

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

RESOLUTION NO. 16-042

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS
BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN
TRAVIS COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY
PROJECT (PARCEL E04)**

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 utility easement, as that utility easement is described by metes and bounds in Exhibit A to this Resolution (the "Property"), owned by Hassan Rahimi (the "Owner"), located at 7009 Ed Bluestein Blvd. (US Hwy 183S), Austin, 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 or its agent, 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

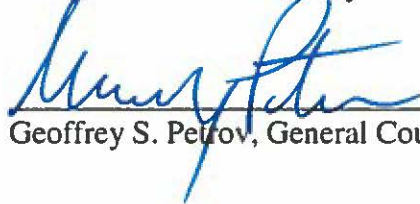
BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by agreement, subject to approval of the agreement and acquisition price by the Board of Directors; and

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 A; 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 11th day of July, 2016.

Submitted and reviewed by:



Geoffrey S. Petrov, General Counsel

Approved:



Ray A. Wilkerson
Chairman, Board of Directors

Field Notes for Parcel 04 WE

BEING 0.205 OF ONE ACRE (8926 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JESSE C. TANNEHILL SURVEY No. 29, ABSTRACT No. 22 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, BLOCK C, M&G ESTATES - SECTION II, RECORDED IN BOOK 77, PAGE 31 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO HASSAN RAHIMI BY SPECIAL WARRANTY DEED EXECUTED ON AUGUST 31, 1995, FILED FOR RECORD ON SEPTEMBER 1, 1995 AND RECORDED IN VOLUME 12514, PAGE 2928 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.205 OF ONE ACRE (8926 S.F.) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

Beginning at a calculated point in the curving easterly right-of-way line of U. S. Highway 183 (known locally as Ed Bluestein Boulevard-ROW Varies) and in the interior of said Lot 1, same being in a southwesterly line of a 7.5 foot Public Utility Easement recorded in Book 77, Page 31 of the Plat Records of Travis County, Texas, for the Point of Beginning and the northwesterly corner of the herein described tract of land having grid coordinate (Texas State Plane, Central Zone, NAD 83(HARN) U.S. Feet, Surface Adjustment Factor of 1.00011) values of N=10087410.81 and E=3139556.36, from which a TxDOT Type II monument found in the easterly right-of-way line of U.S. Highway 183 bears along a circular curve to the right of 4489.00 feet radius, at an arc length of 10.29 feet, having an angle of intersection of 0°07'53" (the sub-chord of said curve bears North 15°20'33" West, a distance of 10.29 feet), passing a northeasterly line of said Lot 1, and a southwesterly line of Tract 3 of Bluestein Shopping Center recorded in Book 59, Page 69 of the Plat Records of Travis County, Texas, in all an arc distance of 220.31 feet, having an angle of intersection of 02°48'43" (the sub-chord of said curve bears North 14°00'08" West, a distance of 220.28 feet);

1. THENCE, South 62°09'30" East, a distance of 20.65 feet, leaving the curving easterly right-of-way line of U.S. Highway 183, with the southwesterly line of said 7.5 foot Public Utility Easement, to a calculated point for the northeasterly corner of the herein described tract of land;

2. THENCE, South 15°43'47" East, a distance of 595.24 feet, leaving the southwesterly line of said 7.5 foot Public Utility Easement, to a calculated point in the northeasterly line of a 25 foot Drainage and Public Utility Easement recorded in Book 77, Page 31 of the Plat Records of Travis County, Texas, for the southeasterly corner of the herein described tract of land;

3. THENCE, North 61°57'25" West, a distance of 20.77 feet, with the northeasterly line of said Drainage and Public Utility Easement, to a calculated point in the easterly right-of-way line of U. S. Highway 183, for the southwesterly corner of the herein described tract of land, from which a TxDOT Type II monument found in the easterly right-of-way line of U. S. Highway 183, bears South 15°43'47" East, a distance of 32.00 feet;

4. THENCE, North 15°43'47" West, a distance of 587.26 feet, with the easterly right-of-way line of U.S. Highway 183, to a calculated point for the point of curvature of a non-tangent circular curve to the right;

EXHIBIT "A"

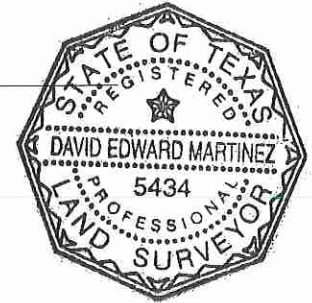
5. THENCE, along said curve to the right of 4489.00 feet radius, an arc distance of 7.84 feet, having an angle of intersection of $0^{\circ}06'00''$, (the sub-chord of said curve bears North $15^{\circ}27'30''$ West, a distance of 7.84 feet), to the Point of Beginning and containing an area of 0.205 of one acre (8926 s.f.) of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.



