

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

RESOLUTION NO. 15-050.1

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT
(PARCEL 117 AND 117E)**

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 ("Mobility Authority") hereby finds and determines 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 fee simple interest and any leasehold interests in real property, excluding any rights to the mineral estate, and acquisition of a drainage easement, as that fee simple interest in real property and drainage easement are described by metes and bounds in Exhibits 1 and 2 to this Resolution (the "Property"), owned by Randall W. Ferneau, Roberta A. Ferneau and Robin M. Ferneau as the sole successors-in-interest to Ferneau Investments, Inc., a dissolved California corporation (the "Owner"), located adjacent to the US Hwy 183S in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South / Bergstrom Expressway Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the 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 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 Property to acquire the Property; 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 due to said Owner for the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Property for consideration in an amount that does not exceed the official written offer previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by

agreement, subject to approval of the agreement and acquisition price by the Board of Directors;
and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Property 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 Property for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by the Property described in the attached Exhibits 1 and 2; 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, 2015.

Submitted and reviewed by:

Approved:



Andrew Martin, General Counsel



Ray A. Wilkerson, Chairman

EXHIBIT _____

County: Travis
Parcel No.: 117
Highway: US 183
Limits: From: East of US 290
To: SH 71
RCSJ: 0151-09-039

PROPERTY DESCRIPTION FOR PARCEL 117

DESCRIPTION OF A 0.461 ACRE (20,082 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLERSON SURVEY, ABSTRACT NO. 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 1.733 ACRE TRACT OF LAND DESCRIBED IN A DEED TO FERNEAU INVESTMENTS INC, AND RECORDED IN DOCUMENT NO. 2006171928, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), ALSO BEING A 0.204 ACRE (8,873 SQ. FT.) PORTION OF A CALLED 0.74 ACRE CHANNEL EASEMENT AS CONVEYED IN A DEED TO THE STATE OF TEXAS AND RECORDED IN VOLUME 2753, PAGE 476 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), SAID 0.461 ACRE (20,082 SQ. FT.) PARCEL, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod with cap (unreadable) found on the north line of Shelton Road (no record information found) for the southeast corner of said 1.733 acre tract, same being the southwest corner of a called 3.09 acre tract of land described in deed to Sunyong Chung and Phillippe Klinefelter, recorded in Document No. 2013204914, O.P.R.T.C.TX.;

THENCE N 81°28'33" W, with the north line of said Shelton Road and the south line of said 1.733 acre tract, a distance of 233.70 feet to a ⅝-inch iron rod with aluminum cap set 298.01 feet left of Engineer's Centerline Station (E.C.S.) 429+79.67, for the **POINT OF BEGINNING**, and the southeast corner of the parcel described herein, said point being on the proposed east right-of-way line of U.S. Highway 183 (also known as Ed Bluestein Boulevard), a variable width right-of-way;

- 1) **THENCE** N 81°28'33" W, continuing with the north line of said Shelton Road and the south line of said 1.733 acre tract, a distance of 52.31 feet to a calculated point on the existing east right-of-way line of said U.S. Highway 183, as conveyed in a deed to the State of Texas, and recorded in Volume 2753, Page 476 of the D.R.T.C.TX., for the southwest corner of said 1.733 acre tract and the parcel described herein, from which a Texas Department of Transportation (TxDOT) Type I concrete monument found bears S 27°48'43" W, a distance of 1.72 feet;
- 2) **THENCE** N 27°48'43" E, with the existing east right-of-way line of said U. S. Highway 183 and the west line of said 1.733 acre tract, passing at a distance of 35.92 feet to a TxDOT Type II concrete monument found and continuing for a total distance of 406.90 feet to a TxDOT Type II concrete monument set 249.44 feet left of E.C.S. 425+95.36 for the northwest corner of the parcel described herein, said point also being the northwest corner of said 1.733 acre tract and a point on the south line of a tract of land conveyed in deed to Capital Metropolitan Transportation Authority (Capital Metro), and recorded in Volume 13187, Page 3118, Deed Records of Travis County, Texas (D.R.T.C.TX.);

EXHIBIT _____

County: Travis
Parcel No.: 117
Highway: US 183
Limits: From: East of US 290
To: SH 71
RCSJ: 0151-09-039

