

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

RESOLUTION NO. 15-050.3

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT
(PARCEL 132)**

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 in real property, excluding any rights to the mineral estate, as that fee simple interest in real property is described by metes and bounds in Exhibit 1 to this Resolution (the "Property"), owned by Brian Evans and Yoon Sin Kim (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 Exhibit 1; 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
Highway: US 183
Limits: From: East of US 290 To: SH 71
RCSJ: 0151-09-039
Station: 420+97.13 to 424+03.23

DESCRIPTION FOR PARCEL 132

DESCRIPTION OF A 0.673 ACRE (29,295 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A TRACT OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED TO BRIAN EVANS AND YOON SIN KIM, HUSBAND AND WIFE, AND RECORDED IN DOCUMENT NO. 2013012348 OF THE OFFICIAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), SAME BEING TRACT 1 OF C. BEN HIBBETTS REALTY, INC. SUBD. NO. 2, RECORDED IN VOLUME 75, PAGE 149 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.TX.); SAID 0.673 ACRE (29,295 SQ. FT.) PARCEL, AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY SAM, INC., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with a Texas Department of Transportation (TxDOT) aluminum cap set 298.55 feet left of Engineer's Centerline Station (E.C.S.) 424+03.23 on the proposed east right-of-way line of U.S. Highway 183 (Variable Width Right-of-Way), being within the called 53.784 acre tract as described in a deed to the State of Texas, Parcel No. 2, Part One and recorded in Volume 11339, Page 2005 of the Real Property Records of Travis County, Texas (R.P.R.T.C.TX.), same being within the called 1.471 acre "Save and Except" tract as described in "Exhibit B" in a deed to the State of Texas and recorded in a deed to the State of Texas and recorded in Volume 11339, Page 2005 of the R.P.R.T.C.TX. for the southeast corner of the parcel described herein, and the beginning of a curve to the right;

- 1) **THENCE**, departing said proposed east right-of-way line of said U.S. Highway 183, with a curve to the right, with the south line of said Brian Evans' tract, having an arc distance of 106.04 feet, through a central angle of 01°32'41", having a radius of 3,933.00 feet and a chord that bears N 82°05'58" W, a distance of 106.03 feet to a calculated point on the existing east right-of-way line of said U.S. Highway 183, as conveyed to the State of Texas, and recorded in Volume 2721, Page 244 of the Deed Records of Travis County, Texas (D.R.T.C.TX.), same being the southwest corner of said Brian Evans' tract, and the parcel described herein, from which a TxDOT Type I concrete monument found bears S 27°54'40" W, a distance of 17.43 feet;
- 2) **THENCE** N 27°54'40" E, with said existing east right-of-way line of said U.S. Highway 183 and the west line of said Brian Evans' tract, a distance of 324.96 feet to calculated point at the southwest corner of a called 1.602 acre tract as described in a deed to Ben Fuentes (1/2 interest), Alex R. Ledesma, Jr. (1/4 interest), and Daniel C. Castro (1/4 interest) and recorded in Volume 4222, Page 768 of the D.R.T.C.TX. same being the northwest corner of said Brian Evans' tract, and the parcel described herein, from which a Type II concrete monument found bears N 27°54'40" E, a distance of 124.40 feet;
- 3) **THENCE** S 81°43'53" E, departing said existing east right-of-way line of said U.S. Highway 183, with the north line of said Brian Evans' tract and the south line of said 1.602 acre tract, a distance of 51.46 feet to a ½-inch iron rod with a TxDOT aluminum cap set 248.12 feet left of E.C.S. 420+97.13, on the proposed east right-of-way line of said U.S. Highway 183, said point being the northeast corner of the parcel described herein;

EXHIBIT _____

County: Travis
Highway: US 183
Limits: From: East of US 290 To: SH 71
RCSJ: 0151-09-039
Station: 420+97.13 to 424+03.23

DESCRIPTION FOR PARCEL 132

THENCE, with the proposed east right-of-way line of said U.S. Highway 183, over and across said Brian Evans' tract, the following three (3) courses and distances numbered 4-6:

- 4) S 20°29'45" W, a distance of 0.80 feet to a TxDOT Type II concrete monument set, 248.22 feet left of E.C.S. 420+97.93,
- 5) S 00°28'41" W, a distance of 109.76 feet to a TxDOT Type II concrete monument set, 298.55 feet left of E.C.S. 421+95.47, and
- 6) S 27°46'22" W, a distance of 207.75 feet to the **POINT OF BEGINNING**, and containing 0.673 acre (29,295 sq. ft.), more or less.

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) HARN.

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 31st of December, 2014 A.D.

