

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

**RESOLUTION NO. 12-050**

**AUTHORIZING A SETTLEMENT AGREEMENT TO ACQUIRE CERTAIN  
PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT  
("MANOR EXPRESSWAY")  
(Parcel 35)**

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code, its Resolution 10-50, and other applicable law, the Central Texas Regional Mobility Authority (the "Mobility Authority") 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 1.31 acre parcel at 9306 Old Manor Road, as described by metes and bounds in Exhibit "A" attached and incorporated into this Resolution (the "Subject Property"), owned by Arturo Diaz (the "Owner"); and

WHEREAS, an independent, professional appraisal report of the Subject Property has been submitted to the Mobility Authority, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the Mobility Authority, through agents employed or contracted with the Mobility Authority, has transmitted official written offers to the Owner based on the amount determined to be just compensation, and entered into good faith negotiations with the Owner of the Subject Property to acquire the Subject Property; and

WHEREAS, after failing to negotiate an agreement with the Owner on an amount to be paid for just compensation, the Mobility Authority instituted an action in eminent domain to acquire the Subject Property; and

WHEREAS, the Executive Director recommends an offer of \$370,000.00 to the Owner as the amount to be paid by the Mobility Authority for just compensation and damages and to acquire the Owner's interest in the Subject Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is authorized and directed to negotiate and execute a purchase agreement, a final settlement agreement, or both, to resolve the pending litigation and acquire the Subject Property, and to negotiate and execute all other associated documents necessary to acquire the fee simple interest in the Subject Property, for a total acquisition price of \$370,000.00.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 25<sup>th</sup> day of July, 2012.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 12-050  
Date Passed: 7/25/12

**Exhibit "A" to Resolution No. 12-050**

**Metes and Bounds Description of Parcel 35**

EXHIBIT A

County: Travis  
Parcel No.: 35  
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 35**

DESCRIPTION OF 1.310 ACRES (57,045 SQ. FT.) OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2.419 ACRES IN A DEED TO ARTURO DIAZ, OF RECORD IN VOLUME 12724, PAGE 714, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 1.310 ACRES 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, 215.00 feet right of Engineer's Baseline Station 369+46.59, at the southeast corner of the herein described tract, same being in the east line of said Diaz tract, and the west line of Lot 1, Block A, N Line Subdivision, of record in Document Number 200400101, Real Property Records, Travis County, Texas, said Lot 1 being described in a deed to A&E Properties, of record in Document 2004078755, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Diaz tract, and the southwest corner of said Lot 1 and said A&E Properties tract, same being in the existing north ROW line of Old State Highway 20 for which no record conveyance was found, as shown on TxDOT ROW map CSJ# 0114-02-012, bears S06°02'28"E 225.63 feet;

- 1) THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Diaz tract, S84°02'32"W 189.69 feet to a 1/2" iron rod set with a TxDOT aluminum cap, 215.00 feet right of Engineer's Baseline Station 367+56.90, at the southwest corner of this tract, same being in the west line of said Diaz tract, and the east line of that certain tract of land described as 1.93 acres in a deed to Paul DeVooght and wife, Verena DeVooght, of record in Volume 2449, Page 13, Deed Records, Travis County, Texas, from which point a 1/2" iron pipe found at

**EXHIBIT** A

the southwest corner of said Diaz tract, and the southeast corner of said DeVooght tract, same being in the existing north ROW line of Old State Highway 20, bears S05°58'16"E 284.23 feet;

THENCE, with the west line of this tract, and said Diaz tract, and the east line of said DeVooght tract the following three (3) courses numbered 2, 3, and 4;

- 2) N05°58'16"W 53.45 feet to a 1/2" iron pipe found;
- 3) N63°05'36"W 156.48 feet to a 1/2" iron rod found; and
- 4) N05°41'39"W 78.66 feet to a 1/2" iron rod found at the northwest corner of this tract, and said Diaz tract, same being the southeast corner of that certain tract of land described as 0.092 of one acre in a deed to the State of Texas, of record in Volume 3055, Page 307, Deed Records, Travis County, Texas, and the southwest corner of that certain tract of land described as 4.233 acres in deeds to the State of Texas, of record in Volume 3057, Page 1540 and Volume 3122, Page 1826, Deed Records, Travis County, Texas, same being in the existing south ROW line of U.S. Highway 290, and in the east line of said DeVooght tract;
- 5) THENCE, with the north line of this tract, and said Diaz tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 4.233 acre State of Texas tract, N84°02'10"E 320.46 feet to a calculated point at the northeast corner of this tract, and said Diaz tract, and the northwest corner of said Lot 1 and said A&E Properties tract, from which point a 1/2" iron rod found bears N06°02'28"W 0.27 feet;

EXHIBIT A

6) THENCE, with the east line of this tract, and said Diaz tract, and the west line of said Lot 1 and said A&E Properties tract S06°02'28"E 217.06 feet to the POINT OF BEGINNING and containing 1.310 acres 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 MAY BE PERMITTED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE PROPOSED RIGHT-OF-WAY LINE AS DESCRIBED HEREIN, BEING THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE REMAINDER OF THE ABUTTING PROPERTY.

