

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

RESOLUTION NO. 10-49

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 6)**

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 0.011 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Brazos De Santos Partners, Ltd. (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.

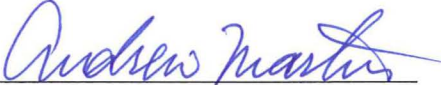
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized and directed to acquire the Subject Property for the Project by agreement, subject to approval of the purchase contract by the Board of Directors of the CTRMA; and

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 26th day of May 2010.

Submitted and reviewed by:



Andrew Martin
Acting General Counsel for the Central
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 10-49
Date Passed 05/26/10

Exhibit A: Description of Parcel 6

EXHIBIT _____

County: Travis
Parcel No.: 6
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 6

DESCRIPTION OF 0.011 OF ONE ACRE (461 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 LOT 1, BLOCK "B", TUSCANY BUSINESS PARK, A SUBDIVISION OF RECORD IN DOCUMENT NO. 199900261, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID PORTION OF LOT 1 BEING DESCRIBED IN A DEED TO BRAZES DE SANTOS PARTNERS, LTD., OF RECORD IN DOCUMENT 2003131960, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.011 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 north right-of-way (ROW) line of U.S. Highway 290, 227.06 feet left of Engineer's Baseline Station 277+71.08, at the north corner of the herein described tract, same being in the existing east ROW line of Tuscany Way, and in the east line of that 10 foot strip of land described in a street deed to the City of Austin, of record in Document No. 2002183327, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the northeast corner of said City of Austin tract, same being at the northwest corner of said De Santos Partners tract, and in the existing east ROW line of said Tuscany Way, a public ROW as dedicated by Central Austin Business Park, a subdivision of record in Book 86, Pages 151D-152B, Plat Records, Travis County, Texas, also being the south line of Lot 4, Block "B" of said Tuscany Business Park subdivision, said Lot 4 being described in a deed to Tuscany Business Park Land, L.P., of record in Document 2000152653, Official Public Records, Travis County, Texas, bears N05°59'32"W 234.20 feet, and from which point of beginning a 1/2" iron rod found in the south line of said Tuscany Business Park Land tract and said Lot 4, same being the northeast corner of said De Santos Partners tract and

EXHIBIT _____

said Lot 1, and the northwest corner of Lot 2, Block "B" of said Tuscan Business Park subdivision, said Lot 2 being described in a deed to First Regional Bank Cust FBO Richard S. Gnazzo IRA, of record in Document 2002135624, Official Public Records, Travis County, Texas, bears N05°59'32"W 234.20 feet and N84°03'50"E 250.34 feet;

- 1) THENCE, with the northeast line of this tract, and the proposed north ROW line of U.S. Highway 290, crossing said De Santos Partners tract and said Lot 1, **S61°05'47"E 45.47 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, 201.07 feet left of Engineer's Baseline Station 278+08.39, at the east corner of this tract, same being in the south line of said De Santos Partners tract and said Lot 1, in the existing north ROW line of U.S. Highway 290, and in the north line of that certain tract of land described as 8.254 acres (Parcel "A"), in a deed to the State of Texas, of record in Volume 663, Page 164, Deed Records, Travis County, Texas;
- 2) THENCE with the south line of this tract, said De Santos Partners tract and said Lot 1, the existing north ROW line of U.S. Highway 290, and north line of said 8.254 acre State of Texas tract, **S84°02'10"W 22.25 feet** to a calculated point in the south line of this tract, and a south corner of said De Santos Partners tract and said Lot 1, same being in the existing east ROW line of said Tuscan Way, and being the point of beginning of a curve, from which point a 1/2" iron rod found bears **S05°57'50"E 0.21 feet**;
- 3) THENCE, with the west line of this tract, said De Santos Partners tract and said Lot 1, and the existing east ROW line of said Tuscan Way, with said curve to the right whose intersection angle is **37°00'41"**, radius is **25.00 feet**, an arc distance of **16.15 feet**, the chord of which bears **N77°36'03"W 15.87 feet** to a calculated point at the southwest corner of this tract, same being the existing east ROW line of said Tuscan Way, and being the south corner of said City of Austin tract, from which point a 1/2" iron rod found bears **S05°59'32"E 0.22 feet**;

EXHIBIT _____

- 4) THENCE, with the west line of this tract and said De Santos Partners tract, the existing east ROW line of said Tuscany Way, and the east line of said City of Austin tract, crossing said Lot 1, **N05°59'32"W 20.99** feet to the POINT OF BEGINNING and containing 0.011 of one acre of land with 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.

