

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

RESOLUTION NO. 11-096

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 44A)**

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 0.479 acres described by metes and bounds in Exhibit "A" to this Resolution (the "Subject Property"), owned by Applied Materials, Inc., (the "Owner"), located at 9700 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 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 11-096
Date Passed: 06/29/11

Exhibit “A” to Resolution 11-096

Description of Parcel 44A

EXHIBIT ____

County: Travis
Parcel No.: 44A
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 44A

DESCRIPTION OF 0.479 OF ONE ACRE (20,887 SQUARE FEET) OF LAND, BEING OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2 ACRES IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 13041, PAGE 2014, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.479 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found to be replaced with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) Type II concrete monument after acquisition, in the proposed north right-of-way (ROW) line of U.S. Highway 290, 242.81 feet left of Engineer's Baseline Station 394+86.71, at the northwest corner of the herein described tract, same being in the west line of said 2 acre Applied Materials tract and at the northeast corner of a 0.789 acre tract dedicated for street purposes by plat of One Lutheran Center, a subdivision of record in Book 87, Pages 70B-70C, Plat Records, Travis County Texas, and at the southeast corner of Lot 1, of said One Lutheran Center subdivision, said Lot 1 being described in a deed to Lutheran Foundation of the Southwest, of record in Volume 9233, Page 654, Real Property Records, Travis County, Texas, from which point a 1/2" iron pipe found at the northwest corner of said 2 acre Applied Materials tract and a southwest corner of that tract of land described in a deed to Applied Materials, Inc. in Volume 13346, Page 1584, Real Property Records, Travis County, Texas, and of Lot 1, Fiesta Plaza, a subdivision of record in Book 76, Page 359, Plat Records, Travis County, Texas, bears N27°49'05"E 288.66 feet;

EXHIBIT ____

- 1) THENCE, with the curving north line of this tract, and the proposed curving north ROW line of U.S. Highway 290, crossing said 2 acre Applied Materials tract with an arc of a curve to the left, whose intersection angle is **03°17'26"**, radius is **5,729.58 feet**, an arc distance of **329.06 feet**, the chord of which bears **N77°11'23"E 329.01 feet** to a 1/2" iron rod set with a TxDOT aluminum cap, 251.38 feet left of Engineer's Baseline Station 398+30.49 at the southeast corner of this tract, same being in the east line of said 2 acre Applied Materials tract and a west line of said Lot 1, Fiesta Plaza and a west line of said Applied Materials tract in Volume 13346, Page 1584;
- 2) THENCE, with the east line of this tract and said 2 acre Applied Materials tract and the west line of said Lot 1, Fiesta Plaza, and the west line of said Applied Materials tract in Volume 13346, Page 1584, **S27°34'59"W 108.92 feet** to a calculated point at the southwest corner of said Applied Materials tract in Volume 13346, Page 1584 and of said Lot 1, Fiesta Plaza, the southeast corner of said 2 acre Applied Materials tract, and the west corner of that tract described as 0.338 of one acre in a deed to the State of Texas, of record in Volume 3141, Page 1704, Deed Records, Travis County, Texas, same being in the north line of that certain tract of land described as 2.331 acres, Parcel (A), in a deed to the State of Texas, of record in Volume 678, Page 613, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found bears **N05°57'50"W 1.26 feet**;
- 3) THENCE, with the south line of this tract and of said 2 acre Applied Material tract, the existing north ROW line of U.S. Highway 290, and the north line of said 2.331 acres, Parcel (A), State of Texas tract, **S84°02'12"W 300.96 feet** to a calculated point at the southwest corner of this tract and said 2 acre Applied Materials tract, and the southeast corner of said 0.789 acre tract dedicated for street purposes, from which point a 5/8" iron rod found bears **S08°57'41"W 11.05 feet**;

EXHIBIT ____

4) THENCE, with the west line of this tract and of said 2 acre Applied Materials tract, and the east line of said 0.789 acre Street Dedication tract, **N27°49'05"E 62.03 feet** to the POINT OF BEGINNING and containing 0.479 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.

