

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

RESOLUTION NO. 18-024

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT
(PARCEL E23E)**

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 a water and wastewater utility easement, as that easement is described by metes and bounds in Exhibit A to this Resolution (the "Property"), owned by Icon 811-827 Interchange Boulevard Owner Pool 2, LLC (the "Owner"), located at 811 Interchange Blvd., Austin, Texas 78721, 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 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 27th day of June 2018.

Submitted and reviewed by:



Geoff Petrov, General Counsel

Approved:



Ray A. Wilkerson, Chairman

Exhibit A

Description of Parcel E23E

Field Notes for Parcel 23E Water Easement

BEING A 0.090 ACRE WATER LINE EASEMENT (3,915 SQUARE FEET) OUT OF THE REMAINDER OF LOT 9, BLOCK "B", INTERCHANGE BUSINESS CENTER, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN VOLUME 85, PAGE 40C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.090 ACRE WATER LINE EASEMENT BEING A PORTION OF THE REMAINDER OF SAID LOT 9, AS CONVEYED TO ICON 811-827 INTERCHANGE BOULEVARD OWNER POOL 2, LLC, AS CONVEYED BY SPECIAL WARRANTY DEED EXECUTED FEBRUARY 23, 2015, AS RECORDED IN DOCUMENT No. 2015032786 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.090 ACRE WATER LINE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED PLAT:

BEGINNING at a 1/2 iron rod found (Grid Coordinates N=10,065,184.34 US Feet, E=3,132,968.71 US Feet, combined scale factor 1.00011) in the southeast line of said Lot 9 and in the northwest line of Lot 4, Block A, The Bend at Bluestein, a subdivision in the City of Austin, Travis County, Texas, as recorded in Volume 94, Page 57 of the Plat Records of Travis County, Texas, same being in an easterly line of an existing 15' drainage and public utility easement recorded in Volume 85, Page 40C of the Plat Records of Travis County, Texas, for the north corner of a 0.318 acre tract of land conveyed to the State of Texas by deed recorded in Document No. 2000203942 of the Official Public Records of Travis County, Texas and being in the curving northwest right-of-way line of U.S. Highway No. 183 (a variable width right-of-way), said 1/2 inch iron rod being the southeast corner of said 0.090 acre water line easement described herein;

THENCE, with the southeast line of the remainder of said Lot 9, with the northwest right-of-way line of U.S. Highway No. 183, with the northwest line of said 0.318 acre tract of land, and with a non-tangent curve to the right, having a radius of 1894.86 feet, a central angle of 06 degrees 28 minutes 15 seconds, and whose chord bears South 69 degrees 06 minutes 04 seconds West, a distance of 213.88 feet, passing at an arc length of 24.11 feet the west line of a said 15 foot wide Drainage Easement and Public Utility Easement, and in all an arc length of 214.00 feet to a calculated point for the south corner of the remainder of said Lot 9 and for an angle point in the northwest right-of-way line of U.S. Highway No. 183, said calculated point being an angle point in the north line of said 0.318 acre tract of land and being an angle point in the south line of said 0.090 acre water line easement described herein;

THENCE North 55 degrees 41 minutes 58 seconds West, with the southeast line of the remainder of said Lot 9, with the northwest right-of-way line of U.S. Highway No. 183, and with the north line of said 0.318 acre tract of land, a distance of 17.60 feet to a calculated point for the west corner of said 0.090 acre water line easement described herein;

Icon 811-827 Interchange Boulevard Owner Pool 2, LLC
to
City of Austin
(For Water Line Easement)

THENCE North 68 degrees 42 minutes 10 seconds East, crossing through said Lot 9, passing at a distance of 219.39 feet, the west line of a said 15 foot wide Drainage Easement and Public Utility Easement, as shown on said Interchange Business Center plat, in all, a distance of 242.27 feet to a calculated point in the southeast line of said Lot 9 and in the northwest line of said Lot 4, for the northeast corner of said 0.090 acre water line easement described herein, from which a 1/2 inch iron rod with CBO Stepstone cap found for the north corner of said Lot 4 and in the southeast line of Lot 8, Block "B" of said Interchange Business Center bears, North 27 degrees 44 minutes 53 seconds East, a distance of 222.65 feet;

