

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

RESOLUTION NO. 11-094

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 36B)**

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 1.374 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Delfino and Renya Perez, (the "Owner"), located at 9525 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 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 11-094
Date Passed: 06/29/11

Exhibit "A" to Resolution 11-094

Description of Parcel 36B

EXHIBIT ____

County: Travis
Parcel No.: 36B
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 36B

DESCRIPTION OF 1.374 ACRES (59,830 SQUARE FEET) OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF LOT 2, BLOCK A, N LINE SUBDIVISION, OF RECORD IN DOCUMENT 200400101, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 2 BEING DESCRIBED IN A DEED TO DELFINO PEREZ AND REYNA PEREZ, OF RECORD IN DOCUMENT 2004235700, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.374 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, 215.00 feet right of Engineer's Baseline Station 376+90.11, at the southeast corner of the herein described tract, same being in the east line of said Lot 2 and said Perez tract, and the west line of that certain tract of land described as 2.03 acres in a deed to Scott William Elder, of record in Document 2006014936, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found to be replaced with a TxDOT Type II concrete monument after acquisition, 290.35 feet right of Engineer's Baseline Station 376+89.77, at the southeast corner of said Lot 2 and said Perez tract, and the southwest corner of said Elder tract, same being in the existing north 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, bears S05°42'10"E 75.36 feet;

- 1) THENCE, with the south line of this tract, and with the proposed south ROW line of U.S. Highway 290, crossing said Lot 2 and said Perez tract, S84°02'32"W, passing at 8.91 feet a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" for the beginning of this "access denial line" and continuing 266.65 feet for a total distance

EXHIBIT ____

of **275.56 feet** to a 1/2" iron rod set with a TxDOT aluminum cap 215.00 feet right of Engineer's Baseline Station 374+14.54 at the southwest corner of this tract, same being in the west line of said Lot 2 and said Perez tract and the east line of Lot 1 of said N Line Subdivision, said Lot 1 being described in a deed to A & E Properties, of record in Document 2004078755, Official Public Records, Travis County, Texas;

- 2) THENCE, with the west line of this tract, said Lot 2 and said Perez tract, and the east line of said Lot 1 and said A & E Properties tract, **N05°42'11"W**, passing at 216.97 feet a 1/2" iron rod found, and continuing 0.14 feet for a total distance of **217.11 feet** to a calculated point at the northwest corner of this tract, said Lot 2, and said Perez tract, and the northeast corner of said Lot 1 and said A & E Properties tract, and being in the existing south ROW line of U.S. Highway 290, and the south line of that certain tract of land described as 4.233 acres in deeds to the State of Texas, of record in Volume 3057, Page 1540 and Volume 3122, Page 1826, Deed Records, Travis County, Texas;
- 3) THENCE, with the north line of this tract and said Lot 2 and said Perez tract, the existing south ROW line of U.S. Highway 290, and the south line of said 4.233 acre State of Texas tract, **N84°02'10"E 275.56 feet** to a calculated point at the northeast corner of this tract and said Lot 2 and said Perez tract, and the northwest corner of said Elder tract;

EXHIBIT _____

4) THENCE, with the east line of this tract, said Lot 2, and said Perez tract, and the west line of said Elder tract, **S05°42'10"E**, at 0.46 feet passing a 1/2" iron rod found, and continuing 216.68 feet for a total distance of **217.14 feet** to the POINT OF BEGINNING and containing 1.374 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 17th day of September, 2010 A.D.