PROPERTY DESCRIPTION FOR PARCEL 117

- 3) **THENCE** S 83°27'21" E, with the north line of said 1.733 acre tract, the south line of said Capital Metro tract, and the proposed east right-of-way line of said U.S. Highway 183, a distance of 52.69 feet to a TxDOT Type II concrete monument set 298.55 feet left of E.C.S. 425+76.29 for the northeast corner of the parcel described herein;
- 4) **THENCE** S 27°46'22" W, with proposed east right-of-way line of said U.S. Highway 183, a distance of 408.73 feet to the **POINT OF BEGINNING**, and containing 0.461 acre (20,082 sq. ft.) of land more or less, of which 0.204 acres (8,873 sq. ft.) lies within said existing State of Texas Channel Easement, recorded in Volume 2753, Page 476.

This property description is accompanied by a plat of even date.


All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(93).

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

That I, William Reed Herring, 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 25th of November, 2014 A.D.

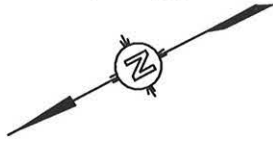
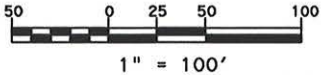
SURVEYING AND MAPPING, Inc.
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Texas Firm Registration No. 10064300



William Reed Herring
Registered Professional Land Surveyor
No. 6355 - State of Texas



TRAVIS COUNTY, TEXAS
GRAPHIC SCALE
(IN FEET)



CITY OF AUSTIN
CALLED 10.933 ACRES
DOC. NO. 2010093425
O. P. R. T. C. TX.

FERNEAU INVESTMENTS INC
CALLED 1.733 ACRES
DOC. NO. 2006171928
O. P. R. T. C. TX.

CHANNEL EASEMENT
STATE OF TEXAS
0.74 ACRES
VOL. 2753, PG. 476

0.204 ACRE
(8,873 SQ. FT.)

EXISTING R.O.W. LINE

ED BLUESTEIN BLVD.
U.S. HIGHWAY 183
(VARIABLE WIDTH R.O.W.)

JAMES BURLESON SURVEY, ABSTRACT NO.4
JESSE C. TANNEHILL SURVEY NO.29, ABSTRACT NO.22

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	S27° 48' 43"W	1.72'
L2	S83° 27' 21"E	52.69'

EQUATION:
PC STA (HARN)
429+66.34
PC STA (NON-HARN)
429+58.40

425+00 S27° 46' 22"W 976.43' ENGINEER'S CENTERLINE
POT STA. 428+57.67 S27° 46' 22"W 100.73'

NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93) HARN, ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

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

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

11/25/2014
DATE



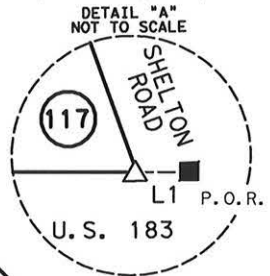
11/25/2014
PAGE 3 OF 3



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Texas Firm Registration No. 10064300

RIGHT-OF-WAY SKETCH SHOWING
PARCEL 117
0.461 AC. (20,082 SQ. FT.)
RCSJ NO. 0151-09-039

- LEGEND
- ⊠ TXDOT TYPE II MONUMENT SET
 - ⊡ TXDOT TYPE II MONUMENT FOUND
 - ⊞ TYPE I CONCRETE MONUMENT FOUND
 - ⊙ 1/2" PIPE FOUND UNLESS NOTED
 - ⊙ 1/2" IRON ROD SET W/TXDOT
 - ⊙ ALUMINUM CAP UNLESS NOTED
 - ⊙ 1/2" IRON ROD FOUND UNLESS NOTED
 - ▲ 60 D NAIL FOUND UNLESS NOTED
 - ▲ CALCULATED POINT
 - ⊙ DRILL HOLE IN CONCRETE FOUND
 - PROPERTY LINE
 - CENTER LINE
 - () RECORD INFORMATION
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCING
 - P.O.R. POINT OF REFERENCE
 - P.O.T. POINT OF TERMINATION
 - P.C. POINT OF CURVATURE
 - P.C.C. POINT OF COMPOUND CURVATURE
 - P.T. POINT OF TANGENCY
 - O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
 - R.P.R.T.C.TX. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
 - P.R.T.C.TX. PLAT RECORDS, TRAVIS COUNTY, TEXAS
 - D.R.T.C.TX. DEED RECORDS, TRAVIS COUNTY, TEXAS



TRAVIS COUNTY, TEXAS
CAPITAL METROPOLITAN
TRANSPORTATION AUTHORITY
CALLED 1.151 ACRES
DOC. NO. 2010093425
O. P. R. T. C. TX.

