



CENTRAL TEXAS REGIONAL  
**MOBILITY AUTHORITY**

July 25, 2018  
**AGENDA ITEM #28**

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Consideration of the use of eminent domain to  
condemn property for the 183 South Project

Strategic Plan Relevance: Regional Mobility  
Department: Engineering / Law  
Contact: Justin Word P.E., Director of Engineering /  
Geoff Petrov, General Counsel  
Associated Costs: N/A  
Funding Source: N/A  
Action Requested: Consider and act on draft resolution

**Summary:**

The Mobility Authority must acquire certain parcels, utility easements and/or related property interests ("Property") from real estate that abuts or is near the existing 183 South Project right-of-way. The owner of a parcel or property interest identified has received an official written offer to purchase the Property for an amount determined by an independent, professional appraiser. The Mobility Authority or its agent is required to pay no less than the offer made for the Property.

If, for any reason, a negotiation to acquire a parcel reaches an impasse, having this authorization to file a condemnation suit will minimize the risk of a possible delay and additional costs.

The parcel for your consideration and action at this meeting are:

Parcel E33D of the 183 South (Bergstrom Expressway) Project, an easement taking of 0.189 acres, from 4.297 acres of real estate, **owned by 724 Bastrop Hwy, LLC, a Texas limited liability company**; and located at 720 Bastrop Hwy., Austin, Travis County, Texas.

Backup Provided: Draft resolutions  
E33D survey and aerial images

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

**RESOLUTION NO. 18-0XX**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT  
(PARCEL E33D)**

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 724 Bastrop Hwy LLC (the “Owner”), located at 720 Bastrop Hwy, Austin, Texas 78721, 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 25<sup>th</sup> day of July 2018.

Submitted and reviewed by:

Approved:

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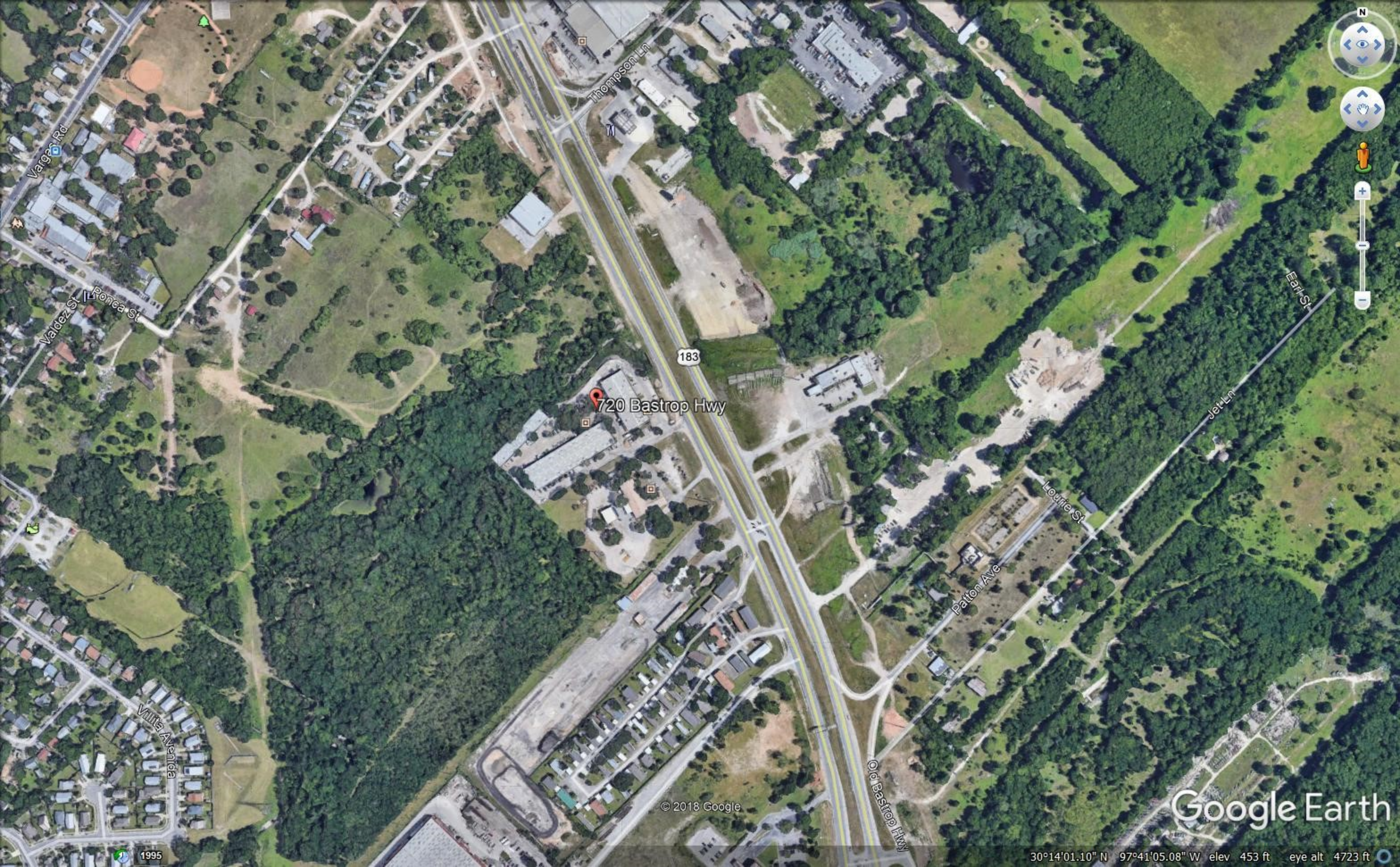
Geoff Petrov, General Counsel

