

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

RESOLUTION NO. 11-049

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 44C)**

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 0.079 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Applied Materials, Inc., (the "Owner"), located at 9700 US Hwy 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 27th 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 11-049
Date Passed: 04/27/11

Exhibit "A" to Resolution 11-049

Description of Parcel 44C

EXHIBIT ____

County: Travis
Parcel No.: 44C
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 44C

DESCRIPTION OF 0.079 OF ONE ACRE (3,430 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 LOT 3, BLOCK A, HARRIS BRANCH REPLAT OF THE PARK OF COMMERCE SECTION 1, A SUBDIVISION OF RECORD IN BOOK 89, PAGES 177-178, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 3 BEING DESCRIBED IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 12288, PAGE 1552, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.079 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 TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, in the proposed and existing north right-of-way (ROW) line of U.S. Highway 290, 213.59 feet left of Engineer's Baseline Station 442+10.67, at the west corner of this tract, same being in the south line of said Applied Materials tract and of said Lot 3, Block A, of said Harris Branch Replat of the Park of Commerce Section 1, and the north line of that certain tract of land described as 1.918 acres in a street deed to the City of Austin, of record in Volume 10769, Page 332, Real Property Records, Travis County, Texas, from which point a 3/4" iron rod found, to be replaced with a TxDOT Type II concrete monument after acquisition, 211.62 feet left of Engineer's Baseline Station 410+17.23, in the existing north ROW line of U.S. Highway 290, the north line of that certain tract of land described as 6.15 acres in a street deed to the City of Austin, of record in Volume 10769, Page 337, Real Property Records, Travis County, Texas, and the south line of Lot 1, Applied Materials Subdivision Section 1, a subdivision of record in Book 89, Pages 222-224, Plat Records, Travis County, Texas, bears S71°23'48"W 3193.46 feet;

EXHIBIT ____

THENCE, with the northwest line of this tract, and the proposed north ROW line of U.S. Highway 290, crossing said Applied Materials tract and said Lot 3, the following three (3) courses, numbered 1 through 3;

- 1) **N17°22'42"E 70.86 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, 270.95 feet left of Engineer's Baseline Station 442+52.27;
- 2) **N16°17'48"W 39.33 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, 310.25 feet left of Engineer's Baseline Station 442+53.83; and
- 3) **N06°30'52"W 81.08 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, 389.55 feet left of Engineer's Baseline Station 442+70.76, at the north corner of this tract, same being in the east line of said Applied Materials tract and said Lot 3, same being the existing west ROW line of Harris Branch Parkway, and the west line of a 5 foot ROW Dedication of record in said Harris Branch Replat of the Park of Commerce Section 1 subdivision, from which point a 1/2" iron rod found at the northeast corner of said 5 foot ROW Dedication, same being in the existing west ROW line of Harris Branch Parkway, and the east line of Lot 2, Block A, of said Harris Branch Replat of the Park of Commerce Section 1 subdivision, bears N18°34'28"W 451.03 feet and N71°25'32"E 5.00 feet;

THENCE, with the east line of this tract, of said Applied Materials tract and of said Lot 3, the existing west ROW line of Harris Branch Parkway, and the west line of said 5 foot ROW dedication, the following two (2) courses numbered 4 and 5;

- 4) **S18°34'28"E 146.00 feet** to a calculated point, being the point of beginning of a curve; and
- 5) with said curve to the right whose intersection angle is **89°55'43"**, radius is **30.00 feet**, an arc distance of **47.09 feet**, the chord of which bears **S26°29'30"W 42.40 feet** to a calculated point at the southeast corner of this tract, and of said Applied Materials tract and of said Lot 3, same being in the existing north ROW line of U.S. Highway 290, and the north line of said 1.918 acre City of Austin tract, from which a 1/2" iron rod found with a TxDOT aluminum cap bears N18°36'12"W 0.22 feet;

EXHIBIT ____

- 6) THENCE, with the south line of this tract, of said Applied Materials tract and of said Lot 3, the existing north ROW line of U.S. Highway 290, and the north line of said 1.918 acre City of Austin tract, **S71°23'48"W 30.10 feet** to the POINT OF BEGINNING and containing 0.079 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 3rd day of December, 2010 A.D.

