

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

**RESOLUTION NO. 11-115**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 13AC)**

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 ("CTRMA") has found and determined 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 right to prohibit access to and from the public right-of-way of U.S. Highway 290 to the abutting tract of land, as that access denial line is described by metes and bounds and the abutting tract is described by reference in Exhibit "A" to this Resolution (the "Access Denial Line"), owned by Raymond D. and Elda Raschke, (the "Owner"), located at 9470 US Hwy 290E in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Access Denial Line has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, 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 Access Denial Line to acquire the Access Denial Line; and

WHEREAS, the Executive Director and the Owner have agreed on the amount determined to be just compensation and damages, if any, due to said Owner for the Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized and directed to negotiate and execute an agreement to acquire the Access Denial Line for a total acquisition price of \$1,000.00; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Access Denial Line 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 Access Denial Line for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Access Denial Line or the abutting tract, as both are described in the attached Exhibit "A" to this Resolution; 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 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-115  
Date Passed: 08/24/11

**Exhibit "A" to Resolution 11-115**

**Description of Parcel 13AC**

EXHIBIT \_\_\_\_

County: Travis  
Parcel No.: 13(AC)  
Highway: U.S. Highway 290  
Project Limits: From: E of US 183  
                  To: E of SH 130  
Right of Way CSJ: 0114-02-085

LINEAR DESCRIPTION FOR PARCEL 13(AC)

BEING A DESCRIPTION FOR DENIED ACCESS ALONG AN ACCESS DENIAL LINE, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 290 IN THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE SOUTH AND EAST LINE OF THE REMAINDER OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 28.39 ACRES IN A DEED TO RAYMOND D. RASCHKE, AND WIFE, ELDA R. RASCHKE, OF RECORD IN VOLUME 1918, PAGE 32, DEED RECORDS, TRAVIS COUNTY, TEXAS, AND A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1.508 ACRES IN A DEED TO RAYMOND D. RASCHKE, AND WIFE ELDA R. RASCHKE, OF RECORD IN DOCUMENT 2009013447, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap stamped "ADL" at the point of beginning of this Access Denial Line, 201.96 feet left of Engineer's Baseline Station 360+34.56, same being the existing north right-of-way (ROW) line of U.S. Highway 290, the south line of said 28.39 acre Raschke tract, and the north line of that certain tract of land described as 9.054 acres in an deed to the State of Texas, of record in Volume 663, Page 38, Deed Records, Travis County, Texas, from which point a TxDOT Type I concrete monument found in the south line of said Raschke tract, and the north line of said 9.054 acre State of Texas tract, same being the existing north ROW line of U.S. Highway 290, bears S84°02'10"W 207.67 feet.

- 1) THENCE, with said Access Denial Line, with the south line of said 28.39 acre Raschke tract, and the north line of said 9.054 acre State of Texas tract, same being the existing north ROW line of U.S. Highway 290, N84°02'10"E 154.15 feet to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 201.98 feet left of Engineer's Baseline Station

EXHIBIT \_\_\_\_

361+88.71, at the southeast corner of said 28.39 acre Raschke tract, and the northeast corner of said 9.054 acre State of Texas tract, same being the northwest corner of that certain tract of land described as 8.054 acres in a deed to the State of Texas, of record in Volume 663, Page 20, Deed Records, Travis County, Texas, and the southwest corner of a 10' ROW Dedication, as shown on Browning & Cook Subdivision, a subdivision of record in Book 83, Pages 72A-72B, Plat Records, Travis County, Texas, from which point a 3/4" iron rod found bears N05°57'50"W 0.36 feet;

- 2) THENCE, continuing with said Access Denial Line, with the east line of said 23.89 acre Raschke tract, and the west line of said 10' ROW Dedication tract, same being in the existing north ROW line of U.S. Highway 290, N62°43'39"W 18.24 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", 211.98 feet left of Engineer's Baseline Station 361+73.45, at the northwest corner of said 10' ROW Dedication tract, and at the southwest corner of said 1.508 acre Raschke tract and of Lot 1 of said Browning & Cook Subdivision, from which point a 1/2" iron rod found bears N15°39'48"E 0.37 feet;
- 3) THENCE, continuing with said Access Denial Line, with the south line of said 1.508 acre Raschke tract, and the north line of said 10' ROW Dedication tract, same being the existing north ROW line of U.S. Highway 290, N84°02'10"E 70.99 feet to a 1/2" iron rod found at the southeast corner of said 1.508 acre Raschke tract and being the southwest corner of the remainder portion of that certain tract of land described in a deed to Joe T. Robertson, of record in Volume 5094, Page 2302, Deed Records, Travis County, Texas, and being the end of said Access Denial Line 211.98 feet left of Engineer's Baseline Station 362+44.44 and from which point a 5/8" iron rod found at the southeast corner of said 10' ROW Dedication tract, and the southwest corner of that certain tract of land described in a deed to the City of Austin, of record in Volume 5907, Page 1635, Deed Records, Travis County, Texas, same being Lot 1, Giles Road at U.S. 290 Reservoir Site, a subdivision of record in Book 72, Page 22, Plat Records, Travis County, Texas, also being in the north line of said 8.054 acre

**EXHIBIT** \_\_\_\_\_

State of Texas tract, and in the existing north ROW line of U.S. Highway 290, bears N84°02'10"E 1005.56 feet and S27°56'10"W 12.05 feet.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS DESCRIBED HEREIN, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

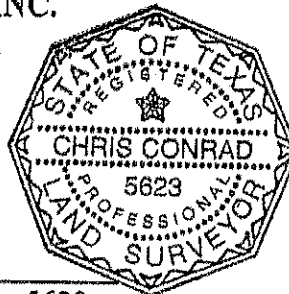
STATE OF TEXAS           §  
  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS     §

That I, Chris Conrad, 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 20<sup>th</sup> day of October, 2010 A.D.

SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Drive, Suite 6 Austin, Texas 78731  
(512) 451-8591



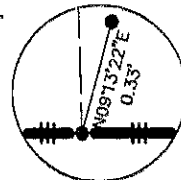
A handwritten signature in black ink, appearing to read "Chris Conrad". The signature is written in a cursive, flowing style.

Chris Conrad, Reg. Professional Land Surveyor No. 5623  
Note: There is a plat to accompany this description. US 290 P13AC R2  
Issued 10/20/2010

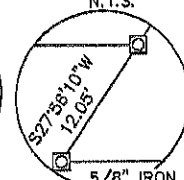


SCALE: 1" = 100'

DETAIL C:  
N.T.S.



DETAIL B:  
N.T.S.



5/8" IRON ROD FOUND  
TO BE REPLACED  
W/ TXDOT TYPE II  
CONCRETE MONUMENT  
AFTER ACQUISITION

LUCAS MUNOS  
SURVEY NO. 55  
ABS. NO. 513

LOT 1

BROWNING & COOK SUBDIVISION  
BK. 83, PGS. 72A-72B  
PRTC

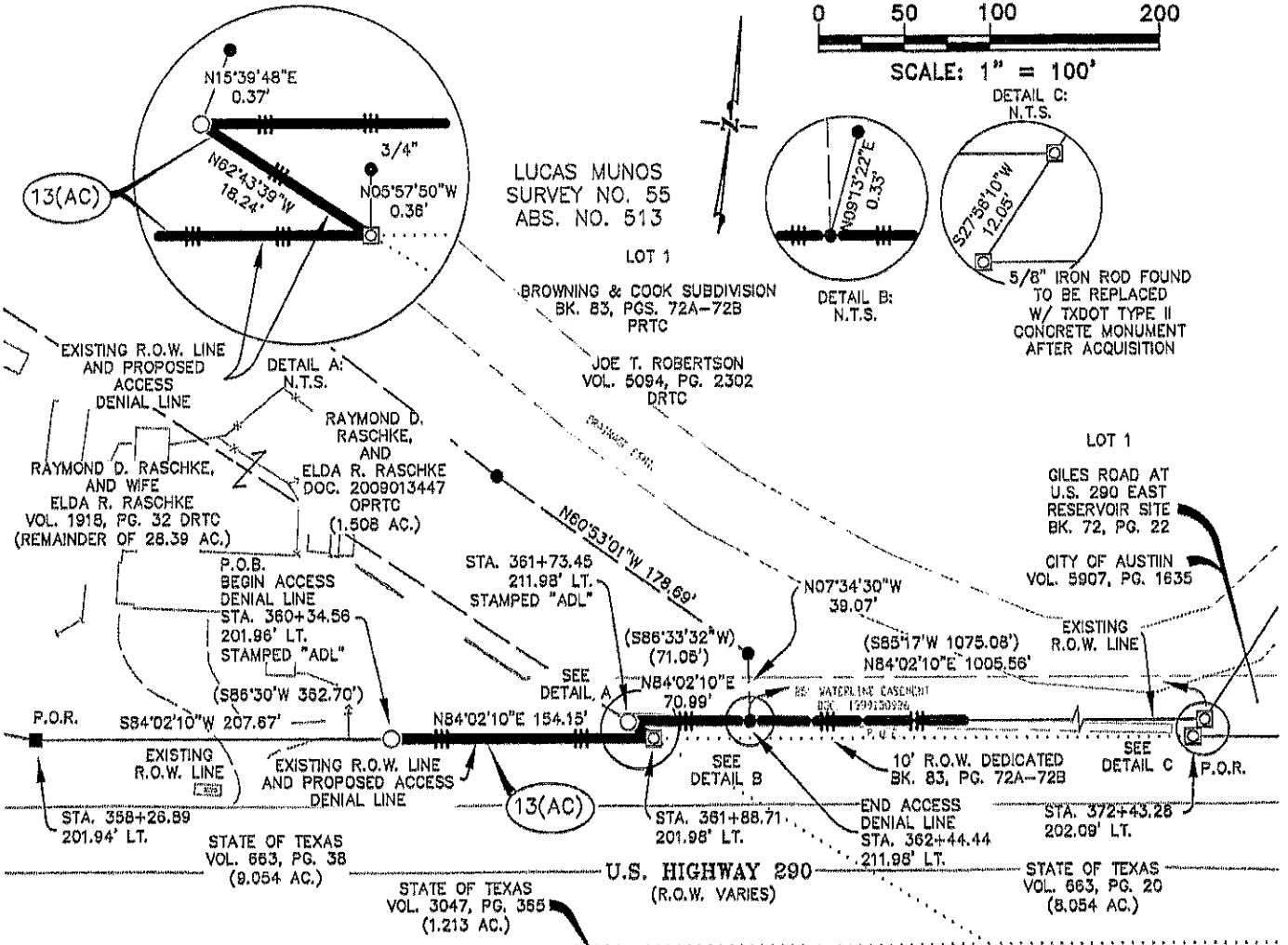
JOE T. ROBERTSON  
VOL. 5094, PG. 2302  
DRTC

LOT 1

GILES ROAD AT  
U.S. 290 EAST  
RESERVOIR SITE  
BK. 72, PG. 22

CITY OF AUSTIN  
VOL. 5907, PG. 1635

EXISTING  
R.O.W. LINE



NOTES:

- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
- 2) SEE PAGES 1, 2 AND 3 OF 4 FOR A DESCRIPTION OF THIS PARCEL.
- 3) IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
- 4) THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
- 5) ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
- 6) ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS SHOWN HEREON, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ADJUTING PROPERTY.

