

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

**RESOLUTION NO. 11-051**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 49A)**

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 0.598 acres described by metes and bounds in Exhibit “A” to this Resolution (the “Subject Property”), owned by River City Roloffs Inc., (the “Owner”), located at 9721 US Hwy 290E 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.

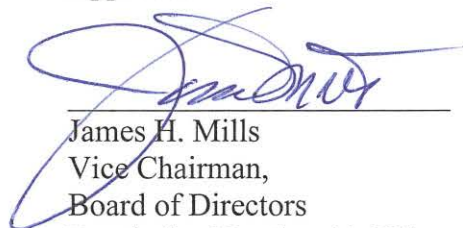
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 27<sup>th</sup> day of April, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



James H. Mills  
Vice Chairman,  
Board of Directors  
Resolution Number 11-051  
Date Passed: 04/27/11

**Exhibit "A" to Resolution 11-051**

**Description of Parcel 49A**

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

**County:** Travis  
**Parcel No.:** 49A  
**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 49A**

DESCRIPTION OF 0.598 OF ONE ACRE (26,051 SQUARE FEET) 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 9.00 ACRES IN A DEED TO RIVER CITY ROLLOFFS, INC., OF RECORD IN DOCUMENT 2005111755, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.598 OF ONE ACRE 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, 250.00 feet right of Engineer's Baseline Station 422+61.30, at the southeast corner of the herein described tract, same being in the southeast line of said River City Rolloffs tract, and the west line of that certain tract of land described as 8.772 acre remainder of 17.772 acres in a deed to David Rodewald, of record in Document 2005111754, Official Records, Travis County, Texas, from which point a 1/2" iron rod found at the west corner of said Rodewald tract and an interior corner of said Rolloffs tract bears S16°50'38"W 1110.51 feet ;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said River City Rolloffs tract, S71°25'55"W 283.18 feet to a 1/2" iron rod set with a TxDOT aluminum cap, 250.00 feet right of Engineer's Baseline Station 419+78.12, at the southwest corner of this tract, same being in the west line of said River City Rolloffs tract, and the east line of Lot 1, Block A, 290 East Business Park, a subdivision of record in Document 200300003, Official Public Records, Travis County, Texas, said Lot 1 being described in a deed to Sovran

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

Acquisition Limited Partnership, of record in Document 2005125795, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Sovran tract and said Lot 1, being in the west line of said River City Rolloffs tract, bears S16°49'48"W 1291.78 feet;

- 2) THENCE, with the west line of this tract and said River City Rolloffs tract, the east line of said Sovran tract and said Lot 1, **N16°49'48"E 137.71 feet** to a calculated point at the northwest corner of this tract and said River City Rolloffs tract, and the northeast corner of said Sovran tract and said Lot 1, same being in the existing south ROW line of U.S. Highway 290, and the south line of that certain tract of land described as 1.733 acres in a deed to the State of Texas, of record in Volume 843, Page 595, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found bears S18°36'12"E 0.63 feet;
- 3) THENCE, with the north line of this tract and said River City Rolloffs tract, the existing south ROW line of U.S Highway 290, and the south line of said 1.733 acre State of Texas tract, **N71°23'48"E 151.72 feet** to a point at the northeast corner of this tract and said River City Rolloffs tract, and the west corner of that tract described as 3.65 acres in a deed to Robert Hurst Rental Company, of record in Volume 5697, Page 2338, Deed Records, Travis County, Texas;
- 4) THENCE, with the northeast line of this tract and said River City Rolloffs tract, and the southwest line of said Hurst tract, **S56°56'44"E 111.67 feet** to a 1/2" iron rod found at the north corner of said Rodewald tract from which a non-TxDOT concrete monument found in the southeast line of said Rodewald tract bears S56°56'44"E 291.84 feet and S16°03'40"W 22.25 feet;

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

5) THENCE, with the east line of this tract and said River City Rolloffs tract, and the west line of said Rodewald tract, **S16°50'38"W 30.44 feet** to the POINT OF BEGINNING and containing 0.598 of one acre 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.

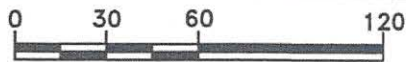
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 3rd day of December, 2010 A.D.

