

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

RESOLUTION NO. 15-050.2

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT
(PARCEL 131)**

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 ("Mobility Authority") hereby finds and determines 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 the fee simple interest and any leasehold interests in real property, excluding any rights to the mineral estate, as that fee simple interest in real property is described by metes and bounds in Exhibit 1 to this Resolution (the "Property"), owned by Ben Fuentes, Daniel C. Castro, Esther Nanez Ledesma (Life Estate only), Edward Ledesma, Abel Ledesma, Tina Villareal, and Alfred Ledesma (the "Owner"), located adjacent to the US Hwy 183S in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South / Bergstrom Expressway Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the 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 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 Property to acquire the 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 due to said Owner for the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Property for consideration in an amount that does not exceed the official written offer previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by agreement, subject to approval of the agreement and acquisition price by the Board of Directors; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the 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 for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by the Property described in the attached Exhibit 1; 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 24th day of August, 2015.

Submitted and reviewed by:

Approved:



Andrew Martin, General Counsel



Ray A. Wilkerson, Chairman

EXHIBIT _____

County: Travis
Highway: US 183
Limits: From: East of US 290 To: SH 71
RCSJ: 0151-09-039
Station: 416+61.83 to 420+97.13

DESCRIPTION FOR PARCEL 131

DESCRIPTION OF A 0.217 ACRE (9,442 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 1.602 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO BEN FUENTES (1/2 INTEREST), ALEX R. LEDESMA, JR. (1/4 INTEREST), AND DANIEL C. CASTRO (1/4 INTEREST) AND RECORDED IN VOLUME 4222, PAGE 768 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.); SAID 0.217 ACRE (9,442 SQ. FT.) PARCEL, AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY SAM, INC., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a Texas Department of Transportation (TxDOT) Type I concrete monument found 212.66 feet left of Engineer's Centerline Station (E.C.S.) 416+61.83 on the existing east right-of-way line of U.S. Highway 183 as conveyed in a deed to the State of Texas, and recorded in Volume 2715, Page 185, of D.R.T.C.TX., same being the northwest corner of said 1.602 acre tract, said point being the southwest corner of Regiene Road as conveyed to the City of Austin and recorded in Volume 1795, Page 249 of the D.R.T.C.TX.;

THENCE S 30°43'16" W, with the west line of said 1.602 acre tract, same being the existing east right-of-way line of said U.S. Highway 183, a distance of 44.62 feet to a TxDOT Type I concrete monument found 207.98 feet left of E.C.S. 417+04.64;

THENCE S 27°54'40" W, continuing with the west line of said 1.602 acre tract and the existing east right-of-way line of said U.S. Highway 183, a distance of 30.26 feet to a TxDOT Type II concrete monument set 206.48 feet left of E.C.S. 417+33.80, on the proposed east right-of-way of U.S. Highway 183, for the **POINT OF BEGINNING**, said point being the north corner of the parcel described herein, and the beginning of a proposed Access Denial Line (A.D.L.);

- 1) **THENCE** S 20°29'45" W, over and across said 1.602 acre tract, with the proposed east right-of-way and Access Denial line of said U.S. Highway 183, passing at a distance of 89.05 feet to a 5/8-inch iron rod with a TxDOT aluminum cap stamped "A.D.L." set 214.47 feet left of E.C.S. 418+19.35, for the **POINT OF TERMINATION** of said "Access Denial Line", and continuing for a total distance of 375.50 feet to a 1/2-inch iron rod with a TxDOT aluminum cap set 248.12 feet left of E.C.S. 420+97.13, for the southeast corner of the parcel described herein, said point being on the south line of said 1.602 acre tract, same being on the north line of a tract of land, conveyed to Brian Evans and Yoon Sin Kim, husband and wife, and recorded in Document No. 2013012348 of the Official Public Records Travis County, Texas (O.P.R.T.C.TX.), and described as called 15.85 acre tract of land (Tract 1) in a plat to C. Ben Hibbetts Realty, Inc. Subd. No. 2 and recorded in Volume 75, Page 149 of the Plat Records of Travis County, Texas (P.R.T.C.TX.);

