



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

February 28, 2018
AGENDA ITEM #17

Consideration of the use of eminent domain to
condemn property for the 183 South Project

Strategic Plan Relevance: Regional Mobility
Department: Engineering / Law
Contact: Justin Word P.E., Director of Engineering / Geoff Petrov, General Counsel
Associated Costs: N/A
Funding Source: N/A
Action Requested: Consider and act on draft resolution(s)

Summary:

The Mobility Authority must acquire utility easements, related property interests, or both (“Property”) from real estate that abuts or is near the existing 183 South Project right-of-way.

Each owner of a parcel or property interest identified has received an official written offer to purchase the Property for an amount determined by an independent, professional appraiser. The Mobility Authority or its agent is required to pay no less than the offer made for the Property.

If, for any reason, a negotiation to acquire a parcel reaches an impasse, having this authorization to file a condemnation suit will minimize the risk of a possible delay and additional costs.

The parcels for your consideration and action at this meeting are:

- A. Parcel E18F of the 183 South (Bergstrom Expressway) Project, a 0.149 acre parcel of real estate, **owned by DepTech Properties LLC, a Texas Limited Liability Company**, and located at 3401 Ed Bluestein, Austin, TX 78721.

Backup Provided: Draft Resolution
E18F Survey and aerial image

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

RESOLUTION NO. 18-0XX

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS
BY AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN
TRAVIS COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY
PROJECT (PARCEL E18F)**

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 DepTech Properties, LLC, a Texas Limited Liability Company (the “Owner”), located at 3401 Ed Bluestein, Austin, Texas 78721 at the corner of Hudson Road 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 28th day of February 2018.

Submitted and reviewed by:

Approved:

Geoff Petrov, General Counsel

Ray A. Wilkerson, Chairman

Exhibit A

Field Notes for Parcel 18F Water Line Easement

BEING 0.149 OF ONE ACRE (6,476 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 2, TIEMANN AND RYMER SUBDIVISION, RECORDED IN BOOK 57, PAGE 27 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO DEPTECH PROPERTIES, LLC BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN EXECUTED ON NOVEMBER 17, 2011 AND FILED FOR RECORD ON NOVEMBER 17, 2011, AND RECORDED IN DOCUMENT 2011168839 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.149 OF ONE ACRE (6,476 S.F.) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a TxDOT Type III monument found in the easterly right-of-way line of US Highway 183 (known locally as Ed Bluestein Boulevard - R.O.W. varies), same being in the northeasterly line of said Lot 2 and in a southwesterly line of Lot 1A-B of Resubdivision Plat of Lot 1A, Resubdivision Plat of Lot 1, Motorola Inc. Ed Bluestein Facility recorded in Document 200900045 of the Official Public Records of Travis County, Texas, for the Point of Beginning and the most northerly 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=10071927.46 and E=3137580.77;

1. THENCE, South 63°23'41" East, a distance of 290.19 feet, leaving the easterly right-of-way line of US Highway 183, with the northeasterly line of said Lot 2 and a southwesterly line of said Lot 1A-B, to a calculated point at the most easterly corner of said Lot 2, same being an internal corner of said Lot 1A-B, for the most easterly corner of the herein described tract of land;

2. THENCE, South 32°33'31" West, with the southeasterly line of said Lot 2 and a northwesterly line of said Lot 1A-B, at a distance of 318.63 feet passing a calculated point at a southwesterly corner of said Lot 1A-B and at a northwesterly corner of Lot 2A, Resubdivision of Lot 1, Motorola, Inc. Ed Bluestein Facility recorded in Document 200600304 of the Official Public Records of Travis County, Texas, from which a 5/8 inch iron rod with cap stamped Baker Aiklen found bears South 57°31'22" East, a distance of 0.11 feet, continuing with a westerly line of said Lot 2A, in all a distance of 369.07 feet to a calculated point in the northeasterly right-of-way line of Hudson Road (R.O.W. varies) at the most southerly corner of said Lot 2, for the most southerly corner of the herein described tract of land, from which a Mag nail found at a corner in the northeasterly right-of-way line of Hudson Road and in a westerly line of said Lot 2A bears South 32°33'31" West, a distance of 5.00 feet;

3. THENCE, North 59°35'05" West, a distance of 10.01 feet, leaving a westerly line of said Lot 2A, with a northeasterly right-of-way line of Hudson Road and a southwesterly line of said Lot 2, to a calculated point for a southwesterly corner of the herein described tract of land, from which a TxDOT Type II monument found in the easterly right-of-way line of US Highway 183 bears North 59°35'05" West, a distance of 123.58 feet, North 12°18'31" West, a distance of 111.08 feet and North 11°08'12" East, a distance of 53.95 feet;

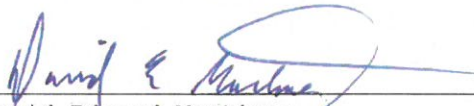
Exhibit "A"

4. THENCE, North 32°33'31" East, a distance of 358.35 feet, leaving the northeasterly right-of-way line of Hudson Road and a southwesterly line of said Lot 2 and crossing said Lot 2, to a calculated point for a corner;

5. THENCE, North 63°23'41" West, a distance of 277.52 feet, to a calculated point in the easterly right-of-way line of US Highway 183, for the most westerly corner of the herein described tract of land, from which a TxDOT Type II monument found in the easterly right-of-way line of US Highway 183 bears South 17°41'45" West, a distance of 212.34 feet;

