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

RESOLUTION NO. 11-053

RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT (Parcel 50)

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 1.837 acre parcel of real estate and a 0.037 acre drainage easement described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Robert Hurst Rental Company, (the "Owner"), located at 9721 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 11-053

Date Passed: 04/27/11

Exhibit "A" to Resolution 11-053 Description of Parcel 50

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EXHIBIT

County: Travis
Parcel No.: 50

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 50

DESCRIPTION OF 1.837 ACRES (80,008 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 3.65 ACRES (TRACT ONE) AND 2.50 ACRES (TRACT TWO) IN A DEED TO ROBERT HURST RENTAL COMPANY, OF RECORD IN VOLUME 5697, PAGE 2338, DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.837 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED IN TWO (2) PARTS, BY METES AND BOUNDS AS FOLLOWS:

PART 1- 1.496 ACRES (65,144 square feet)

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, being the beginning of this Access Denial Line, 230.00 feet right of Engineer's Baseline Station 426+91.32, at the southeast corner of the herein described tract, same being in the east line of said Hurst Tract One, and the west line of that certain tract of land described as 0.501 of one acre in a deed to Daniel Perez, of record in Document 2002081840, Official Public Records, Travis County, Texas, from which point a 3/4" iron rod found at the south corner of said Hurst tract, and the southwest corner of that certain tract of land described as 2.50 acres (Tract Two) in said Hurst deed, same being at an angle point in the north line of that certain tract of land described as 22.497 acres in a deed to Nancy Swenson Smith and Agnes Swenson Aldridge, of record in Volume 11995, Page 152, Real Property Records, Travis County, Texas bears \$10°54'43"E 489.96 feet;

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EXHIBIT

- 1) THENCE, with said Access Denial Line, with the south line of this tract and the proposed south ROW line of U.S. Highway 290, crossing said Hurst Tract One, S71°25'55"W 137.09 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", at the end of said Access Denial Line, 230.00 feet right of Engineer's Baseline Station 425+54.22;
- 2) THENCE, S71°25'55"W 271.48 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, 230.00 feet right of Engineer's Baseline Station 422+82.75, at the southwest corner of this tract, same being in the southwest line of said Hurst Tract One, and the northeast line of that certain tract of land described as 17.772 acres in a deed to David Rodewald, of record in Document No. 2005111754, Official Public Records, Travis County, Texas, from which point a non TxDOT concrete monument found in the southeast line of said Rodewald tract, and the northwest line of said Smith tract, bears S56°56'44"E 285.70 feet and S16°03'40"W 22.25 feet;
- 3) THENCE, with the southwest line of this tract and said Hurst Tract One, and the northeast line of said Rodewald tract, continuing with the northeast line of that tract described as 9.00 acres in a deed to River City Rolloffs, Inc., of record in Document No. 2005111755, Official Public Records, Travis County, Texas, N56°56'44"W 117.80 feet to a calculated point at the west corner of this tract and said Hurst Tract One, and the northeast corner of said River City Rolloffs 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 1.733 acres in a deed to the State of Texas, of record in Volume 843, Page 595, Deed Records, Travis County, Texas;
- 4) THENCE, with the north line of this tract and said Hurst Tract One, the existing south ROW line of U.S Highway 290, and the south line of said 1.733 acre State of Texas tract, N71°23'48"E 29.69 feet to a TxDOT Type I concrete monument found at an angle point in the north line of this tract and said Hurst Tract One, and at an angle point in the existing south ROW line of U.S. Highway 290, same being the southeast corner of said 1.733 acre State of Texas tract;

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EXHIBIT

- 5) THENCE, continuing with the north line of this tract and said Hurst Tract One, the existing south ROW line of U.S. Highway 290, and the east line of said 1.733 acre State of Texas tract, N18°24'06"W 50.00 feet to a TxDOT Type I concrete monument found at the northwest corner of this tract and said Hurst Tract One, and the northeast corner of said 1.733 acre State of Texas tract, and being an angle point in the existing south ROW line of U.S. Highway 290, same being in the south line of that certain tract of land described as 8.421 acres in a deed to the State of Texas, of record in Volume 663, Page 27, Deed Records, Travis County, Texas;
- 6) THENCE, continuing with the north line of this tract and said Hurst Tract One, the existing south ROW line of U.S. Highway 290, and the south line of said 8.421 acre State of Texas tract, N71°23'48"E 471.05 feet to a calculated point at the northeast corner of this tract and said Hurst Tract One, same being the northwest corner of said Perez tract;
- 7) THENCE, with the east line of this tract and said Hurst Tract One, and the west line of said Perez tract, S10°54'43"E, at 0.39 feet passing a 1" iron pipe found, in all a total distance of 143.94 feet to the POINT OF BEGINNING and containing 1.496 acres within these metes and bounds, more or less.

