

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

**RESOLUTION NO. 10-109**

**Authorizing a Acquisition of Property Rights  
by Agreement or Condemnation of Certain Property in  
Travis County for the US 290 East Toll Project (“Manor Expressway”)  
(Parcel 3)**

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code, its Resolution 10-50, and other applicable law, the Central Texas Regional Mobility Authority (“CTRMA”) has found and determined 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 to that certain 2.005 acres described by metes and bounds in Exhibit “A” to this Resolution (the “Subject Property”), owned by KEMCO PROPERTIES (the “Owner”), for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the “Project”), as a part of the improvements to the Project, but excluding all the oil, gas, and sulphur which can be removed from beneath the Subject Property, without any right whatever remaining to the owner of such oil, gas, and sulphur of ingress to or egress from the surface of the Subject Property for the purpose of exploring, developing, or mining of the same, and that such constructing, reconstructing, maintaining, widening, straightening, lengthening, and operating of the Project shall extend across and upon, and will cross, run through, and be upon the Subject Property;; and

WHEREAS, an independent, professional appraisal report of the Subject Property has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, 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 Subject Property to acquire the Subject 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 and damages, if any, due to said Owner for the Subject Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized and directed to acquire the Subject Property and all leasehold interests in the Subject Property for the Project by agreement, subject to approval of the purchase contract by the Board of Directors of the CTRMA; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Subject 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 interests for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Subject Property described in the attached Exhibit "A" to this Resolution; 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 8<sup>th</sup> day of December, 2010.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 10-109  
Date Passed: 12/08/10

EXHIBIT A

County: Travis  
Parcel No.: 3  
Highway: U.S. Highway 290  
Project Limits: From: E of US 183  
To: E of SH 130  
Right of Way CSJ: 0114-02-085

**PROPERTY DESCRIPTION FOR PARCEL 3**

DESCRIPTION OF 1.929 ACRES (84,009 SQUARE FEET) OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2 ACRES IN A DEED TO KEMCO PROPERTIES, OF RECORD IN DOCUMENT 1999122667, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.929 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap, in the proposed south right-of-way (ROW) line of U.S. Highway 290, 221.00 feet right of Engineer's Baseline Station 275+19.20, at the southeast corner of this tract, being in the east line of said Kemco Properties tract, and the west line of Lot 6, Block A, 290/Tuscany Business Park, a subdivision of record in Book 101, Pages 65-67, Plat Records, Travis County, Texas, said Lot 6 being described in a deed to 1825 Fortview, Inc., of record in Volume 13189, Page 6, Real Property Records, Travis County, Texas from which a 3/4" iron pipe found at the south corner of said Kemco Property tract and at an angle point in the west line of said 1825 Fortview tract and said Lot 6 bears S03°57'13"W 54.52 feet;

- 1) THENCE, with the proposed south ROW line of U.S. Highway 290 and the south line of this tract crossing said Kemco Properties tract, **S84°02'32"W 123.74 feet** to a 1/2" iron rod set with a TxDOT aluminum cap, 221.00 feet right of Engineer's Baseline Station 273+95.47, at the southwest corner of this tract, same being in the southwest line of said Kemco Properties tract and the northeast line of that certain tract of land described as 176.74 acres (save and except 16.326 acres), Tract Two, in a distribution conveyance deed to J.P. Morgan Chase Bank, as Trustee of Frederic Clarke Morse, Jr.

**EXHIBIT** \_\_\_\_

Exempt Family Trust, of record in Document 2004113210, Official Public Records, Travis County, Texas;

- 2) THENCE, with the southwest line of this tract and said Kemco Properties tract, same being the northeast line of said JP Morgan Chase Bank tract, **N70°47'58"W 39.55 feet** to a TxDOT Type II concrete monument found 204.19 feet right of Engineer's Baseline Station 273+59.67, at the northeast corner of said J.P. Morgan Chase Bank tract, an angle point in the existing irregular south ROW line of U.S. Highway 290, and the east corner of that certain tract of land described as 16.32 acres in an Agreed Judgement to the State of Texas, of record in Document 2006144438, Official Public Records, Travis County Texas, from which point a TxDOT Type II concrete monument found, 191.68 feet right of Engineer's Baseline Station 265+20.65, in the existing south ROW line of U.S. Highway 290, and the south line of said 16.32 acre State of Texas tract, same being the north line of said JP Morgan Chase Bank tract, bears S84°07'38"W 830.28 feet;

