

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

RESOLUTION NO. 11-066

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 47A)**

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 0.602 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Kerry S. Yom, (the "Owner"), located at the south line of US Hwy 290E, east of Crofford Lane 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 the Executive Director is specifically authorized to negotiate and execute, if possible, a purchase contract for consideration in an amount not to exceed 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 25th day of May, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 11-066
Date Passed: 05/25/11

Exhibit “A” to Resolution 11-066

Description of Parcel 47A

EXHIBIT ____

County: Travis
Parcel No.: 47A
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 47A

DESCRIPTION OF 0.602 OF ONE ACRE (26,217 SQUARE FEET) OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 3, BLOCK A, 290 EAST BUSINESS PARK, A SUBDIVISION OF RECORD IN DOCUMENT 200300003, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 3 BEING DESCRIBED IN A DEED TO KERRY S. YOM, OF RECORD IN DOCUMENT 2003010702, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.602 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, at the beginning of this Access Denial Line, in the proposed south right-of-way (ROW) line of U.S. Highway 290, 250.00 feet right of Engineer's Baseline Station 414+74.13, at the southeast corner of the herein described tract, same being in the east line of said Lot 3, and in the west line of Lot 2, Block A, of said 290 East Business Park subdivision, said Lot 2 being described in a deed to The Yom Family Trust, Kerry S. Yom, Trustee, Sun Y. Yom, Trustee, of record in Document 2007099553, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the south corner of said Lot 3, the west corner of said Lot 2 and said Yom Family Trust tract, and being in a north line of Lot 1, Block A, of said 290 East Business Park Subdivision, said Lot 1 being described in a deed to Sovran Acquisition Limited Partnership, of record in Document 2005125795, Official Public Records, Travis County, Texas, bears S14°17'09"W 797.81 feet;

- 1) THENCE, with said Access Denial Line, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Kerry S. Yom tract and said Lot 3, S71°25'55"W 248.91 feet to a 1/2" iron rod set with a TxDOT aluminum

EXHIBIT ____

cap at the end of said Access Denial Line, 250.00 feet right of Engineer's Baseline Station 412+25.22, at the southwest corner of this tract, same being in the west line of said Kerry S. Yom tract and said Lot 3, and the east line of Lot 1, Crofford Addition No. 2, a subdivision of record in Book 90, Pages 50-51, Plat Records, Travis County, Texas, said Lot 1, Crofford Addition, being described in a deed to Hardy Credit, Co., of record in Document 2003069039, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found in the west line of said Kerry S. Yom tract and said Lot 3, same being the southeast corner of said Hardy Credit tract and said Lot 1, Crofford Addition, and the northeast corner of that certain tract of land described as 4.03 acres in a deed to Southwestern Motor Transport, Inc., of record in Document 2000027131, Official Public Records, Travis County, Texas, bears S23°37'02"W 618.70 feet, and from which point a 1/2" iron rod found at the southwest corner of said Kerry S. Yom tract and said Lot 3, same being at an exterior ell corner on the north line of said Sovran tract and said Lot 1, 290 East Business Park, and in the east line of said Southwestern Motor Transport tract, bears S23°37'02"W 694.62 feet;

- 2) THENCE, with the west line of this tract, said Kerry S. Yom tract, and said Lot 3, and the east line of said Hardy Credit tract and said Lot 1, Crofford Addition, **N23°37'02"E 150.89 feet** to a TxDOT Type I concrete monument found at the northwest corner of this tract, said Kerry S. Yom tract, and said Lot 3, same being the northeast corner of said Hardy Credit tract and said Lot 1, Crofford Addition, and being in the existing south ROW line of U.S. Highway 290, and the south line of that certain tract of land described as 1.733 acres in a deed to the State of Texas, of record in Volume 843, Page 595, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found bears N14°25'52"E 0.82 feet;
- 3) THENCE, with the north line of this tract, said Kerry S. Yom tract, and said Lot 3, the existing south ROW line of U.S Highway 290, and the south line of said 1.733 acre State of Texas tract, **N71°23'48"E 219.88 feet** to a calculated point at the northeast corner of this tract and said Lot 3, and the northwest corner of said Lot 2 and said Yom Family Trust tract;

EXHIBIT ____

- 4) THENCE, with the east line of this tract and said Lot 3, and the west line of said Lot 2 and said Yom Family Trust tract, **S14°17'09"W** at 0.17 feet passing a 1/2" iron rod found, in all a total distance of **133.26 feet** to the POINT OF BEGINNING and containing 0.602 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 WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL 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 17th day of September, 2010 A.D.

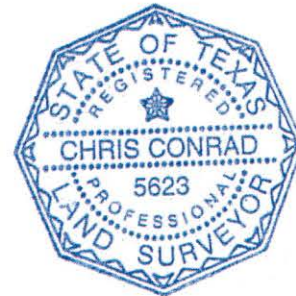
SURVEYED BY:

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 P47A REV2
Issued 02/02/07, Rev 03/20/07, 04/01/09, 09/17/10



FINAL CLOSURE PARCEL 47A US HIGHWAY 290

PARCEL 47A - SKETCH MAPCHECK

North: 10094462.6197 East: 3154072.5645
Course: S 71-25-55 W Distance: 248.91000
North: 10094383.3591 East: 3153836.6112
Course: N 23-37-02 E Distance: 150.89000
North: 10094521.6109 East: 3153897.0615
Course: N 71-23-48 E Distance: 219.88000
North: 10094591.7558 East: 3154105.4527
Course: S 14-17-09 W Distance: 133.26000
North: 10094462.6166 East: 3154072.5695
Perimeter: 752.94000

Area: 26217.14202 0.60186 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.005911 Course: N 58-30-40 W
Precision 1: 127375.67

PARCEL 47A - STRIPMAP MAPCHECK

North: 10095486.8386 East: 3149403.8551
Course: S 71-25-55 W Distance: 248.91000
North: 10095407.5780 East: 3149167.9019
Course: N 23-37-02 E Distance: 150.89000
North: 10095545.8298 East: 3149228.3521
Course: N 71-23-48 E Distance: 219.88000
North: 10095615.9747 East: 3149436.7433
Course: S 14-17-09 W Distance: 133.26000
North: 10095486.8355 East: 3149403.8602
Perimeter: 752.94000

Area: 26217.14202 0.60186 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.005911 Course: N 58-30-40 W
Precision 1: 127375.67

PARCEL 47A - DESCRIPTION MAPCHECK

North: 10093318.1606 East: 3154500.1309
Course: S 71-25-55 W Distance: 248.91000
North: 10093238.9000 East: 3154264.1776
Course: N 23-37-02 E Distance: 150.89000
North: 10093377.1518 East: 3154324.6278
Course: N 71-23-48 E Distance: 219.88000
North: 10093447.2967 East: 3154533.0191
Course: S 14-17-09 W Distance: 133.26000
North: 10093318.1575 East: 3154500.1359
Perimeter: 752.94000

Area: 26217.14202 0.60186 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.005911 Course: N 58-30-40 W
Precision 1: 127375.67