

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

**RESOLUTION NO. 10-50**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 9A)**

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 0.77 acres described by metes and bounds in Exhibit “A” to this Resolution (the “Subject Property”), owned by 1825 Fortview, Inc. (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 10-50  
Date Passed 05/26/10

## **Exhibit A: Description of Parcel 9A**

**EXHIBIT** \_\_

**County:** Travis  
**Parcel No.:** 9A  
**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 9A**

DESCRIPTION OF 0.770 OF ONE ACRE (33,554 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 2, BLOCK A, 290/TUSCANY BUSINESS PARK, A SUBDIVISION OF RECORD IN BOOK 101, PAGES 65-67, PLAT RECORDS, TRAVIS COUNTY, TEXAS, 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; SAID 0.770 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, in the proposed south right-of-way (ROW) line of U.S. Highway 290, 215.00 feet right of Engineer's Baseline Station 281+21.19, at the southeast corner of this tract, same being in the east line of said Lot 2, and the west line of Lot 3 of said Block A, 290/Tuscany Business Park, from which 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, of 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 that tract described in a deed to Austin Nelson Company, Inc., of record in Volume 6769, Page 554, Deed Records, Travis County, Texas and Tract 1, Springdale Road Commercial No. 2, a subdivision of record in Book 78, Page 194, Plat Records, Travis County, Texas, bears S06°02'13"E 84.16 feet and S78°17'47"E 99.83 feet;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said 1825 Fortview tract and said Lot 2, S84°02'32"W, 155.27 feet to a 1/2" iron rod set with a TxDOT aluminum cap

**EXHIBIT**     

to be replaced with a TxDOT Type II concrete monument after acquisition, 215.00 feet right of Engineer's Baseline Station 279+65.92, at the southwest corner of this tract, same being in the west line of said 1825 Fortview tract and said Lot 2, and the east line of Lot 1, Block A, of said 290/Tuscany Business Park subdivision, said Lot 1 being described in a deed to KAF II Development Company, of record in Volume 13217, Page 4746, Real Property Records, Travis County, Texas, from which point a 3/8" iron rod found to be replaced with a TxDOT Type II concrete monument after acquisition at the southwest corner of said 1825 Fortview tract and said Lot 2, and the southeast corner of said KAF II Development tract and said Lot 1, same being in the north line of said Penske Truck Leasing tract and said Lot 4, bears S06°02'13"E 34.71 feet;

- 2) THENCE, with the west line of this tract, said 1825 Fortview tract, and said Lot 2, and the east line of said KAF II Development tract and said Lot 1, N06°02'13"W 216.09 feet to a 1/2" iron rod found at the northwest corner of this tract, said 1825 Fortview tract, and said Lot 2, and the northeast corner of 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 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;
- 3) THENCE, with the north line of this tract, said 1825 Fortview tract, and said Lots 2 and 3, 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 155.27 feet to a 1/2" iron rod found at the northeast corner of this tract and said Lot 2 and the northwest corner of said Lot 3;

**EXHIBIT** \_\_\_

4) THENCE, with the east line of this tract, and said Lot 2, and the west line of said Lot 3, **S06°02'13"E 216.11** feet to the POINT OF BEGINNING and containing 0.770 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.

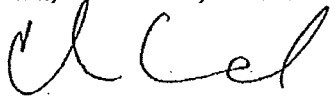
**STATE OF TEXAS**           §  
  §     **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF TRAVIS**   §

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.

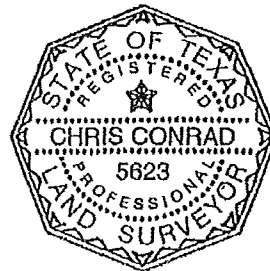
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 17th day of July, 2009 A.D.

