

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

**RESOLUTION NO. 15-050.1**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT  
(PARCEL 117 AND 117E)**

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code and other applicable law, the Central Texas Regional Mobility Authority ("Mobility Authority") hereby finds and determines that to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways and the roadways of the State of Texas, public convenience and necessity requires acquisition of the fee simple interest and any leasehold interests in real property, excluding any rights to the mineral estate, and acquisition of a drainage easement, as that fee simple interest in real property and drainage easement are described by metes and bounds in Exhibits 1 and 2 to this Resolution (the "Property"), owned by Randall W. Ferneau, Roberta A. Ferneau and Robin M. Ferneau as the sole successors-in-interest to Ferneau Investments, Inc., a dissolved California corporation (the "Owner"), located adjacent to the US Hwy 183S in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South / Bergstrom Expressway Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Property has been submitted to the Mobility Authority, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the Mobility Authority, through agents employed or contracted with the Mobility Authority, has transmitted an official written offer to the Owner, based on the amount determined to be just compensation, and has entered into good faith negotiations with the Owner of the Property to acquire the Property; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have failed to agree on the amount determined to be just compensation due to said Owner for the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Property for consideration in an amount that does not exceed the official written offer previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by

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

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Property by agreement would be futile, the Executive Director or his designee is hereby authorized and directed to file or cause to be filed a suit in eminent domain to acquire the Property for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by the Property described in the attached Exhibits 1 and 2; 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, 2015.

Submitted and reviewed by:

Approved:



Andrew Martin, General Counsel



Ray A. Wilkerson, Chairman

EXHIBIT \_\_\_\_\_

**County:** Travis  
**Parcel No.:** 117  
**Highway:** US 183  
**Limits:** From: East of US 290  
To: SH 71  
**RCSJ:** 0151-09-039

**PROPERTY DESCRIPTION FOR PARCEL 117**

DESCRIPTION OF A 0.461 ACRE (20,082 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY, ABSTRACT NO. 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 1.733 ACRE TRACT OF LAND DESCRIBED IN A DEED TO FERNEAU INVESTMENTS INC, AND RECORDED IN DOCUMENT NO. 2006171928, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), ALSO BEING A 0.204 ACRE (8,873 SQ. FT.) PORTION OF A CALLED 0.74 ACRE CHANNEL EASEMENT AS CONVEYED IN A DEED TO THE STATE OF TEXAS AND RECORDED IN VOLUME 2753, PAGE 476 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), SAID 0.461 ACRE (20,082 SQ. FT.) PARCEL, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a ½-inch iron rod with cap (unreadable) found on the north line of Shelton Road (no record information found) for the southeast corner of said 1.733 acre tract, same being the southwest corner of a called 3.09 acre tract of land described in deed to Sunyong Chung and Phillippe Klinefelter, recorded in Document No. 2013204914, O.P.R.T.C.TX.;

**THENCE** N 81°28'33" W, with the north line of said Shelton Road and the south line of said 1.733 acre tract, a distance of 233.70 feet to a ⅝-inch iron rod with aluminum cap set 298.01 feet left of Engineer's Centerline Station (E.C.S.) 429+79.67, for the **POINT OF BEGINNING**, and the southeast corner of the parcel described herein, said point being on the proposed east right-of-way line of U.S. Highway 183 (also known as Ed Bluestein Boulevard), a variable width right-of-way;

- 1) **THENCE** N 81°28'33" W, continuing with the north line of said Shelton Road and the south line of said 1.733 acre tract, a distance of 52.31 feet to a calculated point on the existing east right-of-way line of said U.S. Highway 183, as conveyed in a deed to the State of Texas, and recorded in Volume 2753, Page 476 of the D.R.T.C.TX., for the southwest corner of said 1.733 acre tract and the parcel described herein, from which a Texas Department of Transportation (TxDOT) Type I concrete monument found bears S 27°48'43" W, a distance of 1.72 feet;
- 2) **THENCE** N 27°48'43" E, with the existing east right-of-way line of said U. S. Highway 183 and the west line of said 1.733 acre tract, passing at a distance of 35.92 feet to a TxDOT Type II concrete monument found and continuing for a total distance of 406.90 feet to a TxDOT Type II concrete monument set 249.44 feet left of E.C.S. 425+95.36 for the northwest corner of the parcel described herein, said point also being the northwest corner of said 1.733 acre tract and a point on the south line of a tract of land conveyed in deed to Capital Metropolitan Transportation Authority (Capital Metro), and recorded in Volume 13187, Page 3118, Deed Records of Travis County, Texas (D.R.T.C.TX.);

EXHIBIT \_\_\_\_\_

County: Travis  
Parcel No.: 117  
Highway: US 183  
Limits: From: East of US 290  
To: SH 71  
RCSJ: 0151-09-039

PROPERTY DESCRIPTION FOR PARCEL 117

- 3) **THENCE** S 83°27'21" E, with the north line of said 1.733 acre tract, the south line of said Capital Metro tract, and the proposed east right-of-way line of said U.S. Highway 183, a distance of 52.69 feet to a TxDOT Type II concrete monument set 298.55 feet left of E.C.S. 425+76.29 for the northeast corner of the parcel described herein;
- 4) **THENCE** S 27°46'22" W, with proposed east right-of-way line of said U.S. Highway 183, a distance of 408.73 feet to the **POINT OF BEGINNING**, and containing 0.461 acre (20,082 sq. ft.) of land more or less, of which 0.204 acres (8,873 sq. ft.) lies within said existing State of Texas Channel Easement, recorded in Volume 2753, Page 476.

This property description is accompanied by a plat of even date.


All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(93).

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

That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

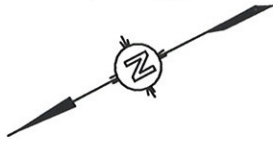
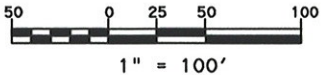
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 25<sup>th</sup> of November, 2014 A.D.

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

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



TRAVIS COUNTY, TEXAS  
GRAPHIC SCALE  
( IN FEET )



CITY OF AUSTIN  
CALLED 10.933 ACRES  
DOC. NO. 2010093425  
O. P. R. T. C. TX.

FERNEAU INVESTMENTS INC  
CALLED 1.733 ACRES  
DOC. NO. 2006171928  
O. P. R. T. C. TX.

CHANNEL EASEMENT  
STATE OF TEXAS  
0.74 ACRES  
VOL. 2753, PG. 476

0.204 ACRE  
(8,873 SQ. FT.)

STATE OF TEXAS  
VOL. 2753, PG. 476  
D. R. T. C. TX.

JAMES BURLESON SURVEY, ABSTRACT NO.4

JESSE C. TANNEHILL SURVEY NO.29, ABSTRACT NO.22

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

EQUATION:  
PC STA (HARN)  
429+66.34  
PC STA (NON-HARN)  
429+58.40

425+00 S27° 46' 22"W 976.43'

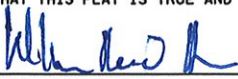
POT STA. 428+57.67 S27° 46' 22"W 100.73'

ENGINEER'S CENTERLINE

NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93) HARN, ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

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

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

11/25/2014  
DATE

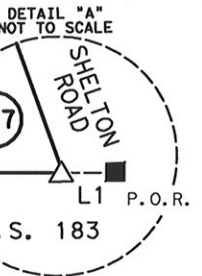


11/25/2014  
PAGE 3 OF 3



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

RIGHT-OF-WAY SKETCH SHOWING  
PARCEL 117  
0.461 AC. (20,082 SQ. FT.)  
RCSJ NO. 0151-09-039



- LEGEND
- TXDOT TYPE II MONUMENT SET
  - TXDOT TYPE II MONUMENT FOUND
  - ⊠ TYPE I CONCRETE MONUMENT FOUND
  - ⊙ 1/2" PIPE FOUND UNLESS NOTED
  - ⊙ 1/2" IRON ROD SET W/TXDOT ALUMINUM CAP UNLESS NOTED
  - 1/2" IRON ROD FOUND UNLESS NOTED
  - ▲ 60 D NAIL FOUND UNLESS NOTED
  - △ CALCULATED POINT
  - ⊘ DRILL HOLE IN CONCRETE FOUND
  - PROPERTY LINE
  - CENTER LINE
  - ( ) RECORD INFORMATION
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCING
  - P.O.R. POINT OF REFERENCE
  - P.O.T. POINT OF TERMINATION
  - P.C. POINT OF CURVATURE
  - P.C.C. POINT OF COMPOUND CURVATURE
  - P.T. POINT OF TANGENCY
  - O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
  - R.P.R.T.C.TX. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
  - P.R.T.C.TX. PLAT RECORDS, TRAVIS COUNTY, TEXAS
  - D.R.T.C.TX. DEED RECORDS, TRAVIS COUNTY, TEXAS

CAPITAL METROPOLITAN  
TRANSPORTATION AUTHORITY  
CALLED 18.1318 ACRES  
VOL. D. R. T. C. TX. PG. 3118

Dense Woods

nee Woods

Water

117

117

L1 P.O.R.

U.S. 183

STATE OF TEXAS  
VOL. 2837, PG. 318  
D. R. T. C. TX.

