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

RESOLUTION NO. 12-049

AUTHORIZING A SETTLEMENT AGREEMENT TO ACQUIRE CERTAIN PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT ("MANOR EXPRESSWAY") (Parcel 60)

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 1.090 acre parcel at the southeast 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 \$215,000.00 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 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 \$215,000.00.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 25th day of July, 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>12-049</u> Date Passed: <u>7/25/12</u>

Exhibit "A" to Resolution No. 12-049

Metes and Bounds Description of Parcel 60

Page 1 of 6 Parcel 60 September 17, 2010

EXHIBIT <u>H</u>

County: Travis Parcel No.: 60 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 60

DESCRIPTION OF 1.090 ACRES (47,471 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 27.20 ACRES (SECOND TRACT), OF RECORD IN VOLUME 4282, PAGE 1082, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 27.20 ACRE TRACT BEING 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, AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 2130 SQUARE FEET IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN DOCUMENT NO. 2009183458, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING OUT THAT TRACT OF LAND DESCRIBED AS 1588 SOUARE FEET IN A ORDER OF VACATION TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN DOCUMENT NO. 2009170331, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.090 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 with a TxDOT Type II concrete monument after acquisition, in the proposed south ROW line of U.S. Highway 290, and the existing south ROW line of U.S. Highway 290, 204.23 feet right of Engineer's Baseline Station 1548+00.00, at the northeast corner of the herein described tract, same being in the north line of said 27.20 acre Butler Family tract, and the south line of that certain tract of land described as 5.738 acres in a deed to the State of Texas, of record in Volume 678, Page 401, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said 27.20 acre Butler Family tract and the southwest corner of that certain tract of land described as 12.03 acres in a deed to Manor Independent School District, of record in Volume 2895, Page 310, Deed Records, Travis County, Texas, being in the existing north ROW line of Old Highway 20, for which no record conveyance was found, as shown on TxDOT ROW map CSJ#0114-02-012, bears N74°03'41'E 664.63 feet and S27°28'34"W 1223.66 feet;

Page 2 of 6 Parcel 60 September 17, 2010

EXHIBIT

THENCE, with the proposed south ROW line of U.S. Highway 290 and the south line of this tract, crossing said 27.20 acre, 2130 square foot, and 1588 square foot Butler Family tracts, the following six (6) courses numbered 1though 6;

- S54°21'29"W 106.21 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, 240.01 feet right of Engineer's Basline Station 1547+00.00;
- S73°59'49"W 530.11 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, 240.45 feet right of Engineer's Baseline Station 1541+69.89;
- 3) with a curve to the left, whose intersection angle is 05°02'36", radius is 4517.66 feet, passing at an arc distance of 345.27 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, 253.92 feet right of Engineer's Baseline Station 1583+24.97 and continuing an arc distance of 52.39 for a total arc distance of 397.67 feet, the chord of which bears S71°28'31"W 397.54 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, 558.02 feet right of Engineer's Baseline Station 1537+70.29;
- S22°40'28"W 104.57 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, 338.67 feet right of Engineer's Baseline Station 1537+00.08;
- 5) S23°07'42"E 105.51 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, 443.61 feet right of Engineer's Baseline Station 1537+11.88; and
- 6) S19°38'00"W 6.55 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, 448.86 feet right of Engineer's Baseline Station 1537+07.63, for the southwest corner of this tract, same being in the west line of said 27.20 acre Butler Family tract and the existing east ROW line of Parmer Lane and the east line of that tract of land described as 47,834 square feet, Parcel B, in a deed to Travis County, of record in Document No. 2008039133, Official Public Records, Travis County, Texas

