

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

RESOLUTION NO. 11-073

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 48)**

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 0.747 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Sovran Acquisition LP, (the "Owner"), located at 9717 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 11-073
Date Passed: 05/25/11

Exhibit "A" to Resolution 11-073

Description of Parcel 48

EXHIBIT ____

County: Travis
Parcel No.: 48
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 48

DESCRIPTION OF 0.747 OF ONE ACRE (32,525 SQ. FT.) 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 1, BLOCK A, 290 EAST BUSINESS PARK, A SUBDIVISION OF RECORD IN DOCUMENT 200300003, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO SOVRAN ACQUISITION LIMITED PARTNERSHIP, OF RECORD IN DOCUMENT 2005125795, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.747 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, 250.00 feet right of Engineer's Baseline Station 419+78.12, at the southeast corner of the herein described tract, same being in the east line of said Sovran tract and said Lot 1, and in the west line of that certain tract of land described as 9.00 acres, in a deed to River City Rolloffs, Inc., of record in Document 2005111755, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Sovran tract and said Lot 1, same being at an angle point in the northwest line of said River City Rolloffs tract bears, S16°49'48"W 1291.78 feet;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Sovran tract and said Lot 1, **S71°25'55"W 280.08 feet** to a 1/2" iron rod set with a TxDOT aluminum cap, 250.00 feet right of Engineer's Baseline Station 416+98.04, at the southwest corner of this tract, same being in the northwest line of said Sovran tract and said Lot 1, and the southeast line of Lot 2,

EXHIBIT ____

Block A in 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 an interior ell corner of said Sovran tract and said Lot 1, same being the southeast corner of said Yom tract and said Lot 2 bears S09°32'57"W 903.86 feet;

- 2) THENCE, with the west line of this tract, and said Sovran tract and said Lot 1, and the east line of said Yom tract and said Lot 2, **N09°32'57"E 127.07 feet** to a calculated point at the northwest corner of this tract, said Sovran tract, and said Lot 1, and the northeast corner of said Yom tract and said Lot 2, same 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 S18°36'12"E 0.71 feet;
- 3) THENCE, with the north line of this tract, said Sovran tract, and said Lot 1, 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 299.97 feet** to a calculated point at the northeast corner of this tract, said Sovran tract, and said Lot 1, and the northwest corner of said River City Rolloffs tract, from which point a 1/2" iron rod found bears S18°36'12"E 0.63 feet;

EXHIBIT ____

- 4) THENCE, with the east line of this tract, said Sovran tract, and said Lot 1, and the west line of said River City Rolloffs tract, **S16°49'48"W 137.71 feet** to the POINT OF BEGINNING and containing 0.747 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.

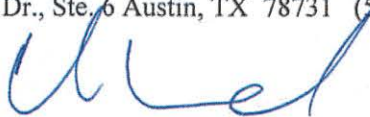
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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 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

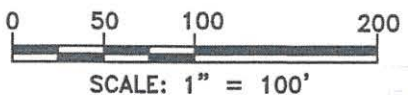


Chris Conrad, Reg. Professional Land Surveyor No. 5623

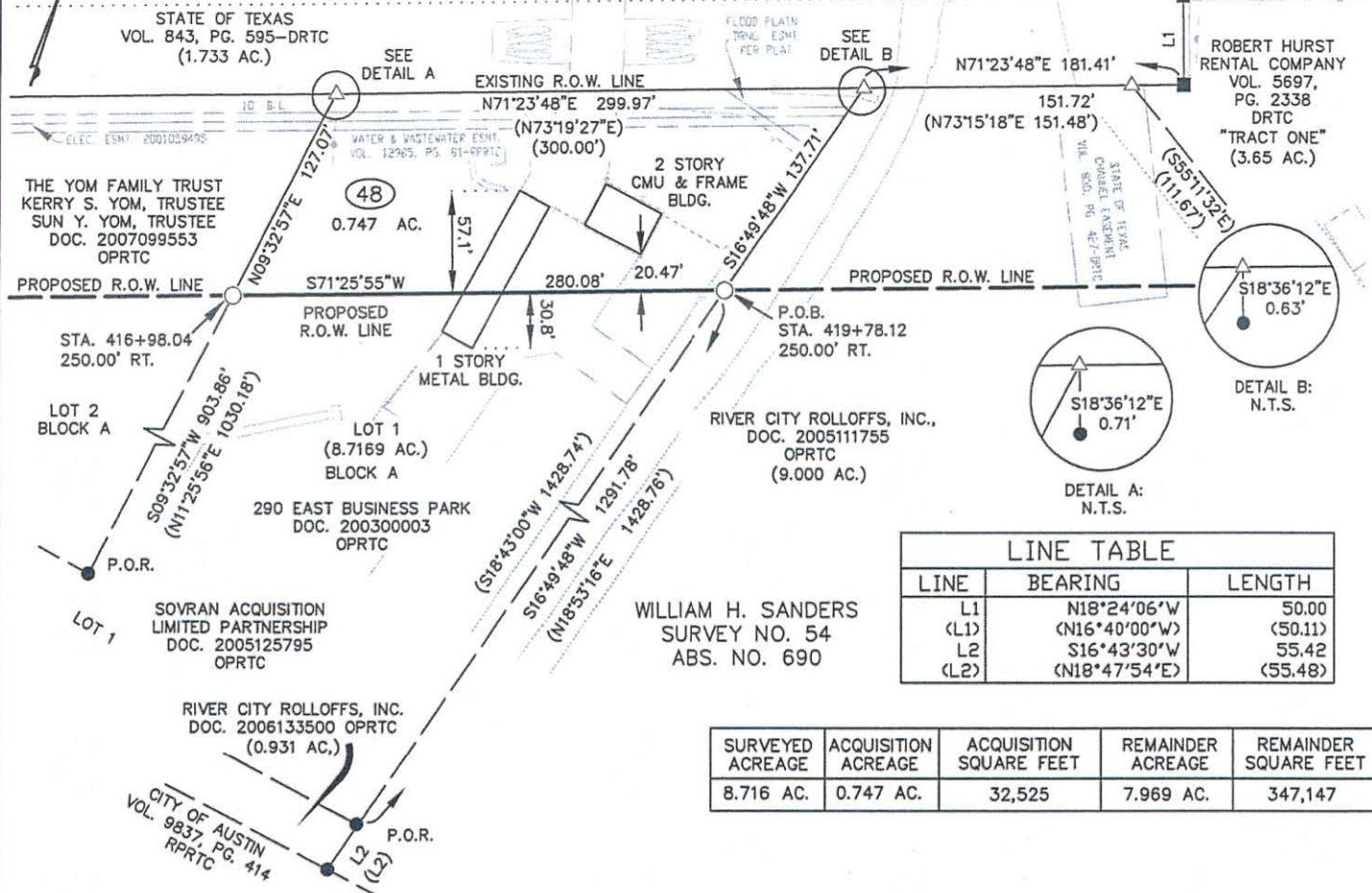
Note: There is a plat to accompany this description. US 290 P48 R5
Issued 12/01/06, Rev 03/20/07, 04/01/09, 09/17/10, 12/3/10

