# GENERAL MEETING OF THE BOARD OF DIRECTORS OF THE CENTRAL TEXAS <br> REGIONAL MOBILITY AUTHORITY 

## RESOLUTION NO. 11-046

## RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT

(Parcel 42)


#### Abstract

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 4.709 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by H. Dalton Wallace, (the "Owner"), located at the southeast corner of Johnny Morris Road and 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 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 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 $27^{\text {th }}$ day of April, 2011.

Submitted and reviewed by:


Andrew Martin, General Counsel CentralTexas Regional Mobility Authority


Resolution Number 11-046
Date Passed: 04/27/11

## Exhibit "A" to Resolution 11-046

Description of Parcel 42

EXHIBIT $\qquad$
County: Travis
Parcel No.: 42
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 42


#### Abstract

DESCRIPTION OF 4.709 ACRES (205,137 SQ. FT.) 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 17.92 ACRES IN A DEED TO H. DALTON WALLACE, OF RECORD IN DOCUMENT 2001015723, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 4.709 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, in the proposed south right-of-way (ROW) line of U.S. Highway 290, 236.49 feet right of Engineer's Baseline Station $401+61.97$, at the southeast corner of the herein described tract, same being in the east line of said 17.92 acre Wallace tract, and the west line of that certain tract of land described as 4.395 acres in a deed to Day Life Corporation, of record in Document 2001209722, Official Public Records, Travis County, Texas, from which point a $1 / 2$ " iron rod found in the south line of said 17.92 acre Wallace tract and the north line of that certain 88.83 acre tract of land described in a deed to First Service Corp., of record in Volume 11727, Page 161, Real Property Records, Travis County, Texas, bears S03 ${ }^{\circ} 57^{\prime} 10^{\prime \prime} \mathrm{E} 547.10$ feet and $\mathrm{S}_{2} 6^{\circ} 02^{\prime} 50^{\prime \prime} \mathrm{W} 0.83$ feet, and from which point a $1 / 2$ " iron pipe found at the southwest corner of said Day Life tract, and the southeast corner of said First Service tract bears S0357'10"E 597.45 feet,

1) THENCE, with the south line of this tract and the proposed south ROW line of U.S. Highway 290, crossing said 17.92 acre Wallace tract, with a curve to the right whose intersection angle is $09^{\circ} 40^{\prime} 39^{\prime \prime}$, radius is 5974.58 feet, an arc distance of 1009.14 feet, the chord of which bears, $\mathbf{S 7 8}^{\circ} 03^{\prime} 15^{\prime \prime} \mathrm{W} 1007.94$ feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete

## EXHIBIT

monument after acquisition, 244.19 feet right of Engineer's Baseline Station $391+93.49$;

THENCE, with an east line of this tract, continuing across said 17.92 acre Wallace tract, the following four (4) courses, numbered 2 through 5;
2) $\mathrm{S} 49^{\circ} 51^{\prime} 22^{\prime \prime} \mathrm{W} 68.85$ feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition;
3) $\mathrm{S} 13^{\circ} 50^{\prime} \mathbf{3 7}{ }^{\prime \prime} \mathrm{W} 116.76$ feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition;
4) $\mathbf{S} 29^{\circ} \mathbf{3 7} \mathbf{5 5}$ " $\mathrm{W} \mathbf{8 3 . 0 2}$ feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition; and
5) $\mathbf{S} 42^{\circ} 56^{\prime} 13^{\prime \prime}$ W 112.92 feet to a $1 / 2^{\prime \prime}$ iron rod found at the west corner of this tract and said 17.92 acre Wallace tract and the north corner of Lot 2, Wallace Subdivision, a subdivision of record in Book 101, Page 267, Plat Records, Travis County, Texas, said Lot 2 being described in a deed to H. Dalton Wallace, of record in Document 2005006916, Official Public Records, Travis County, Texas and in the existing east ROW line of Johnny Morris Road, a 120 foot wide public ROW as described in Volume 11283, Page 849, Real Property Records, Travis County, Texas;

THENCE, with the west line of this tract, and said 17.92 acre Wallace tract, and the existing east ROW line of said Johnny Morris Road the following two (2) courses, numbered 6 and 7;
6) with a curve to the left whose intersection angle is $21^{\circ} 34^{\prime} 21^{\prime \prime}$, radius is $\mathbf{1 1 8 7 . 9 7}$ feet, an arc distance of 447.28 feet, the chord of which bears $N 19^{\circ} 51^{\prime} 40^{\prime \prime} \mathrm{E}$ 444.64 feet, to a $1 / 2$ " iron rod found; and
7) $\mathrm{N} 09^{\circ} 18^{\prime} 09^{\prime \prime} \mathrm{E}$, at 34.07 feet passing a $1 / 2^{\prime \prime}$ iron rod found, in all a total distance of 35.05 feet to a calculated point at the northwest corner of this tract, and said 17.92 acre Wallace tract, 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 "Tract

