

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

RESOLUTION NO. 11-055

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 58)**

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 1.112 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by the Butler Family Partnership, Ltd., (the "Owner"), located at the southeast corner of US Hwy 290E and Parmer 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 11-055
Date Passed: 04/27/11

Exhibit "A" to Resolution 11-055

Description of Parcel 58

EXHIBIT _____

County: Travis
Parcel No.: 58
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 58

DESCRIPTION OF 1.112 OF ONE ACRES (48,426 SQ. FT.) OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 11.07 ACRES (THIRD TRACT), IN A DEED TO ROY A. BUTLER OF RECORD IN VOLUME 4282, PAGE 1082, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 11.07 ACRE TRACT BEING PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 275.66 ACRES (TRACT 3) IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN VOLUME 12271, PAGE 872, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 1.112 OF ONE 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 by a TxDOT Type II concrete monument after acquisition, 465.30 feet right of Engineer's Baseline Station 1535+85.03, in the proposed south right-of-way (ROW) line of U.S. Highway 290, at the southeast corner of the herein described tract, same being in the east line the remainder portion of said 11.07 acre Butler Family tract, and in the existing west ROW line of Parmer Lane, and in the west line of that tract of land described as 14,541 square feet in a deed to Travis County, of record in Document No. 2008039133, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found in the east line of said 11.07 acre Butler Family tract, and the existing west ROW line of Boyce Lane bears S25°22'00"E 10.89 feet and S24°33'55"W 170.95 feet, and from which point of beginning a 1/2" iron rod found at the southeast corner of said 11.07 acre Butler Family tract, and the existing west ROW line of Boyce Lane, a public ROW for which no record information was found, and the existing north ROW line of Old Highway 20, for which no record conveyance was found, as shown on TxDOT ROW map CSJ#0114-02-012,

EXHIBIT _____

bears S25°22'00"E 10.89 feet and S24°33'55"W 170.95 feet, and S27°23'37"W 251.53 feet;

THENCE, with the proposed south ROW line of U.S. Highway 290 crossing said 11.07 acre Butler Family tract, the following four (4) courses numbered 1 through 4;

- 1) **N70°22'00"W 8.42 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, 460.11 feet right of Engineer's Baseline station 1535+77.82;
- 2) **N27°36'18"W 102.93 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, 358.47 feet right of Engineer's Baseline station 1535+60.30;
- 3) **N70°57'17"W 36.36 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, 336.19 feet right of Engineer's Baseline station 1535+29.72; and
- 4) **S65°41'44"W 315.96 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, 356.68 feet right of Engineer's Baseline station 1531+94.08 and being at the southwest corner of this tract, same being an interior ell of the remainder portion of said 11.07 acre Butler Family tract, same being the southeast corner of that certain tract of land described as 3.718 acres in a deed to the State of Texas, of record in Document No. 2005111508, Official Public Records, Travis County, Texas;
- 5) THENCE, with the west line of this tract, and the east line of said 3.718 acre State of Texas tract, crossing said 11.07 acre Butler Family tract, **N01°02'51"E 193.92 feet** to a calculated point at the northwest corner of this tract, the northeast corner of said 3.718 acre State of Texas tract, and the northwest corner of that certain tract of land described as 2,500 square feet, in a deed to Lone Star Gas Company, of record in Volume 3144, Page 990, Deed Records, Travis County, Texas, same being in the north line of said 11.07 acre Butler tract, and the existing south ROW line of U.S. Highway 290, and the south line of that certain tract of land described as 3.720 acres in a deed to the State of Texas, of record in Volume 663, Page 25, Deed Records,

EXHIBIT ____

Travis County, Texas, from which point a 1/2" iron rod found bears N16°34'48"W 0.50 feet;

- 6) THENCE, with the north line of this tract, and of said 11.07 acre Butler Family tract, same being the west line of said Lone Star tract, **S16°34'48"E 37.77 feet** to a calculated point;
- 7) THENCE, continuing with the north line of this tract, and of said 11.07 acre Butler Family tract, same being the south line of said Lone Star tract, **N74°26'50"E 49.55 feet** to a calculated point;
- 8) THENCE, continuing with the north line of this tract, and of said 11.07 acre Butler Family tract, same being the east line of said Lone Star tract **N15°38'06"W 38.10 feet** to a calculated point at the northeast corner of said Lone Star tract, same being in the existing south ROW line of U.S. Highway 290, and the south line of said 3.720 acre State of Texas tract, from which point a 1/2" iron rod found bears N15°38'06"W 0.47 feet;
- 9) THENCE, continuing with the north line of this tract, and of said 11.07 acre Butler Family tract, same being the existing south ROW line U.S. Highway 290, and the south line of said 3.720 acre State of Texas tract, **N74°03'41"E 219.05 feet** to a calculated point at the northeast corner of this tract, and the remainder portion of said 11.07 acre Butler Family tract, same being in the existing west ROW line of Parmer Lane and at the northwest corner of said 14.541 square foot Travis County tract;
- 10) THENCE, with the east line of this tract, and the remainder portion of said 11.07 acre Butler Family tract, same being the existing west ROW line of Parmer Lane and the west line of said 14.541 square foot Travis County tract, **S25°22'00"E 269.69 feet** to the POINT OF BEGINNING and containing 1.112 of one acres within these metes and bounds, more or less.