THENCE, continuing with the southwest line of this tract and of said Kemco Properties tract, same being the existing irregular south ROW line of U.S. Highway 290, same being the northeast line of said 16.32 acre State of Texas tract, the following two (2) courses, numbered 3 and 4;

- 3) **N70°47'58"W 293.46 feet** to a 1/2" iron rod found;
- 4) **N70°00'36"W 183.77 feet** to a calculated point, at the northwest corner of this tract and of said Kemco Properties tract, same being the northeast corner of said 16.32 acre State of Texas tract, also being in the existing south ROW line of said U.S. Highway 290, and at the southwest corner of that certain tract of land described as 4.228 acres (Part 1) in a deed to the State of Texas, of record in Volume 3138, Page 2243, Deed Records, Travis County, Texas, and the east corner of that certain tract of land described as 2.014 acres in a deed to the State of Texas, of record in Volume 3100, Page 864, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found bears S05°57'50"E 0.26 feet;
- 5) THENCE, with the north line of this tract and of said Kemco Properties tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 4.228 acre State of Texas tract, **N84°02'10"E 629.20 feet** to a 1/2" iron rod found at the northeast corner of this tract and said Kemco Properties tract, same being the northwest corner of said 1825 Fortview tract and said Lot 6;

**EXHIBIT** \_\_\_\_\_

6) THENCE, with the east line of this tract and of said Kemco Properties tract, same being the west line of said 1825 Fortview tract and said Lot 6, **S03°57'13"W 225.41 feet** to the POINT OF BEGINNING and containing 1.929 acres of land within these metes and bounds, more or less.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS MAY BE PERMITTED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE PROPOSED RIGHT-OF-WAY LINE AS DESCRIBED HEREIN, BEING THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE REMAINDER OF THE ABUTTING PROPERTY.

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 16th day of September, 2009 A.D.

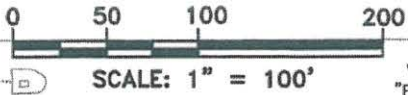
SURVEYED BY:  
**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P3

