

RESOLUTION NO. 2023-40

*Cottonwood Creek West Tributary Wastewater Line
Parcel 1 (Nguyen)*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANOR TEXAS FINDING PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, FOR ACQUISITION OF A PERMANENT WASTEWATER LINE EASEMENT OVER A 20,796 SQUARE FOOT PARCEL OF LAND AND A TEMPORARY CONSTRUCTION EASEMENT OVER A 19,514 SQUARE FOOT PARCEL OF LAND, BOTH PARCELS BEING OUT OF AND A PART OF A CALLED 13.502 ACRE TRACT OF LAND OUT OF THE LEMUEL KIMBRO SURVEY, ABSTRACT NO. 456, SITUATED IN TRAVIS COUNTY, TEXAS, BEING THE SAME LAND CONVEYED IN A WARRANTY DEED TO TUAN NGUYEN AND NGIEU NGUYEN, RECORDED IN DOCUMENT NO. 2022072304, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND ESTABLISHING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, in order to promote public health, safety, and welfare, the City of Manor, Texas (“City”) hereby finds that public convenience and necessity require acquisition of a permanent wastewater line easement on, over, across, under and through that certain 20,796 square foot parcel of land situated in Travis County, Texas that is described with particularity in **Exhibits “A”** and **“C,”** both attached and incorporated herein by reference as if fully set out, and referred to hereafter as the “Permanent Easement,” for the public purpose and the public use of excavating for, placing, laying, constructing, installing, operating, maintaining, replacing, relocating, upgrading, removing, and repairing underground wastewater lines, facilities, connections therewith, manholes, vents, and all necessary appurtenances thereto (all such uses being referred to hereafter as the “Project”) and further for the use of any and all excavated materials from the Permanent Easement for the City’s use during the Project; and

WHEREAS, in order to promote public health, safety and welfare, the City hereby also finds that public convenience and necessity require acquisition of a temporary construction easement on, over, across, under and through that certain 19,514 square foot parcel in Travis County, Texas that is described with particularity in **Exhibits “B”** and **“C,”** both attached and incorporated by reference as if fully set out, and referred to hereafter as the “TCE,” for the public purpose and the public use of construction access, temporary spoil storage, equipment storage, equipment staging, and any other purpose necessary to effectuate construction of the Project; and

further for the use of any and all excavated materials from the TCE for the City's use during the Project; and

WHEREAS, in order to effectuate the Project, it will be necessary and convenient that agents, representatives, or employees of the City lay out the Project and acquire the necessary interests in land for the purpose of construction, reconstruction, operation and maintenance of the Project; and the necessary rights of way upon, over, under and across the Permanent Easement and TCE for the purposes of construction, reconstruction, operation, and maintenance of public wastewater line infrastructure improvements and appurtenances thereto, and for the use of any excavated materials from the Permanent Easement and TCE for use in the Project; and

WHEREAS, it may be necessary to hire engineers, surveyors, appraisers, attorneys, title companies, architects, or other persons or companies to effect the laying out, establishment, and acquisition of the Permanent Easement and TCE and for construction of the Project; and

WHEREAS, in order to acquire the Permanent Easement and TCE it will be or has been necessary for the City's agents, representatives, or employees to enter upon the Permanent Easement and TCE for the purpose of surveying and establishing said land titles and to determine adequate compensation for said land, to conduct tests, and to negotiate with the owners thereof for the purchase of the land titles and easements; and,

WHEREAS, it was necessary to set out procedures for the establishment and approval of just compensation for each of the parcels to be acquired for the Project;

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

1. That in order to promote the public health, safety, and welfare, public convenience and necessity requires the acquisition of a permanent wastewater easement over, across, under and through that certain 20,796 square foot tract of land situated in Travis County, Texas as specifically described by metes and bounds and accompanying plat in **Exhibits "A" and "C"** for the public purpose and the public use of excavating for, placing, laying, constructing, installing, operating, maintaining, replacing, relocating, upgrading, removing, and repairing underground wastewater lines, facilities, connections therewith, manholes, vents, and all necessary appurtenances thereto.
2. That in order to promote the public health, safety, and welfare, public convenience and necessity requires the acquisition of a temporary construction easement over, across, under and through that certain 19,514 square foot tract of land situated in Travis County, Texas as specifically described by metes and bounds and accompanying plat in **Exhibits "B" and "C"** for the public purpose and the public use of construction access, temporary spoil storage, equipment storage, equipment staging, and any other use necessary to effectuate construction of the Project.

