

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE CENTRAL TEXAS  
REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 10-67**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 10C)**

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code and other applicable law, the Central Texas Regional Mobility Authority ("CTRMA") has found and determined that to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways and the roadways of the State of Texas, public convenience and necessity requires acquisition of fee simple title to that certain 0.009 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Ernest Karam, Trustee (the "Owner"), for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the "Project"), as a part of the improvements to the Project, but excluding all the oil, gas, and sulphur which can be removed from beneath the Subject Property, without any right whatever remaining to the owner of such oil, gas, and sulphur of ingress to or egress from the surface of the Subject Property for the purpose of exploring, developing, or mining of the same, and that such constructing, reconstructing, maintaining, widening, straightening, lengthening, and operating of the Project shall extend across and upon, and will cross, run through, and be upon the Subject Property; and

WHEREAS, an independent, professional appraisal report of the Subject Property has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, has transmitted an official written offer to the Owner, based on the amount determined to be just compensation, and has entered into good faith negotiations with the Owner of the Subject Property to acquire the Subject Property; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have failed to agree on the amount determined to be just compensation and damages, if any, due to said Owner for the Subject Property; and


NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized and directed to acquire the Subject Property and all leasehold interests in the Subject Property for the Project by agreement, subject to approval of the purchase contract by the Board of Directors of the CTRMA; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Subject Property by agreement would be futile, the Executive Director or his designee is hereby authorized and directed to file or cause to be filed a suit in eminent domain to acquire the property interests for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Subject Property, the Subject Property described in the attached Exhibit "A" to this Resolution; and


BE IT FURTHER RESOLVED that the Executive Director or his designee is hereby authorized and directed to incur such expenses and to employ such experts as he shall deem necessary to assist in the prosecution of such suit in eminent domain, including, but not limited to, appraisers, engineers, and land use planners.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30<sup>th</sup> day of June, 2010.

Submitted and reviewed by:

  
\_\_\_\_\_  
Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:

  
\_\_\_\_\_  
Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 10-67  
Date Passed: 06/30/10

**Exhibit A: Description of Parcel 10C**

**Exhibit B: Description of Parcel 3**

**EXHIBIT** \_\_\_\_\_

**County:** Travis  
**Parcel No.:** 10C  
**Highway:** U.S. Highway 290  
**Project Limits:** From: E of US 183  
To: E of SH 130  
**Right of Way CSJ:** 0114-02-085

**PROPERTY DESCRIPTION FOR PARCEL 10C**

DESCRIPTION OF 0.009 OF ONE ACRE (397 SQUARE FEET) OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2.96 ACRES IN A DEED TO ERNEST KARAM, TRUSTEE, OF RECORD IN DOCUMENT 2006009022, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.009 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap to be replaced by a TxDOT Type II concrete monument after acquisition, 360.97 feet right of U.S. 290 Engineer's Baseline Station 288+19.92, same being in the southeast line of said Lot 3 and said Karam tract and in the existing northwest ROW line of Springdale Road, a public ROW for which no record information was found, from which a 1/2" iron rod found at the south corner of said Lot 3 and said Karam tract and the east corner of Tract 1, Springdale Road Commercial No. 2, a subdivision of record in Book 78, Page 194, Plat Records, Travis County, Texas, said Tract 1 being described in a deed to Austin Nelson Company, Inc., of record in Volume 6769, Page 554, Deed Records, Travis County, Texas, bears S27°50'09"W 284.52 feet;

THENCE, with the northwest line of this tract, and the proposed northwest ROW line of Springdale Road, crossing said Lot 3 and said Karam tract, the following two (2) courses numbered 1 and 2;

- 1) **N24°54'07"E 120.52 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced by a TxDOT Type II concrete monument after acquisition, 257.51 feet right of U.S. 290 Engineer's Baseline Station 288+81.74; and

**EXHIBIT** \_\_\_\_

- 2) **N34°04'18"W 2.08 feet** to a 1/2" iron rod set with a TxDOT aluminum cap, 255.68 feet right of U.S. 290 Engineer's Baseline Station 288+80.76 at the northwest corner of this tract, same being in the north line of said Lot 3 and said Karam tract and the south line of Lot 1, Fairmont Foods Subdivision No. 1, a subdivision of record in Book 82, Page 23, Plat Records, Travis County, Texas and the south line of that tract described as Tract 1 in a deed to Speedy Stop Food Stores, Ltd., of record in Document Number 2002105076, Official Public Records, Travis County, Texas from which a 1/2" iron rod found at the southwest corner of said Lot 1, Fairmont Foods Subdivision No. 1 and said Speedy Stop Food Stores, Ltd. Tract 1, being the southeast corner of that tract described as Tract 2 in said deed to Speedy Stop Food Stores, Ltd. and the southeast corner of Lot 1 of Speedy Stop No. 216, a subdivision of record in Document Number 200300338, Official Public Records, Travis County, Texas, also being an angle point in said north line of Lot 3 and Karam tract, bears **S87°26'47"W 118.55 feet**;
  
