

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

RESOLUTION NO. 11-123

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 33AC)**

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 Joe T. Robertson, (the "Owner"), located at 9500 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, 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 11-123
Date Passed: 08/24/11

Exhibit "A" to Resolution 11-123

Description of Parcel 33AC

EXHIBIT 

County: Travis
Parcel No.: 33(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 33(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 LINE OF LOT 1, BROWNING & COOK SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 83, PAGES 72A-72B, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING A PORTION OF THE REMAINDER OF THAT TRACT DESCRIBED IN A DEED TO JOE T. ROBERTSON, OF RECORD IN VOLUME 5094, PAGE 2302, DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the point of beginning of this Access Denial Line, 211.98 feet left of Engineer's Baseline Station 362+44.44, same being in the existing north right-of-way (ROW) line of U.S. Highway 290, at the southwest corner of said Robertson remainder tract, and the southeast corner of that tract of land described as 1.508 acres in a deed to Raymond D. Raschke and Elda Raschke, of record in Document No. 2009013447, same being in the south line of said Lot 1, and the north line of a 10 foot ROW Dedication as dedicated by plat of said Browning & Cook Subdivision, from which a 1/2" iron rod set with a Texas Department of Transportation (TxDOT) aluminum cap for an angle point in the existing north ROW line of U.S. Highway 290, and at the southwest corner of said 1.508 acre Raschke tract, same being in the northeast 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

EXHIBIT_____

1918, Page 32, Deed Records, Travis County, Texas, bears S84°02'10"W 70.99 feet and from which point a TxDOT Type I concrete monument found, 201.94 feet left of Engineer's Baseline Station 358+26.89, in the south line of said Raschke remainder tract, and the existing north ROW line of U.S. Highway 290, same being the north line of that certain tract of land described as 9.054 acres in a deed to the State of Texas, of record in Volume 663, Page 38, Deed Records, Travis County, Texas, bears S84°02'10"W 70.99 feet, S62°43'39"E 18.24 feet and S84°02'10"W 361.82 feet, and from which point of beginning a 1/2" iron rod found bears N09°13'22"E 0.33 feet;

- 1) THENCE, with said Access Denial Line, with the south line of said Robertson remainder tract and said Lot 1, the existing north ROW line of U.S Highway 290, and the north line of said 10 foot ROW Dedication, N84°02'10"E, at 406.24 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, 212.03 feet left of Engineer's Baseline Station 366+50.68, continuing along said Access Denial Line 109.61 feet for a total distance of 515.85 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the end of this Access Denial Line, 212.04 feet left of Engineer's Baseline Station 367+60.29, from which point a 5/8" iron rod found, 202.09 feet left of Engineer's Baseline Station 372+43.28, in the existing north ROW line of U.S. Highway 290, same being the north line 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, same also being the southeast corner of said 10 foot ROW Dedication and the southwest corner of Lot 1, Giles Road at U.S. 290 East Reservoir Site, a subdivision of record in Book 72, Page 22, Plat Records, Travis County, Texas, said Lot 1 being described in a deed to the City of Austin, of record in Volume 5907, Page 1635, Deed Records, Travis County, Texas, bears N84°02'10"E 489.71 feet and S27°56'10"W 12.05 feet.

EXHIBIT _____

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.

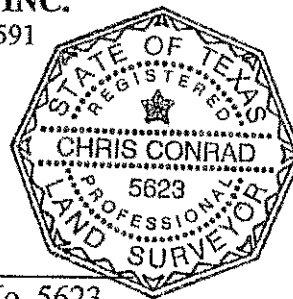
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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:

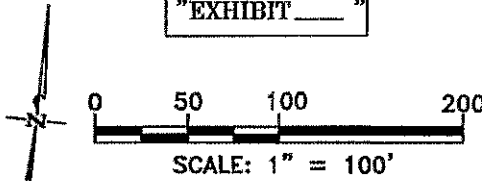
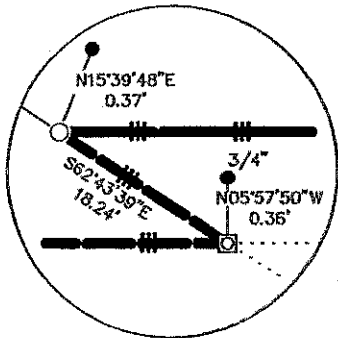
McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591



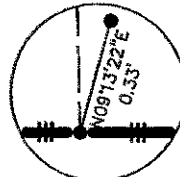
A handwritten signature in cursive script, appearing to read "Chris Conrad".