David Edward Martinez
Registered Professional Land Surveyor 5434

02/17/16
Date



MWM DesignGroup
305 East Huntland Drive, Suite 200
Austin, Texas, 78752 (512) 453-0767
TBPLS Firm Registration No. 10065600

Bearing Basis: The bearings described herein are Texas State Plane, Central Zone, NAD 83(Harn), U.S. Feet. For surface coordinates multiply grid coordinates by the Surface Adjustment Factor of 1.00011. The reference points for this project are MWM control point 112, a cotton spindle in the centerline of sidewalk on the east side of Springdale Road approximately 85' east of Rockhurst Lane, having surface coordinate values of N=10088638.55, E=3138681.05 and MWM control point 141, a cotton gin spindle on the south side of Smith Road, approximately 920 feet east of U. S. Highway 183 centerline, at the 90 degree bend, having surface coordinate values of N= 10068786.90, E= 3136881.27, having a grid bearing of South $05^{\circ}10'49''$ West and a surface distance of 19,933.07 feet.

TCAD No.: 0222280101
City Grid: N26

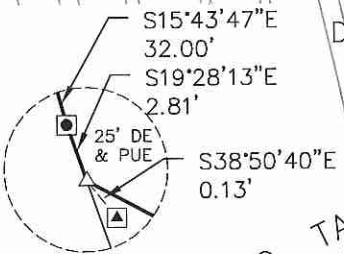
EXHIBIT "A"

TITLE REFERENCE REPORT: C3
 HERITAGE TITLE OF AUSTIN
 401 CONGRESS AVE #1500
 AUSTIN, TEXAS 78701 POINT OF BEGINNING
 (512) 505-5000 C2
 REF: GF NO. 201402023

JULMEN RETAIL COMPANY, INC.
 DOC. 2000016775



GRAPHIC SCALE



DETAIL "B"
N.T.S.

DETAIL "A"
N.T.S.

J.C. TANNEHILL
 SURVEY NO. 29
 ABSTRACT NO. 22

LEGEND:

- ▲ CALCULATED POINT
- IRON ROD FOUND
- IRON PIPE FOUND
- TXDOT TY II MONUMENT FOUND
- ▲ TXDOT TY III MONUMENT FOUND
- () INDICATES RECORD DATA
- PRTCT PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- RPRTCT REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- OPRTCT OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

▨▨▨▨ AREA OF EASEMENT

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(HARN). ALL DISTANCES AND COORDINATES SHOWN HEREON ARE ADJUSTED TO SURFACE USING A SURFACE ADJUSTMENT FACTOR OF 1.00011. UNITS: U.S. FEET.

LINE TABLE

LINE	BEARING	LENGTH
L1	N62° 09' 30"W	20.36'
L2	N61° 57' 25"W	98.09'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	4489.00'	0°06'00"	7.84'	N15°27'30"W	7.84'
C2	4489.00'	0°13'53"	18.13'	N15°23'34"W	18.13'
	(4489.00')	(0°13'50")	(18.07')	(S15°23'02"E)	(18.07')
C3	4489.00'	2°40'50"	210.02'	S13°56'12"E	210.00'
	(4489.00')	(02°40'54")	(210.11')	(S13°55'40"E)	(210.09')
C4	4489.00'	0°07'53"	10.29'	N15°20'33"W	10.29'
C5	4489.00'	2°48'43"	220.31'	N14°00'08"W	220.28'
C6	4489.00'	2°54'43"	228.15'	N14°03'08"W	228.12'

US HIGHWAY 183
 (R.O.W. VARIES)

POINT OF BEGINNING
 N=10087410.81
 E=3139556.36
 (GRID COORDINATES)

S62°09'30"E 20.65'
 BLUESTEIN SHOPPING CENTER
 BK. 59, PG. 69
 PRTCT TRACT 3

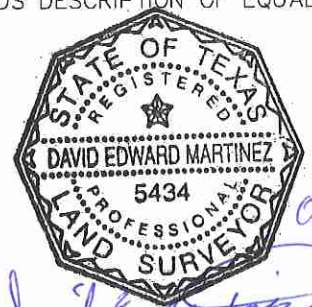
7.5' PUBLIC UTILITY EASEMENT
 BK. 77, PG. 31
 PRTCT

04 WE
 0.205 AC
 (8926 S.F.)

HASSAN RAHIMI
 VOL. 12514, PG. 2928
 RPRTCT

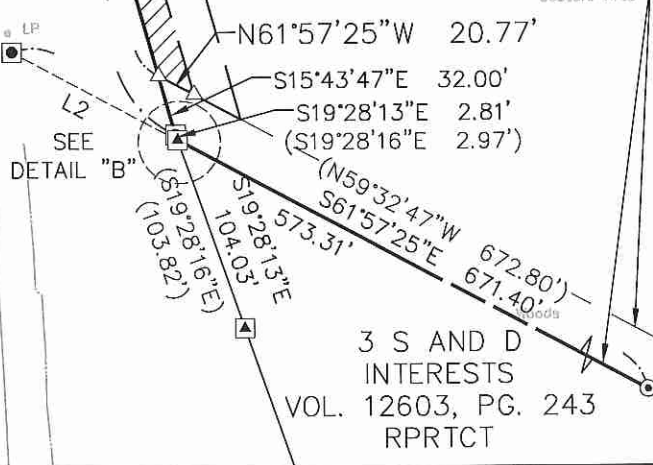
M&G ESTATES - SECTION II
 BK. 77, PG. 31
 PRTCT LOT 1 BLOCK C

THIS SKETCH ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EQUAL DATE.