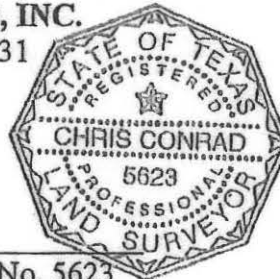
STATE OF TEXAS       §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS   §

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 20<sup>th</sup> 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 P35REV3  
Issued 12/01/06, Rev 03/20/07, 10/20/2010

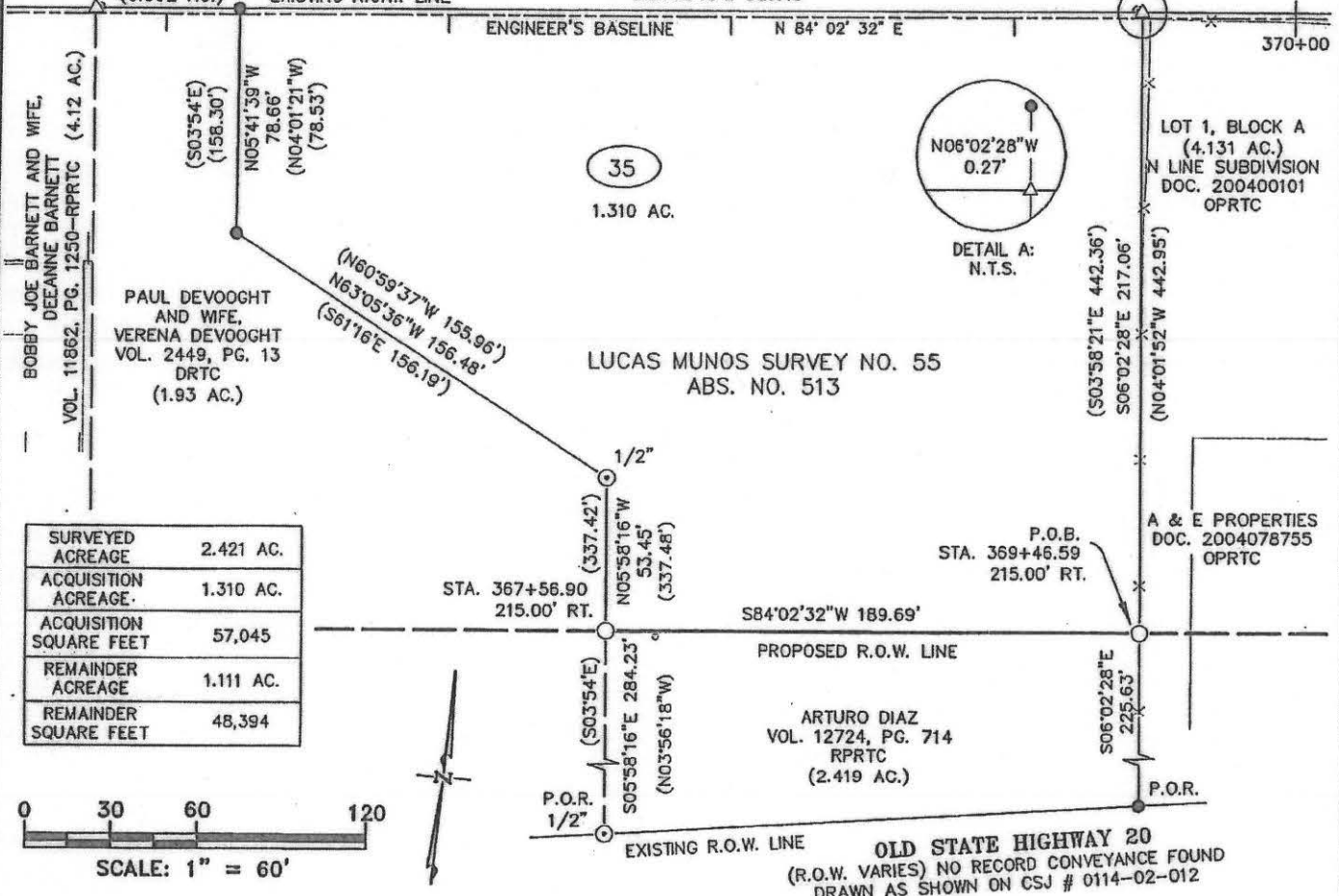
"EXHIBIT A"

STATE OF TEXAS  
VOL. 3055,  
PG. 307  
DRTC  
(0.092 AC.)

