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

RESOLUTION NO. 12-063

AUTHORIZING A SETTLEMENT AGREEMENT TO ACQUIRE CERTAIN PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT ("MANOR EXPRESSWAY") (Parcel 61)

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code, its Resolution 10-50, and other applicable law, the Central Texas Regional Mobility Authority (the "Mobility Authority") 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 14.084 acre parcel at the northeast corner of 290E and Parmer Lane, as described by metes and bounds in Exhibit "A" attached and incorporated into this Resolution (the "Subject Property"), owned by The Butler Family Partnership (the "Owner"); and

WHEREAS, an independent, professional appraisal report of the Subject Property has been submitted to the Mobility Authority, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the Mobility Authority, through agents employed or contracted with the Mobility Authority, has transmitted official written offers to the Owner based on the amount determined to be just compensation, and entered into good faith negotiations with the Owner of the Subject Property to acquire the Subject Property; and

WHEREAS, after failing to negotiate an agreement with the Owner on an amount to be paid for just compensation, the Mobility Authority instituted an action in eminent domain to acquire the Subject Property; and

WHEREAS, the Executive Director recommends an offer of \$2,815,422.00 to the Owner as the amount to be paid by the Mobility Authority for just compensation and damages and to acquire the Owner's interest in the Subject Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is authorized and directed to negotiate and execute a purchase agreement, a final settlement agreement, or both, to resolve the pending litigation and acquire the Subject Property, and to negotiate and execute all other associated documents necessary to acquire the fee simple interest in the Subject Property, for a total acquisition price of \$2,815,422.00.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 29th day of August, 2012.

Submitted and reviewed by:

Andrew Martin, General Counsel Central Texas Regional Mobility Authority

Approved:

Ray A. Wilkerson Chairman, Board of Directors Resolution Number <u>12-063</u> Date Passed: <u>8/29/12</u>

Exhibit "A"to Resolution No. 12-063

Metes and Bounds Description of Parcel 61

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EXHIBIT

County: Travis Parcel No.: 61 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 61

DESCRIPTION OF 14.084 ACRES (613,481 SQ. FT.) OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 232.03 ACRES (FIRST TRACT) IN A DEED TO ROY A. BUTLER, OF RECORD IN VOLUME 4282, PAGE 1082, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 232.03 ACRES BEING A PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 275.66 ACRES (TRACT 3) IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN VOLUME 12271, PAGE 872, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 14.084 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 to be replaced by a TxDOT Type II concrete monument after acquisition, 319.01 feet left of Engineer's Baseline Station 1535+75.96, in the proposed north right-of-way (ROW) line of U.S. Highway 290, at the northwest corner of the herein described tract, same being in the existing east ROW line of FM 734 (Parmer Lane), and the east line of that certain tract of land described as 1.035 acres in a deed to the State of Texas, of record in Volume 13218, Page 2065, Real Property Records, Travis County, Texas, from which point a TxDOT Type II concrete monument found in the existing east ROW line of FM 734 (Parmer Lane), and the east line of said 1.035 acres State of Texas tract, bears N38°40'13"W 225.67 feet;

THENCE, with the proposed north ROW line of U.S. Highway 290 and the north line of this tract, crossing said 232.03 acre Butler Family tract, the following six (6) courses numbered 1 through 6;

 S72°48'17"E 136.09 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, 240.73 feet left of Engineer's Baseline Station 1536+82.11;

