

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

**RESOLUTION NO. 11-121**

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

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 the right to prohibit access to and from the public right-of-way of U.S. Highway 290 to the abutting tract of land, as that access denial line is described by metes and bounds and the abutting tract is described by reference in Exhibit "A" to this Resolution (the "Access Denial Line"), 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; and

WHEREAS, an independent, professional appraisal report of the Access Denial Line 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 Access Denial Line to acquire the Access Denial Line; 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 Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Access Denial Line for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Access Denial Line previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to acquire the Access Denial Line and all leasehold interests in the Access Denial Line by

agreement, subject to approval of the agreement by the Board of Directors of the CTRMA; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Access Denial Line 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 Access Denial Line for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Access Denial Line or the abutting tract, as both are 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.

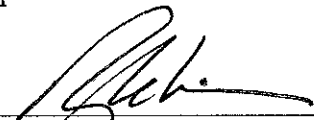
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-121  
Date Passed: 08/24/11

**Exhibit "A" to Resolution 11-121**

**Description of Parcel 44D (AC)**

EXHIBIT A

County: Travis  
Parcel No.: 44D(AC)  
Highway: U.S. Highway 290  
Project Limits: From: E of US 183  
                  To: E of SH 130  
Right of Way CSJ: 0114-02-085

**LINEAR DESCRIPTION FOR PARCEL 44D(AC)**

BEING A LINEAR DESCRIPTION FOR DENIED ACCESS ALONG AN ACCESS DENIAL LINE, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 290 IN THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 11375, PAGE 885, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING LOT 1, BLOCK A, APPLIED MATERIALS SUBDIVISION SECTION 1 – FINAL PLAT, A SUBDIVISION OF RECORD IN BOOK 89, PAGES 222-224, PLAT RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Part 1

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap stamped "ADL" at the point of beginning of this Access Denial Line, 211.76 feet left of Engineer's Baseline Station 412+50.28, same being in the existing north right-of-way (ROW) line of U.S. Highway 290, the south line of said Applied Materials tract and of said Lot 1, Block A, and 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, from which point a 3/4" iron rod found, to be replaced with a TxDOT Type II concrete monument after acquisition, in the existing north ROW line of U.S. Highway 290, the south line of said Applied Materials tract and of said Lot 1, Block A, and the north line of said 6.15 acre City of Austin tract, bears S71°23'48"W 233.05 feet, and from which point of beginning a 1/2" iron rod found to be replaced with a TxDOT Type II concrete monument after acquisition at the southwest corner of said Applied Materials tract and of said Lot 1, Block A, and the northwest corner of said 6.15 acre City of Austin tract, same being in the east line of Lot 1, Fiesta Plaza, a subdivision of record in Book 76, Page 359, Plat Records, Travis County, Texas, bears S71°23'48"W 233.05 feet and along a curve whose intersection angle is 07°48'31" and radius is 5,529.58 feet, the chord of which bears S75°16'41"W 753.02 feet;

EXHIBIT \_\_\_\_

- 1) THENCE, with said Access Denial Line, with the south line of said Applied Materials tract and of said Lot 1, Block A, the existing north ROW line of U.S Highway 290, and the north line of said 6.15 acre City of Austin tract, **N71°23'48"E 524.45 feet** to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the end of said Access Denial Line, 212.08 feet left of Engineer's Baseline Station 417+74.73;

Part 2

BEGINNING at a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the point of beginning of this Access Denial Line, 212.47 feet left of Engineer's Baseline Station 424+02.70, same being in the existing north ROW line of U.S. Highway 290, the south line of said Applied Materials tract and of said Lot 1, Block A, and the north line of said 6.15 acre City of Austin tract, from which point a 3/4" iron rod found, to be replaced with a TxDOT Type II concrete monument after acquisition, in the existing north ROW line of U.S. Highway 290, in the south line of said Applied Materials tract and of said Lot 1, Block A, and the north line of said 6.15 acre City of Austin tract, bears **S71°23'48"W 1385.47 feet**;

