

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

**RESOLUTION NO. 11-114**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 50B)**

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 0.341 acre parcel of real estate described by metes and bounds in Exhibit “A” to this Resolution (the “Subject Property”), owned by Robert Hurst and Janet Lockwood, (the “Owner”), located at 9741 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 28<sup>th</sup> day of July, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-114  
Date Passed: 07/28/11

**Exhibit "A" to Resolution 11-114**

**Description of Parcel 50B**

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

**County:** Travis  
**Parcel No.:** 50B  
**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 50B**

DESCRIPTION OF 0.341 OF ONE ACRE (14,864 SQUARE FEET) OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2.50 ACRES IN A DEED OF FIFTY-ONE PERCENT UNDIVIDED INTEREST TO ROBERT HURST AND FORTY-NINE PERCENT UNDIVIDED INTEREST TO JANET LOCKWOOD, OF RECORD IN DOCUMENT 2011063361, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.341 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, being the beginning of this Access Denial Line, 230.00 feet right of Engineer's Baseline Station 428+99.94, at the southeast corner of the herein described tract, same being in the east line of said Hurst and Lockwood tract, and the west line of that certain tract of land described as 22.497 acres in a deed to Nancy Swenson Smith and Agnes Swenson Aldridge, of record in Volume 11995, Page 152, Real Property Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Hurst and Lockwood tract, and at an interior ell corner of said Smith tract bears S10°52'58"E 488.41 feet, and from which point of beginning a 3/4" iron rod found at the southwest corner of said Hurst and Lockwood tract, being at an angle point in a north line of said Smith tract bears S10°52'58"E 488.41 feet and S70°59'59"W 208.59 feet;

- 1) THENCE, along said Access Denial Line, with the south line of this tract and the proposed south ROW line of U.S. Highway 290, crossing said Hurst and Lockwood tract, S71°25'55"W 103.98 feet to a 1/2" iron rod set with a TxDOT aluminum cap, at the end of said Access Denial Line, 230.00 feet right of Engineer's Baseline Station 427+95.96, at the southwest corner of this tract, same being in the west line of said

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

Hurst and Lockwood tract, and the east line of that certain tract of land described as 0.501 of one acre of land in a deed to Daniel Perez, of record in Document 2002081840, Official Public Records, Travis County, Texas;

- 2) THENCE, with the west line of this tract, and said Hurst and Lockwood tract, and the east line of said Perez tract, **N10°59'35"W**, at 143.82 passing a 1/2" iron rod found, in all a total distance of **143.98 feet** to a calculated point at the northwest corner of this tract, and said Hurst and Lockwood tract, and the northeast corner of said Perez tract, 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 8.421 acres in a deed to the State of Texas, of record in Volume 663, Page 27, Deed Records, Travis County, Texas;
- 3) THENCE, with the north line of this tract, and said Hurst and Lockwood tract, the existing south ROW line of U.S Highway 290, and the south line of said 8.421 acre State of Texas tract, **N71°23'48"E** **104.27 feet** to a calculated point at the northeast corner of this tract, and said Hurst and Lockwood tract, and the northwest corner of said Smith tract, from which point a 1" iron pipe found bears **N10°52'58"W** 0.26 feet;
- 4) THENCE, with the east line of this tract, and said Hurst and Lockwood tract, and the west line of said Smith tract **S10°52'58"E**, passing at 141.42 feet a 1/2" iron rod set with a TxDOT aluminum cap, 227.36 feet right of Engineer's Baseline Station 429+00.30, in all a total distance of **144.08 feet** to the POINT OF BEGINNING and containing 0.341 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 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.

EXHIBIT \_\_\_\_

STATE OF TEXAS     §  
                              §  
COUNTY OF TRAVIS   §

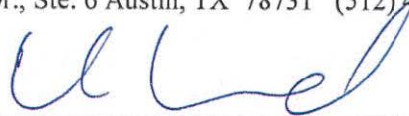
KNOW ALL MEN BY THESE PRESENTS:

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 8th day of June, 2011 A.D.