## EXHIBIT

A" (Old State Hwy 20), in a deed to the State of Texas, of record in Volume 871, Page 354, Deed Records, Travis County, Texas;
8) THENCE, with the north line of this tract, and said 17.92 acre Wallace tract, the existing south ROW line of U.S. Highway 290, and the south line of said State of Texas "Tract A", N71³5'27"E 461.58 feet to a TxDOT Type I concrete monument found in the north line of this tract, and said 17.92 acre Wallace tract, and the existing south ROW line of U.S. Highway 290, same being the west corner of that certain tract of land described as 0.722 of one acre in a deed to the State of Texas, of record in Volume 3092, Page 632, Deed Records, Travis County, Texas;

THENCE, continuing with the north line of this tract, and said 17.92 acre Wallace tract, the existing south ROW line of U.S. Highway 290, and the south line of said 0.722 of one acre State of Texas tract, the following three (3) courses numbered 9,10 and 11;
9) $\mathrm{N} 86^{\circ} 02^{\prime} 10 \times \mathrm{E} 206.78$ feet to a calculated point from which a TxDOT Type I concrete monument found bears $\mathrm{N} 05^{\circ} 57^{\prime} 50^{\prime \prime} \mathrm{W} 0.75$ feet;
10) $\mathrm{N} 79^{\circ} 20^{\prime} 51$ " $\mathbf{E} 306.36$ feet to a TxDOT Type I concrete monument found; and
11) $\mathbf{N} 76^{\circ} 25^{\prime} \mathbf{3 0}$ "E $\mathbf{7 3 . 2 0}$ feet to a calculated point at the northeast corner of this tract, and said 17.92 acre Wallace tract, the northwest corner of said Day Life tract, the southeast corner of said 0.722 of one acre State of Texas tract, same being the southwest corner of that certain tract of land described as 0.590 of one acre in a deed to the State of Texas, of record in Volume 3037, Page 1737, Deed Records, Travis County, Texas;

## EXHIBIT

$\qquad$
12) THENCE, with the east line of this tract, and said 17.92 acre Wallace tract, and the west line of said Day Life tract $\mathbf{S} \mathbf{0 3} \mathbf{3}^{\circ} \mathbf{5} 7^{\prime} \mathbf{1 0}{ }^{\prime \prime} \mathbf{E}$, at 0.63 feet passing a $1 / 2^{\prime \prime}$ iron rod found, in all a total distance of 165.83 feet to the POINT OF BEGINNING and containing 4.709 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 .

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 3rd day of December, 2010 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 P42 R4 Issued 02/27/09; Revised 09/17/10, 12/3/10



## FINAL CLOSURE PARCEL 42 US HIGHWAY 290

## PARCEL 42 - SKETCH MAPCHECK

| BC North: 10093677.5244 | East: 3153469.0292 |
| :---: | :---: |
| Arc Length: 1009.13915 | Radius: 5974.58000 Delta: 9-40-39 |
| Tangent: 505.77258 | Chord: 1007.94000 Ch Course: S 78-03-15 W |
| Course In: N 16-47-05 W | V Out: S 07-06-25 E |
| Ctr North: 10099397.5697 | East: 3151743.7212 |
| End North: 10093468.8941 | East: 3152482.9174 |
| Course: S 49-51-22 W | Distance: 68.85000 |
| North: 10093424.5058 E | East: 3152430.2866 |
| Course: S 13-50-37 W | Distance: 116.76000 |
| North: 10093311.1374 E | East: 3152402.3491 |
| Course: S 29-37-55 W | Distance: 83.02000 |
| North: 10093238.9748 E | East: 3152361.3018 |
| Course: S 42-56-13 W | Distance: 112.92000 |
| North: 10093156.3057 E | East: 3152284.3815 |
| Arc Length: 447.27717 | Radius: 1187.97000 Delta: -21-34-20 |
| Tangent: 226.31843 | Chord: 444.64000 Ch Course: N 19-51-40 E |
| Course In: N 59-21-10 W | V Out: S 80-55-30 E |
| Ctr North: 10093761.8737 | East: 3151262.3443 |
| End North: 10093574.4980 | East: 3152435.4441 |
| Course: N 09-18-09 E | Distance: 35.05000 |
| North: 10093609.0870 E | East: 3152441.1098 |
| Course: N 71-35-27 E | Distance: 461.58000 |
| North: 10093754.8544 E | East: 3152879.0687 |
| Course: N 86-02-10 E | Distance: 206.78000 |
| North: 10093769.1486 E | East: 3153085.3540 |
| Course: N 79-20-51 E | Distance: 306.36000 |
| North: 10093825.7799 E | East: 3153386.4343 |
| Course: N 76-25-30 E | Distance: 73.20000 |
| North: 10093842.9612 E | East: 3153457.5894 |
| Course: S 03-57-10 E | Distance: 165.83000 |
| North: 10093677.5257 E | East: 3153469.0207 |

