

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

**RESOLUTION NO. 12-061**

**AUTHORIZING A SETTLEMENT AGREEMENT TO ACQUIRE CERTAIN  
PROPERTY IN TRAVIS COUNTY FOR THE US 290 EAST TOLL PROJECT  
("MANOR EXPRESSWAY")  
(Parcel 60)**

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 1.090 acre parcel at the southeast corner of 290E and Parmer Lane, as described by metes and bounds in Exhibit "A" attached and incorporated into this Resolution (the "Subject Property"), owned by The Butler Family Partnership (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 \$239,356.00 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 \$239,356.00.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 29<sup>th</sup> day of August, 2012.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 12-061  
Date Passed: 8/29/12

**Exhibit "A" to Resolution No. 12-061**

**Metes and Bounds Description of Parcel 60**

**EXHIBIT** \_\_\_\_\_

**County:** Travis  
**Parcel No.:** 60  
**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 60**

DESCRIPTION OF 1.090 ACRES (47,471 SQ. FT.) OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 27.20 ACRES (SECOND TRACT), OF RECORD IN VOLUME 4282, PAGE 1082, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 27.20 ACRE TRACT BEING PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 275.66 ACRES (TRACT 3) IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN VOLUME 12271, PAGE 872, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 2130 SQUARE FEET IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN DOCUMENT NO. 2009183458, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING OUT THAT TRACT OF LAND DESCRIBED AS 1588 SQUARE FEET IN A ORDER OF VACATION TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN DOCUMENT NO. 2009170331, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 1.090 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 to be replaced with a TxDOT Type II concrete monument after acquisition, in the proposed south ROW line of U.S. Highway 290, and the existing south ROW line of U.S. Highway 290, 204.23 feet right of Engineer's Baseline Station 1548+00.00, at the northeast corner of the herein described tract, same being in the north line of said 27.20 acre Butler Family tract, and the south line of that certain tract of land described as 5.738 acres in a deed to the State of Texas, of record in Volume 678, Page 401, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said 27.20 acre Butler Family tract and the southwest corner of that certain tract of land described as 12.03 acres in a deed to Manor Independent School District, of record in Volume 2895, Page 310, Deed Records, Travis County, Texas, being in the existing north ROW line of Old Highway 20, for which no record conveyance was found, as shown on TxDOT ROW map CSJ#0114-02-012, bears N74°03'41"E 664.63 feet and S27°28'34"W 1223.66 feet;

EXHIBIT \_\_\_\_

THENCE, with the proposed south ROW line of U.S. Highway 290 and the south line of this tract, crossing said 27.20 acre, 2130 square foot, and 1588 square foot Butler Family tracts, the following six (6) courses numbered 1 through 6;

- 1) **S54°21'29"W 106.21 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, 240.01 feet right of Engineer's Baseline Station 1547+00.00;
- 2) **S73°59'49"W 530.11 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, 240.45 feet right of Engineer's Baseline Station 1541+69.89;
- 3) with a curve to the left, whose intersection angle is **05°02'36"**, radius is **4517.66 feet**, passing at an arc distance of 345.27 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, 253.92 feet right of Engineer's Baseline Station 1583+24.97 and continuing an arc distance of 52.39 for a total arc distance of **397.67 feet**, the chord of which bears **S71°28'31"W 397.54 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, 558.02 feet right of Engineer's Baseline Station 1537+70.29;
- 4) **S22°40'28"W 104.57 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, 338.67 feet right of Engineer's Baseline Station 1537+00.08;
- 5) **S23°07'42"E 105.51 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, 443.61 feet right of Engineer's Baseline Station 1537+11.88; and
- 6) **S19°38'00"W 6.55 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, 448.86 feet right of Engineer's Baseline Station 1537+07.63, for the southwest corner of this tract, same being in the west line of said 27.20 acre Butler Family tract and the existing east ROW line of Parmer Lane and the east line of that tract of land described as 47,834 square feet, Parcel B, in a deed to Travis County, of record in Document No. 2008039133, Official Public Records, Travis County, Texas

