

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

RESOLUTION NO. 11-057

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 60)**

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 1.090 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.

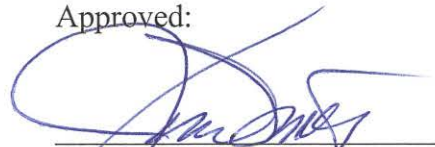
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 27th day of April, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



James H. Mills
Vice Chairman,
Board of Directors
Resolution Number 11-057
Date Passed: 04/27/11

Exhibit "A" to Resolution 11-057

Description of Parcel 60

EXHIBIT _____

County: Travis
Parcel No.: 60
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 60

DESCRIPTION OF 1.090 ACRES (47,471 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 27.20 ACRES (SECOND TRACT), OF RECORD IN VOLUME 4282, PAGE 1082, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 27.20 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, AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 2130 SQUARE FEET IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN DOCUMENT NO. 2009183458, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING OUT THAT TRACT OF LAND DESCRIBED AS 1588 SQUARE FEET IN A ORDER OF VACATION TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN DOCUMENT NO. 2009170331, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.090 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 ROW line of U.S. Highway 290, and the existing south ROW line of U.S. Highway 290, 204.23 feet right of Engineer's Baseline Station 1548+00.00, at the northeast corner of the herein described tract, same being in the north line of said 27.20 acre Butler Family tract, and the south line of that certain tract of land described as 5.738 acres in a deed to the State of Texas, of record in Volume 678, Page 401, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said 27.20 acre Butler Family tract and the southwest corner of that certain tract of land described as 12.03 acres in a deed to Manor Independent School District, of record in Volume 2895, Page 310, Deed Records, Travis County, Texas, being in 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, bears N74°03'41"E 664.63 feet and S27°28'34"W 1223.66 feet;

EXHIBIT ____

THENCE, with the proposed south ROW line of U.S. Highway 290 and the south line of this tract, crossing said 27.20 acre, 2130 square foot, and 1588 square foot Butler Family tracts, the following six (6) courses numbered 1 through 6;

- 1) **S54°21'29"W 106.21 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, 240.01 feet right of Engineer's Baseline Station 1547+00.00;
- 2) **S73°59'49"W 530.11 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, 240.45 feet right of Engineer's Baseline Station 1541+69.89;
- 3) with a curve to the left, whose intersection angle is **05°02'36"**, radius is **4517.66 feet**, passing at an arc distance of 345.27 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, 253.92 feet right of Engineer's Baseline Station 1583+24.97 and continuing an arc distance of 52.39 for a total arc distance of **397.67 feet**, the chord of which bears **S71°28'31"W 397.54 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, 558.02 feet right of Engineer's Baseline Station 1537+70.29;
- 4) **S22°40'28"W 104.57 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, 338.67 feet right of Engineer's Baseline Station 1537+00.08;
- 5) **S23°07'42"E 105.51 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, 443.61 feet right of Engineer's Baseline Station 1537+11.88; and
- 6) **S19°38'00"W 6.55 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, 448.86 feet right of Engineer's Baseline Station 1537+07.63, for the southwest corner of this tract, same being in the west line of said 27.20 acre Butler Family tract and the existing east ROW line of Parmer Lane and the east line of that tract of land described as 47,834 square feet, Parcel B, in a deed to Travis County, of record in Document No. 2008039133, Official Public Records, Travis County, Texas

EXHIBIT ____

- 7) THENCE, with the west line of this tract and said 27.20 acre, 2130 square foot, and 1588 square foot Butler Family tracts and with the existing east ROW line of Parmer Lane and the east line of said 47,834 square foot Travis County tract, continuing with the east line of the remainder portion of Boyce Lane, continuing with the east line of the remainder portion of that tract described as 0.271 of one acre in a deed to Travis County, of record in Volume 4243, Page 1508, Deed Records, Travis County, Texas, and continuing with the east line of that tract described as 847 square feet, Parcel C, in said deed to Travis County in Document No. 2008039133, **N25°22'00"W 249.43 feet** to a calculated point at the northwest corner of this tract and said 27.20 acre Butler Family tract, same being in the existing south ROW line of U.S. Highway 290, and the south line of that tract described as 3.720 acres in a deed to the State of Texas, of record in Volume 663, Page 25, Deed Records, Travis County, Texas from which a 1/2" iron rod found near the west corner of said 847 square foot Travis County tract bears **S74°03'41"W 30.20 feet** and **N15°56'19"W 0.53 feet**;

- 8) THENCE, with the north line of this tract, and of said 27.20 acre Butler Family tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 3.720 acre State of Texas tract, and continuing with the south line of said 5.738 acre State of Texas tract, **N74°03'41"E 1123.95 feet** to the POINT OF BEGINNING and containing 1.090 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.

