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

RESOLUTION NO. 20-039

AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN WILLIAMSON COUNTY FOR THE 183A PHASE III PROJECT

(Parcel 3)

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 fee simple title in and to 3.646 acres of property located in Williamson County, Texas, more particularly described by metes and bounds in Exhibit A to this Resolution (the "Property"), owned by KLATT PROPERTIES, LP (the "Owner"), located at 100 CR 258, Liberty Hill, Texas, 78642, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183A Phase III Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, certified professional appraisal report of the Property to be acquired, and any damages to the remaining property of Owner, 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 after completion of all of the requirements for a bona fide offer as required by the Texas Property Code, 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 24th day of June 2020.

Submitted and reviewed by:

Geoff Petrov, General Counsel

Approved:

Robert W. Jenkins, Jr.

Chairman, Board of Directors

Exhibit A

Description of Parcel 3



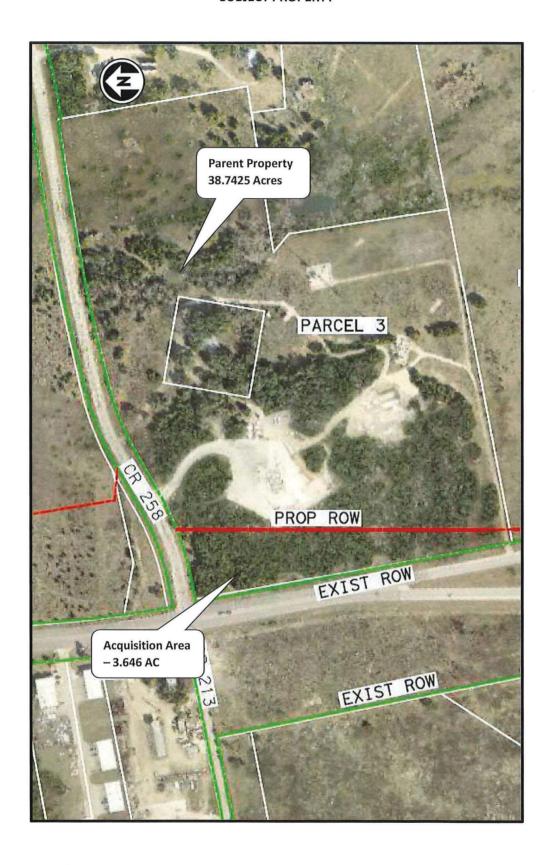
183A Ph. 3 Web Print: 06/16/2020

1,505

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



SUBJECT PROPERTY



Page 1.4

County: Williamson Page 1 of 6 Highway: U.S. Highway 183 February 14, 2020

Project Limits: From County Road 258/213 to Hero Way

ROW CSJ: 0914-05-192

PROPERTY DESCRIPTION FOR PARCEL 3

Description of 3.646 acres (158,801 square feet) of land out of the John B. Robinson Survey, Abstract No. 521, in Williamson County, Texas, same being a portion of that tract of land described as 38.7425 acres conveyed to Klatt Properties, LP by deed, as recorded in Document No. 2007009843, Official Public Records, Williamson County, Texas; said 3.646 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron pipe found at the southeast corner of said 38.7425 acre Klatt Properties tract and the southwest corner of that tract described as 12.73 acres conveyed to David Stanton Morgan by deed, as recorded in Document No. 2007057967, Official Public Records, Williamson County, Texas, being in the north line of that tract described as 37.549 acres (Tract One) conveyed to Leander Developers 4, LTD. by deed, as recorded in Document No. 2006003648, Official Public Records, Williamson County, Texas;

THENCE, with the south line of said 38.7425 acre Klatt Properties tract and the north line of said 37.549 acre Leander Developers 4 tract, S69°13'51"W 687.49 feet to a 1/2" iron rod found at an angle point;

THENCE, continuing with the south line of said 38.7425 acre Klatt Properties tract and the north line of said 37.549 acre Leander Developers 4 tract, S69°10'18"W 330.82 feet to a 5/8" iron rod with TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap set** in the proposed east right-of-way line of U.S. Highway 183 at the end of an Access Denial Line, 203.62 feet left of Engineer's Baseline Station 57+03.74, at the northeast corner of this parcel, for the POINT OF BEGINNING having coordinates of N=10,213,775.98 E=3,068,811.79;

