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

## RESOLUTION NO. 11-113

## RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT <br> (Parcel 50 (Parts 1 \& 2))

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 $0 . .37$ 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 9741 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 $28^{\text {th }}$ day of July, 2011.

Submitted and reviewed by:


Andrew Martin, General Counsel
CentralTexas Regional Mobility Authority

Approved:


Chairman, Board of Directors Resolution Number 11-113
Date Passed: 07/28/11

Exhibit "A" to Resolution 11-113
Description of Parcel 50 (Parts 1 \& 2)
$\qquad$
County: Travis
Parcel No.: 50A
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 50A

DESCRIPTION OF 1.496 ACRES (65,144 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) IN A DEED TO ROBERT HURST RENTAL COMPANY, OF RECORD IN VOLUME 5697, PAGE 2338, DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.496 ACRES 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, 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 One, and the southwest corner of that certain tract of land described as 2.50 acres in a deed for fifty-one percent to Robert Hurst and forty-nine percent to Janet Lockwood, of record in Document 2011063361 , Official Public Records, Travis County, Texas, 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 S $10^{\circ} 54^{\prime} 43^{\prime \prime} \mathrm{E} 489.96$ feet;

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 $25^{\prime} 55^{\prime \prime}$ W 137.09 feet to a $1 / 2^{\prime \prime}$ 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;

## EXHIBIT

2) THENCE, $S 71^{\circ} \mathbf{2 5}^{\prime} 55^{\prime \prime} \mathrm{W} 271.48$ feet to a $1 / 2^{\prime \prime}$ 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 ${ }^{\circ} 56^{\prime} 44^{\prime \prime} \mathrm{E} 285.70$ feet and S $16^{\circ} 03^{\prime} 40^{\prime \prime} \mathrm{W} 22.25$ 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, N5656'44"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, $\mathrm{N} 71^{\circ} 23^{\prime} 48^{\prime \prime} \mathrm{E} 29.69$ 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;
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, N $18^{\circ} 24^{\prime} 06^{\prime \prime} \mathrm{W} 50.00$ 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

## EXHIBIT

$\qquad$
State of Texas tract, $\mathrm{N}^{\prime} 1^{\circ}{ }^{\circ} 3^{\prime}{ }^{\prime} 48^{\prime \prime} \mathrm{E} 471.05$ 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, $\mathbf{S 1 0}^{\circ} \mathbf{5} 4^{\prime} \mathbf{4 3}{ }^{\prime \prime} \mathrm{E}$, at 0.39 feet passing a $1^{\prime \prime}$ iron pipe found, in all a total distance of $\mathbf{1 4 3 . 9 4}$ feet to the POINT OF BEGINNING and containing 1.496 acres 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 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 8th day of June, 2011 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 P50A


> McGRAY \& McGRAY
> LAND SURVEYORS, INC.
> 3301 HANCOCK DRIVE 46 AUSTIN, TEXAS 78731 (512) 451-8591

PLAT OF 1.496 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 3.65 AC. (TRACT ONE) IN A DEED TO ROBERT HURST RENTAL COMPANY, OF RECORD IN VOLUME 5697, PAGE 2338, DEED RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290

CSJ 0114-02-085
PARCEL 50A
PAGE 4 OF 4

## FINAL CLOSURE PARCEL 50A US HIGHWAY 290

PARCEL 50A - SKETCH MAPCHECK
North: 10093973.2388 East: 3155687.7234
Course: S 71-25-55 W ..... Distance: 408.57000
North: 10093843.1375 East: 3155300.4210
Course: N 56-56-44 W Distance: 117.80000
North: 10093907.3899 ..... East: 3155201.6867
Course: N 71-23-48 E ..... Distance: 29.69000
North: 10093916.8614 East: 3155229.8253
Course: N 18-24-06 W Distance: 50.00000
North: 10093964.3047 East: 3155214.0415
Course: N 71-23-48 E ..... Distance: 471.05000
North: 10094114.5765 East: 3155660.4791
Distance: 143.94000
Course: S 10-54-43 E
East: 3155687.7269 North: 10093973.2390Perimeter: 1221.05000
Area: 65144.11448 ..... 1.49550 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.003580 ..... Course: S 86-34-23 W
Press any key for more..
Precision 1: 341037.07
PARCEL 50A - STRIPMAP MAPCHECK
North: 10092855.1351 East: 3156364.5186
Course: S 71-25-55 W ..... Distance: 408.57000
North: 10092725.0338 East: 3155977.2162
Course: N 56-56-44 W ..... Distance: 117.80000
North: 10092789.2862 East: 3155878.4818
Course: N 71-23-48 E Distance: 29.69000
North: 10092798.7577 East: 3155906.6205
Course: N 18-24-06 W Distance: 50.00000
North: 10092846.2010 East: 3155890.8367
Course: N 71-23-48 E Distance: 471.05000
North: 10092996.4728 ..... East: 3156337.2743
Course: S 10-54-43 E ..... Distance: 143.94000
North: 10092855.1353 East: 3156364.5221
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 50A- DESCRIPTION MAPCHECK
North: 10093500.7202 East: 3156147.1321
Course: S 71-25-55 W ..... Distance: 408.57000
North: 10093370.6189 ..... East: 3155759.8298