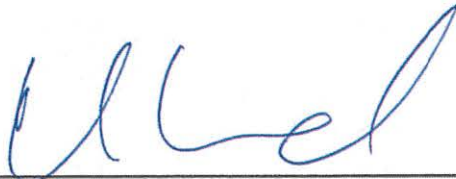
STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

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

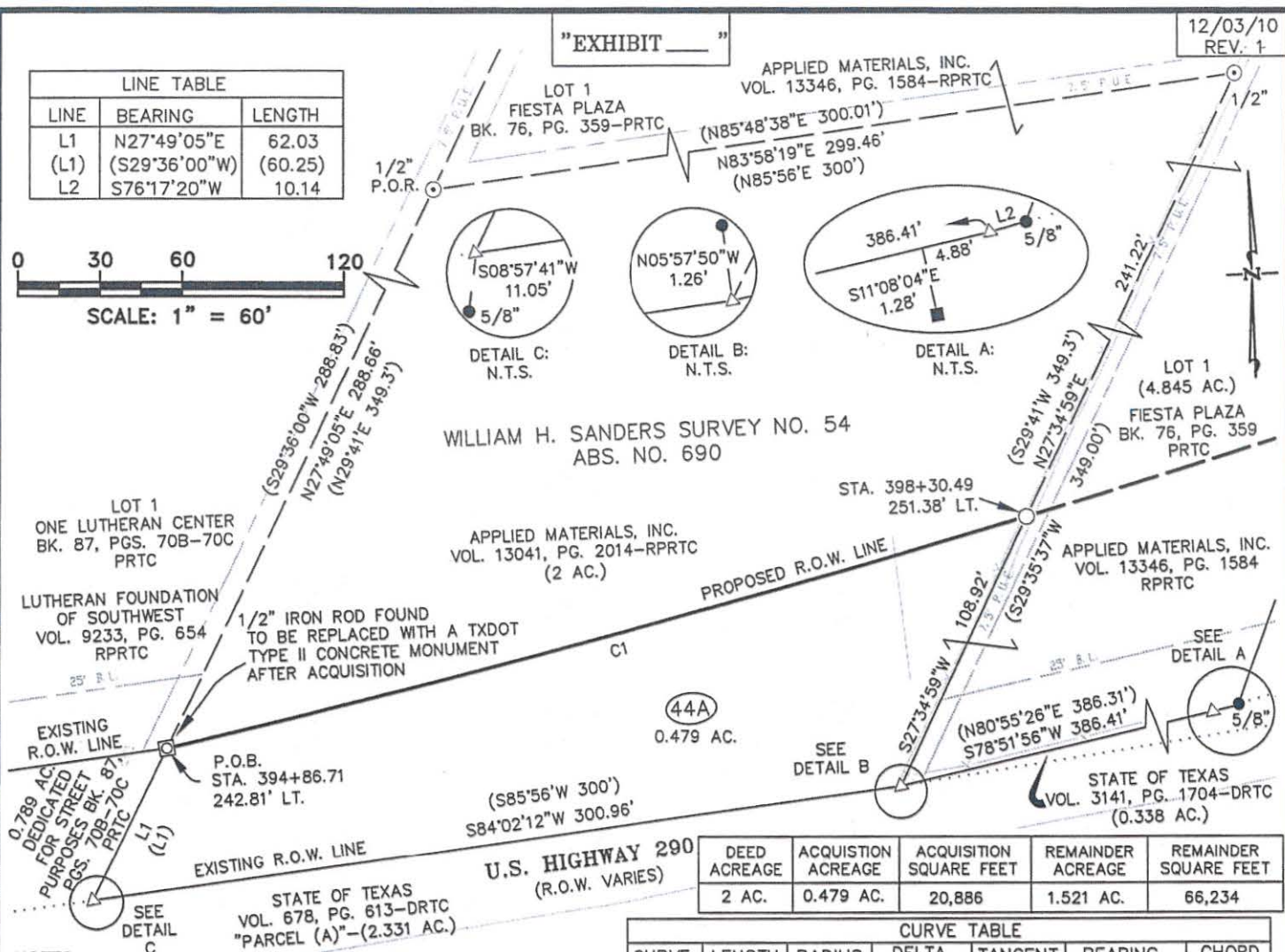
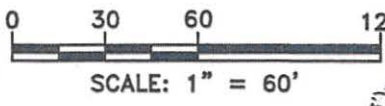


Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P44A R3
Issued 10/20/2010; Revised 12/3/10

"EXHIBIT _____"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N27°49'05"E	62.03
(L1)	(S29°36'00"W)	(60.25)
L2	S76°17'20"W	10.14



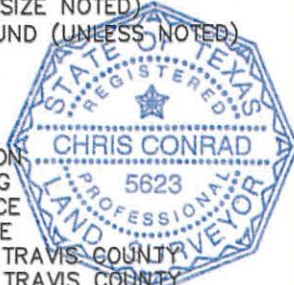
WILLIAM H. SANDERS SURVEY NO. 54
ABS. NO. 690

DEED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
2 AC.	0.479 AC.	20,886	1.521 AC.	66,234

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	329.06	5729.58	03°17'26"	164.57	N77°11'23"E	329.01

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



- 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 B, 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

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

PLAT OF 0.479 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF THAT TRACT DESCRIBED AS 2 AC. IN A DEED TO APPLIED MATERIALS, INC., IN VOLUME 13041, PAGE 2014, REAL PROPERTY RECORDS, TRAVIS CO., TX.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 44A
PAGE 4 OF 4

FINAL CLOSURE PARCEL 44A US HIGHWAY 290

PARCEL 44A - SKETCH MAPCHECK

BC North: 10099831.1606 East: 3150238.7373
Arc Length: 329.05522 Radius: 5729.58000 Delta: -3-17-26
Tangent: 164.57285 Chord: 329.01000 Ch Course: N 77-11-23 E
Course In: N 11-09-54 W Out: S 14-27-20 E
Ctr North: 10105452.3003 East: 3149129.2894
End North: 10099904.1098 East: 3150559.5581
Course: S 27-34-59 W Distance: 108.92000
North: 10099807.5696 East: 3150509.1244
Course: S 84-02-12 W Distance: 300.96000
North: 10099776.3023 East: 3150209.7931
Course: N 27-49-05 E Distance: 62.03000
North: 10099831.1637 East: 3150238.7403

Perimeter: 800.96522

Area: 20886.25310 0.47948 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.004340 Course: S 44-11-05 W
Precision 1: 184534.43

PARCEL 44A - STRIPMAP MAPCHECK

BC North: 10096455.4198 East: 3143017.2354
Arc Length: 329.05522 Radius: 5729.58000 Delta: -3-17-26
Tangent: 164.57285 Chord: 329.01000 Ch Course: N 77-11-23 E
Course In: N 11-09-54 W Out: S 14-27-20 E
Ctr North: 10102076.5596 East: 3141907.7875
End North: 10096528.3690 East: 3143338.0562
Course: S 27-34-59 W Distance: 108.92000
North: 10096431.8288 East: 3143287.6226
Course: S 84-02-12 W Distance: 300.96000
North: 10096400.5615 East: 3142988.2912
Course: N 27-49-05 E Distance: 62.03000
North: 10096455.4229 East: 3143017.2385

Perimeter: 800.96522

Area: 20886.25310 0.47948 acres
Mathematical Closure - (Uses Survey Units)
Error of Closure: 0.004340 Course: S 44-11-05 W
Precision 1: 184534.43

FINAL CLOSURE PARCEL 44A US HIGHWAY 290

PARCEL 44A - DESCRIPTION MAPCHECK

BC North: 10092088.4985 East: 3157120.5492
Arc Length: 329.05522 Radius: 5729.58000 Delta: -3-17-26
Tangent: 164.57285 Chord: 329.01000 Ch Course: N 77-11-23 E
Course In: N 11-09-54 W Out: S 14-27-20 E
Ctr North: 10097709.6383 East: 3156011.1013
End North: 10092161.4477 East: 3157441.3700
Course: S 27-34-59 W Distance: 108.92000
North: 10092064.9075 East: 3157390.9364
Course: S 84-02-12 W Distance: 300.96000
North: 10092033.6402 East: 3157091.6050
Course: N 27-49-05 E Distance: 62.03000
North: 10092088.5016 East: 3157120.5522

Perimeter: 800.96522

Area: 20886.25310 0.47948 acres

Mathematical Closure - (Uses Survey Units)

Error of Closure: 0.004340 Course: S 44-11-05 W

Precision 1: 184534.43