

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

RESOLUTION NO. 10-54

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 14)**

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 1.837 acres described by metes and bounds in Exhibit “A” to this Resolution (the “Subject Property”), owned by Speedy Stop Food Stores, 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 26th day of May 2010.

Submitted and reviewed by:



Andrew Martin
Acting General Counsel for the Central
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 10-54
Date Passed 05/26/10

Exhibit A: Description of Parcel 14

EXHIBIT _____

County: Travis
Parcel No.: 14
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 14

DESCRIPTION OF 1.837 ACRES (80,003 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 THAT CERTAIN TRACT OF LAND DESCRIBED AS TRACTS 1 AND 2 IN A DEED TO SPEEDY STOP FOOD STORES, LTD., OF RECORD IN DOCUMENT 2002105076, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT 1 BEING LOT 1, FAIRMONT FOODS SUBDIVISION NO. 1, A SUBDIVISION OF RECORD IN BOOK 82, PAGE 23, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND SAID TRACT 2 BEING LOT 1, SPEEDY STOP NO. 216, A SUBDIVISION OF RECORD IN DOCUMENT 200300338, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.837 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, 255.68 feet right of Engineer's Baseline Station 288+80.76, at the southeast corner of the herein described tract, and being in the south line of said Speedy Stop Tract 1 and said Lot 1 of said Fairmont Foods subdivision, same being the north line of Lot 3, Watson Acres, a subdivision of record in Document Number 200700137, Official Public Records, Travis County, Texas, said Lot 3 being described in a deed to Ernest Karam, Trustee, of record in Document 2006009022, Official Public Records, Travis County, Texas;

THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Speedy Stop Tracts 1 and 2 and said Lot 1 of said Fairmont Foods subdivision and said Lot 1 of said Speedy Stop subdivision, the following two (2) courses, numbered 1 and 2;

EXHIBIT

- 1) **N34°04'18"W 46.12 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, 215.00 right of Engineer's Baseline Station 288+59.03; and
- 2) **S84°02'32"W**, passing at 96.59 feet a 1/2" iron rod set with a TxDOT aluminum cap, 215.00 feet right of Engineer's Baseline Station 287+62.43 and continuing 160.00 feet, for a total distance of **256.59 feet** to a 1/2" iron rod set with a TxDOT aluminum cap, 215.00 right of Engineer's Baseline Station 286+02.43, at the southwest corner of this tract, same being in the west line of said Speedy Stop Tract 2 and said Lot 1 of said Speedy Stop subdivision, and in the east line of that tract described as 4.7178 acres in a deed to Jimmy Nassour, of record in Document Number 2005052232, Official Public Records, Travis County, Texas, same being in the east line of Lot 2, Watson Acres, a subdivision of record in Document 200700137, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southwest corner of said Speedy Stop Tract 2 and said Lot 1 of said Speedy Stop subdivision, an interior ell corner on the northeast line of said Nassour tract, same being the southeast corner of said Lot 2, Watson Acres and in the north line of said Lot 3, Watson Acres bears **S06°01'58"E 33.47 feet**;
- 3) THENCE, with the west line of this tract, said Speedy Stop Tract 2 and said Lot 1 of said Speedy Stop subdivision, and the east line of said Nassour tract and said Lot 2, Watson Acres, **N06°01'58"W 216.16 feet** to a calculated point at the northwest corner of this tract, said Speedy Stop Tract 2 and said Lot 1 of said Speedy Stop subdivision, same being in the existing south ROW line of U.S. Highway 290, and the south line of that certain tract described as 4.228 acres (Part 1) in a deed to the State of Texas, of record in Volume 3138, Page 2243, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found bears **N06°01'58"W 0.63 feet**;
- 4) THENCE, with the north line of this tract, said Speedy Stop Tract 2 and said Lot 1 of said Speedy Stop subdivision, and said Speedy Stop Tract 1 and said Lot 1 of said Fairmont Foods subdivision, same being the existing south ROW line of U.S. Highway 290, and the south line of said 4.228 acre State of Texas tract **N84°02'10"E 360.39 feet** to a calculated point at the northeast corner of this tract, said Speedy Stop Tract 1 and said Lot 1 of said Fairmont Foods subdivision, and being in the existing south ROW line of U.S. Highway 290, and the south line of said 4.228 acre State of Texas tract, from which point a TxDOT Type I concrete monument found bears **N05°57'50"W 0.57 feet**;

EXHIBIT _____

- 5) THENCE, with the northeast line of this tract, said Speedy Stop Tract 1 and said Lot 1 of said Fairmont Foods subdivision, the existing south ROW line of U.S. Highway 290, and the south line of said 4.228 acre State of Texas tract **S34°08'42"E 88.26 feet** to a calculated point at the east corner of this tract, said Speedy Stop Tract 1 and said Lot 1 of said Fairmont Foods subdivision, same being the northwest corner of a 5 foot wide Street Dedication as dedicated by plat of said Fairmont Foods subdivision, and the existing west ROW line of Springdale Road, a public ROW for which no record information was found;