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Ray A. Wilkerson, Chairman

**Exhibit A**

**Description of Parcel E33D**



© 2018 Google

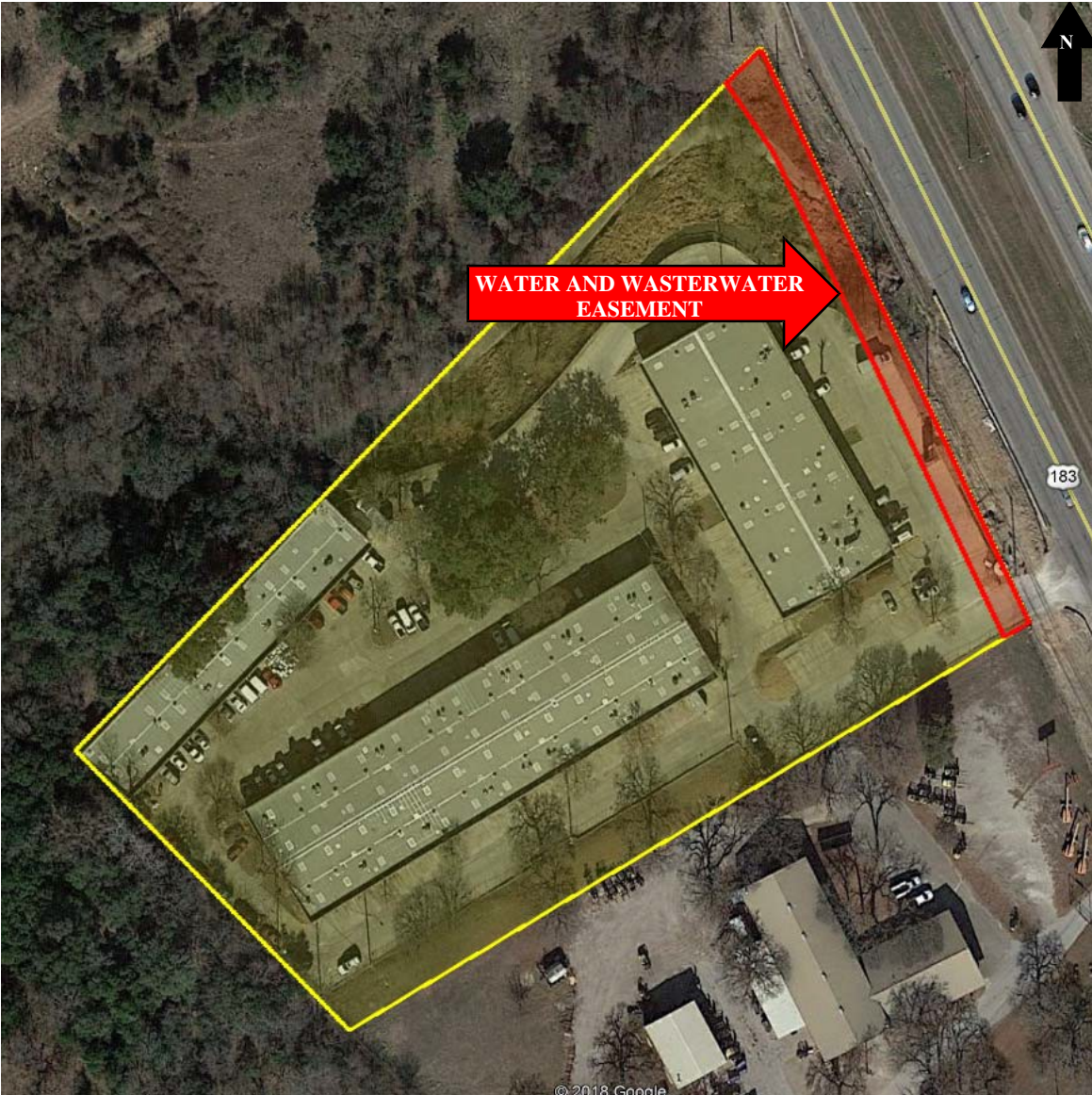
Google Earth

30°14'01.10" N 97°41'05.08" W elev 453 ft eye alt 4723 ft

1995

Parcel E33D  
Owner: 724 Bastrop Hwy, LLC

Red shading shows acquisition area for City water easement



Field Notes for Parcel 33D Water and Wastewater Easement

**BEING A 0.189 ACRE WATER AND WASTEWATER EASEMENT (8,247 SQUARE FEET) OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT NO. 24 IN TRAVIS COUNTY, TEXAS, AND BEING A PART OF A 4.297 ACRES (BY DEED) TRACT OF LAND, DEEDED TO 724 BASTROP HWY LLC., AS CONVEYED BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN EXECUTED JUNE 15, 2015 AND FILED FOR RECORD JUNE 19, 2015 AS RECORDED IN DOCUMENT NUMBER 2015096961 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.189 acre WATER AND WASTEWATER EASEMENT BEING A PORTION OF THE REMAINDER OF LOT 2 OF THE ROGERS SUBDIVISION, A SUBDIVISION IN THE CITY OF AUSTIN, TEXAS, AS RECORDED IN VOLUME 85, PAGE 55C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.189 ACRE WATER AND WASTEWATER EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED PLAT:**

**BEGINNING** at a found 1/2 inch iron rod with cap marked "Tri-Tech Surveying" (Grid Coordinates N=10,058,695.23 US Feet, E=3,132,833.98 US Feet, combined scale factor 1.00011) for the most easterly corner of said 4.297 acres tract of land, being the most southerly corner of a 0.079 acre (by deed) tract of land to the State of Texas, as recorded in Document Number 2001135013 of the Official Public Records of Travis County, Texas, being the most northerly corner of a 0.094 acre (by deed) tract of land to the State of Texas, as recorded in Document Number 2002053915 of the Official Public Records of Travis County, Texas, said 1/2 inch iron rod being in the southwest right-of-way line of U. S. Highway No. 183 (variable width right-of-way), being in being in the southeast line of said Lot 2, being in the northwest line of Lot 1 of said The Rogers Subdivision, and being the most easterly corner of said 0.189 acre water and wastewater easement described herein;

