

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

**RESOLUTION NO. 11-033**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 37)**

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 2.030 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by SCOTT WILLIAM ELDER (the "Owner"), located at 9577 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 30<sup>th</sup> 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 11-033  
Date Passed: 03/30/11

**Exhibit "A" to Resolution 11-033**

**Description of Parcel 37**

**EXHIBIT** \_\_\_\_

**County:** Travis  
**Parcel No.:** 37  
**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 37**

DESCRIPTION OF 2.030 ACRES (88,418 SQUARE FEET) OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING ALL 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; SAID 2.030 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found, to be replaced with a TxDOT Type II concrete monument after acquisition, 230.94 feet right of Engineer's Baseline Station 380+35.16, at the southeast corner of the herein described tract and of said Elder tract, and the southwest corner of that certain tract of land described as 1.987 acres in a deed to Central Texas Regional Mobility Authority, of record in Document 2009137994, Official Public Records, Travis County, Texas, same being in the existing north right-of-way (ROW) line of Old State Highway 20, a public ROW for which no record conveyance was found, as shown on TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) ROW map CSJ# 0114-02-012, from which point a mag nail found, to be replaced with a TxDOT Type II concrete monument after acquisition, 193.91 feet right of Engineer's Baseline Station 382+49.70, in the south line of said Central Texas Regional Mobility Authority tract and the existing north ROW line of Old State Highway 20 bears N74°14'57"E 217.71 feet;

- 1) THENCE, with the south line of this tract and said Elder tract, and the existing north ROW line of Old State Highway 20, **S74°16'52"W 350.46 feet** to 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 southwest corner of this tract and of said Elder tract, and the southeast corner of Lot 2, Block A, N Line Subdivision, of record in Document No. 200400101, Official Public Records, Travis

**EXHIBIT** \_\_\_\_

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, from which point a 1/2" iron rod found in the south line of said Perez tract, and in the existing north ROW line of Old State Highway 20, bears S74°01'04"W 584.40 feet;

THENCE, with the west line of this tract and said Elder tract, and the east line of said Perez tract, the following two (2) courses numbered 2 and 3;

- 2) with the proposed south ROW line of U.S. Highway 290, **N05°42'10"W 75.36 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, 215.00 feet right of Engineer's Baseline Station 376+90.11; and
- 3) **N05°42'10"W**, at 216.68 feet passing a 1/2" iron rod found, in all a total distance of **217.14 feet** to a calculated point, at the northwest corner of this tract and said Elder tract, and the northeast corner of said Perez 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 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;

THENCE, with the north line of this tract and said Elder tract, and with the existing south ROW line of U.S. Highway 290, and the south line of said 4.233 acre State of Texas tract, the following three (3) courses numbered 4, 5, and 6;

- 4) **N84°02'10"E 135.96 feet** to a calculated point, from which a TxDOT Type I concrete monument found bears S05°57'50"E 0.56 feet;
- 5) **N89°44'59"E 200.89 feet** to a calculated point, from which a TxDOT Type I concrete monument found bears S05°57'50"E 0.46 feet; and
- 6) **N84°02'10"E 8.25 feet** to a calculated point, at the northeast corner of this tract and said Elder tract, and the northwest corner of said Central Texas Regional Mobility Authority tract;

**EXHIBIT** \_\_\_\_

7) THENCE, with the east line of this tract and said Elder tract, and the west line of said Central Texas Regional Mobility Authority tract, **S05°57'07"E**, at 0.19 feet passing a 1/2" iron rod found, in all a total distance of **213.11 feet** to the POINT OF BEGINNING and containing 2.030 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.

