

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

RESOLUTION NO. 11-115

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 13AC)**

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 the right to prohibit access to and from the public right-of-way of U.S. Highway 290 to the abutting tract of land, as that access denial line is described by metes and bounds and the abutting tract is described by reference in Exhibit "A" to this Resolution (the "Access Denial Line"), owned by Raymond D. and Elda Raschke, (the "Owner"), located at 9470 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; and

WHEREAS, an independent, professional appraisal report of the Access Denial Line 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 Access Denial Line to acquire the Access Denial Line; and

WHEREAS, the Executive Director and the Owner have agreed on the amount determined to be just compensation and damages, if any, due to said Owner for the Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized and directed to negotiate and execute an agreement to acquire the Access Denial Line for a total acquisition price of \$1,000.00; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Access Denial Line 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 Access Denial Line for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Access Denial Line or the abutting tract, as both are 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 24th day of August, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 11-115
Date Passed: 08/24/11

Exhibit "A" to Resolution 11-115

Description of Parcel 13AC

EXHIBIT _____

County: Travis
Parcel No.: 13(AC)
Highway: U.S. Highway 290
Project Limits: From: E of US 183
 To: E of SH 130
Right of Way CSJ: 0114-02-085

LINEAR DESCRIPTION FOR PARCEL 13(AC)

BEING A DESCRIPTION FOR DENIED ACCESS ALONG AN ACCESS DENIAL LINE, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 290 IN THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE SOUTH AND EAST LINE OF THE REMAINDER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 28.39 ACRES IN A DEED TO RAYMOND D. RASCHKE, AND WIFE, ELDA R. RASCHKE, OF RECORD IN VOLUME 1918, PAGE 32, DEED RECORDS, TRAVIS COUNTY, TEXAS, AND A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1.508 ACRES IN A DEED TO RAYMOND D. RASCHKE, AND WIFE ELDA R. RASCHKE, OF RECORD IN DOCUMENT 2009013447, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE 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 stamped "ADL" at the point of beginning of this Access Denial Line, 201.96 feet left of Engineer's Baseline Station 360+34.56, same being the existing north right-of-way (ROW) line of U.S. Highway 290, the south line of said 28.39 acre Raschke tract, and the north line of that certain tract of land described as 9.054 acres in an deed to the State of Texas, of record in Volume 663, Page 38, Deed Records, Travis County, Texas, from which point a TxDOT Type I concrete monument found in the south line of said Raschke tract, and the north line of said 9.054 acre State of Texas tract, same being the existing north ROW line of U.S. Highway 290, bears S84°02'10"W 207.67 feet.

- 1) THENCE, with said Access Denial Line, with the south line of said 28.39 acre Raschke tract, and the north line of said 9.054 acre State of Texas tract, same being the existing north ROW line of U.S. Highway 290, N84°02'10"E 154.15 feet to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 201.98 feet left of Engineer's Baseline Station

EXHIBIT _____

361+88.71, at the southeast corner of said 28.39 acre Raschke tract, and the northeast corner of said 9.054 acre State of Texas tract, same being the northwest corner of that certain tract of land described as 8.054 acres in a deed to the State of Texas, of record in Volume 663, Page 20, Deed Records, Travis County, Texas, and the southwest corner of a 10' ROW Dedication, as shown on Browning & Cook Subdivision, a subdivision of record in Book 83, Pages 72A-72B, Plat Records, Travis County, Texas, from which point a 3/4" iron rod found bears N05°57'50"W 0.36 feet;

- 2) THENCE, continuing with said Access Denial Line, with the east line of said 23.89 acre Raschke tract, and the west line of said 10' ROW Dedication tract, same being in the existing north ROW line of U.S. Highway 290, N62°43'39"W 18.24 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", 211.98 feet left of Engineer's Baseline Station 361+73.45, at the northwest corner of said 10' ROW Dedication tract, and at the southwest corner of said 1.508 acre Raschke tract and of Lot 1 of said Browning & Cook Subdivision, from which point a 1/2" iron rod found bears N15°39'48"E 0.37 feet;
- 3) THENCE, continuing with said Access Denial Line, with the south line of said 1.508 acre Raschke tract, and the north line of said 10' ROW Dedication tract, same being the existing north ROW line of U.S. Highway 290, N84°02'10"E 70.99 feet to a 1/2" iron rod found at the southeast corner of said 1.508 acre Raschke tract and being the southwest corner of the remainder portion of that certain tract of land described in a deed to Joe T. Robertson, of record in Volume 5094, Page 2302, Deed Records, Travis County, Texas, and being the end of said Access Denial Line 211.98 feet left of Engineer's Baseline Station 362+44.44 and from which point a 5/8" iron rod found at the southeast corner of said 10' ROW Dedication tract, and the southwest corner of that certain tract of land described in a deed to the City of Austin, of record in Volume 5907, Page 1635, Deed Records, Travis County, Texas, same being Lot 1, Giles Road at U.S. 290 Reservoir Site, a subdivision of record in Book 72, Page 22, Plat Records, Travis County, Texas, also being in the north line of said 8.054 acre

EXHIBIT _____

State of Texas tract, and in the existing north ROW line of U.S. Highway 290, bears N84°02'10"E 1005.56 feet and S27°56'10"W 12.05 feet.

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.

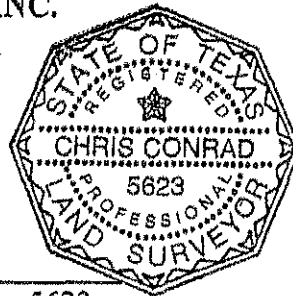
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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 20th day of October, 2010 A.D.

