RESOLUTION NO. 20231019-047

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: SH 7007-7010, LLC, a Delaware limited liability company.

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

Public Use: Installation of wastewater infrastructure.

Location: 2222 East Howard Lane, Pflugerville, Texas 78660.

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

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

ADOPTED: October 19, 2023 ATTEST: Myrna Rios

City Clerk



STATE OF TEXAS COUNTY OF TRAVIS Parcel 5273.47 WE SH 7007-7010 LLC, to City of Austin 50' Wide Wastewater Easement Remaining Portion of Lot 1, Media Square Subdivision, Travis County, Texas

EXHIBIT "<u>A</u>"

LEGAL DESCRIPTION FOR PARCEL 5273.47 WE

DESCRIPTION OF 0.117 (5,075 SQUARE FEET) OF ONE ACRE OF LAND, OUT OF AND A PART OF LOT 1, MEDIA SQUARE SUBDIVISION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, **RECORDED IN VOLUME 79, PAGE 167, PLAT RECORDS OF TRAVIS** COUNTY, TEXAS AND BEING OUT OF AND A PART OF THE SAMUEL CUSHING SURVEY NUMBER 70, ABSTRACT 164, SITUATED IN TRAVIS COUNTY, TEXAS; SAID 0.117-ACRE PARCEL OF LAND BEING OUT OF AND A PART OF THAT CERTAIN 5.294-ACRE PARCEL OF LAND, DESCRIBED AS TRACT 1, CONVEYED TO SH 7007-7010 LLC. IN THAT CERTAIN SPECIAL WARRANTY DEED EXECUTED SEPTEMBER 20, 2022, FILED AND RECORDED IN DOCUMENT NUMBER 2022156316, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.117-ACRE PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE **ATTACHED SKETCHES:**

COMMENCING FOR POINT OF REFERENCE at a 1/2-inch iron rod with plastic cap stamped "LENZ & ASSOC." found on the upper southeast subdivision line of Lot 1A, Block A, Resubdivision of Lot 1, Dessau Point, a subdivision in the City of Austin according to the map or plat thereof recorded in Document Number 200800190, Official Public Records of Travis County, Texas, monumenting the west corner of Lot 2A, Block A, Resubdivision of Lot 1, Dessau Point, also monumenting the north corner of said Lot 1, Media Square Subdivision, for the north corner of said SH 7007-7010 LLC, 5.294-acre parcel of land; *thence*, **South 28° 12' 08" West**, along the upper southeast boundary line of said Lot 1A, Resubdivision of Lot 1, Dessau Point, with the northwest boundary of line of said Lot 1, Media Square Subdivision, a distance of **323.16 feet** to a 60d nail set having Texas Coordinate System of 1983 (Central Zone-4203), (CORS) U.S. Survey Feet) values of N=10,118,532.25, E=3,147,918.57 (Grid), for the

Page 1 of 6

2205 East 5th Street Austin, Texas 78702-4633 Phone: (512) 328-7411, Fax: (512) 328-7413 Texas Firm Registration No. 100727-00



point of curvature of a circular curve to the left, also the north corner and **POINT OF BEGINNING** of this easement;

THENCE, along said circular curve the left, having a central angle 06° 39' 23", radius distance of 1,002.00 feet, a chord that bears South 29° 26' 34" East, a chord distance of 116.34 feet, an arc distance of 116.41 feet to a 60d nail set for the east corner of this easement;