**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.

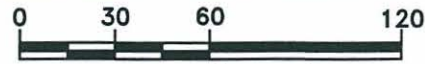
SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Drive, Suite 6 Austin, Texas 78731  
(512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623  
Note: There is a plat to accompany this description. US 290 P37 R5  
Issued 02/02/07, Rev 03/20/07, 09/17/10, 12/3/10

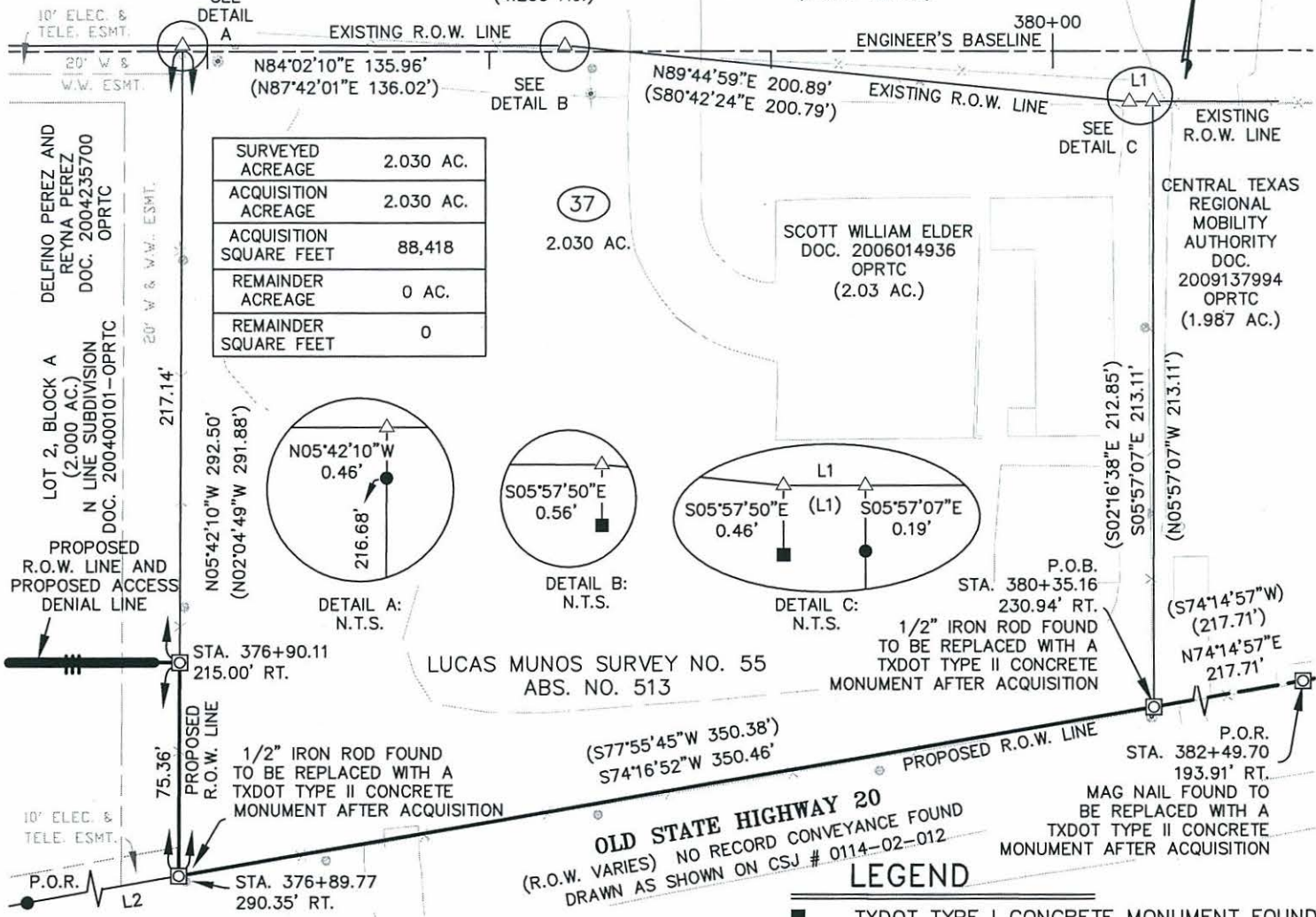
LINE TABLE		
LINE	BEARING	LENGTH
L1	N84°02'10"E	8.25
(L1)	(N87°41'05"E)	(8.41)
L2	S74°01'04"W	584.40
(L2)	(S76°19'W)	



SCALE: 1" = 60'

STATE OF TEXAS  
VOL. 3057, PG. 1540-DRTC  
VOL. 3122, PG. 1826-DRTC  
(4.233 AC.)