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

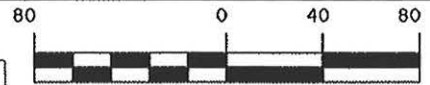


 William Reed Herring
 Registered Professional Land Surveyor
 No. 6355 - State of Texas



LEGEND

LINE TABLE



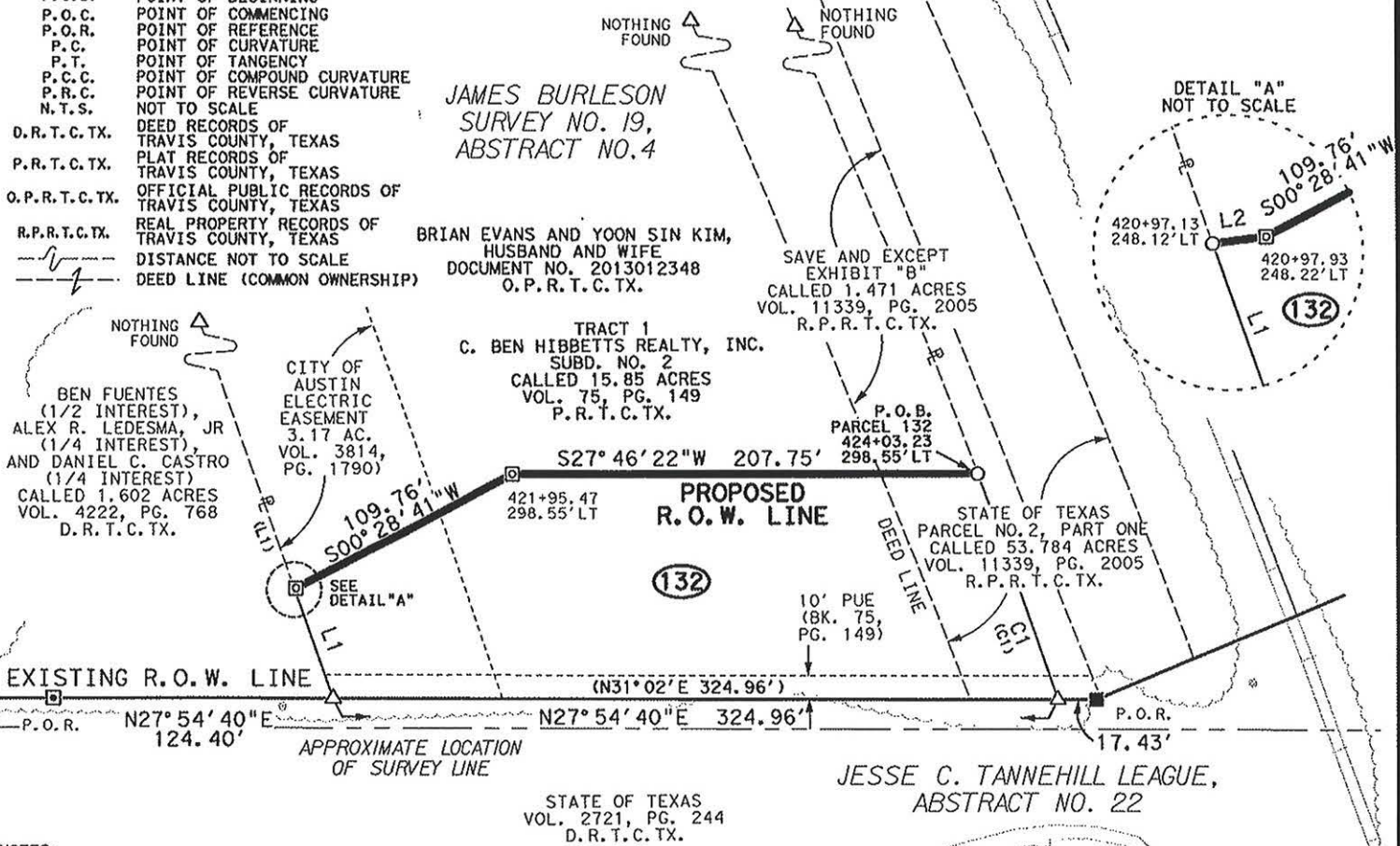
GRAPHIC SCALE
1" = 80'
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND
- ⊠ TYPE II CONCRETE MONUMENT SET
- ⊙ 1/2" PIPE FOUND UNLESS NOTED
- ⊙ 1/2" IRON ROD W/TXDOT ALUM CAP SET UNLESS NOTED
- ⊙ 1/2" IRON ROD SET WITH "SAM, INC" CAP
- 1/2" IRON ROD FOUND UNLESS NOTED
- FENCE POST FOUND UNLESS NOTED
- ⊠ "X" CUT IN CONCRETE FOUND
- △ CALCULATED POINT
- ⊠ PROPERTY LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- P.C.C. POINT OF COMPOUND CURVATURE
- P.R.C. POINT OF REVERSE CURVATURE
- N.T.S. NOT TO SCALE
- D.R.T.C.TX. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.TX. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- R.P.R.T.C.TX. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- DISTANCE NOT TO SCALE
- DEED LINE (COMMON OWNERSHIP)

LINE NO.	BEARING	DISTANCE
L1	S81° 43' 53"E	51.46'
(L1)	(N78° 35' 00"W)	(266.40')
L2	S20° 29' 45"W	0.80'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	01° 32' 41" RT	3,933.00'	106.04'	106.03'	N82° 05' 58"W
(C1)	(08° 27' 25")	(3,933.00')	(580.53')	(580.00')	(N82° 26' 00"W)



NOTES:

1. ALL BEARINGS SHOWN ARE BASED ON NAD83(93) HARN, TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.00011.
2. THIS SURVEY WAS COMPLETED 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.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

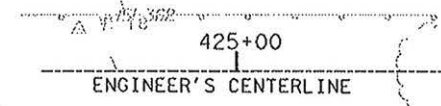
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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

12/31/2014
DATE



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



4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029
Texas Firm Registration No. 10064300

RIGHT-OF-WAY SKETCH SHOWING
PARCEL 132
0.673 AC. (29,295 SQ. FT.)
RCSJ NO. 0151-09-039