

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

RESOLUTION NO. 11-035

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

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 2.567 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 SEC 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 11-035
Date Passed: 03/30/11

Exhibit "A" to Resolution 11-035

Description of Parcel 56B

EXHIBIT ____

County: Travis
Parcel No.: 56B
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 56B

DESCRIPTION OF 2.567 ACRES (111,826 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 THOSE CERTAIN TRACTS OF LAND DESCRIBED AS 34.77 ACRES (TRACT TWO) AND 79.646 ACRES (TRACT THREE), IN DEEDS TO MORRIS SHAPIRO, OF RECORD IN VOLUME 6595, PAGE 1555, DEED RECORDS, TRAVIS COUNTY, TEXAS AND VOLUME 10657, PAGE 358, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, RESPECTIVELY 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 2.567 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 set to be replaced with a TxDOT Type II concrete monument after acquisition, in the proposed south right-of-way (ROW) line of U.S. Highway 290, 234.63 feet right of Engineer's Baseline Station 452+88.15, at the southeast corner of the herein described tract, same being in the east line of said Shapiro Tract Three, and the west line of that certain tract of land described as 2.371 acres in a deed to the State of Texas, of record in Document 2005081759, Official Public Records, Travis County, Texas, same being a portion of Lot 1, Stoner Acres, a subdivision of record in Book 80, Page 59, Plat Records, Travis County, Texas, same also being in the existing south ROW of U.S. Highway 290 from which point a 3/4" iron rod found at an interior ell corner of said Shapiro Tract Three, same being the southwest corner of that certain tract of land described in a deed to Robert V. Alridge, of record in Document

EXHIBIT ____

2003238130, Official Public Records, Travis County, Texas, and remainder of said Lot 1, bears S34°06'00"E, 207.69 feet;

THENCE, with the south line of this tract and the proposed south ROW line of U.S. Highway 290, crossing said Shapiro Tracts Three and Two the following two (2) courses numbered 1 and 2;

- 1) with a curve to the right whose intersection angle is **01°55'08"**, radius is **5969.58 feet**, an arc distance of **199.92 feet**, the chord of which bears **S70°28'21"W 199.91 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, 230.99 feet right of Engineer's Baseline Station 450+96.06; and
- 2) **S71°25'55"W 596.83 feet** to a 1/2" iron rod set to be replaced with a TxDOT Type II concrete monuement after acquisition, 230.00 feet right of Engineer's Baseline Station 445+03.42, at the southwest corner of this tract, same being in the existing east ROW line of F.M. 3177 and the east line of that tract of land described as 11.913 acres in a deed to the State of Texas, of record in Document 2009069477, Official Public Records, Travis County, Texas;
- 3) THENCE, with the west line of this tract and the existing east ROW line of F.M. 3177 and the east line of said 11.913 acre of State of Texas tract, **N18°35'03"W 143.77 feet** a TxDOT Type II concrete monument found at the northwest corner of this tract and the northeast corner of said 11.913 acre State of Texas tract same being in the existing south right-of-way line of U.S. Highway 290 in the south line 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;

EXHIBIT ____

THENCE, with the north line of this tract, and said Shapiro Tracts Two and Three, the existing south ROW line of U.S Highway 290, and the south line of said 7.646 acre State of Texas tract, the following two (2) courses numbered 4 and 5;

- 4) **N71°23'48"E 615.02 feet** to a TxDOT Type I concrete monument found, being the point of beginning of a curve; and
 - 5) with said curve to the left whose intersection angle is **01°24'25"**, radius is **5789.60 feet**, at a sub arc distance of 26.93 feet passing a calculated point at the northeast corner of Shapiro Tract Two, and the northwest corner of Shapiro Tract Three, from which a 1/2" iron rod found bears **S23°18'35"E 0.57 feet**, continuing a total arc distance of **142.18 feet**, the chord of which bears **N70°47'46"E 142.18 feet** to a calculated point at the northeast corner of this tract, and said Shapiro Tract Three, and the northwest corner of said 2.371 acre State of Texas tract and said Lot 1;
 - 6) THENCE, with the east line of this tract, and said Shapiro Tract Three, and the west line of said 2.371 acre State of Texas tract and said Lot 1, **S34°06'00"E**, at 0.49 feet passing a 1/2" iron rod found, in all a total distance of **147.77 feet** to the POINT OF BEGINNING and containing 2.567 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 A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

