

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

RESOLUTION NO. 12-075

**AUTHORIZING PURCHASE OF A RELEASE AND RELINQUISHMENT
OF ACCESS RIGHTS FROM CEDAR PARK TOWN CENTER, L.P.
(Parcel 82AC)**

WHEREAS, in connection with the development and operation of the 183A Turnpike project the Mobility Authority has determined that restricting certain direct access by abutting landowners to the 183A Turnpike frontage roads enhances the safety and convenience of motorists traveling on those roads; and

WHEREAS, Cedar Park Town Center, L.P., a Texas limited partnership (the "Landowner") has a right of direct access from land it owns that abuts the frontage road for the 183A Turnpike at the northwest corner of Highway 183A and FM 1431, as that land is more fully described in the "Release and Relinquishment of Access Rights" agreement attached as Exhibit 1 to this resolution; and

WHEREAS, the Landowner has agreed to release and relinquish certain access rights from its land in accordance with the terms and conditions set forth in Exhibit 1; and

WHEREAS, the Board has determined it is in the interests of the Mobility Authority to acquire the direct access rights of Landowner as described in Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to execute on behalf of the Mobility Authority the "Release and Relinquishment of Access Rights" agreement in the form or substantially the form as shown on the attached Exhibit 1.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 31st day of October, 2012.

Submitted and reviewed by:


Andrew Martin, General Counsel
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 12-075
Date Passed: 10/31/12

Exhibit 1

RELEASE AND RELINQUISHMENT OF ACCESS RIGHTS

[following 8 pages]

which have accrued or might otherwise accrue to **Owners**, their heirs, successors and assigns, including rights of ingress and egress and the right of direct access to and from the said tract of land to said Highway along the right of way line(s) of said highway between those points, as more specifically described in Exhibit "B" attached hereto and incorporated herein for any and all purposes (Parcel 82--AC).

IN WITNESS WHEREOF, this instrument is executed on this the ___ day of _____, 2012.

GRANTOR:

CEDAR PARK TOWN CENTER, L.P.,
a Texas limited partnership

By: Ainbinder Cedar Park, LLC
a Texas limited liability company
its general partner

By: _____

Its: _____

ACKNOWLEDGMENT

STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____, 2012 by _____, in the capacity and for the purposes and consideration recited therein.

Notary Public, State of Texas

CONSENT OF LIEN HOLDER/LENDER

WHITNEY BANK, a Louisiana state chartered bank (herein called "Lender", and formerly known as WHITNEY NATIONAL BANK), the current holder of a Deed of Trust, Security Agreement and Assignment of Rents dated June 22, 2009, and recorded August 24, 2009, executed by Cedar Park Town Center L.P., a Texas limited partnership ("Borrower"), to Gary M. Olander, Trustee, securing the payment of one promissory note of even date in the original principal amount of \$1,000,000.00, payable to Lender, filed or record as Document Number 2009062085 in the Official Public Records of Williamson County, Texas, as modified by that certain Notice of Maturity Date Extension dated effective as of June 22, 2011, and recorded July 11, 2011, filed of record as Document Number 2011044732 in the Official Public Records of Williamson County, Texas, hereby consents to the grant of the foregoing Release and Relinquishment of Access Rights ("Release") by CEDAR PARK TOWN CENTER, L.P. a Texas limited partnership, and joins in the execution hereof solely as Lien Holder/Lender and hereby does agree that in the event of the foreclosure of said mortgage, or other sale of said property described in said mortgage under judicial or non-judicial proceedings, the same shall be sold subject to said Release.

SIGNED AND EXECUTED this _____ day of _____, 2012.

WHITNEY BANK,
a Louisiana state chartered bank

By: _____
Zachary Harris, Vice President

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on this the _____ day of the month of _____, 2012, by Zachary Harris, Vice President, in the capacity and for the purposes and consideration therein expressed.

Notary Public, State of _____

PREPARED IN THE OFFICE OF:

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

GRANTEE'S ADDRESS:

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

AFTER RECORDING RETURN TO:

Sheets & Crossfield, P.C.
309 East Main St.
Round Rock, Texas 78664

EXHIBIT "A"

Being a portion of those certain tract or tracts of land described in a Special Warranty Deed to Cedar Park Town Center LP, a Texas limited partnership, of record in Document No. 2007038429, Official Public Records of Williamson County, Texas, and as corrected in Document No. 2012008647, Official Public Records of Williamson County, Texas.