SURVEYED BY:

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



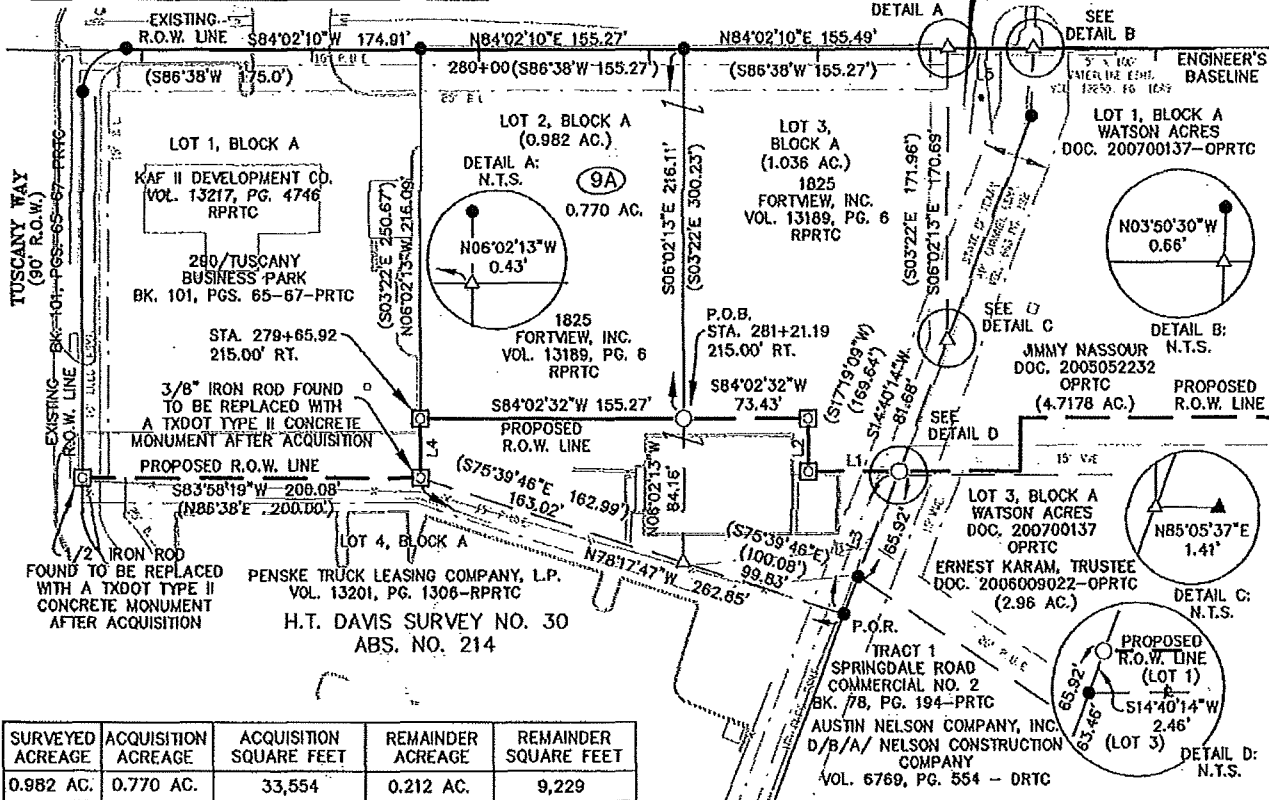
Chris Conrad, Reg. Professional Land Surveyor No. 5623  
Note: There is a plat to accompany this description. US 290 P9A  
Issued 02/27/09; Revised 5/15/09; 7/17/09



LINE	BEARING	LENGTH
L1	S84°02'32"W	53.22
L2	N05°57'28"W	31.00
L3	S14°40'14"W	89.16
L4	S06°02'13"E	34.71
L5	N84°02'10"E	51.10

SCALE: 1" = 100'

U.S. HIGHWAY 290 STATE OF TEXAS JAMES T. WATSON AND  
 (R.O.W. VARIES) VOL. 3138, PG. 2243-DRTC KENNETH R. MORGAN  
 "PART 1"-(4.228 AC.) VOL. 4791, PG. 593-DRTC  
 SEE (REMAINDER OF 26.541 AC.)



SURVEYED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
0.982 AC.	0.770 AC.	33,554	0.212 AC.	9,229

- 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

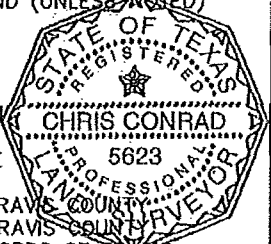
*Chris Conrad*

07/17/09

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
- 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



**McGRAY & McGRAY**  
 LAND SURVEYORS, INC.  
 3301 HANCOCK DRIVE #8  
 AUSTIN, TEXAS 78731  
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TRAVIS COUNTY  
 U.S. 290  
 CSJ 0114-02-085  
 PARCEL 9A  
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