3. That in order to promote the public health, safety, and welfare, public convenience and necessity further requires the City's acquisition and use of any and all earthen materials that may be excavated from the Permanent Easement and/or the TCE for any purposes related to the Project.
4. That the City's agents, representatives, or employees are hereby authorized to:
 - a. Lay out the exact location of the land area needed from the Permanent Easement, TCE, or other properties;
 - b. Hire such engineers, surveyors, appraisers, title companies, architects, and other persons or companies needed to effect the laying out of the facilities, the establishment and acquisition of the required right of way, and the construction of the public utility infrastructure improvements and appurtenances;
 - c. Enter upon any property necessary for the purpose of surveying and establishing the title, to determine adequate compensation for the right of way, and to conduct tests;
 - d. Negotiate with the owners of any such properties for the purchase thereof;
 - e. To purchase any necessary easements and right of way on, over, under and across the Permanent Easement and TCE and to execute all documents necessary to acquire such rights of way, all subject to express approval of the specific, negotiated terms by the City Council;
 - f. Initiate eminent domain proceedings against the owner(s) of the Permanent Easement and TCE for the necessary land interest(s) in same in the event the owner(s) fail to accept a bona fide offer to purchase the Permanent Easement and TCE; and
 - g. Take whatever further actions deemed appropriate to economically effect the establishment of the Project and appurtenances thereto.
5. That all previous acts and proceedings done or initiated by the City's agents, representatives, or employees for the establishment of the Project, including the negotiation for and/or acquisition of any necessary property rights in the Permanent Easement and TCE are hereby authorized, ratified, approved, confirmed, and validated. This resolution shall take effect immediately from and after its passage.
7. The Mayor is hereby authorized to sign this resolution and the City Secretary to attest thereto on behalf of the City of Manor, Texas.
8. This resolution shall be effective immediately upon adoption.

RESOLVED by the City Council of the City of Manor, Texas this 6th day of
December 2023.

THE CITY OF MANOR, TEXAS

ATTEST:

By: _____
Dr. Christopher Harvey, Mayor

Lluvia T. Almaraz, City Secretary

APPROVED AS TO FORM:

Veronica Rivera, Assistant City Attorney

FIELD NOTES FOR A 20,796 SQUARE FOOT SANITARY SEWER EASEMENT:

A **20,796 Square Foot Sanitary Sewer Easement**, located in the Lemuel Kimbro Survey, Abstract No. 456, Travis County, Texas, being a portion of a called 13.502 Acre tract of land, described in Document No. 2022072304, Official Public Records of Travis County, Texas. Said 20,796 Square Foot Sanitary Sewer Easement being more particularly described by metes and bounds as follows:

BEGINNING at a point in the common line between said 13.502 Acre tract and Bois-D-Arc Road, a variable width Right of Way, from which a set 1/2" iron rod with a pink cap stamped "GBA 10194808" in the southeast line of said Bois-D-Arc Road, for the northerly most common corner of said 13.502 Acre tract and a called 15.20 Acre tract of land described in Document No. 2016064061, Official Public Records of Travis County, Texas, bears N 27° 13' 56" E, with said common line, a distance of 177.47 feet;

Thence: Over and across said 13.502 Acre tract, the following four (4) courses:

1. **S 63° 44' 14" E**, a distance of **169.65 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
2. **S 23° 55' 53" W**, a distance of **156.53 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
3. **S 14° 02' 15" E**, a distance of **327.33 feet**, to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
4. **S 47° 24' 10" W**, a distance of **203.96 feet**, to a set 1/2" iron rod with a pink cap stamped "GBA 10194808" in the common line between said 13.502 Acre tract and Manor Heights South Phase 1, Section 1, a plat of record in Document No. 202100001, Official Public Records of Travis County, Texas, for corner, from which a set 1/2" iron rod with a pink cap stamped "GBA 10194808" for the common corner of said 13.502 Acre tract, said 15.20 Acre Tract, said Manor Heights South Phase 1, Section 1, and the remainder of a called 267.942 Acre tract of land described in Document No. 2019176020, Official Public Records of Travis County, Texas, bears S 62° 00' 02" E, with said common line, a distance of 762.85 feet;

Thence: **N 62° 00' 02" W**, with said common line, a distance of **26.51 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808" in said common line, for corner, from which a found 1/2" iron rod with a red cap stamped "KHA" in the southwest line of said 13.502 Acre tract, for the northwest corner of said Manor Heights South Phase 1, Section 1, bears N 62° 00' 02" W, with said common line, a distance of 272.74 feet;