Dense Woods

Woods

EXISTING R.O.W. LINE

P.O.C. 1/2" WITH UNREADABLE CAP

N81° 28' 33" W 233.70'

P.O.B. 429+79.67 298.01' LT

N81° 28' 33" W 52.31'

SEE DETAIL "A"

STATE OF TEXAS
VOL. 2837, PG. 318
D. R. T. C. TX.

APPROXIMATE LOCATION OF SURVEY LINE

POT STA. 428+57.67 S27° 46' 22"W 100.73'

EXHIBIT _____

County: Travis
Parcel No.: 117(E)
Highway: U.S. 183
Limits: From: East of US 290
To: SH 71
RCSJ: 0151-09-039

**PARCEL 117(E)
DRAINAGE EASEMENT DESCRIPTION**

DESCRIPTION OF A 0.404 ACRE (17,583 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY, ABSTRACT NO. 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING PART OF A CALLED 1.733 ACRE TRACT OF LAND DESCRIBED IN A DEED TO FERNEAU INVESTMENTS INC, RECORDED IN DOCUMENT NO. 2006171928 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, (O.P.R.T.C.TX.), SAID 0.404 ACRE (17,583 SQ. FT.) TO BE USED AS A DRAINAGE EASEMENT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½-inch iron rod with cap (unreadable) found on the north line of Shelton Road (no record information found) for the southeast corner of said 1.733 acre tract, same being the southwest corner of a called 3.09 acre tract of land described in deed to Sunyong Chung and Phillippe Klinefelter, recorded in Document No. 2013204914, O.P.R.T.C.TX.;

THENCE, N 17°46'24" E, departing said Shelton Road, with the east line of said 1.733 acre tract and the west line of said 3.09 acre tract, a distance of 119.54 feet to a calculated point for the northwest corner of said 3.09 acre tract, same being the southwest corner of a called 10.933 acre tract of land described in deed to the City of Austin, recorded in Document No. 2010093425, O.P.R.T.C.TX.;

THENCE, N 09°13'41" E, continuing with the east line of said 1.733 acre tract and the west line of said 10.933 acre tract, a distance of 134.59 feet to a calculated point 455.62 feet left of Engineer's Centerline Station (E.C.S.) 426+62.63 for the **POINT OF BEGINNING**, and the most northerly southeast corner of the parcel described herein;

THENCE, through the interior of said 1.733 acre tract the following four (4) courses and distances numbered 1-4:

- 1) S 30°26'16" W, a distance of 45.17 feet to a ½-inch iron rod with TxDOT aluminum cap set 453.52 feet left of E.C.S. 427+07.75, for the most southerly southeast corner of the parcel described herein, same being the northeast corner of a called 0.74 acre tract of land (Channel Easement) conveyed to the State of Texas and recorded in Volume 2753, Page 476, Deed Records of Travis County, Texas (D.R.T.C.TX.);
- 2) N 59°33'49" W, with the north line of said 0.74 acre tract, a distance of 155.14 feet to a calculated point 298.55 feet left of E.C.S. 427+00.54 on the proposed east right-of-way line of U.S. Highway 183 (Ed Bluestein Blvd.) a variable width right-of-way, for the southwest corner of the parcel described herein;
- 3) N 27°46'22" E, with the proposed east right-of-way line of said U.S. Highway 183, a distance of 117.99 feet to a ½-inch iron rod with TxDOT aluminum cap set 298.55 feet left of E.C.S. 425+82.55 for the northwest corner of the parcel described herein, from which a TxDOT Type II concrete monument set in the proposed east right-of-way line of said U.S. Highway 183, same being on the north line of said 1.733 acre tract, also being on the south line of a tract of land, conveyed to Capital Metropolitan Transportation Authority, and recorded in Volume 13187, Page 3118 of D.R.T.C.TX. bears, N 27°46'22" E, a distance of 6.26 feet;

EXHIBIT _____

County: Travis
Parcel No.: 117(E)
Highway: U.S. 183
Limits: From: East of US 290
To: SH 71
RCSJ: 0151-09-039

PARCEL 117(E)
DRAINAGE EASEMENT DESCRIPTION

- 4) S 59°33'49" E, departing said U.S. Highway 183, a distance of 132.41 feet to a calculated point 430.82 feet left of E.C.S. 425+88.70 on the east line of said 1.733 acre tract, same being the west line of said 10.933 acre tract, for the northeast corner of the parcel described herein;
- 5) **THENCE**, S 09°13'41" W, with the east line of said 1.733 acre tract and the west line of said 10.933 acre tract, a distance of 77.97 feet to the **POINT OF BEGINNING**, and containing 0.404 acre (17,583 sq. ft.) of land more or less.