1) THENCE, with the south line of this parcel and continuing with the south line of said 38.7425 acre Klatt Properties tract and the north line of said Leander Developers 4 tract, S69°10'18"W 44.03 feet to a 1/2" iron pipe found at the southwest corner of this parcel and said 38.7425 acre Klatt Properties tract and the northwest corner of said 37.549 acre Leander Developers 4 tract, being in the existing east right-of-way line of U.S. Highway 183 (varying width);

County: Williamson Page 2 of 6 Highway: U.S. Highway 183 February 14, 2020

Project Limits: From County Road 258/213 to Hero Way

ROW CSJ: 0914-05-192

PROPERTY DESCRIPTION FOR PARCEL 3

2) THENCE, with the west line of this parcel and said 38.7425 acre KIatt Properties tract and the existing east right-of-way line of U.S. Highway 183, N20°33'07"W 1,085.13 feet to a point at the northwest corner of this parcel and said 38.7425 acre Klatt Properties tract and the southwest corner of that tract described as 1.073 acres conveyed to the Williamson County, Texas by deed, as recorded in Document No. 2003042282, Official Public Records, Williamson County, Texas, being in the existing south right-of-way line of County Road 258;

THENCE, with the north line of this parcel and said Klatt Properties tract, the south line of said 1.073 acre Williamson County tract and the existing south right-of-way line of County Road 258, the following two (2) courses, numbered 3 and 4:

- 3) N69°28'51"E 69.11 feet to a 1/2" iron rod with cap (illegible) found; and
- 4) with a curve to the left, whose intersection angle is 11°29'30", radius is 918.07 feet, an arc distance of 184.13 feet, the chord of which bears N64°08'58" E 183.83 feet to a 5/8" iron rod with TxDOT aluminum cap set** in the proposed east right-of-way line of U.S. Highway 183, at the northeast corner of this parcel, 210.00 feet left of Engineer's Baseline Station 45+71.37;

THENCE, with the east line of this parcel and the proposed east right-of-way line of U.S. Highway 183, crossing said 38.7425 acre Klatt Properties tract, the following two (2) courses, numbered 5 and 6:

- 5) S09°44'50"E, passing at 924.32 feet a 5/8" iron rod with TxDOT aluminum cap stamped "ADL" set** at the beginning of an Access Denial Line, continuing an additional 54.22 feet along this Access Denial Line, for total distance of 978.54 feet to a 5/8" iron rod with TxDOT aluminum cap set**, 207.13 feet left of Engineer's Baseline Station 55+26.24; and
- 6) along this Access Denial Line, with a curve to the left, whose intersection angle is 01°42'17", radius is 4,800.00 feet, an arc distance of 142.82 feet, the chord of which bears \$10°35'59"E 142.82 feet to the POINT OF BEGINNING and containing 3.646 acres, or 158,8010 square feet within these metes and bounds, more or less.

County: Williamson

Highway: U.S. Highway 183

Page 3 of 6 February 14, 2020

Project Limits: From County Road 258/213 to Hero Way

ROW CSJ: 0914-05-192

PROPERTY DESCRIPTION FOR PARCEL 3

All bearings are based on the Texas Coordinate System, Central Zone, North American Datum of 1983 (1983) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00012.

**The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

Access is prohibited across the Access Denial Line to the highway facility from the remainder of the abutting property.

A parcel plat of even date was prepared in conjunction with this property description.

STATE OF TEXAS

§ 8

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

That I, Chris Conrad, 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 14th day of February, 2020 A.D.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591

TBPELS Survey Firm# 10095500

Chris Conrad, Reg. Professional Land Surveyor No. 5623

RTG~19-041~US 183A/Description/Paecel3

Issued 08/23/19

Revised: 10/23/2019; 02/14/2020

PARCEL 3 369"3"51"W KLATT PROPERTIES, LP DOC. NO. 2007009843 O.P.R.W.C.TX. 687.49 (38.7425 AC.) JANUARY 31, 2007 PROPOSED R.O.W. 3.646 AC. 158,801 SQ. FT. P.O.B. PARCEL 3 EXISTING R.O.W. U.S. HIGHWAY 183

(R.O.W. WIDTH VARIES)

PROPERTY INSET N.T.S.

