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

RESOLUTION N0.17-017

RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS COUNTY FOR THE 183 SOUTH I BERGSTROM EXPRESSWAY PROJECT (PARCEL 118)

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, the public convenience and necessity require acquisition of fee simple title and access control rights in and to that certain parcel of land which is described by metes and bounds in Exhibit A to this Resolution (the "Property"), owned by the City of Austin (the "Owner"), located at the Northeast corner of US183 South and Bolm Road, Austin, in Travis County, Texas for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South I 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 29th day of March, 2017.

Submitted and reviewed by:

Geoff Petrov, General Counsel

Approved:

Ray A. Wilkerson

Chairman, Board of Directors

Exhibit A

EXHIBIT	
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County:

Travis

Highway:

US 183

Limits:

From: East of US 29 To: SH 71

RCSJ:

0151-09-037

Station:

444+54.81 to 465+14.33

DESCRIPTION FOR PARCEL 118

DESCRIPTION OF A 0.688 ACRE (29,966 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 67.10 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO THE CITY OF AUSTIN AND RECORDED IN DOCUMENT NO. 2013117685 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (0.P.R.T.C.TX.). SAID 0.688 ACRE (29,966 SQ. FT.) PARCEL, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a Texas Department of Transportation (TxDOT) Type I concrete monument found 213.37 feet left of Engineer's Centerline Station (E.C.S.) 465+63.04, being on the existing east right-of-way line of U.S. Highway 183 (variable width right-of-way) as conveyed to the State of Texas in Document No. 2001153258 of the O.P.R.T.C.TX., also being a point on the west line of said 67.10 acre tract:

THENCE N 27°47'38" E, with the existing east right-of-way line of said U.S. Highway 183, same being the west line of said 67.10 acre tract, a distance of 52.19 feet to a ½-inch iron rod with TxDOT aluminum cap set 207.35 feet left of E.C.S. 465+14.33**, being on the proposed east right-of-way line of said U.S. Highway 183 for the **POINT OF BEGINNING** and the most southerly corner of the parcel described herein;

THENCE, with the existing east right-of-way line of said U.S. Highway 183, same being the west line of said 67.10 acre tract, the following two (2) courses and distances numbered 1 and 2:

- 1) N 27°47'38" E, passing at a distance of 345.62 feet a ½-inch iron rod found with cap stamped "C.O.A." for the beginning of an existing Access Denial Line (A.D.L.), continuing with the existing A.D.L., passing at a distance of 932.53 feet a ½-inch iron rod with cap stamped "C.O.A." for the end of an existing A.D.L., passing at a distance of 1,131.83 feet to a ½-inch iron rod with cap stamped "C.O.A." for the beginning of an existing A.D.L., with the existing A.D.L., passing at a distance of 1,536.01 feet, a TxDOT Type II concrete monument found, passing at a distance of 1,801.83 feet, a ½-inch iron rod with cap stamped "C.O.A." for the end of an existing A.D.L., departing existing A.D.L., passing at a distance of 1923.86 feet, a TxDOT Type II concrete monument found and continuing a total distance of 2,046.83 feet to a TxDOT Type II concrete monument found, and
- 2) N 27°42'36" E, a distance of 35.25 feet to a TxDOT Type II concrete monument found at the northwest corner of the parcel described herein, same being in the common line of the existing east right-of-way line of said U.S. Highway 183 and the existing south right-of-way line of Smith Road (no record information found);
- 3) **THENCE** S 64°59'09" E, with the existing south right-of-way line of said Smith Road, same being the north line of said 67.10 acre tract, a distance of 10.01 feet to a %-inch iron rod with TxDOT aluminum cap set 197.50 feet left of E.C.S. 444+54.81**, same being the beginning of the proposed east right-of-way line of said U.S. Highway 183;

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County:

Travis

Highway:

US 183

Limits:

From: East of US 29 To: SH 71

RCSJ:

0151-09-037

Station:

444+54.81 to 465+14.33

DESCRIPTION FOR PARCEL 118

4) **THENCE** S 27°46′58" W, departing the south right-of-way line of said Smith Road, and with the proposed east right-of-way line of said U.S. Highway 183, over and across said 67.10 acre tract, passing at a distance of 20.00 feet to a ½-inch iron rod with TxDOT aluminum cap stamped "A.D.L." set 197.38 feet left of E.C.S. 444+74.64** same being the beginning of the proposed Access Denial line of said U.S. Highway 183, and continuing for a total distance of 280.75 feet to a ½-inch iron rod with TxDOT aluminum cap set 197.01 feet left of E.C.S. 447+34.20**, for the end of the proposed Access Denial line, same being the beginning of the transfer of Access Denial line;