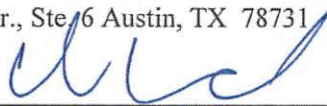
STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

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 17th day of September, 2010 A.D.

SURVEYED BY:

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



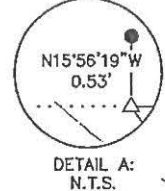
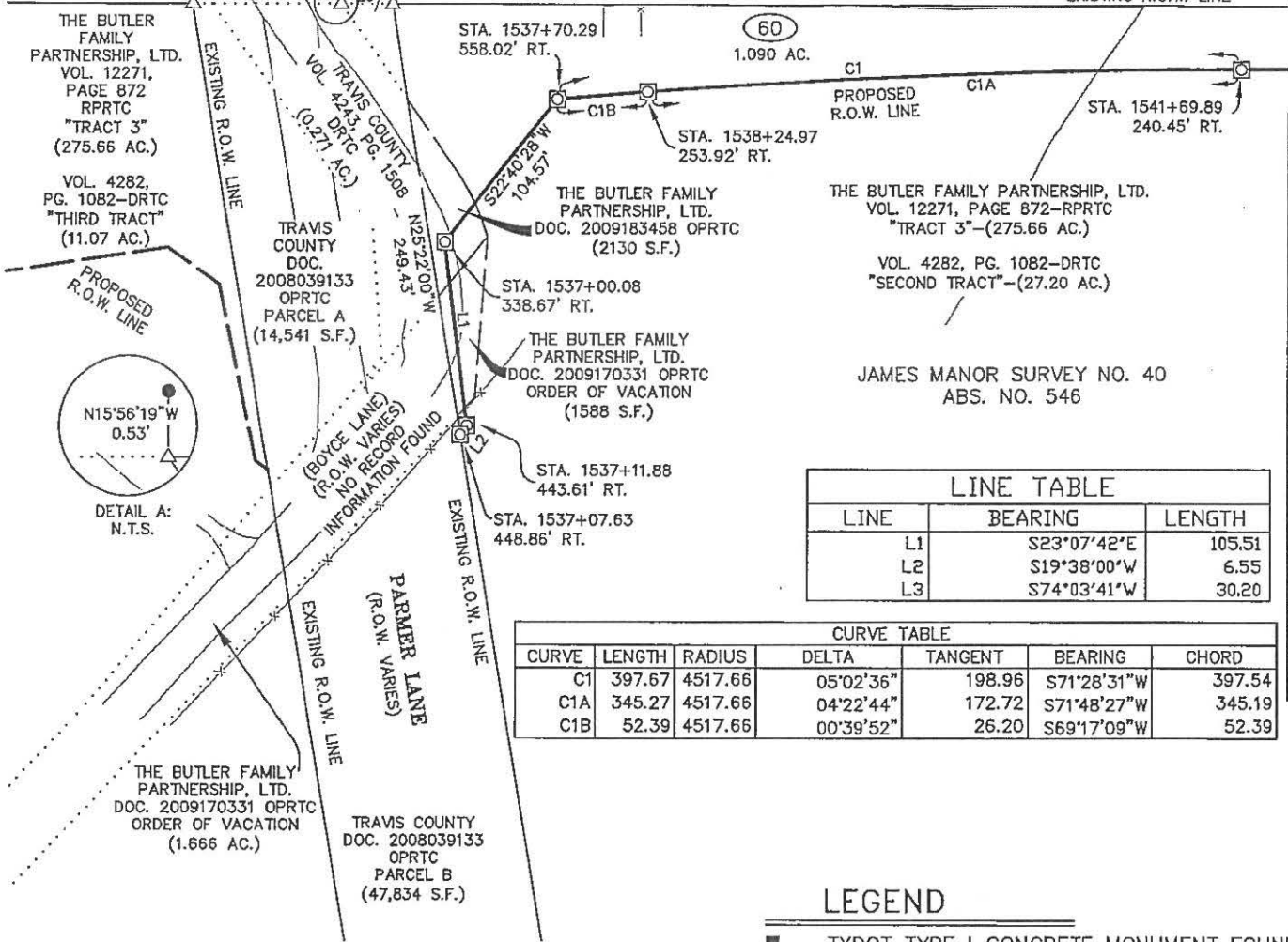
Chris Conrad, Reg. Professional Land Surveyor No. 5623
Note: There is a plat to accompany this description. US 290 P60REV2
Issued 12/01/06, Rev 03/20/07, 09/17/10



