

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

RESOLUTION NO. 12-041

**AUTHORIZING A SETTLEMENT AGREEMENT TO ACQUIRE CERTAIN
PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT
("MANOR EXPRESSWAY")
(Parcel 113)**

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 0.027 acre parcel on the northwest 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 \$8,918.00 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 \$8,918.00.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 27th day of June, 2012.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Willkerson
Chairman, Board of Directors
Resolution Number 12-041
Date Passed: 6/27/12

EXHIBIT A

County: Travis
Parcel No.: 113
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 113

DESCRIPTION OF 0.027 OF ONE ACRE (1,189 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 4.42 ACRES (FIFTH TRACT), OF RECORD IN VOLUME 4282, PAGE 1082, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 4.42 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 0.027 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 to be replaced by a TxDOT Type II concrete monument after acquisition, 325.48 feet left of Engineer's Baseline Station 1533+11.83, in the proposed west right-of-way (ROW) line of U.S. Highway 290, at the west corner of the herein described tract, same being in the existing north ROW line of U.S. Highway 290, and the north line of that tract described as 2.897 acre, Parcel 1215, in a deed to the State of Texas, of record in Document No. 2007015033, Official Public Records, Travis County, Texas, from TxDOT Type III monument found at the southeast corner of that tract described as 9.109 acres in a deed to E/290 Parmer, LTD., of record in Document No. 2008195889, Official Public Records, Travis County, Texas, bears along a curve to the left, whose intersection angle is $01^{\circ}49'46''$, radius is 6,153.61 feet, an arc distance of 196.49 feet, the chord of which bears $S67^{\circ}51'08''W$ 196.48 feet;

1) THENCE, with the northwest line of this tract and the proposed northwest ROW line of U.S. Highway 290. crossing said 4.42 acre Butler tract, $N15^{\circ}09'44''E$ 59.01 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, 373.17 feet left of Engineers Baseline Station 1533+44.59, same being in the west line of F.M. 734 (Parmer Lane) and the west line of that tract described as 1.052 acres in a deed to the State of Texas, of record in Volume 13218, Page 2072, Real Property Records, Travis County, Texas, from which a TxDOT Type III monument found at the north corner of said 4.42 acre Butler tract and the east corner of said E/290 tract bears $N38^{\circ}40'29''W$ 123.42 feet;

EXHIBIT ____

- 2) THENCE, with the east line of this tract and said 4.42 acre Butler tract and the existing west ROW line of F.M. 734 (Parmer Lane) and the west line of said 1.052 acre State of Texas tract, **S38°40'29"E 50.00 feet** to a TxDOT Type III monument found at the east corner of this tract and said 4.42 acre Butler tract, same being in the existing north ROW line of U.S. Highway 290 and at the northeast corner of said 2.897 acre State of Texas tract;
- 3) THENCE, with the south line of this tract and said 4.42 acre Butler tract and the existing north ROW line of U.S. Highway 290 and the north line of said 2.897 acre State of Texas tract, with a curve to the left, whose intersection angle is **00°27'56"**, radius is **6,153.61 feet**, an arc distance of **50.00 feet**, the chord of which bears **S68°59'59"W 50.00 feet** to the POINT OF BEGINNING and containing 0.027 of one acre, more or less, within these metes and bounds.

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 78731 (512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623

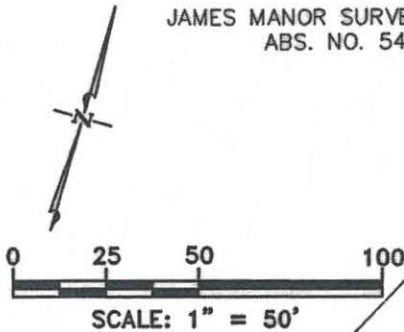
Note: There is a plat to accompany this description. US 290 P113 R1; Issued 09/17/2010; Revised 12/3/10

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	246.49	6153.61	2°17'42"	123.26	S68°05'06"W	246.47
(C1)	(246.33)	(6153.61)	(02°17'37")		(N68°05'15"E)	(246.31)
C2	50.00	6153.61	0°27'56"	25.00	S68°59'59"W	50.00
C3	196.49	6153.61	1°49'46"	98.25	S67°51'08"W	196.48

SURVEYED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
0.465 AC.	0.027 AC.	1,189 S.F.	0.438 AC.	19,066 S.F.

E/290 PARMER, LTD.
DOC. 2008195889
OPRTC
(9.109 AC.)

JAMES MANOR SURVEY NO. 40
ABS. NO. 546



(S27°51'03"W 256.91')
S27°52'52"W 257.24'
(N30°20'E 690.35')

THE BUTLER FAMILY PARTNERSHIP, LTD.
VOL. 12271, PG. 872-RPRTC
"TRACT 3"-(275.66 AC.)
VOL. 4282, PG. 1082-DRTC
"FIFTH TRACT"-(4.42 AC.)

