

DOC. NO.
91096093

FILM CODE
00004762214

190/91

CAUSE NO. 2040

5:51 PM 8266

5:51 PM 8266

CITY OF AUSTIN

V.

D. C. MOORE, A/K/A DAVID
C. MOORE, A/K/A DAVID
CHAPPELL MOORE, ET AL.

§ PROCEEDINGS IN EMINENT DOMAIN
§
§ IN PROBATE COURT NO. 1
§
§ TRAVIS COUNTY, TEXAS

2.00 RECH
11/01/91
17. INDX
11/01/91
10960.93-DOC#
12.81-CHK#
16, 17, 18, 19, 20
DANA DEBEAUVOIR
TRAVIS COUNTY, TEXAS

JUDGMENT OF COURT IN ABSENCE OF OBJECTION

BE IT REMEMBERED:

That on this date there came upon to be heard and considered the decision of the Special Commissioners filed on the 1st day of October, 1991 with the Judge of said Court in the above entitled and numbered cause, which is a condemnation proceeding in which the City of Austin is Plaintiff, and the following are Defendants: D. C. Moore, a/k/a David C. Moore, a/k/a David Chappell Moore, and ITT Financial Services.

It appears to the Court, and it is so found, that no objections to said decision were filed within the time provided by law and that said decision has been filed with the Clerk of this Court.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That said decision of said Special Commissioners be, and the same is hereby, made the judgment of this Court.
2. That the Clerk of this Court record said decision in the minutes of this Court.

11556 1003
REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

00306 1314

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as it appears of record in my office. Witness my hand and seal of office on



10-30-91
Dana DeBeauvoir, County Clerk
By Deputy: *[Signature]*

D. DOBSON

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on

10-30-91



Dana DeBeauvoir, County Clerk

By Deputy:

D. DOBSON

3. That the Special Commissioners did find and determine and accordingly assessed the compensation due and owing to the Defendants for the permanent waterline easement and for the temporary working space easement, said tracts of land described in Exhibits "A" and "B" attached hereto, to be the sum of EIGHT THOUSAND FOUR HUNDRED FIVE AND NO/100 DOLLARS (\$8,405.00), and that Plaintiff deposited this amount with the Court on the 14th day of October, 1991.

4. That by virtue of said decision of said Special Commissioners, the Plaintiff is entitled to condemn and does hereby have judgment against the above named Defendants for the permanent waterline easement and the temporary working space easement, thereby vesting in the City of Austin the following two tracts of land situated in Travis County, Texas, and described as follows:

All those certain tracts, pieces or parcels of land lying and being situated in the County of Travis, State of Texas, described in Exhibits "A" and "B" attached hereto and incorporated herein for all purposes.

5. That Plaintiff, acting by and through its City Council, has determined that in order to promote the public health, safety and welfare, there exists a public necessity for, and has determined to acquire by condemnation or otherwise, the following: a permanent waterline easement for the public purpose of placing, constructing, operating, repairing, rebuilding, replacing, relocating and removing one waterline, access manholes and other appurtenances in, along, upon and across the tract of land hereinbefore described in Exhibit "A"; and a temporary

00306 1315

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11556 1004

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 10-30-91



Dana DeBeauvoir, County Clerk
By Deputy: *ne neeson*

D. DOBSON

working space easement for the public purpose of permitting the contractors, agents, and employees of Plaintiff to enter upon Defendants' property hereinbefore described in Exhibit "B", to move thereon various vehicles, tools and equipment, to make temporary dumps of excavated soil and construction materials and to do whatever else is necessary to construct said waterline.

6. That the Plaintiff shall have the right and privilege at all times of having ingress, egress and regress in, along, upon and across said tracts of land; the right to clear, cut, fell, remove and dispose of any and all timber, trees, underbrush, building improvements and other obstructions therefrom; and for such other purposes as may be required in connection with the use of said easements.

7. That Defendants shall be permitted to use the area of the permanent waterline easement for any purpose that will not interfere with the use of said easement, excluding the building of permanent structures thereon and the removal of surface materials therefrom and that absent such injuries or interferences, uses reserved to Defendants include, but are not limited to, the construction thereon of streets, parking areas, railroad spur tracks, cultivation, livestock, and pasturing. That there shall be no restriction on the use of the area covered by the temporary working space easement upon its termination, as herein specified.