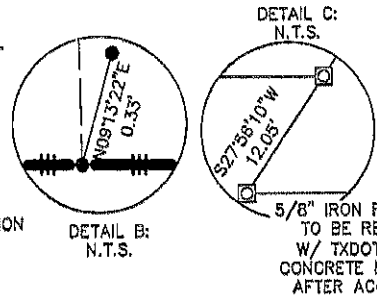
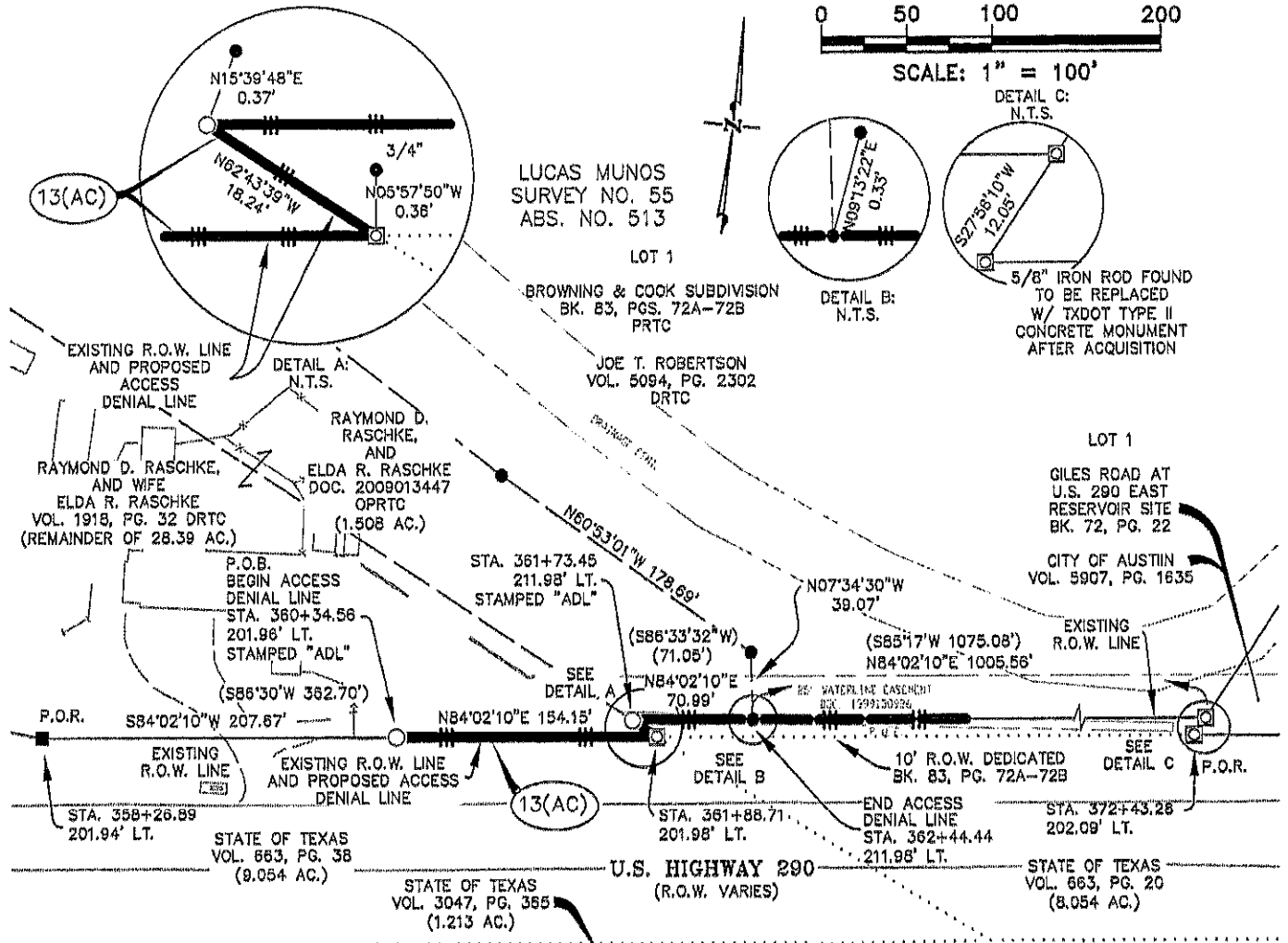
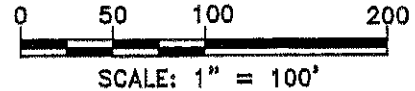
SURVEYED BY:

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



A handwritten signature in cursive script, appearing to read "Chris Conrad".

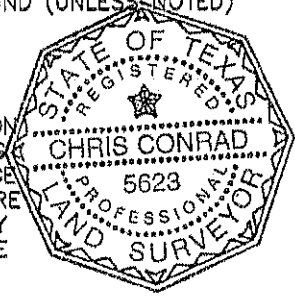
Chris Conrad, Reg. Professional Land Surveyor No. 5623
Note: There is a plat to accompany this description. US 290 P13AC R2
Issued 10/20/2010



- 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 EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS SHOWN HEREON, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ADJUTING PROPERTY.

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
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- ||| ACCESS DENIAL LINE



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

[Signature] 10/20/10

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 AN ACCESS DENIAL LINE OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, BEING A PORTION OF THE SOUTH AND EAST LINE OF THE REMAINDER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEEDS TO RAYMOND D. RASCHKE AND WIFE, ELDA R. RASCHKE, OF RECORD IN VOLUME 1918, PAGE 32, DEED RECORDS AND DOCUMENT 2009013447, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
 U.S. 290
 CSJ 0114-02-085
 PARCEL 13(AC)
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