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EXHIBIT

- N74°02'39"E 143.39 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, 238.88 feet left of Engineer's Baseline Station 1538+19.73;
- 3) N76°11'14"E, passing at 5.46 feet a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 238.67 feet left of Engineer's Baseline Station 1538+24.97 and continuing 114.91 feet for a total distance of 120.37 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, 234.37 feet left of Engineer's Baseline Station 1539+39.80, said point being the point of beginning of a curve;
- 4) with said curve to the right whose intersection angle is 05°09'25", radius is 11,481.16 feet, at a sub arc distance of 860.38 feet passing a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 233.41 feet left of Engineer's Baseline Station 1547+99.98, continuing a total arc distance of 1,033.38 feet, the chord of which bears N74°32'23"E 1,033.03 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, 225.43 feet left of Engineer's Baseline Station 1549+72.79, at the point of tangency of said curve;
- 5) N77°07'06"E 194.59 feet to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete momument after acquisition, 215.00 feet left of Engineer's Baseline Station 1551+67.10; and
- 6) N74°02'39"E, at 632.89 feet passing 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 left of Engineer's Baseline Station 1557+99.98, continuing 627.32 feet, in all a total distance of 1260.21 feet to a 1/2" iron rod set with a TxDOT aluminum cap, 215.00 feet left of Engineer's Baseline Station 1564+27.30, at the northeast corner of this tract, same being in the east line of said 232.03 acre Butler Family tract, and the west line of that certain tract of land described as 124.65 acres in a deed to Las Entradas Development Corporation, of record in Document 2007002485, Official Public Records, Travis County, Texas, from which point a 3/4" iron pipe found at the northeast corner of said 232.03 acre Butler Family tract, and the north corner of said Las Entradas Development tract, being in the existing southwest ROW line of Hill Lane, a public ROW for which no record information was found, bears N27°26'52"E 2764.46 feet;

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EXHIBIT

- 7) THENCE, with the east line of this tract and said 232.03 acre Butler Family tract, same being the west line of said Las Entradas Development tract, S27°26'52"W 272.07 feet to a calculated point at the west corner of said Las Entradas Development tract and at the northwest corner of that certain tract of land described as 3.609 acres (Part 1) in a deed to the State of Texas, of record in Volume 3329, Page 629, Deed Records, Travis County, Texas, from which point a TxDOT Type I concrete monument found bears N10°56'33"W 0.89 feet;
- 8) THENCE, continuing with the east line of this tract and said 232.03 acre Butler Family tract, same being the west line of said 3.609 acre State of Texas tract, S27°26'52"W 24.77 feet to a calculated point at the southeast corner of this tract and said 232.03 acre Butler Family tract, same being the northeast corner of that certain tract of land described as 0.040 of one acre (Part II) in a deed to the State of Texas, of record in Volume 3269, Page 1500, Deed Records, Travis County, Texas, also being in the existing north ROW line of U.S. Highway 290, from which point a TxDOT Type I concrete monument found bears N49°40'49"E 4.08 feet;
- 9) THENCE, with the south line of this tract and said 232.03 acre Butler Family tract, same being the existing north ROW line of U.S. Highway 290, the north line of said 0.040 acre State of Texas tract, the north line of that certain tract of land described as 1.332 acres in a deed to the State of Texas, of record in Volume 3269, Page 1492, Deed Records, Travis County, Texas, the north line of that certain tract of land described as 1.328 acres (Part I), in a deed to the State of Texas, of record in Volume 3269, Page 1500, Deed Records, Travis County, Texas, and the north line of that certain tract of land described as 1.321 acres in a deed to the State of Texas, of record in Volume 3269, Page 1496, Deed Records, Travis County, Texas, S74°03'41"W, at 864.64 feet passing a TxDOT Type I concrete monument found, continuing 1220.91 feet, in all a total distance of Texas tract, from which point a TxDOT Type I concrete monument found bears N65°36'30"E 1.11 feet, and from which point a TxDOT Type I concrete monument found bears N89°32'30"E 2.36 feet;
- 10) THENCE, continuing with the south line of this tract and said 232.03 acre Butler Family tract, same being the existing north ROW line of U.S. Highway 290, and the west line of said 1.321 acre State of Texas tract, S28°00'35"W 5.56 feet to a calculated point at the northeast corner of that certain tract of land described as 0.714, of one acre of land (Part II), in a deed to the State of Texas, of record in Volume 3151, Page 273, Deed Records, Travis County, Texas;

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EXHIBIT

- 11) THENCE, continuing with the south line of this tract and said 232.03 acre Butler Family tract, same being the existing north ROW line U.S. Highway 290, and with the north line of said 0.714 of one acre State of Texas tract, S74°03'41"W 438.96 feet to a calculated point at the southwest corner of this tract, the southeast corner of said 1.035 acre State of Texas tract, same being in the existing east ROW line of FM 734 (Parmer Lane);
- 12) THENCE, with the west line of this tract, crossing said 232.03 acre Butler Family Tract, and with the existing east ROW line of FM 734 (Parmer Lane), and the east line of said 1.035 acre State of Texas tract, N38°40'13"W 343.86 feet to the POINT OF BEGINNING and containing 14.084 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 3rd day of December, 2010 A.D.