8. That said temporary working space easement shall terminate not longer than thirty-six (36) months from the date of

00306 1316

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11556 1005

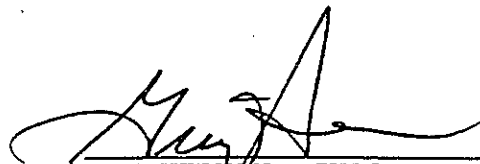
"taking", as defined by law. That within said thirty-six (36) months a period of twelve (12) consecutive months will be allotted for actual use of said easement for purposes hereinbefore described and that Plaintiff shall give Defendants, at least thirty (30) days' written notice prior to the commencement of this twelve (12) month period. That at the end of this designated twelve (12) month period said temporary working space easement shall terminate.

9. That apart from access manholes for the use of Plaintiff's employees, contractors and agents for inspection and maintenance purposes, it is intended that the waterline will be no less than 36 inches below the surface of the ground.

10. That the Plaintiff is hereby awarded a writ of possession for said permanent waterline easement and a temporary working space easement and that the Clerk of this Court issue said writ of possession upon the request of the Plaintiff.


11. That the costs of this proceeding are adjudged against the Plaintiff and that such costs are to be paid to the County Clerk of Travis County, Texas.

SIGNED on this 24th day of October, 1991.


GUY HERMAN, JUDGE
PROBATE COURT NO. 1
TRAVIS COUNTY, TEXAS

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 10-30-91



Dana DeBeauvoir, County Clerk
By Deputy: 

00306 1317

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11556 1006

EXHIBIT "A"

D. C. Moore
Waterline Easement
Parcel No. 21

Walker Wilson Survey No. 2
November 14, 1988
87519.15/3319/s1

FIELDNOTES

A FIELDNOTE DESCRIPTION of a 0.075 acre tract of land to be a waterline easement across a portion of the Walker Wilson Survey No. 2 in the City of Austin, Travis County, Texas; the said 0.075 acre tract of land being a portion of a 1.29 acre tract designated as a Reserve tract on the "Mooreland Addition", a subdivision recorded in Book 8, Page 134 of the Travis County Plat Records; the said 1.29 acre tract of land being a portion of an 82.22 acre tract of land described in a deed to D. C. Moore as recorded in Volume 1868, Page 48 of the Deed Records of Travis County, Texas; the said 0.075 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod found for the southwest corner of the said 1.29 acre Reserve, same being in the existing east right-of-way line of Manchaca Road (State Highway F.M. 2304), same also being the northwest corner of Lot 8, Block 5 of said Mooreland Addition, the said Lot 8 described in a deed to Gloria R. Arispe Cartwright as recorded in Volume 5722, Page 1052 of said Deed Records;

THENCE, departing said existing east right-of-way line and along the common line of said Lot 8 and said 1.29 acre Reserve, N 87° 10' 17" E, a distance of 14.98 feet to an iron rod found for the southwest corner and POINT OF BEGINNING of the herein described tract, same being in the future proposed east right-of-way line of said Manchaca Road;

THENCE, along said future proposed east right-of-way line, and crossing the said 1.29 acre Reserve N 02° 38' 24" W, a distance of 200.29 feet to an iron rod set for the point of curvature of a right-of-way return curve at the intersection of the east line of the future proposed Manchaca Road with the south line of Mooreland Drive (50' wide right-of-way); the said right-of-way return having the following total elements: central angle = 89° 50' 08", radius = 25.00 feet, arc distance = 39.20 feet, chord distance = 35.31 feet, chord bearing = N 42° 16' 40" E, and a tangent distance of 24.93 feet; the said iron rod being the northwest corner of the herein described tract;

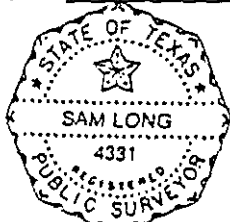
THENCE, continuing along said proposed right-of-way return curve, a distance of 28.98 feet along the arc of a curve to the right, said curve having a central angle of 66° 25' 18", a radius of 25.00 feet and a chord which bears N 30° 34' 16" E, a distance of 27.39 feet (a tangent distance of 16.37 feet), to a point for the northeast corner of the herein described tract;