THENCE, **South 57° 13' 45" West**, a distance of **50.00 feet** to a 60d nail set on the northeast curving right-of-way line of East Howard Lane, having a right-of-way width that varies, same being the northeast boundary line of that certain 0.224-acre parcel of land, described as Parcel 10, conveyed to Travis County, Texas for right-of-way acquisition in that Special Warranty Deed executed November 2, 2007, filed and recorded in Document Number 2007202515, Official Public Records of Travis County, Texas, same being the southwest curving boundary line of said SH 7007-7010 LLC, 5.294-acre parcel of land, for the point of curvature of a circular curve to the right and south corner of this easement, from which said 60d nail set, a 1/2-inch iron rod with a yellow plastic cap stamped "Jones Carter" found on said northeast curving right-of-way line of East Howard Lane, monumenting the south corner of said SH 7007-7010 LLC, 5.294-acre parcel of land, with the northeast curving boundary line of said Travis County, Texas 0.224-acre parcel of land, with the northeast curving boundary line of said Travis County, Texas 0.224-acre parcel of land, bears with a circular curve to the left, having a central angle 04° 02' 45", radius distance of 1,052.00 feet, a chord that bears South 34° 47' 38" East, a chord distance of 74.27 feet, an arc distance of 74.28 feet;

THENCE, along said circular curve to the right, with the southwest curving boundary line of said SH 7007-7010 LLC, 5.294-acre parcel of land, same being the northeast boundary line of said Travis County, Texas 0.224-acre parcel of land, also being on the northeast curving right-of-way line of East Howard Lane, having **a central angle 04° 43' 26"**, radius distance of 1,052.00 feet, a chord that bears North 30° 24' 32" West, a chord distance of 86.71 feet, **an arc distance of 86.73 feet** to a 1/2-inch iron rod with a cap stamped "Lenz & Assoc." found, monumenting the south corner of the aforementioned Lot 1A, Resubdivision of Lot 1, Dessau Point and the north corner of said Travis County, Texas 0.224-acre parcel of land and being on the northwest boundary line of that certain 0.070-acre parcel of land, described as Parcel 7, Part 2, conveyed to Travis County, Texas for right-of-way acquisition in that Special Warranty Deed executed November 2, 2007, filed and recorded in Document Number 2007202515, Official Public Records of Travis County, Texas, for the west corner of this easement;

THENCE, North 28° 12' 08" East, along the northwest boundary line of said Lot 1, Media Square Subdivision, with the southeast boundary line of said Lot1A, Block A, Resubdivision of Lot 1, Dessau Point, a distance of 60.82 feet to the POINT OF BEGINNING, containing 0.117 of an acre of land equivalent to 5,075 square feet.

Page 2 of 6

2205 East 5th Street Austin, Texas 78702-4633 Phone: (512) 328-7411, Fax: (512) 328-7413 Texas Firm Registration No. 100727-00



BEARING BASIS NOTE

The bearings described hereon are based on the Texas Coordinate System of 1983 (Central Zone-4203), (CORS) U. S. Survey Feet, Geoid Model 12B. The distances mentioned in this description are based on surface distances.

CERTIFICATION

I do hereby state that this easement description is true and correct to the best of my knowledge and belief and was prepared from an actual on-the-ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by Landmark Surveying, LP Texas Firm Registration No. 100727-00

uon M. Canales, Jr.

Juan M. Canales, Jr. Registered Professional Land Surveyor No. 4453 – State of Texas Vice President of the General Partner 2205 East 5th Street, Austin, Texas 78702-4633 Phone: 512-328-7411 ext# 111, Fax: 512-328-7413 juan@landmarksurveying.com



12/13/2022

REFERENCES MAPSCO AUSTIN TEXAS 2009, Page 497D&H CITY OF AUSTIN GRID MP-33 TRAVISCAD PROPERTY ID No. 526883 TRAVISCAD GEOGRAPHIC ID No. 0256360502 Vesting Deed Doc. No. 2022156316 T:\Doucet +Chan\Upper Harris Branch WW Interceptor\Easements\PARCELS\Parcel 47\Parcel 5273.47 WE Description.docx

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

> 2205 East 5th Street Austin, Texas 78702-4633 Phone: (512) 328-7411, Fax: (512) 328-7413 Texas Firm Registration No. 100727-00

