

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

**RESOLUTION NO. 17-016**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS  
BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN  
TRAVIS COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY  
PROJECT (PARCEL E13B)**

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, the public convenience and necessity require acquisition of a utility easement, as that utility easement is described by metes and bounds in Exhibit A to this Resolution (the "Property"), owned by New Century Investment, LLC and Morning Star Projects, LLC (the "Owner"), located adjacent to the US Hwy 183S at 6000 FM 969, Austin, in Travis County, Texas 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 or its agent, 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 A; 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 29<sup>th</sup> day of March, 2017.

Submitted and reviewed by:

  
\_\_\_\_\_  
Geoff Petrov, General Counsel

Approved:

  
\_\_\_\_\_  
Ray A. Wilkerson  
Chairman, Board of Directors

**Exhibit A**

## Field Notes for Parcel 13B WE

BEING 0.044 OF ONE ACRE (1927 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JESSE C. TANNEHILL SURVEY No. 29, ABSTRACT No. 22 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT C, R.F. BEARDEN SUBDIVISION, RECORDED IN BOOK 85, PAGE 184C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO MORNING STAR PROJECT, LLC BY GENERAL WARRANTY DEED EXECUTED ON NOVEMBER 20, 2009, FILED FOR RECORD ON DECEMBER 7, 2009 AND RECORDED IN DOCUMENT 2009201195 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.044 OF ONE ACRE (1927 S.F.) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

Beginning at a calculated point in the interior of said Lot C, same being in a southeasterly line of the 1.272 acre tract conveyed to Braker-Park LP by deed recorded in Document 2015161780 of the Official Public Records of Travis County, Texas and in a northerly line of the Water and Wastewater Easement recorded in Volume 10061, Page 369 of the Real Property Records of Travis County, Texas, for the Point of Beginning and a southwesterly corner of the herein described tract of land having grid coordinate (Texas State Plane, Central Zone, NAD 83(HARN) U.S. Feet, Surface Adjustment Factor of 1.00011) values of N=10077745.99 and E=3139087.26, from which TxDOT Type I Monument found at a corner in the easterly right-of-way line of U.S. Highway 183 (known locally as Ed Bluestein Boulevard-ROW Varies) and in the northerly right-of-way line of F.M. 969 (ROW varies), same being in a southerly line of said Lot C bears South 21°57'54" West, a distance of 20.00 feet to a 1/2 inch iron rod found at a southeasterly corner of said Braker-Park LP tract and North 68°02'45" West, a distance of 84.13 feet;

1. THENCE, North 21°57'54" East, a distance of 17.00 feet, with a southeasterly line of said Braker-Park LP tract, to a calculated point for a northwesterly corner of the herein described tract of land, from which a 1/2 inch iron rod found at a westerly corner of said Lot C and at a southeasterly corner of Lot B, of said R. F. Bearden Subdivision, same being a northwesterly corner of said Braker-Park LP tract bears North 21°57'54" East, a distance of 16.87 feet, North 52°00'54" East, a distance of 113.20 feet, North 37°40'49" West, a distance of 275.40 feet and South 51°57'52" West, a distance of 126.37 feet;


2. THENCE, South 68°02'45" East, a distance of 138.23 feet, leaving a southeasterly line of said Braker-Park LP tract, to a calculated point for a northeasterly corner of the herein described tract of land;

3. THENCE, South 21°57'15" West, a distance of 3.31 feet, to a calculated point in a northerly line of said Water and Wastewater Easement, for a southeasterly corner of the herein described tract of land;

4. THENCE, North 80°33'18" West, a distance of 63.18 feet, with a northerly line of said Water and Wastewater Easement, to a calculated point for a corner;

5. THENCE, North 68°02'45" West, a distance of 76.55 feet, to the Point of Beginning and containing an area of 0.044 of one acre (1927 s.f.) of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

  
\_\_\_\_\_  
David Edward Martinez  
Registered Professional Land Surveyor 5434

02/18/16  
Date



MWM DesignGroup  
305 East Huntland Drive, Suite 200  
Austin, Texas, 78752 (512) 453-0767  
TBPLS Firm Registration No. 10065600

Bearing Basis: The bearings described herein are Texas State Plane, Central Zone, NAD 83(Harn), U.S. Feet. For surface coordinates multiply grid coordinates by the Surface Adjustment Factor of 1.00011. The reference points for this project are MWM control point 112, a cotton spindle in the centerline of sidewalk on the east side of Springdale Road approximately 85' east of Rockhurst Lane, having surface coordinate values of N=10088638.55, E=3138681.05 and MWM control point 141, a cotton gin spindle on the south side of Smith Road, approximately 920 feet east of U. S. Highway 183 centerline, at the 90 degree bend, having surface coordinate values of N=10068786.90, E=3136881.27, having a grid bearing of South 05°10'49" West and a surface distance of 19,933.07 feet.