- 1) THENCE, with said Access Denial Line, with the south line of said Applied Materials tract and of said Lot 1, Block A, the existing north ROW line of U.S. Highway 290, and the north line of said 6.15 acre City of Austin tract, **N71°23'48"E 403.20 feet** to a calculated point, 212.72 feet left of Engineer's Baseline Station 428+05.89, at the northeast corner of said 6.15 acre City of Austin tract, and the northwest corner of that certain tract of land described as 0.473 of one acre in a deed to Austin HB Residential Properties, Ltd., of record in Volume 12731, Page 1051, Real Property Records, Travis County, Texas, same being an exterior ell corner in the existing north ROW line of U.S. Highway 290, and at a point in the proposed north ROW line of U.S. Highway 290, from which point a 1/2" iron rod found bears **N18°38'53"W 0.28 feet**;
- 2) THENCE, continuing with said Access Denial Line, with the south line of said Applied Materials tract and of said Lot 1, Block A, the proposed north ROW line of U.S. Highway 290, and the north line of said 0.473 of one acre Austin HB Residential Properties tract, **N71°23'48"E 200.00 feet** to a calculated point, 212.84 feet left of Engineer's Baseline Station 430+05.89, at the northeast corner of said 0.473 of one acre Austin HB Residential Properties tract and the northwest corner of that certain tract of land described as 0.467 of one acre in said deed to Austin HB Residential Properties, Ltd.;
- 3) THENCE, continuing with said Access Denial Line, with the south line of said Applied Materials tract and of said Lot 1, Block A, the proposed north ROW line of U.S. Highway 290, and the north line of said 0.467 of one acre Austin HB Residential

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

Properties tract, N71°23'48"E 52.42 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the end of said Access Denial Line, 212.87 feet left of Engineer's Baseline Station 430+58.31, from which point a 1/2" iron rod found near the northeast corner of said 0.467 of one acre Austin HB Residential Properties tract bears N71°23'48"E 153.57 feet and N18°36'12"W 0.29 feet.

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.

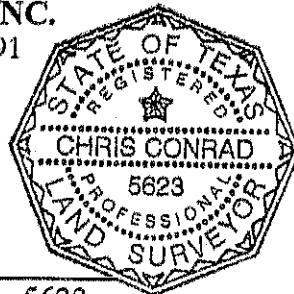
STATE OF TEXAS       §  
  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS   §

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.

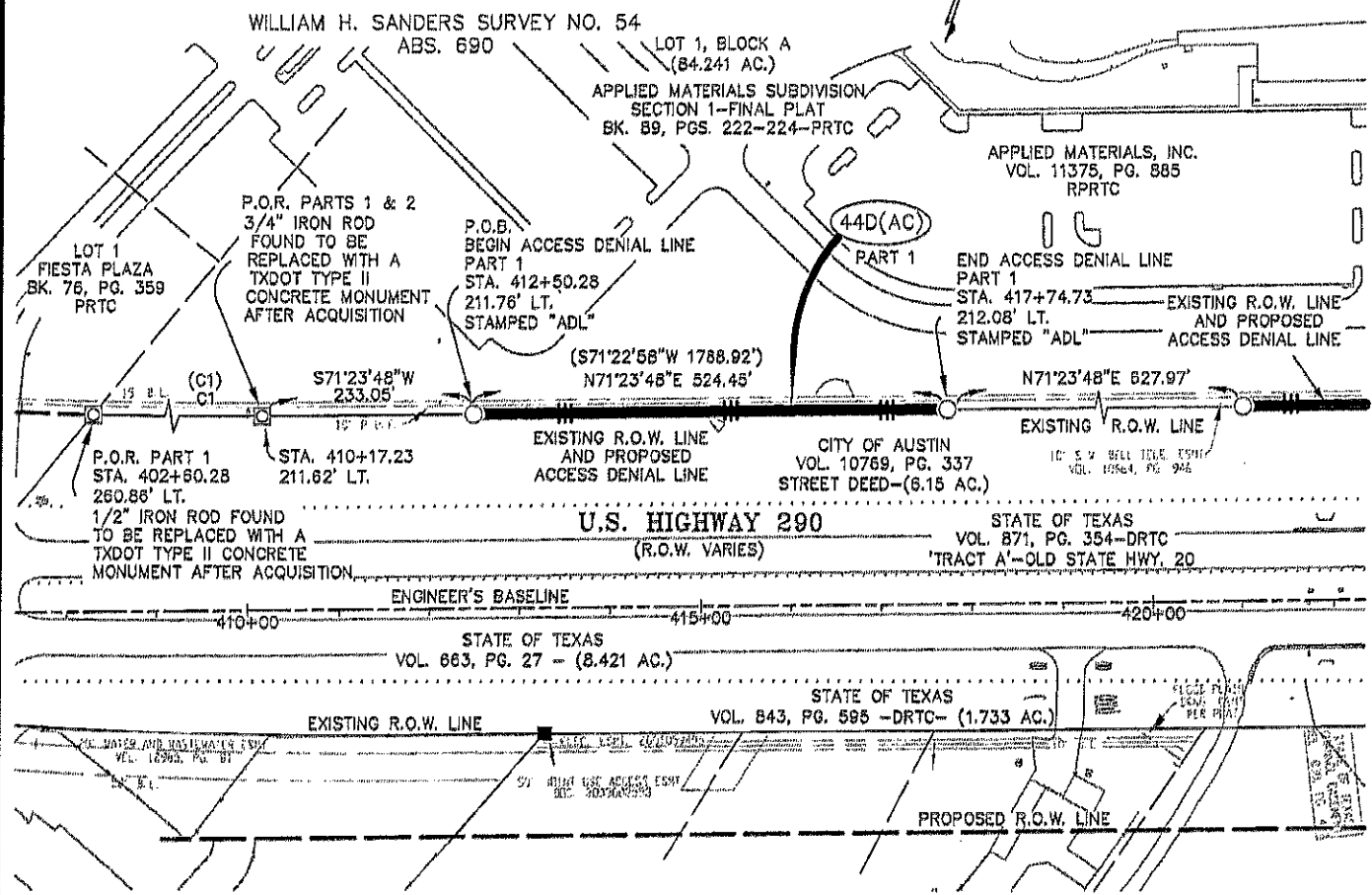
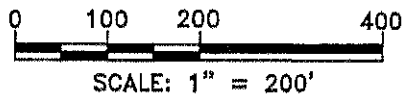
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 20<sup>th</sup> day of October, 2010 A.D.