THENCE South 27 degrees 44 minutes 53 seconds West, with the southeast line of said Lot 9 and with the northwest line of said Lot 4, and with the east line of said Drainage Easement and Public Utility Easement, a distance of 24.42 feet to the **POINT OF BEGINNING**, and containing 0.090 acre or 3,915 square feet of land, more or less, of which 0.009 acre or (379 square feet) lies within a 15' Drainage Easement and Public Utility Easement recorded in Volume 85, Page 40C, Plat Records, Travis County, Texas.

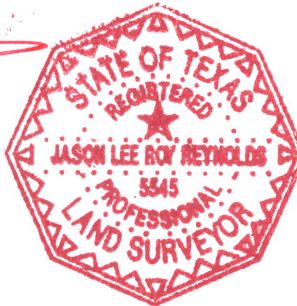
BEARING BASIS: The bearings and coordinates described herein are Texas State Plane, Central Zone 4203, NAD 83(HARN), U.S. Feet. Combined Scale factor of 1.00011. Published control points referenced for this project are U.S. 183 South Horizontal and Vertical Control points No. 141 having surface values of N=10068786.90, E=3136881.27 being a cotton spindle found and No. 143 having surface value of N=10067525.33 E=3133714.10 being a 5/8" iron rod found.

TCAD No.: 188575
City Grid: M21 & L21

TCAD No.: Parcel ID No. 188573 Geo ID No. 0201210103
City Grid: M21

The field notes and the plat attached hereto represent an on-the-ground survey made under my direct supervision.

Jason Lee Roy Reynolds
Registered Professional Land Surveyor No. 5545
TBPLS Firm Registration No. 10106900
Gorronдона & Associates, Inc.
4201 West Parmer Lane, Building B, Suite 100
Austin, TX 78727
(512) 719-9933



5/25/16
Date

FIELD NOTES REVIEWED

By: _____

Date: _____

Signed: _____

Austin Water Utility

EXHIBIT "A"

PARCEL No. 23 WATER EASEMENT

SUBJECT PROPERTY MAP AND LOCATION EASEMENT AS SHOWN



INTERCHANGE BOULEVARD
(80' RIGHT-OF-WAY)

LOT 9
BLOCK "B"
INTERCHANGE BUSINESS CENTER
VOLUME 85, PAGE 40C
P.R.T.C.T.

DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANT REGARDING UNIFIED DEVELOPMENT AND MAINTENANCE OF DRAINAGE FACILITIES BETWEEN WHOLE FOODS TRUCK PARKING FACILITY & INDUSTRIAL PROPERTIES TEXAS, LLC
DOCUMENT No. 2013025011
O.P.R.T.C.T.

23E WATER EASEMENT
3,915 SQ. FT. OR
0.090 ACRE

ICON 811-827 INTERCHANGE BOULEVARD OWNER POOL 2, LLC
DOCUMENT No. 2015032786
O.P.R.T.C.T.

378 SQUARE FEET OF PUBLIC UTILITY EASEMENT OVERLAP

U.S. HIGHWAY No. 183 SOUTH
(VARIABLE WIDTH RIGHT-OF-WAY)

0.318 ACRE (BY DEED)
STATE OF TEXAS
DOC.#2000203942
O.P.R.T.C.T.

P.O.B. = POINT OF BEGINNING
O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY TEXAS
P.R.T.C.T. = PLAT RECORDS TRAVIS COUNTY TEXAS

P.O.B.
FOUND
1/2" IRON ROD
GRID COORDINATES
N=10,065,184.34
E=3,132,968.71

FOUND
1/2" IRON ROD W/ CBO
SETSTONE CAP

LOT 8
BLOCK "B"
INTERCHANGE BUSINESS CENTER
VOLUME 85, PAGE 40C
P.R.T.C.T.

