

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

RESOLUTION NO. 11-093

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 40)**

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 0.342 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Lake Investment and Production Company, Ltd., (the "Owner"), located at the south corner of Old Manor Road and Johnny Morris Road 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 29th day of June, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 11-093
Date Passed: 06/29/11

Exhibit "A" to Resolution 11-093

Description of Parcel 40

EXHIBIT _____

County: Travis
Parcel No.: 40
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 40

DESCRIPTION OF 0.342 OF ONE ACRE (14,905 SQUARE FEET) OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 73.374 ACRES IN A DEED TO P. FRANK LAKE, TRUSTEE, OF RECORD IN VOLUME 2927, PAGE 547, DEED RECORDS, TRAVIS COUNTY, TEXAS, AND TO LAKE INVESTMENT AND PRODUCTION COMPANY, LTD., AN UNDIVIDED 1/4 INTEREST, IN VOLUME 11400, PAGE 1337, AND AN UNDIVIDED 1/4 INTEREST, IN VOLUME 12637, PAGE 1060, BOTH OF REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.342 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 south right-of-way (ROW) line of U.S. Highway 290, 260.00 feet right of Engineer's Baseline Station 387+30.71, at the southeast corner of the herein described tract, same being in the east line of said Lake tract, and the west line of that certain tract of land described as 1.069 acres (Old Johnny Morris Road) in a deed to Travis County (Tract One), of record in Volume 2525, Page 431, Deed Records, Travis County, Texas, from which point a 5/8" iron rod found in the east line of said Lake tract, and the west line of said 1.069 acre Travis County tract, bears S28°09'38"W 412.92 feet;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Lake tract, **S84°02'32"W 391.87 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete

EXHIBIT ____

monument after acquisition, 260.00 feet right of Engineer's Baseline Station 383+38.85, at the west corner of this tract, same being in the north line of said Lake tract, and the existing south ROW line of Old State Highway 20, a public ROW for which no record conveyance was found, as shown on TxDOT ROW map CSJ # 0114-02-012, from which point a 1/2" iron rod with cap found in the north line of said Lake tract, and the existing south ROW line of Old State Highway 20, bears S74°05'18"W 1066.32 feet;

- 2) THENCE, with the north line of this tract and said Lake tract, and the existing south ROW line of Old State Highway 20, **N74°05'18"E 362.52 feet** to a 1/2" iron rod found, being at the point of beginning of a curve;
- 3) THENCE, continuing with the north line of this tract and said Lake tract, and the existing south ROW line of Old State Highway 20, with said curve to the left whose intersection angle is **00°32'41"**, radius is **5769.60 feet**, an arc distance of **54.84 feet**, the chord of which bears **N74°08'55"E 54.84 feet** to a calculated point at the northeast corner of this tract and said Lake tract, same being the northwest corner of said 1.069 acre Travis County tract, from which point a 1/2" iron rod found bears **N16°07'25"W 0.24 feet**;

THENCE, with the east line of this tract, and said Lake tract, and the west line of said 1.069 acre Travis County tract, the following two (2) courses numbered 4 and 5;

- 4) **S44°57'36"E 25.63 feet** to a calculated point; and

EXHIBIT ____

- 5) **S28°09'38"W 63.01 feet** to the POINT OF BEGINNING and containing 0.342 of one acre (14,905 square feet) 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 P40 R5
Issued 02/02/07, Revised 03/20/07, 04/01/09, 10/20/10, 12/3/10

CALCULATED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
64.889 AC.	0.342 AC.	14,905	64.547 AC.	2,811,660

CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY
DOC. 2009137994
OPRTC
(1.987 AC.)

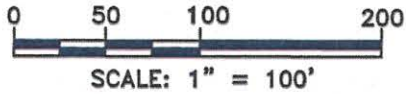
CITY OF AUSTIN
VOL. 10718, PG. 1415
RPRTC
(0.9992 AC.)

STATE OF TEXAS
VOL. 871, PG. 354-DRTC
"TRACT A"-OLD ST HWY 20
(80' WIDE X 2.7 MILES LONG)
EXISTING R.O.W. LINE

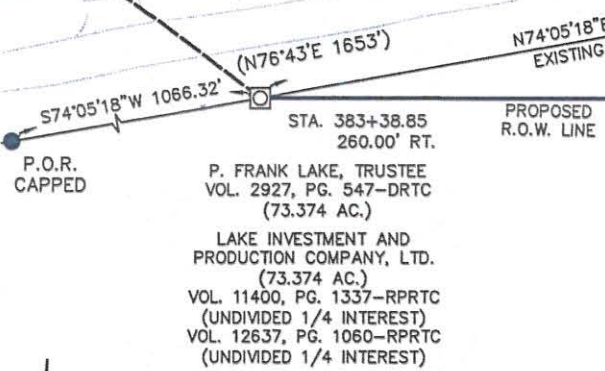
HARDIN INTERESTS, INC.
DOC. 2004236957
OPRTC
(2.971 AC.)

