

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

RESOLUTION NO. 11-097

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

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 0.907 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), 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, 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 11-097
Date Passed: 06/29/11

Exhibit "A" to Resolution 11-097

Description of Parcel 44B

EXHIBIT ____

County: Travis
Parcel No.: 44B
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 44B

DESCRIPTION OF 0.907 OF ONE ACRE (39,508 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 LOT 1, FIESTA PLAZA, A SUBDIVISION OF RECORD IN BOOK 76, PAGE 359, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 13346, PAGE 1584, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.907 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, in the proposed north right-of-way (ROW) line of U.S. Highway 290, 251.38 feet left of Engineer's Baseline Station 398+30.49, at the northwest corner of the herein described tract, same being in a west line of said Lot 1, Fiesta Plaza, a west line of said Applied Materials tract in Volume 13346, Page 1584 and the east line of that tract described as 2 acres in a deed to Applied Materials, Inc., of record in Volume 13041, Page 2014, Real Property Records, Travis County, Texas ;

- 1) THENCE, with the north line of this tract, and the proposed north ROW line of U.S. Highway 290, crossing said Lot 1, Fiesta Plaza and said Applied Materials tract in Volume 13346, Page 1584, with a curve to the left whose intersection angle is **04°06'25"**, radius is **5,729.58 feet**, an arc distance of **410.68 feet**, the chord of which bears **N73°29'27"E 410.59 feet** to a 1/2" iron rod found to be replaced with a TxDOT Type II concrete monument after acquisition, 260.86 feet left of Engineer's Baseline Station 402+60.28, at the northeast corner of this tract, same being in the east line of said Applied Materials tract in Volume 13346, Page 1584, and said Lot 1, Fiesta Plaza, at the northwest corner 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

EXHIBIT _____

Records, Travis County, Texas, and the southwest corner of Lot 1, Block A, Applied Materials Subdivision Section 1, a subdivision of record in Book 89, Pages 222-224, Plat Records, Travis County, Texas, said Lot 1, Block A, being described in a deed to Applied Materials, Inc., of record in Volume 11375, Page 885, Real Property Records, Travis County, Texas, same being in the existing north ROW line of U.S. Highway 290, from which point a 1/2" iron rod found at the northeast corner of said Lot 1, Fiesta Plaza, and in the west line of said Applied Materials tract in Volume 11375, Page 885, and said Lot 1, Block A, bears N21°44'22"E 181.83 feet;

- 2) THENCE, with the east line of this tract, said Applied Materials tract in Volume 13346, Page 1584, and said Lot 1, Fiesta Plaza, and the west line of said 6.15 acre City of Austin tract, same being the existing north ROW line of U.S. Highway 290, **S22°01'59"W 146.93 feet** to a 5/8" iron rod found at the southeast corner of this tract and of said Applied Materials tract in Volume 13346, Page 1584, and of said Lot 1, Fiesta Plaza, and the southwest corner of said 6.15 acre City of Austin tract, same being in the north line of that certain tract of land described as 0.338 of one acre of land in a deed to the State of Texas, of record in Volume 3141, Page 1704, Deed Records, Travis County, Texas;

THENCE, with the south line of this tract, of said Applied Materials tract in Volume 13346, Page 1584, and of said Lot 1, Fiesta Plaza, and the existing north ROW line of U.S. Highway 290, and the north line of said 0.338 of one acre State of Texas tract, the following two (2) courses numbered 3 and 4;

- 3) **S76°17'20"W 10.14 feet** to a calculated point, from which a TxDOT Type I concrete monument found bears S78°51'56"W 4.88 feet and S11°08'04"E 1.28 feet; and
- 4) **S78°51'56"W 386.41 feet** to a calculated point at the southwest corner of said Applied Materials tract in Volume 13346, Page 1584, and of said Lot 1, Fiesta Plaza, the southeast corner of said 2 acre Applied Materials tract, and the west corner of said 0.338 of one acre State of Texas tract, same being in the north line of that certain tract of land described as 2.331 acres, Parcel (A), in a deed to the State of Texas, of record in Volume 678, Page 613, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found bears N05°57'50"W 1.26 feet;

EXHIBIT _____

5) THENCE, with the west line of this tract, a west line of said Lot 1, Fiesta Plaza, a west line of said Applied Materials tract in Volume 13346, Page 1584, and the east line of said 2 acre Applied Materials tract, **N27°34'59"E 108.92 feet** to the POINT OF BEGINNING and containing 0.907 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.

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.