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P33ACREV4
Issued 12/01/06, Rev 02/02/07, 03/20/07, 04/01/09, 10/20/2010



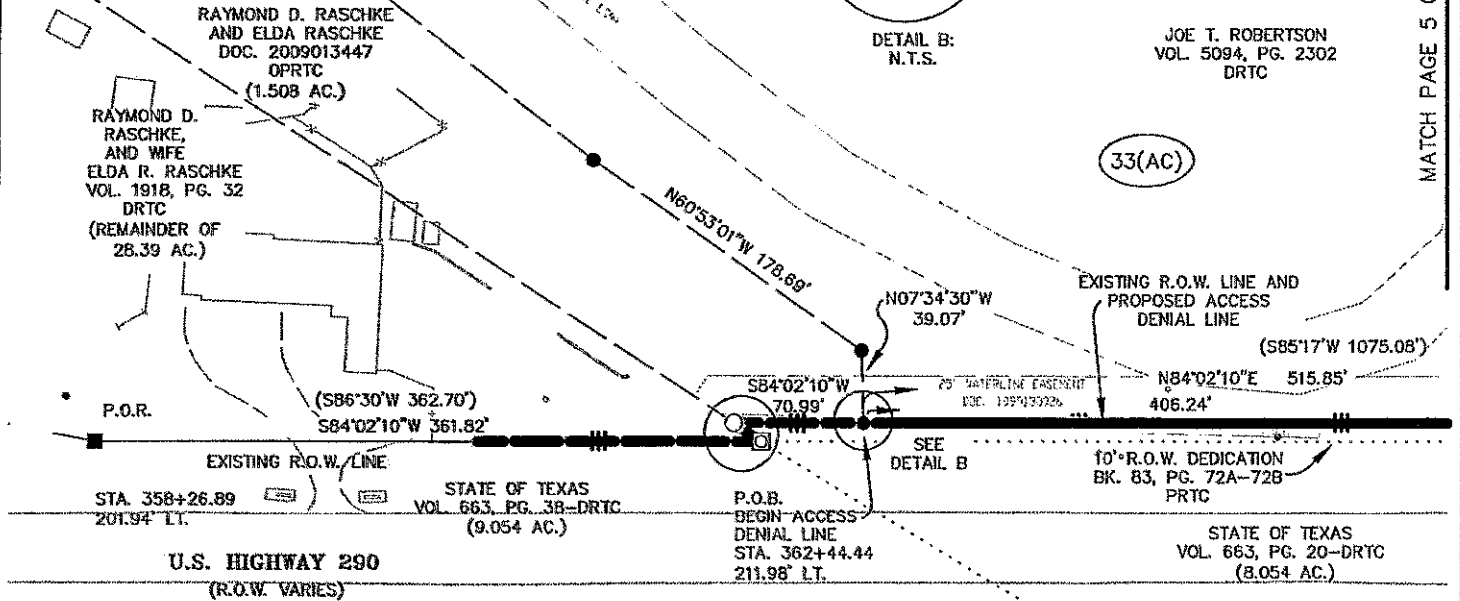
LUCAS MUNOS SURVEY NO. 55
ABS. NO. 513



LOT 1
BROWNING & COOK SUBDIVISION
BK. 83, PGS. 72A-72B
PRTC

JOE T. ROBERTSON
VOL. 5094, PG. 2302
DRTC

MATCH PAGE 5 OF 5



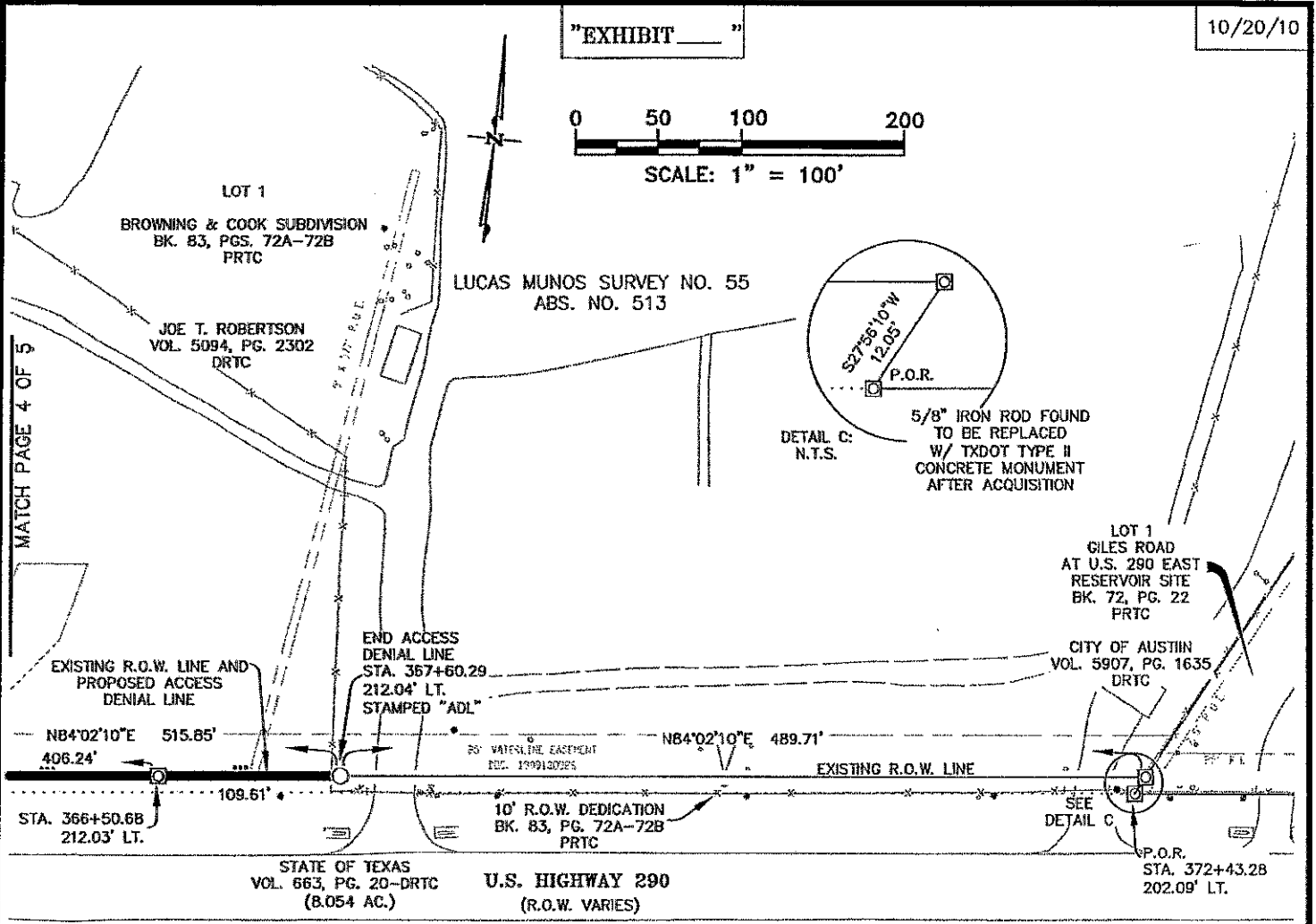
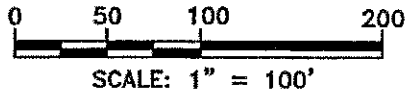
LEGEND

- 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

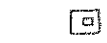
McGRAY & McGRAY
LAND SURVEYORS, INC.
 3301 HANCOCK DRIVE #6
 AUSTIN, TEXAS 78731
 (512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, BEING A PORTION OF THE SOUTH LINE OF LOT 1, BROWNING & COOK SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 83, PAGES 72A-72B, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE SOUTH LINE OF THE REMAINDER OF THAT TRACT DESCRIBED IN A DEED TO JOE T. ROBERTSON, IN VOLUME 5094, PAGE 2302, DEED RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
 U.S. 290
 CSJ 0114-02-085
 PARCEL 33(AC)
 PAGE 4 OF 5



MATCH PAGE 4 OF 5



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 5 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.

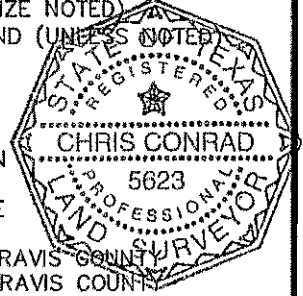
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 5, AUSTIN, TX 78731 512/451-8591

10/20/10

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
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