- 3) **THENCE**, with the north line of this tract, said Lot 3, and said Karam tract and the south line of Lot 1, Fairmont Foods subdivision, **N87°26'47"E**, passing at 3.48 feet a calculated point at the southeast corner of said Lot 1, Fairmont Foods, and said Speedy Stop tract and the southwest corner of a 5 foot wide Street Dedication as dedicated by plat of said Fairmont Foods subdivision and the existing northwest ROW line of Springdale Road, continuing with the south line of said 5 foot wide Street Dedication, 5.80 feet for a total distance of **9.28 feet** to a calculated point at the northeast corner of this tract, said Lot 3, and said Karam tract;

**EXHIBIT** \_\_\_\_

4) THENCE, with the southeast line of this tract, said Lot 3, and said Karam tract and the existing northwest ROW line of Springdale Road, **S27°50'09"W 126.04 feet** to the POINT OF BEGINNING and containing 0.009 of one acre within these metes and bounds, more or less.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS MAY BE PERMITTED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE PROPOSED RIGHT-OF-WAY LINE AS DESCRIBED HEREIN, BEING THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE REMAINDER OF THE ABUTTING PROPERTY.

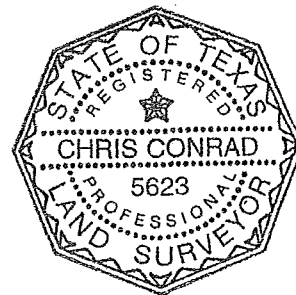
**STATE OF TEXAS**           §  
  §       **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF TRAVIS**   §

That I, Chris Conrad, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief 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 5th day of March, 2010 A.D.

SURVEYED BY:

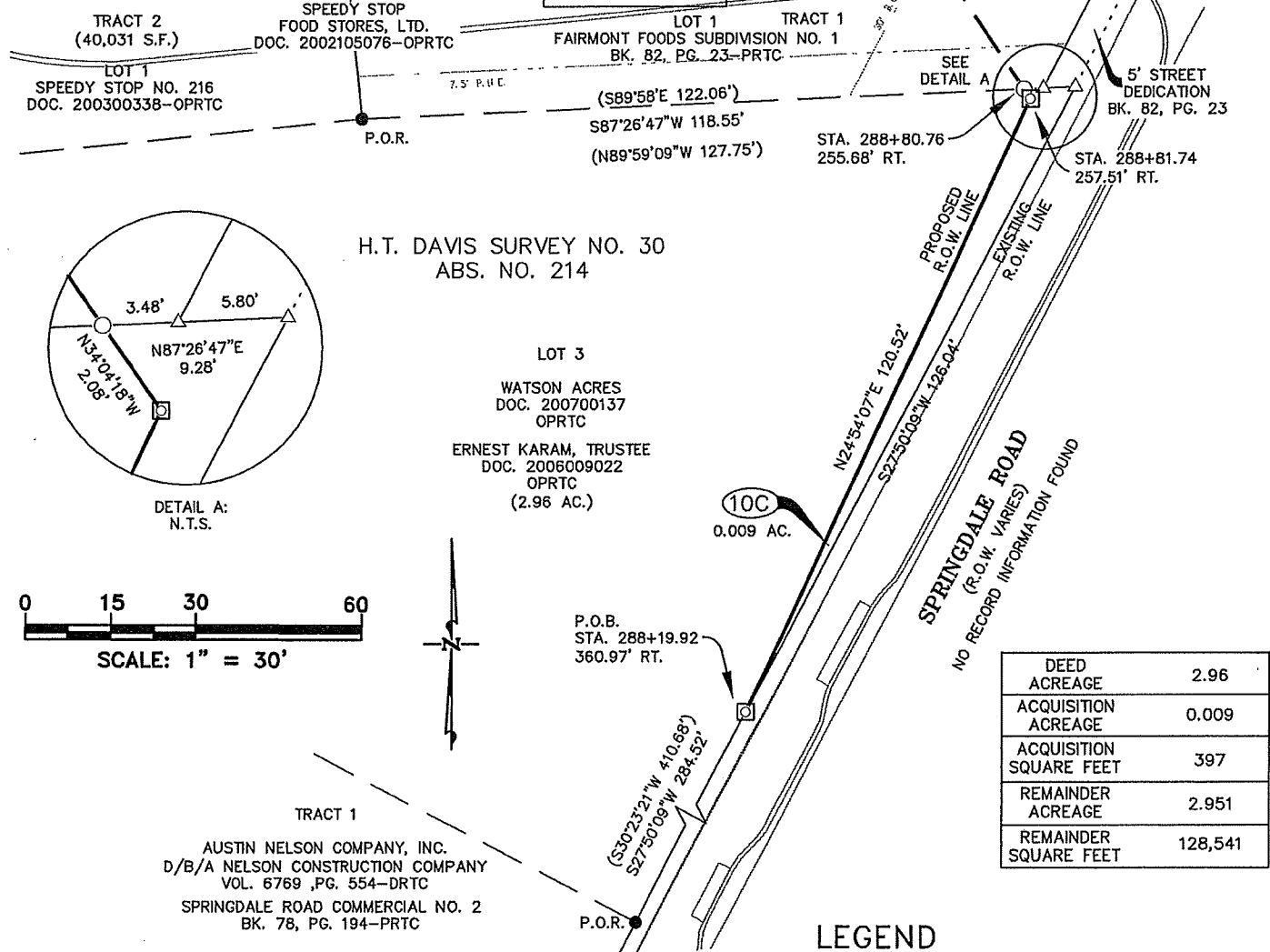
**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591



