

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

**RESOLUTION NO. 11-059**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 113)**

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 0.027 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 northwest 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 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 11-059  
Date Passed: 04/27/11

**Exhibit "A" to Resolution 11-059**

**Description of Parcel 113**

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

**County:** Travis  
**Parcel No.:** 113  
**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 113**

DESCRIPTION OF 0.027 OF ONE ACRE (1,189 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 4.42 ACRES (FIFTH TRACT), OF RECORD IN VOLUME 4282, PAGE 1082, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 4.42 ACRES BEING A 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 0.027 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 to be replaced by a TxDOT Type II concrete monument after acquisition, 325.48 feet left of Engineer's Baseline Station 1533+11.83, in the proposed west right-of-way (ROW) line of U.S. Highway 290, at the west corner of the herein described tract, same being in the existing north ROW line of U.S. Highway 290, and the north line of that tract described as 2.897 acre, Parcel 1215, in a deed to the State of Texas, of record in Document No. 2007015033, Official Public Records, Travis County, Texas, from TxDOT Type III monument found at the southeast corner of that tract described as 9.109 acres in a deed to E/290 Parmer, LTD., of record in Document No. 2008195889, Official Public Records, Travis County, Texas, bears along a curve to the left, whose intersection angle is  $01^{\circ}49'46''$ , radius is 6,153.61 feet, an arc distance of 196.49 feet, the chord of which bears  $S67^{\circ}51'08''W$  196.48 feet;

- 1) THENCE, with the northwest line of this tract and the proposed northwest ROW line of U.S. Highway 290. crossing said 4.42 acre Butler tract,  $N15^{\circ}09'44''E$  59.01 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, 373.17 feet left of Engineers Baseline Station 1533+44.59, same being in the west line of F.M. 734 (Parmer Lane) and the west line of that tract described as 1.052 acres in a deed to the State of Texas, of record in Volume 13218, Page 2072, Real Property Records, Travis County, Texas, from which a TxDOT Type III monument found at the north corner of said 4.42 acre Butler tract and the east corner of said E/290 tract bears  $N38^{\circ}40'29''W$  123.42 feet;

EXHIBIT \_\_\_

- 2) THENCE, with the east line of this tract and said 4.42 acre Butler tract and the existing west ROW line of F.M. 734 (Parmer Lane) and the west line of said 1.052 acre State of Texas tract, **S38°40'29"E 50.00 feet** to a TxDOT Type III monument found at the east corner of this tract and said 4.42 acre Butler tract, same being in the existing north ROW line of U.S. Highway 290 and at the northeast corner of said 2.897 acre State of Texas tract;
- 3) THENCE, with the south line of this tract and said 4.42 acre Butler tract and the existing north ROW line of U.S. Highway 290 and the north line of said 2.897 acre State of Texas tract, with a curve to the left, whose intersection angle is **00°27'56"**, radius is **6,153.61 feet**, an arc distance of **50.00 feet**, the chord of which bears **S68°59'59"W 50.00 feet** to the POINT OF BEGINNING and containing 0.027 of one acre, more or less, within these metes and bounds.

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.

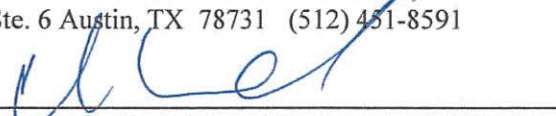
STATE OF TEXAS           §  
  §           KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS   §

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 P113 R1; Issued 09/17/2010; Revised 12/3/10

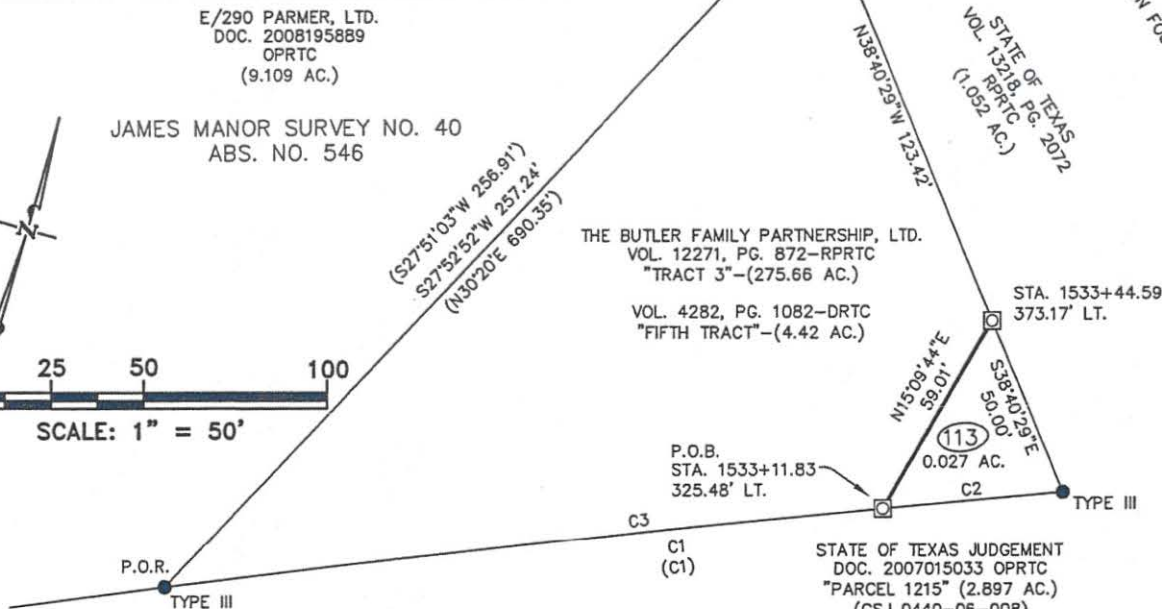
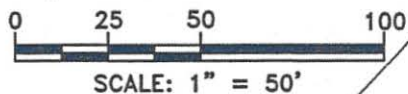


CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	246.49	6153.61	2°17'42"	123.26	S68°05'06"W	246.47
(C1)	(246.33)	(6153.61)	(02°17'37")		(N68°05'15"E)	(246.31)
C2	50.00	6153.61	0°27'56"	25.00	S68°59'59"W	50.00
C3	196.49	6153.61	1°49'46"	98.25	S67°51'08"W	196.48

SURVEYED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
0.465 AC.	0.027 AC.	1,189 S.F.	0.438 AC.	19,066 S.F.

E/290 PARMER, LTD.  
DOC. 2008195889  
OPRTC  
(9.109 AC.)

JAMES MANOR SURVEY NO. 40  
ABS. NO. 546



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 AND 2 OF 3 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) 0.159 OF ONE ACRE OF SAID 14.084 ACRES IS AN EXISTING 15' STATE OF TEXAS CHANNEL EASEMENT OF RECORD IN VOLUME 3151, PAGE 273, DEED RECORDS, TRAVIS COUNTY, TEXAS.

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

*Chris Conrad*

12/03/10

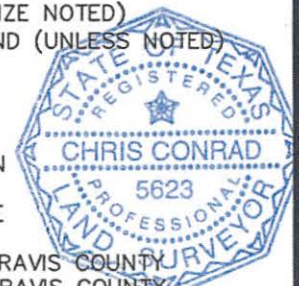
CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

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

PLAT OF 0.027 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 113  
PAGE 3 OF 3

- 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



# FINAL CLOSURE PARCEL 113 US HIGHWAY 290

## PARCEL 113 - SKETCH MAPCHECK

North: 10094125.9826 East: 3162501.7113  
Course: N 15-09-44 E Distance: 59.01000  
North: 10094182.9385 East: 3162517.1455  
Course: S 38-40-29 E Distance: 50.00000  
North: 10094143.9031 East: 3162548.3904  
Arc Length: 50.00014 Radius: 6153.61000 Delta: -0-27-56  
Tangent: 25.00021 Chord: 50.00000 Ch Course: S 68-59-59 W  
Course In: S 20-46-03 E Out: N 21-13-59 W  
Ctr North: 10088390.1121 East: 3164730.3172  
End North: 10094125.9845 East: 3162501.7115

Perimeter: 159.01014

Area: 1189.29502 0.02730 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.001892 Course: S 06-27-50 W

Precision 1: 84058.54

## PARCEL 113 - STRIPMAP MAPCHECK

North: 10102718.6952 East: 3164075.8864  
Course: N 15-09-44 E Distance: 59.01000  
North: 10102775.6510 East: 3164091.3206  
Course: S 38-40-29 E Distance: 50.00000  
North: 10102736.6157 East: 3164122.5656  
Arc Length: 50.00014 Radius: 6153.61000 Delta: -0-27-56  
Tangent: 25.00021 Chord: 50.00000 Ch Course: S 68-59-59 W  
Course In: S 20-46-03 E Out: N 21-13-59 W  
Ctr North: 10096982.8246 East: 3166304.4923  
End North: 10102718.6971 East: 3164075.8866

Perimeter: 159.01014

Area: 1189.29502 0.02730 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.001892 Course: S 06-27-50 W

Precision 1: 84058.54

## PARCEL 113 - DESCRIPTION MAPCHECK

North: 10094138.4095 East: 3163093.0409  
Course: N 15-09-44 E Distance: 59.01000  
North: 10094195.3653 East: 3163108.4751  
Course: S 38-40-29 E Distance: 50.00000  
North: 10094156.3300 East: 3163139.7201  
Arc Length: 50.00014 Radius: 6153.61000 Delta: -0-27-56  
Tangent: 25.00021 Chord: 50.00000 Ch Course: S 68-59-59 W  
Course In: S 20-46-03 E Out: N 21-13-59 W  
Ctr North: 10088402.5389 East: 3165321.6468  
End North: 10094138.4114 East: 3163093.0411

# FINAL CLOSURE PARCEL 113 US HIGHWAY 290

PARCEL 113 - DESCRIPTION MAPCHECK (cont.)

Perimeter: 159.01014

Area: 1189.29502                      0.02730 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.001892              Course: S 06-27-50 W

Precision 1: 84058.54