

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

RESOLUTION NO. 11-032

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 29)**

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 9.108 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by JMTCV Ltd. (the "Owner"), located at US Hwy 290E between Ferguson Cutoff and Johnny Morris Road 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 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 30th day of March, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 11-032
Date Passed: 03/30/11

Exhibit "A" to Resolution 11-032

Description of Parcel 29

EXHIBIT _____

County: Travis
Parcel No.: 29
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 29

DESCRIPTION OF 9.108 ACRES (396,749 SQUARE FEET) OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 61.887 ACRES IN A DEED TO JMTCV, LTD., OF RECORD IN DOCUMENT 2005073729, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 9.108 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, in the proposed south right-of-way (ROW) line of U.S. Highway 290, 215.00 feet right of Engineer's Baseline Station 357+38.04, at the southeast corner of this tract, same being in the east line of said JMTCV tract, and the west line of Lot 1, Block A, ABC Pest and Lawn Subdivision No. 1, as recorded in Document 200700312, Official Public Records, Travis County, Texas, said Lot 1 being described as 7.876 acres in deeds to Robert W. Jenkins, Jr., of record in Document 2007132864, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said JMTCV tract, and the southwest corner of said Lot 1 and said Jenkins tract, same being in the existing north ROW line of Old State Highway 20 for which no record conveyance was found, as shown on TxDOT ROW map CSJ# 0114-02-012, bears S05°50'55"E 597.30 feet;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said JMTCV tract, **S84°02'32"W**, at 110.62 feet passing a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 215.00 feet right of Engineer's Baseline Station 356+27.42, continuing an additional 1228.57 feet, passing at 1339.19 feet, a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II

EXHIBIT ____

concrete monument after acquisition, 215.00 feet right of Engineer's Baseline Station 343+98.85, continuing 246.39 feet, passing at 1585.58 feet a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT concrete monument to be set after acquisition, 217.74 feet right of Engineer's Baseline Station 341+57.28, and continuing 717.77 feet for a total distance of **2303.35 feet** to a 1/2" iron rod set with a TxDOT aluminum cap 233.72 feet right of Engineer's Baseline Station 334+39.70, at the southwest corner of this tract, same being in the west line of said JMTCV tract, and the east line of that certain tract of land described as 24.07 acres in a deed to TX Old Manor Housing, L.P., of record in Document 2004148431, Official Public Records, Travis County, Texas, from which point a 60d nail found at the west corner of said JMTCV tract, same being an interior ell corner on the east line of said TX Old Manor Housing tract, bears S27°18'56"W 1050.06 feet;

- 2) THENCE, with the west line of this tract, and said JMTCV tract, and the east line of said TX Old Manor Housing tract, **N27°18'56"E 259.19 feet** to a calculated point at the northwest corner of this tract, and said JMTCV tract, and the northeast corner of said TX Old Manor Housing tract, same being the southeast corner of that certain tract of land described as 1.830 acres in a deed to the State of Texas, of record in Volume 3106, Page 2150, Deed Records, Travis County, Texas, and the southwest corner of that certain tract of land described as 3.431 acres (Part 1), in a deed to the State of Texas, of record in Volume 3092, Page 636, Deed Records, Travis County, Texas, same being in the existing south ROW line of U.S. Highway 290, from which point a 1/2" iron rod found with a TxDOT aluminum cap bears S05°57'50"E 1.64 feet, and from which point a 1/2" iron rod found with cap bears S01°05'54"W 2.18 feet;

THENCE, with the north line of this tract, and said JMTCV tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 3.431 acre State of Texas tract, the following three (3) courses numbered 3, 4, and 5;

- 3) **N84°02'10"E**, at 872.28 feet passing a calculated point from which a TxDOT Type I concrete monument found bears S05°57'50"E 0.59 feet and from which point a TxDOT Type I concrete monument found bears S68°10'11"E 39.28 feet, continuing 78.47 feet, in all a total distance **950.75 feet** to a TxDOT Type I concrete monument found;