PART 2- 0.341 OF ONE ACRE (14,864 square feet)

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, being the beginning of this Access Denial Line, 230.00 feet right of Engineer's Baseline Station 428+99.94, at the southeast corner of the herein described tract, same being in the east line of said Hurst Tract Two, and the west line of that certain tract of land described as 22.497 acres in a deed to Nancy Swenson Smith and Agnes Swenson Aldridge, of record in Volume 11995, Page 152, Real Property Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Hurst Tract Two, and at an interior ell corner of said Smith tract bears S10°52'58"E 488.41 feet, and from which point of beginning a 3/4" iron rod found at the southwest corner of said Hurst Tract Two tract, being at an angle point in a north line of said Smith tract bears S10°52'58"E 488.41 feet and S70°59'59"W 208.59 feet;

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EXHIBIT ___

- 8) THENCE, along said Access Denial Line, with the south line of this tract and the proposed south ROW line of U.S. Highway 290, crossing said Hurst Tract Two, S71°25′55″W 103.98 feet to a 1/2″ iron rod set with a TxDOT aluminum cap, at the end of said Access Denial Line, 230.00 feet right of Engineer's Baseline Station 427+95.96, at the southwest corner of this tract, same being in the west line of said Hurst Tract Two, and the east line of that certain tract of land described as 0.501 of one acre of land in a deed to Daniel Perez, of record in Document 2002081840, Official Public Records, Travis County, Texas;
- 9) THENCE, with the west line of this tract, and said Hurst Tract Two, and the east line of said Perez tract, N10°59'35"W, at 143.82 passing a 1/2" iron rod found, in all a total distance of 143.98 feet to a calculated point at the northwest corner of this tract, and said Hurst Tract Two, and the northeast corner of said Perez 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 8.421 acres in a deed to the State of Texas, of record in Volume 663, Page 27, Deed Records, Travis County, Texas;
- 10)THENCE, with the north line of this tract, and said Hurst Tract Two, the existing south ROW line of U.S Highway 290, and the south line of said 8.421 acre State of Texas tract, N71°23'48"E 104.27 feet to a calculated point at the northeast corner of this tract, and said Hurst Tract Two, and the northwest corner of said Smith tract, from which point a 1" iron pipe found bears N10°52'58"W 0.26 feet;
- 11)THENCE, with the east line of this tract, and said Hurst Tract Two, and the west line of said Smith tract S10°52'58"E, passing at 141.42 feet a 1/2" iron rod set with a TxDOT aluminum cap, 227.36 feet right of Engineer's Baseline Station 429+00.30, in all a total distance of 144.08 feet to the POINT OF BEGINNING and containing 0.341 of one acre within these metes and bounds, more or less.

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EXHIBIT

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 WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS DESCRIBED HEREIN, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND 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:

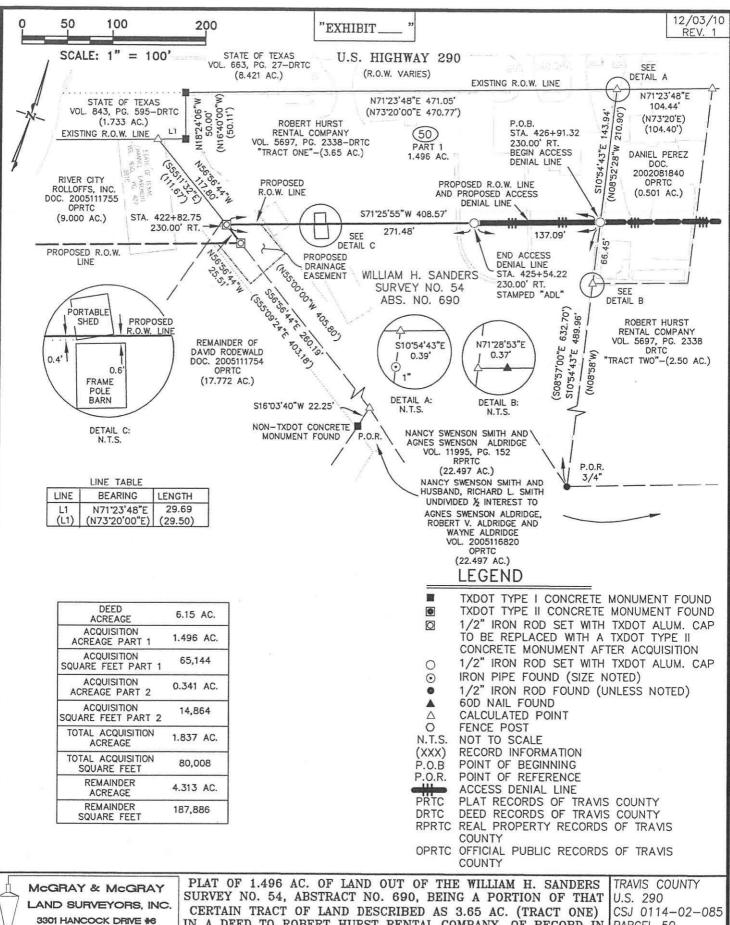
McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591

Chris Conrad, Reg. Professional Land Surveyor No. 5623

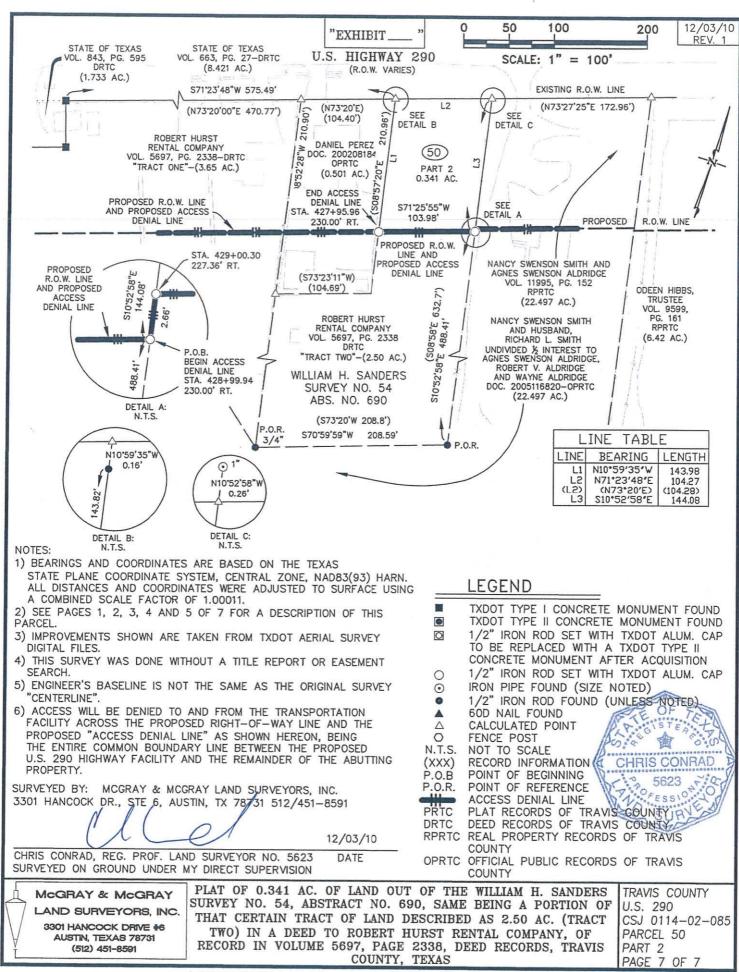
Note: There is a plat to accompany this description. US 290 P50 R6

Issued 02/02/07, Rev 03/20/07, 04/01/09, 09/17/10, 12/3/10



IN A DEED TO ROBERT HURST RENTAL COMPANY, OF RECORD IN AUSTIN, TEXAS 78731 VOLUME 5697, PAGE 2338, DEED RECORDS, TRAVIS COUNTY, (512) 451-8591 TEXAS.