TCAD No.: 0213280710  
City Grid: N24

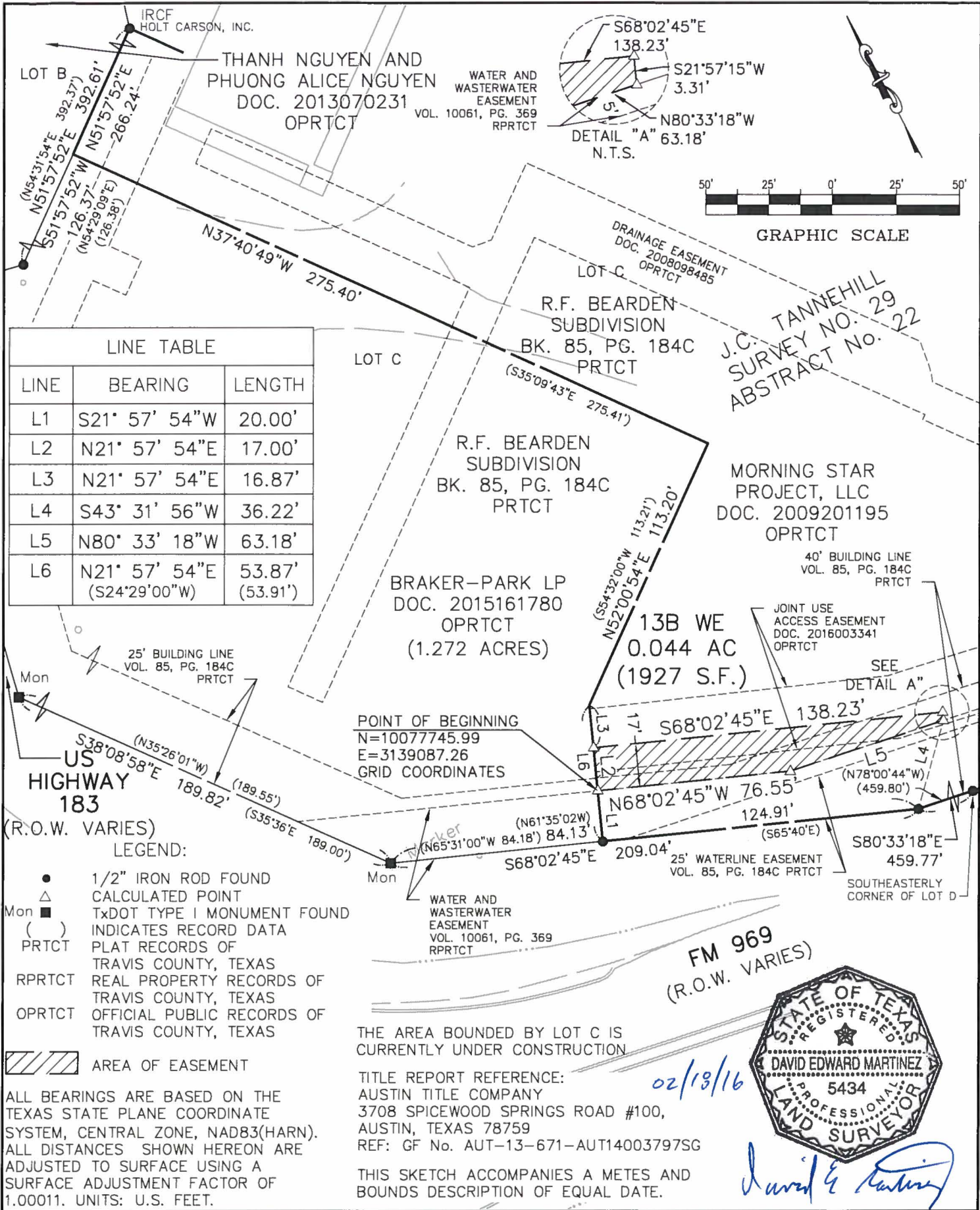
**FIELD NOTES REVIEWED**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

**Austin Water Utility**



LINE TABLE

| LINE | BEARING                        | LENGTH             |
|------|--------------------------------|--------------------|
| L1   | S21° 57' 54"W                  | 20.00'             |
| L2   | N21° 57' 54"E                  | 17.00'             |
| L3   | N21° 57' 54"E                  | 16.87'             |
| L4   | S43° 31' 56"W                  | 36.22'             |
| L5   | N80° 33' 18"W                  | 63.18'             |
| L6   | N21° 57' 54"E<br>(S24°29'00"W) | 53.87'<br>(53.91') |



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TBAE 1452  
TBPE F-1416  
TBPLS 10065600

SKETCH TO ACCOMPANY  
FIELD NOTES

TRAVIS COUNTY, TEXAS

Exhibit "A"



Parcel E13B – Approximately 1,927 Square Feet (0.044 Ac).