

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

RESOLUTION NO. 11-050

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 45)**

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 ("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 1.464 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Day Life Corporation, (the "Owner"), located at 9808 Crofford Lane in Travis County, 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; and

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 the Executive Director is specifically authorized to negotiate and execute, if possible, a possession and use agreement in such form as is acceptable to the Executive Director and for consideration in an amount not to exceed ninety percent (90%) of the purchase price set forth in the official written offer to purchase the Subject Property previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is specifically authorized to negotiate and execute, if possible, a purchase contract for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Subject Property previously transmitted to the Owner; 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, 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 27th day of April, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



James H. Mills
Vice Chairman,
Board of Directors
Resolution Number 11-050
Date Passed: 04/27/11

Exhibit "A" to Resolution 11-050

Description of Parcel 45

EXHIBIT _____

County: Travis
Parcel No.: 45
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 45

DESCRIPTION OF 1.464 ACRE (63,780 SQ. FT.) OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 4.395 ACRES IN A DEED TO DAY LIFE CORPORATION, OF RECORD IN DOCUMENT 2001209722, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 1.464 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 to be replaced with a TxDOT Type II concrete monument after acquisition, in the proposed south right-of-way (ROW) line of U.S. Highway 290, 251.10 feet right of Engineer's Baseline Station 405+45.03, at the southeast corner of the herein described tract, same being in the east line of said Day Life tract, and in the existing west ROW line of Crofford Lane, a public ROW for which no record information was found, from which point a 1/2" iron rod found at the southeast corner of said Day Life tract, and the northeast corner of that certain tract of land described in a deed to the City of Austin, of record in Volume 9837, Page 414, Real Property Records, Travis County, Texas, being in the existing west ROW line of Crofford Lane, bears S23°31'43"W 763.78 feet;

THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Day Life tract, the following three (3) courses numbered 1, 2, and 3;

- 1) **N45°02'51"W 18.07 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 234.93 feet right of Engineer's Baseline Station 405+36.97;

EXHIBIT ____

- 2) **S71°25'55"W**, passing at 153.44 feet to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 234.93 feet right of Engineer's Baseline Station 403+83.53, continuing 44.71 feet for a total distance of **198.15 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 235.09 feet right of Engineer's Baseline Station 403+40.58, being the point of beginning of a curve; and
- 3) with said curve to the right, whose intersection angle is **01°47'00"**, radius is **5974.58 feet**, an arc distance of **185.97 feet**, the chord of which bears **S72°19'25"W 185.96 feet** to a 1/2" iron rod set with a TxDOT aluminum cap, 236.49 feet right of Engineer's Baseline Station 401+61.97, at the southwest corner of this tract, same being in the west line of said Day Life tract, and the east line of that certain tract of land described as 17.92 acres in a deed to H. Dalton Wallace, of record in Document 2001015723, Official Public Records, Travis County, Texas, from which point a 1/2" iron pipe found at the southwest corner of said Day Life tract, and the southeast corner of that certain tract of land described as 1.573 acres in a deed to Donald A. Mowan Constable's Deed, of record in Document 2007168147, Official Public Records, Travis County, Texas, being in the north line of said City of Austin tract, bears **S03°57'10"E 597.45 feet**;
- 4) THENCE, with the west line of this tract, and said Day Life tract, and the east line of said Wallace tract, **N03°57'10"W**, at 165.20 feet passing a 1/2" iron rod found, in all a total distance of **165.83 feet** to a point at the northwest corner of this tract, and said Day Life tract, and the northeast corner of said Wallace tract, same being the southwest corner of that certain tract of land described as 0.722 of one acre in a deed to the State of Texas, of record in Volume 3092, Page 632, Deed Records, Travis County, Texas, and the southwest corner of that certain tract of land described as 0.590 of one acre in a deed to the State of Texas, of record in Volume 3037, Page 1737, Deed Records, Travis County, Texas, and being in the existing south ROW line of U.S. Highway 290;

THENCE, with the north line of this tract, and said Day Life tract, the existing south ROW line of U.S Highway 290, and the south line of said 0.590 of one acre State of Texas tract the following two (2) courses numbered 5 and 6;

- 5) **N76°25'30"E 233.84 feet** to a calculated point being the point of beginning of a curve, from which point a 1/2" iron rod found bears **S11°20'32"E 1.89 feet**; and

EXHIBIT ____

- 6) with said curve to the left whose intersection angle is **02°21'06"**, radius is **5839.58 feet**, an arc distance of **239.69 feet**, the chord of which bears **N77°28'55"E 239.67 feet** to a point at the northeast corner of this tract, and said Day Life tract, same being the southeast corner of said 0.590 of one acre State of Texas tract, and being in the existing west ROW line of Crofford Lane;
- 7) THENCE, with the east line of this tract, and said Day Life tract, and the existing west ROW line of Crofford Lane, **S23°31'43"W**, at 1.66 feet passing a 1/2" iron rod found, in all a total distance of **180.48 feet** to the POINT OF BEGINNING and containing 1.464 acres 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 3rd day of December, 2010 A.D.