**THENCE** South 57 degrees 20 minutes 18 seconds West with the southeast line of said 4.297 acres tract of land and with the northwest line of said Lot 1, a distance of 20.13 feet, to a calculated point for the most southerly corner of said 0.189 acre water and wastewater easement described herein;

**THENCE** North 26 degrees 13 minutes 12 seconds West, passing at 10.06 feet, the northwest line of a 10 feet wide electric easement to the City of Austin, as recorded in Volume 9165, Page 481 of the Deed Records of Travis County, Texas, continuing in all a distance of 24.17 feet, to a calculated point for an angle point in the west line of said 0.189 acre water and wastewater easement described herein;

**THENCE** North 27 degrees 41 minutes 56 seconds West, passing at 188.39 feet the south line of a drainage easement dedicated by said plat of The Rogers Subdivision, passing at 273.19 feet, the southeast line of a 30 foot wide wastewater easement as recorded in Volume 1741, Page 148 of the Deed Records of Travis County, Texas, passing at 305.17 feet, the northwest line of said 30 foot wide wastewater easement, continuing in all a distance of 311.60 feet to a calculated point for corner of said 0.189 acre water and wastewater easement described herein;

**THENCE** North 40 degrees 01 minute 43 seconds West, a distance of 54.31 feet to a calculated point in the northwest line of said 4.297 acres tract of land and in the southeast line of a 19.127 acres (by deed) tract of land to the City of Austin, as recorded in Document Number 2011192072 of the Official Public Records of Travis County, Texas, and for the most westerly corner of said 0.189 acre water and wastewater easement described herein;

**THENCE** North 42 degrees 18 minutes 32 seconds East, with the northwest line of said 4.297 acres tract of land and with the southeast line of said 19.127 acres tract of land, a distance of 33.62 feet, to an iron rod with an aluminum cap found for the most northerly corner of said 4.297 acres tract of land, the most easterly corner of said 19.127 acres tract of land, the most westerly corner of said 0.079 acre tract of land, and the most southerly corner of a 0.078 acre (by deed) tract of land to the State of Texas as recorded in Document Number 2006032114 of the Official Public Records of Travis County, Texas, said point being in the existing southwest right-of-way line of U.S. Highway No. 183 and being the most northerly corner of said 0.189 acre water and wastewater easement described herein;

**THENCE** South 27 degrees 41 minutes 56 seconds East, with the northeast line of said 4.297 acres tract of land and with the southwest right-of-way line of U.S. Highway No. 183, passing at 63.75 feet, the northwest line of said 30 foot wide wastewater easement, passing at 96.67 feet the southeast line of said 30 foot wide wastewater easement, passing at 205.13 feet the south line of said drainage easement, in all a distance of 376.40 feet to a 1/2 inch iron rod with a “TRI-TECH” cap found for an angle point in the west right-of-way line of U. S. Highway No. 183, the east line of said 4.297 acres tract of land, and the east line said 0.189 acre water and wastewater easement described herein;

**THENCE** South 26 degrees 13 minutes 12 seconds East, with a northeast line of said 4.297 acres tract of land and with the southwest right-of-way line of U.S. Highway No. 183, passing at 12.11 feet, the northwest line of said electric easement, in all a distance of 22.17 feet to the **POINT OF BEGINNING**, and containing 0.189 acre or 8,247 square feet of land, more or less, of which 201 square feet lies within a 10’ Electric Easement recorded in Volume 9165, Page 481, Deed Records, Travis County, Texas and 4,179 square feet lies within the drainage easement by plat of The Rogers Subdivision; 638 square feet inside said drainage easement also lies within a 30’ Wastewater Easement recorded in Volume 1741, Page 148, Deed Records of Travis County, Texas.



