

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

**RESOLUTION NO. 10-31**

**Resolution Authorizing Acquisition of Property Rights by Agreement or  
Condemnation of Certain Property in Travis County for the US 290 East Toll  
Project  
(Parcel 12)**

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 0.12 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by JAMES T. WATSON (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.

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 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 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 31<sup>st</sup> day of March 2010.

Submitted and Reviewed by:



Andrew Martin  
General Counsel for the Central  
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 10-31  
Date Passed 03/31/10

## **Exhibit A: Description of Parcel 12**

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

**County:** Travis  
**Parcel No.:** 12  
**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 12**

DESCRIPTION OF 0.120 OF ONE ACRE (5,240 SQ. FT.) OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THE REMAINDER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 26.541 ACRES IN A DEED TO JAMES T. WATSON AND KENNETH R. MORGAN, OF RECORD IN VOLUME 4791, PAGE 593, DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.120 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the existing south right-of-way (ROW) line of U.S. Highway 290, 1.12 feet left of Engineer's Baseline Station 282+76.39, at the northwest corner of the herein described tract, same being the northeast corner of Lot 3, Block A, 290/Tuscany Business Park, a subdivision of record in Book 101, Pages 65-67, Plat Records, Travis County, Texas, said Lot 3 being described in a deed to 1825 Fortview, Inc., of record in Volume 13189, Page 6, Real Property Records, Travis County, Texas, and being in the south line of that certain tract of land described as 4.228 acres (Part 1), in a deed to the State of Texas, of record in Volume 3138, Page 2243, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found in the existing south ROW line of U.S. Highway 290, the south line of said 4.228 acre State of Texas tract, and in the north line of said 1825 Fortview tract, same being the northwest corner of said Lot 3, and the northeast corner of Lot 2, Block A, of said 290/Tuscany Business Park subdivision bears S84°02'10"W 155.49 feet, and from which point of beginning a 1/2" iron rod found bears N06°02'13"W 0.43 feet;

- 1) THENCE, with the north line of this tract, and said Watson remainder tract, the existing south ROW line of U. S. Highway 290, and the south line of said 4.228 acre State of Texas tract **N84°02'10"E 51.10 feet** to a calculated point, 1.13 feet left of

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

Engineer's Baseline Station 283+27.49, at the northeast corner of this tract and said Watson remainder tract, same being the northwest corner of that certain tract of land described as 4.7178 acres in a deed to Jimmy Nassour, of record in Document 2005052232, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found bears N03°50'30"W 0.66 feet;

THENCE, with the east line of this tract and said Watson remainder tract, and the west line of said Nassour tract the following two (2) courses, numbered 2 and 3

- 2) **S03°50'30"E 39.48 feet** to a 1/2" iron rod found; and
- 3) **S14°40'14"W 140.23 feet** to a calculated point at the south corner of this tract and said Watson remainder tract, same being in the west line of said Nassour tract, and at an angle point in the east line of said 1825 Fortview tract and said Lot 3, from which point a 1/2" iron rod found in the east line of said 1825 Fortview tract and said Lot 3, and the southwest corner of said Nassour tract, same being the north corner of Lot 1, Springdale Commercial II, a subdivision of record in Book 79, Page 46, Plat Records, Travis County, Texas, said Lot 1 being described in a deed to Behzad Bahrami, of record in Document 2005093481, Official Public Records, Travis County, Texas, bears S14°40'14"W 147.59 feet, and from which point a 1/2" iron rod found at the southeast corner of said 1825 Fortview tract and said Lot 3, and the northeast corner of Lot 4, Block A in said 290/Tuscany Business Park subdivision, said Lot 4 being described in a deed to Penske Truck Leasing Company, L.P., of record in Volume 13201, Page 1306, Real Property Records, Travis County, Texas, same being in the west line of said Bahrami tract and said Lot 1, bears S14°40'14"W 170.84 feet, and from which point a 60d nail found bears N85°05'37"E 1.41 feet;

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

- 4) THENCE, with the west line of this tract and said Watson remainder tract, same being the east line of said 1825 Fortview tract and said Lot 3, **N06°02'13"W 170.69 feet** to the POINT OF BEGINNING and containing 0.120 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.

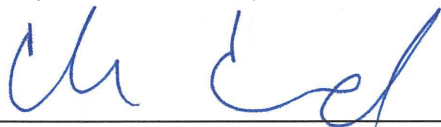
**STATE OF TEXAS**       §  
                                  §       **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF TRAVIS**   §

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 20th day of March, 2007 A.D.

SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Drive, Suite 6 Austin, Texas 78731  
(512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P12REV Issued 12/01/06, Rev 03/20/07

U.S. HIGHWAY 290

(R.O.W. VARIES)

STATE OF TEXAS  
VOL. 3138, PG. 2243 "PART-1"-(4.228 AC.)  
284+00 EXISTING R.O.W. LINE

SURVEYED ACREAGE	0.120 AC.
ACQUISITION ACREAGE	0.120 AC.
ACQUISITION SQUARE FEET	5,240
REMAINDER ACREAGE	0 AC.
REMAINDER SQUARE FEET	0

LOT 2, BLOCK A  
1825 FORTVIEW, INC.  
VOL. 13189, PG. 6

LOT 3, BLOCK A  
1825 FORTVIEW, INC.  
VOL. 13189, PG. 6



SCALE: 1" = 60'

LOT 4, BLOCK A  
PENSKE TRUCK  
LEASING COMPANY, L.P.  
VOL. 13201, PG. 1306

LOT 1  
BEHZAD BAHRAMI  
DOC. 2005093481  
SPRINGDALE  
COMMERCIAL II  
BK. 79, PG. 46

- NOTES:
- 1) 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.
  - 2) SEE PAGES 1, 2, AND 3 OF 4 FOR A DESCRIPTION OF THIS PARCEL.
  - 3) IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
  - 4) THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
  - 5) ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
  - 6) 0.068 OF ONE ACRE OF SAID 0.120 OF ONE ACRE IS AN EXISTING 40' STATE OF TEXAS CHANNEL EASEMENT OF RECORD IN VOLUME 774, PAGE 605 AND VOLUME 663, PAGE 182, DEED RECORDS, TRAVIS COUNTY, TEXAS.

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

03/20/07

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 0.120 AC. OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABS. NO. 214, SAME BEING ALL OF THE REMAINDER OF THAT CERTAIN TRACT DESCRIBED AS 26.541 AC. IN A DEED TO JAMES T. WATSON AND KENNETH R. MORGAN, OF RECORD IN VOLUME 4791, PG. 593, DEED RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 12  
PAGE 4 OF 4

LINE TABLE		
LINE	BEARING	LENGTH
L1	N84°02'10"E	51.10
L2	S03°50'30"E	39.48
(L2)	(S03°22'00"E)	(40.00)

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
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- ▬ ACCESS DENIAL LINE



**CLOSURES PARCEL 12  
US 290 ROW**

PARCEL 12 - STRIPMAP

North: 10093049.4680 East: 3140517.1089  
Course: N 84-02-10 E Distance: 51.10000  
North: 10093054.7773 East: 3140567.9323  
Course: S 03-50-30 E Distance: 39.48000  
North: 10093015.3860 East: 3140570.5775  
Course: S 14-40-14 W Distance: 140.23000  
North: 10092879.7278 East: 3140535.0627  
Course: N 06-02-13 W Distance: 170.69000  
North: 10093049.4712 East: 3140517.1113

Perimeter: 401.50000

Area: 5239.72174 0.12029 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.004038 Course: S 36-08-13 W  
Precision 1: 99422.97

PARCEL 12 - SKETCH

North: 10093409.1583 East: 3141093.9617  
Course: N 84-02-10 E Distance: 51.10000  
North: 10093414.4677 East: 3141144.7851  
Course: S 03-50-30 E Distance: 39.48000  
North: 10093375.0764 East: 3141147.4303  
Course: S 14-40-14 W Distance: 140.23000  
North: 10093239.4182 East: 3141111.9155  
Course: N 06-02-13 W Distance: 170.69000  
North: 10093409.1616 East: 3141093.9641

Perimeter: 401.50000

Area: 5239.72174 0.12029 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.004038 Course: S 36-08-13 W  
Precision 1: 99422.97



**CLOSURES PARCEL 12  
US 290 ROW**

PARCEL 12 - DESCRIPTION

North: 10093319.3112 East: 3140136.9890  
Course: N 84-02-10 E Distance: 51.10000  
North: 10093324.6206 East: 3140187.8124  
Course: S 03-50-30 E Distance: 39.48000  
North: 10093285.2293 East: 3140190.4576  
Course: S 14-40-14 W Distance: 140.23000  
North: 10093149.5710 East: 3140154.9428  
Course: N 06-02-13 W Distance: 170.69000  
North: 10093319.3144 East: 3140136.9914

Perimeter: 401.50000

Area: 5239.72174                      0.12029 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.004038              Course: S 36-08-13 W  
Precision 1: 99422.97