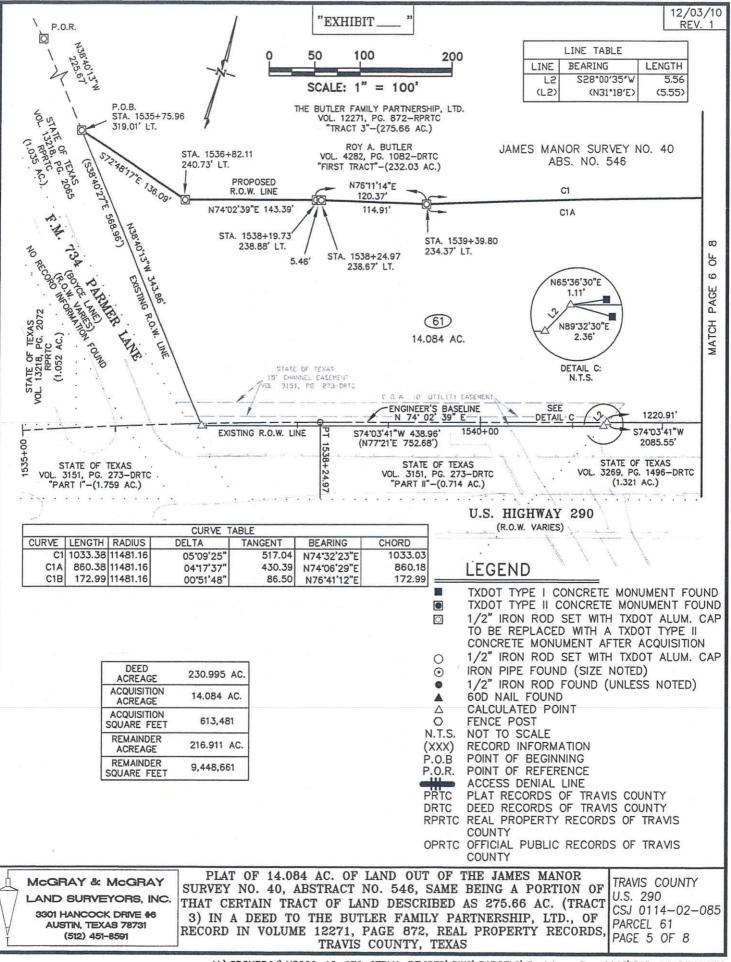
SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC. 3301 Hancock Dr., Ste. 6 Austin, TX 78737 (512) 451-8591