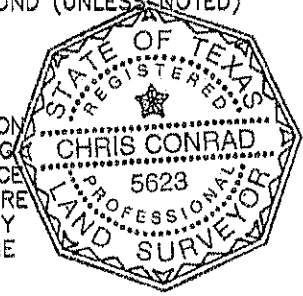
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

10/20/10

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- TXDOT TYPE II CONCRETE MONUMENT FOUND
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
- IRON PIPE FOUND (SIZE NOTED)
- 1/2" IRON ROD FOUND (UNLESS-NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- ||| ACCESS DENIAL LINE



**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, BEING A PORTION OF THE SOUTH AND EAST LINE OF THE REMAINDER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEEDS TO RAYMOND D. RASCHKE AND WIFE, ELDA R. RASCHKE, OF RECORD IN VOLUME 1918, PAGE 32, DEED RECORDS AND DOCUMENT 2009013447, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 13(AC)  
PAGE 4 OF 4

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

**RESOLUTION NO. 11-116**

**AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
PURCHASE CONTRACT OR SETTLEMENT AGREEMENT FOR THE  
US 290 EAST TOLL PROJECT  
(Parcel 45)**

WHEREAS, by Resolution No. 11-050, enacted and effective April 27, 2011, the Board of Directors authorized and directed the Executive Director to acquire the 1.4664 acre tract described in that resolution (the "Subject Property") by agreement or condemnation for the development and operation of the US 290 East Toll Project (the "Project"); and


WHEREAS, in accordance with Resolution 11-050, and after concluding that further negotiations with the owner of the Subject Property would be futile, the Executive Director directed that a suit in eminent domain be filed to acquire the Subject Property, and that suit has been filed and is pending; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have agreed on an amount determined to be just compensation and damages, if any, due to said Owner for the Subject Property.


NOW, THEREFORE, BE IT RESOLVED that the Executive Director is hereby authorized and directed to acquire for the Project for an amount not to exceed \$550,000.00 the Subject Property and all leasehold interests in the Subject Property, by negotiating and executing a purchase contract or settlement agreement in the pending eminent domain proceeding, and to execute such other documents as may be necessary to acquire the Subject Property for the Project in accordance with this resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:

  
Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:

  
Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-116  
Date Passed: 08/24/11



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

**RESOLUTION NO. 11-117**

**AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
PURCHASE CONTRACT OR SETTLEMENT AGREEMENT FOR THE  
US 290 EAST TOLL PROJECT  
(Parcels 50A and 50A (E))**

WHEREAS, by Resolution No. 11-113, enacted and effective July 28, 2011, the Board of Directors authorized and directed the Executive Director to acquire by agreement or condemnation a 1.496 acre tract described as Parcel 50A and a 0.037 acre tract described as Parcel 50A (E) in that resolution (the "Subject Property") for the development and operation of the US 290 East Toll Project (the "Project"); and

WHEREAS, in accordance with Resolution 11-113, and after concluding that further negotiations with the owner of the Subject Property would be futile, the Executive Director directed that a suit in eminent domain be filed to acquire the Subject Property, and that suit has been filed and is pending; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have agreed on an amount determined to be just compensation and damages, if any, due to said Owner for the Subject Property.


NOW, THEREFORE, BE IT RESOLVED that the Executive Director is hereby authorized and directed to acquire for the Project for an amount not to exceed \$492,578.25 the Subject Property and all leasehold interests in the Subject Property, by negotiating and executing a purchase contract or settlement agreement in the pending eminent domain proceeding, and to execute such other documents as may be necessary to acquire the Subject Property for the Project in accordance with this resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:

  
Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:

  
Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-117  
Date Passed: 08/24/11

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

**RESOLUTION NO. 11-118**

**AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
PURCHASE CONTRACT OR SETTLEMENT AGREEMENT FOR THE  
US 290 EAST TOLL PROJECT  
(Parcel 50B)**

WHEREAS, by Resolution No. 11-114, enacted and effective July 28, 2011, the Board of Directors authorized and directed the Executive Director to acquire by agreement or condemnation a 0.341 acre tract described as Parcel 50B in that resolution (the "Subject Property") for the development and operation of the US 290 East Toll Project (the "Project"); and

WHEREAS, in accordance with Resolution 11-114, and after concluding that further negotiations with the owner of the Subject Property would be futile, the Executive Director directed that a suit in eminent domain be filed to acquire the Subject Property, and that suit has been filed and is pending; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have agreed on an amount determined to be just compensation and damages, if any, due to said Owner for the Subject Property.


NOW, THEREFORE, BE IT RESOLVED that the Executive Director is hereby authorized and directed to acquire for the Project for an amount not to exceed \$474,558.00 the Subject Property and all leasehold interests in the Subject Property, by negotiating and executing a purchase contract or settlement agreement in the pending eminent domain proceeding, and to execute such other documents as may be necessary to acquire the Subject Property for the Project in accordance with this resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:

  
Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:

  
Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-118  
Date Passed: 08/24/11

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

**RESOLUTION NO. 11-119**

**AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
PURCHASE CONTRACT OR SETTLEMENT AGREEMENT FOR THE  
US 290 EAST TOLL PROJECT  
(Parcel 44C)**

WHEREAS, by Resolution No. 11-049, enacted and effective April 27, 2011, the Board of Directors authorized and directed the Executive Director to acquire by agreement or condemnation a 0.079 acre tract described as Parcel 44C in that resolution (the "Subject Property") for the development and operation of the US 290 East Toll Project (the "Project"); and

WHEREAS, in accordance with Resolution 11-049, and after concluding that further negotiations with the owner of the Subject Property would be futile, the Executive Director directed that a suit in eminent domain be filed to acquire the Subject Property, and that suit has been filed and is pending; and

WHEREAS, as of the date of this Resolution, the Executive Director and the owner of the improvements to the Subject Property have agreed on an amount determined to be just compensation and damages, if any, due to said owner of the improvements to the Subject Property.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is hereby authorized and directed to acquire for the Project for an amount not to exceed \$13,342.00 the improvements to the Subject Property and all leasehold interests in the improvements to the Subject Property, if any, by negotiating and executing a purchase contract or settlement agreement in the pending eminent domain proceeding, and to execute such other documents as may be necessary to acquire the improvements to the Subject Property for the Project in accordance with this resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-119  
Date Passed: 08/24/11

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

**RESOLUTION NO. 11-120**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 22AC)**

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 ("CTRMA") has found and determined 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 right to prohibit access to and from the public right-of-way of U.S. Highway 290 to the abutting tract of land, as that access denial line is described by metes and bounds and the abutting tract is described by reference in Exhibit "A" to this Resolution (the "Access Denial Line"), owned by Wayne Allen Barbee, (the "Owner"), located at the US Hwy 290E, West of Chimney Hill Boulevard in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Access Denial Line has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, 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 Access Denial Line to acquire the Access Denial Line; 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 and damages, if any, due to said Owner for the Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Access Denial Line for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Access Denial Line previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to acquire the Access Denial Line and all leasehold interests in the Access Denial Line by

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

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Access Denial Line 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 Access Denial Line for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Access Denial Line or the abutting tract, as both are described in the attached Exhibit "A" to this Resolution; 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 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-120  
Date Passed: 08/24/11

**Exhibit "A" to Resolution 11-120**

**Description of Parcel 22AC**

EXHIBIT A

County: Travis  
Parcel No.: 22(AC)  
Highway: U.S. Highway 290  
Project Limits: From: E of US 183  
To: E of SH 130  
Right of Way CSJ: 0114-02-085

**LINEAR DESCRIPTION FOR PARCEL 22(AC)**

BEING A LINEAR DESCRIPTION FOR DENIED ACCESS ALONG AN ACCESS DENIAL LINE, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 290 IN THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING ALL OF THE SOUTH LINE OF LOT 1, CHIMNEYHILL P.U.D. FOURTH INSTALLMENT, A SUBDIVISION OF RECORD IN BOOK 70, PAGE 7, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING DESCRIBED IN A DEED TO WAYNE ALLEN BARBEE, OF RECORD IN DOCUMENT 2001170817, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap stamped "ADL", being the point of beginning of said Access Denial Line, 201.41 feet left of Engineer's Baseline Station 309+50.87, at the southwest corner of said Lot 1 and said Barbee tract and the southeast corner of that tract described as 4.73 acres in a deed to Salim Haddad, Trustee (50% interest), of record in Volume 13212, Page 1243, Real Property Records, Travis County, Texas, and to Jimmy Nassour, Trustee (50% interest), of record in Volume 13212, Page 1238, Real Property Records, Travis County, Texas, and at the northwest corner of that tract of land described as 2.167 acres (Parcel B), in a deed to the State of Texas, of record in Volume 663, Page 164, Deed Records, Travis County, Texas, same also being the northeast corner of that tract of land described as 4.288 acres (Parcel B), in a deed to the State of Texas, of record in Volume 663, Page 35, Deed Records, Travis County, Texas, from which a 1/2" iron rod found bears N05°57'50"W 0.71 feet and from which a TxDOT Type I concrete monument found, 201.40 feet left of Engineer's Baseline Station 308+28.09, in the south line of said Haddad and Nassour tract and the north line of said 4.288 acre State of Texas tract bears S84°02'10"W 122.78 feet;

- 1) THENCE, with this access denial line, with the south line of said Lot 1 and said Barbee tract and the existing north ROW line of U.S Highway 290, and the north line

**EXHIBIT** \_\_\_\_\_

of said 2.167 acre State of Texas tract, **N84°02'10"E 118.30 feet** to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the end of this access denial line, 201.42 feet left of Engineer's Baseline Station 310+69.17, same being at the southeast corner of said Lot 1 and said Barbee tract and the southwest corner of the tract of land described as 6.3788 acres in a deed to Chimneyhill-Austin Homeowners' Association, of record in Volume 6557, Page 545, Deed Records, Travis County, Texas, from which a 1/2" iron rod found bears N06°01'21"W 1.14 feet and from which point a 1/2" iron rod found at an interior ell corner in said Chimneyhill-Austin tract and at the northeast corner of said Lot 1 and said Barbee tract bears N06°01'21"W 164.09 feet;

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS DESCRIBED HEREIN, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

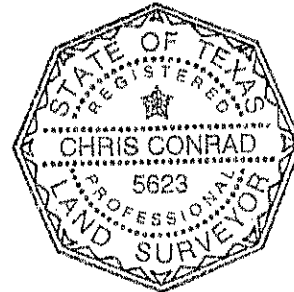
**STATE OF TEXAS**       §  
                                  §       **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF TRAVIS**   §

That I, Chris Conrad, 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 3rd day of December, 2010 A.D.

SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P22AC R2  
Issued 7/17/09; 9/16/09; 12/4/09; 12/3/10

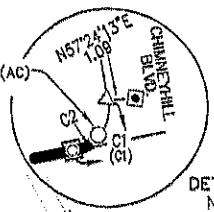
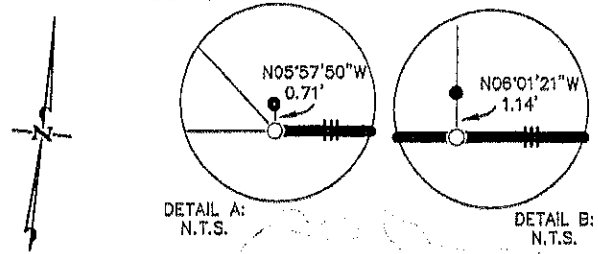




SCALE: 1" = 100'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	23.57'	15.00'	90°01'54"	15.01'	N27°42'07"E	21.22'
(C1)	(23.56')	(15.00')	(90°01')	(15.00')	(N30°39'E)	(21.21')
C2	6.50'	15.00'	24°49'44"	3.30'	S60°18'13"W	6.45'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N72°43'05"E	65.60
(L1)	(S75°35'W)	(65.96)

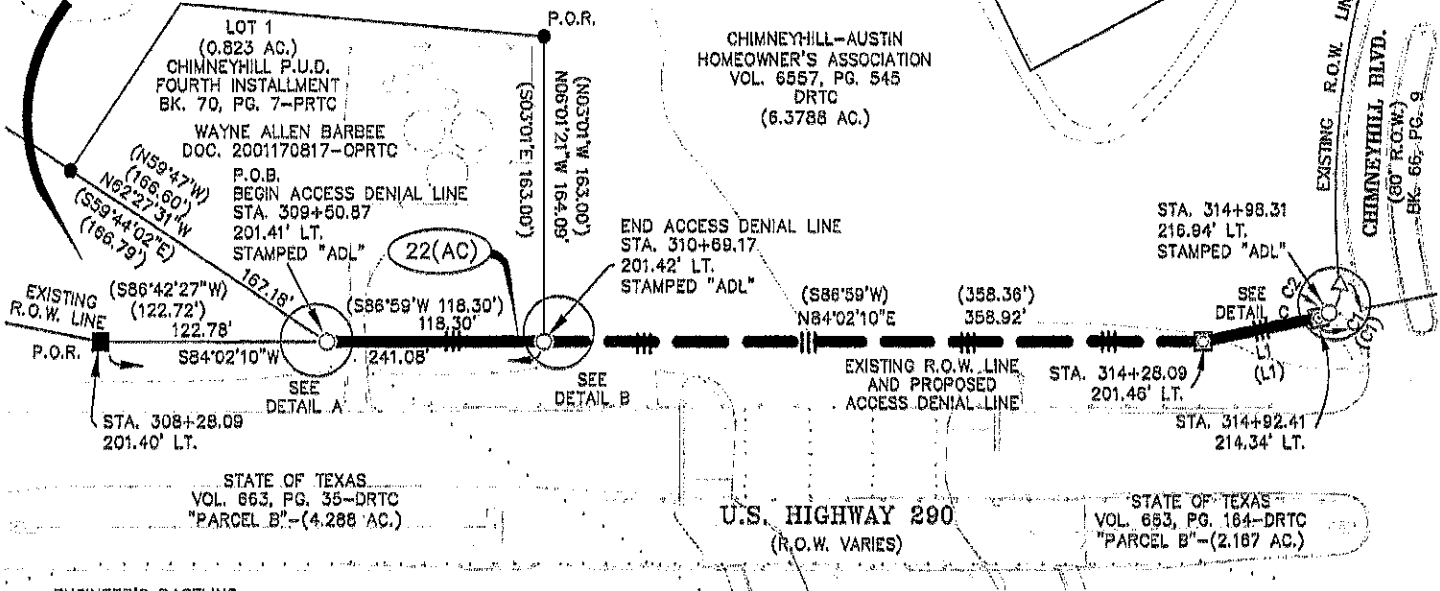


SALIM HADDAD, TRUSTEE  
VOL. 13212, PG. 1243-PRPTC  
(50% INTEREST 4.73 AC.)  
JIMMY NASSOUR, TRUSTEE  
VOL. 13212, PG. 1238-PRPTC  
(50% INTEREST 4.73 AC.)

H.T. DAVIS SURVEY NO. 30  
ABS. NO. 214

CHIMNEYHILL-AUSTIN  
HOMEOWNER'S ASSOCIATION  
VOL. 6557, PG. 545  
DRTC  
(6.3788 AC.)

CHIMNEYHILL P.U.D.  
PHASE II, SECTION ONE  
BK. 75, PGS. 173-174  
PRTC



ENGINEER'S BASELINE LOCATION N.T.S. 310+00 315+00

- NOTES:
- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
  - 2) SEE PAGES 1 AND 2 OF 3 FOR A DESCRIPTION OF THIS PARCEL.
  - 3) IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
  - 4) THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
  - 5) ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
  - 6) ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS SHOWN HEREON, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ADJUTING PROPERTY.

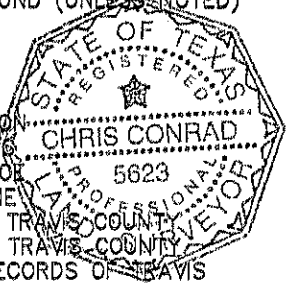
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

12/03/10

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- TXDOT TYPE II CONCRETE MONUMENT FOUND
- ◻ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- ACCESS DENIAL LINE
- PRTC PLAT RECORDS OF TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE H.T. DAVIS SURVEY NO. 30, ABSTRACT NO. 214, SAME BEING THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO WAYNE ALLEN BARBEE, OF RECORD IN DOCUMENT NO. 2001170817, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 22(AC)  
PAGE 3 OF 3

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

**RESOLUTION NO. 11-121**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 44D (AC))**

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 ("CTRMA") has found and determined 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 right to prohibit access to and from the public right-of-way of U.S. Highway 290 to the abutting tract of land, as that access denial line is described by metes and bounds and the abutting tract is described by reference in Exhibit "A" to this Resolution (the "Access Denial Line"), owned by Applied Materials, Inc., (the "Owner"), located at 9700 US Hwy 290E in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Access Denial Line has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, 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 Access Denial Line to acquire the Access Denial Line; 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 and damages, if any, due to said Owner for the Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Access Denial Line for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Access Denial Line previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to acquire the Access Denial Line and all leasehold interests in the Access Denial Line by

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

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Access Denial Line 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 Access Denial Line for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Access Denial Line or the abutting tract, as both are described in the attached Exhibit "A" to this Resolution; 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 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-121  
Date Passed: 08/24/11

**Exhibit "A" to Resolution 11-121**

**Description of Parcel 44D (AC)**

EXHIBIT A

County: Travis  
Parcel No.: 44D(AC)  
Highway: U.S. Highway 290  
Project Limits: From: E of US 183  
To: E of SH 130  
Right of Way CSJ: 0114-02-085

**LINEAR DESCRIPTION FOR PARCEL 44D(AC)**

BEING A LINEAR DESCRIPTION FOR DENIED ACCESS ALONG AN ACCESS DENIAL LINE, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 290 IN THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 11375, PAGE 885, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING LOT 1, BLOCK A, APPLIED MATERIALS SUBDIVISION SECTION 1 – FINAL PLAT, A SUBDIVISION OF RECORD IN BOOK 89, PAGES 222-224, PLAT RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Part 1

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap stamped "ADL" at the point of beginning of this Access Denial Line, 211.76 feet left of Engineer's Baseline Station 412+50.28, same being in the existing north right-of-way (ROW) line of U.S. Highway 290, the south line of said Applied Materials tract and of said Lot 1, Block A, and the north line of that certain tract of land described as 6.15 acres in a street deed to the City of Austin, of record in Volume 10769, Page 337, Real Property Records, Travis County, Texas, from which point a 3/4" iron rod found, to be replaced with a TxDOT Type II concrete monument after acquisition, in the existing north ROW line of U.S. Highway 290, the south line of said Applied Materials tract and of said Lot 1, Block A, and the north line of said 6.15 acre City of Austin tract, bears S71°23'48"W 233.05 feet, and from which point of beginning a 1/2" iron rod found to be replaced with a TxDOT Type II concrete monument after acquisition at the southwest corner of said Applied Materials tract and of said Lot 1, Block A, and the northwest corner of said 6.15 acre City of Austin tract, same being in the east line of Lot 1, Fiesta Plaza, a subdivision of record in Book 76, Page 359, Plat Records, Travis County, Texas, bears S71°23'48"W 233.05 feet and along a curve whose intersection angle is 07°48'31" and radius is 5,529.58 feet, the chord of which bears S75°16'41"W 753.02 feet;

EXHIBIT \_\_\_\_

- 1) THENCE, with said Access Denial Line, with the south line of said Applied Materials tract and of said Lot 1, Block A, the existing north ROW line of U.S Highway 290, and the north line of said 6.15 acre City of Austin tract, **N71°23'48"E 524.45 feet** to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the end of said Access Denial Line, 212.08 feet left of Engineer's Baseline Station 417+74.73;

Part 2

BEGINNING at a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the point of beginning of this Access Denial Line, 212.47 feet left of Engineer's Baseline Station 424+02.70, same being in the existing north ROW line of U.S. Highway 290, the south line of said Applied Materials tract and of said Lot 1, Block A, and the north line of said 6.15 acre City of Austin tract, from which point a 3/4" iron rod found, to be replaced with a TxDOT Type II concrete monument after acquisition, in the existing north ROW line of U.S. Highway 290, in the south line of said Applied Materials tract and of said Lot 1, Block A, and the north line of said 6.15 acre City of Austin tract, bears **S71°23'48"W 1385.47 feet**;

- 1) THENCE, with said Access Denial Line, with the south line of said Applied Materials tract and of said Lot 1, Block A, the existing north ROW line of U.S. Highway 290, and the north line of said 6.15 acre City of Austin tract, **N71°23'48"E 403.20 feet** to a calculated point, 212.72 feet left of Engineer's Baseline Station 428+05.89, at the northeast corner of said 6.15 acre City of Austin tract, and the northwest corner of that certain tract of land described as 0.473 of one acre in a deed to Austin HB Residential Properties, Ltd., of record in Volume 12731, Page 1051, Real Property Records, Travis County, Texas, same being an exterior ell corner in the existing north ROW line of U.S. Highway 290, and at a point in the proposed north ROW line of U.S. Highway 290, from which point a 1/2" iron rod found bears **N18°38'53"W 0.28 feet**;
- 2) THENCE, continuing with said Access Denial Line, with the south line of said Applied Materials tract and of said Lot 1, Block A, the proposed north ROW line of U.S. Highway 290, and the north line of said 0.473 of one acre Austin HB Residential Properties tract, **N71°23'48"E 200.00 feet** to a calculated point, 212.84 feet left of Engineer's Baseline Station 430+05.89, at the northeast corner of said 0.473 of one acre Austin HB Residential Properties tract and the northwest corner of that certain tract of land described as 0.467 of one acre in said deed to Austin HB Residential Properties, Ltd.;
- 3) THENCE, continuing with said Access Denial Line, with the south line of said Applied Materials tract and of said Lot 1, Block A, the proposed north ROW line of U.S. Highway 290, and the north line of said 0.467 of one acre Austin HB Residential

**EXHIBIT** \_\_\_\_\_

Properties tract, N71°23'48"E 52.42 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the end of said Access Denial Line, 212.87 feet left of Engineer's Baseline Station 430+58.31, from which point a 1/2" iron rod found near the northeast corner of said 0.467 of one acre Austin HB Residential Properties tract bears N71°23'48"E 153.57 feet and N18°36'12"W 0.29 feet.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS DESCRIBED HEREIN, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

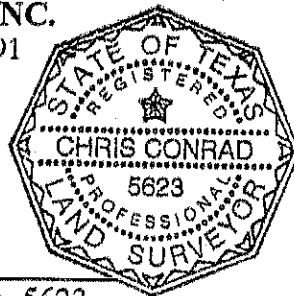
STATE OF TEXAS       §  
  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS   §

That I, Chris Conrad, 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.