Exhibit "A"

724 Bastrop HWY, LLC  
to  
City of Austin  
(For Water and Wastewater Easement)

TCAD No.: Property ID No. 288475 Geo ID No. 0307210414  
City Grid: M19

**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=3136881.27 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.

The field notes and the plat attached hereto represent an on-the-ground survey made under my direct supervision.

*David R. Hartman*

*2/15/10*

David R. Hartman  
Registered Professional Land Surveyor No. 5264  
TBPLS Firm Registration No. 10106900  
Gorronzona & Associates, Inc.  
4201 West Parmer Lane, Building A, Suite 150  
Austin, TX 78727  
(512) 719-9933

Date



FIELD NOTES REVIEWED

By: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Austin Water Utility

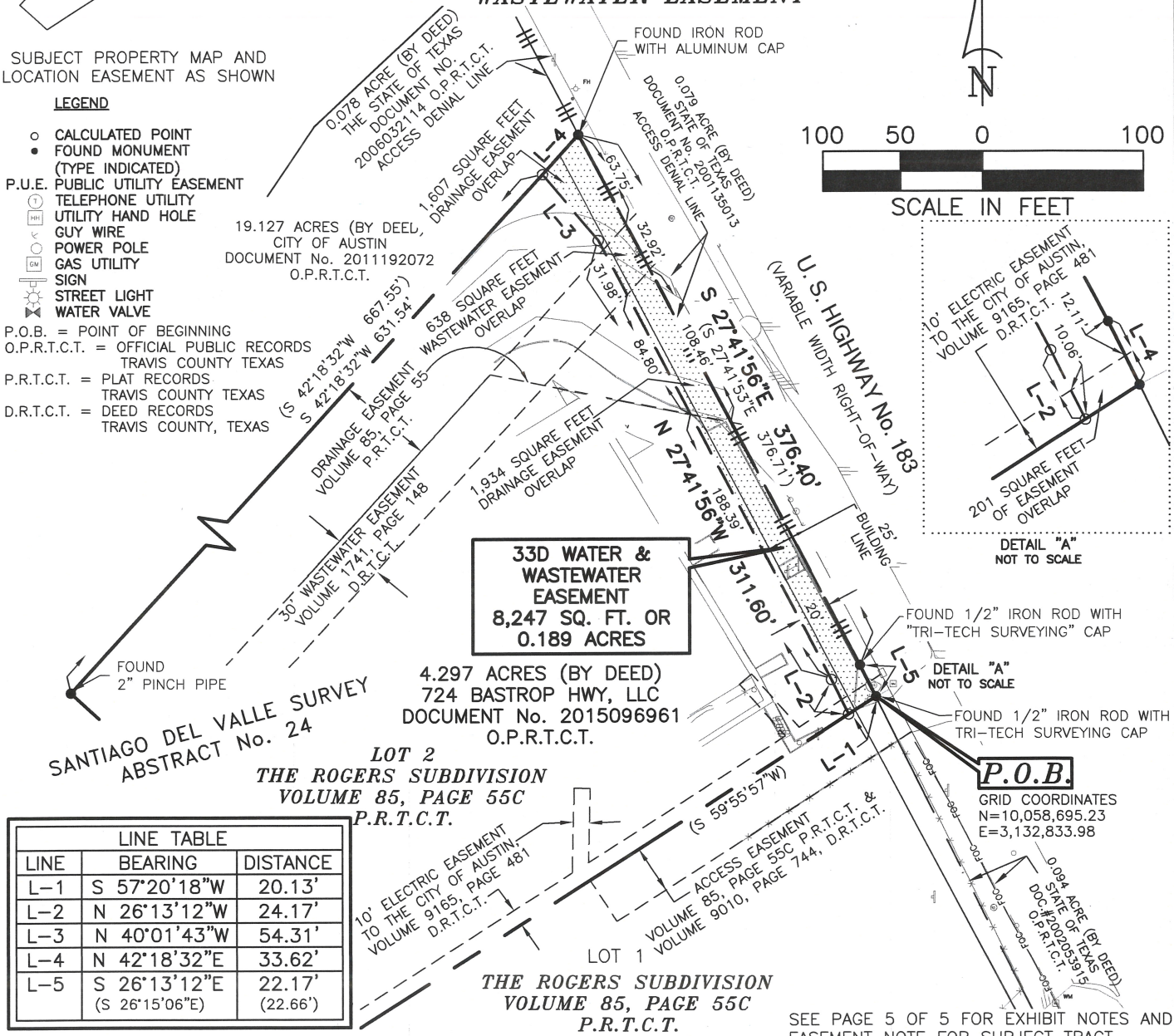
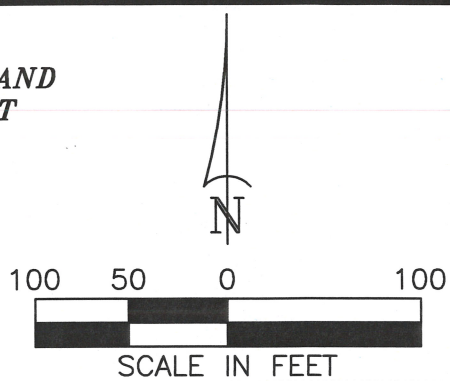
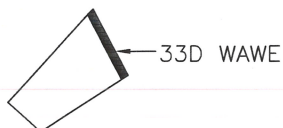
# EXHIBIT

