

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

RESOLUTION NO. 11-067

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 47B)**

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 0.560 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by The Yom Family Trust, Kerry S. Yom and Sun Y. Yom, (the "Owner"), located at the south line of US Hwy 290E, east of Crofford Lane 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 25th day of May, 2011.

Submitted and reviewed by:


Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 11-067
Date Passed: 05/25/11

Exhibit "A" to Resolution 11-067

Description of Parcel 47B

EXHIBIT ____

County: Travis
Parcel No.: 47B
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 47B

DESCRIPTION OF 0.560 OF ONE ACRE (24,380 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 2, BLOCK A, 290 EAST BUSINESS PARK, A SUBDIVISION OF RECORD IN DOCUMENT 200300003, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 2 BEING DESCRIBED IN A DEED TO THE YOM FAMILY TRUST, KERRY S. YOM, TRUSTEE, SUN Y. YOM, TRUSTEE, OF RECORD IN DOCUMENT 2007099553, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.560 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 south right-of-way (ROW) line of U.S. Highway 290, 250.00 feet right of Engineer's Baseline Station 416+98.04, at the southeast corner of the herein described tract, same being in the east line of said Yom tract and said Lot 2, and in the west line of Lot 1, Block A, of said 290 East Business Park subdivision, said Lot 1 being described in a deed to Sovran Acquisition Limited Partnership, of record in Document 2005125795, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Yom tract and said Lot 2, same being at an interior ell corner on the north line of said Sovran tract and said Lot 1, bears S09°32'57"W 903.86 feet;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Yom tract and said Lot 2, **S71°25'55"W 114.69 feet** to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", at the beginning of this Access Denial Line, 250.00 feet right of Engineer's Baseline station 415+83.35;

EXHIBIT ____

- 2) THENCE, with said Access Denial Line, continuing with the south line of this tract and the proposed south ROW line of U.S. Highway 290, crossing said Yom tract and said Lot 2, **S71°25'55"W 109.21 feet** to a 1/2" iron rod set with a TxDOT aluminum cap at the end of said Access Denial Line, 250.00 feet right of Engineer's Baseline Station 414+74.13, at the southwest corner of this tract, same being in the west line of said Lot 2, and the east line of Lot 3, Block A, of said 290 East Business Park subdivision, said Lot 3 being described in a deed to Kerry S. Yom, of record in Document 2003010702, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southwest corner of said Lot 2 and said Yom Family Trust tract, and the southeast corner of said Lot 3, bears S14°17'09"W 797.81 feet;
- 3) THENCE, with the west line of this tract, said Yom Family Trust tract, and said Lot 2, and the east line of said Kerry S. Yom tract, and said Lot 3, **N14°17'09"E**, at 133.09 feet passing a 1/2" iron rod found, in all a total distance of **133.26 feet** to a calculated point at the northwest corner of this tract, said Yom Family Trust tract, and said Lot 2, same being the northeast corner of said Kerry S. Yom tract, and said Lot 3, 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 1.733 acres in a deed to the State of Texas, of record in Volume 843, Page 595, Deed Records, Travis County, Texas;
- 4) THENCE, with the north line of this tract, said Yom Family Trust tract, and said Lot 2, the existing south ROW line of U.S Highway 290, and the south line of said 1.733 acre State of Texas tract, **N71°23'48"E 211.50 feet** to a calculated point at the northeast corner of this tract, said Yom tract, and said Lot 2, and the northwest corner of said Sovran tract and said Lot 1, from which point a 1/2" iron rod found bears S18°36'12"E 0.71 feet ;

EXHIBIT _____

5) THENCE, with the east line of this tract, said Yom Family Trust tract, and said Lot 2, and the west line of said Sovran tract and said Lot 1, **S09°32'57"W 127.07 feet** to the POINT OF BEGINNING and containing 0.560 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 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.

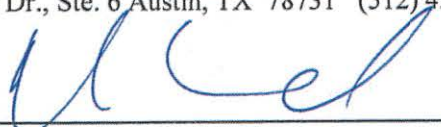
STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

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

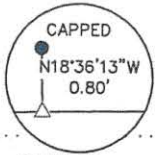


Chris Conrad, Reg. Professional Land Surveyor No. 5623

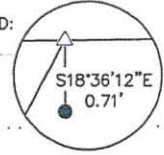
Note: There is a plat to accompany this description. US 290 P47B R5
Issued 02/02/07, Rev 03/20/07, 04/01/09, 09/17/10, 12/3/10

415+00

DETAIL D:
N.T.S.



STATE OF TEXAS
VOL. 663, PG. 27-DRTC
(8.421 AC.)



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

DETAIL A:
N.T.S.

SEE
DETAIL A

SEE
DETAIL B

SEE
DETAIL C

SEE
DETAIL D

STATE OF TEXAS
VOL. 843, PG. 595-DRTC
(1.733 AC.)

EXISTING R.O.W. LINE
N71°23'48"E 211.50'
(N73°19'27"E 211.23')

20' WATER AND
WASTEWATER ESMT.

S71°23'48"W 165.14'
(N73°27'E 164.26')

N71°23'48"E 219.88'
(N73°19'27"E 220.00')

HARDY CREDIT, CO.
DOC. 2003069039-OPRTC

LOT 1
CROFFORD
ADDITION NO. 2
BK. 90, PGS. 50-51
PRTC

PROPOSED R.O.W. LINE AND
PROPOSED ACCESS DENIAL LINE

(47B)
0.560 AC.

