

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

RESOLUTION NO. 11-054

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 57)**

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 0.184 acres described by metes and bounds in Exhibit “A” to this Resolution (the “Subject Property”), owned by Applied Materials, Inc., (the “Owner”), located at the northeast corner of US Hwy 290E and Harris Branch Parkway 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 11-054
Date Passed: 04/27/11

Exhibit "A" to Resolution 11-054

Description of Parcel 57

EXHIBIT ____

County: Travis
Parcel No.: 57
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 57

DESCRIPTION OF 0.184 OF ONE ACRE (8,004 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 62.710 ACRES (TRACT 1) IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 12632, PAGE 2007, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.184 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 north right-of-way (ROW) line of U.S. Highway 290, 320.30 feet left of Engineer's Baseline Station 443+95.54, at the north corner of the herein described tract, same being in the west line of said Applied Materials tract, and the existing east ROW line of Harris Branch Parkway, as described in a street deed to the City of Austin, of record in Volume 9992, Page 357, Real Property Records, Travis County, Texas, from which point a 1/2" iron rod found in the west line of said Applied Materials tract, and the existing east ROW line of Harris Branch Parkway bears N18°34'28"W 520.47 feet, and from which point of beginning a 1/2" iron rod found in the west line of said Applied Materials tract, and the existing east ROW line of Harris Branch Parkway, bears N18°34'28"W 520.47 feet, and along a curve whose intersection angle is 90°39'03", radius is 25.00 feet, the chord which bears N27°02'24"E 35.56 feet;

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

EXHIBIT _____

- 1) **S54°23'39"E 119.09 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, 223.74 feet left of Engineer's Baseline Station 444+65.24;
- 2) **N71°23'48"E 297.56 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, 223.93 feet left of Engineer's Baseline Station 447+62.80; and
- 3) **N74°21'40"E 193.36 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, 214.05 feet left of Engineer's Baseline Station 449+55.91, at the east corner of this tract, same being in the south line of said Applied Materials tract, and the existing north ROW line of U.S. Highway 290, and the east corner of that certain tract of land described as 0.22 of one acre in a deed to the City of Austin, of record in Volume 10769, Page 328, Real Property Records, Travis County, Texas;
- 4) THENCE, with the south line of this tract, and said Applied Materials tract, same being the existing north ROW line of U.S. Highway 290, and the north line of said 0.22 of one acre City of Austin tract, **S71°23'48"W 560.36 feet** to a calculated point at the southwest corner of this tract, and said Applied Materials tract, same being the northwest corner of said 0.22 of one acre City of Austin tract, also being in the existing east ROW line of Harris Branch Parkway;

EXHIBIT ____

5) THENCE, with the west line of this tract, and said Applied Materials tract, same being the existing east ROW line of Harris Branch Parkway, **N18°34'28"W**, at 0.53 feet passing a 1/2" iron rod found, in all a total distance of **106.60 feet** to the POINT OF BEGINNING and containing 0.184 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.

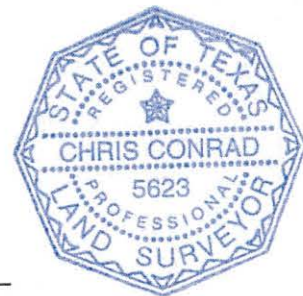
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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.

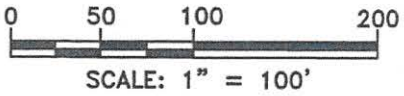
SURVEYED BY:

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



Chris Conrad, Reg. Professional Land Surveyor No. 5623

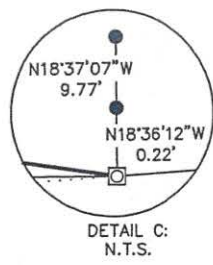
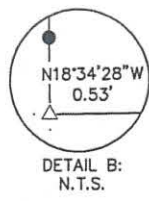
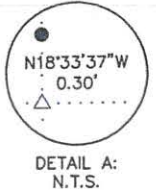
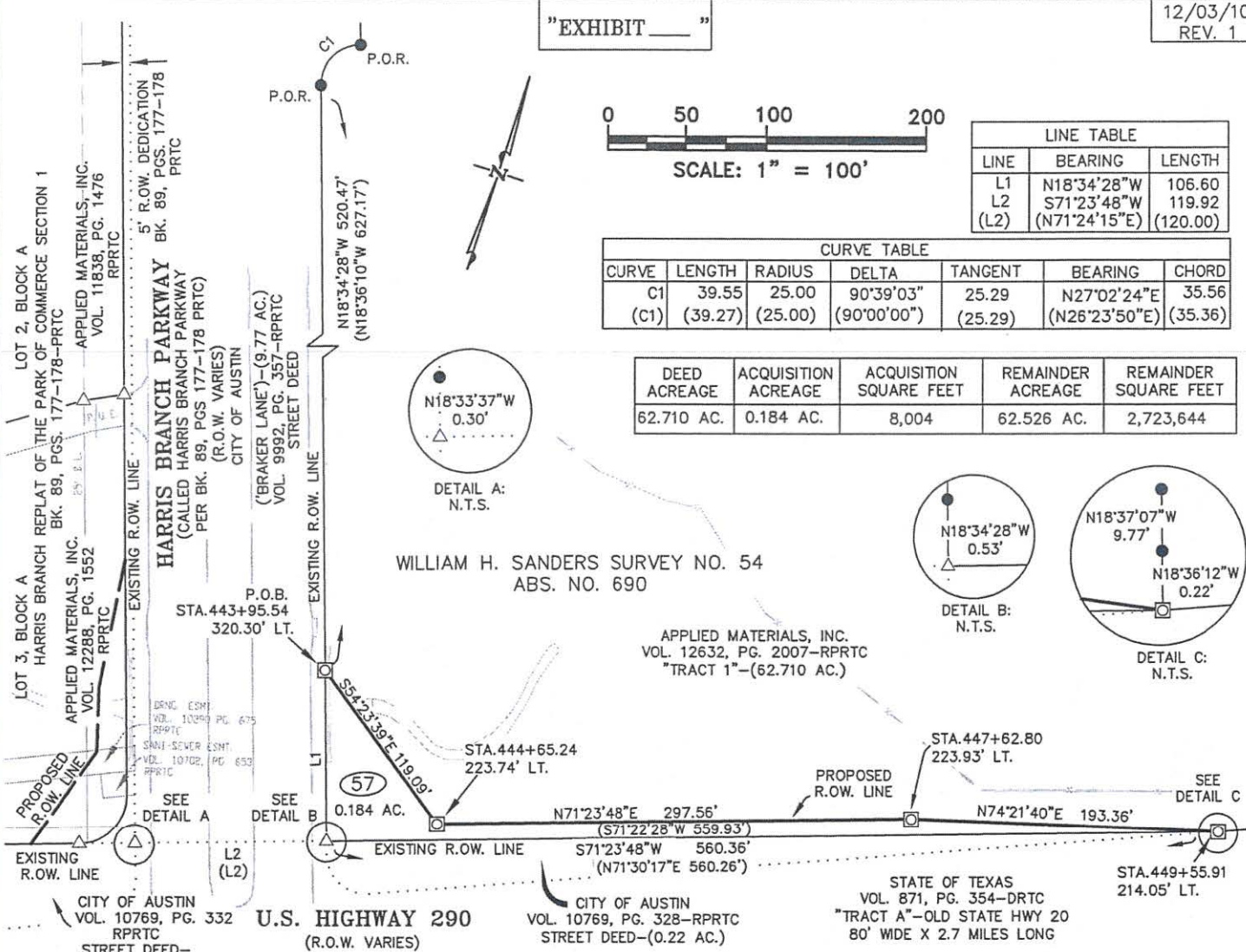
Note: There is a plat to accompany this description. US 290 P57 R5
Issued 12/01/06, Rev 03/20/07, 04/01/09, 10/20/10, 12/3/10