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 P44D(AC) R2  
Issued 10/20/2010



**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

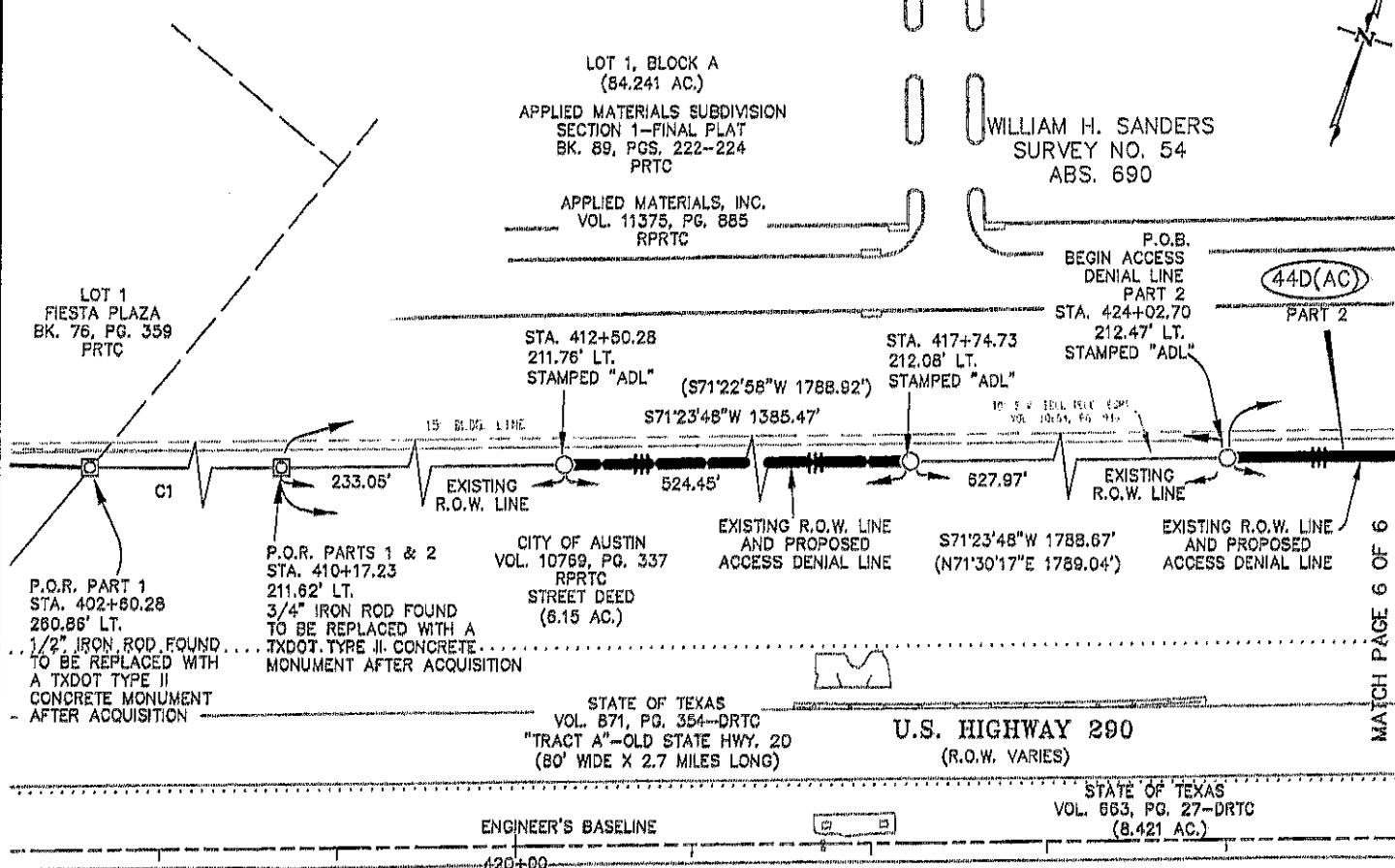
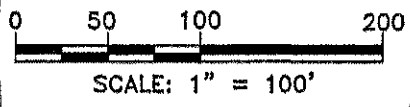
CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	753.80	5529.58	07°48'31"	377.39	S75°16'41"W	753.02
(C1)	(753.40)	(5529.44)	(07°48'24")		(S75°17'47"W)	(752.82)