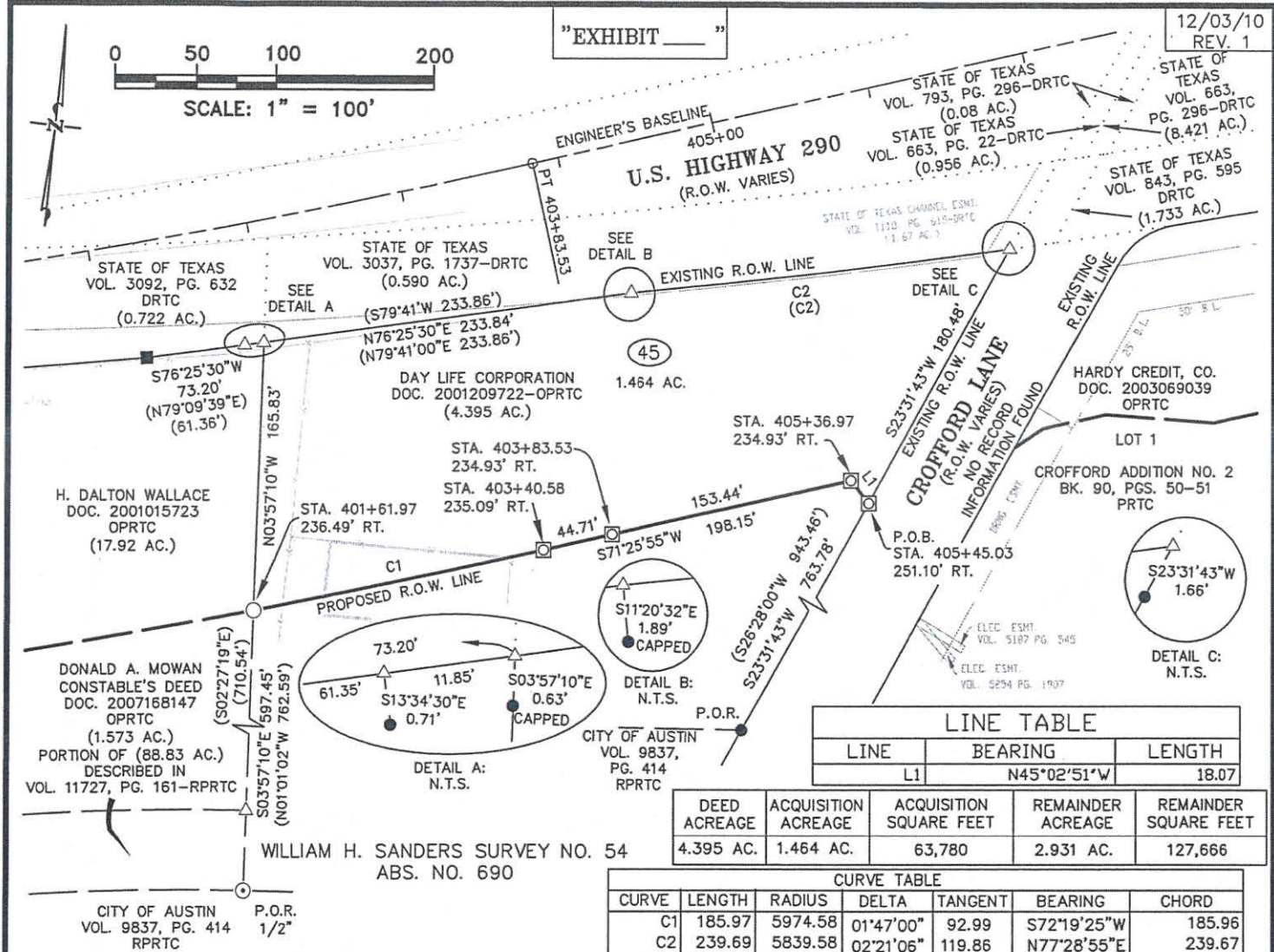
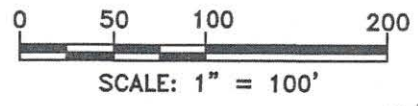
SURVEYED BY:

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 P45 R5
Issued 12/01/06, Rev 03/20/07, 04/01/09, 09/17/10, 12/3/10





LINE	BEARING	LENGTH
L1	N45°02'51\"W	18.07

DEED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
4.395 AC.	1.464 AC.	63,780	2.931 AC.	127,666

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	185.97	5974.58	01°47'00"	92.99	S72°19'25\"W	185.96
C2	239.69	5839.58	02°21'06"	119.86	N77°28'55\"E	239.67
(C2)	(239.26)	(5839.65)			(N80°10'22\"E)	(239.24)

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

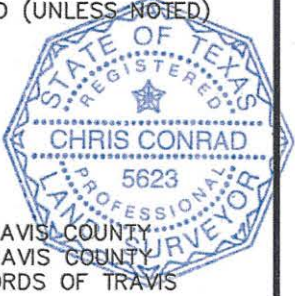
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