EXHIBIT ____

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



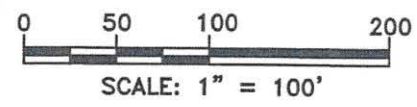
Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P58 R3
Issued 12/01/06, Rev 03/20/07, 10/20/10, 12/3/10

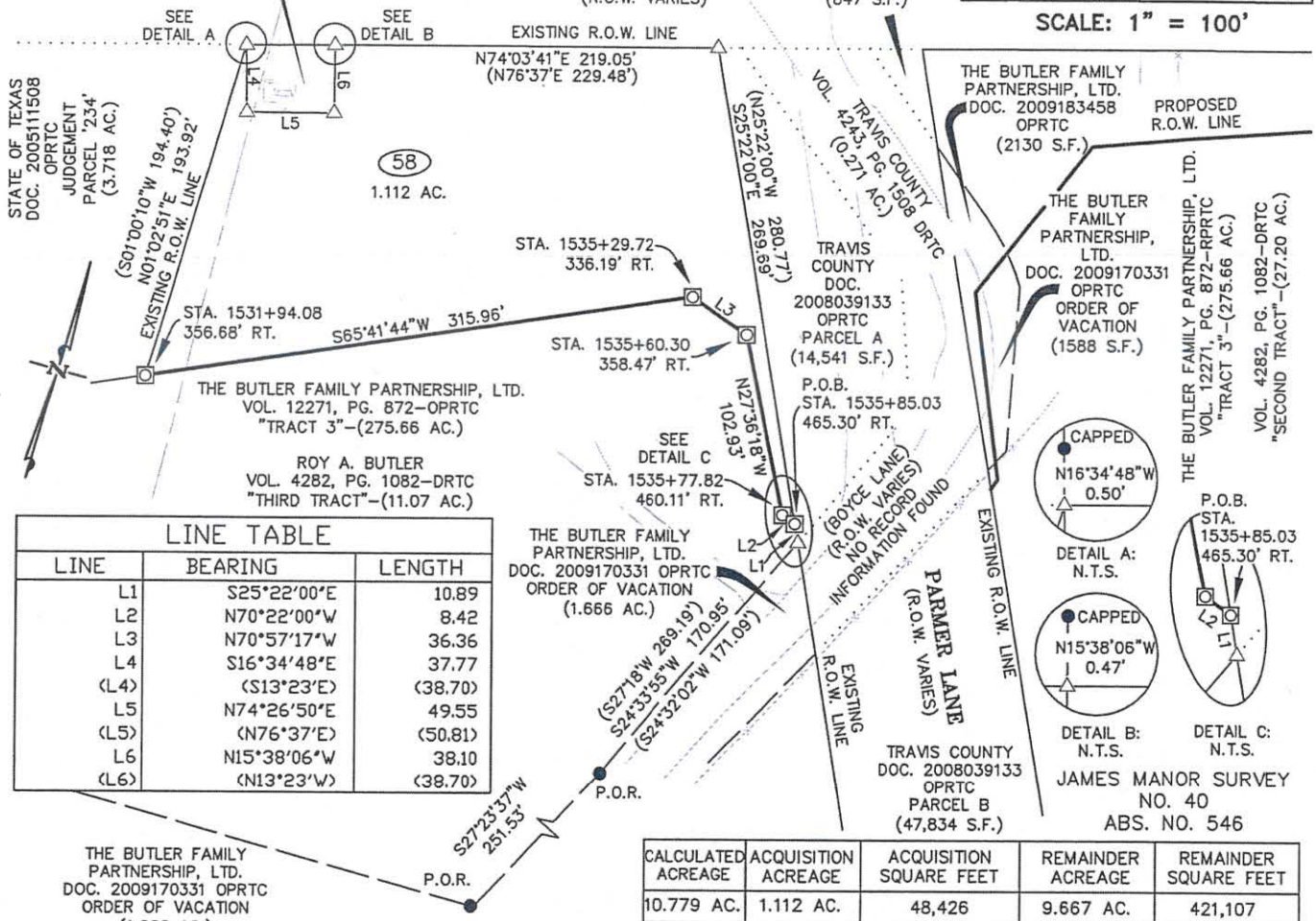
LONE STAR GAS COMPANY
VOL. 3144, PG. 990-DRTC
(2500 S.F.)

STATE OF TEXAS
VOL. 663, PG. 25-DRTC
(3,720 AC.)

TRAVIS COUNTY
DOC. 2008039133
OPRTC
PARCEL C
(847 S.F.)