EXHIBIT _____

County: Travis
Highway: US 183
Limits: From: East of US 290 To: SH 71
RCSJ: 0151-09-039
Station: 416+61.83 to 420+97.13

DESCRIPTION FOR PARCEL 131

- 2) **THENCE** N 81°43'53" W, with the south line of said 1.602 acre tract and the north line of said Tract 1, a distance of 51.46 feet to a calculated point on the existing east right-of-way line of said U.S. Highway 183, said point being the northwest corner of said Tract 1 and the southwest corner of the parcel described herein;
- 3) **THENCE** N 27°54'40" E, with the existing east right-of-way line of said U.S. Highway 183, same being the west line of said 1.602 acre tract, passing at a distance of 124.40 feet to a TxDOT Type II concrete monument found 199.91 feet left of E.C.S. 419+89.91, and continuing for a total distance of 389.65 feet to the **POINT OF BEGINNING**, and containing 0.217 acres (9,442 sq. ft.), more or less.

AND IN ADDITION THERETO:

BEING A LINEAR DESCRIPTION FOR A PROPOSED ACCESS DENIAL LINE ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 183, AS CONVEYED TO THE STATE OF TEXAS AND RECORDED IN VOLUME 2715, PAGE 185 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), AND LOCATED IN THE JAMES BURLESON SURVEY NUMBER 19, ABSTRACT NUMBER 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING THE WEST LINE OF A CALLED 1.602 ACRE TRACT OF LAND DESCRIBED IN A DEED TO BEN FUENTES (1/2 INTEREST), ALEX R. LEDESMA (1/4 INTEREST), AND DANIEL C. CASTRO (1/4 INTEREST), AND RECORDED IN VOLUME 4222, PAGE 768 OF THE D.R.T.C.TX.; SAID DENIAL OF ACCESS LINE, AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY SAM, INC., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a Texas Department of Transportation (TxDOT) Type I concrete monument found 212.66 feet left of Engineer's Centerline Station (E.C.S.) 416+61.83 on the existing east right-of-way line of U.S. Highway 183 as conveyed in deed to State of Texas, and recorded in Volume 2715, Page 185 of the D.R.T.C.TX., same being the northwest corner of said 1.602 acre tract, said point being the southwest corner of Regiene Road as conveyed to the City of Austin and recorded in Volume 1795, Page 249 of the D.R.T.C.TX.;

- 1) **THENCE** S 30°43'16" W, with the west line of said 1.602 acre tract, same being the existing east right-of-way line of said U.S. Highway 183 and with the proposed Access Denial Line, a distance of 44.62 feet to a TxDOT Type I concrete monument found 207.98 feet left of E.C.S. 417+04.64;

EXHIBIT _____

County: Travis
Highway: US 183
Limits: From: East of US 290 To: SH 71
RCSJ: 0151-09-039
Station: 416+61.83 to 420+97.13

DESCRIPTION FOR PARCEL 131

2) **THENCE** S 27°54'40" W, continuing with the west line of said 1.602 acre tract and the existing east right-of-way line of said U.S. Highway 183 and with said Access Denial Line, a distance of 30.26 feet to a TxDOT Type II concrete monument set 206.48 feet left of E.C.S. 417+33.80, on the proposed east right-of-way line of U.S. Highway 183, for the **POINT OF TERMINATION** of this proposed A.D.L.

Access is prohibited across the "Access Denial Line" to the transportation facility from the adjacent property.

This property description is accompanied by a plat of even date.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(93).

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, William Reed Herring, 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 23rd of January, 2015 A.D.