- 6) THENCE, with the east line of this tract, said Speedy Stop Tract 1 and said Lot 1 of said Fairmont Foods subdivision, the west line of said 5 foot wide Street Dedication, and the existing west ROW line of Springdale Road, **S27°50'09"W 215.74 feet** to a calculated point at the southeast corner of this tract, said Speedy Stop Tract 1, and said Lot 1 of Fairmont Foods subdivision and the northeast corner of said Lot 3, Watson Acres and said Nassour tract, from which a 1/2" iron rod found at the south corner of said Lot 3, Watson Acres and said Nassour tract and the east corner of Tract 1, Springdale Road Commercial No. 2, a subdivision of record in Book 78, Page 194, Plat Records, Travis County, Texas, said Tract 1 being described in a deed to Austin Nelson Company, Inc., of record in Volume 6769, Page 554, Deed Records, Travis County, Texas, bears **N87°26'47"E 5.80 feet** and **S27°50'09"W 410.55 feet**;

EXHIBIT _____

7) THENCE, with the south line of this tract, said Speedy Stop Tract 1, and said Lot 1 of Fairmont Foods Subdivision and the north line of said Lot 3, Watson Acres and said Nassour tract, **S87°26'47"W 3.48 feet** to the POINT OF BEGINNING and containing 1.837 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.

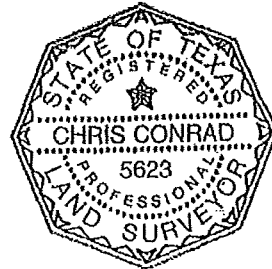
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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 16th day of September, 2009 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 P14REV2
Issued 02/27/09; Revised 5/15/09; 7/17/09; 9/16/09

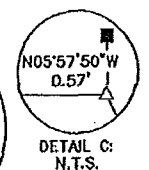
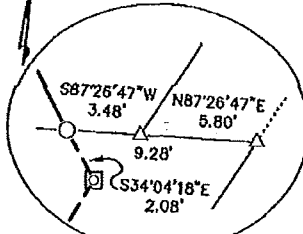
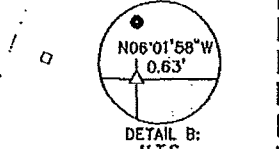
STATE OF TEXAS
VOL. 3138, PG. 2243-DRTC
"PART I" - (4.228 AC.)

SEE
DETAIL B

EXISTING
R.O.W. LINE

SEE
DETAIL C

LINE	BEARING	LENGTH
L1	N34°04'18"W	46.12
L2	S06°01'58"E	33.47



AUSTIN-NELSON COMPANY, INC.
D/B/A NELSON CONSTRUCTION COMPANY
VOL. 6769, PG. 554
DRTC

ERNEST KARAM, TRUSTEE
DOC. 2006009022
OPRTC
(2.96 AC.)

LOT 3
WATSON ACRES
DOC. 200700137
OPRTC

LOT 1
FAIRMONT FOODS
SUBDIVISION NO. 1
BK. 82, PG. 23
PRTC

TRACT 1
FOOD STORES, LTD.
DOC. 2002105076
OPRTC
(50,469 S.F.)

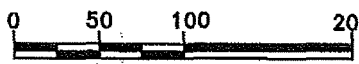
TRACT 2
(40,031 S.F.)

JIMMY MASSOUR
DOC. 2005052232
OPRTC
REMAINDER
(4.7178 AC.)

STA. 286+02.43
215.00' RT.

STA. 288+59.03
215.00' RT.

STA. 288+80.76
255.68' RT.



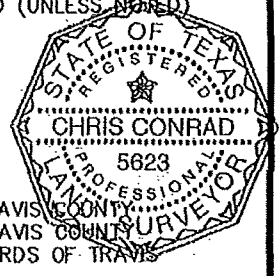
SCALE: 1" = 100'

H.T. DAVIS SURVEY NO. 30
ABS. NO. 214

SURVEYED ACREAGE	2.051 AC.
ACQUISITION ACREAGE	1.837 AC.
ACQUISITION SQUARE FEET	80,003
REMAINDER ACREAGE	0.214 AC.
REMAINDER SQUARE FEET	9,325 S.F.

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



- NOTES:
- 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.
 - SEE PAGES 1 THROUGH 4 OF 5 FOR A DESCRIPTION OF THIS PARCEL.
 - IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
 - THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
 - ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
 - 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.

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

Chris Conrad

09/16/09

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 1.837 AC. OF LAND OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, SAME BEING A PORTION OF LOT 1, SPEEDY STOP NO. 216, A SUBDIVISION OF RECORD IN DOCUMENT 200300338, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND LOT 1, FAIRMONT FOODS SUBDIVISION NO. 1, A SUBDIVISION OF RECORD IN BOOK 82, PAGE 23, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOTS BEING DESCRIBED AS TRACTS 1 AND 2 IN A DRED TO SPEEDY STOP FOOD STORES, LTD., OF RECORD IN DOCUMENT 2002105076, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 14
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