THENCE, with the proposed east right-of-way and the transfer of Access Denial line of said U.S. Highway 183, over and across said 67.10 acre tract, the following three (3) courses and distances numbered 5 through 7:

- 5) S 27°47'38" W, a distance of 356.73 feet to a %-inch iron rod with TxDOT aluminum cap set 197.01 feet left of E.C.S. 450+90.92**,
- 6) S 27°47'45" W, a distance of 67.38 feet to a ⁵/₈-inch iron rod with TxDOT aluminum cap set 197.01 feet left of E.C.S. 451+58.30**, and
- 7) S 26°05'48" W, a distance of 245.99 feet to a %-inch iron rod with TxDOT aluminum cap stamped "A.D.L." set 204.29 feet left of E.C.S. 454+04.18**, for the end of the transfer of Access Denial line;

THENCE, continuing with the proposed east right-of-way line of said U.S. Highway 183, over and across said 67.10 acre tract, the following two (2) courses and distances numbered 8 through 9:

- 8) S 26°05'48" W, a distance of 93.45 feet to a 5/2-inch iron rod with TxDOT aluminum cap set 207.06 feet left of E.C.S. 454+97.59**, and
- 9) S 27°47'38" W, a distance of 105.89 feet to a 5/8-inch iron rod with TxDOT aluminum cap stamped "A.D.L." set 207.06 feet left of E.C.S. 456+03.49, for the beginning of the transfer of Access Denial line;

THENCE, continuing with the proposed east right-of-way and the transfer of Access Denial line of said U.S. Highway 183, over and across said 67.10 acre tract, the following two (2) courses and distances numbered 10 through 11:

- 10) S 27°47'38" W, a distance of 544.45 feet to a %-inch iron rod with TxDOT aluminum cap se 207.06 feet left of E.C.S. 461+47.93**, same being the beginning of a curve to the right, and
- 11) Southwesterly, with said curve to the right, having an arc distance of 42.64 feet, through a central angle of 00°50'31", having a radius of 2,901.79 feet, and a chord that bears S 28°12'54" W, a distance of 42.64 feet to a %-inch iron rod with TxDOT aluminum cap stamped "A.D.L." set 206.88 feet left of E.C.S. 461+88.77, for the end of the transfer of Access Denial line;

EXH	IBIT	

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Travis

Highway:

US 183

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DESCRIPTION FOR PARCEL 118

THENCE, continuing with the proposed east right-of-way line of said U.S. Highway 183, over and across said 67.10 acre tract, the following two (2) courses and distances numbered 12 through 13:

- 12) Southwesterly, continuing with said curve to the right, having an arc distance of 159.94 feet, through a central angle of 03°09'29", having a radius of 2,901.79 feet, and a chord that bears S 30°12'54" W, a distance of 159.92 feet to a %-inch iron rod with TxDOT aluminum cap set 205.19 feet left of E.C.S. 463+39.23**, and
- 13) S 31°47'38" W, a distance of 186.12 feet to the POINT OF BEGINNING and containing 0.688 acres (29,966 sq. ft.) of land more or less.

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). All distances shown hereon are adjusted to surface multiplying the grid coordinates by a surface adjustment factor of 1.00011.