EXHIBIT ____

- 4) **S85°55'38"E 405.74 feet** to a TxDOT Type I concrete monument found; and
- 5) **S88°14'02"E 292.10 feet** to a calculated point at the southeast corner of said 3.431 acre State of Texas tract, same being the southwest corner of that certain tract of land described as 1.00 acre in a deed to the State of Texas, of record in Volume 3057, Page 1524, Deed Records, Travis County, Texas, from which point a TxDOT Type I concrete monument found bears S05°57'50"E 0.91 feet;
- 6) THENCE, continuing with the north line of this tract, and said JMTCV tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 1.00 acre State of Texas tract, **N84°02'10"E 290.51 feet** to a calculated point at the southeast corner of said 1.00 acre State of Texas tract, and the southwest corner of that certain tract of land described as 0.585 of one acre (Part II) in a deed to the State of Texas, of record in Volume 3092, Page 636, Deed Records, Travis County, Texas, from which point a TxDOT Type I concrete monument found bears S05°57'50"E 0.68 feet;
- 7) THENCE, continuing with the north line of this tract, and said JMTCV tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 0.585 of one acre State of Texas tract **N62°46'23"E 248.17 feet** to a TxDOT Type I concrete monument found at the northeast corner of this tract, and said JMTCV tract, same being the southeast corner of said 0.585 of one acre State of Texas tract, and the southwest corner of that certain tract of land described as 1.213 acres in a deed to the State of Texas, of record in Volume 3047, Page 365, Deed Records, Travis County, Texas, same being the northwest corner of said Lot 1 and said Jenkins tract;

EXHIBIT _____

8) THENCE, with the east line of this tract, and said JMTCV tract, and the west line of said Lot 1 and said Jenkins tract, **S05°50'55"E 196.93 feet** to the POINT OF BEGINNING and containing 9.108 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

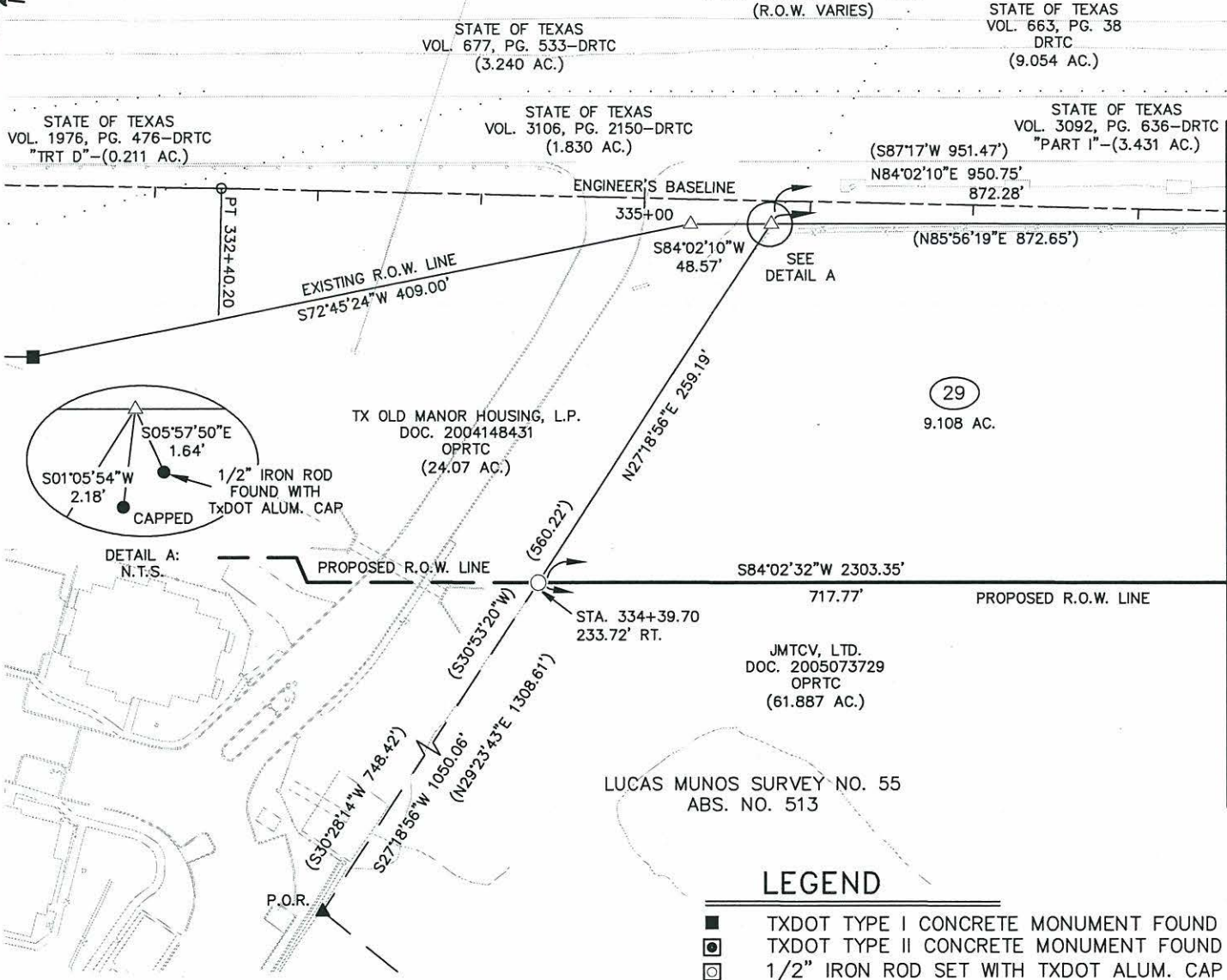
Note: There is a plat to accompany this description. US290 P29 R6
Issued 12/01/06, Rev 02/02/07, 03/20/07, 04/01/09, 05/15/09, 7/17/09, 12/4/09, 05/21/10, 12/3/10