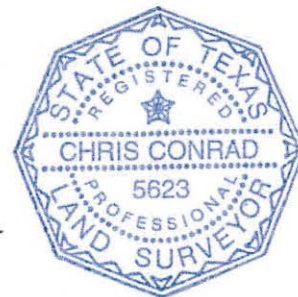
SURVEYED BY:

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

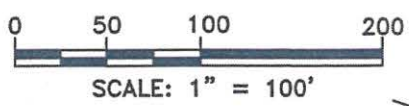


Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P44C R3
Issued 10/20/2010; Revised 12/03/10



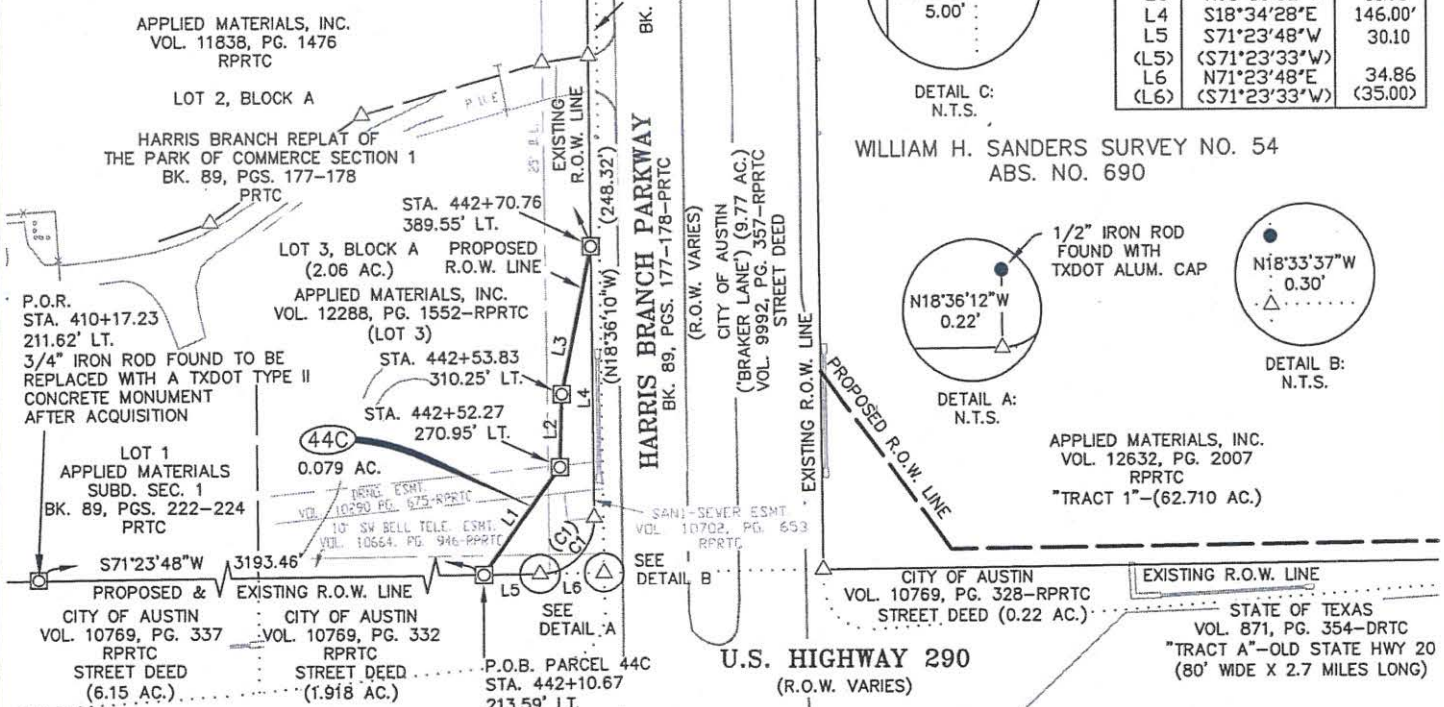
"EXHIBIT ____"



| | |
|-------------------------|-----------|
| DEED ACREAGE | 2.06 AC. |
| ACQUISITION ACREAGE | 0.079 AC. |
| ACQUISITION SQUARE FEET | 3,430 |
| REMAINDER ACREAGE | 1.981 AC. |
| REMAINDER SQUARE FEET | 86,304 |

| CURVE | LENGTH | RADIUS | DELTA | TANGENT | BEARING | CHORD |
|-------|---------|---------|-------------|---------|---------------|---------|
| C1 | 47.09 | 30.00 | 89°55'43" | 29.96 | S26°29'30"W | 42.40 |
| (C1) | (47.12) | (30.00) | (89°55'43") | (30.00) | (N26°23'41"E) | (42.45) |
| C2 | 39.42 | 25.00 | 90°20'14" | 25.15 | N63°18'36"W | 35.46 |
| (C2) | (39.27) | (25.00) | (90°00'00") | (25.00) | (S63°36'10"E) | (35.36) |

| LINE | BEARING | LENGTH |
|------|---------------|---------|
| L1 | N17°22'42"E | 70.86 |
| L2 | N16°17'48"W | 39.33' |
| L3 | N06°30'52"W | 81.08' |
| L4 | S18°34'28"E | 146.00' |
| L5 | S71°23'48"W | 30.10 |
| (L5) | (S71°23'33"W) | |
| L6 | N71°23'48"E | 34.86 |
| (L6) | (S71°23'33"W) | (35.00) |



