

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

RESOLUTION NO. 11-030

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 54)**

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 0.557 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Agnes Marie Aldridge (the "Owner"), located at 9751 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 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 30th day of March, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 11-030
Date Passed: 03/30/11

Exhibit "A" to Resolution 11-030

Description of Parcel 54

EXHIBIT ____

County: Travis
Parcel No.: 54
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 54

DESCRIPTION OF 0.557 OF ONE ACRE (24,272 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 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, AND OUT OF THAT TRACT DESCRIBED 22.497 ACRE, UNDIVIDED 1/2 INTEREST, IN A DEED TO AGNES SWENSON ALDRIDGE, ROBERT V. ALDRIDGE, AND WAYNE ALDRIDGE. OF RECORD IN DOCUMENT NO. 2005116820, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.557 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, 227.36 feet right of Engineer's Baseline Station 430+73.43, at the southeast corner of the herein described tract, same being in the east line of said Smith tract, and the west line of that certain tract of land described as 6.42 acres in a deed to Odeen Hibbs, Trustee, Volume 9599, Page 161, Real Property Records, Travis County, Texas;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Smith tract, **S71°25'55"W 73.00 feet** to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", at the beginning of this Access Denial Line, 227.36 feet right of Engineer's Baseline Station 430+00.43;

EXHIBIT ____

- 2) THENCE, with said Access Denial Line, the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Smith tract, **S71°25'55"W 100.13 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 227.36 feet right of Engineer's Baseline Station 429+00.30, at the southwest corner of this tract, same being in the west line of said Smith tract, and the east line of that certain tract of land described as 2.50 acres of land (Tract Two) in a deed to Robert Hurst Rental Company, of record in Volume 5697, Page 2338, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Hurst Tract Two, and at an interior ell corner in a north line of said Smith tract, bears S10°52'58"E 491.07 feet, and from which point a 3/4" iron rod found at the southwest corner of said Hurst Tract Two, and an angle point in a north line of said Smith tract, bears S10°52'58"E 491.07 feet and S70°59'59"W 208.59 feet;
- 3) THENCE, with the west line of this tract and said Smith tract, and the east line of said Hurst Tract Two, **N10°52'58"W 141.42 feet** to a calculated point at the northwest corner of this tract and of said Smith tract, and the northeast corner of said Hurst Tract Two, 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 8.421 acres in a deed to the State of Texas, of record in Volume 663, Page 27, Deed Records, Travis County, Texas, from which point a 1" iron pipe found bears N10°52'58"W 0.26 feet;
- 4) THENCE, with the north line of this tract and said Smith tract, the existing south ROW line of U.S Highway 290, and the south line of said 8.421 acre State of Texas tract, **N71°23'48"E 173.12 feet** to a calculated point at the northeast corner of this tract and said Smith tract, and the northwest corner of said Hibbs tract;
- 5) THENCE, with the east line of this tract and said Smith tract, and the west line of said Hibbs tract, **S10°53'37"E** at 0.37 feet passing a 1" iron rod found, in all a total distance of **141.53 feet** to the POINT OF BEGINNING and containing 0.557 of one acre within these metes and bounds, more or less.

AND IN ADDITION THERETO:

Access is denied along an access denial line, same being along the proposed south ROW line of U.S. Highway 290 and the west line of said Smith tract and the east line of said Hurst tract beginning at the end of call number two (2) of the foregoing parcel description and the beginning of this Access Denial Line;

EXHIBIT _____

THENCE, with the west line of said Smith tract, the east line of said Hurst tract, the proposed south ROW line of U.S. Highway 290, and with this Access Denial Line, **S10°52'58"E 2.66 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument, 230.00 feet right of Engineer's Baseline Station 428+99.94 and the end of said Access Denial Line.

All bearings are based on the Texas State Plane Coordinate System, South Central Zone, NAD83(96) 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.

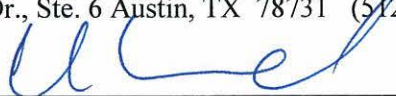
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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 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 P54 R5
Issued 02/02/07; Rev 03/20/07, 04/01/09, 09/17/10, 12/3/10



FINAL CLOSURE PARCEL 54 US HIGHWAY 290

PARCEL 54 - SKETCH MAPCHECK

North: 10092979.1136 East: 3154930.9699
Course: S 71-25-55 W Distance: 173.13000
North: 10092923.9837 East: 3154766.8520
Course: N 10-52-58 W Distance: 141.42000
North: 10093062.8603 East: 3154740.1519
Course: N 71-23-48 E Distance: 173.12000
North: 10093118.0881 East: 3154904.2263
Course: S 10-53-37 E Distance: 141.53000
North: 10092979.1085 East: 3154930.9735

Perimeter: 629.20000

Area: 24271.81642 0.55720 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.006254 Course: N 35-04-29 W

Precision 1: 100615.06

PARCEL 54 - STRIPMAP MAPCHECK

North: 10094738.2747 East: 3159008.6692
Course: S 71-25-55 W Distance: 173.13000
North: 10094683.1448 East: 3158844.5513
Course: N 10-52-58 W Distance: 141.42000
North: 10094822.0214 East: 3158817.8512
Course: N 71-23-48 E Distance: 173.12000
North: 10094877.2492 East: 3158981.9256
Course: S 10-53-37 E Distance: 141.53000
North: 10094738.2696 East: 3159008.6728

Perimeter: 629.20000

Area: 24271.81642 0.55720 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.006254 Course: N 35-04-29 W

Precision 1: 100615.06

PARCEL 54 - DESCRIPTION MAPCHECK

North: 10092406.0595 East: 3153852.5398
Course: S 71-25-55 W Distance: 173.13000
North: 10092350.9296 East: 3153688.4219
Course: N 10-52-58 W Distance: 141.42000
North: 10092489.8062 East: 3153661.7217
Course: N 71-23-48 E Distance: 173.12000
North: 10092545.0340 East: 3153825.7962
Course: S 10-53-37 E Distance: 141.53000
North: 10092406.0544 East: 3153852.5434

Perimeter: 629.20000

FINAL CLOSURE PARCEL 54 US HIGHWAY 290

PARCEL 54 - DESCRIPTION MAPCHECK (cont.)

Area: 24271.81642 0.55720 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.006254 Course: N 35-04-29 W
Precision 1: 100615.06