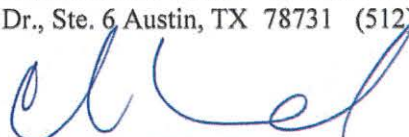
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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 P44B R3
Issued 09/17/10; Revised 12/3/10



"EXHIBIT _____"

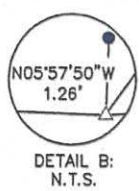
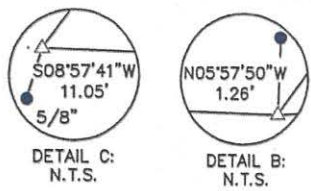
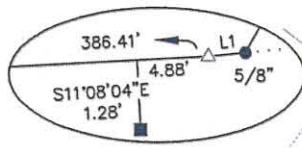
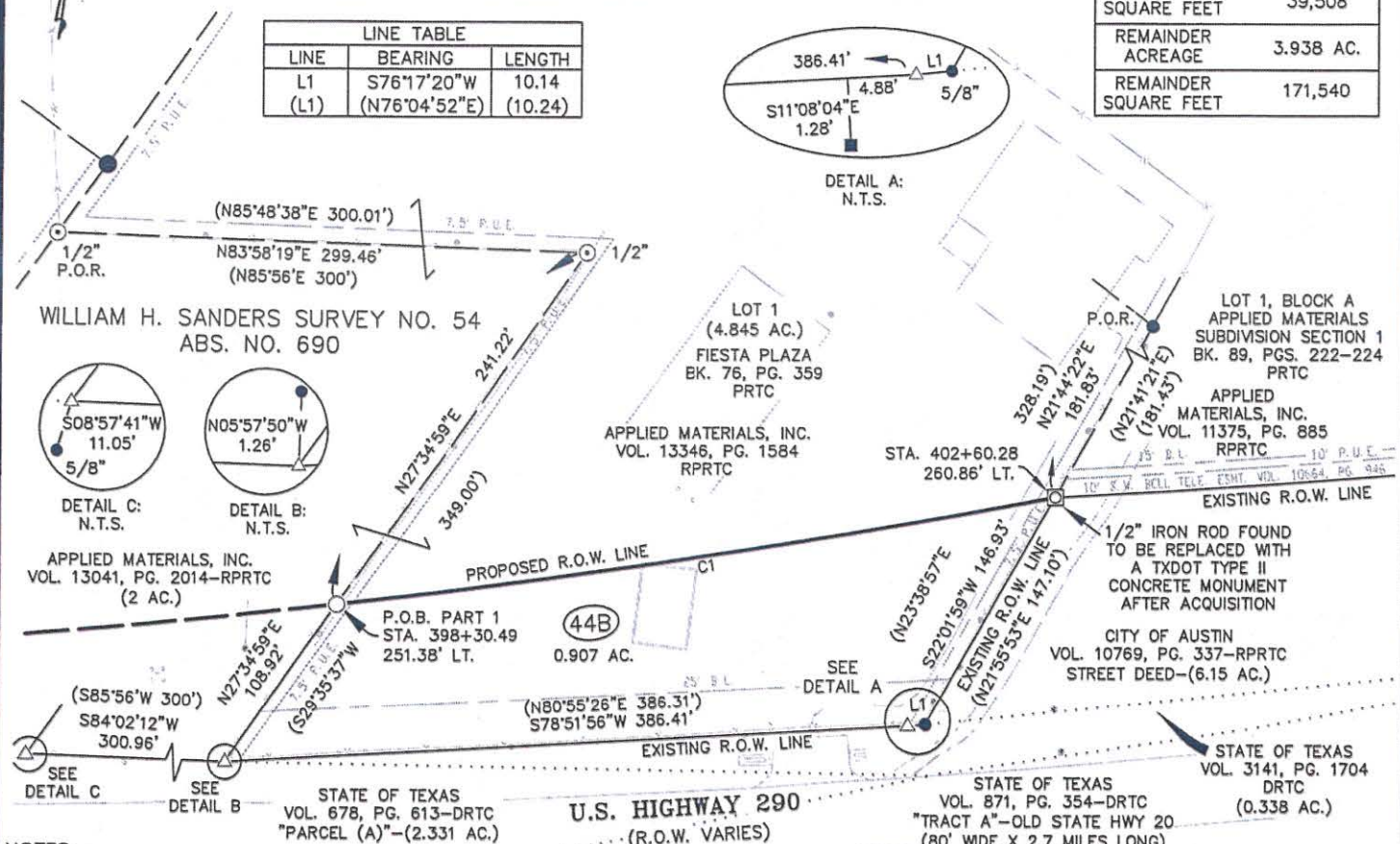
12/03/10
REV. 1

SCALE: 1" = 100'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	410.68	5729.58	04°06'25"	205.43	N73°29'27"E	410.59

LINE TABLE		
LINE	BEARING	LENGTH
L1	S76°17'20"W	10.14
(L1)	(N76°04'52"E)	(10.24)

DEED ACREAGE	4.845 AC.
ACQUISITION ACREAGE	0.907 AC.
ACQUISITION SQUARE FEET	39,508
REMAINDER ACREAGE	3.938 AC.
REMAINDER SQUARE FEET	171,540



- 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 ABUTTING PROPERTY.