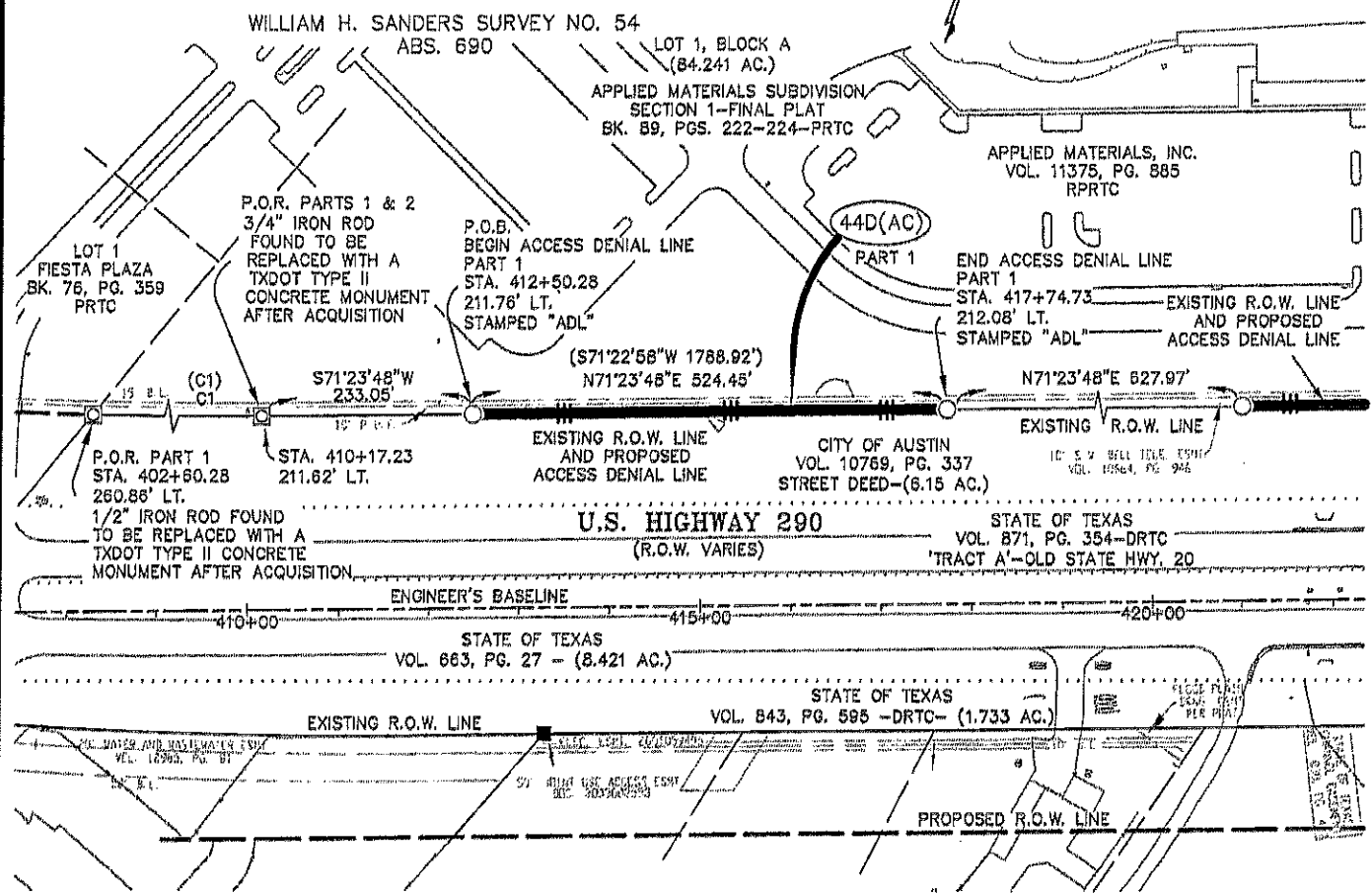
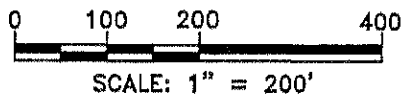
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 20<sup>th</sup> day of October, 2010 A.D.

SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623  
Note: There is a plat to accompany this description. US 290 P44D(AC) R2  
Issued 10/20/2010



**U.S. HIGHWAY 290**  
(R.O.W. VARIES)

**LEGEND**

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- TXDOT TYPE II CONCRETE MONUMENT FOUND
- ⊗ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- ACCESS DENIAL LINE
- PRTC PLAT RECORDS OF TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	753.80	5529.58	07°48'31"	377.39	S75°16'41"W	753.02
(C1)	(753.40)	(5529.44)	(07°48'24")		(S75°17'47"W)	(752.82)

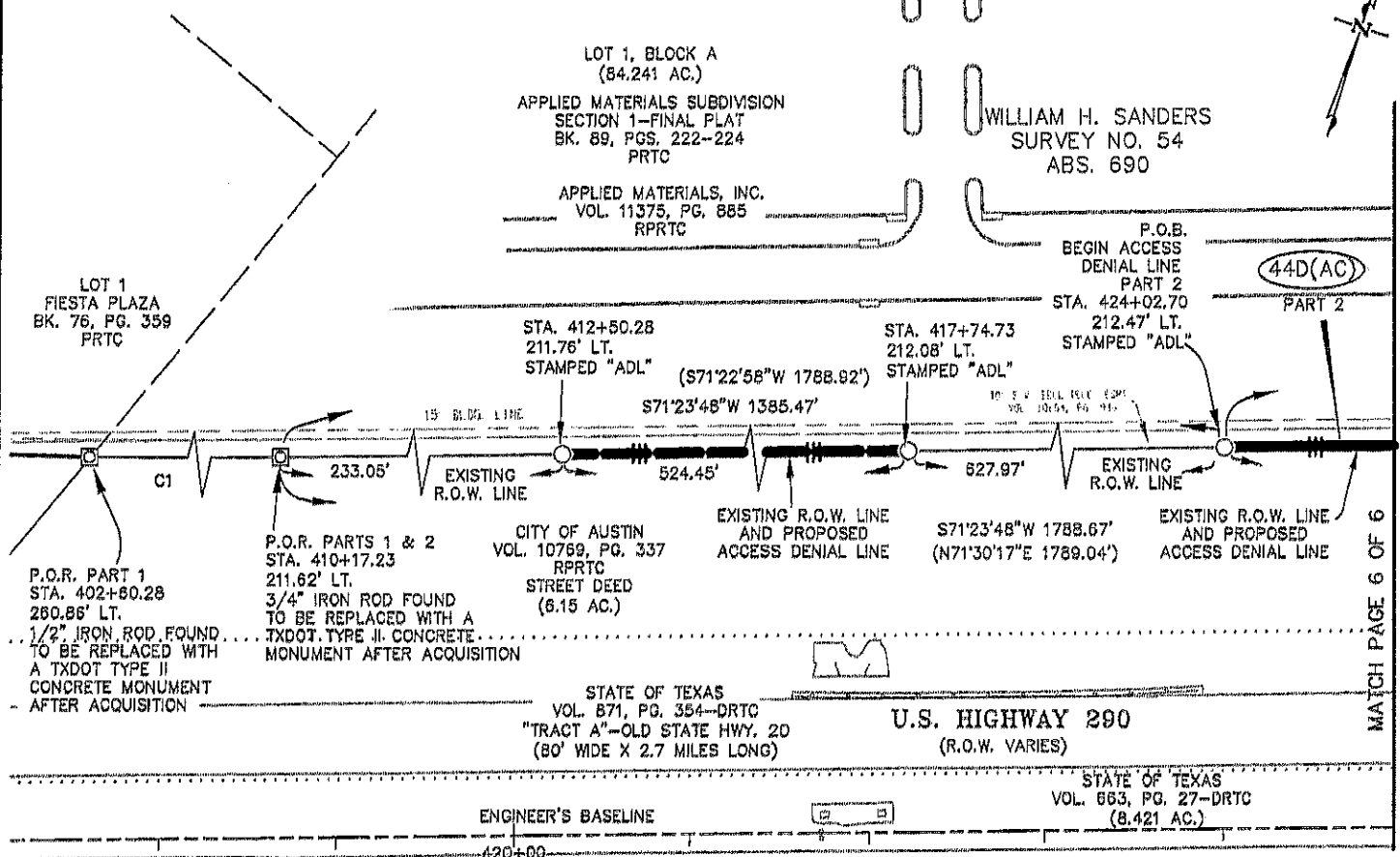
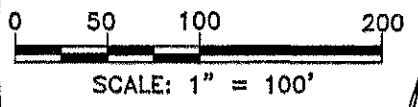
**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
8301 HANCOCK DRIVE #8  
AUSTIN, TEXAS 78791  
(512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 11375, PAGE 885, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING LOT 1, BLOCK A, APPLIED MATERIALS SUBDIVISION SECTION 1-FINAL PLAT, A SUBDIVISION OF RECORD IN BOOK 89, PAGES 222-224, PLAT RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 44D(AC)  
PART 1  
PAGE 4 OF 6



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	753.60	5529.58	07'48'31"	377.39	S75°16'41"W	753.02
(C1)	(753.40)	(5529.44)	(07'48'24")		(S75°17'47"W)	(752.92)



**LEGEND**

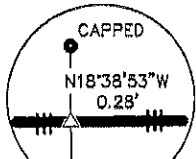
- TXDOT TYPE I CONCRETE MONUMENT FOUND
- TXDOT TYPE II CONCRETE MONUMENT FOUND
- ⊠ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
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- ⊙ IRON PIPE FOUND (SIZE NOTED)
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- ▲ 60D NAIL FOUND
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**NOTE:**  
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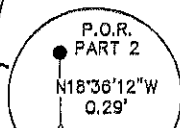
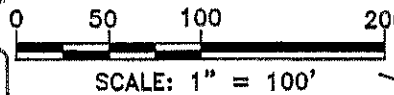
**McGRAY & McGRAY**  
 LAND SURVEYORS, INC.  
 5901 HANCOCK DRIVE #6  
 AUSTIN, TEXAS 78761  
 (512) 451-8591

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TRAVIS COUNTY  
 U.S. 290  
 CSJ 0114-02-085  
 PARCEL 44D(AC)  
 PART 2  
 PAGE 5 OF 6



DETAIL A:  
N.T.S.

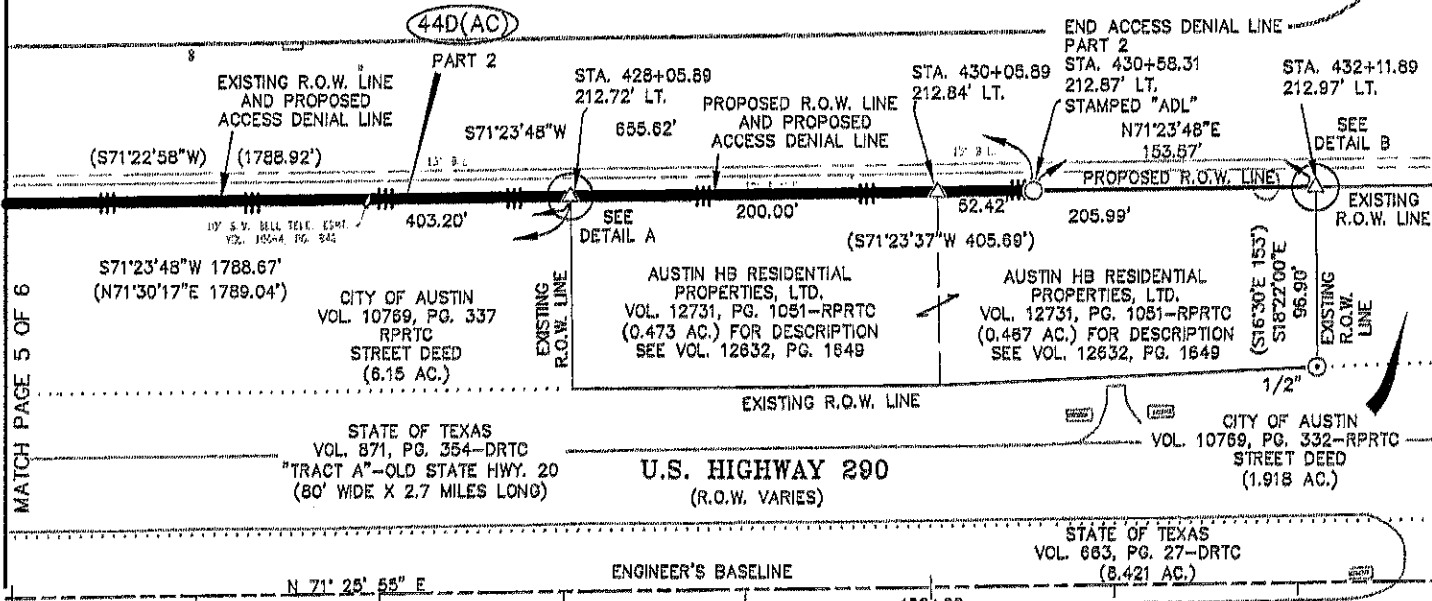


DETAIL B:  
N.T.S.

