

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

**RESOLUTION NO. 10-34**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 7)**

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 1.149 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by KAFII DEVELOPMENT CO. (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:



Andrew Martin  
General Counsel for the Central  
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 10-34  
Date Passed 03/31/10

**Exhibit A: Description of Parcel 7**

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

**County:** Travis  
**Parcel No.:** 7  
**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 7**

DESCRIPTION OF 1.149 ACRES (50,055 SQUARE FEET) OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING ALL OF LOT 1, BLOCK A, 290/TUSCANY BUSINESS PARK, A SUBDIVISION OF RECORD IN BOOK 101, PAGES 65-67, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO KAF II DEVELOPMENT CO., OF RECORD IN VOLUME 13217, PAGE 4746, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.149 ACRES 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, at an angle point in the proposed south right-of-way (ROW) line of U.S. Highway 290, 215.00 feet right of Engineer's Baseline Station 279+65.92, in the east line of the herein described tract, also being in the east line of said KAF II Development tract and said Lot 1, and in the west line of Lot 2, Block A, of said 290/Tuscany Business Park subdivision, said Lot 2 being described in a deed to 1825 Fortview, Inc., of record in Volume 13189, Page 6, Real Property Records, Travis County, Texas;

- 1) THENCE, with the proposed south ROW line of U.S. Highway 290, the east line of this tract, said KAF II Development tract, and said Lot 1, and the west line of said 1825 Fortview tract and said Lot 2, **S06°02'13"E 34.71 feet** to a 3/8" iron rod found, to be replaced with a TxDOT Type II concrete monument after acquisition, 249.71 feet right of Engineer's Baseline Station 279+65.97, at an angle point in the proposed south ROW line of U.S. Highway 290, at the southeast corner this tract, said KAF II Development tract, and said Lot 1, and the southwest corner of said 1825 Fortview tract, and said Lot 2, same being in the north line of Lot 4, Block A, in said 290/Tuscany Business Park subdivision, said Lot 4 being described in a deed to

EXHIBIT \_\_\_\_\_

Penske Truck Leasing Company, L.P., of record in Volume 13201, Page 1306, Real Property Records, Travis County, Texas, from which point a 1/2" iron rod found at the northeast corner of said Penske Truck Leasing tract and said Lot 4, and the southeast corner of Lot 3, Block A, in said 290/Tuscany Business Park subdivision, bears S78°17'47"E 262.85 feet, and from which said point a 1/2" iron rod found in the east line of said Lot 3 bears S78°17'47"E 262.85 feet and N14°40'14"E 23.24 feet;

- 2) THENCE, with the proposed south ROW line of U.S. Highway 290, the south line of this tract, said KAF II Development tract, and said Lot 1, and the north line of said Penske Truck Leasing tract and said Lot 4, S83°58'19"W 200.08 feet to a 1/2" iron rod found, to be replaced with a TxDOT Type II concrete monument after acquisition, 249.95 feet right of Engineer's Baseline Station 277+65.90, at the southwest corner of this tract, of said KAF II Development tract, and said Lot 1, and the northwest corner of said Penske Truck Leasing tract and said Lot 4, same being in the existing east ROW line of Tuscany Way, a public ROW as dedicated by plat of said 290/Tuscany Business Park subdivision;

THENCE, with the west line of this tract, said KAF II Development tract, and said Lot 1, and the existing east ROW line of Tuscany Way, the following two (2) courses numbered 3 and 4;

- 3) N06°01'01"W 225.73 feet to a 1/2" iron rod found at the point of beginning of a curve; and
- 4) with said curve to the right whose intersection angle is 90°47'45", the radius is 25.00 feet, an arc distance of 39.62 feet, the chord of which bears N38°45'51"E 35.60 feet to a 1/2" iron rod found at the northwest corner of this tract, said KAF II Development tract, and said Lot 1, same being in the existing south ROW line of U.S. Highway 290, and 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;
- 5) THENCE, with the north line of this tract, said KAF II Development tract, and said Lot 1, same being 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 174.91 feet to a 1/2" iron rod found at the northeast corner of this tract, said KAF II Development tract, and said Lot 1, and the northwest corner of said 1825 Fortview tract and said Lot 2;

EXHIBIT \_\_\_\_

- 6) THENCE, with the east line of this tract, said KAF II Development tract and the said Lot 1, and the west line of said 1825 Fortview tract and said Lot 2, S06°02'13"E 216.09 feet to the POINT OF BEGINNING and containing 1.149 acres 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.