WILLIAM H. SANDERS
SURVEY NO. 54
ABS. 690

LUCAS MUNOS SURVEY NO. 55
ABS. NO. 513



OLD STATE HIGHWAY 20
(R.O.W. VARIES) NO RECORD CONVEYANCE FOUND
DRAWN AS SHOWN ON CSJ # 0114-02-012



(40)
0.342 AC.



LINE	BEARING	LENGTH
L1	S44°57'36"E	25.63
(L1)	(S42°06'E)	(23.10)

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	135.33	5769.60	01°20'38"	67.66	N73°44'56"E	135.32
C2	54.84	5769.60	00°32'41"	27.42	N74°08'55"E	54.84
C3	80.49	5769.60	00°47'57"	40.24	N73°28'36"E	80.49

- 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".
 - 6) 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 ADJUTING PROPERTY.

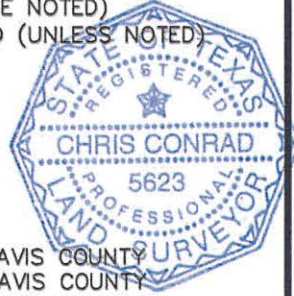
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

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 0.342 AC. OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 73.374 AC. IN A DEED TO P. FRANK LAKE, TRUSTEE, OF RECORD IN VOLUME 2927, PAGE 547, DEED RECORDS, TRAVIS COUNTY, TEXAS. AND IN DEEDS TO LAKE INVESTMENT AND PRODUCTION COMPANY, LTD. IN VOL. 11400, PG. 1337 AND VOL. 12637, PG. 1060. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 40
PAGE 4 OF 4

FINAL CLOSURE PARCEL 40 US HIGHWAY 290

PARCEL 40 - SKETCH MAPCHECK

North: 10091846.2494 East: 3152937.7490
Course: S 84-02-32 W Distance: 391.87000
North: 10091805.5751 East: 3152547.9956
Course: N 74-05-18 E Distance: 362.52000
North: 10091904.9617 East: 3152896.6259
Arc Length: 54.84021 Radius: 5769.60000 Delta: -0-32-41
Tangent: 27.42031 Chord: 54.84000 Ch Course: N 74-08-55 E
Course In: N 15-34-45 W Out: S 16-07-25 E
Ctr North: 10097462.5904 East: 3151347.0942
End North: 10091919.9409 East: 3152949.3805
Course: S 44-57-36 E Distance: 25.63000
North: 10091901.8051 East: 3152967.4910
Course: S 28-09-38 W Distance: 63.01000
North: 10091846.2537 East: 3152937.7538

Perimeter: 897.87021

Area: 14905.11475 0.34217 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.006417 Course: S 48-08-03 W
Precision 1: 139919.23

PARCEL 40 - STRIPMAP MAPCHECK

North: 10091392.5471 East: 3147359.3069
Course: S 84-02-32 W Distance: 391.87000
North: 10091351.8728 East: 3146969.5535
Course: N 74-05-18 E Distance: 362.52000
North: 10091451.2594 East: 3147318.1837
Arc Length: 54.84021 Radius: 5769.60000 Delta: -0-32-41
Tangent: 27.42031 Chord: 54.84000 Ch Course: N 74-08-55 E
Course In: N 15-34-45 W Out: S 16-07-25 E
Ctr North: 10097008.8881 East: 3145768.6521
End North: 10091466.2386 East: 3147370.9383
Course: S 44-57-36 E Distance: 25.63000
North: 10091448.1028 East: 3147389.0488
Course: S 28-09-38 W Distance: 63.01000
North: 10091392.5514 East: 3147359.3116

Perimeter: 897.87021

Area: 14905.11475 0.34217 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.006417 Course: S 48-08-03 W
Precision 1: 139919.23

FINAL CLOSURE PARCEL 40 US HIGHWAY 290

PARCEL 40 - DESCRIPTION MAPCHECK

North: 10092143.4200 East: 3154607.4076
Course: S 84-02-32 W Distance: 391.87000
North: 10092102.7456 East: 3154217.6542
Course: N 74-05-18 E Distance: 362.52000
North: 10092202.1323 East: 3154566.2845
Arc Length: 54.84021 Radius: 5769.60000 Delta: -0-32-41
Tangent: 27.42031 Chord: 54.84000 Ch Course: N 74-08-55 E
Course In: N 15-34-45 W Out: S 16-07-25 E
Ctr North: 10097759.7609 East: 3153016.7528
End North: 10092217.1115 East: 3154619.0391
Course: S 44-57-36 E Distance: 25.63000
North: 10092198.9757 East: 3154637.1496
Course: S 28-09-38 W Distance: 63.01000
North: 10092143.4243 East: 3154607.4124

Perimeter: 897.87021

Area: 14905.11475 0.34217 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.006417 Course: S 48-08-03 W
Precision 1: 139919.23