Page 3 of 6

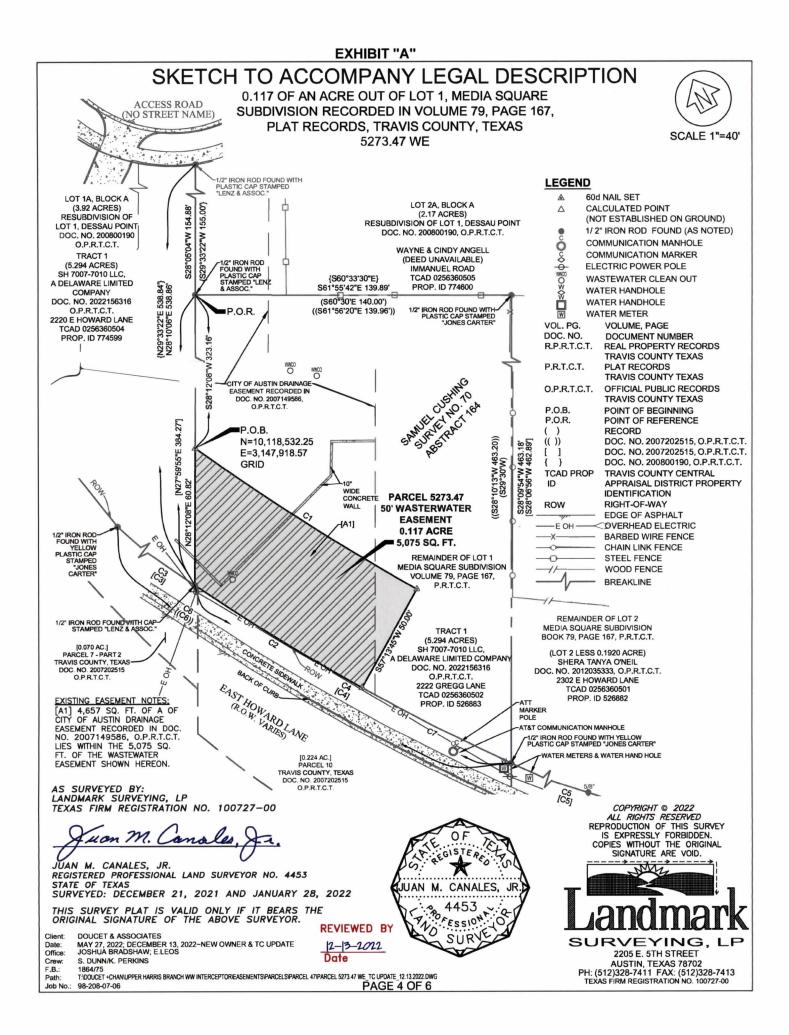


EXHIBIT "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

0.117 OF AN ACRE OUT OF LOT 1, MEDIA SQUARE SUBDIVISION RECORDED IN VOLUME 79, PAGE 167, PLAT RECORDS, TRAVIS COUNTY, TEXAS 5273.47 WE

CURVE TABLE

CURVE	CENTRAL <u>ANGLE</u>	RADIUS	CHORD BEARING	CHORD DISTANCE	ARC LENGTH
C1 C2 C3 ((C3 C4 ((C4 C5 ((C5 C6 ((C6 C7	06°39'23" 04°43'26" 08°24'54" 08°32'58" 08°46'10" 08°46'10" 08°44'32" 07°38'08" 17°11'04" 17°10'59" 04°02'45"	1002.00' 1052.00' 1052.00' 1052.00' 1052.00' 1052.00' 1052.00' 1052.00' 1052.00' 1052.00'	S29°26'34"E N30°24'32"W N23°50'23"W N32°25'25"W S32°27'27"E S40°37'29"E S40°37'17"E S28°13'28"E S28°13'48"E S34°47'38"E	116.34' 86.71' 154.37' 156.83' 160.86' 159.44' 139.74' 140.09 314.34' 314.32' 74.27'	116.41' 86.73' 154.51' 156.97')) 161.02 159.60')) 139.84' 140.20')) 315.52' 315.50')) 74.28'

NOTES:

1) THIS DRAWING IS BASED ON MEASURED DISTANCES IN THE FIELD NOT ON GRID DISTANCES.

