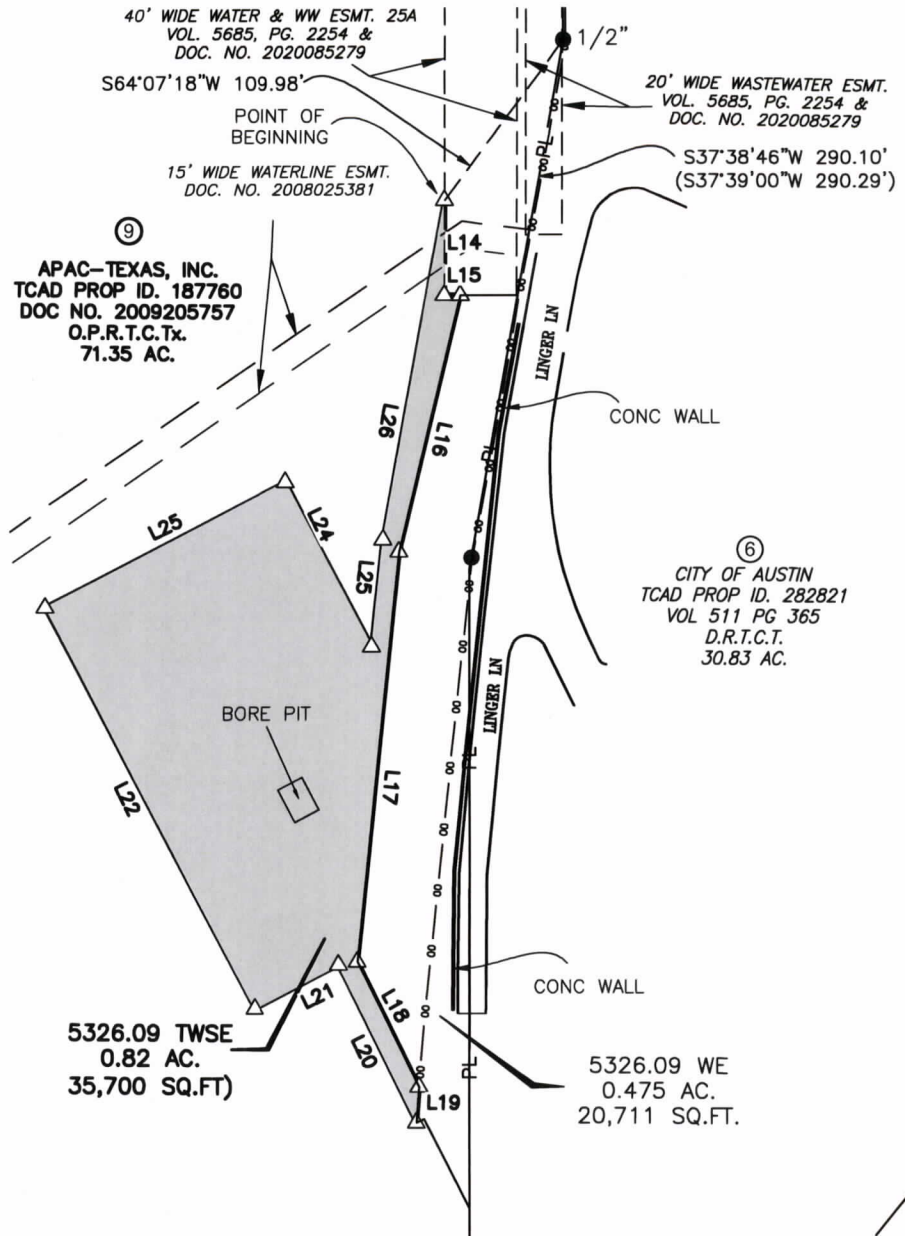
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R.O.W. RIGHT-OF-WAY
O.P.R.T.C.Tx. OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY, TEXAS

() RECORD INFORMATION
P.O.B. POINT OF BEGINNING
DE DRAINAGE EASEMENT
P.U.E. PUBLIC UTILITY EASEMENT
DOC. NO. DOCUMENT NUMBER
VOL. PG. VOLUME PAGE

LINE TABLE		
LINE	DIRECTION	DISTANCE
L14	S27°42'48"W	52.45'
L15	S62°17'00"E	8.95'
L16	S41°02'59"W	145.32'
L17	S33°24'49"W	227.88'
L18	S01°25'07"W	77.36'
L19	S31°48'11"W	19.77'
L20	N01°25'07"E	97.40'
L21	N90°00'00"W	52.48'
L22	N00°00'00"E	250.00'
L23	N90°00'00"E	150.00'
L24	S00°00'00"E	102.89'
L25	N33°32'18"E	59.85'
L26	N37°51'25"E	190.21'



TITLE COMMITMENT NOTES:

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STATE OF TEXAS
COUNTY OF TRAVIS

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10017 WILD DUNES DRIVE
AUSTIN, TEXAS 78747 O (512)442-7875
C (512) 689-4746 WWW.MACIASWORLD.COM