

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

RESOLUTION NO. 11-120

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 22AC)**

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 Wayne Allen Barbee, (the "Owner"), located at the US Hwy 290E, West of Chimney Hill Boulevard 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, 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 Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Access Denial Line for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Access Denial Line previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to acquire the Access Denial Line and all leasehold interests in the Access Denial Line by

agreement, subject to approval of the agreement by the Board of Directors of the CTRMA; 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.

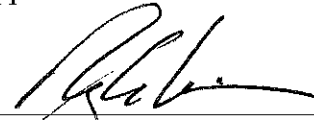
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24th day of August, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 11-120
Date Passed: 08/24/11

Exhibit "A" to Resolution 11-120

Description of Parcel 22AC

EXHIBIT A

County: Travis
Parcel No.: 22(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 22(AC)

BEING A LINEAR 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 H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING ALL OF THE SOUTH LINE OF LOT 1, CHIMNEYHILL P.U.D. FOURTH INSTALLMENT, A SUBDIVISION OF RECORD IN BOOK 70, PAGE 7, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO WAYNE ALLEN BARBEE, OF RECORD IN DOCUMENT 2001170817, 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 TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap stamped "ADL", being the point of beginning of said Access Denial Line, 201.41 feet left of Engineer's Baseline Station 309+50.87, at the southwest corner of said Lot 1 and said Barbee tract and the southeast corner of that tract described as 4.73 acres in a deed to Salim Haddad, Trustee (50% interest), of record in Volume 13212, Page 1243, Real Property Records, Travis County, Texas, and to Jimmy Nassour, Trustee (50% interest), of record in Volume 13212, Page 1238, Real Property Records, Travis County, Texas, and at the northwest corner of that tract of land described as 2.167 acres (Parcel B), in a deed to the State of Texas, of record in Volume 663, Page 164, Deed Records, Travis County, Texas, same also being the northeast corner of that tract of land described as 4.288 acres (Parcel B), in a deed to the State of Texas, of record in Volume 663, Page 35, Deed Records, Travis County, Texas, from which a 1/2" iron rod found bears N05°57'50"W 0.71 feet and from which a TxDOT Type I concrete monument found, 201.40 feet left of Engineer's Baseline Station 308+28.09, in the south line of said Haddad and Nassour tract and the north line of said 4.288 acre State of Texas tract bears S84°02'10"W 122.78 feet;

- 1) THENCE, with this access denial line, with the south line of said Lot 1 and said Barbee tract and the existing north ROW line of U.S Highway 290, and the north line

EXHIBIT _____

of said 2.167 acre State of Texas tract, **N84°02'10"E 118.30 feet** to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the end of this access denial line, 201.42 feet left of Engineer's Baseline Station 310+69.17, same being at the southeast corner of said Lot 1 and said Barbee tract and the southwest corner of the tract of land described as 6.3788 acres in a deed to Chimneyhill-Austin Homeowners' Association, of record in Volume 6557, Page 545, Deed Records, Travis County, Texas, from which a 1/2" iron rod found bears N06°01'21"W 1.14 feet and from which point a 1/2" iron rod found at an interior ell corner in said Chimneyhill-Austin tract and at the northeast corner of said Lot 1 and said Barbee tract bears N06°01'21"W 164.09 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.

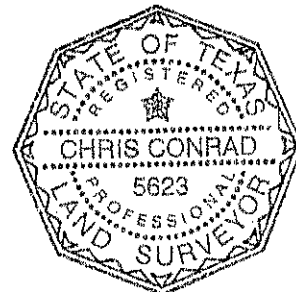
STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

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 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

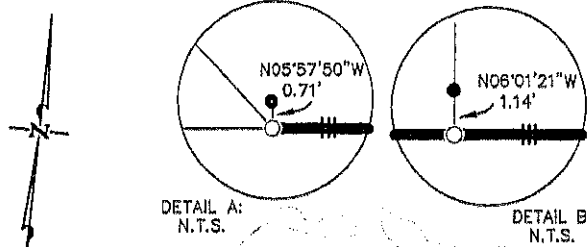
Note: There is a plat to accompany this description. US 290 P22AC R2
Issued 7/17/09; 9/16/09; 12/4/09; 12/3/10