LOT 1, BLOCK A  
(84.241 AC.)  
APPLIED MATERIALS SUBDIVISION  
SECTION 1-FINAL PLAT  
BK. 89, PGS. 222-224  
PRTC

WILLIAM H. SANDERS  
SURVEY NO. 54  
ABS. 690

APPLIED MATERIALS, INC.  
VOL. 11375, PG. 885  
RPRTC



MATCH PAGE 5 OF 6

NOTES:

- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
- 2) SEE PAGES 1, 2, AND 3 OF 6 FOR A DESCRIPTION OF THIS PARCEL.
- 3) IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
- 4) THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
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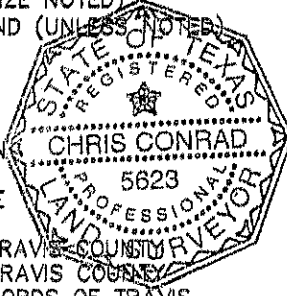
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

10/20/10

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- TXDOT TYPE II CONCRETE MONUMENT FOUND
- ⊠ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP IRON PIPE FOUND (SIZE NOTED)
- ⊙ 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- ACCESS DENIAL LINE
- PRTC PLAT RECORDS OF TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78761  
(512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO APPLIED MATERIALS, INC., OF RECORD IN VOLUME 11375, PAGE 885, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING LOT 1, BLOCK A, APPLIED MATERIALS SUBDIVISION SECTION 1-FINAL PLAT, A SUBDIVISION OF RECORD IN BOOK 89, PAGES 222-224, PLAT RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 44D(AC)  
PART 2  
PAGE 6 OF 6

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

**RESOLUTION NO. 11-122**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 30AC)**

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 ("CTRMA") has found and determined 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 right to prohibit access to and from the public right-of-way of U.S. Highway 290 to the abutting tract of land, as that access denial line is described by metes and bounds and the abutting tract is described by reference in Exhibit "A" to this Resolution (the "Access Denial Line"), owned by 290 Jones Investments, Inc., (the "Owner"), located west of Johnny Morris Road on the north side of US Hwy 290E in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Access Denial Line has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, 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 Access Denial Line to acquire the Access Denial Line; 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 and damages, if any, due to said Owner for the Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Access Denial Line for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Access Denial Line previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to acquire the Access Denial Line and all leasehold interests in the Access Denial Line by

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

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Access Denial Line 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 Access Denial Line for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Access Denial Line or the abutting tract, as both are described in the attached Exhibit "A" to this Resolution; and

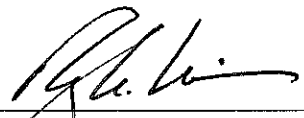
BE IT FURTHER RESOLVED that the Executive Director or his designee is hereby authorized and directed to incur such expenses and to employ such experts as he shall deem necessary to assist in the prosecution of such suit in eminent domain, including, but not limited to, appraisers, engineers, and land use planners.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:

  
Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:

  
Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-122  
Date Passed: 08/24/11

**Exhibit "A" to Resolution 11-122**

**Description of Parcel 30AC**

EXHIBIT A

County: Travis  
Parcel No.: 30(AC)  
Highway: U.S. Highway 290  
Project Limits: From: E of US 183  
To: E of SH 130  
Right of Way CSJ: 0114-02-085

**LINEAR DESCRIPTION FOR PARCEL 30(AC)**

BEING A LINEAR DESCRIPTION FOR DENIED ACCESS ALONG AN ACCESS DENIAL LINE, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 290 IN THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 66.275 ACRES (PARCEL 1 – PART 1) IN A DEED TO 290 JONES INVESTMENT, INC., OF RECORD IN VOLUME 12012, PAGE 2033, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap stamped "ADL" at the point of beginning of this Access Denial Line, 241.85 feet left of Engineer's Baseline Station 350+44.08, same being in the existing north right-of-way (ROW) of U.S. Highway 290, and in the south line of said 290 Jones Investment tract, and the north line of that certain tract of land described as 9.054 acres in a deed to the State of Texas, of record in Volume 663, Page 38, Deed Records, Travis County, Texas, from which a TxDOT Type I concrete monument found, 241.83 feet left of Engineer's Baseline Station 348+27.43, bears S84°02'10"W 216.66 feet, and from which point of beginning a TxDOT Type I concrete monument found, 201.81 feet left of Engineer's Baseline Station 346+26.29, bears S84°02'10"W 216.66 feet and S72°47'19"W 205.08 feet;

- 1) THENCE, with said Access Denial Line, the south line of said 290 Jones Investment tract, the existing north ROW line of U.S Highway 290, and the north line of said 9.054 acre State of Texas tract, N84°02'10"E 489.33 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the end of said Access Denial Line, 241.91 feet left of Engineer's Baseline Station 355+33.41, from which a TxDOT Type I concrete monument found, 201.94 feet left of Engineer's Baseline Station 358+26.89

**EXHIBIT** \_\_\_\_\_

in the existing north ROW line of U.S. Highway 290, the north line of said 9.054 acre tract, and the south line of that certain tract of land described as 28.39 acres in a deed to Raymond D. Raschke, and wife, Elda R. Raschke, of record in Volume 1918, Page 32, Deed Records, Travis County, Texas, bears N84°02'10"E 94.01 feet and S84°37'26"E 203.43 feet.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS DESCRIBED HEREIN, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

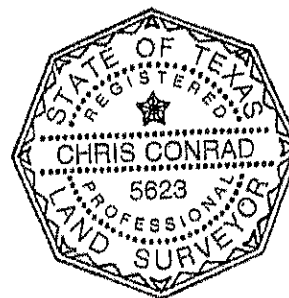
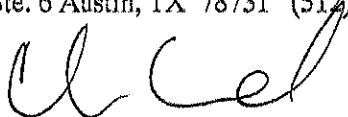
STATE OF TEXAS       §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS   §

That I, Chris Conrad, 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 17th day of July, 2009 A.D.

SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591

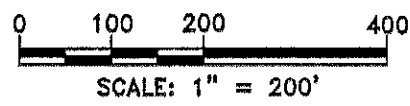


Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P30ACREV3  
Issued 12/01/06, Rev 03/20/07, 04/01/09, 5/15/09, 7/17/09

"EXHIBIT \_\_\_\_\_"

LINE TABLE		
LINE	BEARING	LENGTH
L1	S84°02'10"W	216.66
L2	S72°47'19"W	205.08
(L2)	(S75°15'19"W)	(205.23)
L3	N84°02'10"E	94.01
(L4)	(N81°59'55"W)	(42.51)

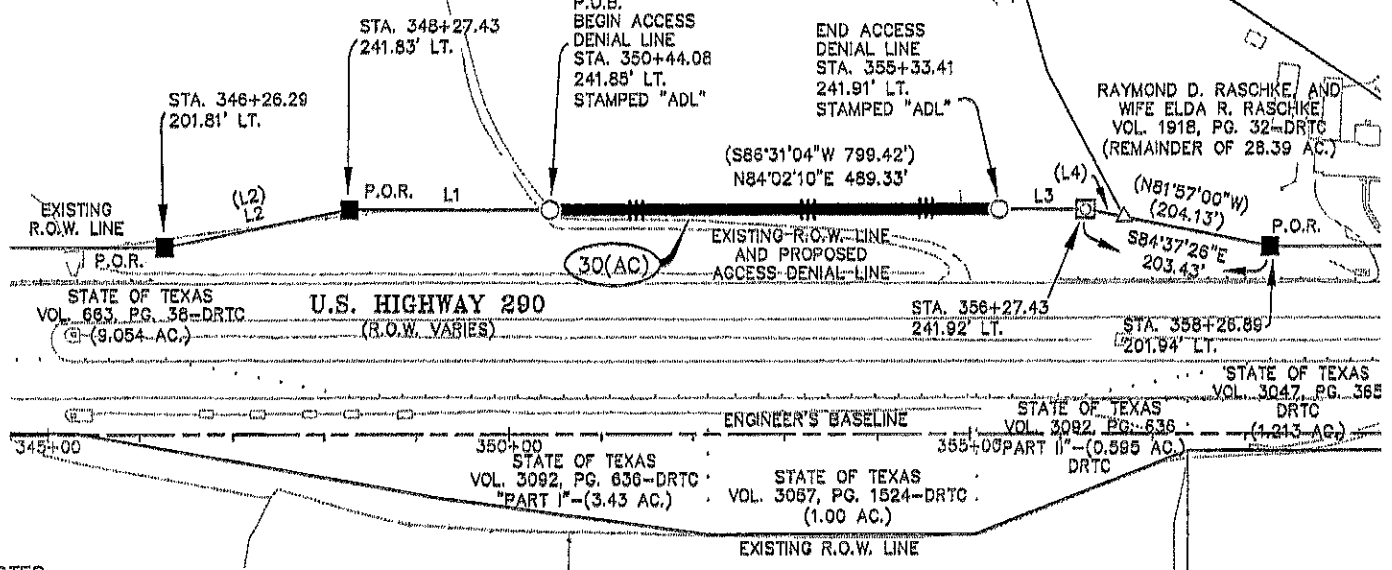


LOT 1  
BROWNING & COOK SUBDIVISION  
BK. 83, PGS. 72A-72B  
PRTC  
JOE T. ROBERTSON  
VOL. 5094, PG. 2302  
DRTC

290 JONES INVESTMENT, INC.  
VOL. 12012, PG. 2033  
RPRTC  
PARCEL 1-PART 1  
(66.275 AC.)

LUCAS MUNOS SURVEY NO. 55  
ABS. NO. 513

RAYMOND D. RASCHKE AND  
WIFE ELDA R. RASCHKE  
VOL. 1918, PG. 32-DRTC  
(REMAINDER OF 28.39 AC.)



- NOTES:
- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
  - 2) SEE PAGES 1 AND 2 OF 3 FOR A DESCRIPTION OF THIS PARCEL.
  - 3) IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
  - 4) THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
  - 5) ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
  - 6) ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" SHOWN HEREON, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ADJUTING PROPERTY.