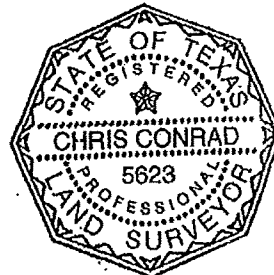
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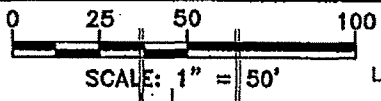
McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Drive, Suite 6 Austin, Texas 78731
(512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P6REV Issued 12/01/06, Rev 03/20/07

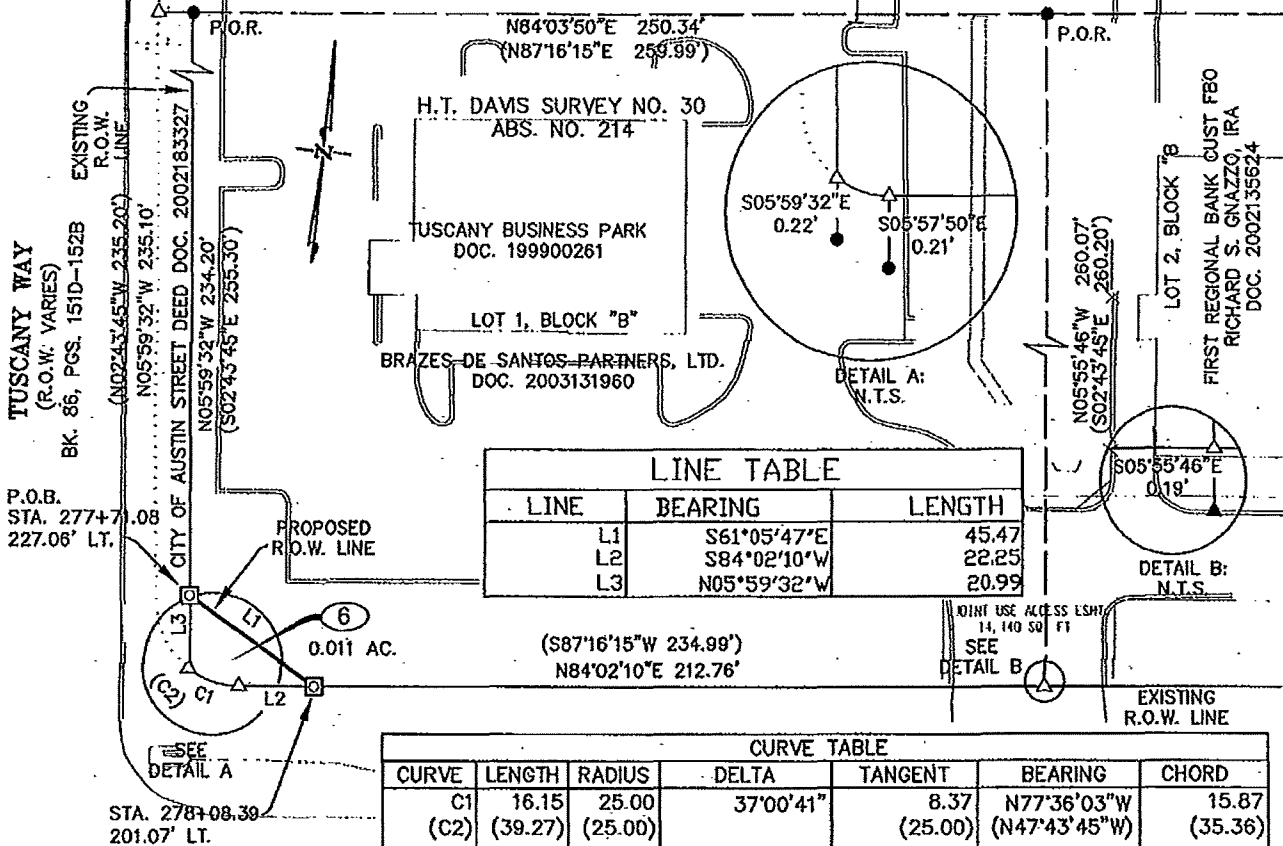




"EXHIBIT _____"

LOT 4, BLOCK "B"

TUSCANY BUSINESS PARK LAND, L.P.
DOC. 2000152653



LINE TABLE		
LINE	BEARING	LENGTH
L1	S61°05'47"E	45.47
L2	S84°02'10"W	22.25
L3	N05°59'32"W	20.99

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	16.15	25.00	37°00'41"	8.37	N77°36'03"W	15.87
(C2)	(39.27)	(25.00)		(25.00)	(N47°43'45"W)	(35.36)

SURVEYED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
1.494 AC.	0.011 AC.	461	1.483 AC.	64,599

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

STATE OF TEXAS
VOL. 863, PG. 164
"PARCEL A"-(8.254 AC.)

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 ADJUTING PROPERTY.

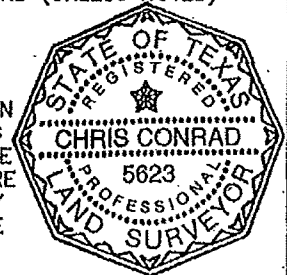
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

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
- ⊗ CROSS CUT IN CONCRETE FOUND
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ MAG 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 0.011 AC. OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, SAME BEING A PORTION OF LOT 1, BLOCK "B"; TUSCANY BUSINESS PARK, A SUBDIVISION OF RECORD IN DOCUMENT 199900261, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO BRAZES DE SANTOS PARTNERS, LTD., OF RECORD IN DOCUMENT 2003131960, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 6
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