SCALE: 1" = 100'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1 (C1)	23.57' (23.56')	15.00' (15.00')	90°01'54" (90°01')	15.01' (15.00')	N27°42'07"E (N30°39'E)	21.22' (21.21')
C2	6.50'	15.00'	24°49'44"	3.30'	S60°18'13"W	6.45'

LINE TABLE		
LINE	BEARING	LENGTH
L1 (L1)	N72°43'05"E (S75°35'W)	65.60 (65.96)

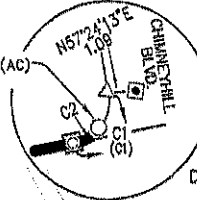


SALIM HADDAD, TRUSTEE
VOL. 13212, PG. 1243-PRPTC
(50% INTEREST 4.73 AC.)

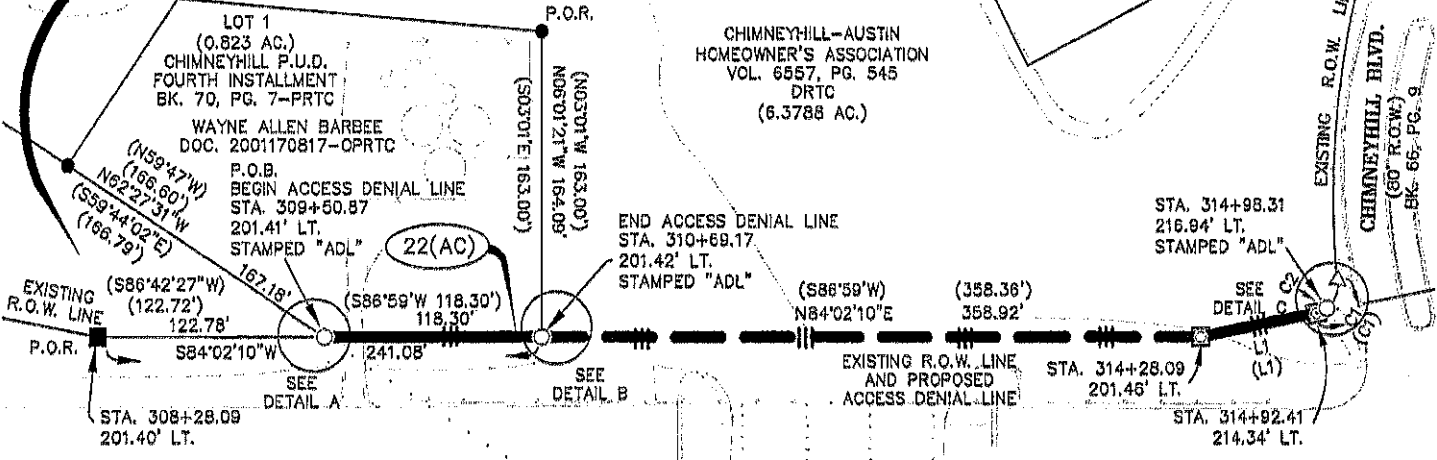
JIMMY NASSOUR, TRUSTEE
VOL. 13212, PG. 1238-PRPTC
(50% INTEREST 4.73 AC.)

H.T. DAVIS SURVEY NO. 30
ABS. NO. 214

END ACCESS DENIAL LINE 23(AC)
STA. 314+98.31
216.94' LT.



CHIMNEYHILL-AUSTIN
HOMEOOWNER'S ASSOCIATION
VOL. 6557, PG. 545
DRTC
(6.3788 AC.)



STATE OF TEXAS
VOL. 663, PG. 35-DRTC
"PARCEL B"-(4.288 AC.)

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

STATE OF TEXAS
VOL. 663, PG. 164-DRTC
"PARCEL B"-(2.167 AC.)

ENGINEER'S BASELINE LOCATION N.T.S. 310+00 315+00

- 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 AND 2 OF 3 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 ADJUTTING PROPERTY.

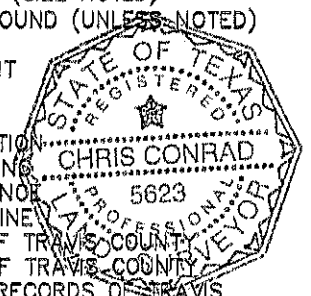
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

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)
- ▲ 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 AN ACCESS DENIAL LINE OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, SAME BEING THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO WAYNE ALLEN BARBEE, OF RECORD IN DOCUMENT NO. 2001170817, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 22(AC)
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