P.O.B.
STA. 1533+11.83
325.48' LT.

STATE OF TEXAS
VOL. 1321B, PG. 2072
RPRTC
(1.052 AC.)

R.M. 734 PARMER LANE
(R.O.W. VARIES)
NO RECORD INFORMATION FOUND

STATE OF TEXAS
VOL. 1321B, PG. 2065
RPRTC
(1.035 AC.)

STATE OF TEXAS
VOL. 13105, PG. 799
RPRTC
(0.073 AC.)

N38°40'29"W 123.42'

N17°09'14"E
59.01'
S38°40'29"E
50.00'
0.027 AC.
C2

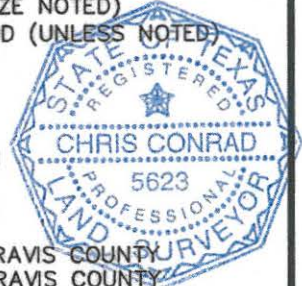
STA. 1533+44.59
373.17' LT.

STATE OF TEXAS JUDGEMENT
DOC. 2007015033 OPRTC
"PARCEL 1215" (2.897 AC.)
(CSJ 0440-06-008)

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

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



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 AND 2 OF 3 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 MAY BE PERMITTED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE PROPOSED RIGHT-OF-WAY LINE AS SHOWN HEREON, BEING THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE REMAINDER OF THE ABUTTING PROPERTY.
- 7) 0.159 OF ONE ACRE OF SAID 14.084 ACRES IS AN EXISTING 15' STATE OF TEXAS CHANNEL EASEMENT OF RECORD IN VOLUME 3151, PAGE 273, DEED RECORDS, TRAVIS COUNTY, TEXAS.

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

Chris Conrad
12/03/10

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

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

PLAT OF 0.027 AC. OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 275.66 AC. (TRACT 3) IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN VOLUME 12271, PAGE 872, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 113
PAGE 3 OF 3

FINAL CLOSURE PARCEL 113 US HIGHWAY 290

PARCEL 113 - SKETCH MAPCHECK

North: 10094125.9826 East: 3162501.7113
Course: N 15-09-44 E Distance: 59.01000
North: 10094182.9385 East: 3162517.1455
Course: S 38-40-29 E Distance: 50.00000
North: 10094143.9031 East: 3162548.3904
Arc Length: 50.00014 Radius: 6153.61000 Delta: -0-27-56
Tangent: 25.00021 Chord: 50.00000 Ch Course: S 68-59-59 W
Course In: S 20-46-03 E Out: N 21-13-59 W
Ctr North: 10088390.1121 East: 3164730.3172
End North: 10094125.9845 East: 3162501.7115

Perimeter: 159.01014

Area: 1189.29502 0.02730 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.001892 Course: S 06-27-50 W
Precision 1: 84058.54

PARCEL 113 - STRIPMAP MAPCHECK

North: 10102718.6952 East: 3164075.8864
Course: N 15-09-44 E Distance: 59.01000
North: 10102775.6510 East: 3164091.3206
Course: S 38-40-29 E Distance: 50.00000
North: 10102736.6157 East: 3164122.5656
Arc Length: 50.00014 Radius: 6153.61000 Delta: -0-27-56
Tangent: 25.00021 Chord: 50.00000 Ch Course: S 68-59-59 W
Course In: S 20-46-03 E Out: N 21-13-59 W
Ctr North: 10096982.8246 East: 3166304.4923
End North: 10102718.6971 East: 3164075.8866

Perimeter: 159.01014

Area: 1189.29502 0.02730 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.001892 Course: S 06-27-50 W
Precision 1: 84058.54

PARCEL 113 - DESCRIPTION MAPCHECK

North: 10094138.4095 East: 3163093.0409
Course: N 15-09-44 E Distance: 59.01000
North: 10094195.3653 East: 3163108.4751
Course: S 38-40-29 E Distance: 50.00000
North: 10094156.3300 East: 3163139.7201
Arc Length: 50.00014 Radius: 6153.61000 Delta: -0-27-56
Tangent: 25.00021 Chord: 50.00000 Ch Course: S 68-59-59 W
Course In: S 20-46-03 E Out: N 21-13-59 W
Ctr North: 10088402.5389 East: 3165321.6468
End North: 10094138.4114 East: 3163093.0411

**FINAL CLOSURE PARCEL 113
US HIGHWAY 290**

PARCEL 113 - DESCRIPTION MAPCHECK (cont.)

Perimeter: 159.01014

Area: 1189.29502 0.02730 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.001892 Course: S 06-27-50 W

Precision 1: 84058.54