

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

**RESOLUTION NO. 11-056**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 59)**

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 0.043 acres described by metes and bounds in Exhibit “A” to this Resolution (the “Subject Property”), owned by Lone Star Gas Company, (the “Owner”), located at the south line of US Hwy 290E, between SH 130 and Parmer Lane 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<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 11-056  
Date Passed: 04/27/11

**Exhibit "A" to Resolution 11-056**

**Description of Parcel 59**

**EXHIBIT** \_\_\_\_

**County:** Travis  
**Parcel No.:** 59  
**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 59**

DESCRIPTION OF 0.043 OF ONE ACRE (1,891 SQ. FT.) OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2500 SQUARE FEET IN A DEED TO LONE STAR GAS COMPANY, OF RECORD IN VOLUME 3144, PAGE 990, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.043 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the northwest corner of this tract, and said Lone Star tract 178.06 feet right of Engineer's Baseline Station 1532+73.29, same being the northeast corner of that certain tract of land described as 3.718 acres in a deed to the State of Texas, of record in Document 2005111508, Official Public Records, Travis County, Texas, also being in the north line of that certain tract of land described as 11.07 acres (Third Tract), of record in Volume 4282, Page 1082, Deed Records, Travis County, Texas, said 11.07 acre tract being part of that certain tract of land described as 275.66 acres (Tract 3) in a deed to The Butler Family Partnership, LTD., of record in Volume 12271, Page 872, Real Property Records, Travis County, Texas, and in the existing south right-of-way (ROW) line of U.S. Highway 290, and the south line of that certain tract of land described as 3.720 acres in a deed to the State of Texas, of record in Volume 663, Page 25, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found bears N16°34'48"W 0.50 feet;

- 1) THENCE, with the north line of this tract, and said Lone Star tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 3.720 acre State of Texas tract, N74°03'41"E 50.17 feet to a calculated point at the northeast corner of this tract and said Lone Star tract 183.68 feet right of

EXHIBIT \_\_\_\_

Engineer's Baseline Station 1533+24.88, same being at an angle point in the north line of said 11.07 acre Butler Family tract, from which point a 1/2" iron rod found bears N15°38'06"W 0.47 feet, and from which point a 1/2" iron rod found in the southeast line of said 11.07 acre Butler Family tract, and the existing northwest ROW line of Boyce Lane, a public ROW for which no record information was found, bears N74°03'41"E 219.34 feet, S25°22'00"W 280.29 feet, and S24°33'55"W 171.33 feet

- 2) THENCE, with the east line of this tract and said Lone Star tract, same being the north line of said 11.07 acre Butler Family, tract **S15°38'06"E 38.10 feet** to a calculated point at the southeast corner of this tract and said Lone Star tract, same being at an interior ell corner in said 11.07 acre Butler Family tract;
- 3) THENCE, with the south line of this tract and said Lone Star tract, same being the north line of said 11.07 acre Butler Family tract, **S74°26'50"W 49.55 feet** to a calculated point at the southwest corner of this tract and said Lone Star tract, same being at an interior ell corner of said 11.07 acre Butler tract;



**EXHIBIT** \_\_\_\_\_

- 4) THENCE, with the west line of this tract and said Lone Star tract, same being the north line of said 11.07 acre Butler Family tract, **N16°34'48"W 37.77 feet** to the POINT OF BEGINNING and containing 0.043 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.

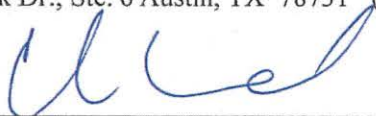
**STATE OF TEXAS**           §  
  §       **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF TRAVIS**       §

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 17<sup>th</sup> day of September, 2010 A.D.

SURVEYED BY:

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

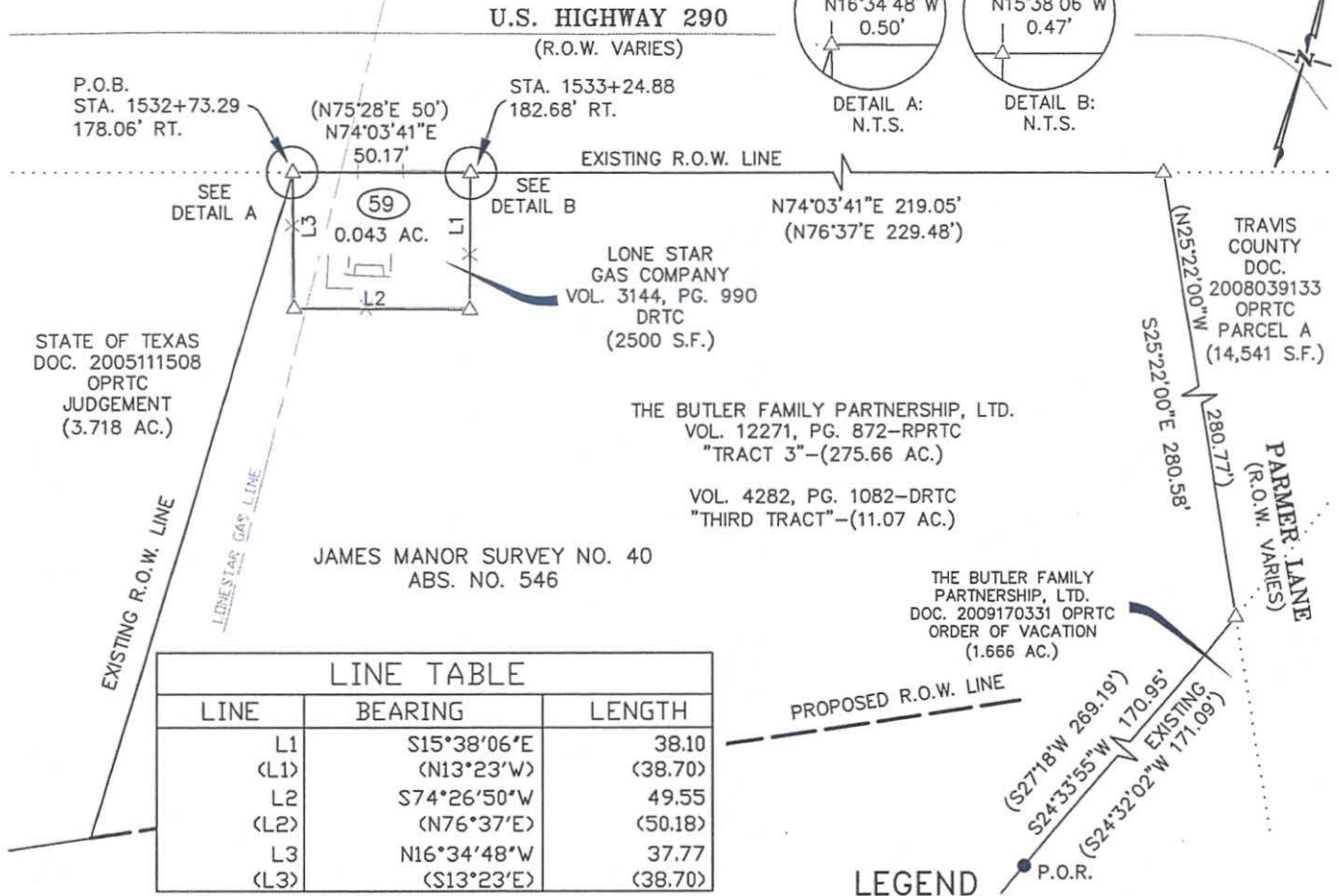
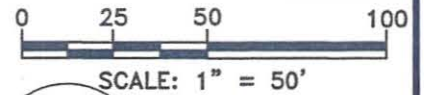


Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P59REV2  
Issued 12/01/06, Rev 03/20/07, 09/17/2010

SURVEYED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
0.043 AC.	0.043 AC.	1,891	0 AC.	0

STATE OF TEXAS  
VOL. 663, PG. 25-DRTC  
(3,720 AC.)



LINE	BEARING	LENGTH
L1	S15°38'06"E	38.10
(L1)	(N13°23'W)	(38.70)
L2	S74°26'50"W	49.55
(L2)	(N76°37'E)	(50.18)
L3	N16°34'48"W	37.77
(L3)	(S13°23'E)	(38.70)

**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



- 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".

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

*Chris Conrad*

09/17/10

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

**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF 0.043 AC. OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, SAME BEING ALL OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS 2500 SQUARE FEET OF LAND IN A DEED TO LONE STAR GAS COMPANY, OF RECORD IN VOLUME 3144, PAGE 990, DEED RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 59  
PAGE 4 OF 4

# FINAL CLOSURE PARCEL 59 US HIGHWAY 290

## PARCEL 59 - SKETCH MAPCHECK

North: 10100371.7312 East: 3164684.4148  
Course: N 74-03-41 E Distance: 50.17000  
North: 10100385.5083 East: 3164732.6561  
Course: S 15-38-06 E Distance: 38.10000  
North: 10100348.8180 East: 3164742.9244  
Course: S 74-26-50 W Distance: 49.55000  
North: 10100335.5324 East: 3164695.1887  
Course: N 16-34-48 W Distance: 37.77000  
North: 10100371.7320 East: 3164684.4109

Perimeter: 175.59000

Area: 1891.34851 0.04342 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.004015 Course: S 78-41-13 E  
Precision 1: 43729.44

## PARCEL 59 - STRIPMAP MAPCHECK

North: 10099415.6755 East: 3165236.4293  
Course: N 74-03-41 E Distance: 50.17000  
North: 10099429.4525 East: 3165284.6706  
Course: S 15-38-06 E Distance: 38.10000  
North: 10099392.7623 East: 3165294.9388  
Course: S 74-26-50 W Distance: 49.55000  
North: 10099379.4766 East: 3165247.2032  
Course: N 16-34-48 W Distance: 37.77000  
North: 10099415.6762 East: 3165236.4253

Perimeter: 175.59000

Area: 1891.34851 0.04342 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.004015 Course: S 78-41-13 E  
Precision 1: 43729.44

## PARCEL 59 - DESCRIPTION MAPCHECK

North: 10099050.3717 East: 3165376.6385  
Course: N 74-03-41 E Distance: 50.17000  
North: 10099064.1488 East: 3165424.8798  
Course: S 15-38-06 E Distance: 38.10000  
North: 10099027.4585 East: 3165435.1481  
Course: S 74-26-50 W Distance: 49.55000  
North: 10099014.1729 East: 3165387.4124  
Course: N 16-34-48 W Distance: 37.77000  
North: 10099050.3725 East: 3165376.6346

Perimeter: 175.59000



**FINAL CLOSURE PARCEL 59  
US HIGHWAY 290**

PARCEL 59 - DESCRIPTION MAPCHECK (cont.)

Area: 1891.34851                      0.04342 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.004015              Course: S 78-41-13 E  
Precision 1: 43729.44