

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

RESOLUTION NO. 12-018

**AUTHORIZING A SETTLEMENT AGREEMENT TO ACQUIRE CERTAIN
PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT
("MANOR EXPRESSWAY")
(Parcel 47B)**

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 0.560 acre parcel on the south side of US 290E, as described by metes and bounds in Exhibit "A" attached and incorporated into this Resolution (the "Subject Property"), owned by The Yom Family Trust (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 \$425,000.00 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 final settlement agreement with the Owner 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 \$425,000.00.

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

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 12-018
Date Passed: 2/29/12

EXHIBIT A

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.

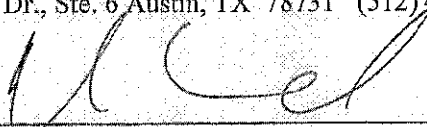
STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

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.

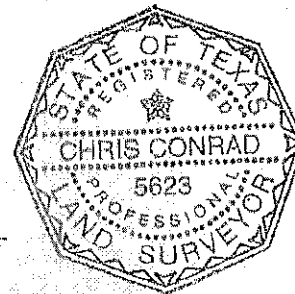
SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591



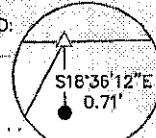
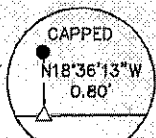
Chris Conrad, Reg. Professional Land Surveyor No. 5623

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)

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

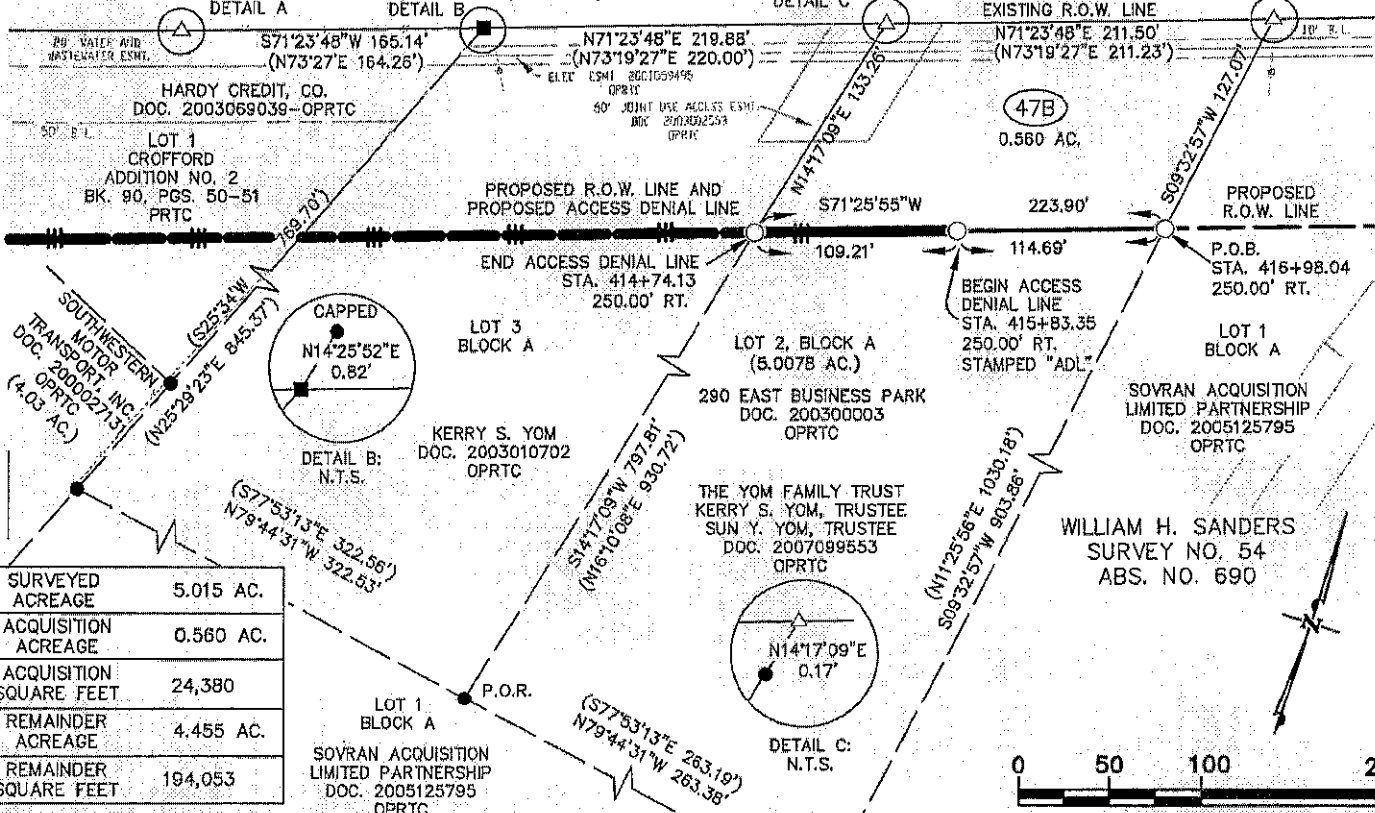
DETAIL A:
N.T.S.

SEE
DETAIL A

SEE
DETAIL B

SEE
DETAIL C

SEE
DETAIL D



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



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 ADJUTING PROPERTY.

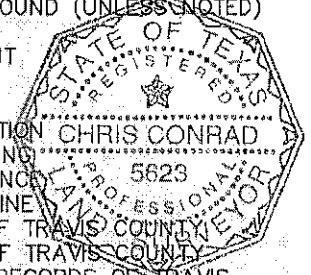
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

12/03/10

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

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
- 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
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PARCEL 47B
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