

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

RESOLUTION NO. 11-092

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 34)**

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 0.539 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Paul and Verena Devooght, (the "Owner"), located at US Hwy 290E West of Giles Road 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 29th day of June, 2011.

Submitted and reviewed by:


Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 11-092
Date Passed: 06/29/11

EXHIBIT ____

County: Travis
Parcel No.: 34
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 34

DESCRIPTION OF 0.539 OF ONE ACRE (23,485 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 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, SAID 0.539 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, 215.00 feet right of Engineer's Baseline Station 367+56.90, at the southeast corner of the herein described tract, same being in the east line of said DeVooght tract, and the west line of that certain tract of land described as 2.419 acres in a deed to Arturo Diaz, of record in Volume 12724, Page 714, Real Property Records, Travis County, Texas, from which point a 1/2" iron pipe found at the southeast corner of said DeVooght tract, and the southwest corner of said Diaz 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°58'16"E 284.23 feet;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said DeVooght tract, **S84°02'32"W**, at 106.22 feet passing 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 feet right of Engineer's Baseline Station 366+50.68, continuing 75.32 feet, in all a total distance of **181.54 feet** to a 1/2" iron

EXHIBIT ____

rod set with a TxDOT aluminum cap, 215.00 feet right of Engineer's Baseline Station 365+75.36, at the southwest corner of this tract, same being in the west line of said DeVooght tract, and the east 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 1/2" iron rod found at the southwest corner of said DeVooght tract, and the southeast corner of said Barnett tract, same being in the existing north ROW line of Old State Highway 20, bears S05°56'27"E 340.19 feet;

- 2) THENCE, with the west line of this tract, and said DeVooght tract, and the east line of said Barnett tract, **N05°56'27"W 217.02 feet** to a calculated point at the northwest corner of this tract, same being the northeast corner of said Barnett tract, the southeast corner of that certain tract of land described 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, 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 in the existing south ROW line of U.S. Highway 290, and the west line of said DeVooght tract, from which point a Mag nail found bears N05°56'27"W 0.70 feet;
- 3) THENCE, with the north line of this tract, the existing south ROW line of U.S. Highway 290, and the south line of said 0.092 of one acre State of Texas tract, crossing said DeVooght tract **N84°02'10"E 50.39 feet** to a 1/2" iron rod found at the northeast corner of this tract, same being the northwest corner of said Diaz tract, the southeast corner of said 0.092 of one acre State of Texas tract, and the southwest corner of that certain tract of land described as 4.233 acres in deeds to the State of Texas, of record in Volume 3057, Page 1540 and Volume 3122, Page 1826, Deed Records, Travis County, Texas, same being in the east line of said DeVooght tract;

THENCE, with the east line of this tract, and said DeVooght tract, and the west line of said Diaz tract the following three (3) courses, numbered 4, 5, and 6;

- 4) **S05°41'39"E 78.66 feet** to a 1/2" iron rod found;
- 5) **S63°05'36"E 156.48 feet** to a 1/2" iron pipe found; and

EXHIBIT ___

- 6) **S05°58'16"E 53.45 feet** to the POINT OF BEGINNING and containing 0.539 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.

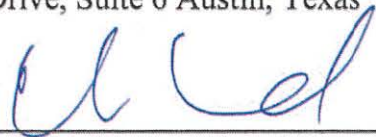
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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:

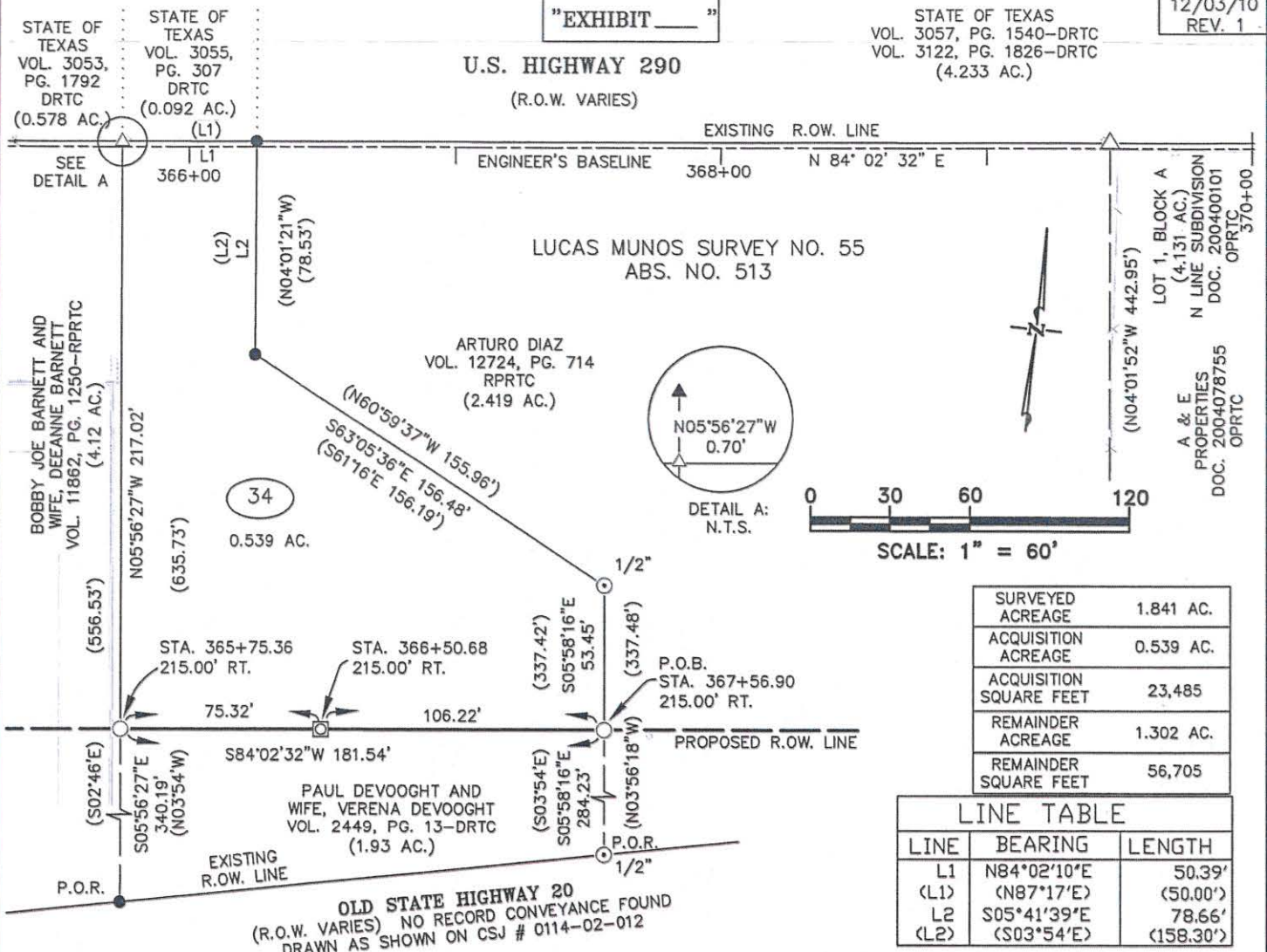
McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Drive, Suite 6 Austin, Texas 78731
(512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623
Note: There is a plat to accompany this description. US 290 P34 R4
Issued 12/01/06; Rev 03/20/07; 09/17/10; 12/3/10