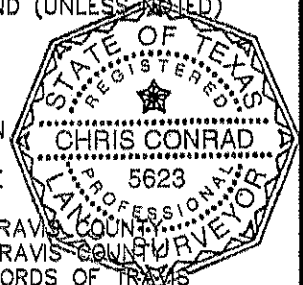
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

*Chris Conrad*

07/17/09

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

- LEGEND**
- TXDOT TYPE I CONCRETE MONUMENT FOUND
  - TXDOT TYPE II CONCRETE MONUMENT FOUND
  - 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
  - 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
  - ⊙ IRON PIPE FOUND (SIZE NOTED)
  - 1/2" IRON ROD FOUND (UNLESS NOTED)
  - ▲ 60D NAIL FOUND
  - △ CALCULATED POINT
  - FENCE POST
  - N.T.S. NOT TO SCALE
  - (XXX) RECORD INFORMATION
  - P.O.B POINT OF BEGINNING
  - P.O.R. POINT OF REFERENCE
  - ACCESS DENIAL LINE
  - PRTC PLAT RECORDS OF TRAVIS COUNTY
  - DRTC DEED RECORDS OF TRAVIS COUNTY
  - RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
  - OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



**MCGRAY & MCGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #8  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 66.275 AC. (PARCEL 1-PART 1) IN A DEED TO 290 JONES INVESTMENT, INC., OF RECORD IN VOLUME 12012, PAGE 2033, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 30(AC)  
PAGE 3 OF 3



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

**RESOLUTION NO. 11-123**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 33AC)**

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 ("CTRMA") has found and determined 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 right to prohibit access to and from the public right-of-way of U.S. Highway 290 to the abutting tract of land, as that access denial line is described by metes and bounds and the abutting tract is described by reference in Exhibit "A" to this Resolution (the "Access Denial Line"), owned by Joe T. Robertson, (the "Owner"), located at 9500 US Hwy 290E in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Access Denial Line has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, 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 Access Denial Line to acquire the Access Denial Line; 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 and damages, if any, due to said Owner for the Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Access Denial Line for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Access Denial Line previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to acquire the Access Denial Line and all leasehold interests in the Access Denial Line by

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

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Access Denial Line 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 Access Denial Line for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Access Denial Line or the abutting tract, as both are described in the attached Exhibit "A" to this Resolution; 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 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-123  
Date Passed: 08/24/11

**Exhibit "A" to Resolution 11-123**

**Description of Parcel 33AC**

EXHIBIT 

County: Travis  
Parcel No.: 33(AC)  
Highway: U.S. Highway 290  
Project Limits: From: E of US 183  
To: E of SH 130  
Right of Way CSJ: 0114-02-085

**LINEAR DESCRIPTION FOR PARCEL 33(AC)**

BEING A DESCRIPTION FOR DENIED ACCESS ALONG AN ACCESS DENIAL LINE, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 290 IN THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE SOUTH LINE OF LOT 1, BROWNING & COOK SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 83, PAGES 72A-72B, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING A PORTION OF THE REMAINDER OF THAT TRACT DESCRIBED IN A DEED TO JOE T. ROBERTSON, OF RECORD IN VOLUME 5094, PAGE 2302, DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the point of beginning of this Access Denial Line, 211.98 feet left of Engineer's Baseline Station 362+44.44, same being in the existing north right-of-way (ROW) line of U.S. Highway 290, at the southwest corner of said Robertson remainder tract, and the southeast corner of that tract of land described as 1.508 acres in a deed to Raymond D. Raschke and Elda Raschke, of record in Document No. 2009013447, same being in the south line of said Lot 1, and the north line of a 10 foot ROW Dedication as dedicated by plat of said Browning & Cook Subdivision, from which a 1/2" iron rod set with a Texas Department of Transportation (TxDOT) aluminum cap for an angle point in the existing north ROW line of U.S. Highway 290, and at the southwest corner of said 1.508 acre Raschke tract, same being in the northeast line of the remainder of that certain tract of land described as 28.39 acres in a deed to Raymond D. Raschke and wife, Elda R. Raschke, of record in Volume

**EXHIBIT** \_\_\_\_\_

1918, Page 32, Deed Records, Travis County, Texas, bears S84°02'10"W 70.99 feet and from which point a TxDOT Type I concrete monument found, 201.94 feet left of Engineer's Baseline Station 358+26.89, in the south line of said Raschke remainder tract, and the existing north ROW line of U.S. Highway 290, same being the north line of that certain tract of land described as 9.054 acres in a deed to the State of Texas, of record in Volume 663, Page 38, Deed Records, Travis County, Texas, bears S84°02'10"W 70.99 feet, S62°43'39"E 18.24 feet and S84°02'10"W 361.82 feet, and from which point of beginning a 1/2" iron rod found bears N09°13'22"E 0.33 feet;

- 1) THENCE, with said Access Denial Line, with the south line of said Robertson remainder tract and said Lot 1, the existing north ROW line of U.S Highway 290, and the north line of said 10 foot ROW Dedication, N84°02'10"E, at 406.24 feet passing a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 212.03 feet left of Engineer's Baseline Station 366+50.68, continuing along said Access Denial Line 109.61 feet for a total distance of 515.85 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL" at the end of this Access Denial Line, 212.04 feet left of Engineer's Baseline Station 367+60.29, from which point a 5/8" iron rod found, 202.09 feet left of Engineer's Baseline Station 372+43.28, in the existing north ROW line of U.S. Highway 290, same being the north line of that certain tract of land described as 8.054 acres in a deed to the State of Texas, of record in Volume 663, Page 20, Deed Records, Travis County, Texas, same also being the southeast corner of said 10 foot ROW Dedication and the southwest corner of Lot 1, Giles Road at U.S. 290 East Reservoir Site, a subdivision of record in Book 72, Page 22, Plat Records, Travis County, Texas, said Lot 1 being described in a deed to the City of Austin, of record in Volume 5907, Page 1635, Deed Records, Travis County, Texas, bears N84°02'10"E 489.71 feet and S27°56'10"W 12.05 feet.

**EXHIBIT** \_\_\_\_\_

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS DESCRIBED HEREIN, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

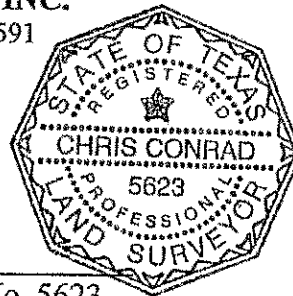
STATE OF TEXAS       §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS   §

That I, Chris Conrad, 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 20<sup>th</sup> day of October, 2010 A.D.

SURVEYED BY:

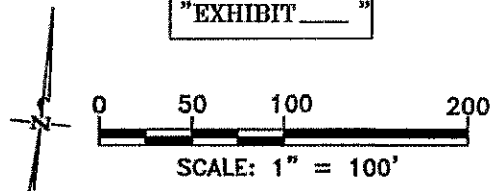
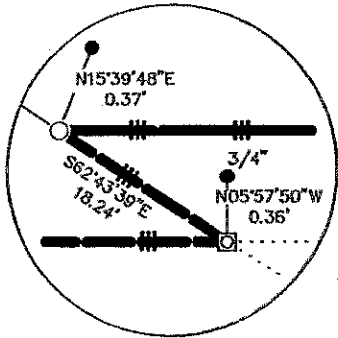
**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591



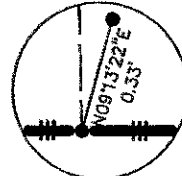
A handwritten signature in cursive script, appearing to read "Chris Conrad".

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P33ACREV4  
Issued 12/01/06, Rev 02/02/07, 03/20/07, 04/01/09, 10/20/2010



LUCAS MUNOS SURVEY NO. 55  
ABS. NO. 513



LOT 1  
BROWNING & COOK SUBDIVISION  
BK. 83, PGS. 72A-72B  
PRTC

JOE T. ROBERTSON  
VOL. 5094, PG. 2302  
DRTC

MATCH PAGE 5 OF 5

RAYMOND D. RASCHKE  
AND ELDA RASCHKE  
DOC. 2009013447  
OPRTC  
(1.508 AC.)

RAYMOND D. RASCHKE,  
AND WIFE  
ELDA R. RASCHKE  
VOL. 1918, PG. 32  
DRTC  
(REMAINDER OF  
28.39 AC.)

33(AC)

N60°53'01\"/>

N07°34'30\"/>

EXISTING R.O.W. LINE AND  
PROPOSED ACCESS  
DENIAL LINE

(S85°17'W 1075.08')

P.O.R.

(S86°30'W 362.70')

S84°02'10\"/>

S84°02'10\"/>

25' WATERLINE EASEMENT  
DOC. 1099039926

N84°02'10\"/>

EXISTING R.O.W. LINE

STA. 358+26.89  
201.94' LT.

STATE OF TEXAS  
VOL. 663, PG. 38-DRTC  
(9.054 AC.)

P.O.B.  
BEGIN ACCESS  
DENIAL LINE  
STA. 362+44.44  
211.98' LT.

10' R.O.W. DEDICATION  
BK. 83, PG. 72A-72B  
PRTC

STATE OF TEXAS  
VOL. 663, PG. 20-DRTC  
(8.054 AC.)

U.S. HIGHWAY 290  
(R.O.W. VARIES)

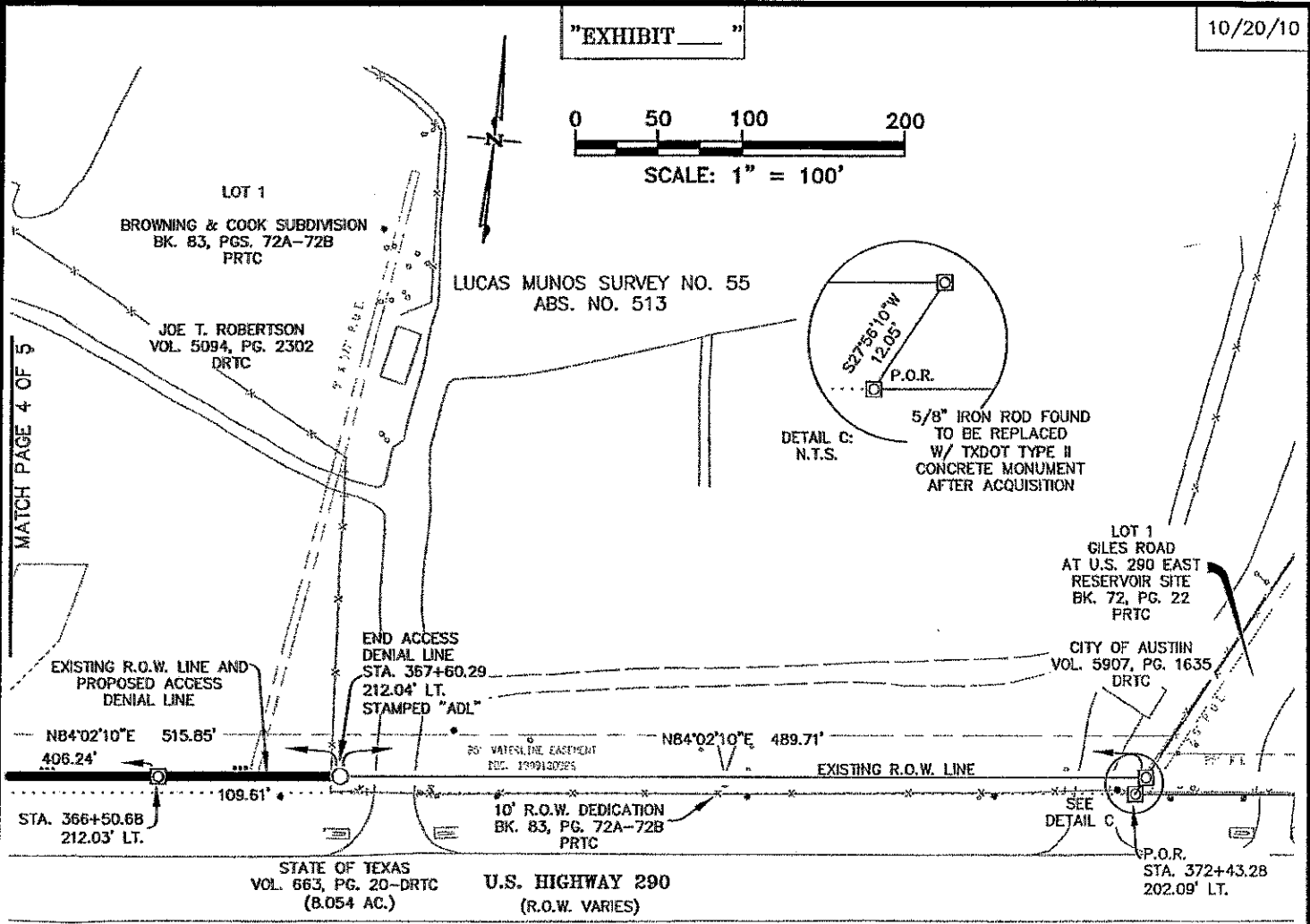
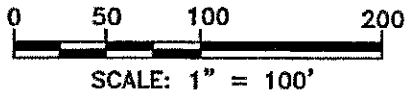
### LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- ▣ TXDOT TYPE II CONCRETE MONUMENT FOUND
- ◻ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- ||| ACCESS DENIAL LINE
- PRTC PLAT RECORDS OF TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

