

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

RESOLUTION NO. 17-062

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT
(PARCEL E29)**

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 water and wastewater utility easement, as that easement is described by metes and bounds in Exhibit A to this Resolution (the "Property"), owned by Vargas Properties I, LTD. (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

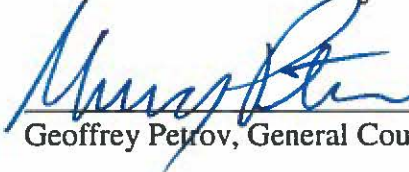
BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by agreement, subject to approval of the agreement and acquisition price by the Board of Directors; and

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 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 8th day of November 2017.

Submitted and reviewed by:



Geoffrey Petrov, General Counsel

Approved:



Ray A. Wilkerson
Chairman, Board of Directors

Exhibit A

Field Notes for Parcel 29 Water and Wastewater Line Easement

BEING A 0.082 ACRE WATER AND WASTEWATER LINE EASEMENT (3,559 SQUARE FEET) OUT OF A 3.76 ACRE (BY DEED) TRACT OF LAND CALLED TRACT III, DEEDED TO VARGAS PROPERTIES I, LTD., AS CONVEYED BY THE GENERAL WARRANTY DEEDS EXECUTED DECEMBER 27, 1996 AND FILED FOR RECORD DECEMBER 30, 1996 AS RECORDED IN VOLUME 12842, PAGE 527, VOLUME 12842, PAGE 531, VOLUME 12842, PAGE 537, VOLUME 12842, PAGE 543, VOLUME 12842, PAGE 550 & VOLUME 12842, PAGE 557, ALL OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.082 ACRE WATER AND WASTEWATER LINE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED PLAT:

BEGINNING at a calculated point (Grid Coordinates N=10,060,921.36 US Feet, E=3,131,346.47 US Feet, combined scale factor 1.00011) in the northeast line of said 3.76 acre tract of land and in the southwest line of U.S. Highway No. 183 (variable width right-of-way), from which a Texas Department of Transportation (TxDOT) Type II brass monument found for the northeast corner of said 3.76 acre tract and the intersection of the southwest line of said U.S. Highway No. 183 and the southeast line of Saxon Lane (50 foot wide right-of-way) bears, North 24 degrees 25 minutes 21 seconds West, along the northeast line of said 3.76 acre tract and the southwest right-of-way line of said U.S. Highway No. 183, a distance of 96.79 feet, said calculated point being the east corner of said 0.082 acre water and wastewater line easement described herein;

THENCE South 24 degrees 25 minutes 21 seconds East, with the northeast line of said 3.76 acre tract, the southwest right-of-way line of U.S. Highway No. 183, a distance of 84.70 feet to a calculated point, from which a 1 inch pinched pipe found in the southeast line of said 3.76 acre tract and the northwest right-of-way line of Vargas Road (60 foot wide right-of-way), bears South 24 degrees 25 minutes 21 seconds East, a distance of 191.79 feet and South 49 degrees 43 minutes 07 seconds West, passing a 1/2 inch iron pipe found at 1.28 feet, in all 488.84 feet, said calculated point being the southern most corner of said 0.082 acre water and wastewater line easement described herein;

THENCE North 45 degrees 10 minutes 02 seconds West, a distance of 154.76 feet to a calculated point in the northwest line of said 3.76 acre tract and in the southeast right-of-way line of Saxon Street (50 foot wide right-of-way) for the western most corner of said 0.082 acre water and wastewater line easement described herein;

THENCE North 31 degrees 43 minutes 47 seconds East, with the northwest line of said 3.76 acre tract and the southeast line of said Saxon Street, a distance of 30.80 feet to a calculated point for the northern most corner of said 0.082 acre water and wastewater line easement described herein;

THENCE South 45 degrees 10 minutes 02 seconds East, a distance of 82.54 feet to the **POINT OF BEGINNING**, and containing 0.082 acre or 3,559 square feet of land, more or less.

BEARING BASIS: The bearings and coordinates described herein are Texas State Plane, Central Zone 4203, NAD 83(HARN), U.S. Feet. Combined Scale factor of 1.00011. Published control points referenced for this project are U.S. 183 South Horizontal and Vertical Control points No. 141 having surface values of N= 10068786.90, E=313688 1.27 being a cotton spindle found and No. 143 having surface value of N=10067525.33 E=3133714.10 being a 5/8" iron rod found.

City Grid: L20

Exhibit "A"



Parcel E29 – Approximately 3,559 Square Feet (0.082 Ac).