STATE OF TEXAS
VOL. 663, PG. 25
DRTC
(3.720 AC.)

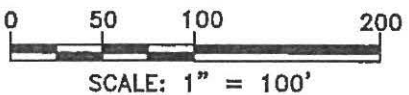
STATE OF TEXAS
VOL. 678, PG. 401 DRTC
(5.738 AC.)

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



LINE	BEARING	LENGTH
L1	S23°07'42\"E	105.51
L2	S19°38'00\"W	6.55
L3	S74°03'41\"W	30.20

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	397.67	4517.66	05°02'36\"	198.96	S71°28'31\"W	397.54
C1A	345.27	4517.66	04°22'44\"	172.72	S71°48'27\"W	345.19
C1B	52.39	4517.66	00°39'52\"	26.20	S69°17'09\"W	52.39



CALCULATED ACREAGE	25.012 AC.
ACQUISITION ACREAGE	1.090 AC.
ACQUISITION SQUARE FEET	47,471
REMAINDER ACREAGE	23.922 AC.
REMAINDER SQUARE FEET	1,042,052

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

MATCH PAGE 6 OF 6

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

PLAT OF 1.090 AC. OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND CALLED 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 60
PAGE 5 OF 6

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

STATE OF TEXAS
VOL. 678, PG. 401 DRTC
(5.738 AC.)

P.O.B.
STA. 1548+00.00
204.23' RT.

(N76°37'E 1820.20')
N74°03'41"E 1123.95'

60
1.090 AC.

S73°59'49"W 530.11'

STA. 1547+00.00
240.01' RT.

S54°21'29"W
106.21'

S74°03'41"W
664.63'

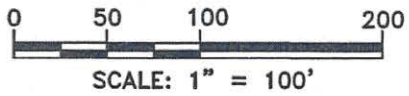
THE BUTLER FAMILY PARTNERSHIP, LTD.
VOL. 12271, PAGE 872-RPRTC
"TRACT 3"-(275.66 AC.)

VOL. 4282, PG. 1082-DRTC
"SECOND TRACT"-(27.20 AC.)

JAMES MANOR SURVEY NO. 40
ABS. NO. 546

MANOR INDEPENDENT
SCHOOL DISTRICT
VOL. 2895, PG. 310
DRTC
(12.03 AC.)

MATCH PAGE 5 OF 6



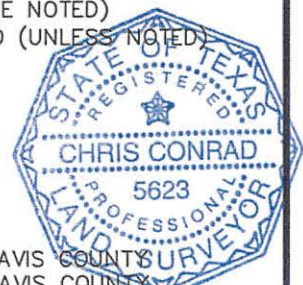
OLD STATE HIGHWAY 20
(R.O.W. VARIES)
NO RECORD CONVEYANCE FOUND
DRAWN AS SHOWN ON
CSJ # 0114-02-012

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 6 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 ADJUTTING PROPERTY.