**McGRAY & McGRAY**  
**LAND SURVEYORS, INC.**  
 8301 HANCOCK DRIVE #8  
 AUSTIN, TEXAS 78791  
 (512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 11375, PAGE 885, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING LOT 1, BLOCK A, APPLIED MATERIALS SUBDIVISION SECTION 1-FINAL PLAT, A SUBDIVISION OF RECORD IN BOOK 89, PAGES 222-224, PLAT RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
 U.S. 290  
 CSJ 0114-02-085  
 PARCEL 44D(AC)  
 PART 1  
 PAGE 4 OF 6

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	753.60	5529.58	07°48'31"	377.39	S75°16'41"W	753.02
(C1)	(753.40)	(5529.44)	(07°48'24")		(S75°17'47"W)	(752.82)



P.O.R. PART 1  
STA. 402+60.28  
260.86' LT.  
1/2" IRON ROD FOUND  
TO BE REPLACED WITH  
A TXDOT TYPE II  
CONCRETE MONUMENT  
AFTER ACQUISITION

P.O.R. PARTS 1 & 2  
STA. 410+17.23  
211.62' LT.  
3/4" IRON ROD FOUND  
TO BE REPLACED WITH A  
TXDOT TYPE II CONCRETE  
MONUMENT AFTER ACQUISITION

CITY OF AUSTIN  
VOL. 10769, PG. 337  
RPRTC  
STREET DEED  
(6.15 AC.)

STATE OF TEXAS  
VOL. 671, PG. 354--DRTC  
"TRACT A"--OLD STATE HWY. 20  
(80' WIDE X 2.7 MILES LONG)

U.S. HIGHWAY 290  
(R.O.W. VARIES)

STATE OF TEXAS  
VOL. 663, PG. 27--DRTC  
(8.421 AC.)