Thence: Over and across said 13.502 Acre tract, the following four (4) courses:

1. **N 47° 24' 10" E**, a distance of **197.91 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
2. **N 14° 02' 15" W**, a distance of **321.08 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
3. **N 23° 55' 53" E**, a distance of **141.15 feet**, to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
4. **N 63° 45' 12" W**, a distance of **146.07 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808" in the common line between said 13.502 Acre tract and Bois-D-Arc Road, for corner;

Thence: **N 27° 13' 56" E**, with said common line, a distance of **25.02 feet** to the **POINT OF BEGINNING** and containing **20,796 Square Feet** of land, situated in Travis County, Texas.

NOTES:

1. BEARINGS BASED ON TEXAS STATE PLANE COORDINATES, CENTRAL ZONE, 4203, NAD83-US SURVEY FEET.

This is to certify that this real property legal description has been prepared by me or under my direct supervision.



SCOTT F. AMMONS
REGISTERED PUBLIC LAND SURVEYOR NO. 6550
STATE OF TEXAS



2301 Double Creek Drive
Building 1, Suite 110
Round Rock, Texas 78664
5 1 2 . 6 1 6 . 0 0 5 5
www.gbateam.com
TBPELS FIRM #10194808

PROJECT NUMBER
15128.00
DATE
03/31/2023

Exhibit "A"
Sanitary Sewer Easement
Manor, Travis Co., TX

SHEET NUMBER
1 of 4

FIELD NOTES FOR A 19,514 SQUARE FOOT TEMPORARY CONSTRUCTION EASEMENT:

A **19,514 Square Foot** Temporary Construction Easement, located in the Lemuel Kimbro Survey, Abstract No. 456, Travis County, Texas, being a portion of a called 13.502 Acre tract of land, described in Document No. 2022072304, Official Public Records of Travis County, Texas. Said 19,514 Square Foot Temporary Construction Easement being more particularly described by metes and bounds as follows:

BEGINNING at a point in the common line between said 13.502 Acre tract and Bois-D-Arc Road, a variable width Right of Way, from which a set 1/2" iron rod with a pink cap stamped "GBA 10194808" in the southeast line of said Bois-D-Arc Road, for the northerly most common corner of said 13.502 Acre tract and a called 15.20 Acre tract of land described in Document No. 2016064061, Official Public Records of Travis County, Texas, bears N 27° 13' 56" E, with said common line, a distance of 202.49 feet;

Thence: Over and across said 13.502 Acre tract, the following four (4) courses:

1. **S 63° 45' 12" E**, a distance of **146.07 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
2. **S 23° 55' 53" W**, a distance of **141.15 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
3. **S 14° 02' 15" E**, a distance of **321.08 feet**, to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
4. **S 47° 24' 10" W**, a distance of **197.91 feet**, to a set 1/2" iron rod with a pink cap stamped "GBA 10194808" in the common line between said 13.502 Acre tract and Manor Heights South Phase 1, Section 1, a plat of record in Document No. 202100001, Official Public Records of Travis County, Texas, for corner, from which a set 1/2" iron rod with a pink cap stamped "GBA 10194808" for the common corner of said 13.502 Acre tract, said 15.20 Acre Tract, said Manor Heights South Phase 1, Section 1, and the remainder of a called 267.942 Acre tract of land described in Document No. 2019176020, Official Public Records of Travis County, Texas, bears S 62° 00' 02" E, with said common line, a distance of 789.36 feet;

Thence: **N 62° 00' 02" W**, with said common line, a distance of **26.51 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808" in said common line, for corner, from which a found 1/2" iron rod with a red cap stamped "KHA" in the southwest line of said 13.502 Acre tract, for the northwest corner of said Manor Heights South Phase 1, Section 1, bears N 62° 00' 02" W, with said common line, a distance of 246.23 feet;

Thence: Over and across said 13.502 Acre tract, the following four (4) courses:

1. **N 47° 24' 10" E**, a distance of **191.86 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
2. **N 14° 02' 15" W**, a distance of **314.82 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
3. **N 23° 55' 53" E**, a distance of **125.74 feet**, to a set 1/2" iron rod with a pink cap stamped "GBA 10194808", for corner;
4. **N 63° 45' 12" W**, a distance of **122.49 feet** to a set 1/2" iron rod with a pink cap stamped "GBA 10194808" in the common line between said 13.502 Acre tract and Bois-D-Arc Road, for corner;

Thence: **N 27° 13' 56" E**, with said common line, a distance of **25.00 feet** to the **POINT OF BEGINNING** and containing **19,514 Square Feet** of land, situated in Travis County, Texas.