SCALE: 1" = 100'

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



DEED ACREAGE	61.887 AC.
ACQUISITION ACREAGE	9.108 AC.
ACQUISITION SQUARE FEET	396,749
REMAINDER ACREAGE	52.779 AC.
REMAINDER SQUARE FEET	2,229,049

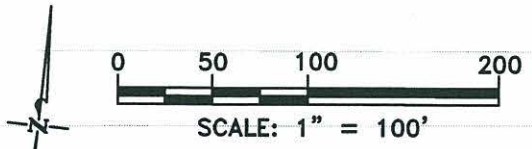
- LEGEND**
- TXDOT TYPE I CONCRETE MONUMENT FOUND
 - TXDOT TYPE II CONCRETE MONUMENT FOUND
 - ◻ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
 - 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
 - ⊙ IRON PIPE FOUND (SIZE NOTED)
 - 1/2" IRON ROD FOUND (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
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McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

PLAT OF 9.108 AC. OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 61.887 AC. IN A DEED TO JMTCV, LTD., OF RECORD IN DOCUMENT 2005073729, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 29
PAGE 5 OF 8

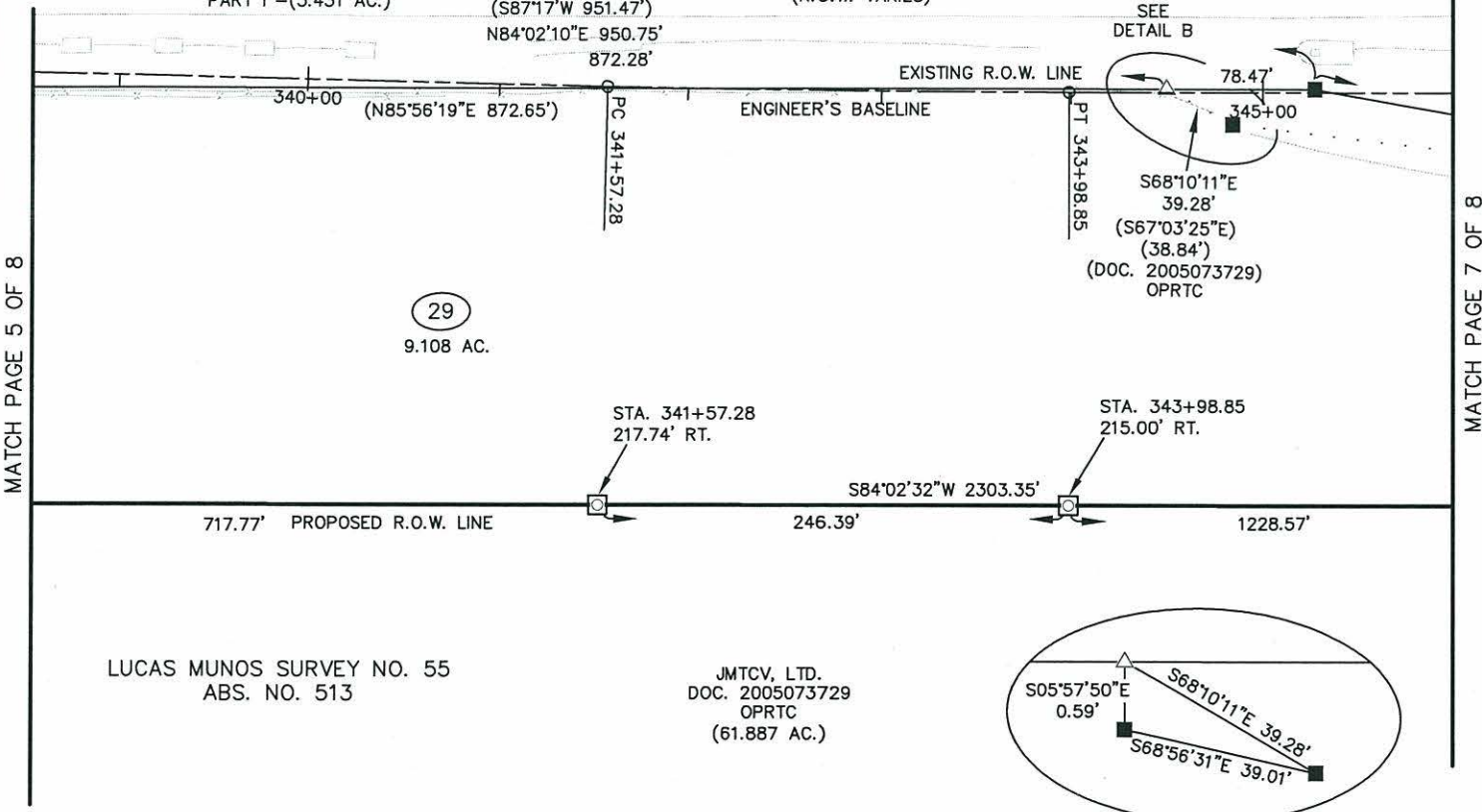
MATCH PAGE 6 OF 8



STATE OF TEXAS
VOL. 663, PG. 38-DRTC
(9.054 AC.)

STATE OF TEXAS
VOL. 3092, PG. 636-DRTC
"PART I"-(3.431 AC.)

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

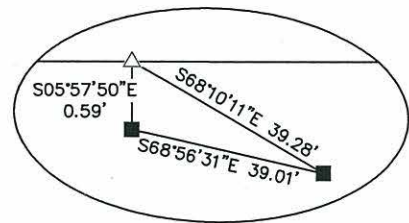


MATCH PAGE 5 OF 8

MATCH PAGE 7 OF 8

LUCAS MUNOS SURVEY NO. 55
ABS. NO. 513

JMTCV, LTD.
DOC. 2005073729
OPRTC
(61.887 AC.)



DETAIL B:
N.T.S.

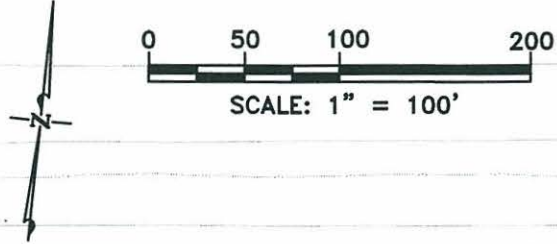
LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- ◼ TXDOT TYPE II CONCRETE MONUMENT FOUND
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TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 29
PAGE 6 OF 8