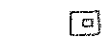
**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, BEING A PORTION OF THE SOUTH LINE OF LOT 1, BROWNING & COOK SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 83, PAGES 72A-72B, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE SOUTH LINE OF THE REMAINDER OF THAT TRACT DESCRIBED IN A DEED TO JOE T. ROBERTSON, IN VOLUME 5094, PAGE 2302, DEED RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 33(AC)  
PAGE 4 OF 5



MATCH PAGE 4 OF 5



- NOTES:
- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
  - 2) SEE PAGES 1, 2 AND 3 OF 5 FOR A DESCRIPTION OF THIS PARCEL.
  - 3) IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
  - 4) THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
  - 5) ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
  - 6) ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS SHOWN HEREON, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ADJUTING PROPERTY.

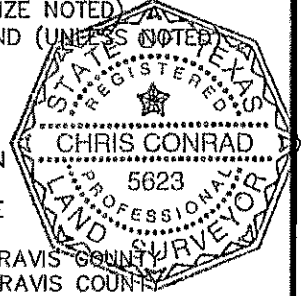
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 5, AUSTIN, TX 78731 512/451-8591

10/20/10

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

### LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- ⊗ TXDOT TYPE II CONCRETE MONUMENT FOUND
- ⊠ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- III ACCESS DENIAL LINE
- PRTC PLAT RECORDS OF TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, BEING A PORTION OF THE SOUTH LINE OF LOT 1, BROWNING & COOK SUBDIVISION, A SUBDIVISION OF RECORD IN BOOK 83, PAGES 72A-72B, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE SOUTH LINE OF THE REMAINDER OF THAT TRACT DESCRIBED IN A DEED TO JOE T. ROBERTSON, IN VOLUME 5094, PAGE 2302, DEED RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 33(AC)  
PAGE 5 OF 5



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

**RESOLUTION NO. 11-124**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 111AC)**

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 ("CTRMA") has found and determined 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 right to prohibit access to and from the public right-of-way of U.S. Highway 290 to the abutting tract of land, as that access denial line is described by metes and bounds and the abutting tract is described by reference in Exhibit "A" to this Resolution (the "Access Denial Line"), owned by SCC East Bourne Manor LP,, (the "Owner"), located at the southeast corner US Hwy 290E and SH 130 in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Access Denial Line has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, 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 Access Denial Line to acquire the Access Denial Line; 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 and damages, if any, due to said Owner for the Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Access Denial Line for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Access Denial Line previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to acquire the Access Denial Line and all leasehold interests in the Access Denial Line by

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

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Access Denial Line 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 Access Denial Line for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Access Denial Line or the abutting tract, as both are described in the attached Exhibit "A" to this Resolution; 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.

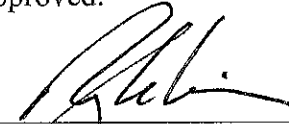
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:



Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-124  
Date Passed: 08/24/11

**Exhibit "A" to Resolution 11-124**

**Description of Parcel 111AC**

EXHIBIT 

County: Travis  
Parcel No.: 111(AC)  
Highway: U.S. Highway 290  
Project Limits: From: E of US 183  
To: E of SH 130  
Right of Way CSJ: 0114-02-085

**LINEAR DESCRIPTION FOR PARCEL 111(AC)**

BEING A DESCRIPTION FOR DENIED ACCESS ALONG AN ACCESS DENIAL LINE, SAME BEING ALONG THE EXISTING SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 290 IN THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE NORTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 11.127 ACRES IN A DEED TO SCC EASTBOURNE MANOR LIMITED PARTNERSHIP, OF RECORD IN DOCUMENT NO. 2007041993, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap stamped "ADL" at the point of beginning of this Access Denial Line, 355.47 feet right of Engineer's Baseline Station 1508+51.29, same being in the existing south right-of-way (ROW) line of U.S. Highway 290, the north line of said SCC Eastbourne tract, and the south line of that certain tract of land described as 4.053 acres in an deed to the State of Texas, of record in Document 2006092794, Official Public Records, Travis County, Texas, from which point a TxDOT Type III monument found in the north line of said SCC Eastbourne tract, and the south line of said 4.053 acre State of Texas tract, same being the existing south ROW line of U.S. Highway 290, bears S65°03'56"W 70.04 feet.

- 1) THENCE, with said Access Denial Line, with the north line of said SCC Eastborne tract, and the south line of said 4.053 acre State of Texas tract, same being the existing south ROW line of U.S. Highway 290, N65°03'56"E 381.58 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", 355.47 feet right of Engineer's Baseline Station 1512+32.87 being the end of said Access Denial Line from which a TxDOT Type III monument found at the northeast corner of said SCC Eastbourne tract, and the northwest corner of that tract described as 4.402 acres in a deed to SCC Eastbourne Manor Limited Partnership, of record in Document No.

**EXHIBIT** \_\_\_\_

2007192092, Official Public Records, Travis County, Texas bears N65°03'56"E  
53.64 feet;

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS DESCRIBED HEREIN, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

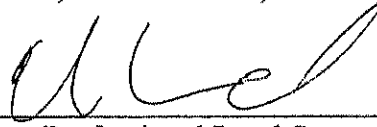
**STATE OF TEXAS**     §  
  §     KNOW ALL MEN BY THESE PRESENTS:  
**COUNTY OF TRAVIS**   §

That I, Chris Conrad, 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.

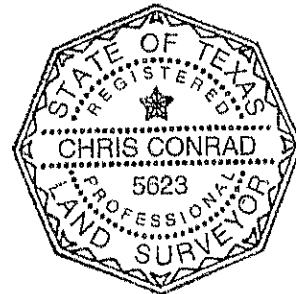
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 17<sup>th</sup> day of September, 2010 A.D.

SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Drive, Suite 6 Austin, Texas 78731  
(512) 451-8591



Chris Conrad, Reg. Professional Land Surveyor No. 5623  
Note: There is a plat to accompany this description. US 290 P111(AC)  
Issued 09/17/10



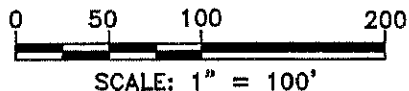
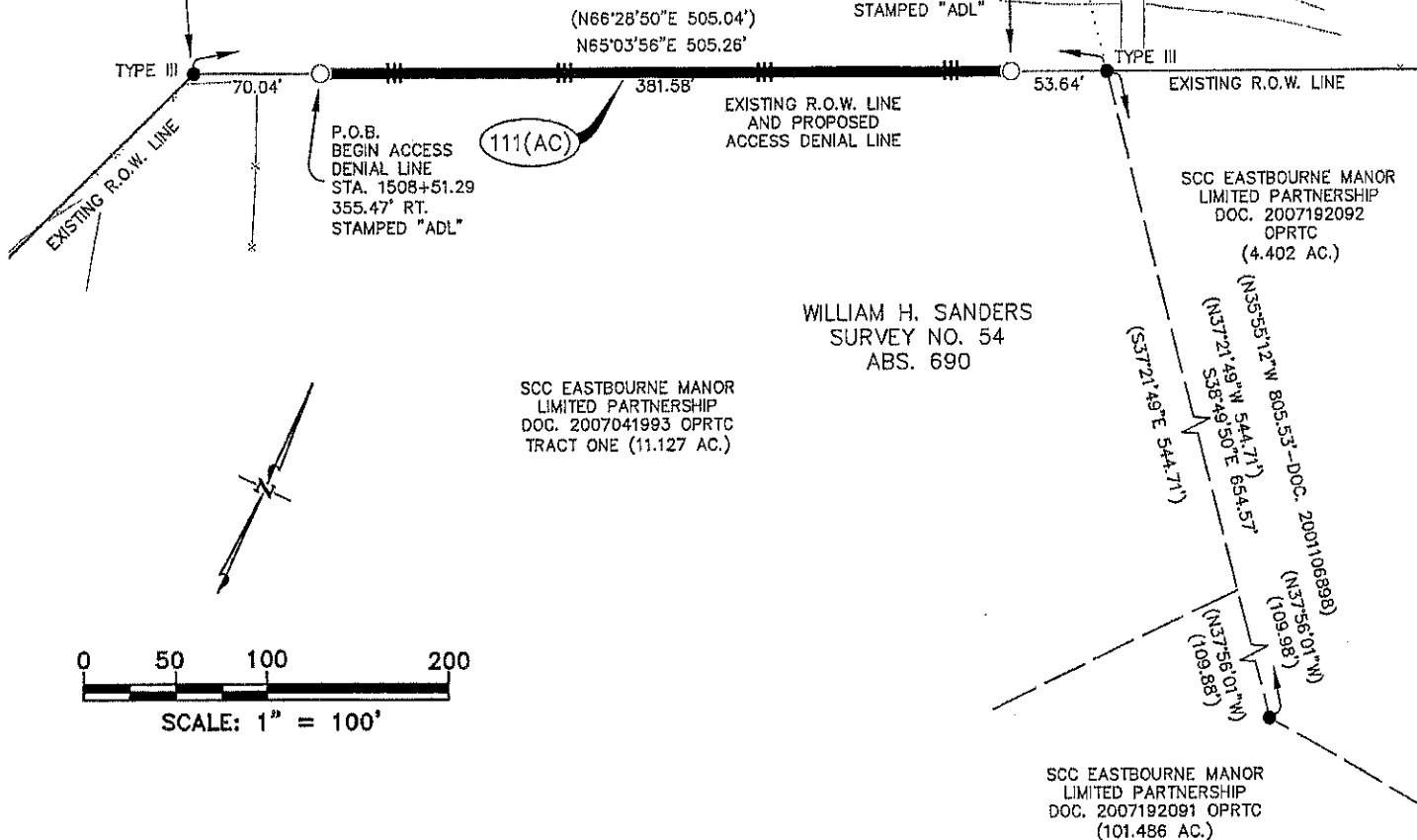
U.S. HIGHWAY 290  
(R.O.W. VARIES)

P.O.R.  
STA. 1507+81.25  
355.47' RT.