6. THENCE, North 17°41'45" East, a distance of 10.12 feet, with the easterly right-of-way line of US Highway 183, to the Point of Beginning and containing an area of 0.149 of one acre (6,476 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

01/19/18
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. : 0207260302
City Grid: M22

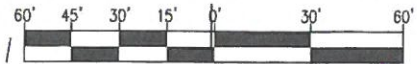
FIELD NOTES REVIEWED

By: _____

Date: _____

Signed: _____

Austin Water Utility



GRAPHIC SCALE

REPLACEMENT ELECTRIC DISTRIBUTION UTILITY EASEMENT DOC. 2008118876 OPRCT
 ACCESS EASEMENT DOC. 2008198689 OPRCT

20' WATERLINE EASEMENT DOC. 2007170074 OPRCT

POINT OF BEGINNING
 N=10071927.46
 E=3137580.77
 (GRID COORDINATES)

WATER LINE EASEMENT DOC. 2006158127 OPRCT

RESUBDIVISION PLAT OF LOT 1A,
 RESUBDIVISION PLAT OF LOT 1,
 MOTOROLA INC./ ED BLUESTEIN FACILITY
 DOC. 200900045 OPRCT

US HIGHWAY 183
 (R.O.W. VARIES)

15' WATERLINE EASEMENT VOL. 11374, PG. 1 RPRTCT

S63°23'41"E 290.19' (N63°23'55"W 290.11')

N17°41'45"E N63°23'41"W 277.52'

S17°41'45"W 212.34'
 S17°41'45"W 222.46'

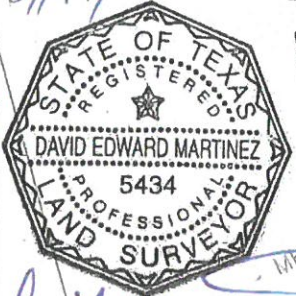
5' ELECTRIC AND TELEPHONE EASEMENT VOL. 4955, PG. 1813 DRTCT

18F WATER LINE EASEMENT
 0.149 AC
 (6,476 S.F.)

LOT 1A-B

JAMES BURGESSON SURVEY NO. 19
 ABSTRACT NO. 4

01/14/18



David E. Martinez

TITLE REPORT REFERENCE:
 CHICAGO TITLE INSURANCE OF TEXAS
 1501 S. MOPAC EXPY #130
 AUSTIN, TEXAS 78746
 REF: CTA1403406

THIS SKETCH ACCOMPANIES
 A METES AND BOUNDS
 DESCRIPTION OF EQUAL DATE.

LEGEND:

- TXDOT TYPE II MONUMENT FOUND
- ▲ TXDOT TYPE III MONUMENT FOUND
- IRCF 1/2" IRON ROD W/CAP STAMPED BAKER AIKLEN FOUND
- ▲ MAG NAIL FOUND
- () CALCULATED POINT
- () INDICATES RECORD DATA
- PRCT PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- RPRTCT DEED RECORDS OF TRAVIS COUNTY, TEXAS
- OPRPTCT OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

▨ AREA OF EASEMENT

ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(HARN). ALL DISTANCES SHOWN HEREON ARE ADJUSTED TO SURFACE USING A SURFACE ADJUSTMENT FACTOR OF 1.00011. UNITS: U.S. FEET.

TIEMANN AND RYMER SUBDIVISION VOL. 57, PG. 27 PRCT

10' ELECTRIC AND TELEPHONE EASEMENT VOL. 7022, PG. 1301 DRTCT LICENSE AGREEMENT DOC. 2008131091 OPRCT

DEPTECH PROPERTIES, LLC DOC. 201168839 OPRCT

J.C. TANNEHILL SURVEY NO. 29
 ABSTRACT NO. 22

N11°08'12"E 53.95'

N12°18'31"W 111.08'

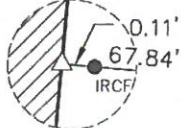
SEE DETAIL A

N59°35'05"W 10.01'

N59°35'05"W 123.58'

N59°35'05"W 133.59'

HUDSON RD. S32°33'31"W 5.00'
 (R.O.W. VARIES)



DETAIL A
 NTS

N32°33'31"E 358.35'
 S32°33'31"W 369.07'
 (N32°33'17"E 318.53')

APPROXIMATE SURVEY LINE

3443 ZEN GARDEN LIMITED PARTNERSHIP DOC. 2016189772 OPRCT

(S57°26'43"E) (68.00')

S57°31'22"E 67.95'

N32°33'31"E 55.44'

(N32°33'17"E) (55.44')

RESUBDIVISION OF LOT 1,
 MOTOROLA, INC
 ED BLUESTEIN FACILITY
 DOC. 200600304 OPRCT

HPI ENTERPRISES SERVICES, LLC DOC. 2016005768 OPRCT



305 East Huntland Drive
 Suite 200
 Austin, Texas 78752
 p: 512.453.0767
 f: 512.453.1734

TBAE 1452
 TBPE F-1416
 TBPLS 10065600

SKETCH TO ACCOMPANY
 FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 18 JAN 19
 JOB NO: 658-01
 FILE: 18F_WE.DWG

Parcel E18F – DepTech Properties LLC



Red: Approximate subject property boundary line
Yellow: Approximate location of proposed easement area