Page 3 of 6 Parcel 60 September 17, 2010

EXHIBIT

- 7) THENCE, with the west line of this tract and said 27.20 acre, 2130 square foot, and 1588 square foot Butler Family tracts and with the existing east ROW line of Parmer Lane and the east line of said 47,834 square foot Travis County tract, continuing with the east line of the remainder portion of Boyce Lane, continuing with the east line of the remainder portion of that tract described as 0.271 of one acre in a deed to Travis County, of record in Volume 4243, Page 1508, Deed Records, Travis County, Texas, and continuing with the east line of that tract described as 847 square feet, Parcel C, in said deed to Travis County in Document No. 2008039133, N25°22'00"W 249.43 feet to a calculated point at the northwest corner of this tract and said 27.20 acre Butler Family tract, same being in the existing south ROW line of U.S. Highway 290, and the south line of that tract described as 3.720 acres in a deed to Travis County tract of Texas, of record in Volume 663, Page 25, Deed Records, Travis County, Texas from which a 1/2" iron rod found near the west corner of said 847 square foot Travis County tract bears S74°03'41"W 30.20 feet and N15°56'19"W 0.53 feet;
- 8) THENCE, with the north line of this tract, and of said 27.20 acre Butler Family tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 3.720 acre State of Texas tract, and continuing with the south line of said 5.738 acre State of Texas tract, N74°03'41"E 1123.95 feet to the POINT OF BEGINNING and containing 1.090 acres within these metes and bounds, more or less.

Page 4 of 6 Parcel 60 September 17, 2010

EXHIBIT

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 § SCOUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

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.

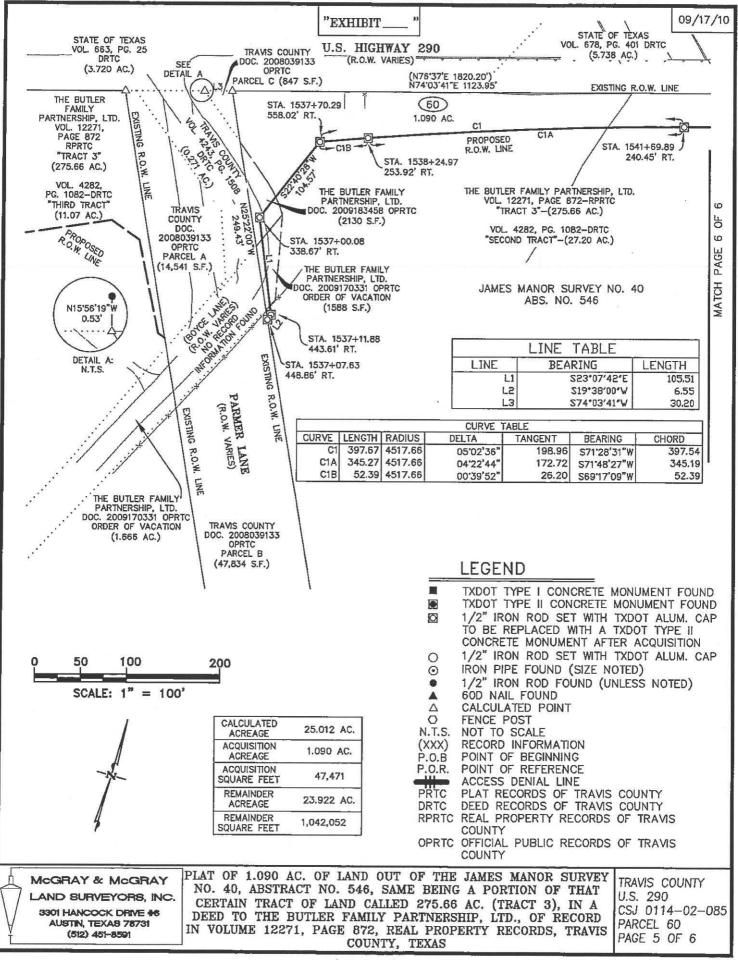
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 17th day of September, 2010 A.D.