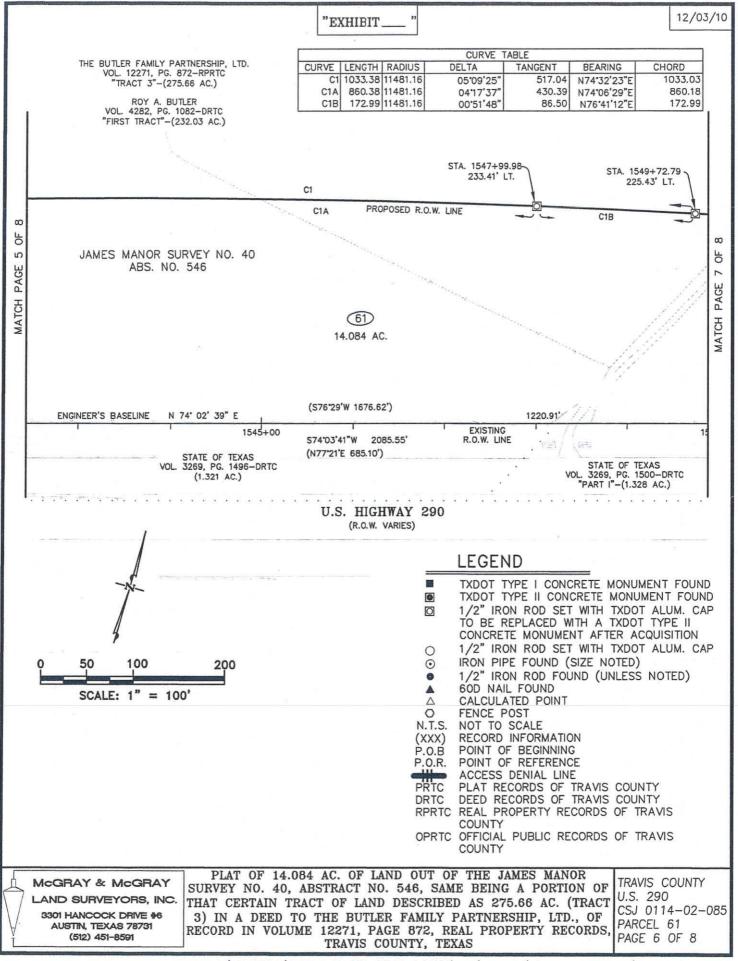
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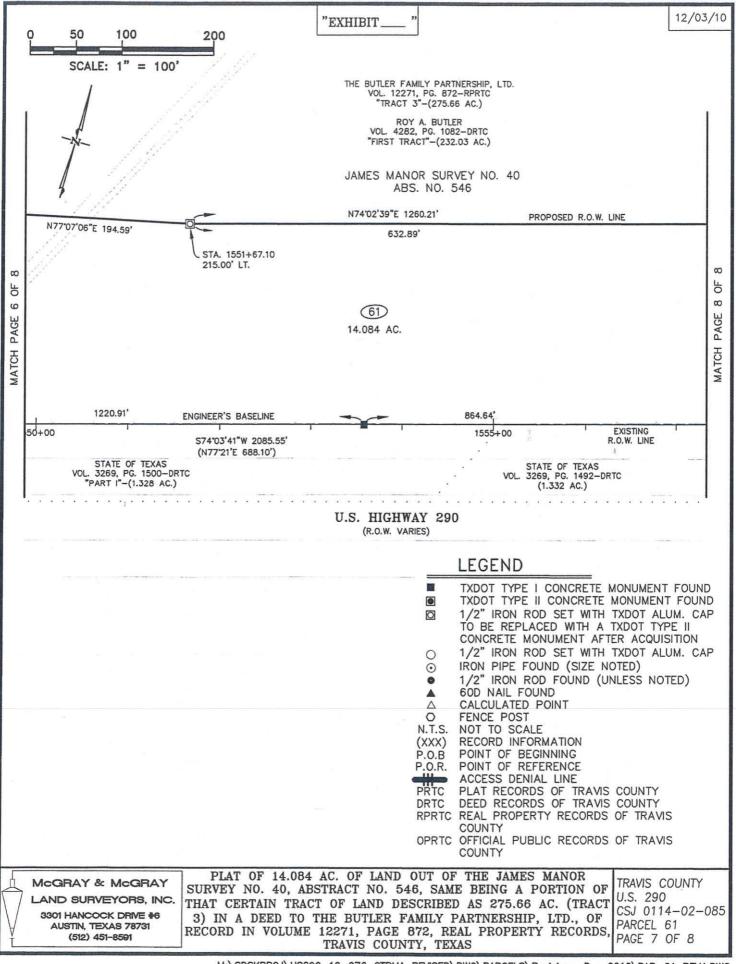
Chris Conrad, Reg. Professional Land Surveyor No. 5623 Note: There is a plat to accompany this description. US 290 P61 R5 Issued 12/01/06, Rev 03/20/07, 04/01/09, 09/17/10, 12/3/10