THENCE, leaving the said right-of-way return curve and continuing across the said 1.29 acre Reserve, S 02° 38' 24" E, a distance of 223.16 feet to a point in the common line of said 1.29 acre Reserve and the said Lot 8, for the southeast corner of the herein described tract;

THENCE, along the common line of said 1.29 acre Reserve and the said Lot 8, S 87° 10' 17" W, a distance of 15.00 feet to the POINT OF BEGINNING of the herein described tract, and CONTAINING 0.075 acres (3,252 square feet) of land.

That I, Sam Long, A Registered Public Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge 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 the 23rd day of Nov, 1988, A.D.



Sam Long
Sam Long
Registered Public Surveyor
No. 4331 - State of Texas

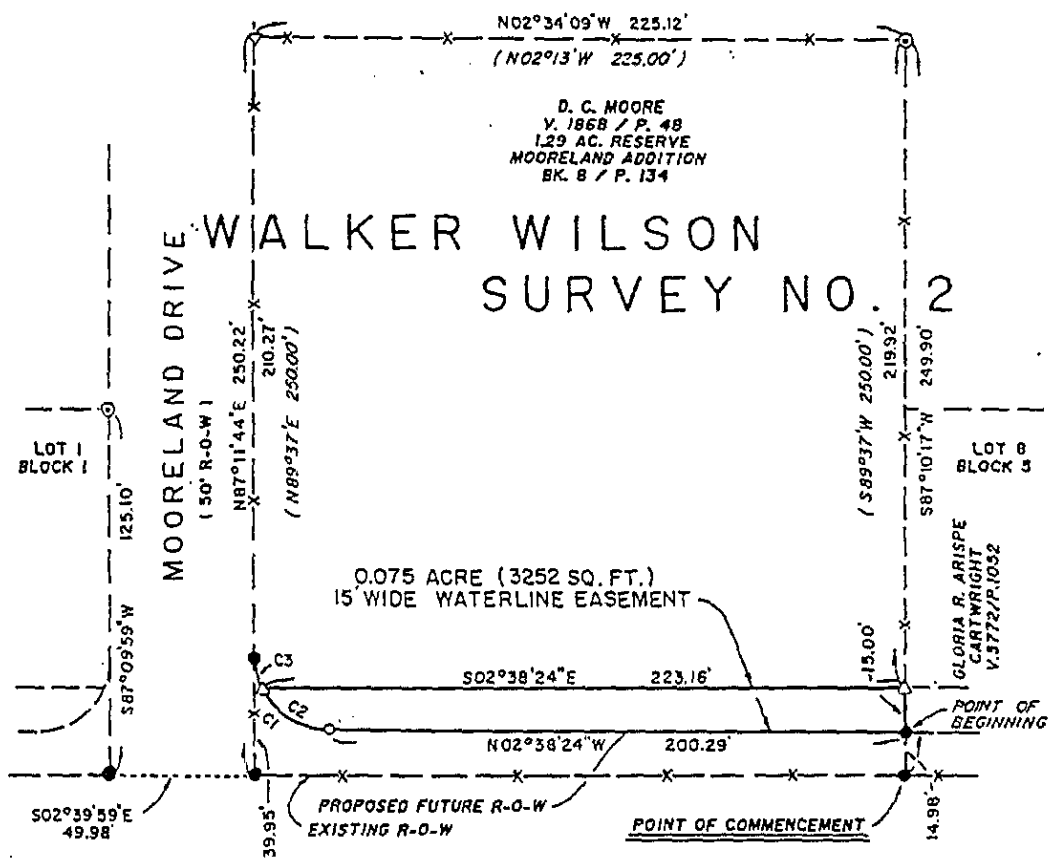
Travis County Clerk, Travis County
I hereby certify that this is a true and
correct copy of the original as same appears of record in my office
and seal of office on 10-30-91
Dane DeBeauvoir, County Clerk
By Deputy: *[Signature]*
D. DORRIS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
11556 1007