SURVEYED BY:

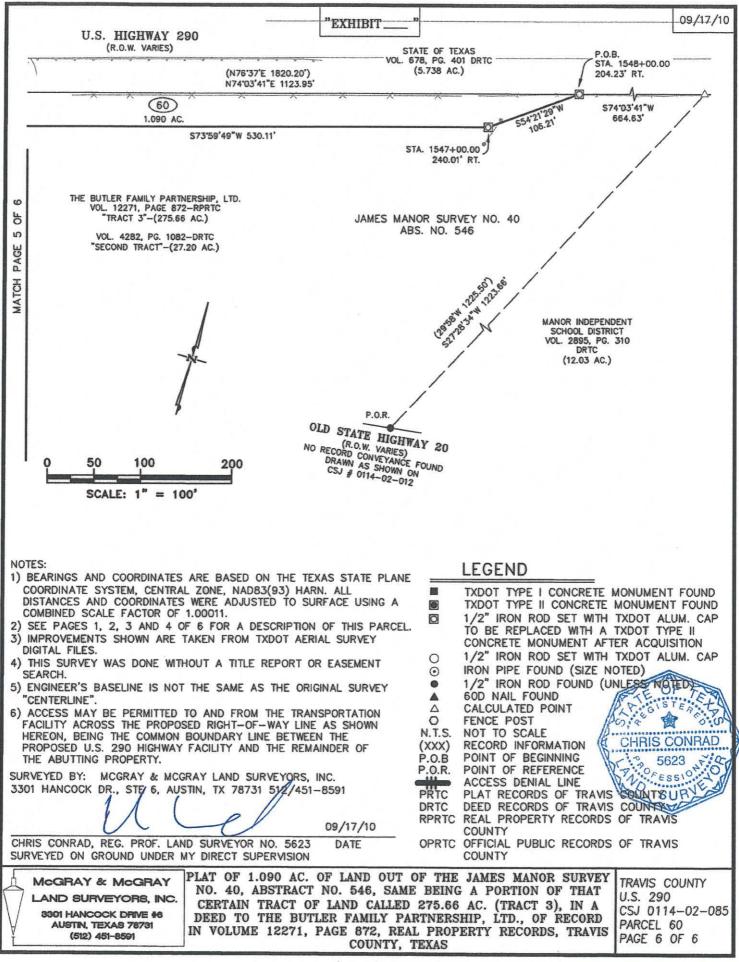
McGRAY & McGRAY LAND SURVEYORS, INC. 3301 Hancock Dr., Ste 6 Austin, TX 78731 (512) 451-8591

Chris Conrad, Reg. Professional Land Surveyor No. 5623 Note: There is a plat to accompany this description. US 290 P60REV2 Issued 12/01/06, Rev 03/20/07, 09/17/10





M:\SDSKPROJ\US290_10-076_CTRMA REVISED\DWG\PARCELS\PAR-60 REV2.DWG



M:\SDSKPROJ\US290_10-076_CTRMA REVISED\DWG\PARCELS\PAR-60 REV2.DWG

FINAL CLOSURE PARCEL 60 US HIGHWAY 290

PARCEL 60 - SKETCH MAPCHECK

| North: 10096256.2025 East: 3171843.8969 |
|---|
| Course: S 54-21-29 W Distance: 106.21000 |
| North: 10096194.3120 East: 3171757.5827 |
| Course: S 73-59-49 W Distance: 530.11000 |
| North: 10096048.1667 East: 3171248.0161 |
| Arc Length: 397.66838 Radius: 4517.66000 Delta: -5-02-37 |
| Tangent: 198.96268 Chord: 397.54000 Ch Course: S 71-28-31 W |
| Course In: S 16-00-11 E Out: N 21-02-47 W |
| Ctr North: 10091705.5780 East: 3172493.4780 |
| End North: 10095921.8628 East: 3170871.0739 |
| Course: S 22-40-28 W Distance: 104.57000 |
| North: 10095825.3750 East: 3170830.7628 |
| Course: S 23-07-42 E Distance: 105.51000 |
| North: 10095728.3451 East: 3170872.2063 |
| Course: S 19-38-00 W Distance: 6.55000 |
| North: 10095722.1759 East: 3170870.0055 |
| Course: N 25-22-00 W Distance: 249.43000 |
| North: 10095947.5570 East: 3170763.1473 |
| Course: N 74-03-41 E Distance: 1123.95000 |
| North: 10096256.2018 East: 3171843.8887 |