STATE OF TEXAS  
DOC. 2006092794 OPRTC  
PARCEL '197' (4.053 AC.)

END ACCESS  
DENIAL LINE  
STA. 1512+32.87  
355.47' RT.  
STAMPED "ADL"

STATE OF TEXAS  
DOC. 2004147893 OPRTC  
PARCEL '232' (1.615 AC.)  
NOTICE OF LIS PENDENS  
SH 130 CSJ 0440-06-004



NOTES:

- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
- 2) SEE PAGES 1 AND 2 OF 3 FOR A DESCRIPTION OF THIS PARCEL.
- 3) IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
- 4) THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
- 5) ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
- 6) ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING AND PROPOSED RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS SHOWN HEREON, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

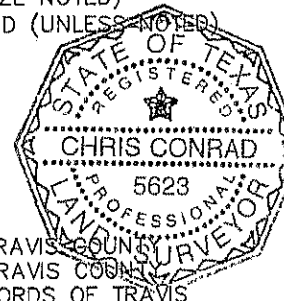
SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731/512/451-8591

09/17/10

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- ▣ TXDOT TYPE II CONCRETE MONUMENT FOUND
- ⊠ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- ▬ ACCESS DENIAL LINE
- PRTC PLAT RECORDS OF TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



**MCGRAY & MCGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, BEING A PORTION OF THE NORTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO SCC EASTBOURNE MANOR LIMITED PARTNERSHIP, OF RECORD IN DOCUMENT NO. 2007041993, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 111(AC)  
PAGE 3 OF 3

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

**RESOLUTION NO. 11-125**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE US 290 EAST TOLL PROJECT  
(Parcel 112AC)**

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 ("CTRMA") has found and determined 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 right to prohibit access to and from the public right-of-way of U.S. Highway 290 to the abutting tract of land, as that access denial line is described by metes and bounds and the abutting tract is described by reference in Exhibit "A" to this Resolution (the "Access Denial Line"), owned by Austin HB Residential, (the "Owner"), located at the northeast corner of US Hwy 290E and SH 130 in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 290 East Toll Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Access Denial Line has been submitted to the CTRMA, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the CTRMA, through agents employed or contracted with the CTRMA, 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 Access Denial Line to acquire the Access Denial Line; 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 and damages, if any, due to said Owner for the Access Denial Line; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the CTRMA that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Access Denial Line for consideration in an amount not to exceed the purchase price set forth in the official written offer to purchase the Access Denial Line previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to acquire the Access Denial Line and all leasehold interests in the Access Denial Line by


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

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Access Denial Line 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 Access Denial Line for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by, the Access Denial Line or the abutting tract, as both are described in the attached Exhibit "A" to this Resolution; 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 24<sup>th</sup> day of August, 2011.

Submitted and reviewed by:

  
\_\_\_\_\_  
Andrew Martin, General Counsel  
Central Texas Regional Mobility Authority

Approved:

  
\_\_\_\_\_  
Ray A. Wilkerson  
Chairman, Board of Directors  
Resolution Number 11-125  
Date Passed: 08/24/11



**Exhibit "A" to Resolution 11-125**

**Description of Parcel 112AC**

EXHIBIT **A**

County: Travis  
Parcel No.: 112(AC)  
Highway: U.S. Highway 290  
Project Limits: From: E of US 183  
                  To: E of SH 130  
Right of Way CSJ: 0114-02-085

**LINEAR DESCRIPTION FOR PARCEL 112(AC)**

BEING A DESCRIPTION FOR DENIED ACCESS ALONG AN ACCESS DENIAL LINE, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 290 IN THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 365.243 ACRES IN A DEED TO AUSTIN HB RESIDENTIAL PROPERTIES, LTD., OF RECORD IN VOLUME 13100, PAGE 1, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID ACCESS DENIAL LINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap stamped "ADL" at the point of beginning of this Access Denial Line, 324.53 feet left of Engineer's Baseline Station 1512+24.12, same being in the existing north right-of-way (ROW) line of U.S. Highway 290, the south line of said Austin HB Residential tract, and the north line of that certain tract of land described as 24.128 acres in an deed to the State of Texas, of record in Document 2007126651, Official Public Records, Travis County, Texas, from which point a TxDOT Type III monument found in the south line of said Austin HB Residential tract, and the north line of said 24.128 acre State of Texas tract, same being the existing north ROW line of U.S. Highway 290, bears S65°03'56"W 424.23 feet.

- 1) THENCE, with said Access Denial Line, with the south line of said Austin HB Residential tract, and the north line of said 24.128 acre State of Texas tract, same being the existing north ROW line of U.S. Highway 290, N65°03'56"E 579.78 feet to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADL", 324.53 feet left of Engineer's Baseline Station 1518+03.90 being the end of said Access Denial Line from which a TxDOT Type III monument found at the southeast corner of said Austin HB Residential tract, and the southwest corner of that tract described as 3.142 acres in a deed to E/290 Parmer, LTD., of record in Document No. 2008195888, Official Public Records, Travis County, Texas bears N65°03'56"E 253.86 feet.

EXHIBIT \_\_\_\_

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS DESCRIBED HEREIN, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

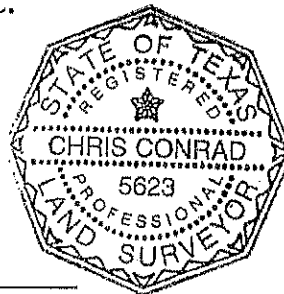
STATE OF TEXAS       §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF TRAVIS   §

That I, Chris Conrad, 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 20<sup>th</sup> day of October, 2010 A.D.

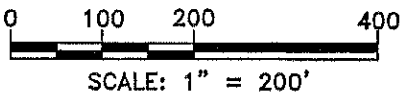
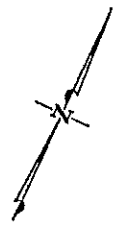
SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Drive, Suite 6 Austin, Texas 78731  
(512) 451-8591



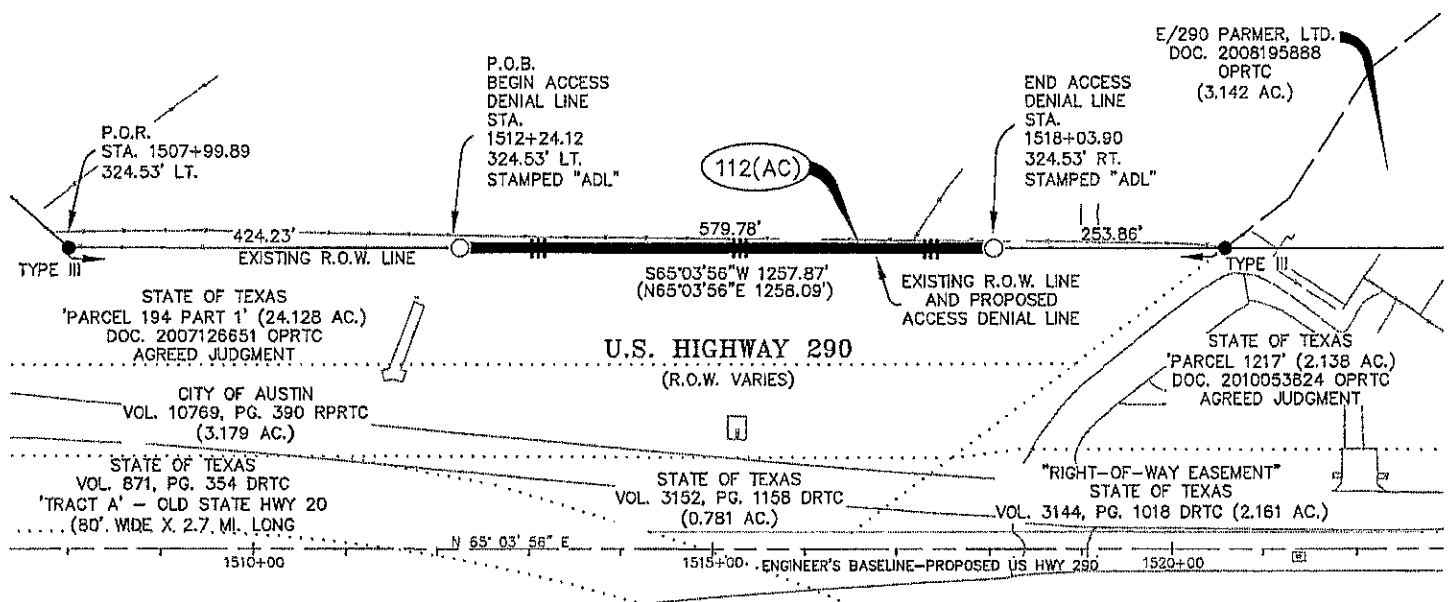
A handwritten signature in cursive script, appearing to read "Chris Conrad".

Chris Conrad, Reg. Professional Land Surveyor No. 5623  
Note: There is a plat to accompany this description. US 290 P112(AC)  
Issued 10/20/2010



WILLIAM H. SANDERS  
SURVEY NO. 54  
ABS. 690

AUSTIN HB RESIDENTIAL PROPERTIES, LTD.  
VOL. 13100, PG. 1  
RPRTC  
(365.243 AC.)

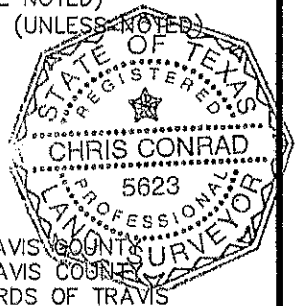


NOTES:

- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83(93) HARN. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
- 2) SEE PAGES 1 AND 2 OF 3 FOR A DESCRIPTION OF THIS PARCEL.
- 3) IMPROVEMENTS SHOWN ARE TAKEN FROM TXDOT AERIAL SURVEY DIGITAL FILES.
- 4) THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.
- 5) ENGINEER'S BASELINE IS NOT THE SAME AS THE ORIGINAL SURVEY "CENTERLINE".
- 6) ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING AND PROPOSED RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS SHOWN HEREON, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ADJUTING PROPERTY.

LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- ⊗ TXDOT TYPE II CONCRETE MONUMENT FOUND
- ⊠ 1/2" IRON ROD SET WITH TXDOT ALUM. CAP TO BE REPLACED WITH A TXDOT TYPE II CONCRETE MONUMENT AFTER ACQUISITION
- 1/2" IRON ROD SET WITH TXDOT ALUM. CAP
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ▲ 60D NAIL FOUND
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- ▬ ACCESS DENIAL LINE
- RPRTC PLAT RECORDS OF TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



SURVEYED BY: MCGRAY & MCGRAY LAND SURVEYORS, INC.  
3301 HANCOCK DR., STE 6, AUSTIN, TX 78731 512/451-8591

10/20/10

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
SURVEYED ON GROUND UNDER MY DIRECT SUPERVISION

**McGRAY & McGRAY**  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591

PLAT OF AN ACCESS DENIAL LINE OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, BEING A PORTION OF THE SOUTH LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO AUSTIN HB RESIDENTIAL PROPERTIES, LTD., OF RECORD IN VOLUME 13100, PAGE 1, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY  
U.S. 290  
CSJ 0114-02-085  
PARCEL 112(AC)  
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