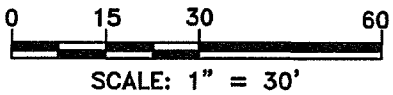
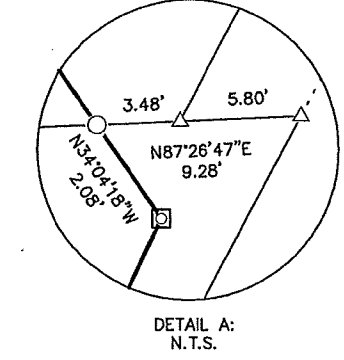
A handwritten signature in cursive script, appearing to read "Chris Conrad".

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P10C  
Issued 02/27/09;  
Revised 5/15/09; 7/17/09; 9/16/09; 12/4/09, 3/5/10

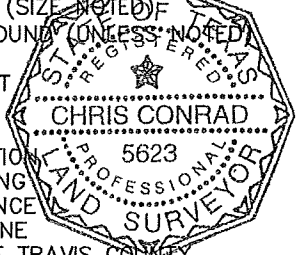


DEED ACREAGE	2.96
ACQUISITION ACREAGE	0.009
ACQUISITION SQUARE FEET	397
REMAINDER ACREAGE	2.951
REMAINDER SQUARE FEET	128,541



LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- TXDOT TYPE II CONCRETE MONUMENT FOUND
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
- IRON PIPE FOUND (SIZE NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- ACCESS DENIAL LINE
- PRTC PLAT RECORDS OF TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



- NOTES:
- BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
  - SEE PAGES 1, 2, AND 3 OF 4 FOR A DESCRIPTION OF THIS PARCEL.
  - IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
  - THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
  - ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
  - ACCESS MAY BE PERMITTED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE PROPOSED RIGHT-OF-WAY LINE AS SHOWN HEREON, BEING THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE REMAINDER OF THE ABUTTING PROPERTY.

SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

03/05/10

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

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

PLAT OF 0.009 AC. OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, SAME BEING A PORTION OF LOT 3, BLOCK A, WATSON ACRES, A SUBDIVISION OF RECORD IN DOCUMENT 200700137, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. SAID LOT 1 BEING DESCRIBED IN A DEED TO ERNEST KARAM, TRUSTEE, OF RECORD IN DOCUMENT 2006009022, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 10C  
PAGE 4 OF 4



# FINAL CLOSURE PARCEL 10C US HIGHWAY 290

## PARCEL 10C SKETCH MAPCHECK

North: 10093717.4524 East: 3141627.1070  
Course: N 24-54-07 E Distance: 120.52000  
North: 10093826.7676 East: 3141677.8539  
Course: N 34-04-18 W Distance: 2.08000  
North: 10093828.4906 East: 3141676.6887  
Course: N 87-26-47 E Distance: 9.28000  
North: 10093828.9040 East: 3141685.9594  
Course: S 27-50-09 W Distance: 126.04000  
North: 10093717.4482 East: 3141627.1064

Perimeter: 257.92000

Area: 397.13447 0.00912 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.004222 Course: N 08-39-36 E

Precision 1: 61094.41

## PARCEL 10C STRIPMAP MAPCHECK

North: 10092092.4226 East: 3141572.4520  
Course: N 24-54-07 E Distance: 120.52000  
North: 10092201.7379 East: 3141623.1990  
Course: N 34-04-18 W Distance: 2.08000  
North: 10092203.4608 East: 3141622.0337  
Course: N 87-26-47 E Distance: 9.28000  
North: 10092203.8743 East: 3141631.3045  
Course: S 27-50-09 W Distance: 126.04000  
North: 10092092.4185 East: 3141572.4514

Perimeter: 257.92000

Area: 397.13447 0.00912 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.004222 Course: N 08-39-36 E

Precision 1: 61094.41

## PARCEL 10C DESCRIPTION MAPCHECK

North: 10114594.2821 East: 3124001.1973  
Course: N 24-54-07 E Distance: 120.52000  
North: 10114703.5973 East: 3124051.9443  
Course: N 34-04-18 W Distance: 2.08000  
North: 10114705.3202 East: 3124050.7790  
Course: N 87-26-47 E Distance: 9.28000  
North: 10114705.7337 East: 3124060.0498

# FINAL CLOSURE PARCEL 10C US HIGHWAY 290

PARCEL 10C DESCRIPTION MAPCHECK cont.

Course: S 27-50-09 W      Distance: 126.04000  
North: 10114594.2779    East: 3124001.1967

Perimeter: 257.92000

Area: 397.13447                      0.00912 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.004222          Course: N 08-39-36 E  
Precision 1: 61094.41