THE STATE OF TEXAS

COUNTY OF TRAVIS

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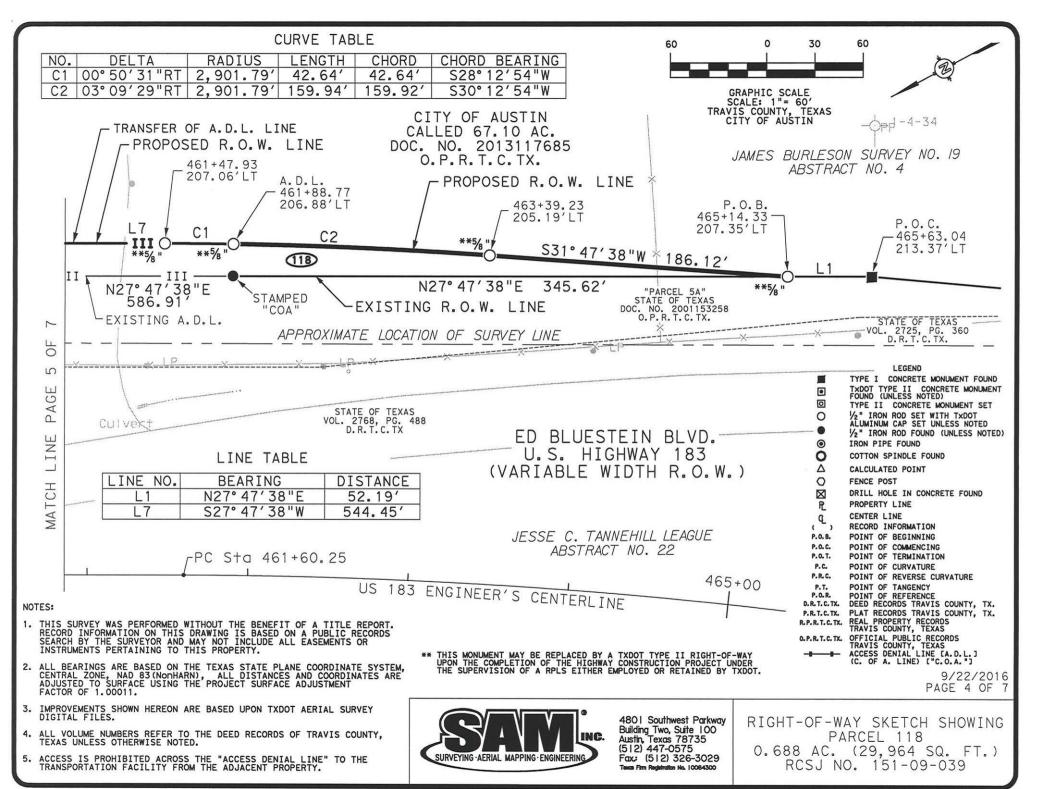
KNOW ALL MEN BY THESE PRESENTS:

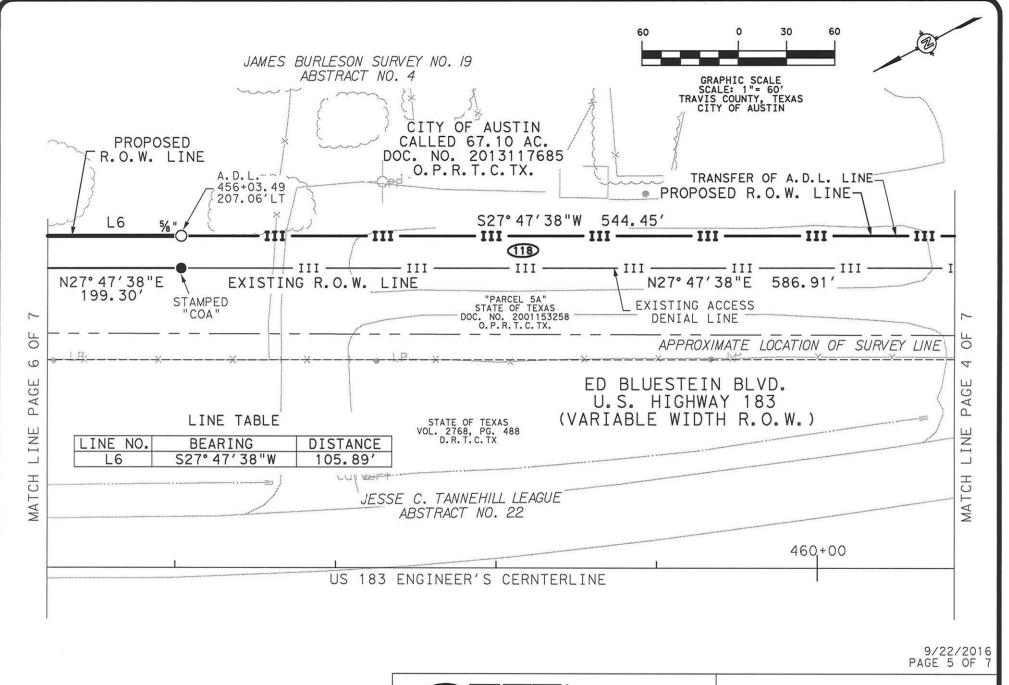
That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 22nd of September, 2016 A.D.

SURVEYING AND MAPPING, LLC 4801 Southwest Parkway Building Two, Suite 100 Austin, Texas 78704 Texas Firm Registration Number 10064300 William Reed Herring Registered Professional Land Surveyor No. 6355 - State of Texas

^{**}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.





SURVEYING - AERIAL MAPPING - ENGINEERING

480 | Southwest Parkway Building Two, Suite | 100 Austin, Texas 78735 (5 | 2) 447-0575 Fax: (5 | 2) 326-3029 Texas Firm Reditation No. 10084300

RIGHT-OF-WAY SKETCH SHOWING PARCEL 118 0.688 AC. (29,964 SQ. FT.) RCSJ NO. 151-09-039