LINE NO.	BEARING	DISTANCE
L1	S27° 48' 43"W	1.72'
L2	S83° 27' 21"E	52.69'

EXHIBIT \_\_\_\_\_

County: Travis  
Parcel No.: 117(E)  
Highway: U.S. 183  
Limits: From: East of US 290  
To: SH 71  
RCSJ: 0151-09-039

**PARCEL 117(E)  
DRAINAGE EASEMENT DESCRIPTION**

DESCRIPTION OF A 0.404 ACRE (17,583 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY, ABSTRACT NO. 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING PART OF A CALLED 1.733 ACRE TRACT OF LAND DESCRIBED IN A DEED TO FERNEAU INVESTMENTS INC, RECORDED IN DOCUMENT NO. 2006171928 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, (O.P.R.T.C.TX.), SAID 0.404 ACRE (17,583 SQ. FT.) TO BE USED AS A DRAINAGE EASEMENT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a ½-inch iron rod with cap (unreadable) found on the north line of Shelton Road (no record information found) for the southeast corner of said 1.733 acre tract, same being the southwest corner of a called 3.09 acre tract of land described in deed to Sunyong Chung and Phillippe Klinefelter, recorded in Document No. 2013204914, O.P.R.T.C.TX.;

**THENCE**, N 17°46'24" E, departing said Shelton Road, with the east line of said 1.733 acre tract and the west line of said 3.09 acre tract, a distance of 119.54 feet to a calculated point for the northwest corner of said 3.09 acre tract, same being the southwest corner of a called 10.933 acre tract of land described in deed to the City of Austin, recorded in Document No. 2010093425, O.P.R.T.C.TX.;

**THENCE**, N 09°13'41" E, continuing with the east line of said 1.733 acre tract and the west line of said 10.933 acre tract, a distance of 134.59 feet to a calculated point 455.62 feet left of Engineer's Centerline Station (E.C.S.) 426+62.63 for the **POINT OF BEGINNING**, and the most northerly southeast corner of the parcel described herein;

**THENCE**, through the interior of said 1.733 acre tract the following four (4) courses and distances numbered 1-4:

- 1) S 30°26'16" W, a distance of 45.17 feet to a ½-inch iron rod with TxDOT aluminum cap set 453.52 feet left of E.C.S. 427+07.75, for the most southerly southeast corner of the parcel described herein, same being the northeast corner of a called 0.74 acre tract of land (Channel Easement) conveyed to the State of Texas and recorded in Volume 2753, Page 476, Deed Records of Travis County, Texas (D.R.T.C.TX.);
- 2) N 59°33'49" W, with the north line of said 0.74 acre tract, a distance of 155.14 feet to a calculated point 298.55 feet left of E.C.S. 427+00.54 on the proposed east right-of-way line of U.S. Highway 183 (Ed Bluestein Blvd.) a variable width right-of-way, for the southwest corner of the parcel described herein;
- 3) N 27°46'22" E, with the proposed east right-of-way line of said U.S. Highway 183, a distance of 117.99 feet to a ½-inch iron rod with TxDOT aluminum cap set 298.55 feet left of E.C.S. 425+82.55 for the northwest corner of the parcel described herein, from which a TxDOT Type II concrete monument set in the proposed east right-of-way line of said U.S. Highway 183, same being on the north line of said 1.733 acre tract, also being on the south line of a tract of land, conveyed to Capital Metropolitan Transportation Authority, and recorded in Volume 13187, Page 3118 of D.R.T.C.TX. bears, N 27°46'22" E, a distance of 6.26 feet;

EXHIBIT \_\_\_\_\_

County: Travis  
Parcel No.: 117(E)  
Highway: U.S. 183  
Limits: From: East of US 290  
To: SH 71  
RCSJ: 0151-09-039

PARCEL 117(E)  
DRAINAGE EASEMENT DESCRIPTION

- 4) S 59°33'49" E, departing said U.S. Highway 183, a distance of 132.41 feet to a calculated point 430.82 feet left of E.C.S. 425+88.70 on the east line of said 1.733 acre tract, same being the west line of said 10.933 acre tract, for the northeast corner of the parcel described herein;
- 5) **THENCE**, S 09°13'41" W, with the east line of said 1.733 acre tract and the west line of said 10.933 acre tract, a distance of 77.97 feet to the **POINT OF BEGINNING**, and containing 0.404 acre (17,583 sq. ft.) of land more or less.

This property description is accompanied by a plat of even date.


All bearings are based on the Texas Coordinate System, Central Zone, NAD 83(93).

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

That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 25<sup>th</sup> day of November, 2014 A.D.

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

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



LEGEND

- TXDOT TYPE II MONUMENT SET
- ▣ TXDOT TYPE II MONUMENT FOUND
- TYPE I CONCRETE MONUMENT FOUND
- 1/2" PIPE FOUND UNLESS NOTED
- 1/2" IRON ROD SET W/TXDOT ALUMINUM CAP UNLESS NOTED
- 1/2" IRON ROD FOUND UNLESS NOTED
- ▲ 60 D NAIL FOUND UNLESS NOTED
- △ CALCULATED POINT
- ⊠ DRILL HOLE IN CONCRETE FOUND
- ▭ PROPERTY LINE
- CENTER LINE
- ( ) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- P.O.T. POINT OF TERMINATION
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVATURE
- P.T. POINT OF TANGENCY
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- R.P.R.T.C.TX. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
- P.R.T.C.TX. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.TX. DEED RECORDS, TRAVIS COUNTY, TEXAS

TRAVIS COUNTY, TEXAS  
GRAPHIC SCALE  
(IN FEET)



SUNYONG CHUNG AND  
PHILLIPPE KLINEFELTER  
CALLED 3.09 ACRES  
DOC. NO. 2013204914  
O. P. R. T. C. TX.

SHELTON ROAD  
NO RECORD INFORMATION FOUND

CITY OF AUSTIN  
CALLED 10.933 ACRES  
DOC. NO. 2010093425  
O. P. R. T. C. TX.

P.O.C.  
1/2" WITH  
UNREADABLE CAP

FERNEAU INVESTMENTS INC  
CALLED 1.733 ACRES  
DOC. NO. 2006171928  
O. P. R. T. C. TX.

P.O.B.  
426+62.63  
455.62' LT

427+07.75  
453.52' LT

S09° 13' 41" W  
77.97'

N09° 13' 41" E 134.59'

S30° 26' 16" W  
45.17'

DETAIL "A"  
NOT TO SCALE

117 (E)

P.O.R.  
425+76.29  
298.55' LT

L1 117.99'  
425+82.55  
298.55' LT

425+88.70  
430.82' LT

117 (E)

Dense Woods

CHANNEL EASEMENT  
STATE OF TEXAS  
0.74 ACRES  
VOL. 2753, PG. 476  
D. R. T. C. TX.

Dense Woods

S59° 33' 49" E 132.41'

N59° 33' 49" W 155.14'

N27° 46' 22" E 117.99'

427+00.54  
298.55' LT

PROPOSED ROW LINE

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N27° 46' 22" E	6.26'

JAMES BURLESON SURVEY,  
ABSTRACT NO. 4

EXISTING R.O.W. LINE

STATE OF TEXAS  
CALLED 1.267 ACRES  
VOL. 2753, PG. 476  
D. R. T. C. TX.

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

NOTES:

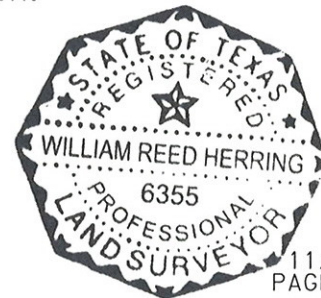
1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93) HARN, ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

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

*William Reed Herring*

11/25/2014  
DATE

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



11/25/2014  
PAGE 3 OF 3



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

DRAINAGE EASEMENT SKETCH  
SHOWING PARCEL 117 (E)  
0.404 AC. (17,583 SQ. FT.)  
RCSJ NO. 0151-09-039



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

**RESOLUTION NO. 15-050.2**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT  
(PARCEL 131)**

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code and other applicable law, the Central Texas Regional Mobility Authority ("Mobility Authority") hereby finds and determines that to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways and the roadways of the State of Texas, public convenience and necessity requires acquisition of the fee simple interest and any leasehold interests in real property, excluding any rights to the mineral estate, as that fee simple interest in real property is described by metes and bounds in Exhibit 1 to this Resolution (the "Property"), owned by Ben Fuentes, Daniel C. Castro, Esther Nanez Ledesma (Life Estate only), Edward Ledesma, Abel Ledesma, Tina Villareal, and Alfred Ledesma (the "Owner"), located adjacent to the US Hwy 183S in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South / Bergstrom Expressway Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Property has been submitted to the Mobility Authority, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the Mobility Authority, through agents employed or contracted with the Mobility Authority, has transmitted an official written offer to the Owner, based on the amount determined to be just compensation, and has entered into good faith negotiations with the Owner of the Property to acquire the Property; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have failed to agree on the amount determined to be just compensation due to said Owner for the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Property for consideration in an amount that does not exceed the official written offer previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by agreement, subject to approval of the agreement and acquisition price by the Board of Directors; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Property by agreement would be futile, the Executive Director or his designee is hereby authorized and directed to file or cause to be filed a suit in eminent domain to acquire the Property for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by the Property described in the attached Exhibit 1; and

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

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2015.

Submitted and reviewed by:

Approved:



Andrew Martin, General Counsel



Ray A. Wilkerson, Chairman

EXHIBIT \_\_\_\_\_

**County:** Travis  
**Highway:** US 183  
**Limits:** From: East of US 290 To: SH 71  
**RCSJ:** 0151-09-039  
**Station:** 416+61.83 to 420+97.13

**DESCRIPTION FOR PARCEL 131**

DESCRIPTION OF A 0.217 ACRE (9,442 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 1.602 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO BEN FUENTES (1/2 INTEREST), ALEX R. LEDESMA, JR. (1/4 INTEREST), AND DANIEL C. CASTRO (1/4 INTEREST) AND RECORDED IN VOLUME 4222, PAGE 768 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.); SAID 0.217 ACRE (9,442 SQ. FT.) PARCEL, AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY SAM, INC., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a Texas Department of Transportation (TxDOT) Type I concrete monument found 212.66 feet left of Engineer's Centerline Station (E.C.S.) 416+61.83 on the existing east right-of-way line of U.S. Highway 183 as conveyed in a deed to the State of Texas, and recorded in Volume 2715, Page 185, of D.R.T.C.TX., same being the northwest corner of said 1.602 acre tract, said point being the southwest corner of Regiene Road as conveyed to the City of Austin and recorded in Volume 1795, Page 249 of the D.R.T.C.TX.;

**THENCE** S 30°43'16" W, with the west line of said 1.602 acre tract, same being the existing east right-of-way line of said U.S. Highway 183, a distance of 44.62 feet to a TxDOT Type I concrete monument found 207.98 feet left of E.C.S. 417+04.64;

**THENCE** S 27°54'40" W, continuing with the west line of said 1.602 acre tract and the existing east right-of-way line of said U.S. Highway 183, a distance of 30.26 feet to a TxDOT Type II concrete monument set 206.48 feet left of E.C.S. 417+33.80, on the proposed east right-of-way of U.S. Highway 183, for the **POINT OF BEGINNING**, said point being the north corner of the parcel described herein, and the beginning of a proposed Access Denial Line (A.D.L.);