SURVEYING AND MAPPING, Inc.
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Texas Firm Registration No. 10064300

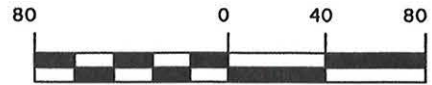


William Reed Herring
Registered Professional Land Surveyor
No. 6355 - State of Texas

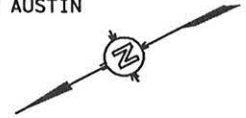


LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TxDOT TYPE II CONCRETE MONUMENT FOUND (UNLESS NOTED)
- TYPE II CONCRETE MONUMENT SET
- 1/2" IRON ROD SET WITH TxDOT ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ◎ IRON PIPE FOUND
- COTTON SPINDLE FOUND
- △ CALCULATED POINT
- FENCE POST
- ⊗ DRILL HOLE IN CONCRETE FOUND
- ℙ PROPERTY LINE
- ℄ CENTER LINE
- ((RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.T. POINT OF TERMINATION
- P.C. POINT OF CURVATURE
- P.R.C. POINT OF REVERSE CURVATURE
- P.T. POINT OF TANGENCY
- P.O.R. POINT OF REFERENCE
- D.R.T.C.TX. DEED RECORDS TRAVIS COUNTY, TX.
- P.R.T.C.TX. PLAT RECORDS TRAVIS COUNTY, TX.
- R.P.R.T.C.TX. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- +—+—+—+ ACCESS DENIAL LINE [A.D.L.] [C. OF A. LINE] ["C.O.A."]



GRAPHIC SCALE
1" = 80'
TRAVIS COUNTY, TEXAS
CITY OF AUSTIN



LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	S30° 43' 16" W	44.62'
(L1)	N33° 43' 00" E	44.70'
L2	S27° 54' 40" W	30.26'
L3	S20° 29' 45" W	0.80'
L4	N81° 43' 53" W	51.46'

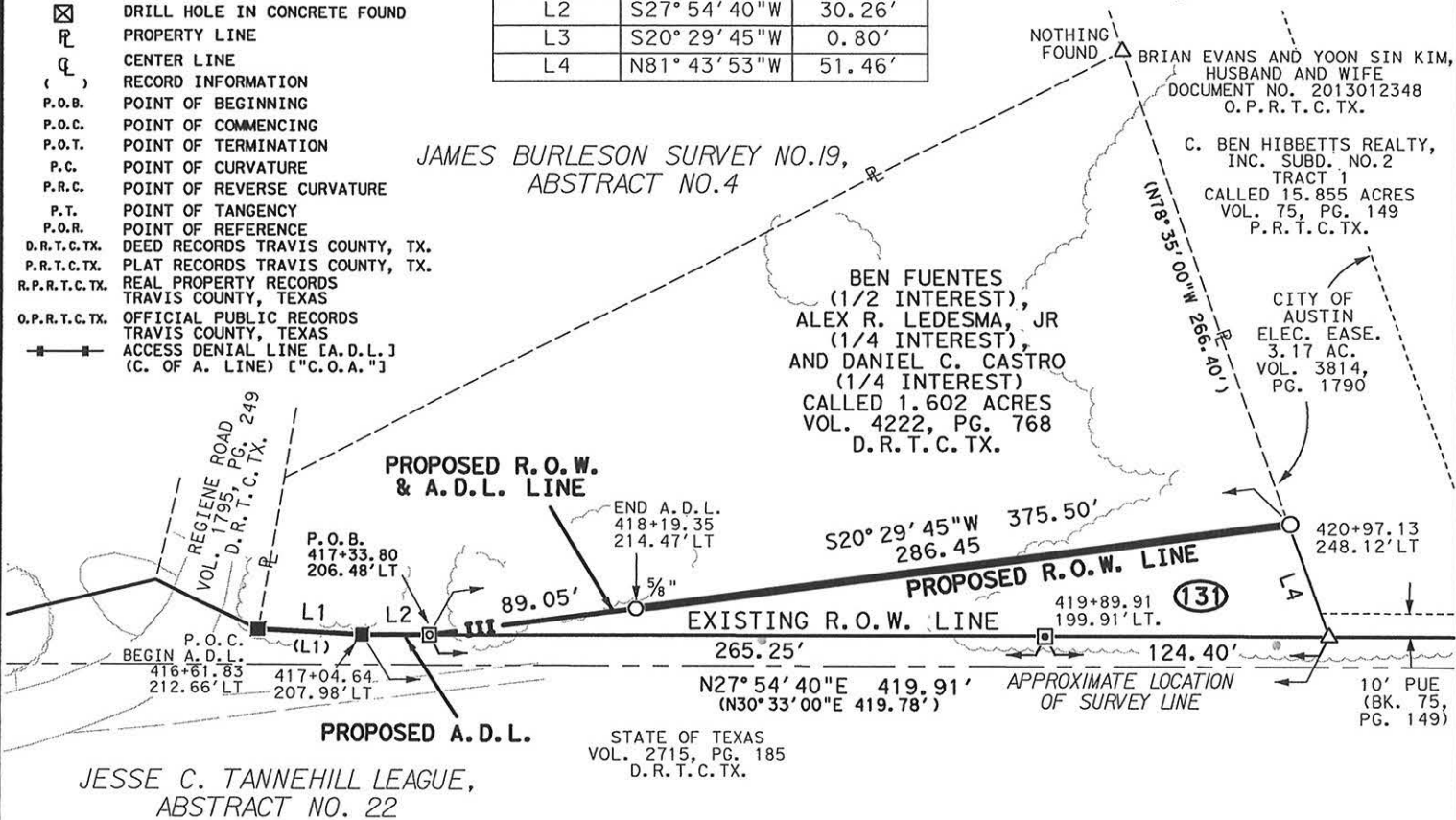
JAMES BURLESON SURVEY NO. 19,
ABSTRACT NO. 4

