

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

**RESOLUTION NO. 15-050.4**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT  
(PARCEL 155)**

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 Sunbelt Cleveland Properties, L.P. (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 I; 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 24<sup>th</sup> day of August, 2015.

Submitted and reviewed by:

Approved:

  
Andrew Martin, General Counsel

  
Ray A. Wilkerson, Chairman

EXHIBIT \_\_

County: Travis  
Parcel No.: 155  
Highway: US 183  
Limits: From: East of U.S. 290  
To: S.H. 71  
RCSJ: 0151-09-039

PROPERTY DESCRIPTION FOR PARCEL 155

DESCRIPTION OF A 0.131 ACRE (5,722 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF A CALLED 10.65 ACRE TRACT OF LAND, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO SUNBELT CLEVELAND PROPERTIES, LP, AND RECORDED IN DOCUMENT NO. 1999108339 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), ALSO BEING DESCRIBED IN A PLAT TO PERFORMANCE TRUCK SUBDIVISION (BLOCK A, PLAT 1), AND RECORDED IN DOCUMENT NO. 199900379, OF THE O.P.R.T.C.TX., SAID 0.131 ACRE (5,722 SQ. FT.) PARCEL AS SHOWN ON THE ACCOMPANYING RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½-inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap set 197.44 feet left of Engineer's Centerline Station (E.C.S.) 438+37.82, in the proposed east right-of-way line of U.S. Highway 183, same being on the south line of a tract of land conveyed in a deed to MWI-KOC, LLC, and recorded in a Document No. 2012013788, of the O.P.R.T.C.TX., same being a called 0.245 acre tract of land (Lot 1, Block A), Knollwood on the Colorado River – Section One, and recorded in Document No. 200800244, of the O.P.R.T.C.TX., for the northeast corner of the parcel described herein, from which a ½-inch iron rod found in concrete at the northeast corner of said 10.65 acre tract bears S 65°02'24" E, a distance of 730.30 feet;

**THENCE** with the proposed east right-of-way line of said U.S. Highway 183 and over an across said 10.65 acre tract, the following two (2) courses and distances numbered 1-2:

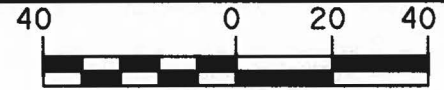
- 1) S 25°35'37" W, a distance of 319.33 feet to a 5/8-inch iron rod with TxDOT aluminum cap set 201.12 feet left of E.C.S. 441+54.37, and \*\*
- 2) S 27°42'33" W, a distance of 252.89 feet to a 5/8-inch iron rod with TxDOT aluminum cap set 197.83 feet left of E.C.S. 444+05.06, being on the north right-of-way line of Smith Road, as dedicated in said plat to Performance Truck Subdivision, same being the southeast corner of the parcel described herein, from which a ½-inch iron rod found on the east line of said 10.65 acre tract bears S 65°01'09" E, a distance of 683.55 feet; \*\*
- 3) **THENCE** N 65°01'14" W, with the north line of said Smith Road, a distance of 10.01 feet to a TxDOT Type II concrete monument found in the existing east right-of-way line of said U.S. Highway 183, as conveyed in a deed to the State of Texas, and recorded in Document No. 2001168148, of the O.P.R.T.C.TX., for the southwest corner of the parcel described herein;



P.O.R.  
IN CONCRETE

JAMES BURLESON SURVEY NO. 19,  
ABSTRACT NO. 4

LOT 1, BLOCK A  
PERFORMANCE  
TRUCK SUBDIVISION  
10.00 ACRES  
DOC. NO. 199900379  
O.P.R.T.C.TX.



GRAPHIC SCALE  
SCALE: 1" = 40'  
TRAVIS COUNTY, TEXAS  
CITY OF AUSTIN

SUNBELT CLEVELAND  
PROPERTIES, LP  
CALLED 10.65 ACRES  
DOC. NO. 1999108339  
O.P.R.T.C.TX.

"PARCEL 77B"  
STATE OF TEXAS  
DOC. NO. 2003065984  
O.P.R.T.C.TX.