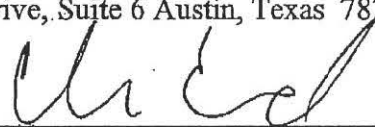
STATE OF TEXAS       §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS   §

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

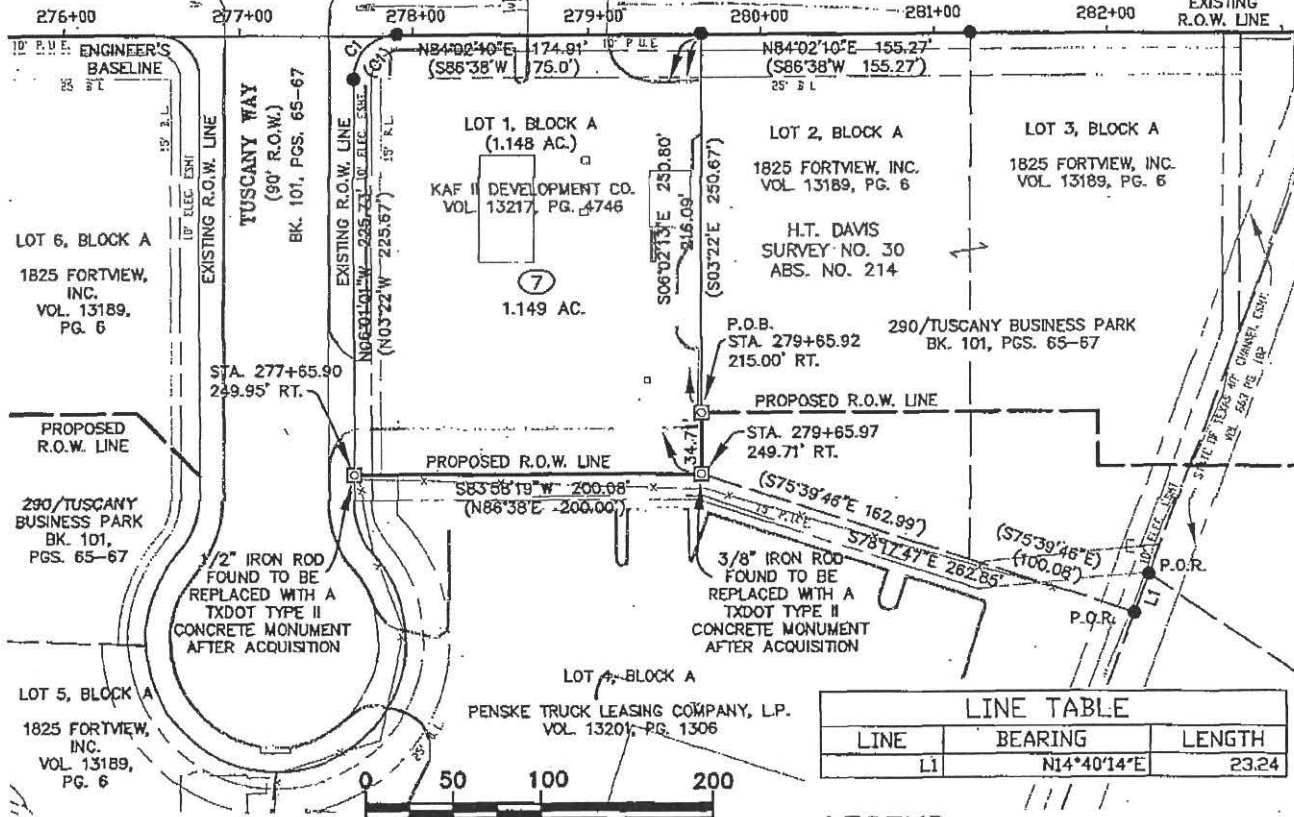
Note: There is a plat to accompany this description. US 290 P7REV Issued 02/02/07, Rev 03/20/07

SURVEYED ACREAGE	1.149 AC.
ACQUISITION ACREAGE	1.149 AC.
ACQUISITION SQUARE FEET	50,055
REMAINDER ACREAGE	0 AC.
REMAINDER SQUARE FEET	0

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	39.62	25.00	90°47'45"	25.35	N38°45'51"E	35.80
(C1)	(39.27)	(25.0)	(90°00'00")		(N41°38'E)	(35.36)

STATE OF TEXAS  
VOL. 3138, PG. 2243  
"PART I"-(4.228 AC.)

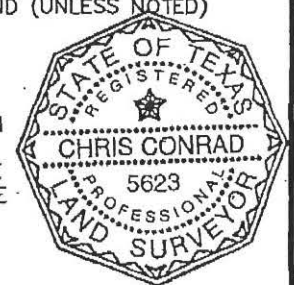
U.S. HIGHWAY 290  
(R.O.W. VARIES)



LINE	BEARING	LENGTH
L1	N14°40'14"E	23.24

**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



**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".

SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78737 512/451-8591.

*Chris Conrad*

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 1.149 AC. OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, SAME BEING ALL OF LOT 1, BLOCK A, 290/TUSCANY BUSINESS PARK, A SUBDIVISION OF RECORD IN BOOK 101, PAGES 65-67, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO KAF II DEVELOPMENT CO., OF RECORD IN VOLUME 13217, PAGE 4746, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 7  
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