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

2/14/2020 CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623

DATE

NOTES:

- 1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (1993) HARN. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1,00012.
- 2. PROPOSED ENGINEER'S BASELINE PROVIDED BY RTG AS OF JUNE 16, 2019 MAY NOT MATCH PROPOSED CONSTRUCTION BASELINE OR AS-BUILT BASELINE DUE TO DESIGN CHANGES.
- 3. ABSTRACTING WAS PERFORMED FROM JUNE 2019 THROUGH JULY 2019.
- 4. FIELD SURVEYING WAS PERFORMED FROM JUNE 2019 THROUGH JULY 2019.
- 5. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
- 6. ACCESS IS PROHIBITED ACROSS THE ACCESS DENIAL LINE TO THE HIGHWAY FACILITY FROM THE ABUTTING REMAINDER PROPERTY.
- 7. ** THE MONUMENTS DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

REVISIONS:

10/23/2019-SHEET 6 OF 6, CHANGED CURVE LABEL TAG FROM C1 TO C2. 2/14/2020-SHEET 6 OF 6, ADDED ACCESS EASEMENT

RECORD	ACQUISITION	REMAINING RT
38.7425 AC.	3.646 AC.	35.0965 AC.
1,687,623 SQ.FT.	158,801 SQ.FT.	1,528,822 SQ. FT.



McGRAY & McGRAY LAND SURVEYORS, INC.

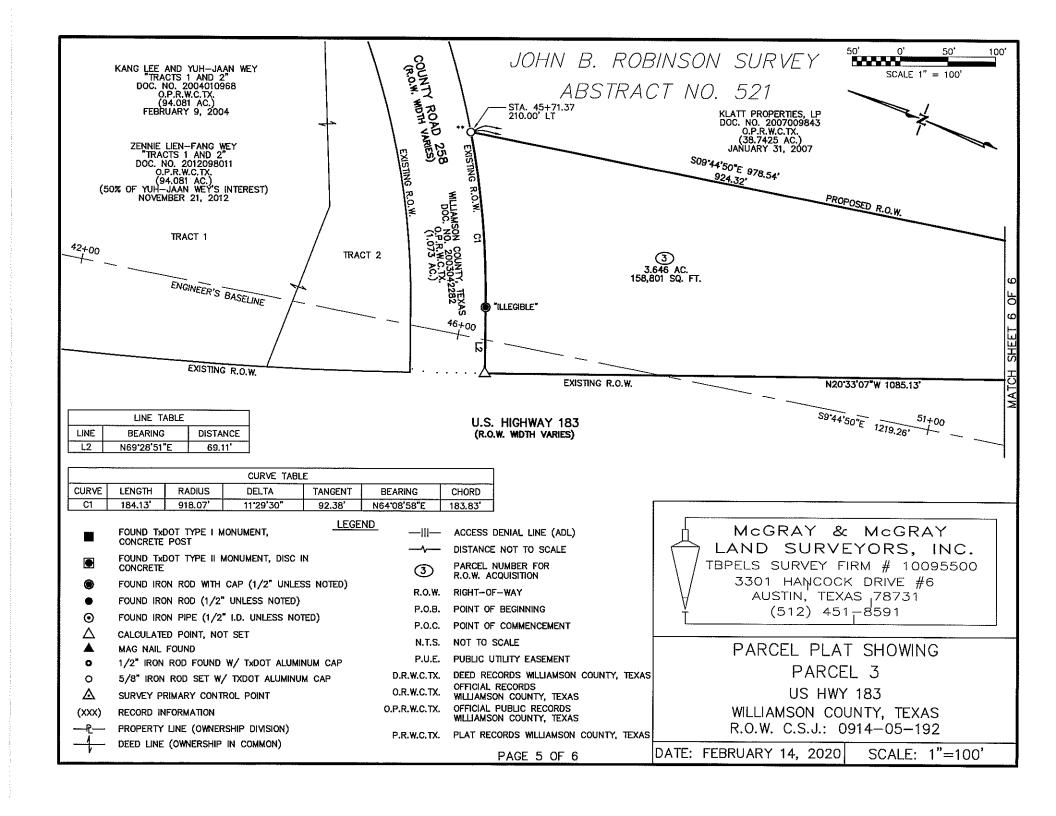
TBPELS SURVEY FIRM # 10095500 3301 HANCOCK DRIVE #6 AUSTIN, TEXAS 78731 (512) 451 - 8591