25' DRAINAGE EASEMENT AND PUBLIC UTILITY EASEMENT
VOLUME 85, PAGE 40C, P.R.T.C.T.

25' DRAINAGE EASEMENT
VOLUME 94, PAGE 57
P.R.T.C.T.
BLOCK "A"
THE BEND AT BLUESTEIN
VOLUME 94, PAGE 57
P.R.T.C.T.

REMAINDER OF LOT 4

PETER BARLIN
DOCUMENT No. 2014139332
O.P.R.T.C.T.

1.548 ACRE (BY DEED)
THE STATE OF TEXAS
CONDEMNATION FOR RIGHT-OF-WAY
DOCUMENT No. 2013211171
O.P.R.T.C.T.

LEGEND

- CALCULATED POINT
- FOUND MONUMENT (TYPE INDICATED)
- ⊕ FIRE HYDRANT
- ⊗ WATER METER
- ⊕ GUY WIRE
- ⊕ POWER POLE
- ⊕ SIGN

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N 55°41'58"W	17.60'
L-2	S 27°44'53"W	24.42'

CURVE TABLE						
CURVE	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	ARC LENGTH
C-1	1894.86'	0°51'59"	S 65°25'57"W	28.65'	28.65'	28.65'
	(1894.86)	(00°51'18")	(S 65°23'39"W)	(28.28')	(28.28')	(28.28')
C-2	1894.86'	6°28'15"	S 69°06'04"W	213.88'	214.00'	214.00'
	(1894.86)	(06°28'51")	(S 69°04'17"W)	(214.22')	(214.33')	(214.33')

SEE PAGE 2 OF 2 FOR EXHIBIT NOTES AND EASEMENT NOTE FOR SUBJECT TRACT

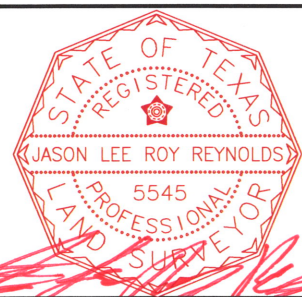


CITY OF AUSTIN

301 W SECOND STREET • AUSTIN, TEXAS 78701

23E WATER EASEMENT 183 SOUTH

PARCEL NO. 23E WATER EASEMENT		
TYPE OF EASEMENT: WATER UTILITY		
OWNER: ICON 811-827 INTERCHANGE BOULEVARD OWNER POOL 2, LLC		
SUBDIVISION: INTERCHANGE BUSINESS CENTER		
LOCATION: CITY OF AUSTIN, TRAVIS COUNTY, TEXAS		
(TYPE) ACQUISITION AREA: 3,915 SQUARE FEET OR 0.090 ACRE		
WHOLE PROPERTY ACREAGE: 0.3184 ACRES (PER DEED)		
JOB No. CRC_1501.00	DRAWN BY: PRB	CAD FILE: E23E.DWG
MARCH 21, 2016	EXHIBIT PAGE 3 OF 4	SCALE: 1" = 60'
GORRONDONA & ASSOCIATES, INC. • 4201 WEST PARMER LANE, BUILDING B, SUITE 100, AUSTIN, TX. 78727 • 512-719-9933 FAX 512-719-9944		



JASON LEE ROY REYNOLDS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5545 TEXAS FIRM No. 10106901

EXHIBIT "A"

