

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

RESOLUTION NO. 11-034

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 56A)**

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 1.466 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Shapiro Family Trust (the "Owner"), located at the SWC US Hwy 290E and FM 3177 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 11-034
Date Passed: 03/30/11

Exhibit "A" to Resolution 11-034

Description of Parcel 56A

EXHIBIT ____

County: Travis
Parcel No.: 56A
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 56A

DESCRIPTION OF 1.466 ACRES (63,840 SQ. FT.) 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 30.00 ACRES (TRACT ONE) IN A DEED TO MORRIS SHAPIRO, OF RECORD IN VOLUME 6098, PAGE 262, DEED RECORDS, TRAVIS COUNTY, TEXAS, AND IN A DEED TO ROBERT SHAPIRO, JAY SHAPIRO, IRA SHAPIRO, AND MIKE SHAPIRO, TRUSTEES OF THE MORRIS AND ELAINE SHAPIRO 1987 FAMILY TRUST, FOR AN UNDIVIDED 43.0% INTEREST, OF RECORD IN VOLUME 12043, PAGE 2049, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 1.466 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) Type II concrete monument found in the proposed south right-of-way (ROW) line of U.S. Highway 290, 230.00 feet right of Engineer's Baseline Station 441+64.47, at the southeast corner of the herein described tract, same being in the existing west ROW line of F.M. 3177 and the west line of that tract described as 11.913 acres in a deed to the State of Texas, of record in Document No. 2009069477, Official Public Records, Travis County, Texas;

- 1) THENCE, with the south line of this tract and the preposed south right-of-way line of U.S. Highway 290, crossing said Shapiro Tract One, **S71°25'55"W 511.25 feet** to a 1/2" iron rod set with a TxDOT aluminum cap at the southwest corner of this tract, same being in the west line of said Shapiro Tract One, and the east line of that certain tract of land described as 6.42 acres in a deed to Odeen Hibbs, Trustee, of record in Volume 9599, Page 161, Real Property Records, Travis County, Texas, from which point a 1/2" iron rod found at an angle point in the west line of said Shapiro Tract

EXHIBIT ____

One, and the east line of that certain tract of land described as 22.497 acres in a deed to Nancy Swenson Smith and Agnes Swenson Aldridge, of record in Volume 11995, Page 152, Real Property Records, Travis County, Texas bears S24°07'15"W 1,133.62 feet;

- 2) THENCE, with the northwest line of this tract, and said Shapiro Tract One, and the southeast line of said Hibbs tract, **N24°07'15"E**, at 194.31 passing an iron bar found, in all a total distance of **194.98 feet** to a calculated point at the northwest corner of this tract, and said Shapiro Tract One, and the northeast corner of said Hibbs tract, same being the southeast corner of that certain tract of land described as 8.421 acres in a deed to the State of Texas, of record in Volume 663, Page 27, Deed Records, Travis County, Texas, and the southwest corner of that certain tract of land described as 7.646 acres in a deed to the State of Texas, of record in Volume 663, Page 31, Deed Records, Travis County, Texas, and being in the existing south ROW line of U.S. Highway 290;
- 3) THENCE, with the north line of this tract, and said Shapiro Tract, the existing south ROW line of U.S Highway 290, and the south line of said 7.646 acre State of Texas tract, **N71°23'48"E 379.01 feet** to a TxDOT Type II concrete monument found at the northeast corner of this tract, same being in the existing west ROW line of F.M. 3177 and the northwest corner of said 11.913 acre State of Texas tract;
- 4) THENCE, with the east line of this tract and the existing west ROW line of F.M. 3177 and the west line of said 11.913 acre State of Texas tract, **S18°35'03"E 143.56 feet** to the POINT OF BEGINNING and containing 1.466 acres, more or less, within these metes and bounds.

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 A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND 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.