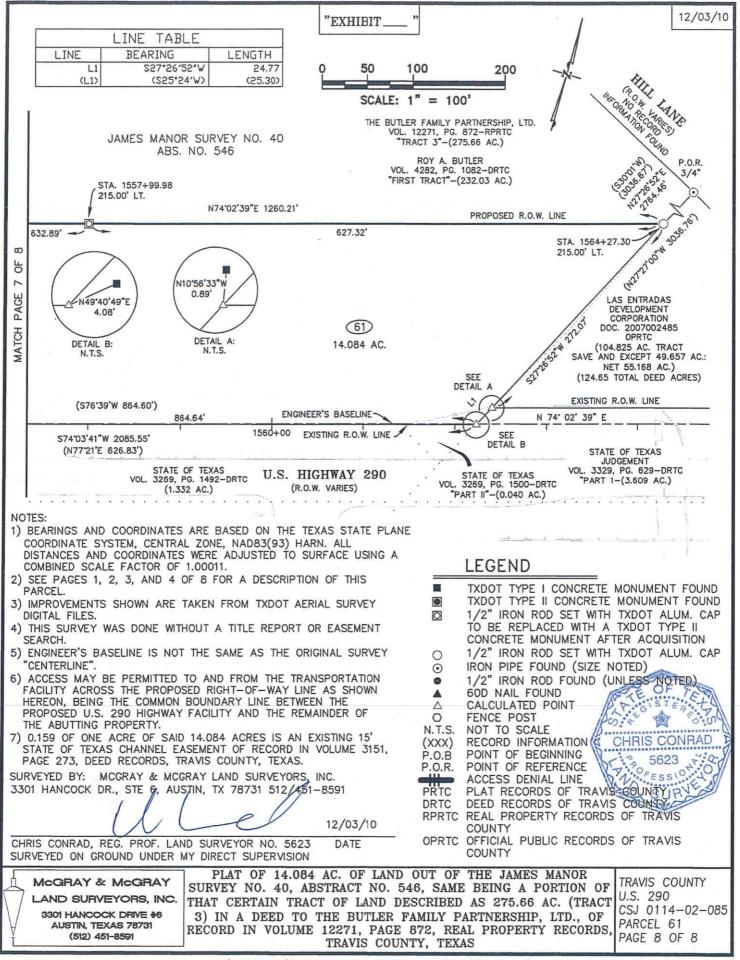




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FINAL CLOSURES PARCEL 61 US HWY 290

PARCEL 61 - STRIPMAP MAPCHECK

North: 10090999.9359 East: 3173693.1227 Course: S 72-48-17 E Distance: 136.09000 North: 10090959.7037 East: 3173823.1299 Course: N 74-02-39 E Distance: 143.39000 North: 10090999.1211 East: 3173960.9956 Course: N 76-11-14 E Distance: 120,37000 North: 10091027.8594 East: 3174077.8846 Arc Length: 1033.37878 Radius: 11481.16000 Delta: 5-09-25 Tangent: 517.03849 Chord: 1033.03000 Ch Course: N 74-32-23 E Course In: S 18-02-20 E Out: N 12-52-54 W Ctr North: 10080111.0308 East: 3177633.1467 End North: 10091303.2345 East: 3175073.5350 Course: N 77-07-06 E Distance: 194.59000 North: 10091346.6160 East: 3175263.2276 Course: N 74-02-39 E Distance: 1260.21000 North: 10091693.0430 East: 3176474.8866 Course: S 27-26-52 W Distance: 272.07000 North: 10091451.5996 East: 3176349.4787 Course: S 27-26-52 W Distance: 24,77000 North: 10091429.6179 East: 3176338.0612 Course: S 74-03-41 W Distance: 2085.55000 North: 10090856.9107 East: 3174332.6871 Course: S 28-00-35 W Distance: 5.56000 North: 10090852.0020 East: 3174330.0760 Course: S 74-03-41 W Distance: 438,96000 North: 10090731.4604 East: 3173907.9912 Course: N 38-40-13 W Distance: 343.86000 North: 10090999.9307 East: 3173693.1345

Perimeter: 6058.79878

Area: 613480.70644 14.08358 acres Mathematical Closure - (Uses Survey Units) Error of Closure: 0.012863 Course: N 66-14-12 W Precision 1: 471033.75