# FINAL CLOSURE PARCEL 50A <br> US HIGHWAY 290 

## PARCEL 50A- DESCRIPTION MAPCHECK

Course: N 56-56-44 W ..... Distance: 117.80000
North: 10093434.8712 ..... East: 3155661.0954
Course: N 71-23-48 E Distance: 29.69000
North: 10093444.3428 East: 3155689.2341
Course: N 18-24-06 W Distance: 50.00000
North: 10093491.7861 East: 3155673.4503
Course: N 71-23-48 E Distance: 471.05000
North: 10093642.0579 East: 3156119.8878
Course: S 10-54-43 E Distance: 143.94000
North: 10093500.7204 East: 3156147.1357
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

County: Travis<br>Parcel No.: 50A(E)<br>Highway: U.S. Highway 290<br>Project Limits: From: E of US 183<br>To: E of SH 130<br>Right of Way CSJ: 0114-02-085

## PROPERTY DESCRIPTION FOR PARCEL 50A(E)

DESCRIPTION OF 0.037 ACRES ( 1,631 SQUARE FEET) OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, AND OUT OF THAT TRACT DESCRIBED AS 3.65 ACRES, TRACT ONE, IN A DEED TO ROBERT HURST RENTAL COMPANY, OF RECORD IN VOLUME 5697, PAGE 2338, DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.037 ACRES 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, 230.00 feet right of Engineer's Baseline Station $423+21.10$ at the northeast corner of this tract, same being in the proposed south right-of-way (ROW) line of U.S. Highway 290;

THENCE, with the northeast and southeast lines of this tract, crossing said Hurst tract, the following two (2) courses, numbered 1 and 2;

1) $\mathrm{S} 58^{\circ} 34^{\prime} 05^{\prime \prime} \mathrm{E} 41.11$ feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap at the east corner of this tract; and
2) $\mathrm{S} 31^{\circ} 25^{\prime} 55^{\prime \prime} \mathrm{W} 31.24$ feet to a $1 / 2^{\prime \prime}$ iron rod set at the south corner of this tract, same being in the southwest line of said Hurst tract and the northeast line of that tract described as 17.772 acres in a deed to David Rodewald, of record in Document 2005111754, Official Public Records, Travis County, Texas, from which point a non-TxDOT concrete monument found in the southeast line of said Rodewald tract bears S $56^{\circ} 56^{\prime} 44^{\prime \prime} \mathrm{E} 203.23$ feet and S $16^{\circ} 03^{\prime} 40^{\prime \prime} \mathrm{W} 22.25$ feet;
3) THENCE, with the southwest line of this tract and said Hurst Tract, and the northeast line of said Rodewald tract, N56 ${ }^{\circ} 56^{\prime} 44^{\prime \prime} \mathrm{W}$, passing at 40.27 feet a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT concrete monument to be set after acquisition in the proposed south ROW line of U.S. 290 and continuing 25.51 feet with the proposed south ROW line of U.S. Highway 290 for a total distance of

## EXHIBIT

65.78 feet to a $1 / 2^{\prime \prime}$ iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT concrete monument to be set after acquisition, 230.00 feet right of Engineer's Baseline Station $422+82.75$ for the northwest corner of this tract;
4) THENCE, with the north line of this tract and the proposed south ROW line of U.S Highway 290, crossing said Hurst tract, $\mathrm{N}^{1} \mathbf{1}^{\circ} \mathbf{2 5}^{\prime} 55^{\prime \prime} \mathrm{E} 38.35$ feet to the POINT OF BEGINNING and containing 0.037 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 8th day of June, 2011 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 P50A(E) Issued 06/08/2011


# FINAL CLOSURE PARCEL 50A(E) <br> US HIGHWAY 290 

PARCEL 50A(E) - SKETCH MAPCHECK

North: 10095918.8619 East: 3154953.4530 Course: S 58-34-05 E Distance: 41.11000 North: 10095897.4236 East: 3154988.5306 Course: S 31-25-55 W Distance: 31.24000 North: 10095870.7678 East: 3154972.2394 Course: N 56-56-44 W Distance: 65.78000 North: 10095906.6465 East: 3154917.1057 Course: N 71-25-55 E Distance: 38.35000 North: 10095918.8583 East: 3154953.4594

Perimeter: 176.48000
Area: $1630.82296 \quad 0.03744$ acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.007284 Course: N 61-01-03 W
Precision 1: 24226.94
PARCEL 50A(E) - STRIPMAP MAPCHECK
North: 10095935.9668 East: 3155172.7161
Course: S 58-34-05 E Distance: 41.11000
North: 10095914.5285 East: 3155207.7936
Course: S 31-25-55 W Distance: 31.24000
North: 10095887.8727 East: 3155191.5024
Course: N 56-56-44 W Distance: 65.78000
North: 10095923.7514 East: 3155136.3687
Course: N 71-25-55 E Distance: 38.35000
North: 10095935.9632 East: 3155172.7225
Perimeter: 176.48000
Area: $1630.82296 \quad 0.03744$ acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.007284 Course: N 61-01-03 W
Precision 1: 24226.94
PARCEL 50A(E) - DESCRIPTION MAPCHECK
North: 10095852.2185 East: 3155235.7113
Course: S 58-34-05 E Distance: 41.11000
North: 10095830.7802 East: 3155270.7888
Course: S 31-25-55 W Distance: 31.24000
North: 10095804.1243 East: 3155254.4976
Course: N 56-56-44 W Distance: 65.78000
North: 10095840.0031 East: 3155199.3639
Course: N 71-25-55 E Distance: 38.35000
North: 10095852.2149 East: 3155235.7177
Perimeter: 176.48000
Area: 1630.82296
0.03744 acres

Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.007284 Course: N 61-01-03 W
Precision 1: 24226.94