**EXHIBIT \_\_\_\_**

- 7) THENCE, with the west line of this tract and said 27.20 acre, 2130 square foot, and 1588 square foot Butler Family tracts and with the existing east ROW line of Parmer Lane and the east line of said 47,834 square foot Travis County tract, continuing with the east line of the remainder portion of Boyce Lane, continuing with the east line of the remainder portion of that tract described as 0.271 of one acre in a deed to Travis County, of record in Volume 4243, Page 1508, Deed Records, Travis County, Texas, and continuing with the east line of that tract described as 847 square feet, Parcel C, in said deed to Travis County in Document No. 2008039133, **N25°22'00"W 249.43 feet** to a calculated point at the northwest corner of this tract and said 27.20 acre Butler Family tract, same being in the existing south ROW line of U.S. Highway 290, and the south line of that tract described as 3.720 acres in a deed to the State of Texas, of record in Volume 663, Page 25, Deed Records, Travis County, Texas from which a 1/2" iron rod found near the west corner of said 847 square foot Travis County tract bears **S74°03'41"W 30.20 feet** and **N15°56'19"W 0.53 feet**;
  
- 8) THENCE, with the north line of this tract, and of said 27.20 acre Butler Family tract, same being the existing south ROW line of U.S. Highway 290, and the south line of said 3.720 acre State of Texas tract, and continuing with the south line of said 5.738 acre State of Texas tract, **N74°03'41"E 1123.95 feet** to the POINT OF BEGINNING and containing 1.090 acres within these metes and bounds, more or less.



**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 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**     §  
                                  §  
**COUNTY OF TRAVIS** §

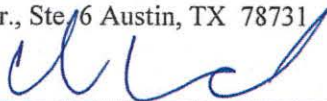
KNOW ALL MEN BY THESE PRESENTS:

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 17th day of September, 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

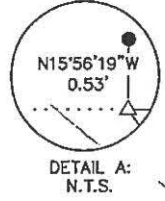
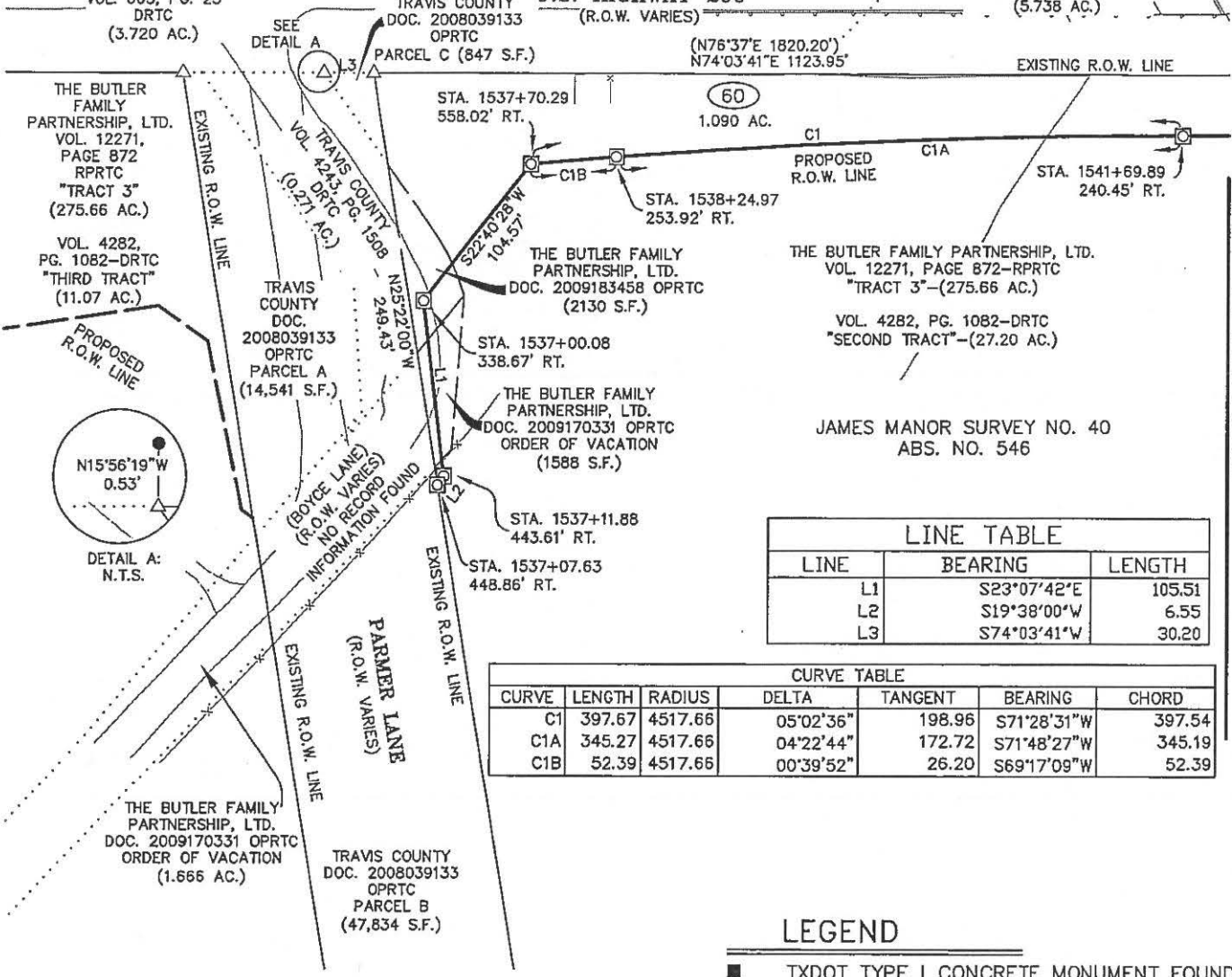
Note: There is a plat to accompany this description. US 290 P60REV2  
Issued 12/01/06, Rev 03/20/07, 09/17/10