Chris Conrad
12/03/10

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
- 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
(512) 451-8591

PLAT OF 1.464 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAID BEING A PORTION OF A TRACT OF LAND DESCRIBED AS 4.395 AC. IN A DEED TO DAY LIFE CORPORATION, OF RECORD IN DOCUMENT 2001209722, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 45
PAGE 4 OF 4

FINAL CLOSURE PARCEL 45 US HIGHWAY 290

PARCEL 45 – SKETCH MAPCHECK

North: 10098352.8442 East: 3151591.8577
Course: N 45-02-51 W Distance: 18.07000
North: 10098365.6110 East: 3151579.0697
Course: S 71-25-55 W Distance: 198.15000
North: 10098302.5140 East: 3151391.2342
Arc Length: 185.96751 Radius: 5974.58000 Delta: 1-47-00
Tangent: 92.99126 Chord: 185.96000 Ch Course: S 72-19-25 W
Course In: N 18-34-05 W Out: S 16-47-05 E
Ctr North: 10103966.0924 East: 3149488.7396
End North: 10098246.0490 East: 3151214.0540
Course: N 03-57-10 W Distance: 165.83000
North: 10098411.4845 East: 3151202.6226
Course: N 76-25-30 E Distance: 233.84000
North: 10098466.3710 East: 3151429.9300
Arc Length: 239.68682 Radius: 5839.58000 Delta: -2-21-06
Tangent: 119.86024 Chord: 239.67000 Ch Course: N 77-28-55 E
Course In: N 11-20-32 W Out: S 13-41-38 E
Ctr North: 10104191.9044 East: 3150281.4698
End North: 10098518.3188 East: 3151663.9025
Course: S 23-31-43 W Distance: 180.48000
North: 10098352.8437 East: 3151591.8536

Perimeter: 1222.02433

Area: 63780.08236 1.46419 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.004174 Course: N 83-26-29 E

Precision 1: 292802.21

PARCEL 45 – STRIPMAP MAPCHECK

North: 10099554.4458 East: 3152684.4449
Course: N 45-02-51 W Distance: 18.07000
North: 10099567.2126 East: 3152671.6569
Course: S 71-25-55 W Distance: 198.15000
North: 10099504.1155 East: 3152483.8214
Arc Length: 185.96751 Radius: 5974.58000 Delta: 1-47-00
Tangent: 92.99126 Chord: 185.96000 Ch Course: S 72-19-25 W
Course In: N 18-34-05 W Out: S 16-47-05 E
Ctr North: 10105167.6939 East: 3150581.3268
End North: 10099447.6505 East: 3152306.6412
Course: N 03-57-10 W Distance: 165.83000
North: 10099613.0861 East: 3152295.2098
Course: N 76-25-30 E Distance: 233.84000
North: 10099667.9725 East: 3152522.5171
Arc Length: 239.68682 Radius: 5839.58000 Delta: -2-21-06
Tangent: 119.86024 Chord: 239.67000 Ch Course: N 77-28-55 E
Course In: N 11-20-32 W Out: S 13-41-38 E
Ctr North: 10105393.5060 East: 3151374.0570

FINAL CLOSURE PARCEL 45 US HIGHWAY 290

PARCEL 45 – STRIPMAP MAPCHECK (cont.)

End North: 10099719.9203 East: 3152756.4897
Course: S 23-31-43 W Distance: 180.48000
North: 10099554.4453 East: 3152684.4408

Perimeter: 1222.02433

Area: 63780.08236 1.46419 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.004174 Course: N 83-26-29 E
Precision 1: 292802.21

PARCEL 45 – DESCRIPTION MAPCHECK

North: 10099092.4828 East: 3150026.5204
Course: N 45-02-51 W Distance: 18.07000
North: 10099105.2497 East: 3150013.7324
Course: S 71-25-55 W Distance: 198.15000
North: 10099042.1526 East: 3149825.8969
Arc Length: 185.96751 Radius: 5974.58000 Delta: 1-47-00
Tangent: 92.99126 Chord: 185.96000 Ch Course: S 72-19-25 W
Course In: N 18-34-05 W Out: S 16-47-05 E
Ctr North: 10104705.7310 East: 3147923.4023
End North: 10098985.6876 East: 3149648.7166
Course: N 03-57-10 W Distance: 165.83000
North: 10099151.1231 East: 3149637.2853
Course: N 76-25-30 E Distance: 233.84000
North: 10099206.0096 East: 3149864.5926
Arc Length: 239.68682 Radius: 5839.58000 Delta: -2-21-06
Tangent: 119.86024 Chord: 239.67000 Ch Course: N 77-28-55 E
Course In: N 11-20-32 W Out: S 13-41-38 E
Ctr North: 10104931.5431 East: 3148716.1324
End North: 10099257.9574 East: 3150098.5651
Press any key for more...
Course: S 23-31-43 W Distance: 180.48000
North: 10099092.4824 East: 3150026.5162

Perimeter: 1222.02433
Area: 63780.08236 1.46419 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.004174 Course: N 83-26-29 E
Precision 1: 292802.21