PARCEL 61 - SKETCH MAPCHECK

North: 10095714.5899 East: 3166523.0924
Course: S 72-48-17 E Distance: 136.09000
North: 10095674.3577 East: 3166653.0995
Course: N 74-02-39 E Distance: 143.39000
North: 10095713.7751 East: 3166790.9653
Course: N 76-11-14 E Distance: 120.37000
North: 10095742.5134 East: 3166907.8543
Arc Length: 1033.37878 Radius: 11481.16000 Delta: 5-09-25
Tangent: 517.03849 Chord: 1033.03000 Ch Course: N 74-32-23 E
Course In: S 18-02-20 E Out: N 12-52-54 W
Ctr North: 10084825.6848 East: 3170463.1163
End North: 10096017.8885 East: 3167903.5046

FINAL CLOSURES PARCEL 61 US HWY 290

PARCEL 61 - SKETCH MAPCHECK (cont.)

Course: N 77-07-06 E Distance: 194,59000 North: 10096061.2701 East: 3168093.1973 Distance: 1260.21000 Course: N 74-02-39 E North: 10096407.6971 East: 3169304.8563 Course: S 27-26-52 W Distance: 272.07000 North: 10096166.2537 East: 3169179.4483 Course: S 27-26-52 W Distance: 24.77000 North: 10096144.2720 East: 3169168.0309 Course: S 74-03-41 W Distance: 2085.55000 North: 10095571.5648 East: 3167162.6568 Course: S 28-00-35 W Distance: 5.56000 North: 10095566.6561 East: 3167160.0457 Course: S 74-03-41 W Distance: 438.96000 North: 10095446.1144 East: 3166737.9608 Course: N 38-40-13 W Distance: 343.86000 North: 10095714.5847 East: 3166523.1041

Perimeter: 6058.79878

Area: 613480.70644 14.08358 acres Mathematical Closure - (Uses Survey Units) Error of Closure: 0.012863 Course: N 66-14-12 W Precision 1: 471033.75

PARCEL 61 - DESCRIPTION MAPCHECK

North: 10088997.0330 East: 3162783.7569 Course: S 72-48-17 E Distance: 136.09000 North: 10088956.8008 East: 3162913.7640 Course: N 74-02-39 E Distance: 143.39000 North: 10088996.2181 East: 3163051.6298 Course: N 76-11-14 E Distance: 120.37000 North: 10089024.9565 East: 3163168.5188 Arc Length: 1033.37878 Radius: 11481.16000 Delta: 5-09-25 Course In: S 18-02-20 E Out: N 12-52-54 W Out: N 12-52-54 W	
Ctr North: 10078108.1279 East: 3166723.7808	
End North: 10089300.3315 East: 3164164.1691 Course: N 77-07-06 E Distance: 194.59000 North: 10089343.7131 East: 3164353.8618 Course: N 74-02-39 E Distance: 1260.21000 North: 10089690.1401 East: 3165565.5208 Course: S 27-26-52 W Distance: 272.07000 North: 10089448.6967 East: 3165440.1128 Course: S 27-26-52 W Distance: 24.77000 Press any key for more	
North: 10089426.7150 East: 3165428.6954 Course: S 74-03-41 W Distance: 2085.55000 North: 10088854.0078 East: 3163423.3213 Course: S 28-00-35 W Distance: 5.56000	

FINAL CLOSURES PARCEL 61 US HWY 290

PARCEL 61 - DESCRIPTION MAPCHECK (cont.)

North: 10088849.0991 East: 3163420.7102

 Course: S 74-03-41 W
 Distance: 438.96000

 North: 10088728.5575
 East: 3162998.6253

 Course: N 38-40-13 W
 Distance: 343.86000

 North: 10088997.0278
 East: 3162783.7686

Perimeter: 6058.79878

Area: 613480.70644 14.08358 acres Mathematical Closure - (Uses Survey Units) Error of Closure: 0.012863 Course: N 66-14-12 W Precision 1: 471033.75