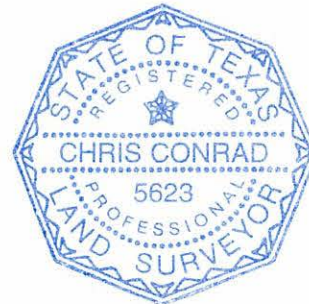
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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 P56B R2
Issued 10/20/2010; Revised 12/3/10

ENGINEER'S BASELINE

N 71° 25' 55" E

440+00

445+00

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

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

SEE
DETAIL A

EXISTING R.O.W. LINE

N71°23'48"E 615.02'
(S74°41'00"W 673.38')

(56B)

2.567 AC.

N18°35'03"W
143.77'

STA. 445+03.42
230.00' RT.

S71°25'55"W 596.83'

488.39' 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

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

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

MORRIS SHAPIRO
"TRACT TWO"
(34.77 AC.)
(DESCRIBED IN VOL. 6595, PG. 1555-DRTC)

S23°18'49"W 2734.98'
(S26°36'W 2735.54')

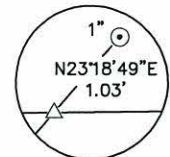
PROPOSED R.O.W. LINE

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

PROPOSED R.O.W. LINE

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

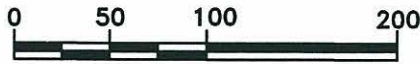
("H.&T.C."
RAILROAD)
(R.O.W. VARIES)



DETAIL A:
N.T.S.

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



SCALE: 1" = 100'

CALCULATED ACREAGE	46.782 AC.
ACQUISITION ACREAGE	2.567 AC.
ACQUISITION SQUARE FEET	111,826
REMAINDER ACREAGE	44.215 AC.
REMAINDER SQUARE FEET	1,925,998

McGRAY & McGRAY
LAND SURVEYORS, INC.

