

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

RESOLUTION NO. 11-071

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 32)**

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 1.468 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Bobby Joe and Deanne Barnett, (the "Owner"), located at 9493 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 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 11-071
Date Passed: 05/25/11

Exhibit "A" to Resolution 11-071

Description of Parcel 32

EXHIBIT ____

County: Travis
Parcel No.: 32
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 32

DESCRIPTION OF 1.468 ACRES (63,934 SQ. FT.) OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION 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, SAID 1.468 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 365+75.36, at the southeast corner of the herein described tract, same being in the east line of said Barnett tract, and the west line of that certain tract of land described as 1.93 acres in a deed to Paul DeVooght and wife, Verena DeVooght, of record in Volume 2449, Page 13, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Barnett tract, and the southwest corner of said DeVooght 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°56'27"E 340.19 feet;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Barnett tract, **S84°02'32"W 299.82 feet** to a 1/2" iron rod set with a TxDOT aluminum cap, 215.00 feet right of Engineer's Baseline Station 362+75.54, at the southwest corner of this tract, same being in the west line of said Barnett tract, and the east line of Lot 1, Block A, ABC Pest and Lawn Subdivision No. 1, of record in Document 200700312, Official Public Records, Travis County,

EXHIBIT _____

Texas, said Lot 1 being described as 7.879 acres in a deed to Robert W. Jenkins, Jr. and Janice W. Jenkins, of record in Document 2007132846, Official Public 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, bears S05°59'29"E 432.05 feet;

- 2) THENCE, with the west line of this tract, and said Barnett tract, and the east line of said Lot 1 and said Jenkins tract, **N05°59'29"W**, at 201.46 feet passing a 3/4" iron rod found, in all a total distance of **201.80 feet** to a calculated point at the northwest corner of this tract, and said Barnett tract, and the northeast corner of said Lot 1 and said Jenkins tract, same being the southeast corner of that certain tract of land described 1.213 acres in a deed to the State of Texas, of record in Volume 3047, Page 365, Deed Records, Travis County, Texas, and the southwest corner of that certain tract of land described as 0.578 of one acre in a deed to the State of Texas, of record in Volume 3053, Page 1792, 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 Barnett tract, the existing south ROW line of U.S. Highway 290, and the south line of said 0.578 of one acre State of Texas tract, the following two (2) courses numbered 3 and 4;

- 3) **N78°18'40"E, 152.24 feet** to a calculated point, from which a TxDOT Type I concrete monument found bears N05°57'50"E 0.53 feet; and
- 4) **N84°02'10"E 148.53 feet** to a calculated point at the northeast corner of this tract, and said Barnett tract, same being the southeast corner of said 0.578 of one acre State of Texas tract, and the southwest corner of that certain tract of land described as 0.092 of one acre in a deed to the State of Texas, of record in Volume 3055, Page 307, Deed Records, Travis County, Texas, same being a point in the west line of said DeVooght tract, from which a Mag nail found bears N05°56'27"W 0.70 feet;
- 5) THENCE, with the east line of this tract, and said Barnett tract, and the west line of said DeVooght tract, **S05°56'27"E 217.02 feet** to the POINT OF BEGINNING and containing 1.468 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 THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE REMAINDER OF THE ABUTTING PROPERTY.

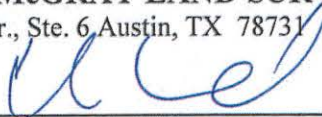
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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 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 P32 R5
Issued 12/01/06, Rev 03/20/07, 04/01/09, 09/17/10, 12/3/10



SURVEYED ACREAGE	4.124 AC.
ACQUISITION ACREAGE	1.468 AC.
ACQUISITION SQUARE FEET	63,934
REMAINDER ACREAGE	2.656 AC.
REMAINDER SQUARE FEET	115,706

"EXHIBIT ____"

0 50 100 200

12/03/10
REV. 1

SCALE: 1" = 100'

STATE OF TEXAS VOL. 663, PG. 20-DRTC (8.054 AC.)
STATE OF TEXAS VOL. 3055, PG. 307-DRTC (0.092 AC.)

U.S. HIGHWAY 290 VOL. 3053, PG. 1792-DRTC (0.578 AC.)
(R.O.W. VARIES) (N87°11'E 148.27')

STATE OF TEXAS VOL. 3057, PG. 1540-DRTC VOL. 3122, PG. 1826-DRTC (4.233 AC.)

STATE OF TEXAS VOL. 3047, PG. 365-DRTC (1.213 AC.)

ENGINEER'S BASELINE

(N84°02'10"E 148.53')

(L2)

EXISTING R.O.W. LINE

N 84°02'32"E
EXISTING R.O.W. LINE

(L1)

N78°18'40"E 152.24'
(N81°20'E) (152.53')

365+00
SEE DETAIL C

ROBERT W. JENKINS, JR. AND JANICE W. JENKINS DOC. 2007132864 OPRTC (7.876 AC.)

LOT 1, BLOCK A ABC PEST AND LAWN SUBDIVISION NO. 1 DOC. 200700312 OPRTC (7.879 AC.)

STA. 362+75.54 215.00' RT.