- 1) **THENCE** S 20°29'45" W, over and across said 1.602 acre tract, with the proposed east right-of-way and Access Denial line of said U.S. Highway 183, passing at a distance of 89.05 feet to a 3/8-inch iron rod with a TxDOT aluminum cap stamped "A.D.L." set 214.47 feet left of E.C.S. 418+19.35, for the **POINT OF TERMINATION** of said "Access Denial Line", and continuing for a total distance of 375.50 feet to a 1/2-inch iron rod with a TxDOT aluminum cap set 248.12 feet left of E.C.S. 420+97.13, for the southeast corner of the parcel described herein, said point being on the south line of said 1.602 acre tract, same being on the north line of a tract of land, conveyed to Brian Evans and Yoon Sin Kim, husband and wife, and recorded in Document No. 2013012348 of the Official Public Records Travis County, Texas (O.P.R.T.C.TX.), and described as called 15.85 acre tract of land (Tract 1) in a plat to C. Ben Hibbetts Realty, Inc. Subd. No. 2 and recorded in Volume 75, Page 149 of the Plat Records of Travis County, Texas (P.R.T.C.TX.);

EXHIBIT \_\_\_\_\_

**County:** Travis  
**Highway:** US 183  
**Limits:** From: East of US 290 To: SH 71  
**RCSJ:** 0151-09-039  
**Station:** 416+61.83 to 420+97.13

**DESCRIPTION FOR PARCEL 131**

- 2) **THENCE** N 81°43'53" W, with the south line of said 1.602 acre tract and the north line of said Tract 1, a distance of 51.46 feet to a calculated point on the existing east right-of-way line of said U.S. Highway 183, said point being the northwest corner of said Tract 1 and the southwest corner of the parcel described herein;
- 3) **THENCE** N 27°54'40" E, with the existing east right-of-way line of said U.S. Highway 183, same being the west line of said 1.602 acre tract, passing at a distance of 124.40 feet to a TxDOT Type II concrete monument found 199.91 feet left of E.C.S. 419+89.91, and continuing for a total distance of 389.65 feet to the **POINT OF BEGINNING**, and containing 0.217 acres (9,442 sq. ft.), more or less.

AND IN ADDITION THERETO:

BEING A LINEAR DESCRIPTION FOR A PROPOSED ACCESS DENIAL LINE ALONG THE EXISTING EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 183, AS CONVEYED TO THE STATE OF TEXAS AND RECORDED IN VOLUME 2715, PAGE 185 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.TX.), AND LOCATED IN THE JAMES BURLESON SURVEY NUMBER 19, ABSTRACT NUMBER 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING THE WEST LINE OF A CALLED 1.602 ACRE TRACT OF LAND DESCRIBED IN A DEED TO BEN FUENTES (1/2 INTEREST), ALEX R. LEDESMA (1/4 INTEREST), AND DANIEL C. CASTRO (1/4 INTEREST), AND RECORDED IN VOLUME 4222, PAGE 768 OF THE D.R.T.C.TX.; SAID DENIAL OF ACCESS LINE, AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY SAM, INC., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a Texas Department of Transportation (TxDOT) Type I concrete monument found 212.66 feet left of Engineer's Centerline Station (E.C.S.) 416+61.83 on the existing east right-of-way line of U.S. Highway 183 as conveyed in deed to State of Texas, and recorded in Volume 2715, Page 185 of the D.R.T.C.TX., same being the northwest corner of said 1.602 acre tract, said point being the southwest corner of Regiene Road as conveyed to the City of Austin and recorded in Volume 1795, Page 249 of the D.R.T.C.TX.;

- 1) **THENCE** S 30°43'16" W, with the west line of said 1.602 acre tract, same being the existing east right-of-way line of said U.S. Highway 183 and with the proposed Access Denial Line, a distance of 44.62 feet to a TxDOT Type I concrete monument found 207.98 feet left of E.C.S. 417+04.64;

EXHIBIT \_\_\_\_\_

County: Travis  
Highway: US 183  
Limits: From: East of US 290 To: SH 71  
RCSJ: 0151-09-039  
Station: 416+61.83 to 420+97.13

DESCRIPTION FOR PARCEL 131

2) **THENCE** S 27°54'40" W, continuing with the west line of said 1.602 acre tract and the existing east right-of-way line of said U.S. Highway 183 and with said Access Denial Line, a distance of 30.26 feet to a TxDOT Type II concrete monument set 206.48 feet left of E.C.S. 417+33.80, on the proposed east right-of-way line of U.S. Highway 183, for the **POINT OF TERMINATION** of this proposed A.D.L.

Access is prohibited across the "Access Denial Line" to the transportation facility from the adjacent property.

This property description is accompanied by a plat of even date.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(93).

THE STATE OF TEXAS

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 23<sup>rd</sup> of January, 2015 A.D.

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

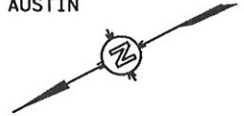
William Reed Herring  
Registered Professional Land Surveyor  
No. 6355 - State of Texas



- LEGEND**
- TYPE I CONCRETE MONUMENT FOUND
  - TYPE II CONCRETE MONUMENT FOUND (UNLESS NOTED)
  - ⊞ TYPE II CONCRETE MONUMENT SET
  - 1/2" IRON ROD SET WITH TXDOT ALUMINUM CAP SET UNLESS NOTED
  - 1/2" IRON ROD FOUND (UNLESS NOTED)
  - ⊙ IRON PIPE FOUND
  - ⊙ COTTON SPINDLE FOUND
  - △ CALCULATED POINT
  - ⊙ FENCE POST
  - ⊠ DRILL HOLE IN CONCRETE FOUND
  - ℙ PROPERTY LINE
  - ℄ CENTER LINE
  - ( ) RECORD INFORMATION
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCING
  - P.O.T. POINT OF TERMINATION
  - P.C. POINT OF CURVATURE
  - P.R.C. POINT OF REVERSE CURVATURE
  - P.T. POINT OF TANGENCY
  - P.O.R. POINT OF REFERENCE
  - D.R.T.C.TX. DEED RECORDS TRAVIS COUNTY, TX.
  - P.R.T.C.TX. PLAT RECORDS TRAVIS COUNTY, TX.
  - R.P.R.T.C.TX. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
  - O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
  - |— ACCESS DENIAL LINE [A.D.L.] (C. OF A. LINE) ["C.O.A."]



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



LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	S30° 43' 16" W	44.62'
(L1)	N33° 43' 00" E	44.70'
L2	S27° 54' 40" W	30.26'
L3	S20° 29' 45" W	0.80'
L4	N81° 43' 53" W	51.46'

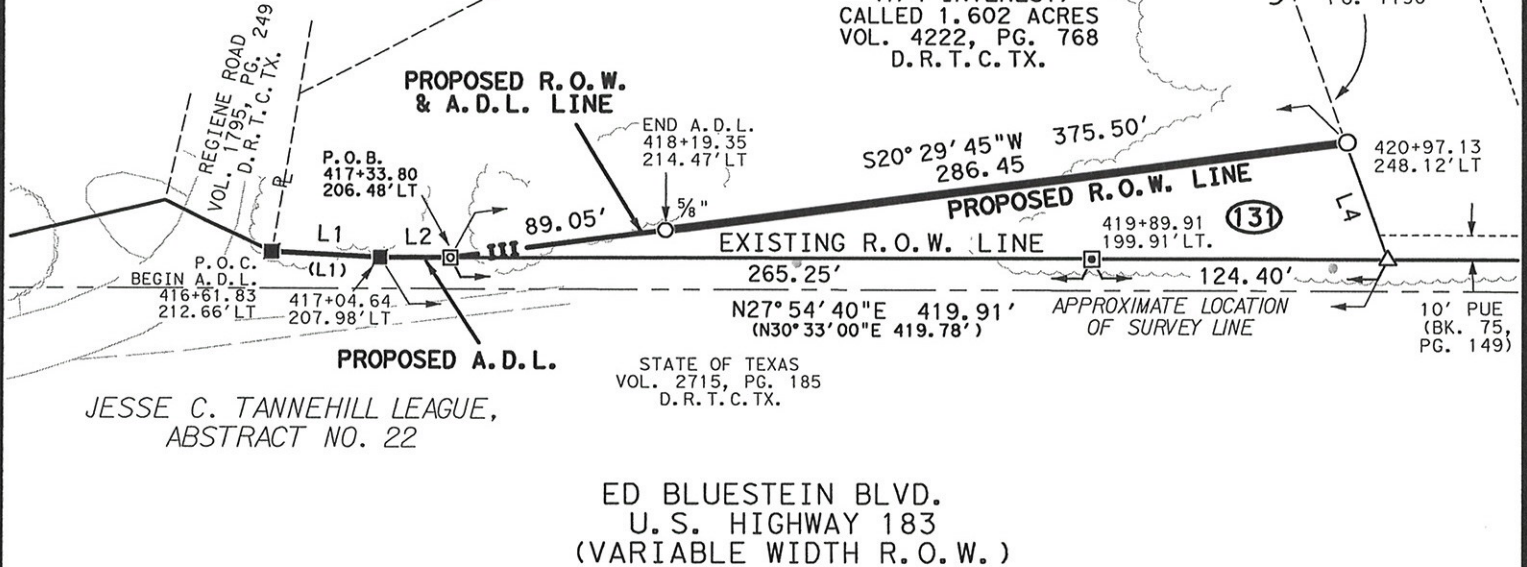
JAMES BURLESON SURVEY NO. 19,  
ABSTRACT NO. 4

BRIAN EVANS AND YOON SIN KIM,  
HUSBAND AND WIFE  
DOCUMENT NO. 2013012348  
O. P. R. T. C. TX.

C. BEN HIBBETTS REALTY,  
INC. SUBD. NO. 2  
TRACT 1  
CALLED 15.855 ACRES  
VOL. 75, PG. 149  
P. R. T. C. TX.

BEN FUENTES  
(1/2 INTEREST),  
ALEX R. LEDESMA, JR  
(1/4 INTEREST),  
AND DANIEL C. CASTRO  
(1/4 INTEREST)  
CALLED 1.602 ACRES  
VOL. 4222, PG. 768  
D. R. T. C. TX.

CITY OF AUSTIN  
ELEC. EASE.  
3.17 AC.  
VOL. 3814,  
PG. 1790



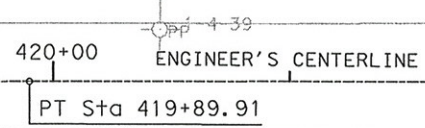
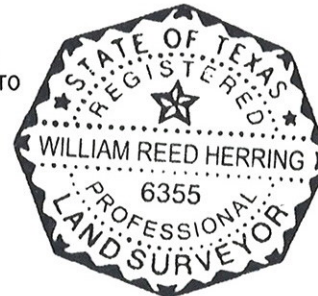
NOTES:

1. ALL BEARINGS SHOWN ARE BASED ON NAD83(93) HARN, TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.00011.
2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.
5. ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE" TO THE TRANSPORTATION FACILITY FROM THE ADJACENT PROPERTY.