PARCEL 50 PART 1 PAGE 6 OF 7



FINAL CLOSURE PARCEL 50 PART 1 **US HIGHWAY 290**

PARCEL 50 PART 1 - SKETCH MAPCHECK

Course: S 71-25-55 W Distance: 408.57000 Course: N 56-56-44 W Distance: 117.80000 North: 10096875.7524 East: 3153735.3064 Course: N 71-23-48 E Distance: 29.69000

Course: N 18-24-06 W Distance: 50.00000 Course: N 71-23-48 E Distance: 471.05000

Course: S 10-54-43 E Distance: 143.94000

Perimeter: 1221.05000

Area: 65144.11448 1.49550 acres Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.003580 Course: S 86-34-23 W

Precision 1: 341037.07

PARCEL 50 PART 1 - STRIPMAP MAPCHECK

Course: S 71-25-55 W Distance: 408.57000 North: 10098414.4774 East: 3151801.2702 Course: N 56-56-44 W Distance: 117.80000 Course: N 71-23-48 E Distance: 29.69000 Course: N 18-24-06 W Distance: 50.00000 North: 10098535.6446 East: 3151714.8907 Course: N 71-23-48 E Distance: 471.05000

Course: S 10-54-43 E Distance: 143,94000 North: 10098544.5789 East: 3152188.5761

Perimeter: 1221.05000

Area: 65144.11448 1.49550 acres Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.003580 Course: S 86-34-23 W

Precision 1: 341037.07

PARCEL 50 - DESCRIPTION MAPCHECK

Course: S 71-25-55 W

Distance: 408.57000

FINAL CLOSURE PARCEL 50 PART 1 **US HIGHWAY 290**

PARCEL 50 - DESCRIPTION MAPCHECK (cont.)

Course: N 56-56-44 W Distance: 117.80000 Course: N 71-23-48 E Distance: 29.69000

North: 10098418.9706 East: 3154302.1186 Course: N 18-24-06 W Distance: 50.00000 North: 10098466.4139 East: 3154286.3348 Course: N 71-23-48 E Distance: 471.05000

Course: S 10-54-43 E Distance: 143.94000 North: 10098475.3482 East: 3154760.0202

Perimeter: 1221.05000

Area: 65144.11448 1.49550 acres

Mathematical Closure - (Uses Survey Units) Error of Closure: 0.003580

Course: S 86-34-23 W

Precision 1: 341037.07

FINAL CLOSURE PARCEL 50 PART 2 US HIGHWAY 290

PARCEL 50 PART 2 - SKETCH MAPCHECK

North: 10097072.5098 East: 3154753.2236

Course: S 71-25-55 W Distance: 103.98000
North: 10097039.3994 East: 3154654.6561
Course: N 10-59-35 W Distance: 143.98000
North: 10097180.7374 East: 3154627.2006

Course: N 71-23-48 E Distance: 104.27000
North: 10097214.0011 East: 3154726.0225
Course: S 10-52-58 E Distance: 144.08000
North: 10097072.5123 East: 3154753.2248

Perimeter: 496.31000

Area: 14863.93277 0.34123 acres

Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.002712 Course: S 27-08-02 W

Precision 1: 183007.58

PARCEL 50 PART 2 - STRIPMAP MAPCHECK

North: 10097586.7160 East: 3153525.2221

Course: S 71-25-55 W Distance: 103.98000
North: 10097553.6055
Course: N 10-59-35 W Distance: 143.98000
North: 10097694.9436
Course: N 71-23-48 E
North: 10097728.2072
Course: S 10-52-58 E
North: 10097586.7184
Distance: 104.27000
East: 3153498.0210
Distance: 144.08000
East: 3153525.2234

Perimeter: 496.31000

Area: 14863.93277 0.34123 acres

Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.002712 Course: S 27-08-02 W

Precision 1: 183007.58

PARCEL 50 PART 2 - DESCRIPTION MAPCHECK

Course: S 71-25-55 W
North: 10097044.1708
Course: N 10-59-35 W
North: 10097185.5088
Course: N 71-23-48 E
North: 10097218.7724
Course: S 10-52-58 E

Distance: 103.98000
East: 3154011.8490
Distance: 143.98000
East: 3153984.3935
Distance: 104.27000
East: 3154083.2153
Distance: 144.08000

North: 10097077.2836 East: 3154110.4177

FINAL CLOSURE PARCEL 50 PART 2 **US HIGHWAY 290**

PARCEL 50 PART 2 - DESCRIPTION MAPCHECK (cont.)

Perimeter: 496.31000

Area: 14863.93277

0.34123 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.002712 Course: S 27-08-02 W

Precision 1: 183007.58