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

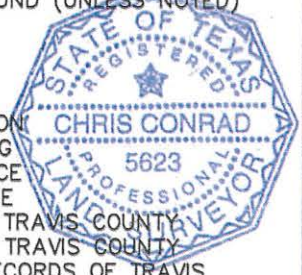
Chris Conrad

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 0.907 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION LOT 1, FIESTA PLAZA, A SUBDIVISION IN BOOK 76, PAGE 359, PLAT RECORDS, TRAVIS CO., TX., SAID LOT 1 BEING DESCRIBED IN A DEED TO APPLIED MATERIALS, INC., IN VOLUME 13346, PAGE 1584, REAL PROPERTY RECORDS, TRAVIS CO., TX.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 44B
PAGE 4 OF 4

FINAL CLOSURE PARCEL 44B US HIGHWAY 290

PARCEL 44B - SKETCH MAPCHECK

BC North: 10093731.8819 East: 3150993.4184
Arc Length: 410.67791 Radius: 5729.58000 Delta: -4-06-25
Tangent: 205.42691 Chord: 410.59000 Ch Course: N 73-29-27 E
Course In: N 14-27-21 W Out: S 18-33-45 E
Ctr North: 10099280.0668 East: 3149563.1279
End North: 10093848.5587 East: 3151387.0815
Course: S 22-01-59 W Distance: 146.93000
North: 10093712.3594 East: 3151331.9620
Course: S 76-17-20 W Distance: 10.14000
North: 10093709.9559 East: 3151322.1109
Course: S 78-51-56 W Distance: 386.41000
North: 10093635.3356 East: 3150942.9744
Course: N 27-34-59 E Distance: 108.92000
North: 10093731.8758 East: 3150993.4081

Perimeter: 1063.07791

Area: 39508.98699 0.90700 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.011961 Course: N 59-23-16 E
Precision 1: 88880.73

PARCEL 44B - STRIPMAP MAPCHECK

BC North: 10095645.4890 East: 3145424.5700
Arc Length: 410.67791 Radius: 5729.58000 Delta: -4-06-25
Tangent: 205.42691 Chord: 410.59000 Ch Course: N 73-29-27 E
Course In: N 14-27-21 W Out: S 18-33-45 E
Ctr North: 10101193.6739 East: 3143994.2795
End North: 10095762.1659 East: 3145818.2331
Course: S 22-01-59 W Distance: 146.93000
North: 10095625.9665 East: 3145763.1136
Course: S 76-17-20 W Distance: 10.14000
North: 10095623.5631 East: 3145753.2625
Course: S 78-51-56 W Distance: 386.41000
North: 10095548.9427 East: 3145374.1260
Course: N 27-34-59 E Distance: 108.92000
North: 10095645.4829 East: 3145424.5597

Perimeter: 1063.07791

Area: 39508.98699 0.90700 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.011961 Course: N 59-23-16 E
Precision 1: 88880.73

FINAL CLOSURE PARCEL 44B US HIGHWAY 290

PARCEL 44B - DESCRIPTION MAPCHECK

BC North: 10091492.0757 East: 3155738.6542
Arc Length: 410.67791 Radius: 5729.58000 Delta: -4-06-24
Tangent: 205.42691 Chord: 410.59000 Ch Course: N 73-29-27 E
Course In: N 14-27-21 W Out: S 18-33-45 E
Ctr North: 10097040.2607 East: 3154308.3637
End North: 10091608.7526 East: 3156132.3173
Course: S 22-01-59 W Distance: 146.93000
North: 10091472.5532 East: 3156077.1978
Course: S 76-17-20 W Distance: 10.14000
North: 10091470.1498 East: 3156067.3467
Course: S 78-51-56 W Distance: 386.41000
North: 10091395.5294 East: 3155688.2102
Course: N 27-34-59 E Distance: 108.92000
North: 10091492.0696 East: 3155738.6439

Perimeter: 1063.07791

Area: 39508.98699 0.90700 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.011961 Course: N 59-23-16 E
Precision 1: 88880.73