ENGINEER'S BASELINE

MATCH PAGE 6 OF 6

**LEGEND**

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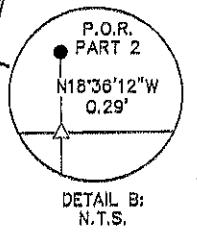
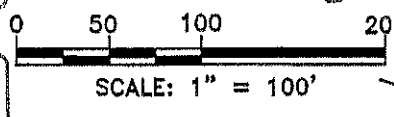
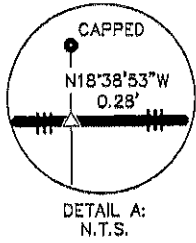
**NOTE:**  
ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING AND PROPOSED RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS SHOWN HEREON, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING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

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TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 44D(AC)  
PART 2  
PAGE 5 OF 6

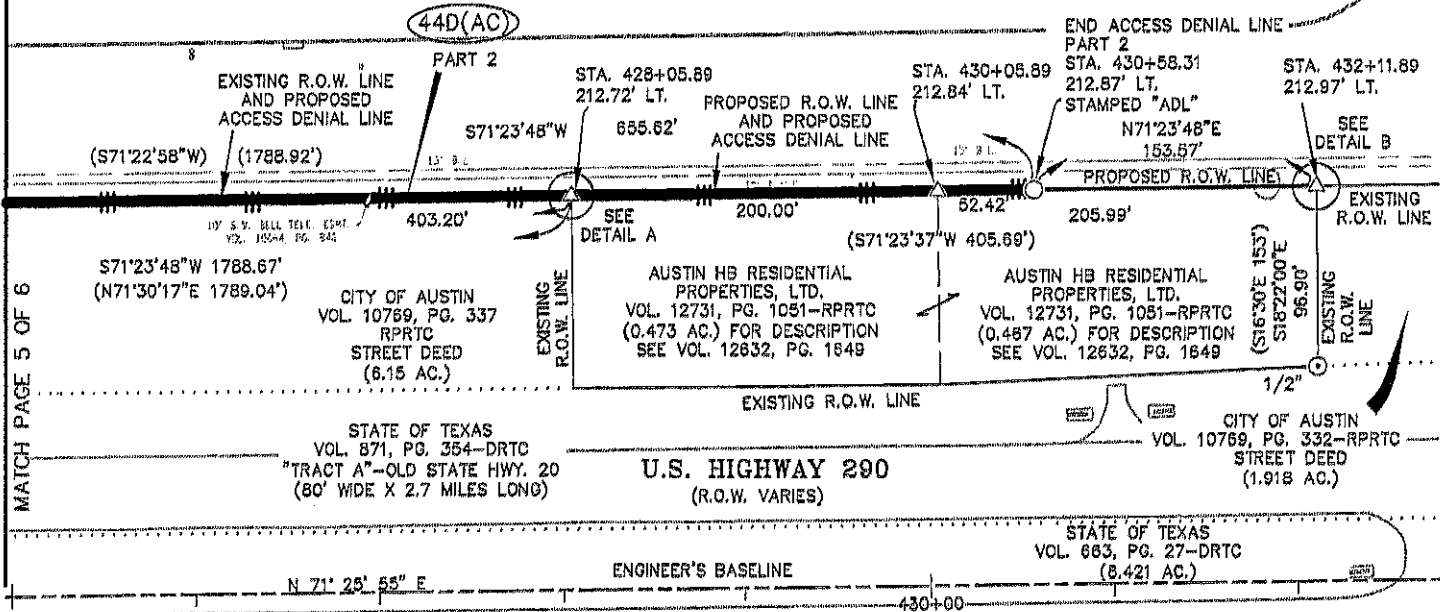




LOT 1, BLOCK A  
(84.241 AC.)  
APPLIED MATERIALS SUBDIVISION  
SECTION 1-FINAL PLAT  
BK. 89, PGS. 222-224  
PRTC

WILLIAM H. SANDERS  
SURVEY NO. 54  
ABS. 690

APPLIED MATERIALS, INC.  
VOL. 11375, PG. 885  
RPRTC



MATCH PAGE 5 OF 6

**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 6 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 WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING AND PROPOSED RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS SHOWN HEREON, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ADJUTING PROPERTY.

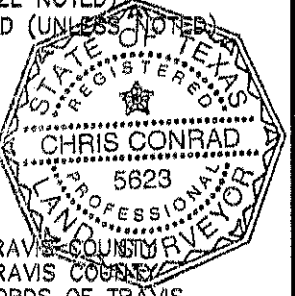
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

10/20/10

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

**LEGEND**

- TXDOT TYPE I CONCRETE MONUMENT FOUND
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PAGE 6 OF 6