WILLIAM H. SANDERS SURVEY NO. 54
ABS. NO. 690

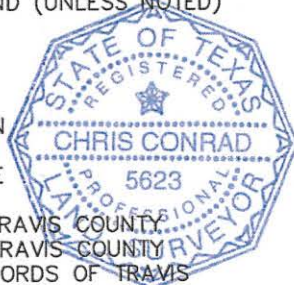
- NOTES:
- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
 - 2) SEE PAGES 1, 2, AND 3 OF 4 FOR A DESCRIPTION OF THIS PARCEL.
 - 3) IMPROVEMENTS 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

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE 12/03/10
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
- ⊙ 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 0.079 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF LOT 3, BLOCK A, HARRIS BRANCH REPLAT OF THE PARK OF COMMERCE, SECTION 1, A SUBDIVISION OF RECORD IN BOOK 89, PAGES 177-178, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 3 DESCRIBED IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 12288, PAGE 1552, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 44C
PAGE 4 OF 4

FINAL CLOSURE PARCEL 44C US HIGHWAY 290

PARCEL 44C - SKETCH MAPCHECK

North: 10098143.0138 East: 3157410.6303
Course: N 17-22-42 E Distance: 70.86000
North: 10098210.6393 East: 3157431.7948
Course: N 16-17-48 W Distance: 39.33000
North: 10098248.3891 East: 3157420.7583
Course: N 06-30-52 W Distance: 81.08000
North: 10098328.9455 East: 3157411.5595
Course: S 18-34-28 E Distance: 146.00000
North: 10098190.5506 East: 3157458.0658
Arc Length: 47.08656 Radius: 30.00000 Delta: 89-55-43
Tangent: 29.96269 Chord: 42.40000 Ch Course: S 26-29-30 W
Course In: S 71-31-38 W Out: S 18-32-38 E
Ctr North: 10098181.0450 East: 3157429.6116
End North: 10098152.6026 East: 3157439.1526
Course: S 71-23-48 W Distance: 30.10000
North: 10098143.0003 East: 3157410.6253

Perimeter: 414.45656

Area: 3429.51898 0.07873 acres
Error of Closure: 0.014391 Course: N 20-18-33 E
Precision 1: 28800.44

PARCEL 44C - STRIPMAP MAPCHECK

North: 10095750.8145 East: 3143664.2604
Course: N 17-22-42 E Distance: 70.86000
North: 10095818.4400 East: 3143685.4248
Course: N 16-17-48 W Distance: 39.33000
North: 10095856.1898 East: 3143674.3884
Course: N 06-30-52 W Distance: 81.08000
North: 10095936.7462 East: 3143665.1896
Course: S 18-34-28 E Distance: 146.00000
North: 10095798.3513 East: 3143711.6959
Arc Length: 47.08656 Radius: 30.00000 Delta: 89-55-43
Tangent: 29.96269 Chord: 42.40000 Ch Course: S 26-29-30 W
Course In: S 71-31-38 W Out: S 18-32-38 E
Ctr North: 10095788.8457 East: 3143683.2417
End North: 10095760.4033 East: 3143692.7827
Course: S 71-23-48 W Distance: 30.10000
North: 10095750.8010 East: 3143664.2554

Perimeter: 414.45656

Area: 3429.51898 0.07873 acres
Error of Closure: 0.014391 Course: N 20-18-33 E
Precision 1: 28800.44

**FINAL CLOSURE PARCEL 44C
US HIGHWAY 290**

PARCEL 44C - DESCRIPTION MAPCHECK

North: 10093132.2957 East: 3159289.8951
Course: N 17-22-42 E Distance: 70.86000
North: 10093199.9211 East: 3159311.0596
Course: N 16-17-48 W Distance: 39.33000
North: 10093237.6709 East: 3159300.0232
Course: N 06-30-52 W Distance: 81.08000
North: 10093318.2274 East: 3159290.8243
Course: S 18-34-28 E Distance: 146.00000
North: 10093179.8325 East: 3159337.3307
Arc Length: 47.08656 Radius: 30.00000 Delta: 89-55-43
Tangent: 29.96269 Chord: 42.40000 Ch Course: S 26-29-30 W
Course In: S 71-31-38 W Out: S 18-32-38 E
Ctr North: 10093170.3269 East: 3159308.8764
End North: 10093141.8845 East: 3159318.4174
Course: S 71-23-48 W Distance: 30.10000
North: 10093132.2822 East: 3159289.8901

Perimeter: 414.45656

Area: 3429.51898 0.07873 acres
Error of Closure: 0.014391 Course: N 20-18-33 E
Precision 1: 28800.44