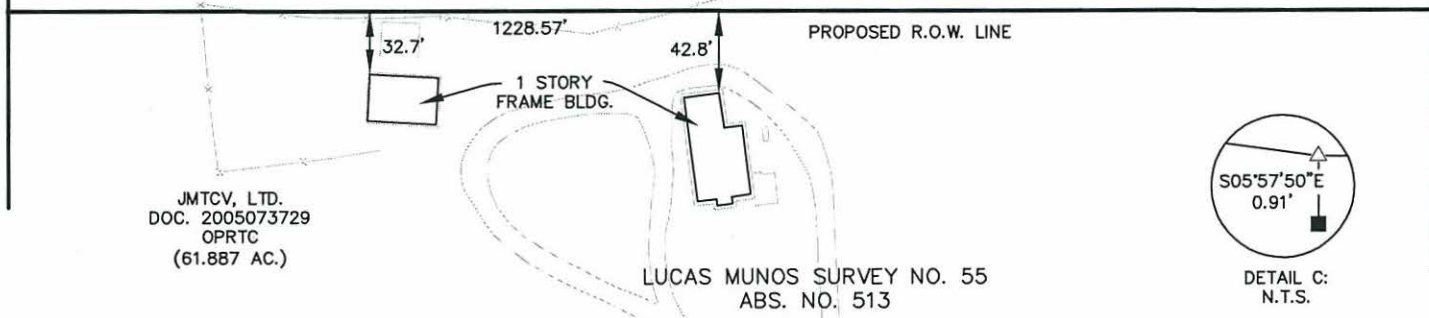
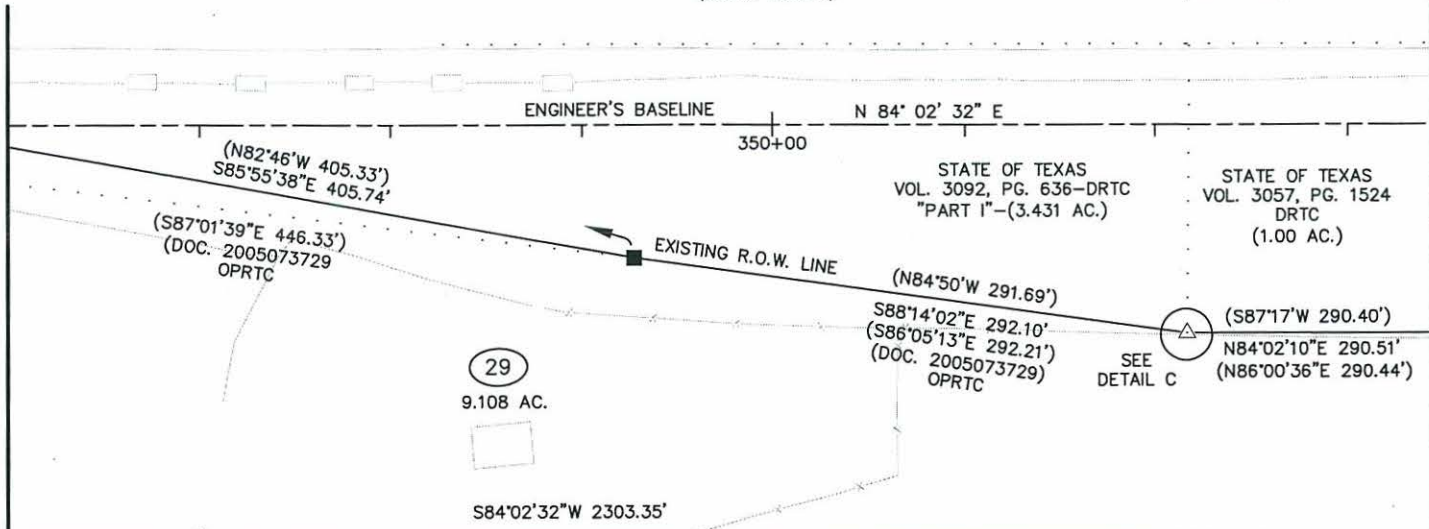


U.S. HIGHWAY 290
(R.O.W. VARIES)

STATE OF TEXAS
VOL. 663, PG. 38-DRTC
(9.054 AC.)