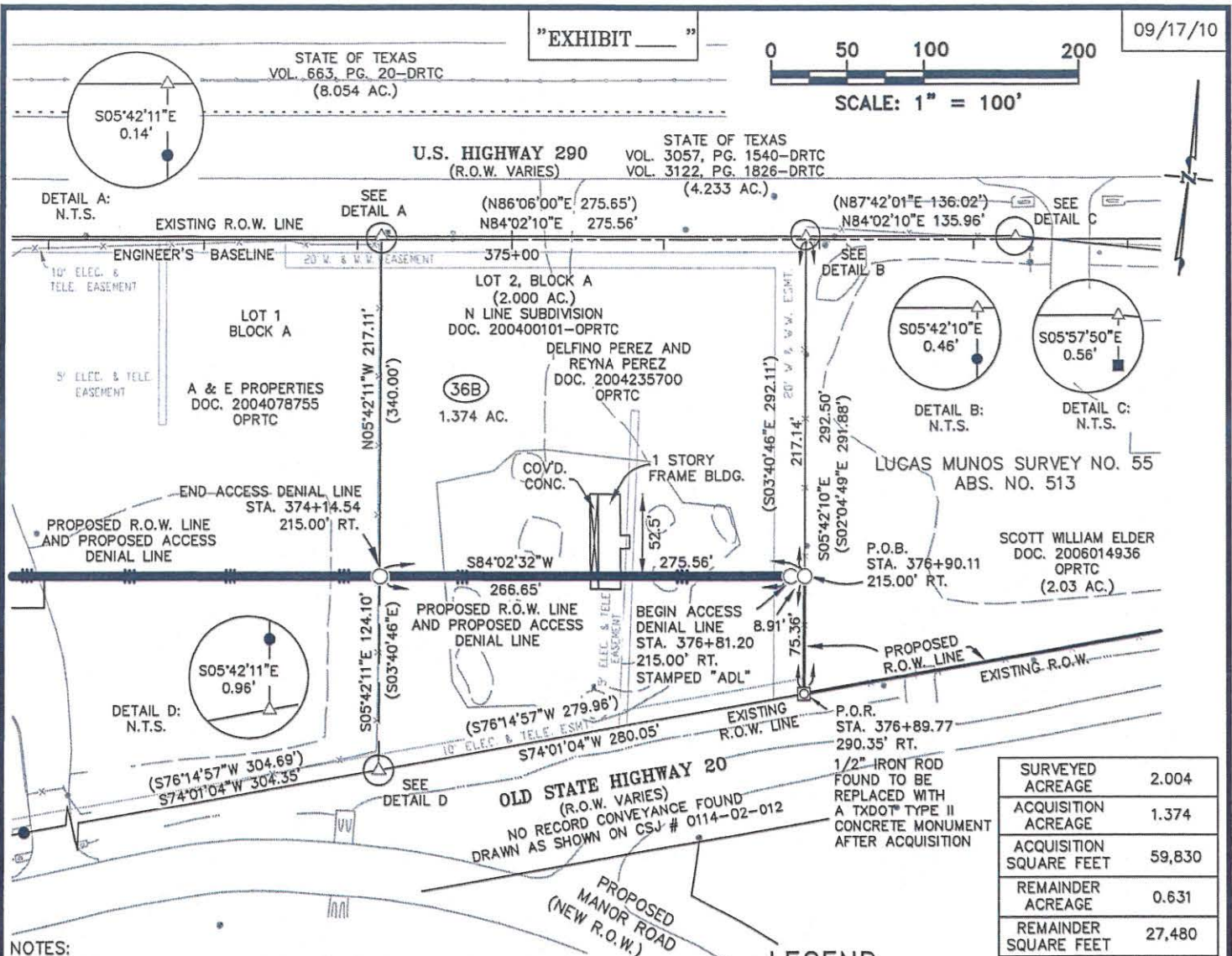
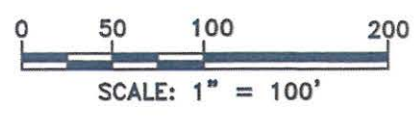
SURVEYED BY:

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 P36B
Issued 04/01/09; Revised 09/17/10



SURVEYED ACREAGE	2.004
ACQUISITION ACREAGE	1.374
ACQUISITION SQUARE FEET	59,830
REMAINDER ACREAGE	0.631
REMAINDER SQUARE FEET	27,480

- 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 WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE PROPOSED RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL 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., STZ 6, AUSTIN, TX 78731 512/451-8591

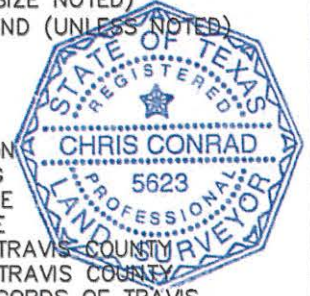
Chris Conrad

09/17/10

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

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 1.374 AC. OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, SAME BEING A PORTION OF LOT 2, BLOCK A, N LINE SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT 200400101, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 2 BEING DESCRIBED IN A DEED TO DELFINO PEREZ AND REYNA PEREZ OF RECORD IN DOCUMENT 2004235700, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 36B
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FINAL CLOSURE PARCEL 36B US HIGHWAY 290

PARCEL 36B - SKETCH MAPCHECK

North: 10094922.7023 East: 3150909.2078
Course: S 84-02-32 W Distance: 275.56000
North: 10094894.1004 East: 3150635.1362
Course: N 05-42-11 W Distance: 217.11000
North: 10095110.1357 East: 3150613.5614
Course: N 84-02-10 E Distance: 275.56000
North: 10095138.7669 East: 3150887.6299
Course: S 05-42-10 E Distance: 217.14000
North: 10094922.7016 East: 3150909.2067

Perimeter: 985.37000

Area: 59830.14686 1.37351 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.001332 Course: N 57-05-00 E
Precision 1: 739519.78

PARCEL 36B - STRIPMAP MAPCHECK

North: 10091499.9725 East: 3146292.2084
Course: S 84-02-32 W Distance: 275.56000
North: 10091471.3706 East: 3146018.1368
Course: N 05-42-11 W Distance: 217.11000
North: 10091687.4060 East: 3145996.5620
Course: N 84-02-10 E Distance: 275.56000
North: 10091716.0371 East: 3146270.6305
Course: S 05-42-10 E Distance: 217.14000
North: 10091499.9718 East: 3146292.2073

Perimeter: 985.37000

Area: 59830.14686 1.37351 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.001332 Course: N 57-05-00 E
Precision 1: 739519.78

PARCEL 36B - DESCRIPTION MAPCHECK

North: 10091448.3164 East: 3154033.2759
Course: S 84-02-32 W Distance: 275.56000
North: 10091419.7145 East: 3153759.2043
Course: N 05-42-11 W Distance: 217.11000
North: 10091635.7499 East: 3153737.6294
Course: N 84-02-10 E Distance: 275.56000
North: 10091664.3810 East: 3154011.6980
Course: S 05-42-10 E Distance: 217.14000
North: 10091448.3157 East: 3154033.2747

Perimeter: 985.37000

**FINAL CLOSURE PARCEL 36B
US HIGHWAY 290**

PARCEL 36B - DESCRIPTION MAPCHECK (cont.)

Area: 59830.14686

1.37351 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.001332

Course: N 57-05-00 E

Precision 1: 739519.78