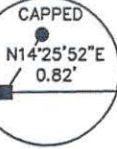
S09°32'57"W 127.07'

END ACCESS DENIAL LINE
STA. 414+74.13
250.00' RT.

BEGIN ACCESS
DENIAL LINE
STA. 415+83.35
250.00' RT.
STAMPED "ADL"

PROPOSED
R.O.W. LINE
P.O.B.
STA. 416+98.04
250.00' RT.

SOUTHWESTERN
MOTOR
TRANSPORT, INC.
DOC. 2000227131-
OPRTC (4.03 AC.)



LOT 3
BLOCK A

KERRY S. YOM
DOC. 2003010702
OPRTC

LOT 2, BLOCK A
(5.0078 AC.)
290 EAST BUSINESS PARK
DOC. 200300003
OPRTC

LOT 1
BLOCK A
SOVRAN ACQUISITION
LIMITED PARTNERSHIP
DOC. 2005125795
OPRTC

(S77°53'13"E 322.56')
(N79°44'31"W 322.53')

THE YOM FAMILY TRUST
KERRY S. YOM, TRUSTEE
SUN Y. YOM, TRUSTEE
DOC. 2007099553
OPRTC

WILLIAM H. SANDERS
SURVEY NO. 54
ABS. NO. 690

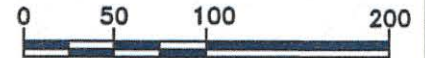
SURVEYED ACREAGE	5.015 AC.
ACQUISITION ACREAGE	0.560 AC.
ACQUISITION SQUARE FEET	24,380
REMAINDER ACREAGE	4.455 AC.
REMAINDER SQUARE FEET	194,053

LOT 1
BLOCK A
P.O.R.
SOVRAN ACQUISITION
LIMITED PARTNERSHIP
DOC. 2005125795
OPRTC



DETAIL C:
N.T.S.

(N11°25'56"E 1030.18')
(S09°32'57"W 903.86')



SCALE: 1" = 100'

LEGEND

NOTES:

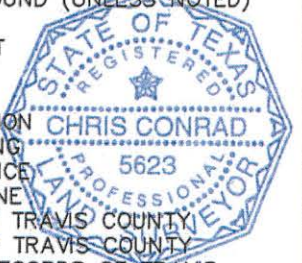
- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
- 2) SEE PAGES 1, 2, AND 3 OF 4 FOR A DESCRIPTION OF THIS PARCEL.
- 3) IMPROVEMENTS SHOWN 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 A PORTION OF 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

12/03/10

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

- 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 0.560 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF LOT 2, BLOCK A, 290 EAST BUSINESS PARK, A SUBDIVISION OF RECORD IN DOCUMENT 200300003, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 2 DESCRIBED IN A DEED TO THE YOM FAMILY TRUST, KERRY S. YOM, TRUSTEE, SUN Y. YOM, TRUSTEE, OF RECORD IN DOCUMENT 2007099553, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 47B
PAGE 4 OF 4

FINAL CLOSURE PARCEL 47B US HIGHWAY 290

PARCEL 47B - SKETCH MAPCHECK

North: 10095608.0654 East: 3154947.4087
Course: S 71-25-55 W Distance: 223.90000
North: 10095536.7687 East: 3154735.1636
Course: N 14-17-09 E Distance: 133.26000
North: 10095665.9079 East: 3154768.0468
Course: N 71-23-48 E Distance: 211.50000
North: 10095733.3794 East: 3154968.4959
Course: S 09-32-57 W Distance: 127.07000
North: 10095608.0702 East: 3154947.4157

Perimeter: 695.73000

Area: 24380.89184 0.55971 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.008471 Course: S 55-32-52 W
Precision 1: 82132.84

PARCEL 47B - STRIPMAP MAPCHECK

North: 10095560.3190 East: 3149974.5004
Course: S 71-25-55 W Distance: 223.90000
North: 10095489.0223 East: 3149762.2553
Course: N 14-17-09 E Distance: 133.26000
North: 10095618.1615 East: 3149795.1384
Course: N 71-23-48 E Distance: 211.50000
North: 10095685.6330 East: 3149995.5875
Course: S 09-32-57 W Distance: 127.07000
North: 10095560.3238 East: 3149974.5074

Perimeter: 695.73000

Area: 24380.89184 0.55971 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.008471 Course: S 55-32-52 W
Precision 1: 82132.84

PARCEL 47B - DESCRIPTION MAPCHECK

North: 10093505.4605 East: 3154394.6943
Course: S 71-25-55 W Distance: 114.69000
North: 10093468.9396 East: 3154285.9743
Course: S 71-25-55 W Distance: 109.21000
North: 10093434.1638 East: 3154182.4492
Course: N 14-17-09 E Distance: 133.26000
North: 10093563.3030 East: 3154215.3323
Course: N 71-23-48 E Distance: 211.50000
North: 10093630.7745 East: 3154415.7814
Course: S 09-32-57 W Distance: 127.07000
North: 10093505.4653 East: 3154394.7013

Perimeter: 695.73000

FINAL CLOSURE PARCEL 47B US HIGHWAY 290

PARCEL 47B - DESCRIPTION MAPCHECK (cont.)

Area: 24380.89184 0.55971 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.008471 Course: S 55-32-52 W
Precision 1: 82132.84