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

STATE OF TEXAS  
VOL. 3057, PG. 1540-DRTC  
VOL. 3122, PG. 1826-DRTC  
(4.233 AC.)

SEE  
DETAIL A



- NOTES:
- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NADB3(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 MAY BE PERMITTED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE PROPOSED RIGHT-OF-WAY LINE AS SHOWN HEREON, BEING THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE REMAINDER OF THE ABUTTING PROPERTY.

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

*Chris Conrad*

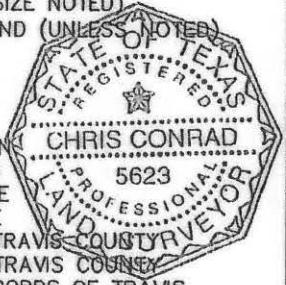
10/20/10

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

OLD STATE HIGHWAY 20  
(R.O.W. VARIES) NO RECORD CONVEYANCE FOUND  
DRAWN AS SHOWN ON CSJ # 0114-02-012

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

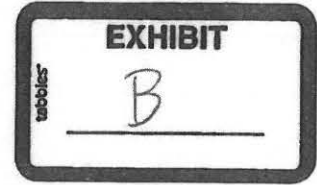


**MCGRAY & MCGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF 1.310 AC. OF LAND OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2.419 AC. IN A DEED TO ARTURO DIAZ, OF RECORD IN VOLUME 12724, PAGE 714, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 35  
PAGE 4 OF 4

SPECIAL WARRANTY DEED  
US 290E Right of Way



THE STATE OF TEXAS

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§  
§

COUNTY OF TRAVIS

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

WHEREAS, the Central Texas Regional Mobility Authority and the State of Texas are authorized to purchase and receive land and such other property rights deemed necessary or convenient for the construction, expansion, enlargement, extension, improvement, or operation of a portion of the proposed US 290E roadway improvements ("Project"); and,

WHEREAS, the acquisition of the hereinafter-described premises has been deemed necessary or convenient for the construction, expansion, enlargement, extension, improvement, or operation of the Project;

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That ARTURO DIAZ, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by the Central Texas Regional Mobility Authority, the receipt and sufficiency of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas, acting by and through the Texas Transportation Commission, all those certain tracts or parcels of land lying and being situated in the County of Travis, State of Texas, along with any improvements thereon, being more particularly described as follows:

All of that certain 1.310 acre tract of land, more or less, out of the Lucas Munos Survey No. 55, Abstract No. 513, Travis County, Texas; said tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein (Parcel 35)

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

Easements and rights-of-way of record; all presently recorded restrictions, reservations, covenants, conditions, oil, gas or other mineral leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; and any encroachments or overlapping of improvements.



Grantor reserves all of the oil, gas and other minerals in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling or pumping the same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside the acquired parcel and upon the condition that none of such operations shall be conducted so near the surface of said land as to interfere with the intended use thereof or in any way interfere with, jeopardize, or endanger the facilities of the State of Texas/Central Texas Regional Mobility Authority or create a hazard to the public users thereof; it being intended, however, that nothing in this reservation shall affect the title and the rights of Grantee to take and use without additional compensation any, stone, earth, gravel, caliche, iron ore, gravel or any other road building material upon, in and under said land for the construction and maintenance of US 290E, but shall not be used or exported from the Property for any other purpose.

**TO HAVE AND TO HOLD** the premises herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the State of Texas and its assigns forever; and Grantor does hereby bind itself, its heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise.

This deed is being delivered in lieu of condemnation.

**IN WITNESS WHEREOF**, this instrument is executed on this the \_\_\_\_ day of \_\_\_\_\_, 2012.

**GRANTOR:**

\_\_\_\_\_  
Arturo Diaz

**ACKNOWLEDGMENT**

STATE OF TEXAS

§

COUNTY OF \_\_\_\_\_

§

§

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2012 by Arturo Diaz, in the capacity and for the purposes and consideration recited therein.

\_\_\_\_\_  
Notary Public, State of Texas

**PREPARED IN THE OFFICE OF:**

Sheets & Crossfield, P.C.  
309 East Main  
Round Rock, Texas

**GRANTEE'S MAILING ADDRESS:**

Central Texas Regional Mobility Authority  
301 Congress Avenue  
Suite 650  
Austin, Texas 78701

**AFTER RECORDING RETURN TO:**