MATCH PAGE 6 OF 8

MATCH PAGE 8 OF 8



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
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TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 29
PAGE 7 OF 8

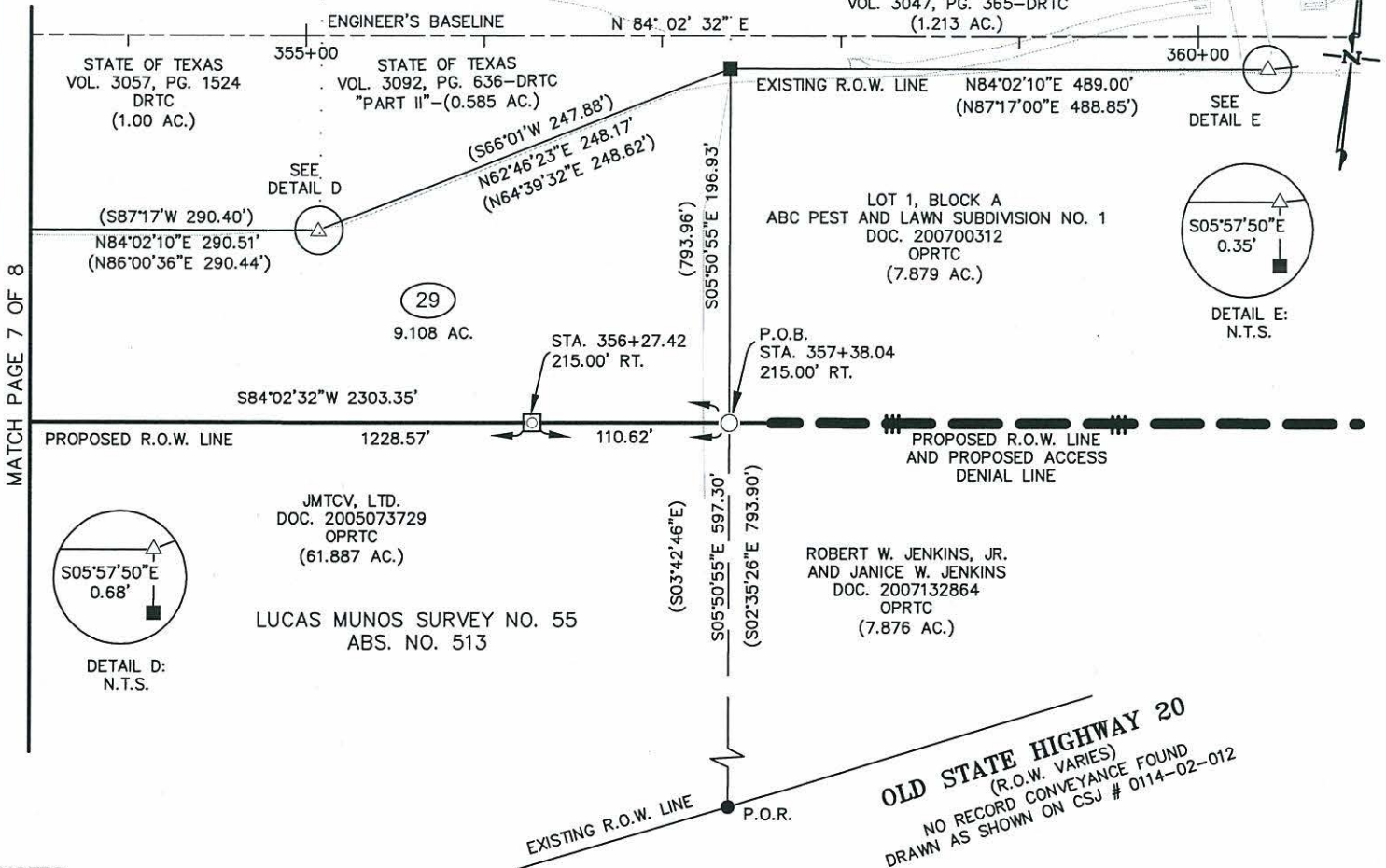


SCALE: 1" = 100'

STATE OF TEXAS
VOL. 663, PG. 38-DRTC
(9.054 AC.)