2) IMPROVEMENTS SHOWN ON THIS SURVEY SKETCH WERE OBTAINED FROM A TOPOGRAPHIC SURVEY DATED FEBRUARY 8, 2021, SURVEYED BY LANDMARK SURVEYING, LP.

3) THE BEARINGS DESCRIBED HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE-4203. U.S. SURVEY FEET, GEOID MODEL 12B. DISTANCES SHOWN HEREIN ARE SURFACE DISTANCES.



Client: DOUCET & ASSOCIATES

Date: Office: MAY 27, 2022; DECEMBER 13, 2022-NEW OWNER & TC UPDATE JOSHUA BRADSHAW; E.LEOS

Crew: S. DUNN/K. PERKINS

F.B.:

12 DOUGET + CHANUPPER HARRIS BRANCH WW INTERCEPTORIEASEMENTSIPARCEL SPARCEL 47PARCEL 5273.47 WE_TC UPDATE_12.13.2022.DWG Path Job No. 98-208-07-06 PAGE 5 OF 6

EXHIBIT "A"

ENCUMBRANCES PER SCHEDULE B

0.117 OF AN ACRE OUT OF LOT 1, MEDIA SQUARE SUBDIVISION RECORDED IN

VOLUME 79, PAGE 167, PLAT RECORDS, TRAVIS COUNTY, TEXAS

5273.47 WE

RESTRICTIVE COVENANTS AND EASEMENTS

Commitment for Title Insurance issued By First American Title Company, File No. 202001619 Issued date: October 19, 2022

SCHEDULE B DOCUMENTS

1. Volume 79, Page 167, Plat Records of Travis County, Texas and Document Number 2009091988, Official Public Records of Travis County, Texas, DO AFFECT to the subject easement.

10a. Building setback 25 feet in width along the front property line, as shown by the Plat recorded in Volume 79, Page 167, of the Plat Records of Travis County, Texas, NO LONGER EXISTS ON PORTION OF TRACT WITHIN SURVEYED LIMITS.

10c. An electric and telephone easement granted to the City of Austin, by instrument dated April 9, 1981, recorded in Volume 7446, Page 196 of the Deed Records of Travis County, Texas, NO LONGER EXISTS ON PORTION OF TRACT WITHIN SURVEYED LIMITS.

10d. A drainage easement granted to the City of Austin, by instrument dated August 9, 2007, recorded under Document No. 2007149586 of the Official Public Records of Travis County, Texas, DOES AFFECT to the subject easement.

10e. The terms, conditions, stipulations and obligations (which may be secured by separately recorded liens) of that certain Declaration of Easements and Restrictive Covenant Regarding Unified Development and Maintenance of Drainage Facilities dated February 16, 2009, recorded under Document No. 2009091988 of the Official Public Records of Travis County, Texas, DO AFFECT to the subject easement.

10f. An electric utility easement granted to the City of Austin, by instrument dated April 23, 2018, recorded under Document No. 2018069392 of the Official Public Records of Travis County, Texas, BLANKET EASEMENT AND DOES AFFECT to the subject easement.

PAGE 6 OF 6

REVIEWED BY EL.

2-3-2022

Job No.: 98-208-07-06

Date

 Client:
 DOUCET & ASSOCIATES

 Date:
 MAY 27, 2022; DECEMBER 13, 2022-NEW OWNER & TC UPDATE

 Office;
 JOSHUA BRADSHAW; ELEOS

 Crew:
 S. DUNN/K. PERKINS

 F.B.:
 1864/75

 Path:
 TSOUCET +CHANUPPER HARRIS BRANCH WW INTERCEPTORIEASEMENTS/PARCELS/PARCEL 47/PARCEL 5273 47 WE_TC UPDATE_12.13/2022.DWG

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2205 E. 5TH STREET AUSTIN, TEXAS 78702 PH: (512)328-7411 FAX: (512)328-7413 TEXAS FIRM REGISTRATION NO. 100727-00



