

**RESOLUTION NO. 20240118-055**

**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:      BVF-V Onion Creek LLC, a Delaware limited liability company.

Project:      ETJ1 GRN3 Project.

Public Use:   Public use of providing parkland along Onion Creek.

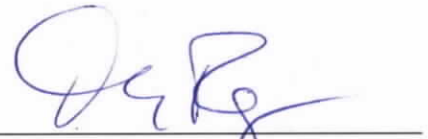
Location:    12000 South Interstate Highway 35, Austin, Texas 78652.

The general route of the project is east along Onion Creek from Old San Antonio District Park to the Cascades development east of Interstate Highway 35.

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

**ADOPTED:** January 18, 2024

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Myrna Rios", written over a horizontal line.

Myrna Rios  
City Clerk

## EXHIBIT A

CITY OF AUSTIN – ONION CREEK  
METES AND BOUNDS DESCRIPTION  
10.99 ACRES or 478,852 SQUARE FOOT TRACT  
SANTIAGO DEL VALLE GRANT, ABSTRACT 24  
TRAVIS COUNTY, TEXAS

A 10.99 ACRES (478,852 SQUARE FEET) TRACT OF LAND, SITUATED IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, TRAVIS COUNTY, TEXAS AND BEING OUT OF A 43.02 ACRES TRACT (TRACT 1), DESCRIBED IN A SPECIAL WARRANTY DEED TO BVF-V ONION CREEK LLC, RECORDED IN INSTRUMENT NUMBER 2021217347, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.). SAID 10.99 ACRES TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A CALCULATED POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35, A 400-FOOT RIGHT-OF-WAY AS PER VOLUME 1609, PAGE 183 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.) BEING THE SOUTH EASTERLY CORNER OF LOT 2, BLOCK "A", DOUBLE CREEK VILLAGE BLOCK "A", ACCORDING TO PLAT RECORDED IN INSTRUMENT NUMBER 200500241, O.P.R.T.C.T., THE NORTHEAST CORNER OF SAID 43.02 ACRES TRACT AND THE NORTHEAST CORNER OF HEREIN DESCRIBED 10.99 ACRES TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND MARKING THE NORTHEASTERLY CORNER OF SAID LOT 2, BEARS NORTH 17°32'22" EAST, A DISTANCE OF 107.52 FEET;

**THENCE**, SOUTH 17°32'30" WEST, WITH THE LINE COMMON TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35 AND THE SOUTHEASTERLY LINE OF SAID 43.02 ACRES TRACT, PASSING AT A DISTANCE OF 50.00 FEET, A 5/8-INCH IRON ROD SET WITH A YELLOW PLASTIC CAPS STAMPED "MCKIM & CREED", FOR A TOTAL DISTANCE OF 713.53 FEET TO A 5/8-INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "MCKIM & CREED" AT THE EASTERLYMOST SOUTHEAST CORNER OF HEREIN DESCRIBED 10.99 ACRES TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND WITH A PLASTIC CAP STAMPED "MCANGUS SURVEYING" AT THE EASTERLYMOST NORTHEAST CORNER OF A CALLED 1.999 ACRES TRACT (TRACT 2) DESCRIBED IN A SPECIAL WARRANTY DEED TO BVF-V ONION CREEK LLC, RECORDED IN INSTRUMENT NUMBER 2021217347, BEARS SOUTH 17°32'30" WEST, A DISTANCE OF 2,489.15 FEET;

**THENCE**, OVER AND ACROSS SAID 43.02 ACRES TRACT THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

1. NORTH 73°20'17" WEST, DEPARTING THE LINE COMMON TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35 AND THE SOUTHEASTERLY LINE OF SAID 43.02 ACRES TRACT, A DISTANCE OF 485.38 FEET TO A 5/8-INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "MCKIM & CREED", AND

2. NORTH 87°18'06" WEST, A DISTANCE OF 95.27 FEET TO A 5/8-INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "MCKIM & CREED", AND

3. SOUTH 10°57'28" WEST, A DISTANCE OF 259.72 FEET TO A 5/8-INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "MCKIM & CREED", AND