"EXHIBIT ____"

STATE OF TEXAS
VOL. 663, PG. 27-DRTC
(8.421 AC.)



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



LINE TABLE		
LINE	BEARING	LENGTH
L1	N18°24'06"W	50.00
(L1)	(N16°40'00"W)	(50.11)
L2	S16°43'30"W	55.42
(L2)	(N18°47'54"E)	(55.48)

SURVEYED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
8.716 AC.	0.747 AC.	32,525	7.969 AC.	347,147

- 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, AND 3 OF 4 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 ABUTTING PROPERTY.

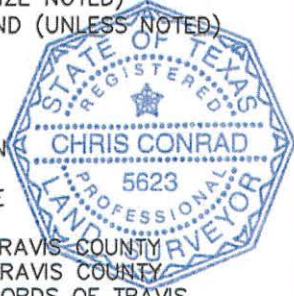
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

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 0.747 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF LOT 1, 290 EAST BUSINESS PARK, A SUBDIVISION OF RECORD IN DOCUMENT 200300003, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO SOVRAN ACQUISITION LIMITED PARTNERSHIP, OF RECORD IN DOCUMENT 2005125795, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 48
PAGE 4 OF 4

FINAL CLOSURE PARCEL 48 US HIGHWAY 290

PARCEL 48 - SKETCH MAPCHECK

North: 10095790.3116 East: 3154931.1639
Course: S 71-25-55 W Distance: 280.08000
North: 10095701.1254 East: 3154665.6632
Course: N 09-32-57 E Distance: 127.07000
North: 10095826.4347 East: 3154686.7433
Course: N 71-23-48 E Distance: 299.97000
North: 10095922.1295 East: 3154971.0398
Course: S 16-49-48 W Distance: 137.71000
North: 10095790.3179 East: 3154931.1682

Perimeter: 844.83000

Area: 32524.71353 0.74666 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.007653 Course: S 34-26-20 W

Precision 1: 110391.69

PARCEL 48 - STRIPMAP MAPCHECK

North: 10095557.0477 East: 3150486.6884
Course: S 71-25-55 W Distance: 280.08000
North: 10095467.8616 East: 3150221.1877
Course: N 09-32-57 E Distance: 127.07000
North: 10095593.1709 East: 3150242.2678
Course: N 71-23-48 E Distance: 299.97000
North: 10095688.8657 East: 3150526.5643
Course: S 16-49-48 W Distance: 137.71000
North: 10095557.0540 East: 3150486.6927

Perimeter: 844.83000

Area: 32524.71353 0.74666 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.007653 Course: S 34-26-20 W

Precision 1: 110391.69

PARCEL 48 - DESCRIPTION MAPCHECK

North: 10093793.2879 East: 3158579.1993
Course: S 71-25-55 W Distance: 280.08000
North: 10093704.1018 East: 3158313.6985
Course: N 09-32-57 E Distance: 127.07000
North: 10093829.4110 East: 3158334.7787
Course: N 71-23-48 E Distance: 299.97000
North: 10093925.1058 East: 3158619.0752
Course: S 16-49-48 W Distance: 137.71000
North: 10093793.2942 East: 3158579.2036

Perimeter: 844.83000

**FINAL CLOSURE PARCEL 48
US HIGHWAY 290**

PARCEL 48 - DESCRIPTION MAPCHECK (cont.)

Area: 32524.71353 0.74666 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.007653 Course: S 34-26-20 W
Precision 1: 110391.69