STATE OF TEXAS COUNTY OF TRAVIS Parcel 5273.47 TWSE SH 7007-7010 LLC, to City of Austin 25' Temporary Working Space Easement Remaining Portion of Lot 1, Media Square Subdivision, Travis County, Texas

EXHIBIT "____B"

LEGAL DESCRIPTION FOR PARCEL 5273.47 TWSE

DESCRIPTION OF 0.071 (3,099 SQUARE FEET) OF ONE ACRE OF LAND, OUT OF AND A PART OF LOT 1, MEDIA SQUARE SUBDIVISION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, **RECORDED IN VOLUME 79, PAGE 167, PLAT RECORDS OF TRAVIS** COUNTY, TEXAS AND BEING OUT OF AND A PART OF THE SAMUEL CUSHING SURVEY NUMBER 70, ABSTRACT 164, SITUATED IN TRAVIS COUNTY, TEXAS; SAID 0.071-ACRE PARCEL OF LAND BEING OUT OF AND A PART OF THAT CERTAIN 5.294-ACRE PARCEL OF LAND, DESCRIBED AS TRACT 1. CONVEYED TO SH 7007-7010 LLC, IN THAT CERTAIN SPECIAL WARRANTY DEED EXECUTED SEPTEMBER 20, 2022, FILED AND RECORDED IN DOCUMENT NUMBER 2022156316, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.071-ACRE PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE **ATTACHED SKETCHES:**

COMMENCING FOR POINT OF REFERENCE at a 1/2-inch iron rod with plastic cap stamped "LENZ & ASSOC." found on the upper southeast subdivision line of Lot 1A, Block A, Resubdivision of Lot 1, Dessau Point, a subdivision in the City of Austin according to the map or plat thereof recorded in Document Number 200800190, Official Public Records of Travis County, Texas, monumenting the west corner of Lot 2A, Block A, Resubdivision of Lot 1, Dessau Point, also monumenting the north corner of said Lot 1, Media Square Subdivision, for the north corner of said SH 7007-7010 LLC, 5.294-acre parcel of land; *thence*, South 28° 12' 08" West, along the upper southeast boundary line of said Lot 1A, Block A, Resubdivision of Lot 1, Dessau Point, with the northwest boundary of line of said Lot 1, Media Square Subdivision, a distance of 292.18 feet to a calculated point having Texas Coordinate System of 1983 (Central Zone-4203), (CORS) U.S. Survey Feet) values of N=10,118,559.55 E=3,147,933.21 (Grid) for Page 1 of 5



the point of curvature of a circular curve to the left, also the north corner and **POINT OF BEGINNING** of this easement;

THENCE, departing said southeast boundary line of said Lot 1A, Block A, said Resubdivision of Lot 1, Dessau Point, through the interior of said SH 7007-7010 LLC, Lot 1, Media Square Subdivision, the following three (3) courses and distances:

- 1. along said circular curve to the left, having a **central angle 07° 42' 59**", a radius distance of 977.00 feet, a chord that bears South 28° 54' 46" East, a chord distance of 131.48 feet, **an arc distance of 131.58 feet** to a calculated point for the east corner of this easement;
- 2. South 57° 13' 45" West, a distance of 25.00 feet to a 60d nail set for the point of curvature of a circular curve to the right and the south corner of this easement, from which said 60d nail set, a 1/2-inch iron rod with a yellow plastic cap stamped "Jones Carter" found on the northeast curving right-of-way line of East Howard Lane, monumenting the south corner of said SH 7007-7010 LLC, 5.294-acre parcel of land, bears South 00° 13' 11" East, a distance of 88.06 feet;
- 3. along said circular curve to the right, having a **central angle 06° 38' 23"**, radius distance of 1,002.00, a chord that bears North 29° 26' 34" West, a chord distance of 116.34 feet, **an arc distance of 116.41 feet** to a 60d nail set on the northwest boundary line of said Lot 1, Media Square Subdivision, also being the southeast boundary of said Lot 1A, Block A, Resubdivision of Lot 1, Dessau Point, from which said 60d nail set, a 1/2" iron rod with plastic cap stamped "LENZ & ASSOC." found on the northeast curving right-of-way line of East Howard Lane, same being the southwest boundary line of said SH 7007-7010 LLC, 5.294-acre parcel of land, monumenting the south corner of said Lot 1A, Block A, Resubdivision of Lot 1, Dessau Point, a distance of 60.82 feet;