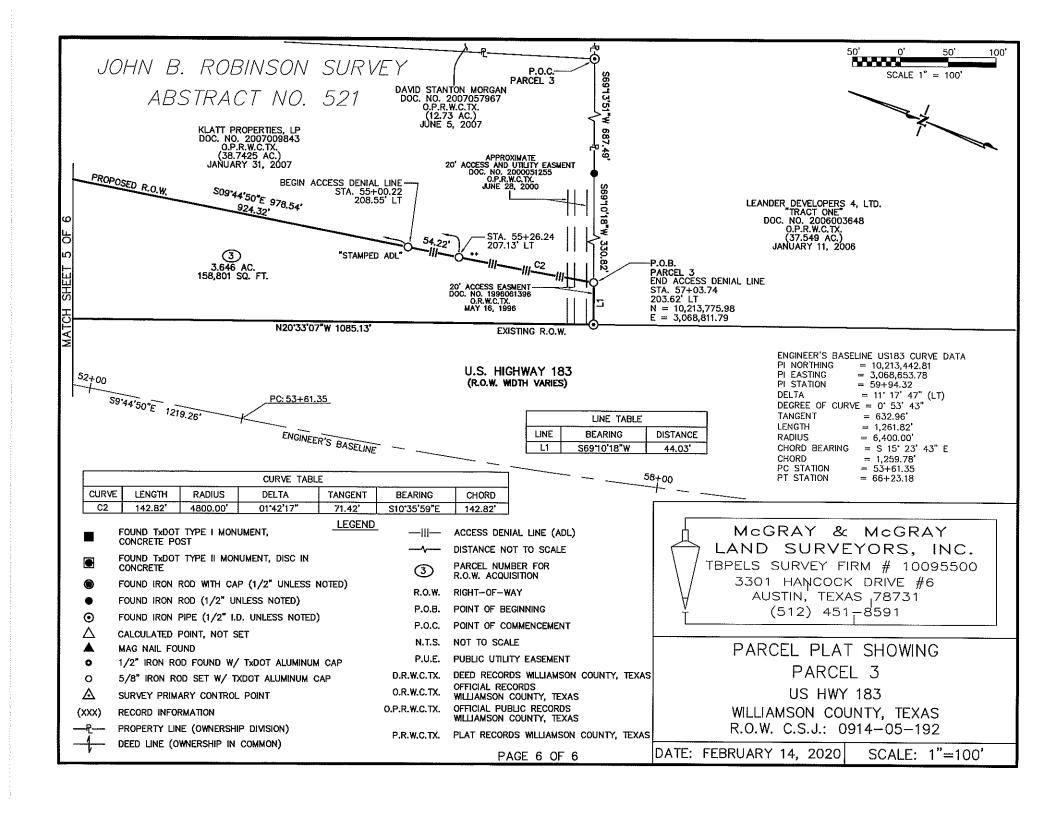
PARCEL PLAT SHOWING PARCEL 3 US HWY 183 WILLIAMSON COUNTY, TEXAS R.O.W. C.S.J.: 0914-05-192

DATE: FEBRUARY 14, 2020

SCALE: N.T.S.

PAGE 4 OF 6





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

RESOLUTION NO. 20-0XX

AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN WILLIAMSON COUNTY FOR THE 183A PHASE III PROJECT

(Parcel 4)

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 fee simple title in and to 0.1638 acre of property located in Williamson County, Texas, more particularly described by metes and bounds in Exhibit A to this Resolution (the "Property"), owned by LEANDER DEVELOPERS 4, LTD. (the "Owner"), located at 450 N. Hwy 183, Liberty Hill, Texas, 78642, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183A Phase III Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, certified professional appraisal report of the Property to be acquired, and any damages to the remaining property of Owner, 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 after completion of all of the requirements for a bona fide offer as required by the Texas Property Code, 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 24th day of June 2020.

Submitted and reviewed by:	Approved:	
Geoff Petrov, General Counsel	Robert W. Jenkins, Jr. Chairman, Board of Directors	