Issued 02/02/07; Revised 03/20/07, 07/17/09, 09/16/09

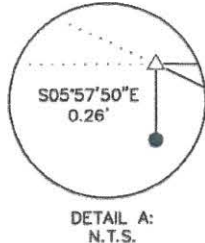
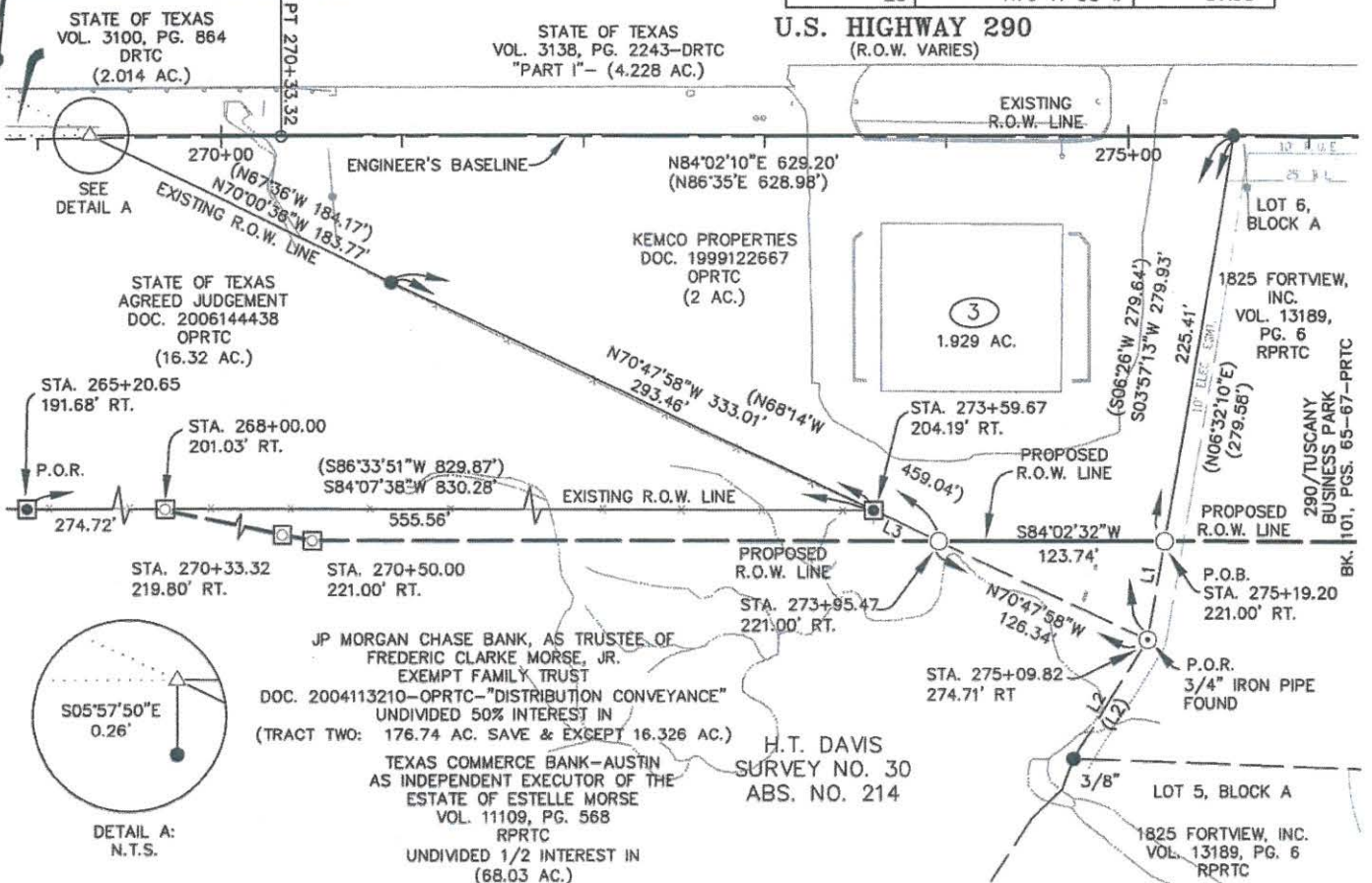


STATE OF TEXAS  
VOL. 663, PG. 164-DRTC  
"PARCEL (A)"- (8.254 AC.)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S03°57'13"W	54.52'
L2	S25°28'14"W	77.09'
(L2)	(N28°30'49"E)	(77.57')
L3	N70°47'58"W	39.55'

STATE OF TEXAS  
VOL. 3138, PG. 2243-DRTC  
"PART 1"- (4.228 AC.)

U.S. HIGHWAY 290  
(R.O.W. VARIES)



SURVEYED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
2.005 AC.	1.929 AC.	84,009	0.076 AC.	3,323

- NOTES:
- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
  - 2) SEE PAGES 1, 2, AND 3 OF 4 FOR A DESCRIPTION OF THIS PARCEL.
  - 3) IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
  - 4) THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
  - 5) ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".

SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

*Chris Conrad*

09/16/09

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- TXDOT TYPE II CONCRETE MONUMENT FOUND
- ⊠ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
- IRON PIPE FOUND (SIZE NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- III ACCESS DENIAL LINE
- PRTC PLAT RECORDS OF TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
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PLAT OF 1.929 AC. OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, SAME BEING ALL OF THAT CERTAIN TRACT DESCRIBED AS 2 AC. IN A DEED TO KEMCO PROPERTIES, OF RECORD IN DOCUMENT 1999122667, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 3  
PAGE 4 OF 4