THENCE, North 28° 12' 08" East, along the common boundary line of said Lot 1, Media Square Subdivision, and said Lot 1A, Block A, Block A, Resubdivision of Lot 1, Dessau Point, a distance of **30.98 feet** to the **POINT OF BEGINNING**, containing 0.071 of an acre of land equivalent to 3,099 square feet.

BEARING BASIS NOTE

The bearings described hereon are based on the Texas Coordinate System of 1983 (Central Zone-4203), (CORS) U. S. Survey Feet, Geoid Model 12B. The distances mentioned in this description are based on surface distances.

Page 2 of 5



CERTIFICATION

I do hereby state that this easement description is true and correct to the best of my knowledge and belief and was prepared from an actual on-the-ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by Landmark Surveying, LP Texas Firm Registration No. 100727-00

uon M. Canales, Jr.

Juan M. Canales, Jr. Registered Professional Land Surveyor No. 4453 – State of Texas Vice President of the General Partner 2205 East 5th Street, Austin, Texas 78702-4633 Phone: 512-328-7411 ext# 111, Fax: 512-328-7413 juan@landmarksurveying.com Date

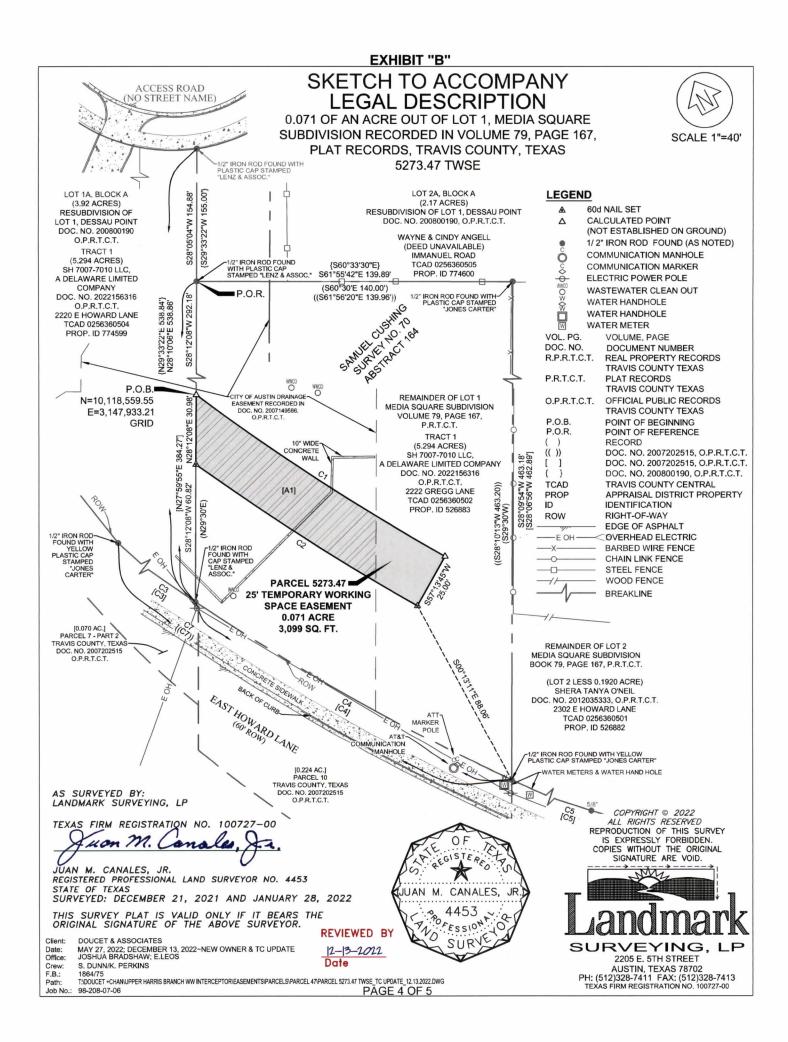
12/13/2022



REFERENCES MAPSCO AUSTIN TEXAS 2009, Page 497D&H CITY OF AUSTIN GRID MP-33 TRAVISCAD PROPERTY ID No. 526883 TRAVISCAD GEOGRAPHIC ID No. 0256360502 Vesting Deed Doc. No. 2022156316 T:\Doucet +Chan\Upper Harris Branch WW Interceptor\Easements\PARCELS\Parcel 47\Parcel 5273.47 TWSE Description.docx

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

2205 East 5th Street Austin, Texas 78702-4633 Phone: (512) 328-7411, Fax: (512) 328-7413 Texas Firm Registration No. 100727-00



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