Exhibit A

Description of Parcel 4



183A Ph. 3 Web Print: 06/16/2020

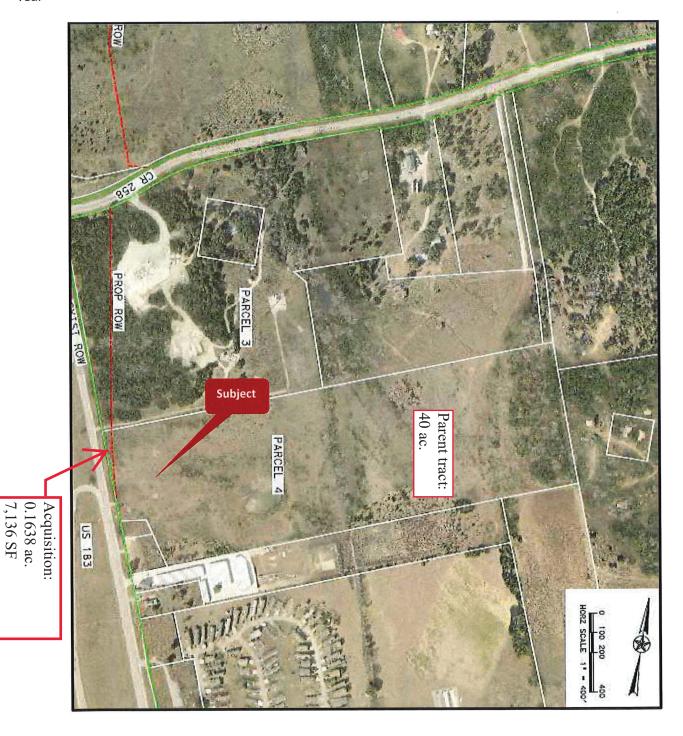
1,505

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



is not detrimental to the subject's future Highest and Best Use. As such, it is concluded that the Highest and Best Use of the remainder after the proposed acquisition is the same as that of the whole property.

Please see the following image for an aerial of the subject property which shows the outline of the part to be acquired in red.



County: Williamson Page 1 of 5 Highway: U.S. Highway 183 September 20, 2019

Project Limits: From County Road 258/213 to Hero Way

ROW CSJ: 0914-05-192

PROPERTY DESCRIPTION FOR PARCEL 4

Description of 0.1638 of one acre (7,136 square feet) of land out of the John B. Robinson Survey, Abstract No. 521, in Williamson County, Texas, same being a portion of that tract of land described as 37.549 acres (Tract One) conveyed to Leander Developers 4, LTD. by deed, as recorded in Document No. 2006003648, Official Public Records, Williamson County, Texas; said 0.1638 of one acre of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron pipe found in the north line of said 37.549 acre Leander Developers 4 tract, being at the southwest corner of that tract described as 12.73 acres conveyed to David Stanton Morgan by deed, as recorded in Document No. 2007057967, Official Public Records, Williamson County, Texas, and the southeast corner of that tract described as 38.7425 acres conveyed to Klatt Properties, LP by deed, as recorded in Document No. 2006003648, Official Public Records, Williamson County, Texas;

THENCE, with the north line of said 37.549 acre Leander Developers 4 tract and the south line of said 38.7425 acre Klatt Properties tract, S69°13'51"W 687.49 feet to a 1/2" iron rod found at an angle point;

THENCE, continuing with the north line of said 37.549 acre Leander Developers 4 tract and the south line of said 38.7425 acre Klatt Properties tract, S69°10'18"W 330.82 feet to a 5/8" iron rod with TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap set** in the proposed east right-of-way line of U.S. Highway 183 at the beginning of an Access Denial Line, 203.62 feet left of Engineer's Baseline Station 57+03.74, at the northeast corner of this parcel, for the POINT OF BEGINNING having coordinates of N=10,213,775.98 E=3,068,811.79;

1) THENCE, with the east line of this parcel and the proposed east right-of-way line of U.S. Highway 183, along this Access Denial Line, crossing said 37.549 acre Leander Developers 4 tract, with a curve to the left, whose intersection angle is 04°21'53", radius is 4,800.00 feet, an arc distance of 365.67 feet, the chord of which bears S13°38'04"E 365.58 feet to a 5/8" iron rod with TxDOT aluminum cap stamped "ADL set** at the end of this Access Denial Line, at the south corner of this parcel, being in the west line of said 37.549 acre Leander Developers 4 tract and the existing east right-of-way line of U.S. Highway 183 (varying width), 197.73 feet left of Engineer's Baseline Station 60+81.15;

County: Williamson Page 2 of 5 Highway: U.S. Highway 183 September 20, 2019

Project Limits: From County Road 258/213 to Hero Way

ROW CSJ: 0914-05-192

PROPERTY DESCRIPTION FOR PARCEL 4

2) THENCE, with the west line of this parcel and said 37.549 acre Leander Developers 4 tract and the existing east right-of-way line of U.S. Highway 183, N20°33'07"W 362.70 feet to a 1/2" iron pipe found at the northwest corner of this parcel and said 37.549 acre Leander Developers 4 tract and the southwest corner of said 38.7425 acre Klatt Properties tract;