David E. Martinez

25' DRAINAGE AND PUBLIC UTILITY EASEMENT
 BK. 77, PG. 31 PRTCT



3 S AND D INTERESTS
 VOL. 12603, PG. 243
 RPRTCT



305 East Huntland Drive
 Suite 200
 Austin, Texas 78752
 P: 512.453.0767
 F: 512.453.1734

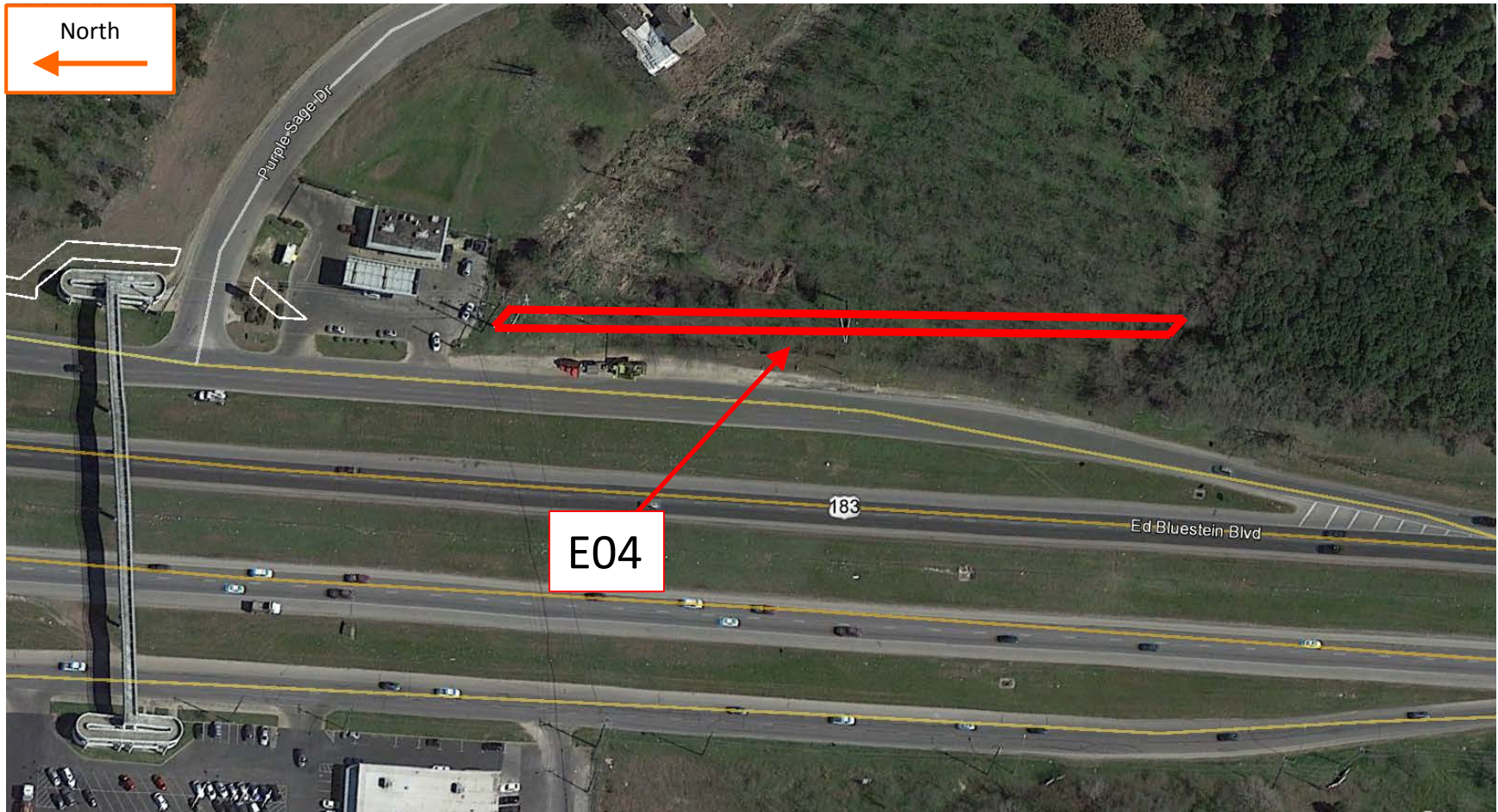
TBAE 1452
 TBPE F-1416
 TBPLS 10065600

SKETCH TO ACCOMPANY
 FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 17 FEB 16
 JOB NO: 65801
 FILE: E04_WE.dwg

Exhibit "A"



Parcel E04 – Approximately 8,926 Square Feet.