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

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

01/23/2015  
DATE



1/23/2015  
PAGE 4 OF 4



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

RIGHT-OF-WAY SKETCH SHOWING  
PARCEL 131  
0.217 AC. (9,442 SQ. FT.)  
RCSJ NO. 0151-09-039

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

**RESOLUTION NO. 15-050.3**

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

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code and other applicable law, the Central Texas Regional Mobility Authority ("Mobility Authority") hereby finds and determines that to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways and the roadways of the State of Texas, public convenience and necessity requires acquisition of the fee simple interest in real property, excluding any rights to the mineral estate, as that fee simple interest in real property is described by metes and bounds in Exhibit 1 to this Resolution (the "Property"), owned by Brian Evans and Yoon Sin Kim (the "Owner"), located adjacent to the US Hwy 183S in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South / Bergstrom Expressway Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Property has been submitted to the Mobility Authority, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the Mobility Authority, through agents employed or contracted with the Mobility Authority, has transmitted an official written offer to the Owner, based on the amount determined to be just compensation, and has entered into good faith negotiations with the Owner of the Property to acquire the Property; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have failed to agree on the amount determined to be just compensation due to said Owner for the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Property for consideration in an amount that does not exceed the official written offer previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by agreement, subject to approval of the agreement and acquisition price by the Board of Directors; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Property by agreement would be futile, the Executive Director or his designee is hereby authorized and directed to file or cause to be filed a suit in eminent domain to acquire the Property for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by the Property described in the attached Exhibit 1; and

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

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2015.

Submitted and reviewed by:

Approved:



Andrew Martin, General Counsel



Ray A. Wilkerson, Chairman



EXHIBIT \_\_\_\_\_

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

**DESCRIPTION FOR PARCEL 132**

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

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

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

EXHIBIT \_\_\_\_\_

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

DESCRIPTION FOR PARCEL 132

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

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

This property description is accompanied by a plat of even date.

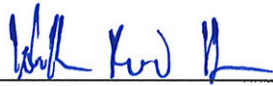
All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(93) HARN.

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

That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 31<sup>st</sup> of December, 2014 A.D.

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

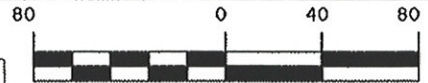
  
 \_\_\_\_\_  
 William Reed Herring  
 Registered Professional Land Surveyor  
 No. 6355 - State of Texas



LEGEND

LINE TABLE

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



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



CURVE TABLE

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

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

JAMES BURLESON  
SURVEY NO. 19,  
ABSTRACT NO. 4

BRIAN EVANS AND YOON SIN KIM,  
HUSBAND AND WIFE  
DOCUMENT NO. 2013012348  
O.P.R.T.C.TX.

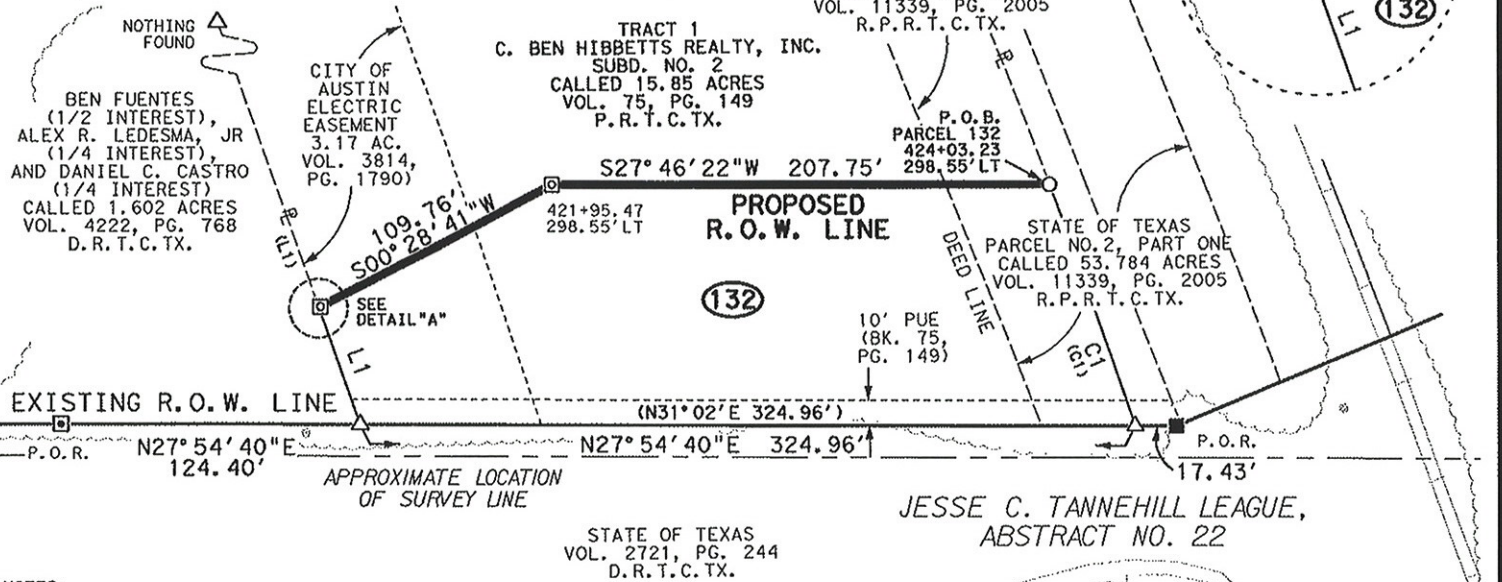
TRACT 1  
C. BEN HIBBETTS REALTY, INC.  
SUBD. NO. 2  
CALLED 15.85 ACRES  
VOL. 75, PG. 149  
P.R.T.C.TX.

SAVE AND EXCEPT  
EXHIBIT "B"  
CALLED 1.471 ACRES  
VOL. 11339, PG. 2005  
R.P.R.T.C.TX.

P.O.B.  
PARCEL 132  
424+03.23  
298.55' LT

STATE OF TEXAS  
PARCEL NO. 2, PART ONE  
CALLED 53.784 ACRES  
VOL. 11339, PG. 2005  
R.P.R.T.C.TX.

JESSE C. TANNEHILL LEAGUE,  
ABSTRACT NO. 22



NOTES:

1. ALL BEARINGS SHOWN ARE BASED ON NAD83(93) HARN, TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.00011.
2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

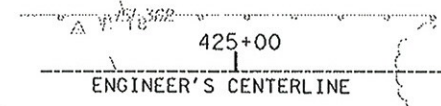
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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

12/31/2014  
DATE



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



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

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

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

**RESOLUTION NO. 15-050.4**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT  
(PARCEL 155)**

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code and other applicable law, the Central Texas Regional Mobility Authority ("Mobility Authority") hereby finds and determines that to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways and the roadways of the State of Texas, public convenience and necessity requires acquisition of the fee simple interest and any leasehold interests in real property, excluding any rights to the mineral estate, as that fee simple interest in real property is described by metes and bounds in Exhibit 1 to this Resolution (the "Property"), owned by Sunbelt Cleveland Properties, L.P. (the "Owner"), located adjacent to the US Hwy 183S in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South / Bergstrom Expressway Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Property has been submitted to the Mobility Authority, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the Mobility Authority, through agents employed or contracted with the Mobility Authority, has transmitted an official written offer to the Owner, based on the amount determined to be just compensation, and has entered into good faith negotiations with the Owner of the Property to acquire the Property; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have failed to agree on the amount determined to be just compensation due to said Owner for the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Property for consideration in an amount that does not exceed the official written offer previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by agreement, subject to approval of the agreement and acquisition price by the Board of Directors; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Property by agreement would be futile, the Executive Director or his designee is hereby authorized and directed to file or cause to be filed a suit in eminent domain to acquire the Property for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by the Property described in the attached Exhibit I; 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, 2015.

Submitted and reviewed by:

Approved:

  
Andrew Martin, General Counsel

  
Ray A. Wilkerson, Chairman

EXHIBIT \_\_

County: Travis  
Parcel No.: 155  
Highway: US 183  
Limits: From: East of U.S. 290  
To: S.H. 71  
RCSJ: 0151-09-039

PROPERTY DESCRIPTION FOR PARCEL 155

DESCRIPTION OF A 0.131 ACRE (5,722 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF A CALLED 10.65 ACRE TRACT OF LAND, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO SUNBELT CLEVELAND PROPERTIES, LP, AND RECORDED IN DOCUMENT NO. 1999108339 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), ALSO BEING DESCRIBED IN A PLAT TO PERFORMANCE TRUCK SUBDIVISION (BLOCK A, PLAT 1), AND RECORDED IN DOCUMENT NO. 199900379, OF THE O.P.R.T.C.TX., SAID 0.131 ACRE (5,722 SQ. FT.) PARCEL AS SHOWN ON THE ACCOMPANYING RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½-inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap set 197.44 feet left of Engineer's Centerline Station (E.C.S.) 438+37.82, in the proposed east right-of-way line of U.S. Highway 183, same being on the south line of a tract of land conveyed in a deed to MWI-KOC, LLC, and recorded in a Document No. 2012013788, of the O.P.R.T.C.TX., same being a called 0.245 acre tract of land (Lot 1, Block A), Knollwood on the Colorado River – Section One, and recorded in Document No. 200800244, of the O.P.R.T.C.TX., for the northeast corner of the parcel described herein, from which a ½-inch iron rod found in concrete at the northeast corner of said 10.65 acre tract bears S 65°02'24" E, a distance of 730.30 feet;

**THENCE** with the proposed east right-of-way line of said U.S. Highway 183 and over an across said 10.65 acre tract, the following two (2) courses and distances numbered 1-2:

- 1) S 25°35'37" W, a distance of 319.33 feet to a 5/8-inch iron rod with TxDOT aluminum cap set 201.12 feet left of E.C.S. 441+54.37, and \*\*
- 2) S 27°42'33" W, a distance of 252.89 feet to a 5/8-inch iron rod with TxDOT aluminum cap set 197.83 feet left of E.C.S. 444+05.06, being on the north right-of-way line of Smith Road, as dedicated in said plat to Performance Truck Subdivision, same being the southeast corner of the parcel described herein, from which a ½-inch iron rod found on the east line of said 10.65 acre tract bears S 65°01'09" E, a distance of 683.55 feet; \*\*
- 3) **THENCE** N 65°01'14" W, with the north line of said Smith Road, a distance of 10.01 feet to a TxDOT Type II concrete monument found in the existing east right-of-way line of said U.S. Highway 183, as conveyed in a deed to the State of Texas, and recorded in Document No. 2001168148, of the O.P.R.T.C.TX., for the southwest corner of the parcel described herein;

EXHIBIT \_\_

County: Travis  
Parcel No.: 155  
Highway: US 183  
Limits: From: East of U.S. 290  
To: S.H. 71  
RCSJ: 0151-09-039

PROPERTY DESCRIPTION FOR PARCEL 155

**THENCE** with existing east right-of-way line of said U.S. Highway 183 the following two (2) courses and distances numbered 4-5:

- 4) N 27°42'33" E, a distance of 253.18 feet to a TxDOT Type II concrete monument found, and
- 5) N 25°35'37" E, a distance of 319.03 feet to a ½-inch iron rod with TxDOT aluminum cap found on the common line of said 10.65 acre tract, and said 0.245 acre tract, said point being the northwest corner of the parcel described herein;
- 6) **THENCE** S 65°02'24" E, departing the east right-of-way line of U.S. Highway 183, with the common line said 10.65 acre tract and said 0.245 acre tract, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 0.131 acres (5,722 SQ. FT.) tract of land more or less.