4. NORTH 87°15'33" WEST, A DISTANCE OF 135.04 FEET TO A PK NAIL SET IN THE BASE OF A TREE, ON THE LINE COMMON TO A WESTERLY LINE OF SAID 43.02 ACRES TRACT AND A EASTERLY LINE OF A CALLED 418.601 ACRES TRACT OF LAND (TRACT 1) DESCRIBED IN A SPECIAL WARRANTY DEED TO SLF III- ONION CREEK, L.P., A TEXAS LIMITED PARTNERSHIP, RECORDED IN INSTRUMENT NUMBER 2007226648, O.P.R.T.C.T., FROM WHICH A 1/2-INCH IRON PIPE FOUND BEARS SOUTH 8°12'35" WEST, A DISTANCE OF 364.39 FEET;


**THENCE**, NORTH 8°12'35" EAST, WITH THE LINE COMMON TO THE WESTERLY LINE OF SAID 43.02 ACRES TRACT AND THE EASTERLY LINE OF SAID 418.601 ACRES TRACT, A DISTANCE OF 269.84 FEET 1/2-INCH IRON PIPE FOUND;

**THENCE**, NORTH 8°02'50" EAST, PASSING AT A DISTANCE OF 239.72 FEET A 1/2-INCH IRON ROD FOUND WITH PLASTIC CAP STAMPED "BURY" AT THE NORTHEASTERLY CORNER OF SAID 418.601 ACRES TRACT, CONTINUING FOR A TOTAL DISTANCE OF 403.08 FEET TO A CALCULATED POINT ON THE SOUTHERLY LINE OF SAID LOT 2;

**THENCE**, WITH THE LINE COMMON TO THE NORTHERLY LINE OF SAID 43.02 ACRES TRACT AND THE SOUTHERLY LINE OF SAID LOT 2, THE FOLLOWING TWO (2) COURSES AND DISTANCES:


1. NORTH 77°41'12" EAST, A DISTANCE OF 758.25 FEET TO A CALCULATED POINT, AND

2. SOUTH 70°58'25" EAST, A DISTANCE OF 130.86 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 10.99 ACRES OF LAND, MORE OR LESS.

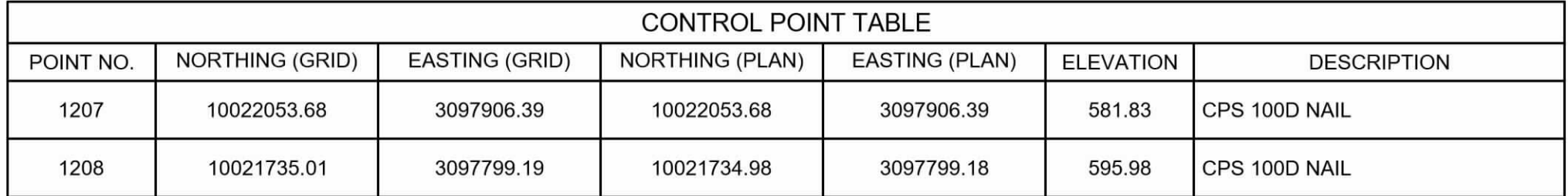
  
JORGE FERNANDEZ  
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR, No. 6077  
McKIM & CREED, INC.  
8920 BUSINESS PARK DRIVE, SUITE 150, AUSTIN, TX 78759  
TBPLES FIRM No. 10177601 | EMAIL: jfernandez@mckimcreed.com

11/28/2022  
DATE



FIELD NOTES REVIEWED  
BY  DATE 04/11/23  
CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT





1. GRID COORDINATE VALUES ARE TEXAS STATE PLANE COORDINATES NAD 83 (2011) EPOCH 2010, CENTRAL ZONE. THE GRID COORDINATES FOR CONTROL POINT 1207 ARE EQUAL TO THE PLAN COORDINATES (SURFACE DISTANCE COORDINATE VALUES) FOR CONTROL POINT 1696 FOR THIS PROJECT.
2. CONTROLLING MONUMENTS FOR THIS PROJECT ARE POINTS 1-10, AND THE GRID COORDINATES FOR ALL POINTS WERE ESTABLISHED FROM MEASURED MULTIPLE VRS GPS OBSERVATIONS.
3. ELEVATIONS WERE ESTABLISHED UTILIZING MEANED VRS GPS OBSERVATIONS ON CONTROL POINTS. THE BASIS OF THESE ELEVATIONS ARE NAVD 88 (GEOID 12A).
4. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.9999132203.
5. MARKOUTS FOR UTILITIES WERE REQUESTED FROM TEXAS 811. NO UTILITIES MARKOUTS WERE FOUND IN FIELD. UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE ONLY. IT IS ADVISED FOR ANY CONTRACTOR TO HAVE UTILITIES LOCATED BEFORE ANY DIGGING.
6. FEMA NOTES: THE PROPERTY SURVEYED HEREON LIES WITHIN FLOOD ZONE AE WITH BFE OR DEPTH, ZONE X 0.2% ANNUAL CHANCE FLOOD HAZARD, AREA OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE, AND ZONE X, AREA OF MINIMAL FLOOD HAZARD, AS PER THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP (FIRM) FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS, MAP NUMBER 48453C059K, EFFECTIVE DATE: JANUARY 22, 2020 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).
7. THIS SURVEY REPRESENTS A 10.99 ACRES PARCEL THAT IS CUT OUT FROM THE 43.02 ACRES PARENT TRACT.
8. TITLE CERTIFICATE NOTES SECTION: THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE CERTIFICATE BY FIRST TITLE SURVEY COMPANY, COMPANY OF NO. 21-1886-GR - EFFECTIVE DATE: NOVEMBER 7, 2022 AT 9:00AM AND ISSUED NOVEMBER 17, 2022 AT 8:00AM. COMPLETE COPIES OF THE RECORD DESCRIPTION OF THE PARENT TRACT PROPERTY, ANY RECORD EASEMENTS BENEFITING THE PARENT TRACT PROPERTY, THE RECORD EASEMENTS OR SERVITUDES AND COVENANTS AFFECTING THE PROPERTY ("RECORD DOCUMENTS"), DOCUMENTS OF RECORD REFERRED TO IN THE RECORD DOCUMENTS, AND ANY OTHER DOCUMENTS CONTAINING DESIRED APPROPRIATE INFORMATION AFFECTING THE PARENT TRACT PROPERTY BEING SURVEYED AND TO WHICH THE SURVEY SHALL MAKE REFERENCE WERE NOT PROVIDED TO THIS SURVEYOR FOR NOTATION ON THIS SURVEY EXCEPT FOR THOSE ITEMS LISTED WITHIN SAID CERTIFICATE AND NOTED AS FOLLOWS (ALL TEXT IS TAKEN VERBATIM FROM THE TITLE CERTIFICATE WITH THE EXCEPTION OF THE 'SURVEYOR NOTES' ON SHEET 2).

CERTIFICATION:  
I HEREBY CERTIFY TO THE CITY OF AUSTIN AND BVF-V UNION CREEK LLC THAT  
THIS SURVEY IS BASED ON AND SUBSTANTIALLY COMPLIES WITH THE  
CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND  
SPECIFICATIONS FOR A CATEGORY 1A, CONDITION I SURVEY.

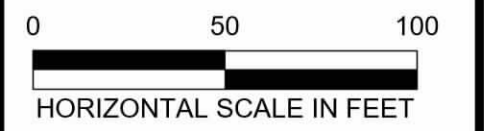
JORGE FERNANDEZ  
TEXAS REGISTERED PROFESSIONAL  
LAND SURVEYOR No. 6077  
EMAIL: JFERNANDEZ@MCKIMCREED.COM  
DATE: JULY 20, 2023

[illegible]

CITY OF AUSTIN, TEXAS CLMP 239 PA190000022	UNION CREEK AND I-35 ETJ1GRN3-11922-IH35 (8378.015)	BOUNDARY AND IMPROVEMENTS SURVEY
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NOTES	NAME	DATE
SURVEY BY	GM	10/31/2022
DRAWN BY	GB	11/02/2022
DESIGNED BY	####	####
CHECKED BY	JF	11/02/2022
REVIEWED BY	####	####



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[illegible]

**DOES NOT AFFECT 10.99 ACRES TRACT - SHOWN HEREON.**

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SHEET	2 OF 2

GEORGE E. BARR 7/20/2023 12:49 PM I:\06160\00114\GEOMATICS\80-DRAWINGS\ID-PROJ-V-SITE UNION CREEK BDY 2023-07-20.DWG, COA PDF 22X34, COA ESD-STB