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

STATE OF TEXAS
VOL. 3047, PG. 365-DRTC
(1.213 AC.)



MATCH PAGE 7 OF 8

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 8 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

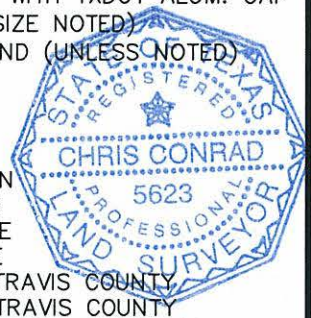
12/03/10

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

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

LEGEND

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TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 29
PAGE 8 OF 8

FINAL CLOSURE PARCEL 29 US HIGHWAY 290

PARCEL 29 SKETCH MAPCHECK

North: 10091410.4554 East: 3148629.9531
Course: S 84-02-32 W Distance: 2303.35000
North: 10091171.3779 East: 3146339.0443
Course: N 27-18-56 E Distance: 259.19000
North: 10091401.6663 East: 3146457.9842
Course: N 84-02-10 E Distance: 950.75000
North: 10091500.4508 East: 3147403.5883
Course: S 85-55-38 E Distance: 405.74000
North: 10091471.6337 East: 3147808.3037
Course: S 88-14-02 E Distance: 292.10000
North: 10091462.6313 East: 3148100.2650
Course: N 84-02-10 E Distance: 290.51000
North: 10091492.8158 East: 3148389.2026
Course: N 62-46-23 E Distance: 248.17000
North: 10091606.3575 East: 3148609.8757
Course: S 05-50-55 E Distance: 196.93000
North: 10091410.4526 East: 3148629.9429

Perimeter: 4946.74000

Area: 396749.37207 9.10811 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.010562 Course: N 74-59-06 E

Precision 1: 468358.34

PARCEL 29 STRIPMAP MAPCHECK

North: 10090745.7878 East: 3152331.6157
Course: S 84-02-32 W Distance: 2303.35000
North: 10090506.7103 East: 3150040.7069
Course: N 27-18-56 E Distance: 259.19000
North: 10090736.9987 East: 3150159.6468
Course: N 84-02-10 E Distance: 950.75000
North: 10090835.7832 East: 3151105.2509
Course: S 85-55-38 E Distance: 405.74000
North: 10090806.9661 East: 3151509.9663
Course: S 88-14-02 E Distance: 292.10000
North: 10090797.9637 East: 3151801.9275
Course: N 84-02-10 E Distance: 290.51000
North: 10090828.1482 East: 3152090.8651
Course: N 62-46-23 E Distance: 248.17000
North: 10090941.6900 East: 3152311.5382
Course: S 05-50-55 E Distance: 196.93000
North: 10090745.7851 East: 3152331.6055

Perimeter: 4946.74000

Area: 396749.37207 9.10811 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.010562 Course: N 74-59-06 E

Precision 1: 468358.34

FINAL CLOSURE PARCEL 29 US HIGHWAY 290

PARCEL 29 DESCRIPTION MAPCHECK

North: 10111462.1908 East: 3138795.5056
Course: S 84-02-32 W Distance: 2303.35000
North: 10111223.1133 East: 3136504.5968
Course: N 27-18-56 E Distance: 259.19000
North: 10111453.4017 East: 3136623.5367
Course: N 84-02-10 E Distance: 950.75000
North: 10111552.1862 East: 3137569.1408
Course: S 85-55-38 E Distance: 405.74000
North: 10111523.3691 East: 3137973.8562
Course: S 88-14-02 E Distance: 292.10000
North: 10111514.3667 East: 3138265.8174
Course: N 84-02-10 E Distance: 290.51000
North: 10111544.5512 East: 3138554.7551
Course: N 62-46-23 E Distance: 248.17000
North: 10111658.0930 East: 3138775.4282
Course: S 05-50-55 E Distance: 196.93000
North: 10111462.1881 East: 3138795.4954

Perimeter: 4946.74000

Press any key for more...

Area: 396749.37207 9.10811 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.010562 Course: N 74-59-06 E

Precision 1: 468358.34