Perimeter: 2623.99838

Area: 47471.38491 1.08979 acres Mathematical Closure - (Uses Survey Units) Error of Closure: 0.008212 Course: N 85-30-30 E Precision 1: 319515.55

PARCEL 60 - STRIPMAP MAPCHECK

| North: 10097190.2711 East: 3170161.2517 Course: S 54-21-29 W Distance: 106.21000 North: 10097128.3806 East: 3170074.9376 Course: S 73-59-49 W Distance: 530.11000 North: 10096982.2353 East: 3169565.3709 Arc Length: 397.66838 Radius: 4517.66000 Delta: -5-02-37 |
|--|
| Tangent: 198.96268 Chord: 397.54000 Ch Course: S 71-28-31 W |
| Course In: S 16-00-11 E Out: N 21-02-47 W |
| Ctr North: 10092639.6466 East: 3170810.8329 |
| End North: 10096855.9313 East: 3169188.4288 |
| Course: S 22-40-28 W Distance: 104.57000 |
| North: 10096759.4435 East: 3169148.1177 |
| Course: S 23-07-42 E Distance: 105.51000 |
| North: 10096662.4137 East: 3169189.5611 |
| Course: S 19-38-00 W Distance: 6.55000 |
| North: 10096656.2445 East: 3169187.3603 |
| Course: N 25-22-00 W Distance: 249.43000 |
| North: 10096881.6256 East: 3169080.5021 |
| Course: N 74-03-41 E Distance: 1123.95000 |
| North: 10097190.2704 East: 3170161.2435 |

Perimeter: 2623.99838

FINAL CLOSURE PARCEL 60 US HIGHWAY 290

PARCEL 60 - STRIPMAP MAPCHECK (cont.)

Area: 47471.38491 1.08979 acres Mathematical Closure - (Uses Survey Units) Error of Closure: 0.008212 Course: N 85-30-30 E Precision 1: 319515.55

PARCEL 60 - DESCRIPTION MAPCHECK

| North: 10095290.0964 East: 3174052.9781 |
|---|
| Course: S 54-21-29 W Distance: 106.21000 |
| North: 10095228.2059 East: 3173966.6639 |
| Course: S 73-59-49 W Distance: 530.11000 |
| North: 10095082.0606 East: 3173457.0973 |
| Arc Length: 397.66838 Radius: 4517.66000 Delta: -5-02-37 |
| Tangent: 198.96268 Chord: 397.54000 Ch Course: S 71-28-31 W |
| Course In: S 16-00-11 E Out: N 21-02-47 W |
| Ctr North: 10090739.4720 East: 3174702.5592 |
| End North: 10094955.7567 East: 3173080.1552 |
| Course: S 22-40-28 W Distance: 104.57000 |
| North: 10094859.2689 East: 3173039.8440 |
| Course: S 23-07-42 E Distance: 105.51000 |
| North: 10094762.2390 East: 3173081.2875 |
| Course: S 19-38-00 W Distance: 6.55000 |
| North: 10094756.0698 East: 3173079.0867 |
| Course: N 25-22-00 W Distance: 249.43000 |
| North: 10094981.4509 East: 3172972.2285 |
| Course: N 74-03-41 E Distance: 1123.95000 |
| Press any key for more |
| North: 10095290.0958 East: 3174052.9699 |

Perimeter: 2623.99838

Area: 47471.38491 1.08979 acres Mathematical Closure - (Uses Survey Units) Error of Closure: 0.008212 Course: N 85-30-30 E Precision 1: 319515.55