U.S. HIGHWAY 290  
(R.O.W. VARIES)

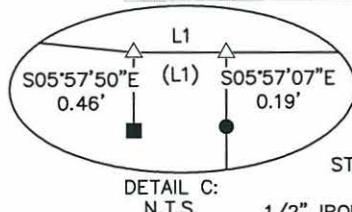
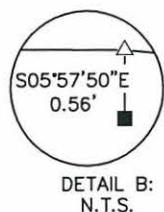
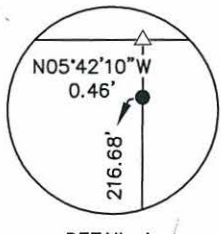


SURVEYED ACREAGE	2.030 AC.
ACQUISITION ACREAGE	2.030 AC.
ACQUISITION SQUARE FEET	88,418
REMAINDER ACREAGE	0 AC.
REMAINDER SQUARE FEET	0

37  
2.030 AC.

SCOTT WILLIAM ELDER  
DOC. 2006014936  
OPRTC  
(2.03 AC.)

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



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

### 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
- ▨ 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



- 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".

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

**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF 2.030 AC. OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, SAME BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2.03 AC. IN A DEED TO SCOTT WILLIAM ELDER, OF RECORD IN DOCUMENT 2006014936, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 37  
PAGE 4 OF 4

# FINAL CLOSURE PARCEL 37 US HIGHWAY 290

## PARCEL 37 - SKETCH MAPCHECK

North: 10092862.9684 East: 3148478.4087  
Course: S 74-16-52 W Distance: 350.46000  
North: 10092768.0225 East: 3148141.0550  
Course: N 05-42-10 W Distance: 292.50000  
North: 10093059.0748 East: 3148111.9899  
Course: N 84-02-10 E Distance: 135.96000  
North: 10093073.2013 East: 3148247.2140  
Course: N 89-44-59 E Distance: 200.89000  
North: 10093074.0788 East: 3148448.1021  
Course: N 84-02-10 E Distance: 8.25000  
North: 10093074.9360 East: 3148456.3074  
Course: S 05-57-07 E Distance: 213.11000  
North: 10092862.9749 East: 3148478.4057

Perimeter: 1201.17000

Area: 88417.81329 2.02979 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.007136 Course: S 24-27-48 E

Precision 1: 168318.86

## PARCEL 37 - STRIPMAP MAPCHECK

North: 10088336.8983 East: 3148211.3742  
Course: S 74-16-52 W Distance: 350.46000  
North: 10088241.9525 East: 3147874.0205  
Course: N 05-42-10 W Distance: 292.50000  
North: 10088533.0048 East: 3147844.9554  
Course: N 84-02-10 E Distance: 135.96000  
North: 10088547.1313 East: 3147980.1795  
Course: N 89-44-59 E Distance: 200.89000  
North: 10088548.0088 East: 3148181.0676  
Course: N 84-02-10 E Distance: 8.25000  
North: 10088548.8660 East: 3148189.2729  
Course: S 05-57-07 E Distance: 213.11000  
North: 10088336.9048 East: 3148211.3712

Perimeter: 1201.17000

Area: 88417.81329 2.02979 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.007136 Course: S 24-27-48 E

Precision 1: 168318.86



# FINAL CLOSURE PARCEL 37 US HIGHWAY 290

## PARCEL 37 - DESCRIPTION MAPCHECK

North: 10094579.5966 East: 3166649.7913

Course: S 74-16-52 W	Distance: 350.46000
North: 10094484.6508	East: 3166312.4376
Course: N 05-42-10 W	Distance: 75.36000
North: 10094559.6378	East: 3166304.9492
Course: N 05-42-10 W	Distance: 217.14000
North: 10094775.7031	East: 3166283.3724
Course: N 84-02-10 E	Distance: 135.96000
North: 10094789.8296	East: 3166418.5966
Course: N 89-44-59 E	Distance: 200.89000
North: 10094790.7071	East: 3166619.4847
Course: N 84-02-10 E	Distance: 8.25000
North: 10094791.5643	East: 3166627.6900
Course: S 05-57-07 E	Distance: 213.11000
North: 10094579.6031	East: 3166649.7883

Perimeter: 1201.17000

Area: 88417.81329	2.02979 acres
Error of Closure: 0.007136	Course: S 24-27-48 E
Precision 1: 168318.86	