00306 1318

SURVEY OF A .075 ACRE 15' WIDE WATERLINE EASEMENT
OUT OF THE WALKER WILSON SURVEY NO. 2
TRAVIS COUNTY, TEXAS

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 10-30-91
Dana DeBeauvoir, County Clerk
By Deputy: *[Signature]*
D. DOBSON



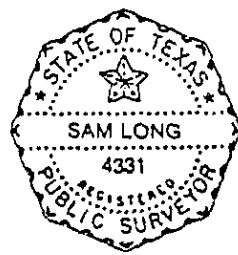
CURVE DATA

No	Delta	Radius	Arc	Chord Bearing	Chord	Tangent
C1	89°50'08"	25.00'	39.20'	N42°16'40"E	35.31'	24.93'
C2	66°25'18"	25.00'	28.98'	N30°34'16"E	27.39'	16.37'
C3	23°24'50"	25.00'	10.22'	S75°29'20"W	10.14'	5.18'

NOT TO SCALE
NOVEMBER, 1988
TRAVIS COUNTY, TEXAS

- LEGEND:
- CALCULATED POINT ▽
 - IRON PIPE FOUND ⊙
 - FOUND IRON ROD ●
 - SET IRON ROD ○
 - RECORD INFORMATION ()
 - BREAK IN SCALE —
 - CHAINLINK FENCE *—*

NOTE: THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT; NO COURTHOUSE RESEARCH WAS PERFORMED TO LOCATE EASEMENTS OF RECORD THAT MIGHT AFFECT THIS PARCEL.



I, SAM LONG, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION.

[Signature] 11/23/88
SAM LONG DATE

PARCEL NO. 21

ES&I CAPITAL SURVEYING COMPANY INCORPORATED
 1280 Capital of Texas Highway South Building 1 Suite 280
 Austin, Texas 78748 Phone 337-6806

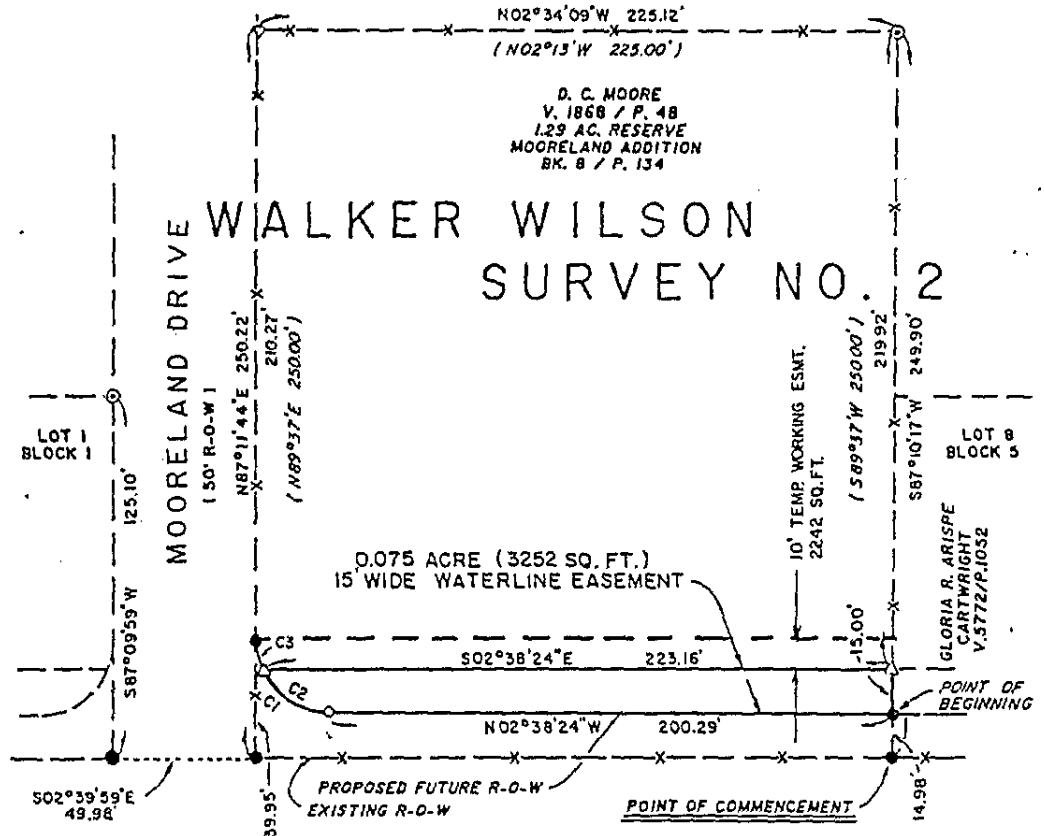
DRAWN BY: pb SCALE: NOT TO SCALE P. 689
 JOB NO.: 87818.15 DATE: NOVEMBER, 1988 SHEET NO.: 1 of 1

