

RESOLUTION NO. 1555-17-04-11-0412

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ALL DOCUMENTS TO INSTITUTE EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF 0.0268 ACRES OF LAND IN FEE-SIMPLE FOR RIGHT OF WAY PURPOSES AND 0.0092 ACRES OF LAND FOR A PERMANENT PUBLIC UTILITY EASEMENT, CONSISTING OF TWO PARCELS, OUT OF THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 12.104 ACRES IN A DEED TO DIAPER FULL OF LOVE, LLC, OF RECORD IN DOCUMENT NO. 2015179720 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; PROPERTY OWNED AND CLAIMED BY DIAPER FULL OF LOVE, LLC; AND DIRECTING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS

WHEREAS, the City of Pflugerville is authorized by Section 251.001 of the Texas Local Government Code to institute eminent domain proceedings to acquire interests in real property for a public use; and

WHEREAS, the City Council finds that fee-simple right of way and public utility easement acquisitions are necessary for a public use pursuant to Section 251.001 of the Texas Local Government Code; and

WHEREAS, the City Council has determined and finds that the safety and welfare of the citizens of the City requires infrastructure improvements for the community generally described as the Weiss Lane Roadway Widening Project ("Project"); and

WHEREAS, the City Council has determined and finds that it is necessary to acquire fee-simple and easement interests in real property for the construction of the Project and associated infrastructure improvements and/or relocations; and

WHEREAS, the City Council finds that the City has made a good faith and bona fide offer in accordance with the standard procedures required by Texas Property Code, Chapter 21, Subchapter B and failed to reach an agreement with the landowner as to the purchase price of the needed property; and

WHEREAS, the City Council find that it is necessary that the Project continue forward and there is no other option to acquire the needed property for right of way and permanent public utility easement purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE:

SECTION 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. City Council authorizes the City of Pflugerville City Manager to sign and execute all necessary documents to institute eminent domain proceedings for the acquisition of a total of 0.0268 acres of land in fee-simple for right of way purposes, consisting of one parcel as more specifically described in subsection (a) below; and 0.0092 acres of land for use as a permanent public utility easement, consisting of one parcel as more specifically described in subsection (b) below, as follows:

- (a) 0.0268 (1,167 SF) acre tract of land, more or less, out of the George M. Martin Survey No. 9, Abstract No. 529, Travis County, Texas, and being out of that tract described as 12.104 acres (Exhibit A), in a deed to Diaper Full of Love, LLC, of Record in Document No. 2015179720, Official Public Records, Travis County, Texas; and
- (b) 0.0092 (402 SF) acre tract of land, more or less, out of the George M. Martin Survey No. 9, Abstract No. 529, Travis County, Texas, and being out of that tract described as 12.104 acres (Exhibit A), in a deed to Diaper Full of Love, LLC, of Record in Document No. 2015179720, Official Public Records, Travis County, Texas.

With all parcels being described by metes and bounds in Exhibit A, which is attached hereto and incorporated herein for all purposes.

SECTION 3. City Council directs the City Attorney to initiate condemnation proceedings consistent with all applicable laws of the State of Texas. The City Attorney is also hereby authorized to continue to negotiate for the property interests identified above in conjunction with condemnation proceedings.

SECTION 4. This Resolution shall become effective immediately upon its passage, approval and publication as provided by law.

<u>Council Member</u>	<u>In Favor</u>	<u>Opposed</u>	
Mayor Victor Gonzales	N/A	N/A	(Absent)
Council Member Doug Weiss	X	_____	
Council Member Jeff Marsh	X	_____	
Council Member Omar Peña	X	_____	
Council Member Starlet Sattler	X	_____	
Council Member Mike Heath	X	_____	

PASSED AND APPROVED this _____ day of _____ 2017.

Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

GEORGE E. HYDE, City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, PC

EXHIBIT A

DESCRIPTION OF 0.0268 OF ONE ACRE

DESCRIPTION OF 0.0268 OF ONE ACRE OR 1,167 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529, TRAVIS COUNTY, TEXAS, AND BEING OUT OF THAT TRACT DESCRIBED AS 12.104 ACRES (EXHIBIT A), IN A DEED TO DIAPER FULL OF LOVE, LLC, OF RECORD IN DOCUMENT NO. 2015179720, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0268 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2” iron rod set with a plastic cap at the west corner of this tract, same being in the proposed northwest right-of-way of Weiss Lane, the southwest line of said Diaper Full of Love tract, and the existing northwest right-of-way line of Weiss Lane, from which 1/2” iron rod found with cap at the east corner of Lot 22, Block JJ, Final Plat of Villages of Hidden Lake, Phase 4C, a subdivision of record in Document No. 200600338, Plat Records, Travis County, Texas, same being in the southwest line of said Diaper Full of Love tract, bears N63°08’15”W 0.81 feet, and said point of beginning having State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet, Combined Grid to Surface Scale Factor of 1.00010) grid value of N=10,137,885.46 E=3,170,155.12;

THENCE, with the northwest line of this tract and the proposed northwest right-of-way line of Weiss Lane, crossing said Diaper Full of Love tract, **N27°31’23”E 40.16 feet** to a 1/2” iron rod set with a plastic cap at the north corner of this tract, same being in the northeast line of said Diaper Full of Love tract and the southwest line of that tract described as 1.402 acres (Exhibit “A-1”, Tract 1) in a deed to Jackie Payne, of record in Document No. 2008040026, Official Public Records, Travis County, Texas;

THENCE, with the northeast line of this tract and the said Diaper Full of Love tract and the southwest line of said Jackie Payne tract, **S62°49’08”E 29.05 feet** to a calculated point at the east corner of this tract and said Diaper Full of Love tract and the south corner of said Jackie Payne tract, same being in the existing northwest right-of-way line of Weiss Lane;

THENCE, with the southeast line of this tract and said Diaper Full of Love tract and the existing northwest right-of-way line of Weiss Lane, **S27°20’54”W 39.99 feet** to a 1/2” iron rod found with cap at the south corner of this tract and said Diaper Full of Love tract;

THENCE, with the southwest line of this tract and said Diaper Full of Love tract and the existing northwest right-of-way line of Weiss Lane, **N63°08'15"W 29.18 feet** to the POINT OF BEGINNING, and containing 0.0268 of one acre, or 1,167 square feet, more or less, contained within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83 (CORS96). The Combined Grid to Surface Scale Factor is 1.00010) and was established by GPS observations.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6, Austin, TX 78731 (512) 451-8591
TBPLS Firm# 10095500



08/31/16

Chris Conrad, Reg. Professional Land Surveyor No. 5623

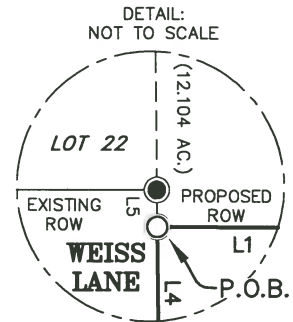
Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description.

2016/Descriptions/Weiss Lane/0.0268 ac

TCAD # 0275500109

LINE TABLE		
LINE	BEARING	LENGTH
L1	N27°31'23"E	40.16
L2	S62°49'08"E	29.05
L3	S27°20'54"W	39.99
L4	N63°08'15"W	29.18
L5	N63°08'15"W	0.81



GEORGE M. MARTIN
SURVEY NO. 9
ABSTRACT NO. 529

WASTEWATER UTILITY
- AND ACCESS EASEMENT
DOC. 2004129722

OW P.O.B.
GRID COORDINATES
N=10,137,885.46
E=3,170,155.12

APPROXIMATE SURVEY LINE

**WEISS LANE
(R.O.W. VARIES)**

● 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
● 1/2" IRON ROD FOUND CAPPED
(UNLESS OTHERWISE NOTED)
○ 1/2" IRON ROD SET WITH
CAP "MCGRAY MCGRAY"
△ CALCULATED POINT
(XXX) RECORD INFORMATION
ℙ PROPERTY LINE
P.O.B. POINT OF BEGINNING
P.R.T.C. PLAT RECORDS TRAVIS COUNTY
D.R.T.C. DEED RECORDS TRAVIS COUNTY
O.P.R.T.C. OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY



McGRAY & McGRAY
LAND SURVEYORS, INC.
TBPLS FIRM# 10095500
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

JOB NO.: 15-043

DESCRIPTION OF 0.0092 OF ONE ACRE

DESCRIPTION OF 0.0092 OF ONE ACRE OR 402 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529, TRAVIS COUNTY, TEXAS, AND BEING OUT OF THAT TRACT DESCRIBED AS 12.104 ACRES (EXHIBIT A), IN A DEED TO DIAPER FULL OF LOVE, LLC, OF RECORD IN DOCUMENT NO. 2015179720, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0092 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2” iron rod set with a plastic cap at the south corner of this tract, same being in the southwest line of said Diaper Full of Love tract and the existing northwest right-of-way line of Weiss Lane, from which 1/2” iron rod found with cap at the south corner of said Diaper Full of Love tract, bears S63°08’15”E 29.18 feet, and said point of beginning having State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet, Combined Grid to Surface Scale Factor of 1.00010) grid value of N=10,137,885.46 E=3,170,155.12;

THENCE, with the southwest line of this tract and said Diaper Full of Love tract, **N63°08’15”W 0.81 feet** to a 1/2” iron rod found with cap at the east corner of Lot 22, Block JJ, Final Plat of Villages of Hidden Lake, Phase 4C, a subdivision of record in Document No. 200600338, Plat Records, Travis County, Texas;

THENCE, continuing with the southwest line of this tract and the said Diaper Full of Love tract and the northeast line of said Lot 22, **N63°11’00”W 9.19 feet** to a calculated point at the west corner of this tract;

THENCE, with the northwest line of this tract, crossing said Diaper Full of Love tract, **N27°31’23”E 40.22 feet** to a calculated point at the north corner of this tract, same being in the northeast line of said Diaper Full of Love tract and the southwest line of that tract described as 1.402 acres (Exhibit “A-1”, Tract 1) in a deed to Jackie Payne, of record in Document No. 2008040026, Official Public Records, Travis County, Texas;

THENCE, with the northeast line of this tract and said Diaper Full of Love tract and the southwest line of said Jackie Payne tract, **S62°49’08”E 10.00 feet** to a 1/2” iron rod set with a plastic cap at the east corner of this tract;

0.0092 AC

THENCE, with the southeast line of this tract, crossing said Diaper Full of Love tract, **S27°31'23"W 40.16 feet** to the POINT OF BEGINNING, and containing 0.0092 of one acre, or 402 square feet, more or less, contained within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83 (CORS96). The Combined Grid to Surface Scale Factor is 1.00010) and was established by GPS observations.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6, Austin, TX 78731 (512) 451-8591

TBPLS Firm# 10095500



08/31/16

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

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2016/Descriptions/Weiss Lane/0.0092 ac