SURVEYED BY:

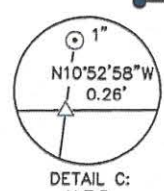
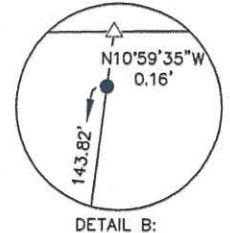
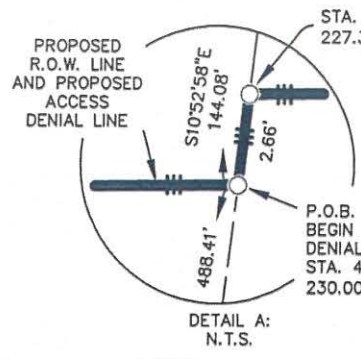
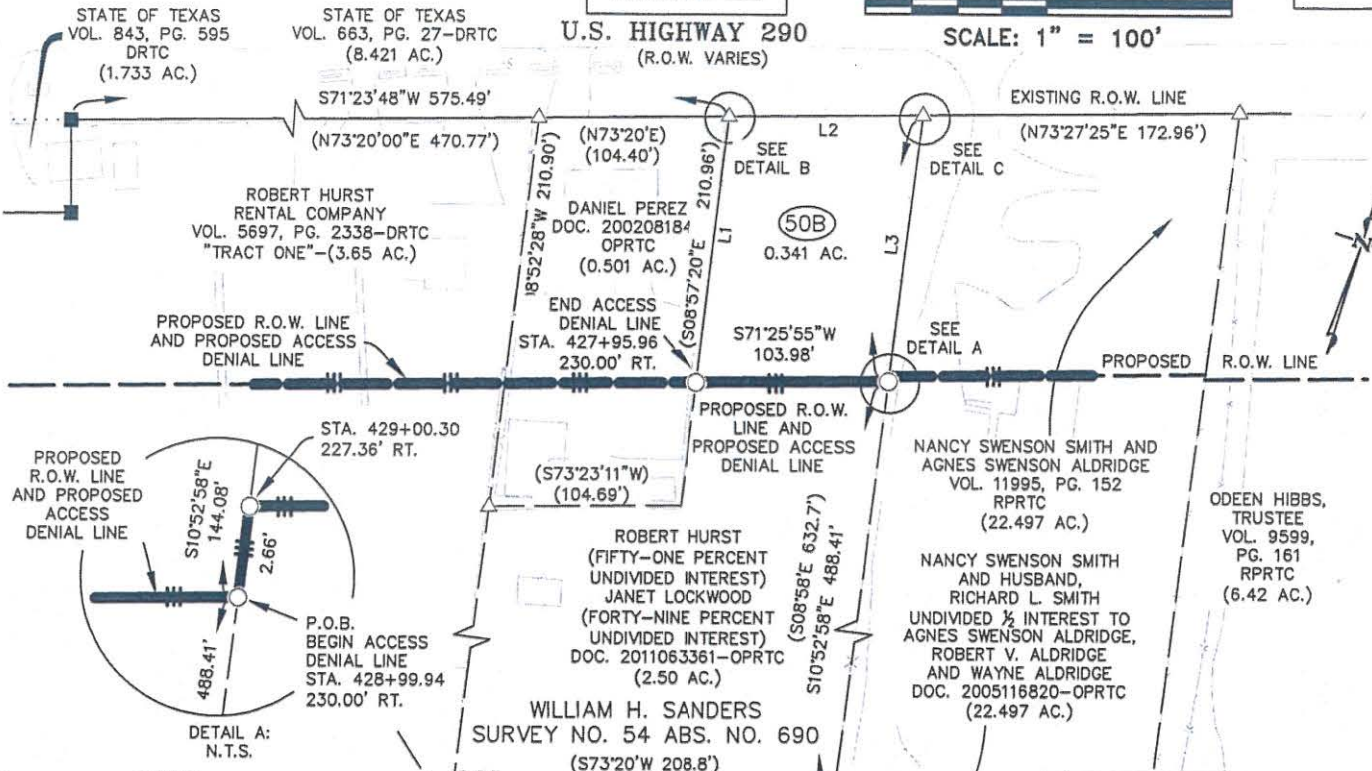
**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P50B  
Issued 06/08/2011