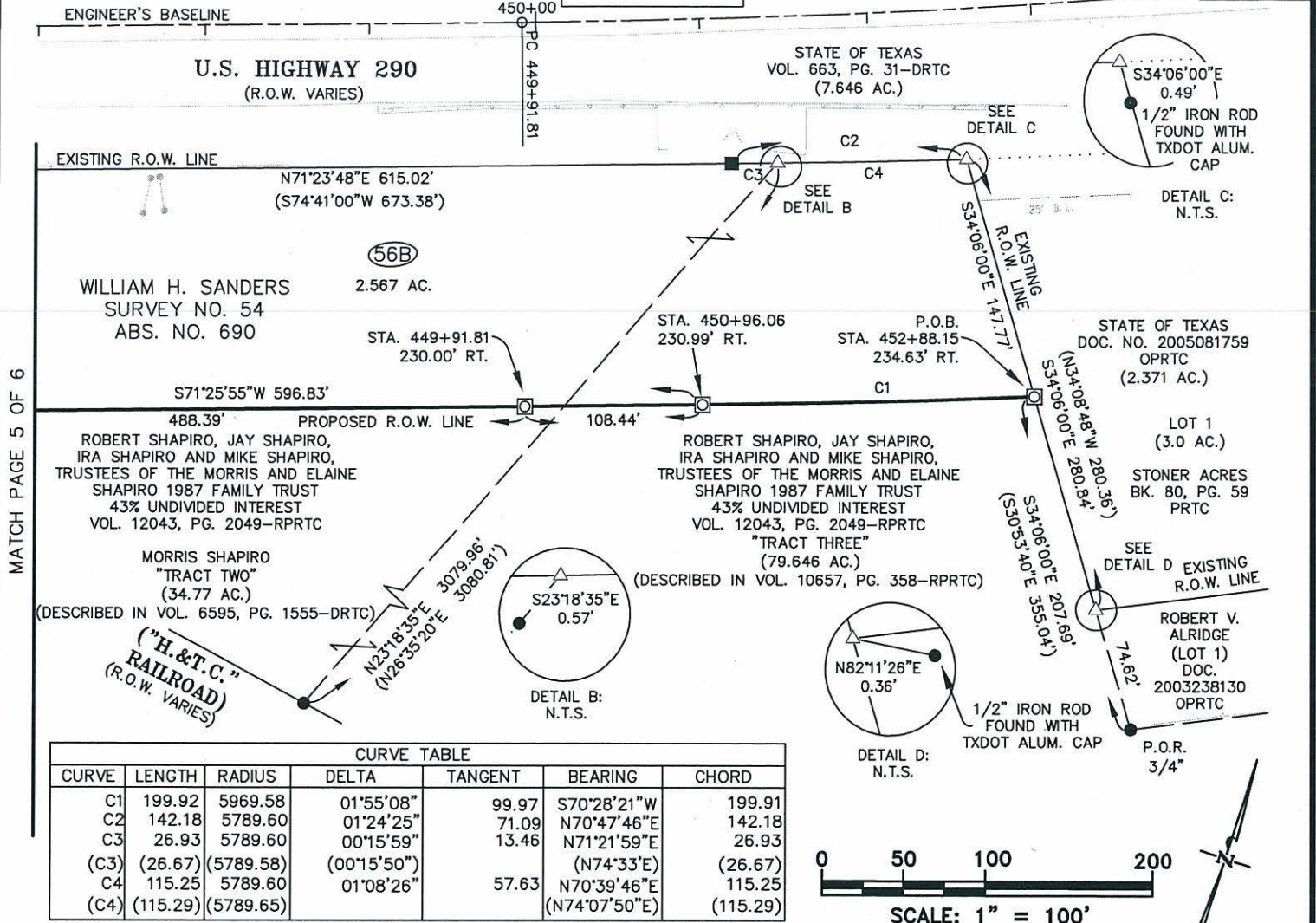
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

PLAT OF 2.567 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND DESCRIBED AS 34.77 AC. (TRACT TWO), AND 79.646 AC. (TRACT THREE), 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 56B
PAGE 5 OF 6

MATCH PAGE 6 OF 6

"EXHIBIT _____"



MATCH PAGE 5 OF 6

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	199.92	5969.58	01°55'08"	99.97	S70°28'21"W	199.91
C2	142.18	5789.60	01°24'25"	71.09	N70°47'46"E	142.18
C3	26.93	5789.60	00°15'59"	13.46	N71°21'59"E	26.93
(C3)	(26.67)	(5789.58)	(00°15'50")		(N74°33'E)	(26.67)
C4	115.25	5789.60	01°08'26"	57.63	N70°39'46"E	115.25
(C4)	(115.29)	(5789.65)			(N74°07'50"E)	(115.29)

- 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 ABUTTING PROPERTY.

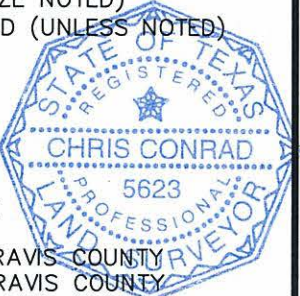
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

Chris Conrad
12/03/10

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

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 2.567 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND DESCRIBED AS 34.77 AC. (TRACT TWO), AND 79.646 AC. (TRACT THREE), 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 56B
PAGE 6 OF 6