This property description is accompanied by a plat of even date.

All bearings are based on the Texas Coordinate System, Central Zone, NAD 83(93).

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

That I, William Reed Herring, 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 25th day of November, 2014 A.D.

SURVEYING AND MAPPING, Inc.
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Texas Firm Registration No. 10064300



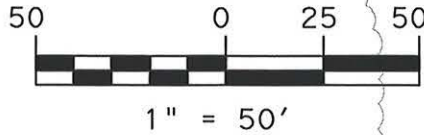
William Reed Herring
Registered Professional Land Surveyor
No. 6355 - State of Texas



LEGEND

- TXDOT TYPE II MONUMENT SET
- ▣ TXDOT TYPE II MONUMENT FOUND
- TYPE I CONCRETE MONUMENT FOUND
- 1/2" PIPE FOUND UNLESS NOTED
- 1/2" IRON ROD SET W/TXDOT ALUMINUM CAP UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- ▲ 60 D NAIL FOUND UNLESS NOTED
- △ CALCULATED POINT
- ⊠ DRILL HOLE IN CONCRETE FOUND
- PROPERTY LINE
- CENTER LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
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- R.P.R.T.C.TX. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
- P.R.T.C.TX. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.TX. DEED RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY, TEXAS
GRAPHIC SCALE
(IN FEET)



SUNYONG CHUNG AND
PHILLIPPE KLINEFELTER
CALLED 3.09 ACRES
DOC. NO. 2013204914
O. P. R. T. C. TX.

SHELTON ROAD
(NO RECORD INFORMATION FOUND)

CITY OF AUSTIN
CALLED 10.933 ACRES
DOC. NO. 2010093425
O. P. R. T. C. TX.

P.O.C.
1/2" WITH
UNREADABLE CAP

FERNEAU INVESTMENTS INC
CALLED 1.733 ACRES
DOC. NO. 2006171928
O. P. R. T. C. TX.

P.O.B.
426+62.63
455.62' LT

427+07.75
453.52' LT

S09° 13' 41" W
77.97'

S30° 26' 16" W
45.17'

DETAIL "A"
NOT TO SCALE

117 (E)

P.O.R.
425+76.29
298.55' LT

L1
117.99'
425+82.55
298.55' LT

117 (E)

Dense Woods

CHANNEL EASEMENT
STATE OF TEXAS
0.74 ACRES
VOL. 2753, PG. 476
D. R. T. C. TX.

Dense Woods

CAPITAL METROPOLITAN
TRANSPORTATION AUTHORITY
15181, C.T.X.
D.R.VOL. 15181, PG. 3118

S59° 33' 49" E 132.41'

SEE
DETAIL "A"

N27° 46' 22" E 117.99'

N59° 33' 49" W 155.14'

427+00.54
298.55' LT

JAMES BURLESON SURVEY,
ABSTRACT NO. 4

STATE OF TEXAS
CALLED 1.267 ACRES
VOL. 2753, PG. 476
D. R. T. C. TX.

PROPOSED ROW LINE

LINE NO.	BEARING	DISTANCE
L1	N27° 46' 22" E	6.26'

EXISTING R.O.W. LINE

ED BLUESTEIN BLVD.
U.S. HIGHWAY 183
(VARIABLE WIDTH R.O.W.)

NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93) HARN, ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

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.

11/25/2014
DATE

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



11/25/2014
PAGE 3 OF 3



4801 Southwest Parkway
Building Two, Suite 100
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(512) 447-0575
Fax: (512) 326-3029
Texas Firm Registration No. 10064300

DRAINAGE EASEMENT SKETCH
SHOWING PARCEL 117 (E)
0.404 AC. (17,583 SQ. FT.)
RCSJ NO. 0151-09-039