PARCEL No. 23 WATER EASEMENT

GF# 1600837-P22
TCAD# 188575

Commitment for Chicago Title Insurance Co

Effective Date: January 7, 2016 at 8:00am

Commitment No: _____

Issued: January 14, 2016 at 8:00am

Schedule B

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must Insert matters or delete this exceptions):
- e. Easement as shown on the plat recorded in Volume 85, Page 40C, Plat Records, Travis County, Texas
Affects the tract of land and is shown on the survey
 - f. Drainage and public utility Easement as shown on the plat recorded in Volume 85, Page 40C, Plat Records, Travis County, Texas
Affects the tract of land and is shown on the survey
 - g. Sanitary Sewer and Water Lines Easement to the City of Austin, Recorded in Volume 509, Page 214, Deed Records, Travis County, Texas
Does not affect the tract of land
 - h. Pipeline Easement to Sinclair refining Company recorded in Volume 787, Page 442, Deed Records, Travis County, Texas.
Does not affect the tract of land
 - i. Pipeline Easement to Sinclair Refining Company recorded in Volume 961, Page 507, Deed Records, Travis County, Texas.
Does not affect the tract of land
 - j. Electric and Telephone line Easement to the City of Austin recorded in Volume 2058, Page 211, Deed Records, Travis County, Texas
Does not affect the tract of land
 - k. Terms, Conditions, and Stipulations in the Declaration of Covenants and Restrictions for Interchange Business Center Agreement recorded in Volume 11682, Page 67, Real Property Records, Travis County, Texas, being further affected by Assignment and Assumption of Developer's Rights and Responsibilities by Document No. 2014032022, Official Public Records, Travis County, Texas.
Affects the tract of land
 - l. Terms, Conditions, and Stipulations in the Private Wastewater Easement Agreement recorded in Volume 9822, Page 313, Real Property Records, Travis County, Texas, being amended by Volume 9903, Page 59, Real Property Records, Travis County, Texas.
Affects the tract of land and is a blanket type easement by nature and cannot be plotted on the survey
 - m. Terms, Conditions, and Stipulations in the Declaration of Easements and Restrictive Covenant Regarding Unified Development and Maintenance of Drainage Facilities Agreement recorded in Document No. 2013025011, Official Public Records, Travis County, Texas, being further affected by Assignment and Assumption of Declarant's Rights and Responsibilities by Document No. 2014032020, Official Public Records, Travis County, Texas.
Affects the tract of land

NOTES:

1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD-83 (HARN), THE NORTH CENTRAL ZONE 4202, ALL DISTANCES AND AREAS SHOWN ARE SURFACE.
3. BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, WITH HORIZONTAL DATUM OF NAD83 (HARN).
4. I, JASON LEE ROY REYNOLDS, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5545, LICENSED IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY UNDER MY DIRECT SUPERVISION.
5. THIS IS A SURFACE DRAWING. THE COMBINED SCALE FACTOR FOR THIS DRAWING IS 1.00011



CITY OF AUSTIN

301 W SECOND STREET • AUSTIN, TEXAS 78701

23E WATER EASEMENT 183 SOUTH

PARCEL NO. 23E WATER EASEMENT

TYPE OF EASEMENT: WATER UTILITY

OWNER: ICON 811-827 INTERCHANGE BOULEVARD OWNER POOL 2, LLC

SUBDIVISION: INTERCHANGE BUSINESS CENTER

LOCATION: CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

(TYPE) ACQUISITION AREA: 3,915 SQUARE FEET OR 0.090 ACRE

WHOLE PROPERTY ACREAGE: 0.3184 ACRES (PER DEED)

JOB No. CRC_1501.00

DRAWN BY: PRB

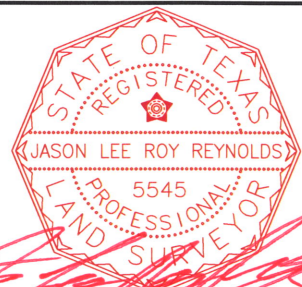
CAD FILE: E23E.DWG

MARCH 21, 2016

EXHIBIT PAGE 4 OF 4

SCALE: 1" = 50'

JASON LEE ROY REYNOLDS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5545 TEXAS FIRM No. 10106901



Parcel E23E – Icon 811-827 – White lines at south end show location of water easement