\*\* This monument may be replaced by a TxDOT Type II right-of-way upon the completion of the highway construction project under the supervision of a RPLS either employed or retained by TxDOT.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(NonHARN).

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

That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 19<sup>th</sup> of December, 2014 A.D.

SURVEYING AND MAPPING, LLC  
4801 Southwest Parkway  
Building Two, Suite 100  
Austin, Texas 78735  
Texas Firm Registration Number 10064300

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



JAMES BURLERSON SURVEY NO. 19, LOT 1, BLOCK A  
ABSTRACT NO. 4  
PERFORMANCE  
TRUCK SUBDIVISION  
10.00 ACRES  
DOC. NO. 199900379  
O.P.R. T.C. TX.

SUNBELT CLEVELAND  
PROPERTIES, LP  
CALLED 10.65 ACRES  
DOC. NO. 1999108339  
O.P.R. T.C. TX.

GRAPHIC SCALE  
SCALE: 1" = 40'  
TRAVIS COUNTY, TEXAS  
CITY OF AUSTIN

"PARCEL 77B"  
STATE OF TEXAS  
DOC. NO. 2003065984  
O.P.R. T.C. TX.

P.O.B.  
438° 37' 82"  
197° 44' LT

L1

L6

PROPOSED ROW LINE

EXISTING ROW LINE

APPROXIMATE LOCATION OF SURVEY LINE

BIT

"PARCEL 76"  
STATE OF TEXAS  
DOC. NO. 2001168148  
O.P.R. T.C. TX.

STATE OF TEXAS  
VOL. 2768, PG. 488  
D.R. T.C. TX.

ED BLUESTEIN BLVD.  
U.S. HIGHWAY 183  
(VARIABLE WIDTH R.O.W.)  
JESSE C. TAMMEHILL LEAGUE,  
CULL  
— ABSTRACT NO. 22 —

STATE OF TEXAS  
VOL. 2768, PG. 488  
D.R. T.C. TX.

KNOLLWOOD ON  
THE COLORADO RIVER  
SECTION ONE  
LOT 1, BLOCK A  
CALLED 0.245 CARE  
DOC. NO. 200800244  
O.P.R. T.C. TX.

MWI-KOC, LLC  
DOC. NO. 2012013788  
O.P.R. T.C. TX.

STATE OF TEXAS  
VOL. 2768, PG. 488  
D.R. T.C. TX.

ED BLUESTEIN BLVD.  
U.S. HIGHWAY 183  
(VARIABLE WIDTH R.O.W.)  
JESSE C. TAMMEHILL LEAGUE,  
CULL  
— ABSTRACT NO. 22 —

ED BLUESTEIN BLVD.  
U.S. HIGHWAY 183  
(VARIABLE WIDTH R.O.W.)  
JESSE C. TAMMEHILL LEAGUE,  
CULL  
— ABSTRACT NO. 22 —

ENGINEER'S CENTERLINE

440+00

LINE NO.	BEARING	DISTANCE
L1	S65° 02' 24" E	730.30'
L6	S65° 02' 24" E	10.00'

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND (UNLESS NOTED)
- TYPE II CONCRETE MONUMENT SET
- 1/2" IRON ROD SET WITH TXDOT ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- IRON PIPE FOUND
- COTTON SPINDLE FOUND
- △ CALCULATED POINT
- FENCE POST
- PROPERTY LINE
- CENTER LINE
- ( ) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.T. POINT OF TERMINATION
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVATURE
- P.T. POINT OF TANGENCY
- P.O.R. POINT OF REFERENCE
- D.R. T.C. TX. DEED RECORDS TRAVIS COUNTY, TX.
- P.R. T.C. TX. PLAT PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- R.P.R. T.C. TX. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- O.P.R. T.C. TX. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- ACCESS DENIAL LINE (C. OF A. LINE) ["C.O.A."], ["A.D.L."]

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	S65° 02' 24" E	730.30'
L6	S65° 02' 24" E	10.00'

ENGINEER'S CENTERLINE

440+00



4801 Southwest Parkway  
Building Two, Suite 100  
Austin, Texas 78735  
(512) 447-0575  
Fax: (512) 326-3029  
Texas Firm Registration No. 10086000

RIGHT-OF-WAY SKETCH SHOWING  
PARCEL 155  
0.131 AC. (5,722 SQ. FT.)  
RCSJ NO. 151-09-039



JAMES BURLESON SURVEY NO. 19,  
ABSTRACT NO. 4

SUNBELT CLEVELAND  
PROPERTIES, LP  
CALLED 10.65 ACRES  
DOC. NO. 1999108339  
O.P.R.T.C.TX.

GRAPHIC SCALE  
SCALE: 1" = 40'  
TRAVIS COUNTY, TEXAS  
CITY OF AUSTIN



L2  $441+54.37$   
 $197.83$  LT

L3  $227^{\circ} 42' 33" W$  252.89'

L4  $N27^{\circ} 42' 33" E$  253.18'

PROPOSED ROW LINE

EXISTING ROW LINE

board

Billboard

"PARCEL 76"

STATE OF TEXAS  
DOC. NO. 2001168148

O.P.R.T.C.TX.

LINE TABLE

LINE NO.	BEARING	DISTANCE
L2	S25° 35' 37" W	319.33'
L3	S65° 01' 09" E	683.55'
L4	N65° 01' 14" W	10.01'
L5	N25° 35' 37" E	319.03'

\*\* This monument may be replaced by a TxDOT Type II right-of-way upon the completion of the highway construction project under the supervision of a RPLS either employed or retained by TxDOT.

NOTES:

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
- ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE NAD 83 (NORTHAR) ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
- IMPROVEMENTS SHOWN HEREON ARE BASED UPON TxDOT AERIAL SURVEY DIGITAL FILES.
- ALL VOLUME NUMBERS REFER TO THE DEED RECORDS OF TRAVIS COUNTY, TEXAS UNLESS OTHERWISE NOTED.

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

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

12/19/2014  
DATE



4801 Southwest Parkway  
Building Two, Suite 100  
Austin, Texas 78735  
(512) 447-0575  
Fax: (512) 326-3029  
Texas Firm Registration No. 10066500

RIGHT-OF-WAY SKETCH SHOWING  
PARCEL 155  
0.131 AC. (5,722 SQ. FT.)  
RCSJ NO. 151-09-039

P.O.R.  
DEDICATED FOR  
ADDITIONAL  
RIGHT-OF-WAY  
 $444+05.06$   
 $197.83$  LT

APPROXIMATE LOCATION OF SURVEY LINE

Sign

PERFORMANCE TRUCK  
SUBDIVISION  
BLOCK A, LOT 1  
CALLED 10.00 ACRES  
DOC. NO. 199900379  
O.P.R.T.C.TX.

STATE OF TEXAS  
VOL. 2768, PG. 488  
D.R.T.C.TX.

JESSE C. TAMMEHILL LEAGUE,  
ABSTRACT NO. 22



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

Culvert

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

**RESOLUTION NO. 15-050.5**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT  
(PARCEL 157)**

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code and other applicable law, the Central Texas Regional Mobility Authority ("Mobility Authority") hereby finds and determines that to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways and the roadways of the State of Texas, public convenience and necessity requires acquisition of the fee simple interest and any leasehold interests in real property, excluding any rights to the mineral estate, as that fee simple interest in real property is described by metes and bounds in Exhibit 1 to this Resolution (the "Property"), owned by William E. Selman (the "Owner"), located adjacent to the US Hwy 183S in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South / Bergstrom Expressway Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Property has been submitted to the Mobility Authority, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the Mobility Authority, through agents employed or contracted with the Mobility Authority, has transmitted an official written offer to the Owner, based on the amount determined to be just compensation, and has entered into good faith negotiations with the Owner of the Property to acquire the Property; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have failed to agree on the amount determined to be just compensation due to said Owner for the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Property for consideration in an amount that does not exceed the official written offer previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by agreement, subject to approval of the agreement and acquisition price by the Board of Directors; and

BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Property by agreement would be futile, the Executive Director or his designee is hereby authorized and directed to file or cause to be filed a suit in eminent domain to acquire the Property for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by the Property described in the attached Exhibit 1; and

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

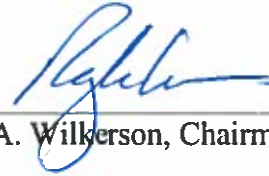
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2015.