LINE TABLE		
LINE	BEARING	LENGTH
L1	N10°59'35"W	143.98
L2	N71°23'48"E	104.27
(L2)	<N73°20'E	(104.28)
L3	S10°52'58"E	144.08

DEED ACREAGE	ACQUISITION ACREAGE	ACQUISITION SQUARE FEET	REMAINDER ACREAGE	REMAINDER SQUARE FEET
2.50 AC.	0.341 AC.	14,864	2.159 AC.	94,036

- 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 WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE PROPOSED RIGHT-OF-WAY LINE AND THE PROPOSED "ACCESS DENIAL LINE" AS SHOWN HEREON, BEING THE ENTIRE 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*

06/08/2011

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

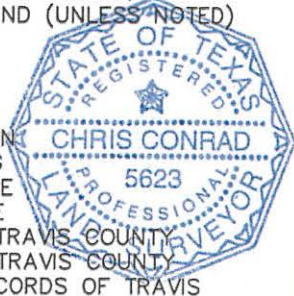
**MCGRAY & MCGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF 0.341 AC. OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2.50 AC. IN A DEED TO ROBERT HURST AND JANET LOCKWOOD OF RECORD IN DOC. NO. 2011063361, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 50B

PAGE 4 OF 4

- 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



# FINAL CLOSURE PARCEL 50B US HIGHWAY 290

## PARCEL 50B – SKETCH MAPCHECK

North: 10095598.9801 East: 3155427.7486  
Course: S 71-25-55 W Distance: 103.98000  
North: 10095565.8697 East: 3155329.1811  
Course: N 10-59-35 W Distance: 143.98000  
North: 10095707.2077 East: 3155301.7256  
Course: N 71-23-48 E Distance: 104.27000  
North: 10095740.4713 East: 3155400.5475  
Course: S 10-52-58 E Distance: 144.08000  
North: 10095598.9825 East: 3155427.7498

Perimeter: 496.31000

Area: 14863.93277 0.34123 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.002712 Course: S 27-08-02 W  
Precision 1: 183007.58

## PARCEL 50B – STRIPMAP MAPCHECK

North: 10095506.1382 East: 3156029.4433  
Course: S 71-25-55 W Distance: 103.98000  
North: 10095473.0278 East: 3155930.8759  
Course: N 10-59-35 W Distance: 143.98000  
North: 10095614.3658 East: 3155903.4204  
Course: N 71-23-48 E Distance: 104.27000  
North: 10095647.6294 East: 3156002.2422  
Course: S 10-52-58 E Distance: 144.08000  
North: 10095506.1406 East: 3156029.4446

Perimeter: 496.31000

Area: 14863.93277 0.34123 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.002712 Course: S 27-08-02 W  
Precision 1: 183007.58

## PARCEL 50B – DESCRIPTION MAPCHECK

North: 10095787.7079 East: 3156114.7469  
Course: S 71-25-55 W Distance: 103.98000  
North: 10095754.5975 East: 3156016.1795  
Course: N 10-59-35 W Distance: 143.98000  
North: 10095895.9355 East: 3155988.7239  
Course: N 71-23-48 E Distance: 104.27000  
North: 10095929.1991 East: 3156087.5458  
Course: S 10-52-58 E Distance: 144.08000  
North: 10095787.7103 East: 3156114.7482

Perimeter: 496.31000



**FINAL CLOSURE PARCEL 50B  
US HIGHWAY 290**

PARCEL 50B – DESCRIPTION MAPCHECK (cont.)

Area: 14863.93277                      0.34123 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.002712              Course: S 27-08-02 W  
Precision 1: 183007.58