NOTES:

1. BEARINGS BASED ON TEXAS STATE PLANE COORDINATES, CENTRAL ZONE, 4203, NAD83-US SURVEY FEET.

This is to certify that this real property legal description has been prepared by me or under my direct supervision.

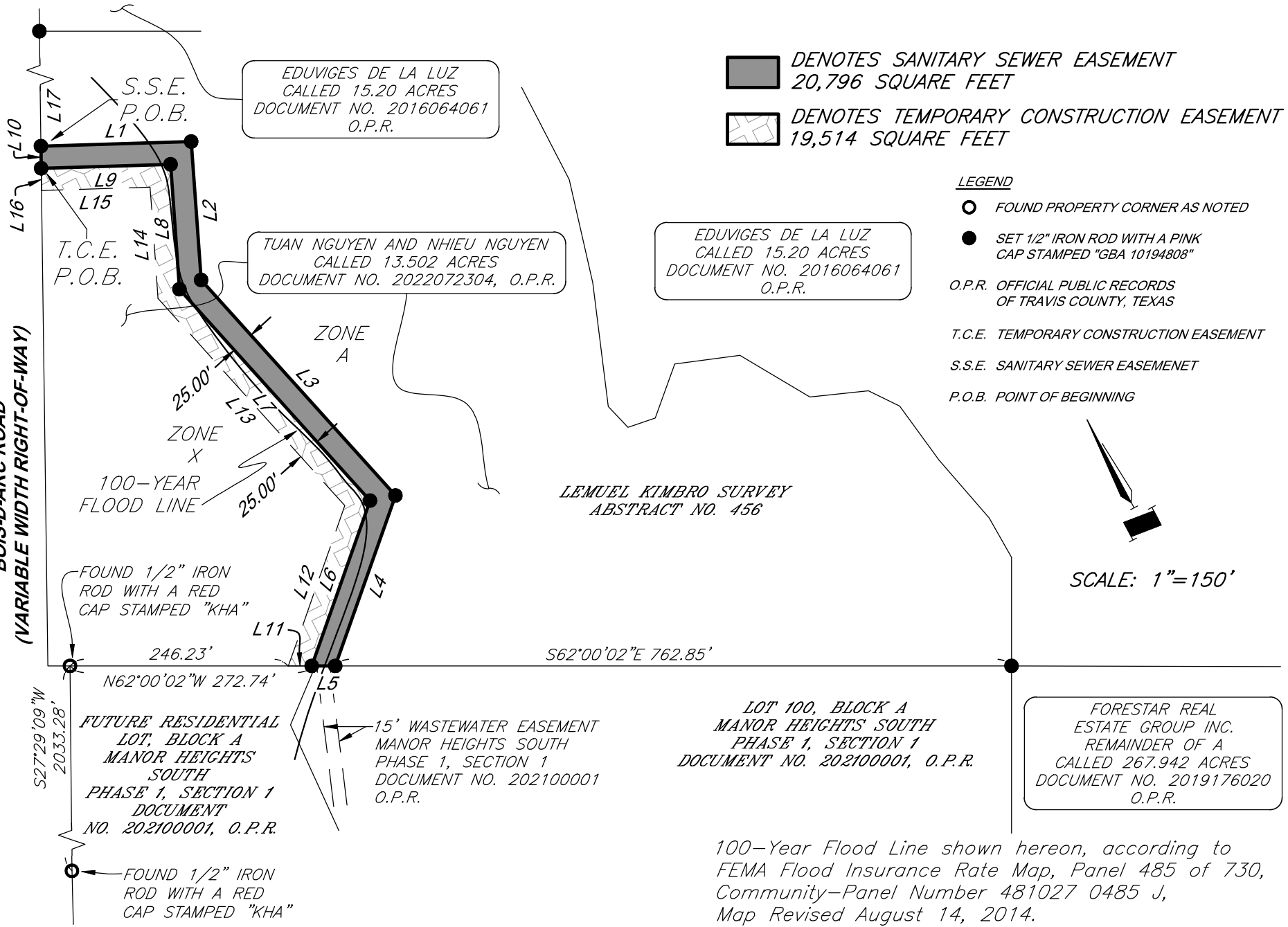


SCOTT F. AMMONS
REGISTERED PUBLIC LAND SURVEYOR NO. 6550
STATE OF TEXAS



G:\15128\Drawings\Survey\15128\3900.dwg - Layout - TX - 8.5x11 - Monday, April 03, 2023, 2:17pm - Copyright 2023, George Butler Associates, Inc.