EXHIBIT B

County: Williamson
Parcel No.: 82AC
Highway: Highway 183A
Limits: From: The South Fork of the San Gabriel River
To: Avery Ranch Boulevard

DESCRIPTION FOR PARCEL 82AC

BEING A LINEAR DESCRIPTION FOR PROPOSED DENIAL OF ACCESS ALONG THE EXISTING WEST RIGHT-OF-WAY LINE OF HIGHWAY 183A IN THE S.J. DOVER SURVEY, ABSTRACT NO. 168 IN WILLIAMSON COUNTY, TEXAS, BEING ALONG THE EAST LINE OF CALLED 0.202 ACRE TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO CEDAR PARK TOWN CENTER, LP, AS RECORDED IN DOCUMENT NO. 2012008647 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.TX.), SAID DENIAL OF ACCESS, AS SHOWN ON AN ACCOMPANYING SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

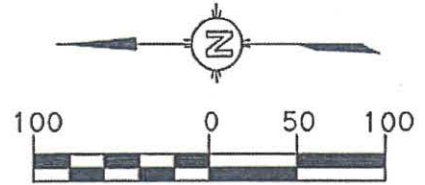
COMMENCING at a ½-inch iron rod with "SAM, INC." cap found for the southernmost corner of said 0.202 acre tract, same being an exterior ell corner of a called 37.88 acre tract of land conveyed to Cedar Park Town Center, LP, and recorded in said Document Number 2012008647, said point being in the existing west right-of-way line of Highway 183A, as conveyed to the Williamson County, Texas in Document No. 2006097262 of the O.P.R.W.C.TX.;

1) **THENCE**, with the curving west right-of-way line of said Highway 183A, same being the east line of said 0.202 acre tract, being a curve to the right, an arc distance of 68.01 feet, through a central angle of 01°16'17", having a radius of 3,064.79 feet, and a chord that bears N 08°32'17" W, a distance of 68.01 feet to a calculated point for the **POINT OF BEGINNING** of a proposed "Denial of Access Line";

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- CTRMA BRASS DISK SET IN CONCRETE
- 1/2" PIPE FOUND UNLESS NOTED
- 1/2" IRON ROD SET W/ SAM, INC. CAP UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- ▲ 60 D NAIL SET UNLESS NOTED
- ▲ 60 D NAIL FOUND UNLESS NOTED
- △ CALCULATED POINT
- FENCE POST
- PROPERTY LINE
- CENTER LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- P.O.C. POINT OF COMMENCEMENT
- P.O.T. POINT OF TERMINATION
- D.R.W.C.TX. DEED RECORDS WILLIAMSON COUNTY, TEXAS
- P.R.W.C.TX. PLAT RECORDS WILLIAMSON COUNTY, TEXAS
- O.R.W.C.TX. OFFICIAL RECORDS WILLIAMSON COUNTY, TEXAS
- O.P.R.W.C.TX. OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY, TEXAS
- DISTANCE NOT TO SCALE
- DEED LINE (COMMON OWNERSHIP)
- III- DENIAL OF ACCESS LINE

S.J. DOVER SURVEY
ABSTRACT NO. 168



GRAPHIC SCALE
1" = 100'
WILLIAMSON COUNTY, TEXAS

PI Sta 587+04.55
I = 21° 15' 42.04" (LT)
D' = 2° 00' 00.00"
A = 1,063.08'
T = 537.73'
R = 2,864.79'
PC Sta 581+66.82
PT Sta 592+29.91

PT Sta 592+29.91

590+00
HIGHWAY 183A ENGINEER'S
CENTERLINE

WILLIAMSON COUNTY, TEXAS
CALLED 11.75 AC.
DOC#2006097262
O.P.R.W.C.TX.

PROPOSED
DENIAL OF ACCESS LINE

P.O.B. C1 P.O.C.

CEDAR PARK TOWN CENTER, LP
CALLED 37.88 ACRES
DOC. No. 2012008647
O.P.R.W.C.TX.

82AC
CEDAR PARK TOWN CENTER, LP
0.202 ACRES
DOC. No. 2012008647
O.P.R.W.C.TX.

CONTINENTAL HOMES
OF TEXAS, LTD.
CALLED 42,861 AC.
DOC. No. 2009090598
O.P.R.W.C.TX.

CURVE TABLE

| NO. | DELTA | RADIUS | LENGTH | CHORD | CHORD BEARING |
|-----|-------------|----------|---------|---------|---------------|
| C1 | 01° 16' 17" | 3064.79' | 68.01' | 68.01' | N08° 32' 17"W |
| C2 | 04° 05' 19" | 3064.79' | 218.71' | 218.66' | N05° 50' 50"W |

NOTES:

1. RECORD INFORMATION SHOWN HEREON IS BASED UPON A PUBLIC RECORDS SEARCH AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THE PARCELS SHOWN HEREON.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00012.
3. ACCESS IS PROHIBITED ACROSS THE DENIAL OF ACCESS LINE TO THE TRANSPORTATION FACILITY FROM THE ADJOINING PROPERTY.
4. PLANIMETRICS SHOWN HEREON ARE FROM AERIAL MAPPING PERFORMED BY SAM, INC. IN FEBRUARY 2004.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

William Reed Herring

10/9/2012
DATE

WILLIAM REED HERRING
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6355, STATE OF TEXAS



FILE:c:\pwworking\sam\pww\lot\wherr\lmg\dms03135\Parcel1*82R-2.dgn



4801 Southwest Parkway
Parkway Two, Suite 100
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029

CONTROL OF ACCESS SKETCH
SHOWING PROPERTY OF
CEDAR PARK TOWN CENTER
PARCEL 82AC