

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

RESOLUTION NO. 10-32

**Resolution Authorizing Acquisition of Property Rights by Agreement or
Condemnation of Certain Property in Travis County for the US 290 East Toll
Project
(Parcel 16)**

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 0.757 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by STRASBURGER ENTERPRISES, INC. (the "Owner"), 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.

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 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 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 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 31st day of March 2010.

Submitted and reviewed by:



Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Approved:



Ray A. Wilkeron
Chairman, Board of Directors
Resolution Number 10-32
Date Passed 03/31/10

Exhibit A: Description of Parcel 7

EXHIBIT _____

County: Travis
Parcel No.: 16
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 16

DESCRIPTION OF 0.757 OF ONE ACRE (32,971 SQ. FT.) OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, ENTERPRISE BUSINESS CENTER SECTION ONE, A SUBDIVISION OF RECORD IN BOOK 87, PAGES 161A-161B, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO ZIPPY PROPERTIES INC., OF RECORD IN VOLUME 10722, PAGE 1670, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, WHO MERGED WITH STRASBURGER ENTERPRISES, INC., AS EVIDENCED BY A CERTIFICATE OF MERGER ON RECORD IN VOLUME 12185 PAGE 1535, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.757 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, in the proposed south right-of-way (ROW) line of U.S. Highway 290, 205.00 feet right of Engineer's Baseline Station 292+42.60, at the southeast corner of the herein described tract, same being in the east line of said Strasburger Enterprises tract and said Lot 1, and in the west line of that certain tract of land described as 4.00 acres in a deed to William K. Reagan, of record in Volume 11276, Page 166, Real Property Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Strasburger Enterprises tract and said Lot 1, and the northeast corner of Lot 3, Block A, Ferguson Commercial Section 1, a subdivision of record in Book 97, Pages 378-379, Plat Records, Travis County, Texas, said Lot 3 being described in a deed to All Springdale Venture, LTD., of record in Document 2003055076, Official Public Records, Travis County, Texas, and being in the west line of said Reagan tract, bears S27°02'04"W 95.62 feet;

EXHIBIT ____

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

- 1) **S84°02'32"W 168.04 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced by a TxDOT Type II concrete monument after acquisition, 205.00 feet right of Engineer's Baseline Station 290+74.56; and
- 2) **S55°38'28"W 2.36 feet** to a 1/2" iron rod set with TxDOT aluminum cap, 206.12 feet right of Engineer's Baseline Station 290+72.48, in the southwest line of this tract, said Strasburger Enterprises tract and said Lot 1, same being in the northeast line of said All Springdale Venture tract and said Lot 3;
- 3) THENCE, with the southwest line of this tract, said Strasburger Enterprises tract and said Lot 1, and the northeast line of said All Springdale Venture tract and said Lot 3, **N62°08'36"W 34.43 feet** to a 1/2" iron rod found at the west corner of this tract, said Strasburger Enterprises tract and said Lot 1, and the north corner of said All Springdale Venture tract and said Lot 3, same being in the existing southeast ROW line of Springdale Road, a public ROW for which no record information was found, same being the southeast corner of a street dedication as dedicated by plat of said Enterprise Business Center Section One, from which point a 1/2" iron rod found at the west corner of Lot 6, Block A in said Ferguson Commercial Subdivision, and at the north corner of Lot 2, Block A in said Ferguson Commercial subdivision, same being in the existing southeast ROW line of Springdale Road, bears **S27°44'58"W 332.40 feet**;
- 4) THENCE, with the northwest line of this tract, said Strasburger Enterprises tract and said Lot 1, and the existing southeast ROW line of Springdale Road and said street dedication, **N28°19'51"E 137.47 feet** to a 1/2" iron rod found in the northwest line of this tract, said Zippy Properties tract and said Lot 1, the existing south ROW line of U.S. Highway 290, and the southeast line of that certain tract of land described as 0.379 of one acre in a deed to the State of Texas, of record in Volume 3420, Page 101, Deed Records, Travis County, Texas;

EXHIBIT _____

- 5) THENCE, continuing with the northwest line of this tract, said Strasburger Enterprises tract and said Lot 1, the existing south ROW line of U.S. Highway 290, and the southeast line of said 0.379 of one acre State of Texas tract, **N58°15'19"E 79.54 feet** to a calculated point at the northwest corner of this tract, said Strasburger Enterprises tract and said Lot 1, same being in the existing south ROW line of U.S. Highway 290, and the south line of said 0.379 of one acre State of Texas tract, from which point a TxDOT Type I concrete monument found bears **N05°57'50"W 0.63 feet**;

- 6) THENCE, with the north line of this tract, said Strasburger Enterprises tract and said Lot 1, the existing south ROW line of U.S. Highway 290, and the south line of said 0.379 of one acre State of Texas tract, **N84°02'10"E 133.05 feet** to a calculated point at the northeast corner of this tract, said Strasburger Enterprises tract and said Lot 1, the southeast corner of said 0.379 of one acre State of Texas tract, and the northwest corner of said Reagan tract, same being the southwest corner of that certain tract of land described as 0.284 of one acre of land (Part 1) in a deed to the State of Texas, of record in Volume 3100, Page 868, Deed Records, Travis County, Texas, from which northeast corner of this tract a 1/2" iron rod found bears **N05°09'36"W 0.47 feet**;

THENCE, with the east line of this tract, said Strasburger Enterprises tract and said Lot 1, and the west line of said Reagan tract the following two (2) courses numbered 7 and 8;

- 7) **S05°09'36"E 38.63 feet** to a 1/2" iron rod found; and

EXHIBIT _____

8) **S27°02'04"W 152.14 feet** to the POINT OF BEGINNING and containing 0.757 of one acre 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 20th day of March, 2007 A.D.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Drive, Suite 6 Austin, Texas 78731
(512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P16REV Issued 12/01/06, Rev 03/20/07

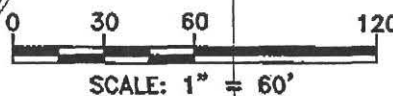
STATE OF TEXAS
VOL. 3138, PG. 2243
"PART 1"-(4.288 AC.)

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

"EXHIBIT _____"

STATE OF TEXAS
JUDGEMENT
VOL. 3420, PG. 101
(0.379 AC.)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S55°38'28"W	2.36
L2	N62°08'36"W	34.43
L3	S05°09'36"E	38.63
(L3)	(S02°37'11"E)	(38.77)



SURVEYED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
0.915 AC.	0.757 AC.	32,971	0.158 AC.	6,887

- 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 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 ADJUTING 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
- 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
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- ||| ACCESS DENIAL LINE



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

Chris Conrad

03/20/07

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 0.757 AC. OF LAND OUT OF H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, BEING A PORTION OF LOT 1, ENTERPRISE BUSINESS CENTER SECTION ONE, A SUBDIVISION OF RECORD IN BOOK 87, PAGES 161A-161B, PLAT RECORDS, TRAVIS COUNTY, TEXAS, LOT 1 BEING DESCRIBED IN A DEED TO ZIPPY PROPERTIES, INC., IN VOLUME 10722, PAGE 1670, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID ZIPPY PROPERTIES, INC. MERGED WITH STRASBURGER ENTERPRISES, INC., IN VOLUME 12185, PAGE 1535, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 16
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