

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

RESOLUTION NO. 11-070

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 28)**

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 2.160 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by TX Old Manor Housing, L.P., (the "Owner"), located at 9345 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 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 11-070
Date Passed: 05/25/11

Exhibit "A" to Resolution 11-070

Description of Parcel 28

EXHIBIT _____

County: Travis
Parcel No.: 28
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 28

DESCRIPTION OF 2.610 ACRES (113,700 SQUARE FEET) OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 24.07 ACRES IN A DEED TO TX OLD MANOR HOUSING, L.P., OF RECORD IN DOCUMENT 2004148431, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 2.610 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, 233.72 feet right of Engineer's Baseline Station 334+39.70, at the southeast corner of this tract, same being in the east line of said TX Old Manor Housing tract and the west line of that certain tract of land described as 61.887 acres in a deed to JMTCV, Ltd., of record in Document 2005073729, Official Public Records, Travis County, Texas, from which point a 60d nail found at an interior ell corner in the east line of said TX Old Manor Housing tract, same being the west corner of said JMTCV tract, bears S27°18'56"W 1050.07 feet;

THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said TX Old Manor Housing tract, the following four (4) courses, numbered 1 through 4;

- 1) **S84°02'32"W 140.86 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, 236.86 feet right of Engineer's Baseline Station 332+98.87;
- 2) **N78°50'52"W**, passing at 60.99 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, 220.22 feet right of Engineer's Baseline Station 332+40.20 and continuing 40.98 feet for a total distance of **101.97 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, 208.96 feet right of Engineer's Baseline Station 332+00.00;

EXHIBIT ____

- 3) **S84°02'32"W 441.59 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, 208.00 feet right of Engineer's Baseline Station 327+49.73; and
- 4) **S75°49'10"W 104.88 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, 220.10 feet right of Engineer's Baseline Station 326+43.45 at the southwest corner of this tract, same being in the curved west line of said TX Old Manor Housing tract, and the curved east line of that certain tract of land described as Parcel 2 (Part Two) –85.43 acres in a deed to the State of Texas, of record in Volume 11339, Page 2005, Real Property Records, Travis County, Texas, from which point a 1/2" iron rod found in the west line of said TX Old Manor Housing tract, and the east line of said 85.43 acre State of Texas tract, along a curve whose intersection angle is 07°12'16" and radius is 3200.00 feet, the chord of which bears S00°38'39"W 402.11 feet;
- 5) THENCE, with the west line of this tract and said TX Old Manor Housing tract, and the east line of said 85.43 acre State of Texas tract, with said curve to the left whose intersection angle is **02°10'42"**, radius is **3200.00 feet**, an arc distance of **121.67 feet**, the chord of which bears **N04°02'50"W 121.66 feet** to a calculated point at northwest corner of this tract and said TX Old Manor Housing tract, and the southwest corner of that certain tract of land described as 1.830 acres in a deed to the State of Texas, of record in Volume 3106, Page 2150, Deed Records, Travis County, Texas, same being in the existing south ROW line of U.S. Highway 290, from which point a 3/4" iron pipe found bears S05°08'02"E 0.29 feet;

THENCE, with the north line of this tract and said TX Old Manor Housing tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 1.830 acre State of Texas tract, the following three (3) courses numbered 6, 7, and 8;

- 6) **N84°02'10"E 472.18 feet** to a broken TxDOT Type I concrete monument found;
- 7) **N72°45'24"E 409.00 feet** to a calculated point; and
- 8) **N84°02'10"E 48.57 feet** to a calculated point at the northeast corner of this tract and said TX Old Manor Housing tract, same being the northwest corner of said JMTCV tract, same being the southeast corner of said 1.830 acre State of Texas tract, and the southwest corner of that certain tract of land described as 3.431 acres (Part 1), in a deed to the State of Texas, of record in Volume 3092, Page 636, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found with a

EXHIBIT _____

TxDOT aluminum cap bears, S05°57'50"E 1.64 feet, and from which point a 1/2" iron rod found bears S01°05'54"W 2.18 feet;

- 9) THENCE, with the east line of this tract and said TX Old Manor Housing tract, and the west line of said JMTCV tract, **S27°18'56"W 259.19 feet** to the POINT OF BEGINNING and containing 2.610 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 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 4th day of December, 2009 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 P28 REV4
Issued 02/27/09; Revised 5/15/09; 7/17/09; 9/16/09; 12/4/09