BOIS-D-ARC ROAD
 (VARIABLE WIDTH RIGHT-OF-WAY)



EDUVIGES DE LA LUZ
 CALLED 15.20 ACRES
 DOCUMENT NO. 2016064061
 O.P.R.

TUAN NGUYEN AND NHIEU NGUYEN
 CALLED 13.502 ACRES
 DOCUMENT NO. 2022072304, O.P.R.

EDUVIGES DE LA LUZ
 CALLED 15.20 ACRES
 DOCUMENT NO. 2016064061
 O.P.R.

FORESTAR REAL
 ESTATE GROUP INC.
 REMAINDER OF A
 CALLED 267.942 ACRES
 DOCUMENT NO. 2019176020
 O.P.R.

DENOTES SANITARY SEWER EASEMENT
 20,796 SQUARE FEET

 DENOTES TEMPORARY CONSTRUCTION EASEMENT
 19,514 SQUARE FEET

LEGEND

- FOUND PROPERTY CORNER AS NOTED
- SET 1/2" IRON ROD WITH A PINK CAP STAMPED "GBA 10194808"
- O.P.R. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- T.C.E. TEMPORARY CONSTRUCTION EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- P.O.B. POINT OF BEGINNING

SCALE: 1"=150'

FOUND 1/2" IRON ROD WITH A RED CAP STAMPED "KHA"

FOUND 1/2" IRON ROD WITH A RED CAP STAMPED "KHA"

FUTURE RESIDENTIAL LOT, BLOCK A MANOR HEIGHTS SOUTH PHASE 1, SECTION 1 DOCUMENT NO. 202100001, O.P.R.

15' WASTEWATER EASEMENT MANOR HEIGHTS SOUTH PHASE 1, SECTION 1 DOCUMENT NO. 202100001 O.P.R.

LEMUEL KIMBRO SURVEY
 ABSTRACT NO. 456

LOT 100, BLOCK A MANOR HEIGHTS SOUTH PHASE 1, SECTION 1 DOCUMENT NO. 202100001, O.P.R.

100-Year Flood Line shown hereon, according to FEMA Flood Insurance Rate Map, Panel 485 of 730, Community-Panel Number 481027 0485 J, Map Revised August 14, 2014.



2301 Double Creek Drive
 Building 1, Suite 110
 Round Rock, Texas 78664
 512.616.0055
 www.gbateam.com

PROJECT NUMBER
 15128.00

DATE
 03/31/2023

Exhibit "C"
**Sanitary Sewer Easement &
 Temporary Construction Easement**
Manor, Travis Co., TX

SHEET NUMBER

3 of 4

© 1/15/2019 (Civil 3D) Sheet Drawings [Survey] 151280000.dwg Layout: TR-4-217-1 - SHEET 4 - - Plot Date: March 31, 2023 2:58pm - Copyright 2023, George Butler Associates, Inc.

NOTES:

1. BEARINGS BASED ON TEXAS STATE PLANE COORDINATES, CENTRAL ZONE, 4203, NAD83-US SURVEY FEET.

This is to certify that this real property exhibit was prepared by me or under my direct supervision. This exhibit does not warrant that a boundary survey was performed upon the hereon shown tract of land.




Line Table		
Line #	Bearing	Distance
L1	S 63° 44' 14" E	169.65
L2	S 23° 55' 53" W	156.53
L3	S 14° 02' 15" E	327.33
L4	S 47° 24' 10" W	203.96
L5	N 62° 00' 02" W	26.51
L6	N 47° 24' 10" E	197.91
L7	N 14° 02' 15" W	321.08
L8	N 23° 55' 53" E	141.15
L9	N 63° 45' 12" W	146.07
L10	N 27° 13' 56" E	25.02
L11	S 62° 00' 02" E	26.51
L12	N 47° 24' 10" E	191.86
L13	N 14° 02' 15" W	314.82
L14	N 23° 55' 53" E	125.74
L15	N 63° 45' 12" W	122.49
L16	N 27° 13' 56" E	25.00
L17	N 27° 13' 56" E	177.47



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 5 1 2 . 6 1 6 . 0 0 5 5
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PROJECT NUMBER
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DATE
03/31/2023

Exhibit "D"
Sanitary Sewer Easement &
Temporary Construction Easement
Manor, Travis Co., TX

SHEET NUMBER

4 of 4