3) THENCE, with the north line of this parcel and said 37.549 acre Leander Developers tract and the south line of said 38.7425 acre Klatt Properties tract, N69°10'18"E 44.03 feet to the POINT OF BEGINNING and containing 0.1638 of one acre, or 7,136 square feet within these metes and bounds, more or less.;

All bearings are based on the Texas Coordinate System, Central Zone, North American Datum of 1983 (1983) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00012.

**The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of this high construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

Access is prohibited across the Access Denial Line to the highway facility from the abutting property.

County: Williamson Page 3 of 5 Highway: U.S. Highway 183 September 20, 2019

Project Limits: From County Road 258/213 to Hero Way

ROW CSJ: 0914-05-192

PROPERTY DESCRIPTION FOR PARCEL 4

A parcel plat of even date was prepared in conjunction with this property description.

STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

That I, Chris Conrad, 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 20th day of September, 2019 A.D.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

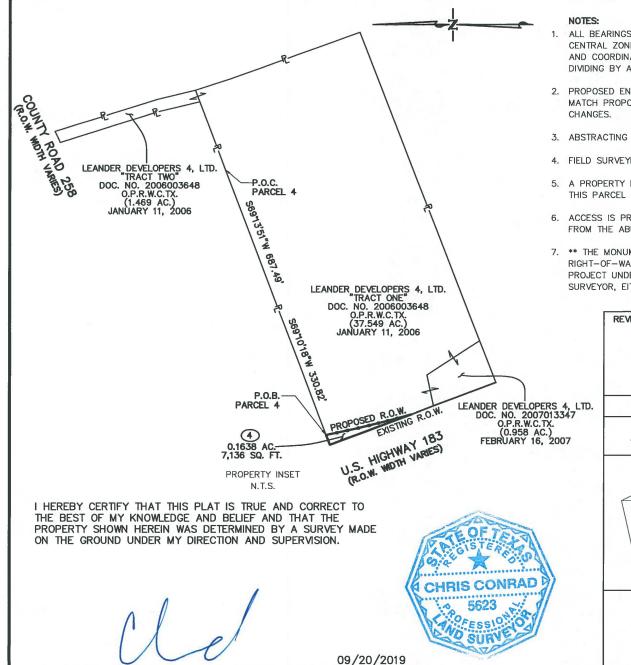
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591

TBPLS Firm# 10095500

Chris Conrad, Reg. Professional Land Surveyor No. 5623

RTGF~19-041~US 183A/Descriptions/Parcel 4

Issued 08/23/19



DATE

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623

- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (1993) HARN. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.00012.
- PROPOSED ENGINEER'S BASELINE PROVIDED BY RTG AS OF JUNE 16, 2019 MAY NOT MATCH PROPOSED CONSTRUCTION BASELINE OR AS-BUILT BASELINE DUE TO DESIGN CHANGES
- 3. ABSTRACTING WAS PERFORMED FROM JUNE 2019 THROUGH JULY 2019.
- 4. FIELD SURVEYING WAS PERFORMED FROM JUNE 2019 THROUGH JULY 2019.
- A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
- ACCESS IS PROHIBITED ACROSS THE ACCESS DENIAL LINE TO THE HIGHWAY FACILITY FROM THE ABUTTING REMAINDER PROPERTY.
- 7. ** THE MONUMENTS DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

REVISIONS:

RECORD	ACQUISITION	REMAINING LT
39.976 AC.	0.1638 AC.	39.8122 AC.
1,741,355 SQ.FT.	7,136 SQ.FT.	1,734,219 SQ. FT.



McGRAY & McGRAY LAND SURVEYORS, INC.

TBPLS FIRM # 10095500 3301 HANCOCK DRIVE #6 AUSTIN, TEXAS 78731 (512) 451-8591

PARCEL PLAT SHOWING
PARCEL 4
US HWY 183
WILLIAMSON COUNTY, TEXAS
R.O.W. C.S.J.: 0914-05-192

DATE: SEPTEMBER 20, 2019 SC.

SCALE: N.T.S.

PAGE 4 OF 5

