

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

RESOLUTION NO. 15-085

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT
(PARCEL 147AC)**

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 a 379.38' denial of access line, as that denial of access line is described by metes and bounds in Exhibit 1 to this Resolution (the "Property"), owned by K.A.F. Development Company (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 28th day of October, 2015.

Submitted and reviewed by:

Approved:



Andrew Martin, General Counsel



Ray A. Wilkerson, Chairman

Exhibit 1 to Resolution 15-085

Description of Parcel 147AC

EXHIBIT _____

County: Travis
Highway: US 183
Limits: From: East of U.S. 290 To: S.H. 71
RCSJ: 0151-09-039
Station: 557+14.41 to 560+52.16

DESCRIPTION FOR PARCEL 147(AC)

BEING A LINEAR DESCRIPTION FOR PROPOSED DENIAL OF ACCESS ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 183, AS CONVEYED TO THE STATE OF TEXAS, AND RECORDED IN DOCUMENT NO. 2004114169 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), LOCATED IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING OVER AND ACROSS THAT CERTAIN CALLED "LOT 1" IN COMMERCE SQUARE SUBD., AND RECORDED IN VOLUME 77, PAGE 277 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.TX.), ALSO DESCRIBED AS A CALLED 2.038 ACRE TRACT OF LAND CONVEYED IN A DEED TO K.A.F. DEVELOPMENT CO., AND RECORDED IN VOLUME 11856, PAGE 1268 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), SAID DENIAL OF ACCESS, AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod found at the east corner of said Lot 1, same being the north corner of a called 1.00 acre tract of land described in a Special Warranty Deed to Tina D. Sapp, and recorded in Document No. 2014040274, of the Official Public Records of Travis County, Texas (O.P.R.T.C.TX.), same being described as a called Lot 12A on the Amended Plat of Lots 2, 3, 4, 5 and 12 of Commerce Square, as recorded in Document No. 201100081 of the P.R.T.C.TX.;

THENCE S 42°48'11" W, with the common line of said Lot 1 and said Lot 12A, a distance of 111.25 feet to a ¾-inch iron rod with Texas Department of Transportation (TxDOT) set 224.13 feet left of Engineer's Centerline Station (E.C.S.) 560+52.16, same being at the west corner of said Lot 12A, also being on the existing northeast right-of-way line of said U.S Highway 183 (Variable Width Right-of-Way), for the **POINT OF BEGINNING** of the parcel described herein of said proposed Access Denial Line;

- 1) **THENCE** continuing S 42°48'11" W, with the southeast line of said Lot 1, said existing northeast right-of-way line of said U.S. Highway 183 and said Access Denial Line, a distance of 55.60 feet to a ½-inch iron rod found with TxDOT aluminum cap found 196.07 feet left of E.C.S. 560+59.52, also being the east corner of a parcel conveyed to the State of Texas, and recorded in Document No. 2004114169 of the O.P.R.T.C.TX.;

THENCE, with said existing northeast right-of-way line of said U.S. Highway 183 and said Access Denial Line, over and across said Lot 1, the following two (2) courses and distances numbered 2-3:

- 2) N 41°01'29" W, departing said southeast line of Lot 1, passing at a distance of 36.10 feet a TxDOT Type II monument found 168.06 feet left of E.C.S. 560+24.95, and continuing for a total distance of 302.73 feet to a TxDOT Type II monument set 169.99 feet left of E.C.S. 557+66.77, and

EXHIBIT _____

County: Travis
Highway: US 183
Limits: From: East of U.S. 290 To: S.H. 71
RCSJ: 0151-09-039
Station: 557+14.41 to 560+52.16

DESCRIPTION FOR PARCEL 147(AC)

- 3) N 04°22'24" E, a distance of 76.65 feet to a TxDOT Type II monument set 225.98 feet left of E.C.S. 557+14.41, said point being on the existing east right-of-way of Thompson Lane (no record information found), for the **POINT OF TERMINATION** of said proposed "Access Denial Line"

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(NonHARN).

THE STATE OF TEXAS

§
§
§

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 31st of December, 2014 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



SANTIAGO DEL VALLE GRANT ABSTRACT NO. 24



GRAPHIC SCALE
1" = 60'
TRAVIS COUNTY, TEXAS
CITY OF AUSTIN

- LEGEND**
- TYPE I CONCRETE MONUMENT FOUND
 - 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
 - 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 ("A.D.L.") (C. OF A. I (NF) ("C.O.A."))

7.5' PUBLIC UTILITY EASEMENT
VOL. 77, PG. 277
P.R.T.C.TX.

K.A.F. DEVELOPMENT CO.
CALLED 2.038 ACRES
VOL. 11856, PG. 1268
R.P.R.T.C.TX.

TINA D. SAPP
DOCUMENT NO. 2014040274
O.P.R.T.C.TX.
LOTS 12A, 12B, 12C, 12D AND 12E

AMENDED PLAT OF
LOTS 2, 3, 4, 5 AND 12
CALLED 1.00 ACRE
COMMERCE SQUARE
DOCUMENT NO. 201100081
P.R.T.C.TX.

5' ELECTRIC AND TELEPHONE EASEMENT
CITY OF AUSTIN
VOL. 7829 PG. 518
D.R.T.C.TX.

LOT I
COMMERCE SQUARE
VOL. 77, PG. 277
P.R.T.C.TX.

P.O.B.
BEGIN A.D.L.
560+52.16
224.13' LT

"PARCEL 35A"
STATE OF TEXAS
DOC. NO. 2009059513
O.P.R.T.C.TX.

P.O.T.
END A.D.L.
557+14.41
225.98' LT
(NO RECORD INFORMATION FOUND)

NOA 4° 22' 24" E
76.65' LT
557+66.77
169.99' LT

N41° 02' 49" W 302.73'
266.63' III
EXISTING R.O.W. LINE
(147 (AC))

PROPOSED ACCESS DENIAL LINE

560+24.95
168.06' LT

560+59.52
196.07' LT

STATE OF TEXAS
AGREED JUDGEMENT
PARCEL 35
P.R.T.C.TX.
CONDENATION JUDGEMENT
P.R.T.C.TX. NO. 01-239A

TEXAS POWER AND LIGHT
AERIAL ELECTRIC EASEMENT
VOL. 600 PG. 279
D.R.T.C.TX.

"PARCEL 34"
STATE OF TEXAS
CALLED 0.879 ACRE
DOC. NO. 2004114169
O.P.R.T.C.TX.

U.S. HIGHWAY 183
BASTROP HIGHWAY
(VARIABLE WIDTH R.O.W.)

ENGINEER'S CENTERLINE

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	S42° 48' 11" W	111.25'
L2	S42° 48' 11" W	55.60'
L3	N41° 02' 49" W	36.10'

- 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.
 - 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

12/31/2014
DATE

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



12/31/2014
PAGE 3 OF 3



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

ACCESS DENIAL SKETCH
SHOWING PARCEL 147 (AC)
RCSJ NO. 0151-09-039