Perimeter: 3086.76632

Area: $205136.66994 \quad 4.70929$ acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: $0.008577 \quad$ Course: S 81-19-25 E
Precision 1: 359904.78

## PARCEL 42 - STRIPMAP MAPCHECK

BC North: 10092870.9816 East: 3151527.1128
Arc Length: 1009.13915 Radius: 5974.58000 Delta: 9-40-39 Tangent: 505.77258 Chord: 1007.94000 Ch Course: S 78-03-15 W
Course In: N 16-47-05 W Out: S 07-06-25 E
Ctr North: 10098591.0269 East: 3149801.8048
End North: 10092662.3513 East: 3150541.0011
Course: S 49-51-22 W Distance: 68.85000
North: 10092617.9630 East: 3150488.3702
Course: S 13-50-37 W Distance: 116.76000
North: 10092504.5946 East: 3150460.4327
Course: S 29-37-55 W Distance: 83.02000

FINAL CLOSURE PARCEL 42 US HIGHWAY 290

## PARCEL 42 - STRIPMAP MAPCHECK (cont.)

North: 10092432.4320 East: 3150419.3854
Course: S 42-56-13 W Distance: 112.92000
North: 10092349.7629 East: 3150342.4651
Arc Length: 447.27717 Radius: 1187.97000 Delta: -21-34-20 Tangent: 226.31843 Chord: 444.64000 Ch Course: N 19-51-40 E
Course In: N 59-21-10 W Out: S 80-55-30 E
Ctr North: 10092955.3309 East: 3149320.4279
End North: 10092767.9552 East: 3150493.5277
Course: N 09-18-09 E Distance: 35.05000
North: 10092802.5442 East: 3150499.1934
Course: N 71-35-27 E Distance: 461.58000
North: 10092948.3116 East: 3150937.1523
Course: N 86-02-10 E Distance: 206.78000
North: 10092962.6058 East: 3151143.4376
Course: N 79-20-51 E Distance: 306.36000
North: 10093019.2371 East: 3151444.5179
Course: N 76-25-30 E Distance: 73.20000
North: 10093036.4184 East: 3151515.6730
Course: S 03-57-10 E Distance: 165.83000
North: 10092870.9829 East: 3151527.1043
Perimeter: 3086.76632
Area: $205136.66994 \quad 4.70929$ acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.008577 Course: S 81-19-25 E
Precision 1: 359904.78

## PARCEL 42 - DESCRIPTION MAPCHECK

BC North: 10090503.0442 East: 3162369.0092
Arc Length: 1009.13915 Radius: 5974.58000 Delta: 9-40-39 Tangent: 505.77258 Chord: 1007.94000 Ch Course: S 78-03-15 W
Course In: N 16-47-05 W Out: S 07-06-25 E
Ctr North: 10096223.0895 East: 3160643.7012
End North: 10090294.4139 East: 3161382.8975
Course: S 49-51-22 W Distance: 68.85000
North: 10090250.0256 East: 3161330.2666
Course: S 13-50-37 W Distance: 116.76000
North: 10090136.6572 East: 3161302.3291
Course: S 29-37-55 W Distance: 83.02000
North: 10090064.4946 East: 3161261.2819
Course: S 42-56-13 W Distance: 112.92000
North: 10089981.8255 East: 3161184.3615
Arc Length: 447.27717 Radius: 1187.97000 Delta: -21-34-20 Tangent: 226.31843 Chord: 444.64000 Ch Course: N 19-51-40 E
Course In: N 59-21-10 W Out: S 80-55-30 E
Ctr North: 10090587.3935 East: 3160162.3243
End North: 10090400.0178 East: 3161335.4241
Course: N 09-18-09 E Distance: 35.05000
North: 10090434.6068 East: 3161341.0898
Course: N 71-35-27 E Distance: 461.58000

## FINAL CLOSURE PARCEL 42 US HIGHWAY 290

PARCEL 42 - DESCRIPTION MAPCHECK (cont.)<br>North: 10090580.3742 East: 3161779.0487<br>Course: N 86-02-10 E Distance: 206.78000<br>North: 10090594.6684 East: 3161985.3340<br>Course: N 79-20-51 E Distance: 306.36000<br>North: 10090651.2997 East: 3162286.4143<br>Course: N 76-25-30 E Distance: 73.20000<br>North: 10090668.4810 East: 3162357.5694<br>Course: S 03-57-10 E Distance: 165.83000<br>North: 10090503.0455 East: 3162369.0008<br>Perimeter: 3086.76632<br>Area: $205136.66994 \quad 4.70929$ acres<br>Mathematical Closure - (Uses Survey Units)<br>Error of Closure: 0.008577 Course: S 81-19-25 E<br>Precision 1: 359904.78