SURVEYED BY:

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



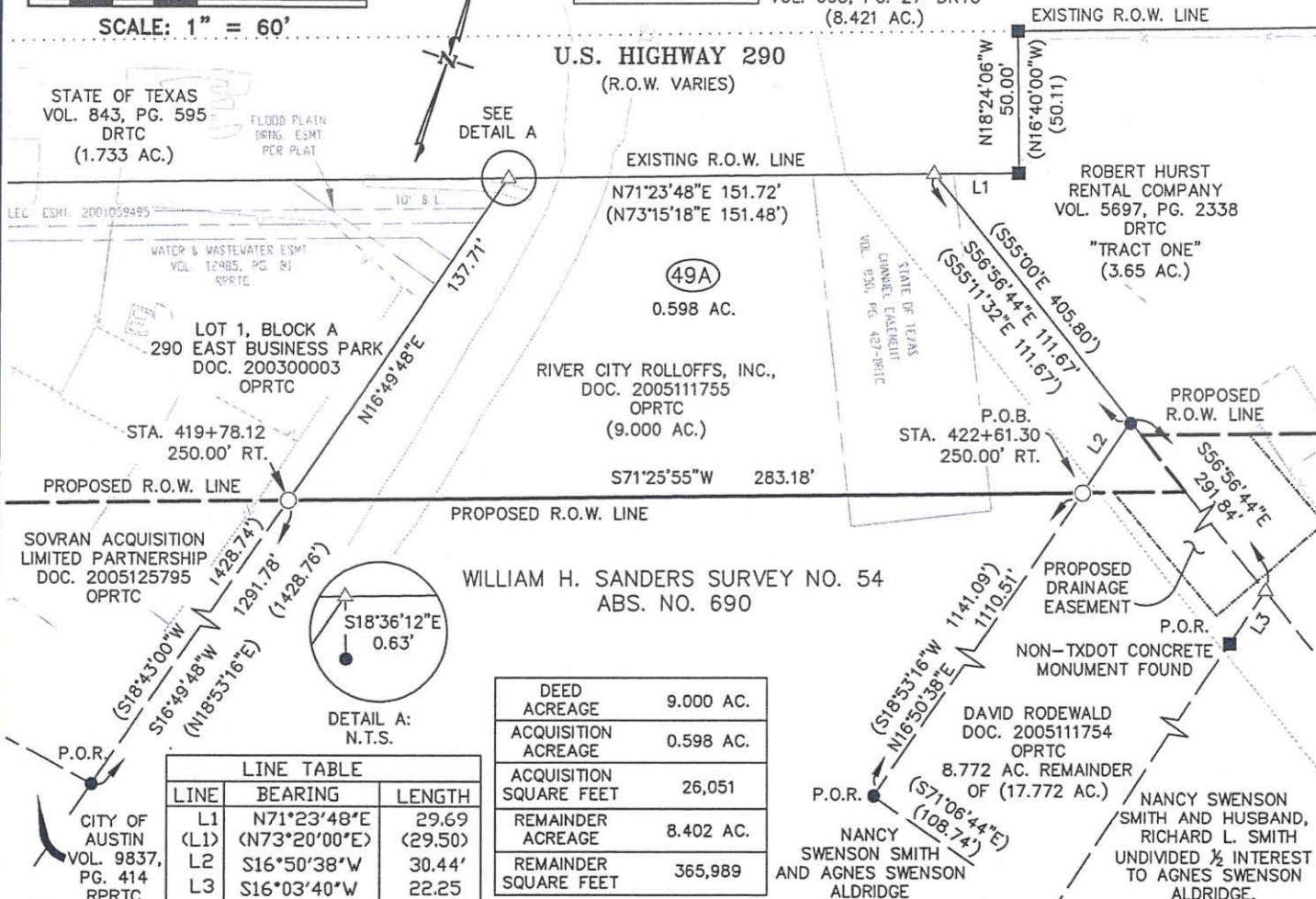
Chris Conrad, Reg. Professional Land Surveyor No. 5623  
Note: There is a plat to accompany this description. US 290 P49A R2  
Issued 10/20/2010; Revised 12/3/10



"EXHIBIT \_\_\_\_\_"

STATE OF TEXAS  
VOL. 663, PG. 27-DRTC  
(8.421 AC.)

