

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

**RESOLUTION NO. 11-044**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 41)**

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 0.505 acres described by metes and bounds in Exhibit “A” to this Resolution (the “Subject Property”), owned by Hardin Interests, Inc., (the “Owner”), located at the west line of Johnny Morris Road, South of US 290E in Travis County, 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; and

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 and all leasehold interests in 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 the Executive Director is specifically authorized to negotiate and execute, if possible, a possession and use agreement in such form as is acceptable to the Executive Director and for consideration in an amount not to exceed ninety percent (90%) of the purchase price set forth in the official written offer to purchase the Subject Property previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is specifically authorized to negotiate and execute, if possible, a purchase contract for consideration in an amount not to exceed \$85,000.00; 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, 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.

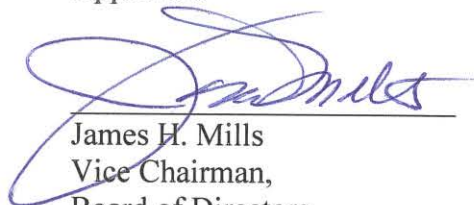
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 27<sup>th</sup> day of April, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



James H. Mills  
Vice Chairman,  
Board of Directors  
Resolution Number 11-044  
Date Passed: 04/27/11

**Exhibit "A" to Resolution 11-044**

**Description of Parcel 41**

EXHIBIT \_\_\_\_

**County:** Travis  
**Parcel No.:** 41  
**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 41**

DESCRIPTION OF 0.505 OF ONE ACRE (21,991 SQUARE FEET) OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2.971 ACRES IN A DEED TO HARDIN INTERESTS, INC., OF RECORD IN DOCUMENT 2004236957, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.505 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, 301.19 feet right of Engineer's Baseline Station 389+68.94, at the southeast corner of the herein described tract, same being in the curved east line of said Hardin tract, and the existing curved west ROW line of Johnny Morris Road, said Johnny Morris Road being described in Volume 11283, Page 841, Real Property Records, Travis County, Texas, from which point a 1/2" iron rod found in the east line of said Hardin tract, and the existing west ROW line of said Johnny Morris Road, with a curve to the left whose intersection angle is 37°26'14", radius is 1067.97 feet, an arc distance of 697.82 feet, and the chord of which bears S39°11'36"W 685.47 feet;

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

- 1) N37°30'19"W 62.04 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, 248.32 feet right of Engineer's Baseline Station 389+36.48; and

EXHIBIT \_\_\_\_

- 2) **S80°01'30"W 166.68 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, 260.00 feet right of Engineer's Baseline Station 387+70.21, at the southwest corner of this tract, same being in the west line of said Hardin tract, and the east line of Old Johnny Morris Road being described in a deed to Travis County as Tract One, 1.069 acres, of record in Volume 2525, Page 431, Deed Records, Travis County, Texas;
- 3) THENCE, with the west line of this tract and said Hardin tract, same being the east line of said Old Johnny Morris Road, **N28°09'38"E 104.90 feet** to a calculated point at the northwest corner of this tract and said Hardin tract, same being in the existing curving south ROW line of U.S. Highway 290, and the curving south line of that certain tract described as "Tract A" (Old State Hwy. 20) to the State of Texas, of record in Volume 871, Page 354, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found in the north line of that certain tract described as 73.374 acres in a deed to P. Frank Lake, Trustee, of record in Volume 2927, Page 547, Deed Records, Travis County, Texas and being in the existing south ROW line of Old State Highway 20, a public ROW for which no record conveyance was found as shown on TxDOT ROW map CSJ#0114-02-012, with a curve to the right whose intersection angle is 01°20'38", radius is 5769.60 feet, an arc distance of 135.32 feet, and the chord of which bears S73°44'56"W 135.32 feet;
- 4) THENCE, with the curving north line of this tract and of said Hardin tract, and the existing curving south ROW line of U.S. Highway 290, and the curving south line of said State of Texas Tract A, a curve to the left whose intersection angle is **01°21'06"**, radius is **5769.60 feet**, passing at an arc distance of 21.28 feet a calculated point from which a 1/2" iron rod found bears S28°09'38"W 0.98 feet, and continuing an arc distance of 114.84 feet for a total arc distance of **136.12 feet**, the chord of which bears **N72°24'04"E 136.12 feet** to a 1/2" iron rod found in the north line of this tract, and said Hardin tract, the existing south ROW line of U.S. Highway 290, and the south line of said State of Texas Tract A;
- 5) THENCE, continuing with the north line of this tract and said Hardin tract, the existing south ROW line of U.S. Highway 290, and the south line of said State of Texas Tract A, **N71°35'27"E 75.97 feet** to a 1/2" iron rod found at the northeast corner of this tract and said Hardin tract, and the northwest corner of said Johnny Morris Road;



EXHIBIT \_\_\_\_

6) THENCE, with the curving east line of this tract and said Hardin tract, and the curving west ROW line of said Johnny Morris Road, with said curve to the right whose intersection angle is **09°55'17"**, radius is **1067.97 feet**, an arc distance of **184.93 feet**, the chord of which bears **S15°30'50"W 184.70 feet** to the POINT OF BEGINNING and containing 0.505 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.

