

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

RESOLUTION NO. 10-33

**Resolution Authorizing Acquisition of Property Rights by Agreement or
Condemnation of Certain Property in Travis County for the US 290 East Toll
Project
(Parcel 17)**

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 0.899 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by WILLIAM K. REAGAN. (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 31st day of March 2010.

Submitted and reviewed by:

Approved:



Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 10-33
Date Passed 03/31/10

Exhibit A: Description of Parcel 7

EXHIBIT _____

County: Travis
Parcel No.: 17
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 17

DESCRIPTION OF 0.899 OF ONE ACRE (39,140 SQ. FT.) 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 4.00 ACRES IN A DEED TO WILLIAM K. REAGAN, OF RECORD IN VOLUME 11276, PAGE 166, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.899 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 with a TxDOT Type II concrete monument after acquisition, in the proposed south right-of-way (ROW) line of U.S. Highway 290, 215.53 feet right of Engineer's Baseline Station 295+42.22, at the southeast corner of the herein described tract, same being in the east line of said Reagan tract, and the existing west ROW line of Ferguson Cutoff, a public ROW for which no record information was found, from which point a 1/2" iron rod found in the south line of said Reagan tract, and the existing west ROW line of Ferguson Cutoff, same being the northeast corner of Lot 6, Block A, Ferguson Commercial Section 1, a subdivision of record in Book 97, Pages 378-379, Plat Records, Travis County, Texas, same being the northwest corner of a ROW dedication as dedicated by plat of said Ferguson Commercial subdivision, bears S10°39'25"W 291.33 feet and S79°20'14"W 17.08 feet;

THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Reagan tract, the following two (2) courses numbered 1 and 2;

- 1) N51°40'12"W 15.08 feet to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 205.00 feet right of Engineer's Baseline Station 295+31.43; and

EXHIBIT _____

- 2) **S84°02'32"W 288.83 feet** to a 1/2" iron rod set with a TxDOT aluminum cap, 205.00 feet right of Engineer's Baseline Station 292+42.60, at the southwest corner of this tract, same being in the west line of said Reagan tract, and the east line of Lot 1, Enterprise Business Center Section One, a subdivision of record in Book 87, Pages 161A-161B, Plat Records, Travis County, Texas, said Lot 1 being described in a deed to Zippy Properties, Inc., of record in Volume 10722, Page 1670, Real Property Records, Travis County, Texas, who merged with Strasburger Enterprises, Inc., as evidenced by a certificate of merger in Volume 12185, Page 1535, Real Property Records, Travis County, Texas, from which point a 1/2" iron rod found at the southwest corner of said Reagan tract and the southeast corner of Lot 3, Block A, of said Ferguson Commercial Section 1, being in the north line of said Lot 6, Block A, bears **S27°02'04"W 412.51 feet**;

THENCE, with the west line of this tract and said Reagan tract, and the east line of said Strasburger Enterprises tract and said Lot 1, the following two (2) courses numbered 3 and 4;

- 3) **N27°02'04"E 152.14 feet** to a 1/2" iron rod found; and
- 4) **N05°09'36"W 38.63 feet** to a calculated point at the northwest corner of this tract and said Reagan tract, the northeast corner of said Strasburger Enterprises tract and said Lot 1, same being the southeast corner of that certain tract of land described as 0.379 of one acre of land in a deed to the State of Texas, of record in Volume 3420, Page 101, Deed Records, Travis County, Texas, and the southwest corner of that certain tract of land described as 0.284 of one acre of land (Part 1), in a deed to the State of Texas, of record in Volume 3100, Page 868, Deed Records, Travis County, Texas, same being in the existing south ROW line of U.S. Highway 290, from which point a 1/2" iron rod found bears **N05°09'36"W 0.47 feet**;
- 5) THENCE, with the north line of this tract and said Reagan tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 0.284 of one acre State of Texas tract, **N84°02'10"E 174.50 feet** to a TxDOT Type I concrete monument found at the northeast corner of this tract, and said Reagan tract, and the southeast corner of said 0.284 of one acre State of Texas tract, same being in the existing south ROW line of U.S. Highway 290, and the existing west ROW line of Ferguson Cutoff;

EXHIBIT _____

THENCE, with the east line of this tract and said Reagan tract, and the existing west ROW line of Ferguson Cutoff, the following two (2) courses numbered 6 and 7;

- 6) **S31°18'22"E 76.88 feet** to a TxDOT Type I concrete monument found; and
- 7) **S10°39'25"E 107.67 feet** to the POINT OF BEGINNING and containing 0.899 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 20th day of March, 2007 A.D.

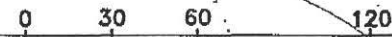
SURVEYED BY:
McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Drive, Suite 6 Austin, Texas 78731
(512) 451-8591




Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P17REV Issued 12/01/06, Rev 03/20/07

"EXHIBIT _____"



SCALE: 1" = 60'

STATE OF TEXAS
JUDGEMENT
VOL. 3420, PG. 101
(0.379 AC.)
ENGINEER'S
BASELINE

U.S. HIGHWAY 290
(R.O.W. VARIES)

STATE OF TEXAS
VOL. 3100, PG. 868
"PART I"-(0.284 AC.)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S79°20'14"W	17.08
L2	N51°40'12"W	15.08
L3	N05°09'36"W	38.63
(L3)	(S02°37'11"E)	(38.77)

DEED ACREAGE	4.00 AC.
ACQUISITION ACREAGE	0.899 AC.
ACQUISITION SQUARE FEET	39,140
REMAINDER ACREAGE	3.101 AC.
REMAINDER SQUARE FEET	135,100

ZIPPY PROPERTIES, INC.
VOL. 10722, PG. 1670
MERGED WITH STRASBURGER
ENTERPRISES, INC.
VOL. 12185, PG. 1535

WILLIAM K. REAGAN
VOL. 11276, PG. 166
(4.00 AC.)

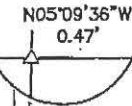
1 STORY STONE
& FRAME
COMMERCIAL BLDG.

H.T. DAVIS
SURVEY NO. 30
ABS. NO. 214

LOT 1
ENTERPRISE BUSINESS
CENTER
SECTION ONE
BK. 87, PGS. 161A-161B

FERGUSON COMMERCIAL
SECTION
BK. 97,
PGS. 378-379

LOT 3
BLOCK A
P.O.R.
LOT 6 BLOCK A



DETAIL A:
N.T.S.

LOT 6, BLOCK A
FERGUSON COMMERCIAL
SECTION 1
BK. 97,
PGS. 378-379

S84°02'32"W
288.83'
STA. 295+31.43
205.00' RT.

P.O.B.
STA. 295+42.22
215.53' RT.

STRIP DEDICATED
FOR ROW
BK. 97,
PGS. 378-379

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) 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

03/20/07

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

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



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

PLAT OF 0.899 AC. OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, SAME BEING A PORTION OF THAT CERTAIN TRACT DESCRIBED AS 4.00 AC. IN A DEED TO WILLIAM K. REAGAN, OF RECORD IN VOLUME 11276, PAGE 166, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 17
PAGE 4 OF 4