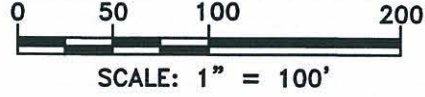
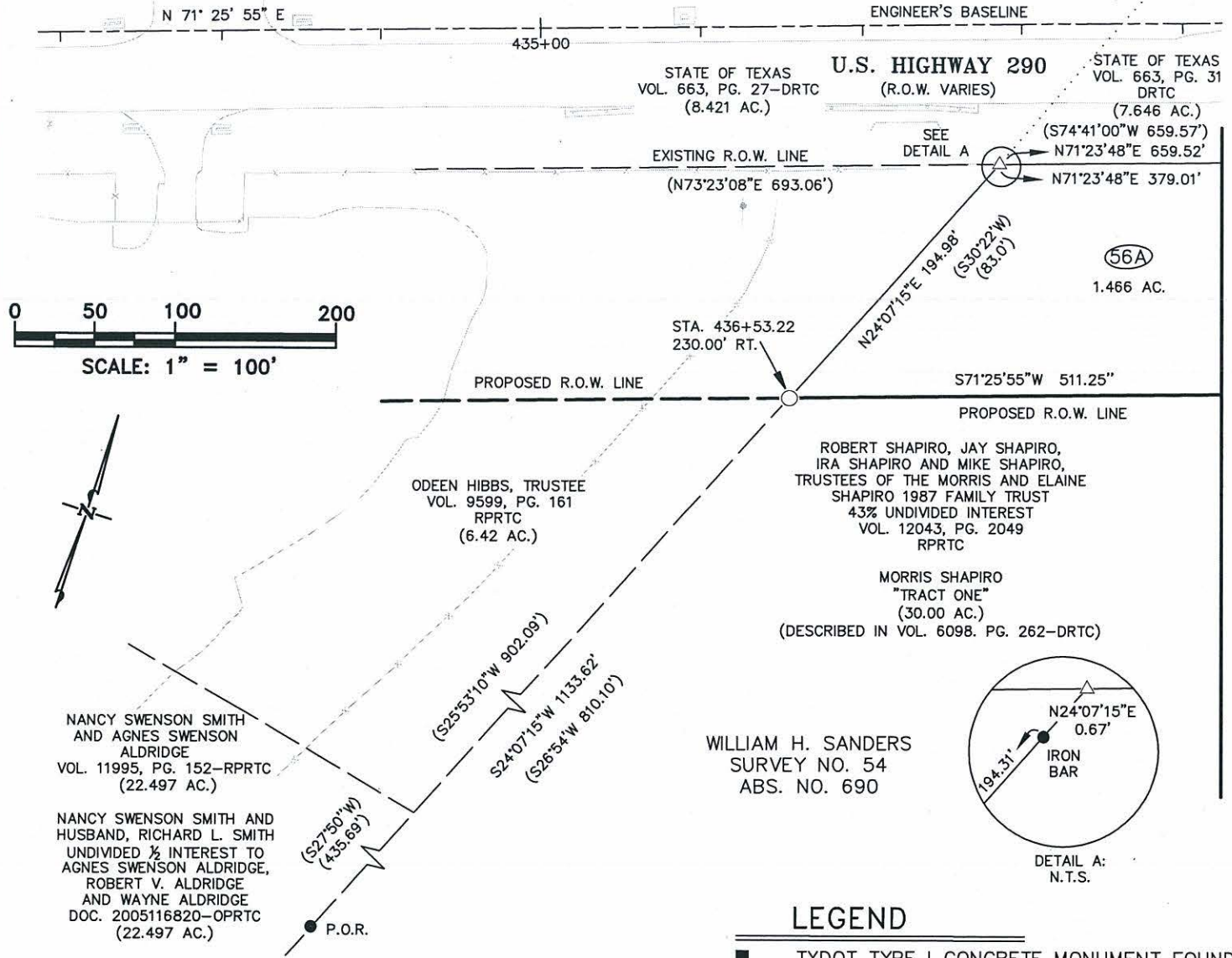
SURVEYED BY:

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 P56A R2
Issued 10/20/2010; Revised 12/3/10



MATCH PAGE 5 OF 5

- ### 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

CALCULATED ACREAGE	83.177 AC.
ACQUISITION ACREAGE	1.466 AC.
ACQUISITION SQUARE FEET	63,840
REMAINDER ACREAGE	81.711 AC.
REMAINDER SQUARE FEET	3,559,350

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
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PLAT OF 1.466 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 30.00 AC. (TRACT ONE), IN A DEED TO ROBERT SHAPIRO, JAY SHAPIRO, IRA SHAPIRO, AND MIKE SHAPIRO, TRUSTEES OF THE MORRIS AND ELAINE SHAPIRO 1987 FAMILY TRUST, 43% UNDIVIDED INTEREST, OF RECORD IN VOLUME 12043, PAGE 2049, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 56A
PAGE 4 OF 5

ENGINEER'S BASELINE

N 71° 25' 55" E

440+00

STATE OF TEXAS
VOL. 663, PG. 31-DRTC
(7.646 AC.)

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

445+00

(S74°41'00"W 659.57')
N71°23'48"E 659.52'

EXISTING R.O.W. LINE

N71°23'48"E 379.01'

N71°23'48"E 280.61'

SEE
DETAIL B

56A
1.466 AC.