RIGHT OF WAY RESERVE
PROPOSED R.O.W. LINE AND PROPOSED ACCESS DENIAL LINE

(S02°40'32"E 337.02')

N05°59'29"W 201.80'

(S02°40'32"E 337.02')

(S02°50'19"E) (296.52')

S05°59'29"E (632.97')

(N02°46'W) (632.97')

(S02°50'19"E) (296.52')

S05°59'29"E (632.97')

(N02°46'W) (632.97')

(S02°50'19"E) (296.52')

S05°59'29"E (632.97')

(N02°46'W) (632.97')

1 STORY METAL STORAGE BLDG. (TYP.)

51.8'

S84°02'32"W 299.82'

72.2'

102.2'

102.3'

PROPOSED R.O.W. LINE

BOBBY JOE BARNETT AND WIFE, DEEANNE BARNETT VOL. 11862, PG. 1250-RPRTC (4.12 AC.)

(S02°46'E) (556.53')

S05°56'27"E 340.19'

(N03°54'W) (555.73')

P.O.R. 5/8"

EXISTING R.O.W. LINE

OLD STATE HIGHWAY 20

(R.O.W. VARIES) NO RECORD CONVEYANCE FOUND
DRAWN AS SHOWN ON CSJ # 0114-02-012

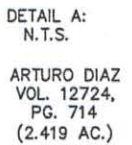
(N87°17'E)

P.O.B. STA. 365+75.36 215.00' RT.

PROPOSED R.O.W. LINE

PAUL DEVOOGHT AND WIFE, VERENA DEVOOGHT VOL. 2449, PG. 13 DRTC (1.93 AC.)

LUCAS MUNOS SURVEY NO. 55 ABS. NO. 513



LINE TABLE		
LINE	BEARING	LENGTH
L1	S78°18'40"W	48.25
(L1)	(S81°34'W)	(48.21)
L2	N84°02'10"E	50.39
(L2)	(N87°17'E)	(50.00)

- 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, 2, AND 3 OF 4 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 ABUTTING PROPERTY.

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

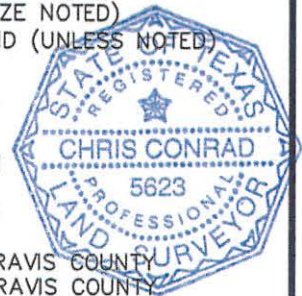
Chris Conrad

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 1.468 AC. OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 4.12 AC. IN A DEED TO BOBBY JOE BARNETT AND WIFE, DEEANNE BARNETT, OF RECORD IN VOLUME 11862, PAGE 1250, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 32
PAGE 4 OF 4

FINAL CLOSURE PARCEL 32 US HIGHWAY 290

PARCEL 32 – SKETCH MAPCHECK

North: 10092547.5537 East: 3151028.6499
Course: S 84-02-32 W Distance: 299.82000
North: 10092516.4337 East: 3150730.4493
Course: N 05-59-29 W Distance: 201.80000
North: 10092717.1314 East: 3150709.3856
Course: N 78-18-40 E Distance: 152.24000
North: 10092747.9748 East: 3150858.4685
Course: N 84-02-10 E Distance: 148.53000
North: 10092763.4073 East: 3151006.1946
Course: S 05-56-27 E Distance: 217.02000
North: 10092547.5529 East: 3151028.6564

Perimeter: 1019.41000

Area: 63933.57937 1.46771 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.006635 Course: N 82-58-33 W

Precision 1: 153651.12

PARCEL 32 – STRIPMAP MAPCHECK

North: 10091462.0247 East: 3149502.4135
Course: S 84-02-32 W Distance: 299.82000
North: 10091430.9047 East: 3149204.2129
Course: N 05-59-29 W Distance: 201.80000
North: 10091631.6024 East: 3149183.1492
Course: N 78-18-40 E Distance: 152.24000
North: 10091662.4458 East: 3149332.2321
Course: N 84-02-10 E Distance: 148.53000
North: 10091677.8783 East: 3149479.9582
Course: S 05-56-27 E Distance: 217.02000
North: 10091462.0239 East: 3149502.4201

Perimeter: 1019.41000

Area: 63933.57937 1.46771 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.006635 Course: N 82-58-33 W

Precision 1: 153651.12

PARCEL 32 – DESCRIPTION MAPCHECK

North: 10092466.2077 East: 3147890.1936
Course: S 84-02-32 W Distance: 299.82000
North: 10092435.0877 East: 3147591.9931
Course: N 05-59-29 W Distance: 201.80000
North: 10092635.7854 East: 3147570.9294
Course: N 78-18-40 E Distance: 152.24000

FINAL CLOSURE PARCEL 32 US HIGHWAY 290

PARCEL 32 – DESCRIPTION MAPCHECK (cont.)

North: 10092666.6288 East: 3147720.0123
Course: N 84-02-10 E Distance: 148.53000
North: 10092682.0614 East: 3147867.7383
Course: S 05-56-27 E Distance: 217.02000
North: 10092466.2069 East: 3147890.2002

Perimeter: 1019.41000

Area: 63933.57937 1.46771 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.006635 Course: N 82-58-33 W
Precision 1: 153651.12