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



SURVEYED ACREAGE	1.841 AC.
ACQUISITION ACREAGE	0.539 AC.
ACQUISITION SQUARE FEET	23,485
REMAINDER ACREAGE	1.302 AC.
REMAINDER SQUARE FEET	56,705

LINE TABLE		
LINE	BEARING	LENGTH
L1	N84°02'10"E	50.39'
(L1)	(N87°17'E)	(50.00')
L2	S05°41'39"E	78.66'
(L2)	(S03°54'E)	(158.30')

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 ADJUTING PROPERTY.

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

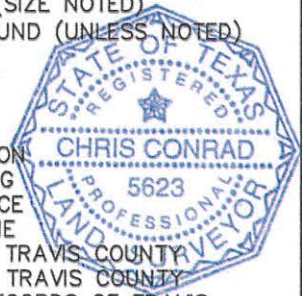
Chris Conrad

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)
- ▲ MAG 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
- III 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 0.539 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 1.93 AC. IN A DEED TO PAUL DEVOOGHT AND WIFE, VERENA DEVOOGHT, OF RECORD IN VOLUME 2449, PAGE 13, DEED RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 34
PAGE 4 OF 4

FINAL CLOSURE PARCEL 34 US HIGHWAY 290

PARCEL 34 – SKETCH MAPCHECK

North: 10091188.3970 East: 3148517.7150
Course: S 84-02-32 W Distance: 181.54000
North: 10091169.5539 East: 3148337.1556
Course: N 05-56-27 W Distance: 217.02000
North: 10091385.4084 East: 3148314.6937
Course: N 84-02-10 E Distance: 50.39000
North: 10091390.6440 East: 3148364.8110
Course: S 05-41-39 E Distance: 78.66000
North: 10091312.3721 East: 3148372.6155
Course: S 63-05-36 E Distance: 156.48000
North: 10091241.5589 East: 3148512.1558
Course: S 05-58-16 E Distance: 53.45000
North: 10091188.3989 East: 3148517.7160

Perimeter: 737.54000

Area: 23484.69804 0.53913 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.002144 Course: S 26-30-27 W
Precision 1: 343959.37

PARCEL 34 – STRIPMAP MAPCHECK

North: 10091371.1326 East: 3150196.5724
Course: S 84-02-32 W Distance: 181.54000
North: 10091352.2896 East: 3150016.0130
Course: N 05-56-27 W Distance: 217.02000
North: 10091568.1440 East: 3149993.5511
Course: N 84-02-10 E Distance: 50.39000
North: 10091573.3796 East: 3150043.6684
Course: S 05-41-39 E Distance: 78.66000
North: 10091495.1077 East: 3150051.4729
Course: S 63-05-36 E Distance: 156.48000
North: 10091424.2945 East: 3150191.0131
Course: S 05-58-16 E Distance: 53.45000
North: 10091371.1345 East: 3150196.5734

Perimeter: 737.54000

Area: 23484.69804 0.53913 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.002144 Course: S 26-30-27 W
Precision 1: 343959.37

FINAL CLOSURE PARCEL 34 US HIGHWAY 290

PARCEL 34 – DESCRIPTION MAPCHECK

North: 10091034.2660 East: 3147358.1198
Course: S 84-02-32 W Distance: 181.54000
North: 10091015.4230 East: 3147177.5604
Course: N 05-56-27 W Distance: 217.02000
North: 10091231.2775 East: 3147155.0985
Course: N 84-02-10 E Distance: 50.39000
North: 10091236.5131 East: 3147205.2158
Course: S 05-41-39 E Distance: 78.66000
North: 10091158.2412 East: 3147213.0203
Course: S 63-05-36 E Distance: 156.48000
North: 10091087.4280 East: 3147352.5605
Course: S 05-58-16 E Distance: 53.45000
North: 10091034.2680 East: 3147358.1208

Perimeter: 737.54000

Area: 23484.69804 0.53913 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.002144 Course: S 26-30-27 W

Precision 1: 343959.37