Submitted and reviewed by:

Approved:



Andrew Martin, General Counsel



Ray A. Wilkerson, Chairman

EXHIBIT \_\_\_\_\_

**County:** Travis  
**Highway:** US 183  
**Limits:** From: East of U.S. 290 To: S.H.71  
**RCSJ:** 0151-09-039  
**Station:** 547+18.90 to 549+52.32

**DESCRIPTION FOR PARCEL 157**

DESCRIPTION OF A 0.163 ACRE (7,117 SQ.FT.) PARCEL OF LAND LOCATED IN THE SANTIAGO DE VALLE GRANT, ABSTRACT NO. 24, IN CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING A PORTION OF LOT B, EL JAY SUBDIVISION, AND RECORDED IN VOLUME 59, PAGE 61, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.TX.), SAME BEING A PORTION OF LOT B, CONVEYED IN A SPECIAL WARRANTY DEED TO WILLIAM E. SELMAN, AND RECORDED IN VOLUME 11788, PAGE 26, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.TX.), SAID 0.163 ACRE (7,117 SQ.FT.) PARCEL OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at an iron pipe found at the south corner of said Selman tract, same being an interior ell corner of Tract 1, as conveyed in a deed to 422 Bastrop Hwy., Ltd, and recorded in Document No. 2006129926 of the Official Public Records of Travis County, Texas (O.P.R.T.C.TX.);

**THENCE**, N34°01'40"E, with the west line of said Tract 1, same being the east line of said Selman tract, a distance of 36.48 feet to a ½-inch iron rod with a Texas Department of Transportation (TxDOT) aluminum cap set 231.75 feet right of Engineer's Centerline Station (E.C.S.) 549+52.32, said point being on the proposed west right-of-way line of U.S. Highway 183, for the **POINT OF BEGINNING**, and the southwest corner of the parcel described herein;

**THENCE**, with the proposed west right-of-way line of said U.S. Highway 183, over and across said Selman tract, the following two (2) courses and distances numbered 1-2;

- 1) N 36°13'14" W, a distance of 168.86 feet to a 5/8-inch iron rod with a TxDOT aluminum cap set 252.47 feet right of E.C.S. 547+84.73\*\*, and
- 2) N 09°25'02" W, a distance of 69.96 feet to a 5/8-inch iron rod with a TxDOT aluminum cap set 228.82 feet right of E.C.S. 547+18.90\*\*, said point being on the west line of said Selman tract, same being the east right of way line of Valdez Street (50 foot width right-of-way)(no record information found), for the northwest corner of the parcel described herein;
- 3) **THENCE** N 35°00'45" E, with the common line of said Selman tract, and said Valdez Street, a distance of 8.61 feet to a ½-inch iron rod with a TxDOT aluminum cap found 221.07 feet right of E.C.S. 547+15.15 on the existing west right of way line of said U.S. Highway 183, as conveyed to the State of Texas, and recorded in Document No. 2006099915 of the O.P.R.T.C.TX., said point being a point of intersection with the east right of way line of said Valdez Street, for the northeast corner of the parcel described herein;

EXHIBIT \_\_\_\_\_

County: Travis  
Highway: US 183  
Limits: From: East of U.S. 290 To: S.H.71  
RCSJ: 0151-09-039  
Station: 547+18.90 to 549+52.32

DESCRIPTION FOR PARCEL 157

THENCE with the existing west right of way line of said U.S. Highway 183, the following two (2) courses and distances numbered 4-5:

- 4) S 36°01'11" E, a distance of 92.82 feet to a TxDOT Type II concrete monument found, at the beginning of a curve to the right, and
- 5) southeasterly with a curve to the right, having an arc distance of 132.38 feet, through a central angle 02°38'02", having a radius of 2,879.79 feet, and a chord that bears S 30°37'49" E, a distance of 132.37 feet to a ½-inch iron rod with a TxDOT aluminum cap found 206.64 feet right of E.C.S. 549+39.63 on the common line of said Selman tract and said Tract 1, for the southeast corner of the parcel described herein;
- 6) THENCE S 34°01'40" W, departing the existing west right-of-way line of U.S. Highway 183, with the common line of said Selman tract and said Tract 1, a distance of 28.13 feet to the **POINT OF BEGINNING** and containing a 0.163 acre (7,117 sq. ft.) tract of land, more or less.

\*\* This monument may be replaced by a TxDOT Type II right-of-way upon the completion of the highway construction project under the supervision of a RPLS either employed or retained by TxDOT.

This property description is accompanied by a plat of even date.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(NonHARN).

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

That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 08<sup>th</sup> of January, 2015 A.D.

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

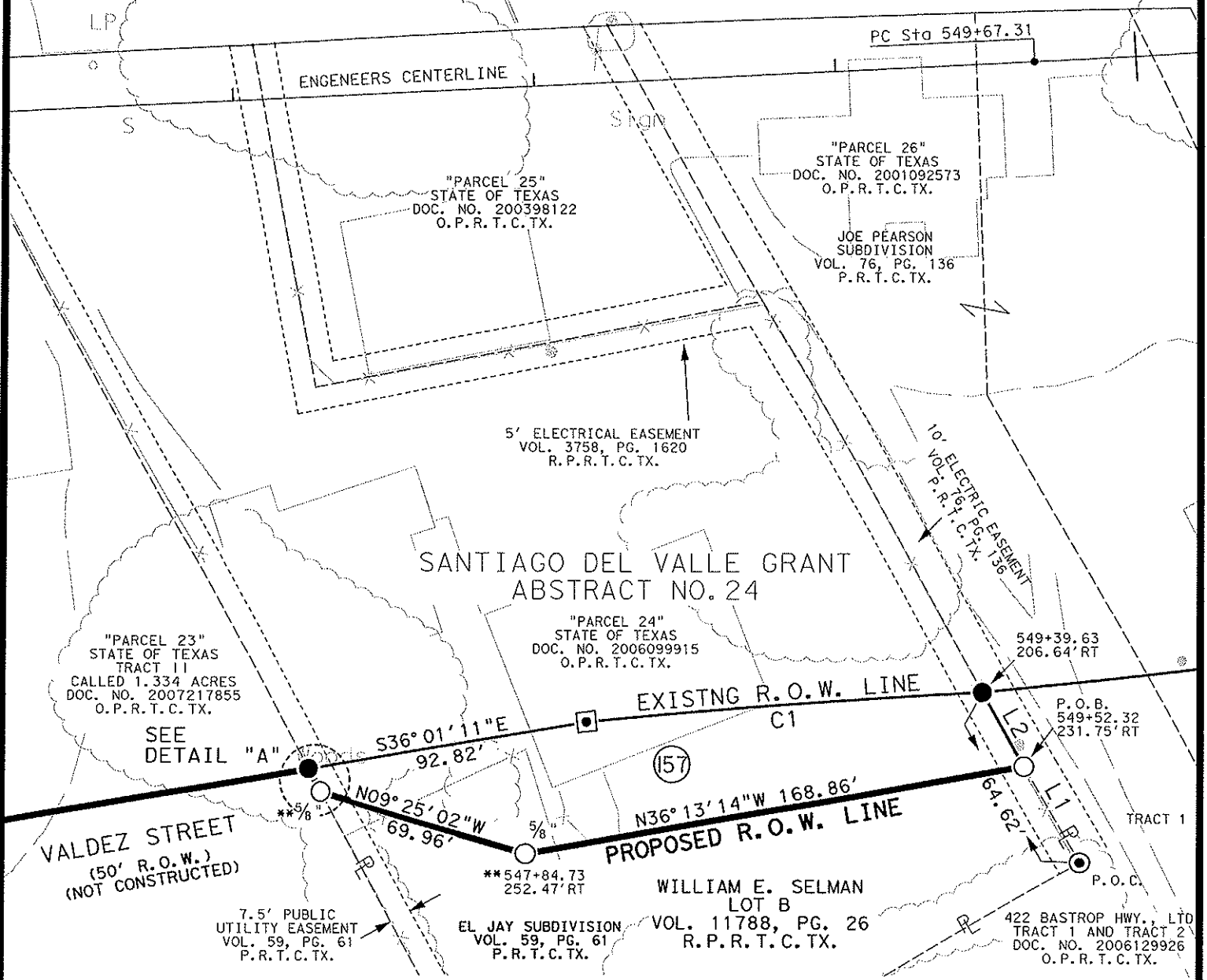
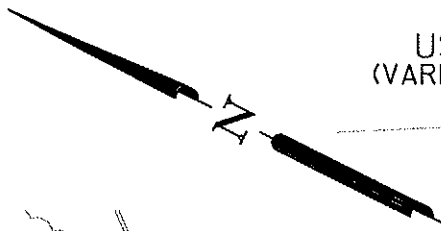
  
\_\_\_\_\_  
William Reed Herring  
Registered Professional Land Surveyor  
No. 6355 - State of Texas





GRAPHIC SCALE  
SCALE: 1" = 50'  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS

US HIGHWAY 183  
(VARIABLE WIDTH R.O.W.)



\*\* THIS MONUMENT MAY BE REPLACED BY A TXDOT TYPE II RIGHT-OF-WAY UPON THE COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A RPLS EITHER EMPLOYED OR RETAINED BY TXDOT.

NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 (NAD 83 (NADHARN)), ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. ALL VOLUME NUMBERS REFER TO THE DEED RECORDS OF TRAVIS COUNTY, TEXAS UNLESS OTHERWISE NOTED.

1/8/2015  
PAGE 3 OF 4



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

RIGHT-OF-WAY SKETCH SHOWING  
PARCEL 157  
0.163 AC. (7,117 SQ. FT.)  
RCSJ NO. 0151-09-039

CURVE TABLE

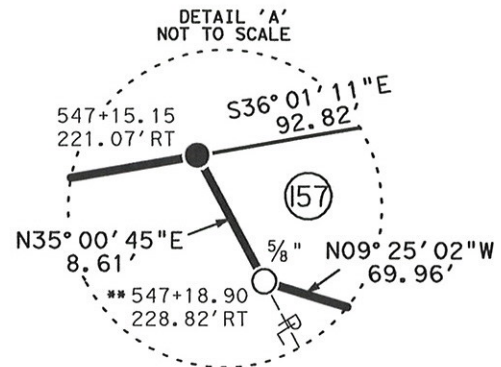
NO.	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	02° 38' 02" RT	2, 879.79'	132.38'	132.37'	S30° 37' 49" E

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N34° 01' 40" E	36.48'
L2	S34° 01' 40" W	28.13'

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- ▣ TxDOT TYPE II CONCRETE MONUMENT FOUND (UNLESS NOTED)
- ◻ TYPE II CONCRETE MONUMENT SET
- 1/2" IRON ROD SET WITH TxDOT ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ◎ IRON PIPE FOUND
- COTTON SPINDLE FOUND
- △ CALCULATED POINT
- ◇ FENCE POST
- ⌚ PROPERTY LINE
- ⌚ CENTER LINE
- ( ) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
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- D.R.T.C.TX. DEED RECORDS TRAVIS COUNTY, TX.
- P.R.T.C.TX. PLAT RECORDS TRAVIS COUNTY, TX.
- R.P.R.T.C.TX. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- +— ACCESS DENIAL LINE (C. OF A. LINE) ["C.O.A."], ["A.D.L."]