S18°35'03"E 143.56'

P.O.B.
STA. 441+64.47
230.00' RT.



SCALE: 1" = 100'

S71°25'55"W 511.25'

PROPOSED R.O.W. LINE

PROPOSED R.O.W. LINE

ROBERT SHAPIRO, JAY SHAPIRO,
IRA SHAPIRO AND MIKE SHAPIRO,
TRUSTEES OF THE MORRIS AND ELAINE
SHAPIRO 1987 FAMILY TRUST
43% UNDIVIDED INTEREST
VOL. 12043, PG. 2049
RPRTC

STATE OF TEXAS
DOC. 2009069477
OPRTC
PARCEL 1 (11.913 AC.)
ROW CSJ 3277-01-019

ROBERT SHAPIRO, JAY SHAPIRO,
IRA SHAPIRO AND MIKE SHAPIRO,
TRUSTEES OF THE MORRIS AND ELAINE
SHAPIRO 1987 FAMILY TRUST
43% UNDIVIDED INTEREST
VOL. 12043, PG. 2049-RPRTC
"TRACT TWO"
(34.77 AC.)
(DESCRIBED IN VOL. 6595, PG. 1555-DRTC)

MORRIS SHAPIRO
"TRACT ONE"
(30.00 AC.)
(DESCRIBED IN VOL. 6098, PG. 262-DRTC)

F.M. 3177
(R.O.W. VARIES)

PROPOSED R.O.W. LINE

2403.43'

N23°18'49"E 2734.98'
(S26°36'W 2735.54')

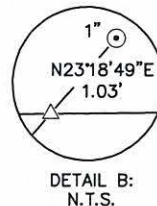
S48°26'38"E 118.92'

60.51'

PROPOSED R.O.W. LINE

("H.&T.C." RAILROAD)
(R.O.W. VARIES)

P.O.R.



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

MATCH PAGE 4 OF 5

- 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 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.

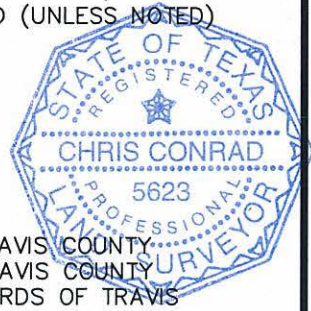
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

12/03/10

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 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)
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TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 56A
PAGE 5 OF 5

FINAL CLOSURE PARCEL 56A US HIGHWAY 290

PARCEL 56A - SKETCH MAPCHECK

North: 10089606.3230 East: 3157197.8831
Course: S 71-25-55 W Distance: 511.25000
North: 10089443.5252 East: 3156713.2457
Course: N 24-07-15 E Distance: 194.98000
North: 10089621.4807 East: 3156792.9267
Course: N 71-23-48 E Distance: 379.01000
North: 10089742.3904 East: 3157152.1334
Course: S 18-35-03 E Distance: 143.56000
North: 10089606.3161 East: 3157197.8856

Perimeter: 1228.80000

Area: 63839.94253 1.46556 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.007346 Course: N 19-10-28 W
Precision 1: 167277.85

PARCEL 56A - STRIPMAP MAPCHECK

North: 10092901.4906 East: 3162084.8185
Course: S 71-25-55 W Distance: 511.25000
North: 10092738.6929 East: 3161600.1810
Course: N 24-07-15 E Distance: 194.98000
North: 10092916.6483 East: 3161679.8620
Course: N 71-23-48 E Distance: 379.01000
North: 10093037.5580 East: 3162039.0687
Course: S 18-35-03 E Distance: 143.56000
North: 10092901.4837 East: 3162084.8209

Perimeter: 1228.80000

Area: 63839.94253 1.46556 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.007346 Course: N 19-10-28 W
Precision 1: 167277.85

PARCEL 56A - DESCRIPTION MAPCHECK

North: 10088956.5520 East: 3158857.6227
Course: S 71-25-55 W Distance: 511.25000
North: 10088793.7543 East: 3158372.9853
Course: N 24-07-15 E Distance: 194.98000
North: 10088971.7097 East: 3158452.6663
Course: N 71-23-48 E Distance: 379.01000
North: 10089092.6194 East: 3158811.8730
Course: S 18-35-03 E Distance: 143.56000
North: 10088956.5451 East: 3158857.6252

Perimeter: 1228.80000

**FINAL CLOSURE PARCEL 56A
US HIGHWAY 290**

PARCEL 56A - DESCRIPTION MAP (cont.)

Area: 63839.94253 1.46556 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.007346 Course: N 19-10-28 W
Precision 1: 167277.85