Johnston Terrace

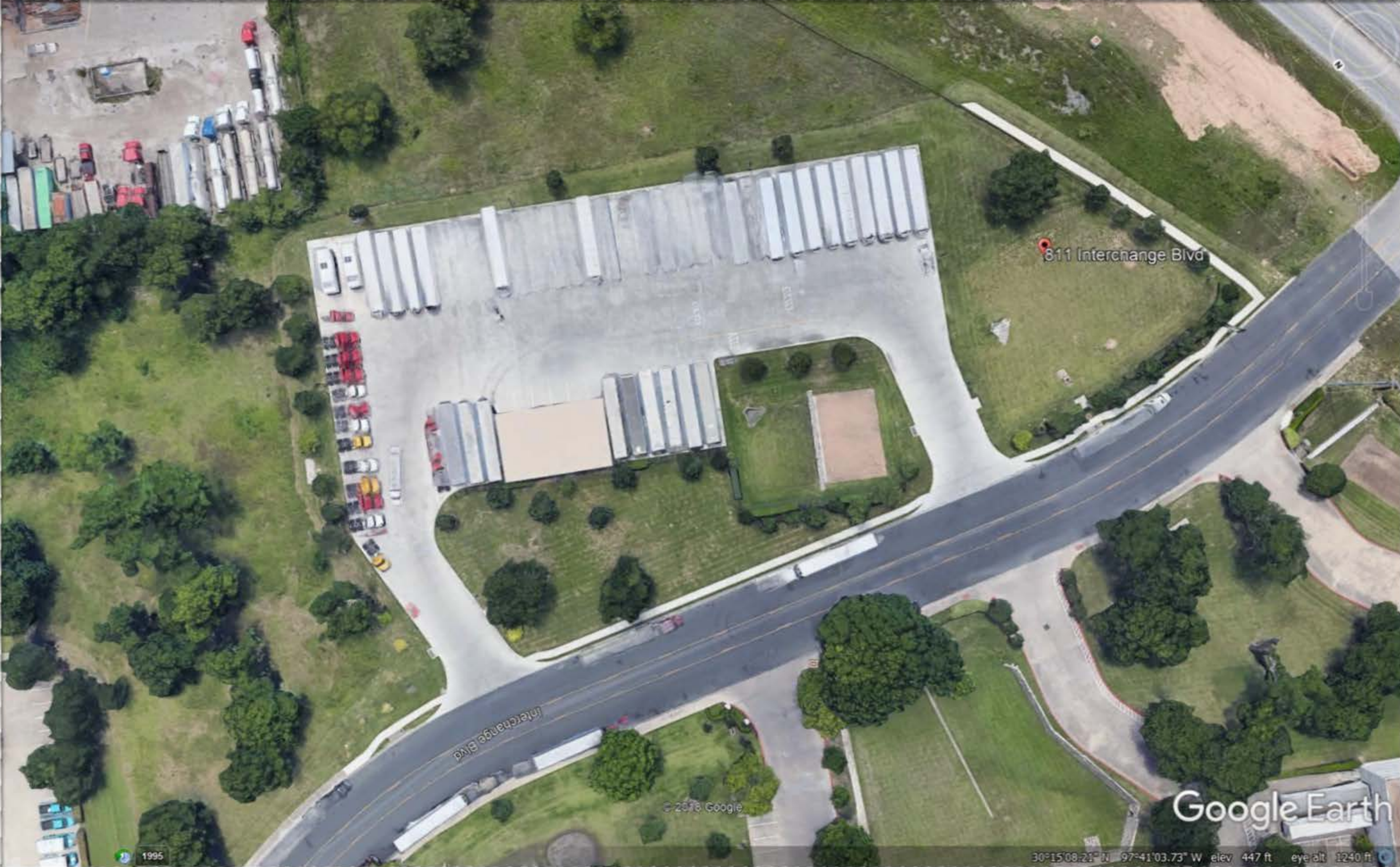
811 Interchange Blvd

Google Earth

30°15'06.07" N 97°41'04.11" W elev 432 ft eye alt 8612 ft

© 2018 Google

1995



811 Interchange Blvd

Interchange Blvd

© 2018 Google

Google Earth

1995

30°15'08.21" N 97°41'03.73" W elev 447 ft eye alt 1240 ft