## PARCEL No. 33D WATER AND WASTEWATER EASEMENT

SUBJECT PROPERTY MAP AND LOCATION EASEMENT AS SHOWN

**LEGEND**

- CALCULATED POINT
- FOUND MONUMENT (TYPE INDICATED)
- P.U.E. PUBLIC UTILITY EASEMENT
- ☎ TELEPHONE UTILITY
- ⊕ UTILITY HAND HOLE
- ⊖ GUY WIRE
- ⊙ POWER POLE
- ⊕ GAS UTILITY
- ⊖ SIGN
- ⊙ STREET LIGHT
- ⊕ WATER VALVE
- P.O.B. = POINT OF BEGINNING
- O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS TRAVIS COUNTY TEXAS
- P.R.T.C.T. = PLAT RECORDS TRAVIS COUNTY TEXAS
- D.R.T.C.T. = DEED RECORDS TRAVIS COUNTY, TEXAS



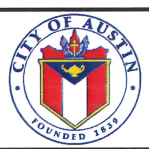
**33D WATER & WASTEWATER EASEMENT**  
8,247 SQ. FT. OR  
0.189 ACRES

4.297 ACRES (BY DEED)  
724 BASTROP HWY, LLC  
DOCUMENT No. 2015096961  
O.P.R.T.C.T.

LOT 2  
**THE ROGERS SUBDIVISION**  
VOLUME 85, PAGE 55C  
P.R.T.C.T.

LOT 1  
**THE ROGERS SUBDIVISION**  
VOLUME 85, PAGE 55C  
P.R.T.C.T.

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	S 57°20'18"W	20.13'
L-2	N 26°13'12"W	24.17'
L-3	N 40°01'43"W	54.31'
L-4	N 42°18'32"E	33.62'
L-5	S 26°13'12"E (S 26°15'06"E)	22.17' (22.66')