BEN FUENTES
(1/2 INTEREST),
ALEX R. LEDESMA, JR
(1/4 INTEREST),
AND DANIEL C. CASTRO
(1/4 INTEREST)
CALLED 1.602 ACRES
VOL. 4222, PG. 768
D.R.T.C.TX.

BRIAN EVANS AND YOON SIN KIM,
HUSBAND AND WIFE
DOCUMENT NO. 2013012348
O.P.R.T.C.TX.

C. BEN HIBBETTS REALTY,
INC. SUBD. NO. 2
TRACT 1
CALLED 15.855 ACRES
VOL. 75, PG. 149
P.R.T.C.TX.

CITY OF AUSTIN
ELEC. EASE.
3.17 AC.
VOL. 3814,
PG. 1790



ED BLUESTEIN BLVD.
U.S. HIGHWAY 183
(VARIABLE WIDTH R.O.W.)

NOTES:

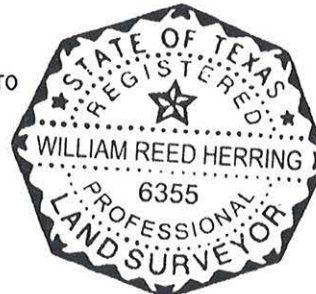
1. ALL BEARINGS SHOWN ARE BASED ON NAD83(93) HARN, TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.00011.
2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TxDOT AERIAL SURVEY DIGITAL FILES.
4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.
5. ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE" TO THE TRANSPORTATION FACILITY FROM THE ADJACENT PROPERTY.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

William Reed Herring

WILLIAM REED HERRING
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6355, STATE OF TEXAS

01/23/2015
DATE



1/23/2015
PAGE 4 OF 4



4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029
Texas Firm Registration No. 10064300

RIGHT-OF-WAY SKETCH SHOWING
PARCEL 131
0.217 AC. (9,442 SQ. FT.)
RCSJ NO. 0151-09-039