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



LINE TABLE

LINE	BEARING	LENGTH
L1	S25°22'00"E	10.89
L2	N70°22'00"W	8.42
L3	N70°57'17"W	36.36
L4	S16°34'48"E	37.77
(L4)	(S13°23'E)	(38.70)
L5	N74°26'50"E	49.55
(L5)	(N76°37'E)	(50.81)
L6	N15°38'06"W	38.10
(L6)	(N13°23'W)	(38.70)

CALCULATED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
10.779 AC.	1.112 AC.	48,426	9.667 AC.	421,107

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, 3, AND 4 OF 5 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.

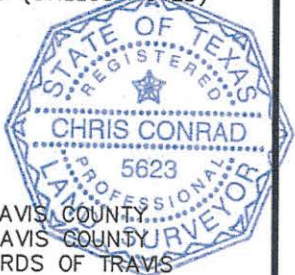
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

12/03/10

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623
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 1.112 AC. OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 275.66 AC. (TRACT 3), IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN VOLUME 12271, PAGE 872, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 58
PAGE 5 OF 5

FINAL CLOSURE PARCEL 58 US HIGHWAY 290

PARCEL 58 - SKETCH MAPCHECK

North: 10097148.3363 East: 3168951.1750
Course: N 70-22-00 W Distance: 8.42000
North: 10097151.1654 East: 3168943.2445
Course: N 27-36-18 W Distance: 102.93000
North: 10097242.3782 East: 3168895.5495
Course: N 70-57-17 W Distance: 36.36000
North: 10097254.2430 East: 3168861.1798
Course: S 65-41-44 W Distance: 315.96000
North: 10097124.1986 East: 3168573.2229
Course: N 01-02-51 E Distance: 193.92000
North: 10097318.0862 East: 3168576.7680
Course: S 16-34-48 E Distance: 37.77000
North: 10097281.8865 East: 3168587.5458
Course: N 74-26-50 E Distance: 49.55000
North: 10097295.1722 East: 3168635.2815
Course: N 15-38-06 W Distance: 38.10000
North: 10097331.8624 East: 3168625.0132
Course: N 74-03-41 E Distance: 219.05000
North: 10097392.0151 East: 3168835.6422
Course: S 25-22-00 E Distance: 269.69000
North: 10097148.3274 East: 3168951.1799

Perimeter: 1271.75000

Area: 48425.65519 1.11170 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.010176 Course: N 29-11-28 W

Precision 1: 124980.78

PARCEL 58 - STRIPMAP MAPCHECK

North: 10095349.0066 East: 3166741.8917
Course: N 70-22-00 W Distance: 8.42000
North: 10095351.8358 East: 3166733.9613
Course: N 27-36-18 W Distance: 102.93000
North: 10095443.0485 East: 3166686.2662
Course: N 70-57-17 W Distance: 36.36000
North: 10095454.9134 East: 3166651.8965
Course: S 65-41-44 W Distance: 315.96000
North: 10095324.8689 East: 3166363.9396
Course: N 01-02-51 E Distance: 193.92000
North: 10095518.7565 East: 3166367.4848
Course: S 16-34-48 E Distance: 37.77000
North: 10095482.5569 East: 3166378.2626
Course: N 74-26-50 E Distance: 49.55000
North: 10095495.8426 East: 3166425.9982
Course: N 15-38-06 W Distance: 38.10000
North: 10095532.5328 East: 3166415.7300
Course: N 74-03-41 E Distance: 219.05000
North: 10095592.6855 East: 3166626.3589
Course: S 25-22-00 E Distance: 269.69000
North: 10095348.9978 East: 3166741.8967

FINAL CLOSURE PARCEL 58 US HIGHWAY 290

PARCEL 58 - STRIPMAP MAPCHECK (cont.)

Perimeter: 1271.75000

Area: 48425.65519 1.11170 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.010176 Course: N 29-11-28 W
Precision 1: 124980.78

PARCEL 58 - DESCRIPTION MAPCHECK

North: 10096992.5237 East: 3166877.0271
 Course: N 70-22-00 W Distance: 8.42000
North: 10096995.3528 East: 3166869.0966
 Course: N 27-36-18 W Distance: 102.93000
North: 10097086.5655 East: 3166821.4016
 Course: N 70-57-17 W Distance: 36.36000
North: 10097098.4304 East: 3166787.0319
 Course: S 65-41-44 W Distance: 315.96000
North: 10096968.3860 East: 3166499.0750
 Course: N 01-02-51 E Distance: 193.92000
North: 10097162.2735 East: 3166502.6202
 Course: S 16-34-48 E Distance: 37.77000
North: 10097126.0739 East: 3166513.3980
 Course: N 74-26-50 E Distance: 49.55000
North: 10097139.3596 East: 3166561.1336
 Course: N 15-38-06 W Distance: 38.10000
North: 10097176.0498 East: 3166550.8654
 Course: N 74-03-41 E Distance: 219.05000
North: 10097236.2025 East: 3166761.4943
Press any key for more...
 Course: S 25-22-00 E Distance: 269.69000
North: 10096992.5148 East: 3166877.0321

Perimeter: 1271.75000

Area: 48425.65519 1.11170 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.010176 Course: N 29-11-28 W
Precision 1: 124980.78