STATE OF TEXAS  
VOL. 663, PG. 25  
DRTC  
(3,720 AC.)

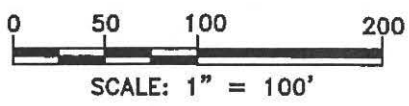
STATE OF TEXAS  
VOL. 678, PG. 401 DRTC  
(5,738 AC.)

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



LINE	BEARING	LENGTH
L1	S23°07'42"E	105.51
L2	S19°38'00"W	6.55
L3	S74°03'41"W	30.20

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	397.67	4517.66	05°02'36"	198.96	S71°28'31"W	397.54
C1A	345.27	4517.66	04°22'44"	172.72	S71°48'27"W	345.19
C1B	52.39	4517.66	00°39'52"	26.20	S69°17'09"W	52.39



CALCULATED ACREAGE	25.012 AC.
ACQUISITION ACREAGE	1.090 AC.
ACQUISITION SQUARE FEET	47,471
REMAINDER ACREAGE	23.922 AC.
REMAINDER SQUARE FEET	1,042,052

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

MATCH PAGE 6 OF 6

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

PLAT OF 1.090 AC. OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND CALLED 275.66 AC. (TRACT 3), IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN VOLUME 12271, PAGE 872, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 60  
PAGE 5 OF 6



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

STATE OF TEXAS  
VOL. 678, PG. 401 DRTC  
(5.738 AC.)

P.O.B.  
STA. 1548+00.00  
204.23' RT.

(N76°37'E 1820.20')  
N74°03'41"E 1123.95'

60  
1.090 AC.

S73°59'49"W 530.11'

STA. 1547+00.00  
240.01' RT.

S54°21'29"W  
106.21'

S74°03'41"W  
664.63'

THE BUTLER FAMILY PARTNERSHIP, LTD.  
VOL. 12271, PAGE 872-RPRTC  
"TRACT 3"-(275.66 AC.)  
VOL. 4282, PG. 1082-DRTC  
"SECOND TRACT"-(27.20 AC.)

JAMES MANOR SURVEY NO. 40  
ABS. NO. 546

MANOR INDEPENDENT  
SCHOOL DISTRICT  
VOL. 2895, PG. 310  
DRTC  
(12.03 AC.)

MATCH PAGE 5 OF 6



SCALE: 1" = 100'

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

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, 3 AND 4 OF 6 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 ADJUTING PROPERTY.

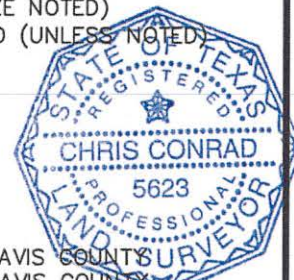
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

09/17/10

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 1.090 AC. OF LAND OUT OF THE JAMES MANOR SURVEY NO. 40, ABSTRACT NO. 546, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND CALLED 275.66 AC. (TRACT 3), IN A DEED TO THE BUTLER FAMILY PARTNERSHIP, LTD., OF RECORD IN VOLUME 12271, PAGE 872, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 60  
PAGE 6 OF 6