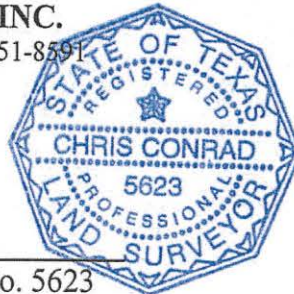
STATE OF TEXAS       §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS   §

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 20<sup>th</sup> day of October, 2010 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 P41 REV2  
Issued 10/20/2010

DEED ACREAGE	2.971 AC.
ACQUISITION ACREAGE	0.505 AC.
ACQUISITION SQUARE FEET	21,991
REMAINDER ACREAGE	2.466 AC.
REMAINDER SQUARE FEET	107,426

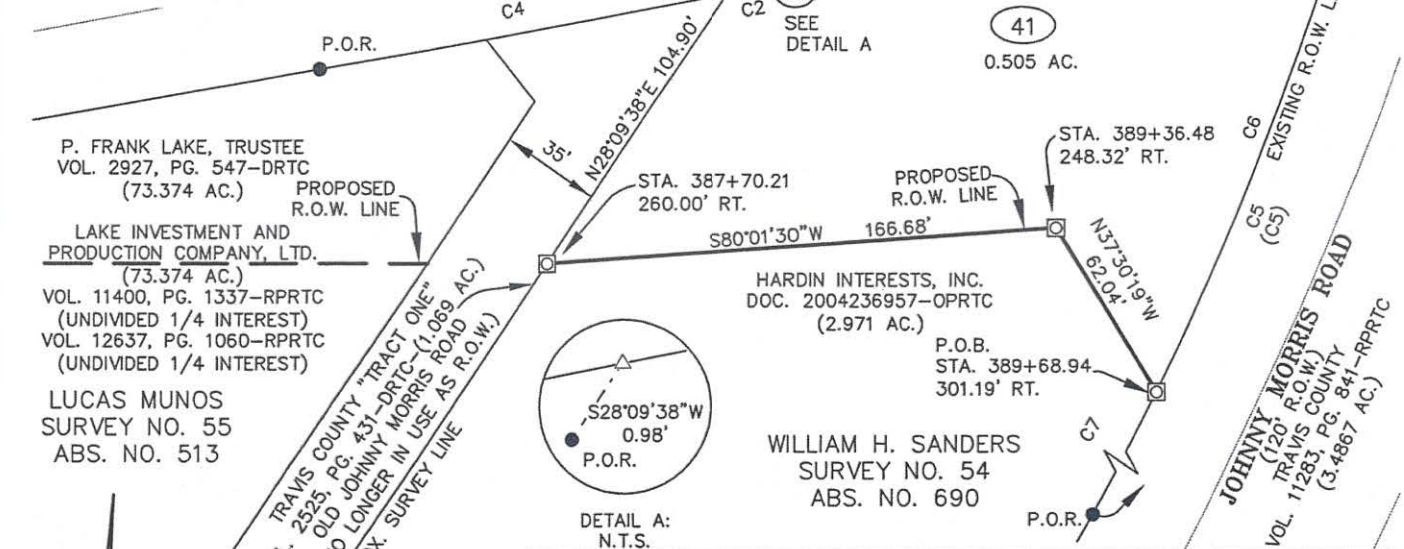
"EXHIBIT \_\_\_\_\_"

EXISTING R.O.W.

OLD STATE HIGHWAY 20  
(R.O.W. VARIES) NO RECORD CONVEYANCE FOUND. DRAWN AS SHOWN ON CSJ # 0114-02-012

STATE OF TEXAS VOL. 871, PG. 354-DRTC "TRACT A"-OLD STATE HWY 20 80' WIDE X 2.7 MILES LONG

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



CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	136.12	5769.60	01°21'06"	68.06	N72°24'04"E	136.12
(C1)	(137.29)	(5769.60)	(01°21'48")		(N74°43'51"E)	(137.29)
C2	21.28	5769.60	00°12'41"	10.64	N72°58'17"E	21.28
C3	114.84	5769.60	01°08'25"	57.42	N72°17'44"E	114.84
C4	135.32	5769.60	01°20'38"	67.66	S73°44'56"W	135.32
C5	882.74	1067.97	47°21'30"	468.34	S34°13'58"W	857.83
(C5)	(882.32)	(1067.97)	(47°20'09")	(468.09)	(N34°14'08"E)	(857.44)
C6	184.93	1067.97	09°55'17"	92.69	S15°30'50"W	184.70
C7	697.82	1067.97	37°26'14"	361.87	S39°11'36"W	685.47

- 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

*[Handwritten Signature]*

10/20/10

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

DATE

**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 #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF 0.505 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2.971 AC. IN A DEED TO HARDIN INTERESTS, INC., OF RECORD IN DOCUMENT 2004236957, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 41  
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