FINAL CLOSURE PARCEL 28 US HIGHWAY 290

PARCEL 28 SKETCH MAPCHECK

North: 10089290.0137 East: 3149342.0134
Course: S 84-02-32 W Distance: 140.86000
North: 10089275.3930 East: 3149201.9142
Course: N 78-50-52 W Distance: 101.97000
North: 10089295.1157 East: 3149101.8697
Course: S 84-02-32 W Distance: 441.59000
North: 10089249.2806 East: 3148662.6649
Course: S 75-49-10 W Distance: 104.88000
North: 10089223.5873 East: 3148560.9808
Arc Length: 121.66733 Radius: 3200.00000 Delta: -2-10-42
Tangent: 60.84099 Chord: 121.66000 Ch Course: N 04-02-50 W
Course In: S 87-02-31 W Out: N 84-51-49 E
Ctr North: 10089058.4548 East: 3145365.2443
End North: 10089344.9439 East: 3148552.3942
Course: N 84-02-10 E Distance: 472.18000
North: 10089394.0042 East: 3149022.0185
Course: N 72-45-24 E Distance: 409.00000
North: 10089515.2442 East: 3149412.6358
Course: N 84-02-10 E Distance: 48.57000
North: 10089520.2907 East: 3149460.9429
Course: S 27-18-56 W Distance: 259.19000
North: 10089290.0023 East: 3149342.0030

Perimeter: 2099.90733

Area: 113700.11031 2.61020 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.015391 Course: N 42-21-41 E

Precision 1: 136438.55

PARCEL 28 STRIPMAP MAPCHECK

North: 10092253.8712 East: 3145837.1400
Course: S 84-02-32 W Distance: 140.86000
North: 10092239.2505 East: 3145697.0408
Course: N 78-50-52 W Distance: 101.97000
North: 10092258.9732 East: 3145596.9964
Course: S 84-02-32 W Distance: 441.59000
North: 10092213.1381 East: 3145157.7915
Course: S 75-49-10 W Distance: 104.88000
North: 10092187.4448 East: 3145056.1074
Arc Length: 121.66733 Radius: 3200.00000 Delta: -2-10-42
Tangent: 60.84099 Chord: 121.66000 Ch Course: N 04-02-50 W
Course In: S 87-02-31 W Out: N 84-51-49 E
Ctr North: 10092022.3123 East: 3141860.3710
End North: 10092308.8014 East: 3145047.5208
Course: N 84-02-10 E Distance: 472.18000
North: 10092357.8616 East: 3145517.1451
Course: N 72-45-24 E Distance: 409.00000
North: 10092479.1017 East: 3145907.7624
Course: N 84-02-10 E Distance: 48.57000
North: 10092484.1482 East: 3145956.0695
Course: S 27-18-56 W Distance: 259.19000

FINAL CLOSURE PARCEL 28 US HIGHWAY 290

North: 10092253.8598 East: 3145837.1296

Perimeter: 2099.90733

Area: 113700.11031 2.61020 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.015391 Course: N 42-21-41 E
Precision 1: 136438.55

PARCEL 28 DESCRIPTION MAPCHECK

North: 10114139.5304 East: 3136162.5850
Course: S 84-02-32 W Distance: 140.86000
North: 10114124.9098 East: 3136022.4858
Course: N 78-50-52 W Distance: 101.97000
North: 10114144.6324 East: 3135922.4413
Course: S 84-02-32 W Distance: 441.59000
North: 10114098.7973 East: 3135483.2365
Course: S 75-49-10 W Distance: 104.88000
North: 10114073.1040 East: 3135381.5524
Course: N 04-02-50 W Distance: 121.66000
North: 10114194.4606 East: 3135372.9658
Course: N 84-02-10 E Distance: 472.18000
North: 10114243.5209 East: 3135842.5901
Course: N 72-45-24 E Distance: 409.00000
North: 10114364.7609 East: 3136233.2074
Course: N 84-02-10 E Distance: 48.57000
North: 10114369.8075 East: 3136281.5145
Course: S 27-18-56 W Distance: 259.19000
North: 10114139.5190 East: 3136162.5746

Press any key for more...

Perimeter: 2099.90000

Area: 113747.00885 2.61127 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.015391 Course: N 42-21-41 E
Precision 1: 136438.07