0.071 OF AN ACRE OUT OF LOT 1, MEDIA SQUARE SUBDIVISION RECORDED IN VOLUME 79, PAGE 167, PLAT RECORDS, TRAVIS COUNTY, TEXAS 5273.47 TWSE

CURVE TABLE

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD DISTANCE	ARC <u>LENGTH</u>
C1 C2 C3 ((C3 C4 ((C4 C5 ((C5 C6 ((C6	07°42'59" 06°38'23" 08°24'54" 08°32'58" 08°46'10" 08°41'32" 07°36'58" 07°38'08" 17°11'04" 17°10'59"	977.00' 1002.00' 1052.00' 1052.00' 1052.00' 1052.00' 1052.00' 1052.00' 1052.00'	S28°54'46"E N29°26'34"W N23°50'23"W N32°25'25"W S32°27'27"E S40°37'29"E S40°37'17"E S28°13'28"E S28°13'48"E	131.48' 116.34' 154.37' 156.83' 160.86' 159.44' 139.74' 140.09 314.34' 314.32'	131.58' 116.41' 154.51' 156.97')) 161.02 159.60')) 139.84' 140.20')) 315.52' 315.50'))

NOTES:

1) THIS DRAWING IS BASED ON MEASURED DISTANCES IN THE FIELD NOT ON GRID DISTANCES.

2) IMPROVEMENTS SHOWN ON THIS SURVEY SKETCH WERE OBTAINED FROM A TOPOGRAPHIC SURVEY DATED FEBRUARY 8, 2021, SURVEYED BY LANDMARK SURVEYING, LP.

3) THE BEARINGS DESCRIBED HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE-4203. U. S. SURVEY FEET, GEOID MODEL 12B. DISTANCES SHOWN HEREIN ARE SURFACE DISTANCES.

EXISTING EASEMENT NOTES:

[A1] 2,387 SQ. FT. OF A OF CITY OF AUSTIN DRAINAGE EASEMENT RECORDED IN DOC. NO. 2007149586, O.P.R.T.C.T. LIES WITHIN THE 3,099 SQ. FT. OF THE TEMPORARY WORKING SPACE EASEMENT SHOWN HEREON.



 Client:
 DOUCET & ASSOCIATES

 Date:
 MAY 27, 2022; DECEMBER 13, 2022-NEW OWNER & TC UPDATE

 Office:
 JOSHUA BRADSHAW; E.LEOS

 Crew:
 S. DUNNK, PERKINS

 F.B.:
 1864/75

Path: 1:00UCET +CHANUPPER HARRIS BRANCH WW INTERCEPTORIEASEMENTS/PARCEL S/PARCEL 47/PARCEL 5273.47 TWSE_TC UPDATE_12.13.2022.DWG Job No.: 98-208-07-06 PAGE 5 OF 5