L1 P.O.B.  
438+37.82  
197.44' LT

S25° 35' 37" W 319.33'

PROPOSED ROW LINE

EXISTING ROW LINE

N25° 35' 37" E 319.03'

(155)

APPROXIMATE LOCATION OF SURVEY LINE

"PARCEL 76"  
STATE OF TEXAS  
DOC. NO. 2001168148  
O.P.R.T.C.TX.

MWI-KOC, LLC  
DOC. NO. 2012013788  
O.P.R.T.C.TX.

KNOLLWOOD ON  
THE COLORADO RIVER  
SECTION ONE  
LOT 1, BLOCK A  
CALLED 0.245 CARE  
DOC. NO. 200800244  
O.P.R.T.C.TX.

STATE OF TEXAS  
VOL. 2768, PG. 488  
D.R.T.C.TX.

PP -4-37

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

JESSE C. TANNEHILL LEAGUE, Cull  
-ABSTRACT NO. 22-

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
- 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.C.C. POINT OF COMPOUND 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 (C. OF A. LINE) ["C.O.A."], ["A.D.L."]

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	S65° 02' 24" E	730.30'
L6	S65° 02' 24" E	10.00'

ENGINEER'S CENTERLINE

440+00

MATCH LINE PAGE 4 OF 4

12/19/2014  
PAGE 3 OF 4



4801 Southwest Parkway  
Building Two, Suite 100  
Austin, Texas 78735  
(512) 447-0575  
Fax (512) 326-3029  
Texas Firm Registration No. 10084300

RIGHT-OF-WAY SKETCH SHOWING  
PARCEL 155  
0.131 AC. (5,722 SQ. FT.)  
RCSJ NO. 151-09-039



MATCH LINE PAGE 3 OF 4

JAMES BURLESON SURVEY NO. 19,  
ABSTRACT NO. 4

SUNBELT CLEVELAND  
PROPERTIES, LP  
CALLED 10.65 ACRES  
DOC. NO. 1999108339  
O.P.R. T.C. TX.



GRAPHIC SCALE  
SCALE: 1" = 40'  
TRAVIS COUNTY, TEXAS  
CITY OF AUSTIN

L2  $**\frac{5}{8}$ " 441+54.37  
201.12' LT S27° 42' 33"W 252.89'

PROPOSED ROW LINE

P.O.R.  
444+05.06  
197.83' LT

L5 N27° 42' 33"E 253.18'

EXISTING ROW LINE

L3  
 $**\frac{5}{8}$ "  
DEDICATED FOR  
ADDITIONAL  
RIGHT-OF-WAY

SMITH ROAD

board

Billboard

APPROXIMATE LOCATION OF SURVEY LINE

Sign

"PARCEL 76"  
STATE OF TEXAS  
DOC. NO. 2001168148  
O.P.R. T.C. TX.

PERFORMANCE TRUCK  
SUBDIVISION  
BLOCK A, LOT 1  
CALLED 10.00 ACRES  
DOC. NO. 199900379  
O.P.R. T.C. TX.

LINE TABLE

LINE NO.	BEARING	DISTANCE
L2	S25° 35' 37"W	319.33'
L3	S65° 01' 09"E	683.55'
L4	N65° 01' 14"W	10.01'
L5	N25° 35' 37"E	319.03'

STATE OF TEXAS  
VOL. 2768, PG. 488  
D. R. T. C. TX.

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

Culvert

JESSE C. TANNEHILL LEAGUE,  
ABSTRACT NO. 22



\*\* This monument may be replaced by a TxDOT Type II right-of-way upon the completion of the highway construction project under the supervision of a RPLS either employed or retained by TxDOT.

NOTES:

- THIS SURVEY WAS PERFORMED 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.
- ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 (NONHARN). ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
- IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
- ALL VOLUME NUMBERS REFER TO THE DEED RECORDS OF TRAVIS COUNTY, TEXAS UNLESS OTHERWISE NOTED.

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

12/19/2014  
DATE



4801 Southwest Parkway  
Building Two, Suite 100  
Austin, Texas 78735  
(512) 447-0575  
Fax: (512) 326-3029  
Texas Firm Registration No. 10084300

RIGHT-OF-WAY SKETCH SHOWING  
PARCEL 155  
0.131 AC. (5,722 SQ. FT.)  
RCSJ NO. 151-09-039

12/19/2014  
PAGE 4 OF 4