LINE TABLE		
LINE	BEARING	LENGTH
L1	N18°34'28"W	106.60
L2	S71°23'48"W	119.92
(L2)	(N71°24'15"E)	(120.00)

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	39.55	25.00	90°39'03"	25.29	N27°02'24"E	35.56
(C1)	(39.27)	(25.00)	(90°00'00")	(25.29)	(N26°23'50"E)	(35.36)

DEED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
62.710 AC.	0.184 AC.	8,004	62.526 AC.	2,723,644



- NOTES:
- 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.
 - SEE PAGES 1, 2, AND 3 OF 4 FOR A DESCRIPTION OF THIS PARCEL.
 - IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
 - THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
 - ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
 - 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.

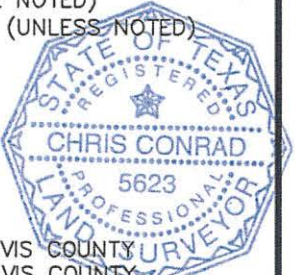
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

12/03/10

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

PLAT OF 0.184 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF THAT CERTAIN TRACT DESCRIBED AS 62.710 AC. (TRACT 1) IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 12632, PAGE 2007, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 57
PAGE 4 OF 4

FINAL CLOSURE PARCEL 57 US HIGHWAY 290

PARCEL 57 - SKETCH MAPCHECK

North: 10092830.9055 East: 3156047.3329
Course: S 54-23-39 E Distance: 119.09000
North: 10092761.5707 East: 3156144.1580
Course: N 71-23-48 E Distance: 297.56000
North: 10092856.4966 East: 3156426.1704
Course: N 74-21-40 E Distance: 193.36000
North: 10092908.6213 East: 3156612.3722
Course: S 71-23-48 W Distance: 560.36000
North: 10092729.8584 East: 3156081.2911
Course: N 18-34-28 W Distance: 106.60000
North: 10092830.9057 East: 3156047.3351

Perimeter: 1276.97000

Area: 8004.12722 0.18375 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.002235 Course: S 86-56-27 W

Precision 1: 571332.14

PARCEL 57 - STRIPMAP MAPCHECK

North: 10093229.1312 East: 3165985.9623
Course: S 54-23-39 E Distance: 119.09000
North: 10093159.7963 East: 3166082.7874
Course: N 71-23-48 E Distance: 297.56000
North: 10093254.7223 East: 3166364.7998
Course: N 74-21-40 E Distance: 193.36000
North: 10093306.8470 East: 3166551.0016
Course: S 71-23-48 W Distance: 560.36000
North: 10093128.0841 East: 3166019.9205
Course: N 18-34-28 W Distance: 106.60000
North: 10093229.1314 East: 3165985.9645

Perimeter: 1276.97000

Area: 8004.12722 0.18375 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.002235 Course: S 86-56-27 W

Precision 1: 571332.14

PARCEL 57 - DESCRIPTION MAPCHECK

North: 10091625.8804 East: 3156379.9813
Course: S 54-23-39 E Distance: 119.09000
North: 10091556.5455 East: 3156476.8064
Course: N 71-23-48 E Distance: 297.56000
North: 10091651.4714 East: 3156758.8189
Course: N 74-21-40 E Distance: 193.36000
North: 10091703.5962 East: 3156945.0207
Course: S 71-23-48 W Distance: 560.36000

FINAL CLOSURE PARCEL 57 US HIGHWAY 290

PARCEL 57 - DESCRIPTION MAPCHECK (cont.)

North: 10091524.8332 East: 3156413.9396
Course: N 18-34-28 W Distance: 106.60000
North: 10091625.8805 East: 3156379.9836

Perimeter: 1276.97000

Area: 8004.12722 0.18375 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.002235 Course: S 86-56-27 W
Precision 1: 571332.14