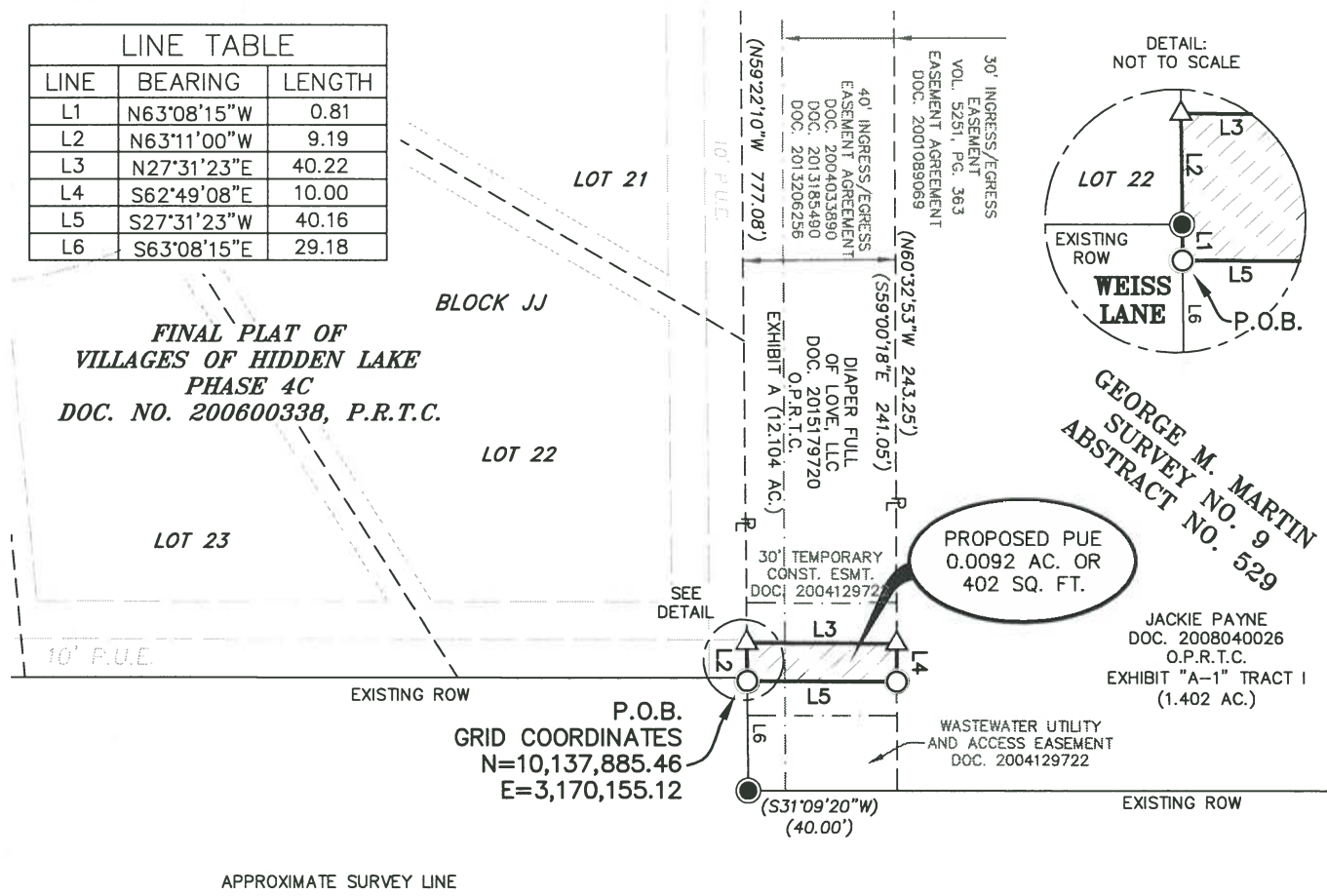
TCAD # 0275500109

**SKETCH TO ACCOMPANY DESCRIPTION
OF 0.0092 AC. OR 402 SQ. FT. OF LAND OUT OF
THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529,
TRAVIS COUNTY, TEXAS.**

RE: TRAVIS COUNTY

SCALE 1" = 50'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N63°08'15"W	0.81
L2	N63°11'00"W	9.19
L3	N27°31'23"E	40.22
L4	S62°49'08"E	10.00
L5	S27°31'23"W	40.16
L6	S63°08'15"E	29.18



**JOHN BRAY
SURVEY NO. 10
ABSTRACT NO. 462**

**WEISS LANE
(R.O.W. VARIES)**

LEGEND

- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD FOUND CAPPED
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET WITH
CAP "MCGRAY MCGRAY"
- △ CALCULATED POINT
- (xxx) RECORD INFORMATION
- ℙ PROPERTY LINE
- P.O.B. POINT OF BEGINNING
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- D.R.T.C. DEED RECORDS TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY

NOTES:

1. THE COORDINATE SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (CORS96) DATUM AND WAS ESTABLISHED BY GPS OBSERVATION. THE BEARINGS SHOWN ARE GRID BEARINGS. THE COMBINED GRID TO SURFACE SCALE FACTOR IS 1.00010. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

2. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT GF NO. 1618362-KFO.



Chris Conrad

08/31/16

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE
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TCAD# 0275500109

M:\LJA~15-043~Weiss Lane-Pflugerville\DWG\Parcels\Diaper Full PUE

ISSUED: 08/31/16
PAGE 3 OF 3

SURVEYED BY:

**McGRAY & McGRAY
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