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
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- ▲ 60D NAIL FOUND
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- (XXX) RECORD INFORMATION
- P.O.B POINT OF BEGINNING
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- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



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

09/17/10

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

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

PLAT OF 1.090 AC. OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND CALLED 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 60
PAGE 6 OF 6

FINAL CLOSURE PARCEL 60 US HIGHWAY 290

PARCEL 60 - SKETCH MAPCHECK

North: 10096256.2025 East: 3171843.8969
Course: S 54-21-29 W Distance: 106.21000
North: 10096194.3120 East: 3171757.5827
Course: S 73-59-49 W Distance: 530.11000
North: 10096048.1667 East: 3171248.0161
Arc Length: 397.66838 Radius: 4517.66000 Delta: -5-02-37
Tangent: 198.96268 Chord: 397.54000 Ch Course: S 71-28-31 W
Course In: S 16-00-11 E Out: N 21-02-47 W
Ctr North: 10091705.5780 East: 3172493.4780
End North: 10095921.8628 East: 3170871.0739
Course: S 22-40-28 W Distance: 104.57000
North: 10095825.3750 East: 3170830.7628
Course: S 23-07-42 E Distance: 105.51000
North: 10095728.3451 East: 3170872.2063
Course: S 19-38-00 W Distance: 6.55000
North: 10095722.1759 East: 3170870.0055
Course: N 25-22-00 W Distance: 249.43000
North: 10095947.5570 East: 3170763.1473
Course: N 74-03-41 E Distance: 1123.95000
North: 10096256.2018 East: 3171843.8887

Perimeter: 2623.99838

Area: 47471.38491 1.08979 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.008212 Course: N 85-30-30 E
Precision 1: 319515.55

PARCEL 60 - STRIPMAP MAPCHECK

North: 10097190.2711 East: 3170161.2517
Course: S 54-21-29 W Distance: 106.21000
North: 10097128.3806 East: 3170074.9376
Course: S 73-59-49 W Distance: 530.11000
North: 10096982.2353 East: 3169565.3709
Arc Length: 397.66838 Radius: 4517.66000 Delta: -5-02-37
Tangent: 198.96268 Chord: 397.54000 Ch Course: S 71-28-31 W
Course In: S 16-00-11 E Out: N 21-02-47 W
Ctr North: 10092639.6466 East: 3170810.8329
End North: 10096855.9313 East: 3169188.4288
Course: S 22-40-28 W Distance: 104.57000
North: 10096759.4435 East: 3169148.1177
Course: S 23-07-42 E Distance: 105.51000
North: 10096662.4137 East: 3169189.5611
Course: S 19-38-00 W Distance: 6.55000
North: 10096656.2445 East: 3169187.3603
Course: N 25-22-00 W Distance: 249.43000
North: 10096881.6256 East: 3169080.5021
Course: N 74-03-41 E Distance: 1123.95000
North: 10097190.2704 East: 3170161.2435

Perimeter: 2623.99838

FINAL CLOSURE PARCEL 60 US HIGHWAY 290

PARCEL 60 - STRIPMAP MAPCHECK (cont.)

Area: 47471.38491 1.08979 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.008212 Course: N 85-30-30 E
Precision 1: 319515.55

PARCEL 60 - DESCRIPTION MAPCHECK

North: 10095290.0964 East: 3174052.9781
 Course: S 54-21-29 W Distance: 106.21000
North: 10095228.2059 East: 3173966.6639
 Course: S 73-59-49 W Distance: 530.11000
North: 10095082.0606 East: 3173457.0973
Arc Length: 397.66838 Radius: 4517.66000 Delta: -5-02-37
 Tangent: 198.96268 Chord: 397.54000 Ch Course: S 71-28-31 W
 Course In: S 16-00-11 E Out: N 21-02-47 W
Ctr North: 10090739.4720 East: 3174702.5592
End North: 10094955.7567 East: 3173080.1552
 Course: S 22-40-28 W Distance: 104.57000
North: 10094859.2689 East: 3173039.8440
 Course: S 23-07-42 E Distance: 105.51000
North: 10094762.2390 East: 3173081.2875
 Course: S 19-38-00 W Distance: 6.55000
North: 10094756.0698 East: 3173079.0867
 Course: N 25-22-00 W Distance: 249.43000
North: 10094981.4509 East: 3172972.2285
 Course: N 74-03-41 E Distance: 1123.95000
Press any key for more...
North: 10095290.0958 East: 3174052.9699

Perimeter: 2623.99838

Area: 47471.38491 1.08979 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.008212 Course: N 85-30-30 E
Precision 1: 319515.55