## FINAL CLOSURE PARCEL 60 US HIGHWAY 290

### PARCEL 60 - SKETCH MAPCHECK

North: 10096256.2025 East: 3171843.8969  
Course: S 54-21-29 W Distance: 106.21000  
North: 10096194.3120 East: 3171757.5827  
Course: S 73-59-49 W Distance: 530.11000  
North: 10096048.1667 East: 3171248.0161  
Arc Length: 397.66838 Radius: 4517.66000 Delta: -5-02-37  
Tangent: 198.96268 Chord: 397.54000 Ch Course: S 71-28-31 W  
Course In: S 16-00-11 E Out: N 21-02-47 W  
Ctr North: 10091705.5780 East: 3172493.4780  
End North: 10095921.8628 East: 3170871.0739  
Course: S 22-40-28 W Distance: 104.57000  
North: 10095825.3750 East: 3170830.7628  
Course: S 23-07-42 E Distance: 105.51000  
North: 10095728.3451 East: 3170872.2063  
Course: S 19-38-00 W Distance: 6.55000  
North: 10095722.1759 East: 3170870.0055  
Course: N 25-22-00 W Distance: 249.43000  
North: 10095947.5570 East: 3170763.1473  
Course: N 74-03-41 E Distance: 1123.95000  
North: 10096256.2018 East: 3171843.8887

Perimeter: 2623.99838

Area: 47471.38491 1.08979 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.008212 Course: N 85-30-30 E  
Precision 1: 319515.55

### PARCEL 60 - STRIPMAP MAPCHECK

North: 10097190.2711 East: 3170161.2517  
Course: S 54-21-29 W Distance: 106.21000  
North: 10097128.3806 East: 3170074.9376  
Course: S 73-59-49 W Distance: 530.11000  
North: 10096982.2353 East: 3169565.3709  
Arc Length: 397.66838 Radius: 4517.66000 Delta: -5-02-37  
Tangent: 198.96268 Chord: 397.54000 Ch Course: S 71-28-31 W  
Course In: S 16-00-11 E Out: N 21-02-47 W  
Ctr North: 10092639.6466 East: 3170810.8329  
End North: 10096855.9313 East: 3169188.4288  
Course: S 22-40-28 W Distance: 104.57000  
North: 10096759.4435 East: 3169148.1177  
Course: S 23-07-42 E Distance: 105.51000  
North: 10096662.4137 East: 3169189.5611  
Course: S 19-38-00 W Distance: 6.55000  
North: 10096656.2445 East: 3169187.3603  
Course: N 25-22-00 W Distance: 249.43000  
North: 10096881.6256 East: 3169080.5021  
Course: N 74-03-41 E Distance: 1123.95000  
North: 10097190.2704 East: 3170161.2435

Perimeter: 2623.99838

# FINAL CLOSURE PARCEL 60 US HIGHWAY 290

## PARCEL 60 - STRIPMAP MAPCHECK (cont.)

Area: 47471.38491                      1.08979 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.008212              Course: N 85-30-30 E  
Precision 1: 319515.55

## PARCEL 60 - DESCRIPTION MAPCHECK

North: 10095290.0964    East: 3174052.9781  
  Course: S 54-21-29 W    Distance: 106.21000  
North: 10095228.2059    East: 3173966.6639  
  Course: S 73-59-49 W    Distance: 530.11000  
North: 10095082.0606    East: 3173457.0973  
  Arc Length: 397.66838    Radius: 4517.66000    Delta: -5-02-37  
  Tangent: 198.96268    Chord: 397.54000    Ch Course: S 71-28-31 W  
  Course In: S 16-00-11 E    Out: N 21-02-47 W  
Ctr North: 10090739.4720    East: 3174702.5592  
End North: 10094955.7567    East: 3173080.1552  
  Course: S 22-40-28 W    Distance: 104.57000  
North: 10094859.2689    East: 3173039.8440  
  Course: S 23-07-42 E    Distance: 105.51000  
North: 10094762.2390    East: 3173081.2875  
  Course: S 19-38-00 W    Distance: 6.55000  
North: 10094756.0698    East: 3173079.0867  
  Course: N 25-22-00 W    Distance: 249.43000  
North: 10094981.4509    East: 3172972.2285  
  Course: N 74-03-41 E    Distance: 1123.95000  
Press any key for more...  
North: 10095290.0958    East: 3174052.9699

Perimeter: 2623.99838

Area: 47471.38491                      1.08979 acres  
Mathematical Closure - (Uses Survey Units)  
Error of Closure: 0.008212              Course: N 85-30-30 E  
Precision 1: 319515.55