12/03/10  
REV. 1



WILLIAM H. SANDERS SURVEY NO. 54  
ABS. NO. 690

DEED ACREAGE	9.000 AC.
ACQUISITION ACREAGE	0.598 AC.
ACQUISITION SQUARE FEET	26,051
REMAINDER ACREAGE	8.402 AC.
REMAINDER SQUARE FEET	365,989

LINE TABLE		
LINE	BEARING	LENGTH
L1	N71°23'48"E	29.69
(L1)	(N73°20'00"E)	(29.50)
L2	S16°50'38"W	30.44'
L3	S16°03'40"W	22.25



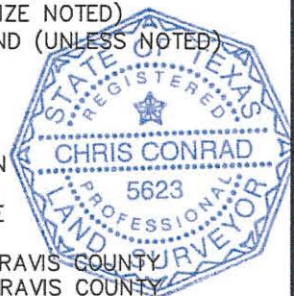
- NOTES:
- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
  - 2) SEE PAGES 1, 2, AND 3 OF 4 FOR A DESCRIPTION OF THIS PARCEL.
  - 3) IMPROVEMENTS 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.
  - 7) 0.129 OF ONE ACRE OF SAID 0.609 OF ONE ACRE IS AN EXISTING STATE OF TEXAS CHANNEL EASEMENT OF RECORD IN VOLUME 830, PAGE 427, DEED RECORDS, TRAVIS COUNTY, TEXAS.

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

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 0.598 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF THAT CERTAIN TRACT DESCRIBED AS 9.000 AC. IN A DEED TO RIVER CITY ROLLOFFS, INC., OF RECORD IN DOCUMENT 2005111755, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 49A  
PAGE 4 OF 4

# FINAL CLOSURE PARCEL 49A US HIGHWAY 290

## PARCEL 49A - SKETCH MAPCHECK

North: 10097105.1567 East: 3154068.6214  
Course: S 71-25-55 W Distance: 283.18000  
North: 10097014.9834 East: 3153800.1821  
Course: N 16-49-48 E Distance: 137.71000  
North: 10097146.7951 East: 3153840.0537  
Course: N 71-23-48 E Distance: 151.72000  
North: 10097195.1959 East: 3153983.8463  
Course: S 56-56-44 E Distance: 111.67000  
North: 10097134.2871 East: 3154077.4428  
Course: S 16-50-38 W Distance: 30.44000  
North: 10097105.1531 East: 3154068.6223

Perimeter: 714.72000

Area: 26051.05238 0.59805 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.003736 Course: N 13-40-11 W  
Precision 1: 191312.70

## PARCEL 49A - STRIPMAP MAPCHECK

North: 10096870.5790 East: 3151322.0882  
Course: S 71-25-55 W Distance: 283.18000  
North: 10096780.4057 East: 3151053.6489  
Course: N 16-49-48 E Distance: 137.71000  
North: 10096912.2173 East: 3151093.5205  
Course: N 71-23-48 E Distance: 151.72000  
North: 10096960.6182 East: 3151237.3131  
Course: S 56-56-44 E Distance: 111.67000  
North: 10096899.7094 East: 3151330.9096  
Course: S 16-50-38 W Distance: 30.44000  
North: 10096870.5753 East: 3151322.0891

Perimeter: 714.72000

Area: 26051.05238 0.59805 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.003736 Course: N 13-40-11 W  
Precision 1: 191312.70

## PARCEL 49A - DESCRIPTION MAPCHECK

North: 10093463.2343 East: 3159169.6063  
Course: S 71-25-55 W Distance: 283.18000  
North: 10093373.0610 East: 3158901.1669  
Course: N 16-49-48 E Distance: 137.71000  
North: 10093504.8726 East: 3158941.0385  
Course: N 71-23-48 E Distance: 151.72000  
North: 10093553.2735 East: 3159084.8311  
Course: S 56-56-44 E Distance: 111.67000



# FINAL CLOSURE PARCEL 49A US HIGHWAY 290

## PARCEL 49A - DESCRIPTION MAPCHECK (cont.)

North: 10093492.3647 East: 3159178.4276  
Course: S 16-50-38 W Distance: 30.44000  
North: 10093463.2306 East: 3159169.6072

Perimeter: 714.72000

Area: 26051.05238 0.59805 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.003736 Course: N 13-40-11 W  
Precision 1: 191312.70