

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

**RESOLUTION NO. 11-069**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 31)**

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 2.432 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Robert W. and Janice W. Jenkins, (the "Owner"), located at 9475 US Hwy 290E 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 25<sup>th</sup> 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 11-069  
Date Passed: 05/25/11

**Exhibit "A" to Resolution 11-069**

**Description of Parcel 31**

**EXHIBIT** \_\_\_\_\_

**County:** Travis  
**Parcel No.:** 31  
**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 31**

DESCRIPTION OF 2.432 ACRES (105,933 SQ. FT.) OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING OUT OF LOT 1, BLOCK A, ABC PEST AND LAWN SUBDIVISION NO. 1, OF RECORD IN DOCUMENT 200700312, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED AS 7.876 ACRES IN A DEED TO ROBERT W. JENKINS, JR., OF RECORD IN DOCUMENT 2007132864, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 2.432 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, 215.00 feet right of Engineer's Baseline Station 362+75.54, at the southeast corner of the herein described tract, same being in the east line of said Lot 1 and said Jenkins tract, and the west line of that certain tract of land described as 4.12 acres in a deed to Bobby Joe Barnett and wife, Deeanne Barnett, of record in Volume 11862, Page 1250, Real Property Records, Travis County, Texas, from which point a 5/8" iron rod found at the southwest corner of said Barnett tract, same being in the existing north ROW line of Old State Highway 20 for which no record conveyance was found, as shown on TxDOT ROW map CSJ# 0114-02-012, bears S05°59'29"E 432.05 feet;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Lot 1 and said Jenkins tract, **S84°02'32"W 22.51 feet** to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", at the point of beginning of this Access Denial Line, 215.00 feet right of Engineer's Baseline Station 362+53.03;
- 2) THENCE, continuing with the said Access Denial Line, the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Lot 1 and said Jenkins tract, **S84°02'32"W 491.41 feet** to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", at the end of this Access Denial Line, 215.00 feet right of Engineer's Baseline Station 357+61.62;

EXHIBIT \_\_\_\_

3) THENCE, continuing with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Lot 1 and said Jenkins tract, **S84°02'32"W 23.58 feet** to a 1/2" iron rod set with a TxDOT aluminum cap, 215.00 feet right of Engineer's Baseline Station 357+38.04, at the southwest corner of this tract, same being in the west line of said Lot 1 and said Jenkins tract, and the east line of that certain tract of land described as 61.887 acres in a deed to JMTCV, LTD., of record in Document 2005073729, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southwest corner of said Lot 1 and said Jenkins tract and the southeast corner of said JMTCV tract, same being in the existing north ROW line of Old State Highway 20, bears **S05°50'55"E 597.30 feet**;

4) THENCE, with the west line of this tract, and said Lot 1 and said Jenkins tract, and the east line of said JMTCV tract, **N05°50'55"W 196.93 feet** to a TxDOT Type I concrete monument found at the northwest corner of this tract, same being the northeast corner of said JMTCV tract and the northwest corner of said Lot 1 and said Jenkins tract, also being the southeast corner of that certain tract of land described as 0.585 of one acre (Part II) in a deed to the State of Texas, of record in Volume 3092, Page 636, Deed Records, Travis County, Texas, and the southwest corner of that certain tract of land described as 1.213 acres in a deed to the State of Texas, of record in Volume 3047, Page 365, Deed Records, Travis County, Texas, same being in the existing south ROW line of U.S. Highway 290;

THENCE, with the north line of this tract, and said Lot 1 and said Jenkins tract, and with the existing south ROW line of U.S. Highway 290, and the south line of said 1.213 acre State of Texas tract, the following two (2) courses numbered 5 and 6;

5) **N84°02'10"E, 489.00 feet** to a calculated point, from which a TxDOT Type I concrete monument found bears **S05°57'50"E 0.35 feet**; and

6) **N78°18'40"E 48.25 feet** to a calculated point at the northeast corner of this tract said Lot 1 and said Jenkins tract, same being the northwest corner of said Barnett tract, the southeast corner of said 1.213 acre State of Texas tract, and the southwest corner of that certain tract of land described as 0.578 of one acre in a deed the State of Texas, of record in Volume 3053, Page 1792, Deed Records, Travis County, Texas;

7) THENCE, with the east line of this tract, and said Lot 1 and said Jenkins tract, and the west line of said Barnett tract, **S05°59'29"E**, at 0.34 feet passing a 3/4" iron rod found, in all a total distance of **201.80 feet** to the POINT OF BEGINNING and containing 2.432 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 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 P31REV3  
Issued 12/01/06, Rev 03/20/07, 04/01/09, 09/17/10





# FINAL CLOSURE PARCEL 31 US HIGHWAY 290

## PARCEL 31 - SKETCH MAPCHECK

North: 10093419.3811 East: 3148278.0813  
Course: S 84-02-32 W Distance: 537.50000  
North: 10093363.5910 East: 3147743.4845  
Course: N 05-50-55 W Distance: 196.93000  
North: 10093559.4959 East: 3147723.4173  
Course: N 84-02-10 E Distance: 489.00000  
North: 10093610.3038 East: 3148209.7706  
Course: N 78-18-40 E Distance: 48.25000  
North: 10093620.0791 East: 3148257.0200  
Course: S 05-59-29 E Distance: 201.80000  
North: 10093419.3814 East: 3148278.0837

Perimeter: 1473.48000

Area: 105932.76019 2.43188 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.002415 Course: S 82-07-54 W  
Precision 1: 610022.43

## PARCEL 31 - STRIPMAP MAPCHECK

North: 10091941.3618 East: 3149253.8378  
Course: S 84-02-32 W Distance: 537.50000  
North: 10091885.5717 East: 3148719.2410  
Course: N 05-50-55 W Distance: 196.93000  
North: 10092081.4766 East: 3148699.1738  
Course: N 84-02-10 E Distance: 489.00000  
North: 10092132.2845 East: 3149185.5271  
Course: N 78-18-40 E Distance: 48.25000  
North: 10092142.0598 East: 3149232.7765  
Course: S 05-59-29 E Distance: 201.80000  
North: 10091941.3622 East: 3149253.8402

Perimeter: 1473.48000

Area: 105932.76019 2.43188 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.002415 Course: S 82-07-54 W  
Precision 1: 610022.43

## PARCEL 31 - DESCRIPTION MAPCHECK

North: 10092361.7592 East: 3147314.8973  
Course: S 84-02-32 W Distance: 537.50000  
North: 10092305.9691 East: 3146780.3005  
Course: N 05-50-55 W Distance: 196.93000  
North: 10092501.8740 East: 3146760.2333  
Course: N 84-02-10 E Distance: 489.00000  
North: 10092552.6819 East: 3147246.5866  
Course: N 78-18-40 E Distance: 48.25000



# FINAL CLOSURE PARCEL 31 US HIGHWAY 290

## PARCEL 31 – DESCRIPTION MAPCHECK (cont.)

North: 10092562.4572 East: 3147293.8360  
Course: S 05-59-29 E Distance: 201.80000  
North: 10092361.7595 East: 3147314.8997

Perimeter: 1473.48000

Area: 105932.76019 2.43188 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.002415 Course: S 82-07-54 W  
Precision 1: 610022.43