11556 1008
 REAL PROPERTY RECORDS
 TRAVIS COUNTY, TEXAS
 00306 1319

SECTION OF A .075 ACRE 15' WIDE WATERLINE EASEMENT
 OUT OF THE WALKER WILSON SURVEY NO. 2
 TRAVIS COUNTY, TEXAS

EXHIBIT "B"

I, Dana DeBeauvoir, County Clerk, Travis County,
 Texas, hereby certify that this is a true and
 correct copy as the same appears of record in my office.
 Witness my hand and seal of office on 11/23/88
 Dana DeBeauvoir, County Clerk
 By Deputy: *[Signature]*



No	Delta	Radius	Arc	Chord Bearing	Chord	Tangent
C1	89°50'08"	25.00'	39.20'	N42°16'40"E	35.31'	24.93'
C2	66°25'18"	25.00'	28.98'	N30°34'16"E	27.39'	16.37'
C3	23°24'50"	25.00'	10.22'	S75°29'20"W	10.14'	5.18'

NOT TO SCALE
 NOVEMBER, 1988
 TRAVIS COUNTY, TEXAS

NOTE: THIS SURVEY WAS DONE WITHOUT THE
 BENEFIT OF A TITLE COMMITMENT; NO
 COURTHOUSE RESEARCH WAS PERFORMED TO LOCATE
 EASEMENTS OF RECORD THAT MIGHT AFFECT THIS
 PARCEL.

I, SAM LONG, A REGISTERED PUBLIC
 SURVEYOR, DO HEREBY CERTIFY THAT THE
 PLAT SHOWN HEREON REPRESENTS THE RESULTS
 OF AN ON THE GROUND SURVEY MADE UNDER MY
 DIRECTION AND SUPERVISION.

Sam Long 11/23/88
 SAM LONG
 REGISTERED PUBLIC SURVEYOR
 NO. 4331 - STATE OF TEXAS



- LEGEND:
- CALCULATED POINT ∇
 - IRON PIPE FOUND \odot
 - FOUND IRON ROD \bullet
 - SET IRON ROD \circ
 - RECORD INFORMATION $||$
 - BREAK IN SCALE $-Z-$
 - CHAINLINK FENCE $\times-\times$

PARCEL NO. 21

ES&I		CAPITAL SURVEYING COMPANY	
1130 Capital of Texas Highway South Austin, Texas 78706		Building 4, Suite 101 1918 221st	
DRAWN BY: sb	SCALE: NOT TO SCALE	# 66	
JOB NO.: 87519.18	DATE: NOVEMBER, 1988	SHEET #	
FILE NO.: CB7519	DRAWN: SAM 38-1	1 of 1	

00306 1320

REAL PROPERTY RECORDS
 TRAVIS COUNTY, TEXAS

11556 1009

AFTER RECORDING RETURN TO:

CITY OF AUSTIN
Law Department
Eminent Domain
Post Office Box 1088
Austin, Texas 78767-8828

ATTN: Susan K. Lefler

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 10-30-91



Dana DeBeauvoir, County Clerk

By Deputy: *D. Dobson*

D. DOBSON

FILED

1991 NOV -1 PM 4: 54

DANA DE BEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF TRAVIS

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, on

NOV 1 1991



Dana DeBeauvoir
COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM - At the time of recordation this instrument was found to be inadequate for the best photographic reproduction, because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

00306 1321

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

1556 1010