FINAL CLOSURE PARCEL 56B US HIGHWAY 290

PARCEL 56B - SKETCH MAPCHECK

BC North: 10092292.2941 East: 3157694.0133
Arc Length: 199.91934 Radius: 5969.58000 Delta: 1-55-08
Tangent: 99.96901 Chord: 199.91000 Ch Course: S 70-28-21 W
Course In: N 20-29-13 W Out: S 18-34-05 E
Ctr North: 10097884.3111 East: 3155604.7000
End North: 10092225.4723 East: 3157505.6019
Course: S 71-25-55 W Distance: 596.83000
North: 10092035.4232 East: 3156939.8392
Course: N 18-35-03 W Distance: 143.77000
North: 10092171.6965 East: 3156894.0201
Course: N 71-23-48 E Distance: 615.02000
North: 10092367.8968 East: 3157476.9052
Arc Length: 142.18357 Radius: 5789.60000 Delta: -1-24-26
Tangent: 71.09536 Chord: 142.18000 Ch Course: N 70-47-46 E
Course In: N 18-30-01 W Out: S 19-54-27 E
Ctr North: 10097858.3005 East: 3155639.8055
End North: 10092414.6642 East: 3157611.1735
Course: S 34-06-00 E Distance: 147.77000
North: 10092292.3017 East: 3157694.0191

Perimeter: 1845.49292

Area: 111825.96644 2.56717 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.009594 Course: S 37-09-56 W

Precision 1: 192357.67

PARCEL 56B - STRIPMAP MAPCHECK

BC North: 10089195.1413 East: 3163918.3102
Arc Length: 199.91934 Radius: 5969.58000 Delta: 1-55-08
Tangent: 99.96901 Chord: 199.91000 Ch Course: S 70-28-21 W
Course In: N 20-29-13 W Out: S 18-34-05 E
Ctr North: 10094787.1584 East: 3161828.9969
End North: 10089128.3195 East: 3163729.8988
Course: S 71-25-55 W Distance: 596.83000
North: 10088938.2704 East: 3163164.1361
Course: N 18-35-03 W Distance: 143.77000
North: 10089074.5438 East: 3163118.3170
Course: N 71-23-48 E Distance: 615.02000
North: 10089270.7440 East: 3163701.2021
Arc Length: 142.18357 Radius: 5789.60000 Delta: -1-24-26
Tangent: 71.09536 Chord: 142.18000 Ch Course: N 70-47-46 E
Course In: N 18-30-01 W Out: S 19-54-27 E
Ctr North: 10094761.1477 East: 3161864.1024
End North: 10089317.5114 East: 3163835.4704
Course: S 34-06-00 E Distance: 147.77000
North: 10089195.1489 East: 3163918.3160

Perimeter: 1845.49292

FINAL CLOSURE PARCEL 56B US HIGHWAY 290

PARCEL 56B - STRIPMAP MAPCHECK (cont.)

Area: 111825.96644 2.56717 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.009594 Course: S 37-09-56 W
Precision 1: 192357.67

PARCEL 56B DESCRIPTION MAPCHECK

BC North: 10089382.0287 East: 3159209.3686
 Arc Length: 199.91934 Radius: 5969.58000 Delta: 1-55-08
 Tangent: 99.96901 Chord: 199.91000 Ch Course: S 70-28-21 W
 Course In: N 20-29-13 W Out: S 18-34-05 E
Ctr North: 10094974.0458 East: 3157120.0553
End North: 10089315.2069 East: 3159020.9572
 Course: S 71-25-55 W Distance: 596.83000
 North: 10089125.1579 East: 3158455.1945
 Course: N 18-35-03 W Distance: 143.77000
 North: 10089261.4312 East: 3158409.3754
 Course: N 71-23-48 E Distance: 615.02000
 North: 10089457.6315 East: 3158992.2605
 Arc Length: 142.18357 Radius: 5789.60000 Delta: -1-24-26
 Tangent: 71.09536 Chord: 142.18000 Ch Course: N 70-47-46 E
 Course In: N 18-30-01 W Out: S 19-54-27 E
Ctr North: 10094948.0352 East: 3157155.1608
End North: 10089504.3988 East: 3159126.5288
 Course: S 34-06-00 E Distance: 147.77000
 North: 10089382.0364 East: 3159209.3744

Perimeter: 1845.49292

Area: 111825.96644 2.56717 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.009594 Course: S 37-09-56 W
Precision 1: 192357.67