

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

RESOLUTION NO. 11-125

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE US 290 EAST TOLL PROJECT
(Parcel 112AC)**

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 Austin HB Residential, (the "Owner"), located at the northeast corner of US Hwy 290E and SH 130 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 11-125
Date Passed: 08/24/11

Exhibit "A" to Resolution 11-125

Description of Parcel 112AC

EXHIBIT **A**

County: Travis
Parcel No.: 112(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 112(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 WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 365.243 ACRES IN A DEED TO AUSTIN HB RESIDENTIAL PROPERTIES, LTD., OF RECORD IN VOLUME 13100, PAGE 1, REAL PROPERTY 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, 324.53 feet left of Engineer's Baseline Station 1512+24.12, same being in the existing north right-of-way (ROW) line of U.S. Highway 290, the south line of said Austin HB Residential tract, and the north line of that certain tract of land described as 24.128 acres in an deed to the State of Texas, of record in Document 2007126651, Official Public Records, Travis County, Texas, from which point a TxDOT Type III monument found in the south line of said Austin HB Residential tract, and the north line of said 24.128 acre State of Texas tract, same being the existing north ROW line of U.S. Highway 290, bears S65°03'56"W 424.23 feet.

- 1) THENCE, with said Access Denial Line, with the south line of said Austin HB Residential tract, and the north line of said 24.128 acre State of Texas tract, same being the existing north ROW line of U.S. Highway 290, N65°03'56"E 579.78 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", 324.53 feet left of Engineer's Baseline Station 1518+03.90 being the end of said Access Denial Line from which a TxDOT Type III monument found at the southeast corner of said Austin HB Residential tract, and the southwest corner of that tract described as 3.142 acres in a deed to E/290 Parmer, LTD., of record in Document No. 2008195888, Official Public Records, Travis County, Texas bears N65°03'56"E 253.86 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.

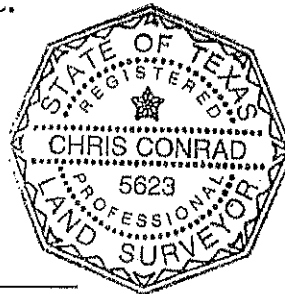
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

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.

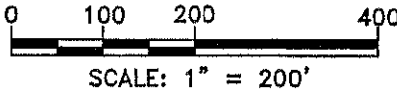
SURVEYED BY:

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



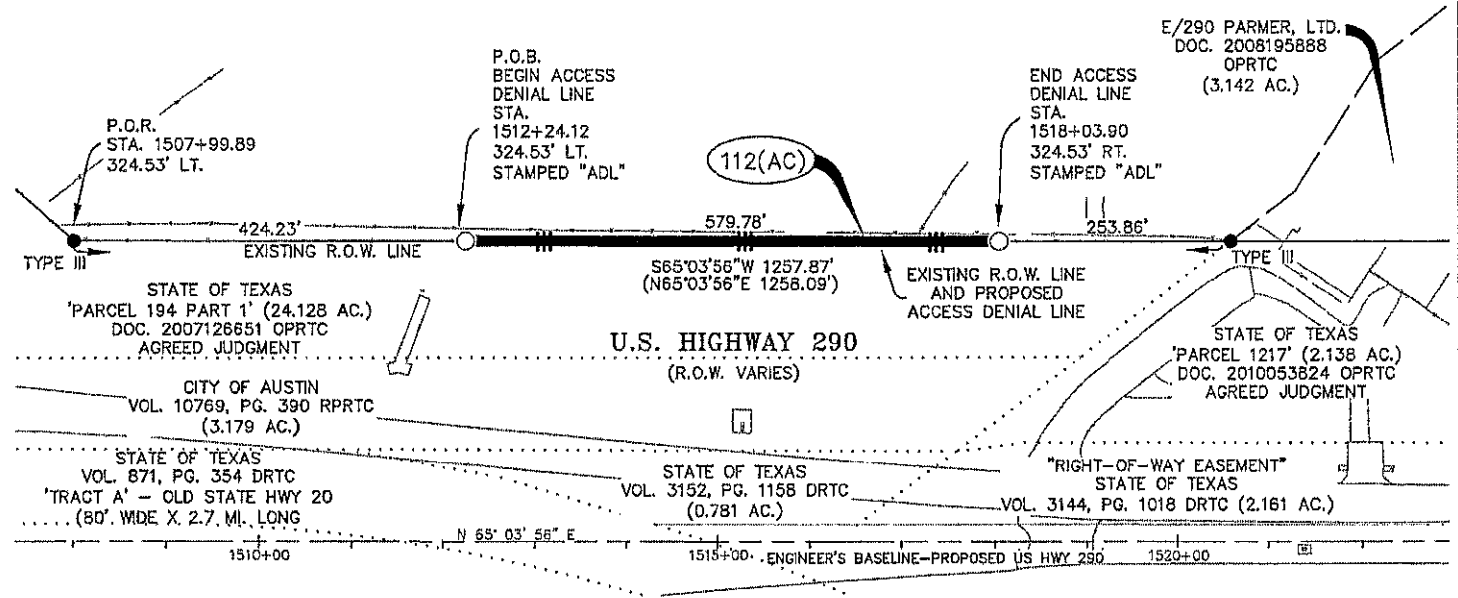
A handwritten signature in cursive script, appearing to read "Chris Conrad".

Chris Conrad, Reg. Professional Land Surveyor No. 5623
Note: There is a plat to accompany this description. US 290 P112(AC)
Issued 10/20/2010



WILLIAM H. SANDERS
SURVEY NO. 54
ABS. 690

AUSTIN HB RESIDENTIAL PROPERTIES, LTD.
VOL. 13100, PG. 1
RPRTC
(365.243 AC.)



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 AND PROPOSED 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.

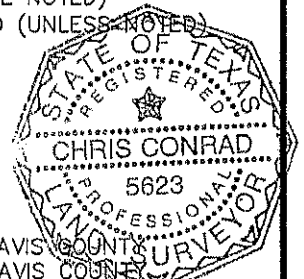
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

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
- 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
- RPRTC 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.
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AUSTIN, TEXAS 78731
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PLAT OF AN ACCESS DENIAL LINE OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO AUSTIN HB RESIDENTIAL PROPERTIES, LTD., OF RECORD IN VOLUME 13100, PAGE 1, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
U.S. 290
CSJ 0114-02-085
PARCEL 112(AC)
PAGE 3 OF 3