# CITY OF AUSTIN

301 W SECOND STREET • AUSTIN, TEXAS 78701

## 33D WATER and WASTEWATER EASEMENT 183 SOUTH

PARCEL NO. 33D WATER AND WASTEWATER EASEMENT		
TYPE OF EASEMENT: WATER AND WASTEWATER EASEMENT		
OWNER: 724 BASTROP HWY, LLC		
SUBDIVISION: THE ROGERS SUBDIVISION		
LOCATION: CITY OF AUSTIN, TRAVIS COUNTY, TEXAS		
EASEMENT AREA: 8,247 SQUARE FEET OR 0.189 ACRE		
WHOLE PROPERTY ACREAGE: 4.297 ACRES (PER DEED)		
JOB No. CRC_1501.00	DRAWN BY: DRH	CAD FILE: E33D.DWG
FEBRUARY 15, 2018	EXHIBIT PAGE 4 OF 5	SCALE: 1"=100'



SEE PAGE 5 OF 5 FOR EXHIBIT NOTES AND EASEMENT NOTE FOR SUBJECT TRACT

# EXHIBIT " \_ "

## PARCEL No. 33D WATER AND WASTEWATER EASEMENT

GF# AUT-13-671-AUT14007482SG

COMMITMENT NO: AUT14007482

Job # CRC\_1501.00 (E33D)

Commitment for Title Insurance (Fidelity National Title Insurance Co.)

Schedule B: Exceptions from Coverage

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):

- D. Drainage Easement recorded in Volume 85, Page 55C, Plat Records of Travis County, Texas, Affects the tract of land shown and is shown on the survey.
- E. Public Utility Easement recorded in Volume 85, Page 55C, Plat Records of Travis County, Texas, Does not affect the tract of land.
- F. Building setback lines as set forth on the plat recorded in Volume 85, Page 55C, Plat Records of Travis County, Texas, Affects the tract of land shown and is shown on the survey.
- G. Easement granted to the City of Austin, recorded in Volume 1741, Page 148, Deed Records of Travis County, Texas and Volume 85, Page 55C, Plat Records of Travis County, Texas Affects the tract of land shown and is shown on the survey.
- H. Easement granted to the City of Austin, recorded in Volume 9165, Page 481, Real Property Records, Travis County, Texas, Affects the tract of land shown and is shown on the survey.
- I. Matters contained in that certain document entitled, Access, Ingress and Egress Road Easement, recorded in Volume 9010, Page 744, Real Property Records, Travis County, Texas, Affects (benefits) the tract of land shown and is shown on the survey.
- J. Matters contained in that certain document entitled, Deed, recorded in Document No. 2001135013, Official Public Records of Travis County, Texas, Affects the tract of land shown and is shown on the survey. TxDOT Access Denial Line

**NOTES:**

1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD-83 (HARN), THE CENTRAL ZONE 4203, ALL DISTANCES AND AREAS SHOWN ARE SURFACE.
3. BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, WITH HORIZONTAL DATUM OF NAD83 (HARN).
4. I, DAVID R. HARTMAN, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5264 LICENSED IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY UNDER MY DIRECT SUPERVISION.
5. THIS IS A SURFACE DRAWING. THE COMBINED SCALE FACTOR FOR THIS DRAWING IS 1.00011



# CITY OF AUSTIN

301 W SECOND STREET • AUSTIN, TEXAS 78701

## 33D WATER AND WASTEWATER EASEMENT 183 SOUTH

PARCEL NO. 33D WATER AND WASTEWATER EASEMENT		
TYPE OF EASEMENT: WATER AND WASTEWATER EASEMENT		
OWNER: 724 BASTROP HWY, LLC		
SUBDIVISION: THE ROGERS SUBDIVISION		
LOCATION: CITY OF AUSTIN, TRAVIS COUNTY, TEXAS		
EASEMENT AREA: 8,247 SQUARE FEET OR 0.189 ACRE		
WHOLE PROPERTY ACREAGE: 4.297 ACRES (PER DEED)		
JOB No. CRC_1501.00	DRAWN BY: DRH	CAD FILE: E33D.DWG
FEBRUARY 15, 2018	EXHIBIT PAGE 5 OF 5	SCALE: N/A