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

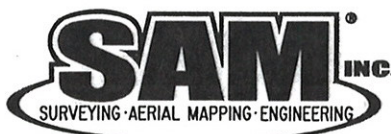
*William Reed Herring*

*1/8/2015*

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

DATE

1/8/2015  
PAGE 4 OF 4



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

RIGHT-OF-WAY SKETCH SHOWING  
PARCEL 157  
0.163 AC. (7,117 SQ. FT.)  
RCSJ NO. 0151-09-039

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

**RESOLUTION NO. 15-050.6**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT  
(PARCEL 158)**

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code and other applicable law, the Central Texas Regional Mobility Authority ("Mobility Authority") hereby finds and determines that to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways and the roadways of the State of Texas, public convenience and necessity requires acquisition of the fee simple interest and any leasehold interests in real property, excluding any rights to the mineral estate, as that fee simple interest in real property is described by metes and bounds in Exhibit 1 to this Resolution (the "Property"), owned by 422 Bastrop Hwy., Ltd. (the "Owner"), located adjacent to the US Hwy 183S in Travis County, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South / Bergstrom Expressway Project (the "Project"), as a part of the improvements to the Project; and

WHEREAS, an independent, professional appraisal report of the Property has been submitted to the Mobility Authority, and an amount has been established to be just compensation for the property rights to be acquired; and

WHEREAS, the Executive Director of the Mobility Authority, through agents employed or contracted with the Mobility Authority, has transmitted an official written offer to the Owner, based on the amount determined to be just compensation, and has entered into good faith negotiations with the Owner of the Property to acquire the Property; and

WHEREAS, as of the date of this Resolution, the Executive Director and the Owner have failed to agree on the amount determined to be just compensation due to said Owner for the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Executive Director is specifically authorized to negotiate and execute, if possible, an agreement to acquire the Property for consideration in an amount that does not exceed the official written offer previously transmitted to the Owner; and

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to negotiate an agreement to acquire the Property and all leasehold interests in the Property by agreement, subject to approval of the agreement and acquisition price by the Board of Directors; and



BE IT FURTHER RESOLVED that at such time as the Executive Director concludes that further negotiations with Owner to acquire the Property by agreement would be futile, the Executive Director or his designee is hereby authorized and directed to file or cause to be filed a suit in eminent domain to acquire the Property for the aforesaid purposes against the Owner and the owners of any interest in, and the holders of any lien secured by the Property described in the attached Exhibit 1; and

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

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2015.

Submitted and reviewed by:

Approved:

  
Andrew Martin, General Counsel

  
Ray A. Wilkerson, Chairman

EXHIBIT \_\_\_\_\_

**County:** Travis  
**Highway:** US 183  
**Limits:** From: East of U.S. 290 To: S.H. 71  
**RCSJ:** 0151-09-039  
**Station:** 549+52.32 to 550+25.46

**DESCRIPTION FOR PARCEL 158**

DESCRIPTION OF A 0.035 ACRE (1,523 SQ.FT.) PARCEL OF LAND LOCATED IN THE SANTIAGO DE VALLE GRANT, ABSTRACT NO. 24, IN CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING A PORTION OF TRACT 1 AND TRACT 2 CONVEYED TO 422 BASTROP HWY. LTD, RECORDED IN DOCUMENT NO. 2006129926, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNT, TEXAS (O.P.R.T.C.TX.) SAME TRACT BEING PART OF LOT 1 OF THE JOE PEARSON SUBDIVISION, RECORDED IN VOLUME 76, PAGE 136, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.TX.), SAID 0.035 ACRE (1,523 SQ.FT.) PARCEL OF LAND, AS SHOWN ON THE ACCOMPANYING SKETCH PREPARED BY SAM, LLC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at an iron pipe found at south corner of a tract of land conveyed to William E. Selman, recorded in Volume 11788, Page 26 of the Real Property Records of Travis County, Texas (R.P.R.T.C.TX.), same being described as Lot B, in El Jay Subdivision, recorded in Volume 59, Page 61 P.R.T.C.TX., also being and interior ell corner of said Tract 1;

**THENCE** N 34°01'40" E, with the west line of said Tract 1, same being the east line of said Selman Tract, a distance of 36.48 feet to a ½-inch iron rod with a TxDOT aluminum cap set 231.75 feet left of Engineer's Centerline Station (E.C.S.) 549+52.32, same being on the proposed west right-of-way line of U.S. Highway 183, for the **POINT OF BEGINNING**, and the northwest corner of the parcel described herein;

- 1) **THENCE** N 34°01'40" E, continuing with the west line of said Tract 1, and the east line of said Selman Tract, a distance of 28.13 feet to a ½-inch iron rod with a TxDOT aluminum cap found on the existing west right-of-way line of said U.S. Highway 183, as conveyed to the State of Texas, and recorded in Document No. 2001092573, O.P.R.T.C.TX., for the northeast corner of the parcel described herein, same being the beginning of a curve to the left, from which a TxDOT Type II concrete monument found on the existing west right-of-way line of said U.S. Highway 183, bears, N 30°37'48" W, a chord distance of 132.37 feet;
- 2) **THENCE** southeasterly, with a said curve to the left, same being the existing west right-of-way line of said U.S. Highway 183, passing an arc distance of 54.16 feet to a ½-inch iron rod with a TxDOT aluminum cap found on the common line of said Tract 1 and said Tract 2, and continuing for a total arc distance of 90.11 feet, through a central angle 01°47'34", having a radius of 2,879.79 feet, and a chord that bears S 32°50'36" E, a distance of 90.10 feet to a ⅝-inch iron rod with a TxDOT aluminum cap set 201.50 feet right of E.C.S. 550+25.46\*\*, from which a ½-inch iron rod with a TxDOT aluminum cap set 197.76 feet right of E.C.S. 550+83.60, at a west line of a called 12.358 acre tract of land (Tract 1), as described in a deed to Chase Equities, Inc., and recorded in Document No. 2013010305, of the O.P.R.T.C.TX., said point being on a curve to the left bears, S 34°21'34" E, a chord distance of 62.30 feet;

EXHIBIT \_\_\_\_\_

**County:** Travis  
**Highway:** US 183  
**Limits:** From: East of U.S. 290 To: S.H. 71  
**RCSJ:** 0151-09-039  
**Station:** 549+52.32 to 550+25.46

**DESCRIPTION FOR PARCEL 158**

**THENCE** over and across said Tract 1 and Tract 2, and with the proposed west right-of-way line of said U.S. Highway 183 the following two (2) courses and distances numbered 3-4;

- 3) N 61°35'48" W a distance of 49.40 feet to a 5/8-inch iron rod with a TxDOT aluminum cap set 227.42 feet right of E.C.S. 549+86.34\*\*;
- 4) N 36°13'14" W a distance of 35.81 feet to the **POINT OF BEGINNING** and containing a 0.035 acre (1,523 sq. ft.) tract of land, more or less.

\*\* This monument may be replaced by a TxDOT Type II right-of-way upon the completion of the highway construction project under the supervision of a RPLS either employed or retained by TxDOT.

This property description is accompanied by a plat of even date.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(NonHARN).

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

That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 08<sup>th</sup> of January, 2015 A.D.

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

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

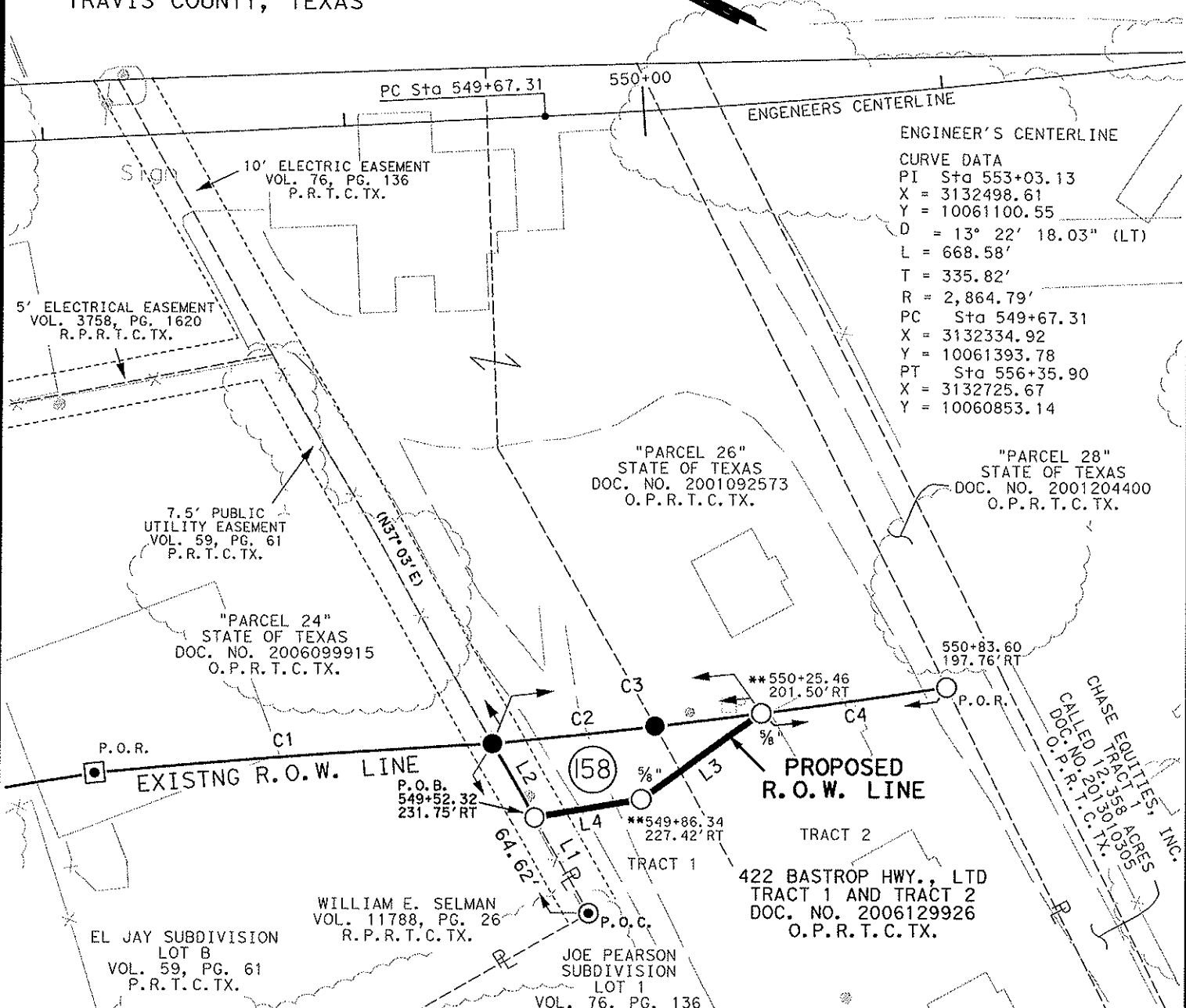


50 0 25 50

GRAPHIC SCALE  
SCALE: 1" = 50'  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS

# SANTIAGO DEL VALLE GRANT ABSTRACT NO. 24

## U.S. HIGHWAY 183 (VARIABLE WIDTH R.O.W.)



ENGINEER'S CENTERLINE  
 CURVE DATA  
 PI Sta 553+03.13  
 X = 3132498.61  
 Y = 10061100.55  
 D = 13° 22' 18.03" (LT)  
 L = 668.58'  
 T = 335.82'  
 R = 2,864.79'  
 PC Sta 549+67.31  
 X = 3132334.92  
 Y = 10061393.78  
 PT Sta 556+35.90  
 X = 3132725.67  
 Y = 10060853.14

\*\* THIS MONUMENT MAY BE REPLACED BY A  
 TXDOT TYPE II RIGHT-OF-WAY UPON THE  
 COMPLETION OF THE HIGHWAY CONSTRUCTION  
 PROJECT UNDER THE SUPERVISION OF A RPLS  
 EITHER EMPLOYED OR RETAINED BY TXDOT.

NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 (NonHARN), ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. ALL VOLUME NUMBERS REFER TO THE DEED RECORDS OF TRAVIS COUNTY, TEXAS UNLESS OTHERWISE NOTED.

1/8/2015  
PAGE 3 OF 4



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

RIGHT-OF-WAY SKETCH SHOWING  
 PARCEL 158  
 0.035 AC. (1,523 SQ. FT.)  
 RCSJ NO. 0151-09-039

**CURVE TABLE**

NO.	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	02° 38' 02"LT	2,879.79'	132.38'	132.37'	N30° 37' 48"W
C2	01° 04' 39"LT	2,879.79'	54.16'	54.16'	S32° 29' 09"E
C3	01° 47' 34"LT	2,879.79'	90.11'	90.10'	S32° 50' 36"E
C4	01° 14' 22"LT	2,879.79'	62.30'	62.30'	S34° 21' 34"E

**LINE TABLE**

LINE NO.	BEARING	DISTANCE
L1	N34° 01' 40"E	36.48'
L2	N34° 01' 40"E	28.13'
L3	N61° 35' 48"W	49.40'
L4	N36° 13' 14"W	35.81'

**LEGEND**

- TYPE I CONCRETE MONUMENT FOUND
- ▣ TxDOT TYPE II CONCRETE MONUMENT FOUND (UNLESS NOTED)
- ▤ TYPE II CONCRETE MONUMENT SET
- 1/2" IRON ROD SET WITH TxDOT ALUMINUM CAP SET UNLESS NOTED
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ IRON PIPE FOUND
- COTTON SPINDLE FOUND
- △ CALCULATED POINT
- ⬡ FENCE POST
- ⌚ PROPERTY LINE
- ⓪ CENTER LINE
- ( ) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
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- D.R.T.C.TX. DEED RECORDS TRAVIS COUNTY, TX.
- P.R.T.C.TX. PLAT RECORDS TRAVIS COUNTY, TX.
- R.P.R.T.C.TX. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- +—+—+—+—+—+—+—+—+—+ ACCESS DENIAL LINE (C. OF A. LINE) ["C.O.A. "], ["A.D.L. "]



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

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

*1/8/2015*  
 \_\_\_\_\_  
 DATE

1/8/2015  
 PAGE 4 OF 4



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RIGHT-OF-WAY SKETCH SHOWING  
 PARCEL 158  
 0.035 AC. (1,523 SQ. FT.)  
 RCSJ NO. 0151-09-039

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

**RESOLUTION NO. 15-050**

**APPROVE THE FINANCIAL ASSISTANCE AGREEMENT WITH THE TEXAS  
DEPARTMENT OF TRANSPORTATION FOR FUNDING TO DEVELOP AND  
CONSTRUCT THE 183 SOUTH (BERGSTROM EXPRESSWAY) PROJECT.**

WHEREAS, by Resolution No. 15-008 enacted January 28, 2015, the Board of Directors authorized the Executive Director to file applications with the Texas Department of Transportation ("TxDOT") for financial assistance to develop and construct the 183 South (Bergstrom Expressway) project and to negotiate the terms of funding agreements and related documents, subject to final approval by the Board of Directors; and

WHEREAS on July 30, 2015, the Texas Transportation Commission approved a grant of financial assistance by TxDOT in the amount of \$143,444,248, plus the value of the 183 South right-of-way to be transferred from TxDOT to the Authority (the "Grant"); and

WHEREAS, the financial assistance agreement for the Project proposed by and negotiated with TxDOT in its final form and as recommended by the Executive Director is attached as Exhibit 1; and

WHEREAS, the Board incorporates and adopts by reference, as additional recitals to this resolution, all recitals set forth in the financial assistance agreement attached as Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby accepts the Grant and approves the financial assistance agreement attached as Exhibit 1; and

BE IT FURTHER RESOLVED that the Board hereby authorizes the Executive Director to execute on behalf of the Mobility Authority the financial assistance agreement in the form or substantially the form attached as Exhibit 1.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 24<sup>th</sup> day of August, 2015.

Submitted and reviewed by:

Approved:

  
Andrew Martin, General Counsel

  
Ray A. Wilkerson  
Chairman, Board of Directors

**TEXAS DEPARTMENT OF TRANSPORTATION GRANT  
TO CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY  
FOR US 183 SOUTH - BERGSTROM EXPRESSWAY**

This Agreement is made by and between the Texas Department of Transportation, an agency of the State of Texas ("TxDOT"), and the Central Texas Regional Mobility Authority, a political subdivision of the State of Texas (the "Authority"), for the purpose of providing financial assistance in connection with the development and construction of the proposed US 183 South-Bergstrom Expressway in Travis County.

**RECITALS**

The parties acknowledge the following:

- A. On September 3, 2002, Travis and Williamson Counties (the "Counties") petitioned the Texas Transportation Commission (the "Commission") for authorization to form the Central Texas Regional Mobility Authority pursuant to provisions of the Texas Transportation Code; and
- B. In Minute Order No. 109052 adopted by the Commission on October 31, 2002, the Commission authorized the creation of the Authority; and
- C. The Authority now operates pursuant to Chapter 370 of the Texas Transportation Code (the "RMA Act") and 43 Texas Administrative Code §26.11 *et seq.* (the "RMA Rules"), as well as its own policies and procedures; and
- D. The Authority is charged with funding and developing transportation projects throughout the region to provide innovative transportation solutions, promote economic development, and improve the quality of life for residents of the region; and
- E. TxDOT has been participating in the Authority's development of the Bergstrom Expressway Project (the "Project"), an approximately eight (8) mile project to add three tolled lanes and three improved non-tolled frontage road lanes in each direction within the existing US 183 corridor between US 290 and SH 71, two tolled direct connectors that will connect eastbound SH 71 to northbound Bergstrom Expressway and southbound Bergstrom Expressway to westbound SH 71, improvements on SH 71 adjacent to US 183, and a proposed sidewalk and shared-use path and an outside bike lane within the right of way adjacent to the roadway, all as is more fully described and depicted on Attachment "A."
- F. The only portion of the Project that will be tolled is the added capacity, and at a minimum the same amount of non-tolled capacity that exists within the corridor at the time construction begins will be maintained within the corridor.
- G. The Project is located within the jurisdiction of the Authority, and is subject to the "primacy" provisions set forth in Chapter 373 of the Texas Transportation Code; and
- H. Chapter 373 of the Texas Transportation Code grants the Authority the first option to develop, finance, construct, and operate the Project; and

I. Pursuant to Resolution No. 14-023 passed on March 26, 2014, the Board of Directors of the Authority (the "Board") elected to exercise its option to develop, finance, construct, and operate the Project.

J. TxDOT and the Authority entered into an Advance Funding Agreement for the Project, effective as of February 6, 2014, and amended as of August 15, 2014, providing for the funding and performance of certain preliminary engineering and other preconstruction services related to the Project and the Project corridor (the "AFA").

K. On June 18, 2015, the Authority submitted an amended request, pursuant to 43 Texas Administrative Code Sec. 27.50, et seq. (the "Financial Assistance Rules"), for financial assistance in the form of a grant in the amount of \$143,444,248, plus the value of the right-of-way which has been requested to be transferred from TxDOT to the Authority (the "Grant"), including funding to be used to reimburse costs incurred by the Authority under the AFA, with the proceeds of the Grant to be used to fund a portion of the costs of developing, designing, and constructing the Project.

L. TxDOT may participate, through the expenditure of money from any source, in the acquisition, construction, maintenance, or operation of a toll facility of a public entity, under Article III, Section 52-b of the Texas Constitution and Texas Transportation Code §222.103.

M. TxDOT may provide for or contribute to the payment of costs of the design, financing, construction, operation, or maintenance of a turnpike project of the Authority on terms agreed on by TxDOT and the Authority, under Section 370.301 of the RMA Act.

N. The Texas Transportation Commission (the "Commission"), in Minute Order 114287 dated June 25, 2015, and Minute Order 114316 dated July 30, 2015, pursuant to its constitutional and statutory authority and the Financial Assistance Rules, gave preliminary and final approval of the request submitted by the Authority for the Grant in the amount of up to \$143,444,248 from the State Highway Fund in the form of certain funds allocated in the Unified Transportation Program (the "UTP"), plus the value of the right-of-way which has been requested to be transferred from TxDOT to the Authority (the "Right-Of-Way"), all to be used for the Project, and authorized the Executive Director of TxDOT to enter into a financial assistance agreement with the Authority. The Grant includes the following:

1. Category 2 Funds. The UTP allocates \$100,000,000 of Category 2 funds for the Project, which was previously allocated by the Capital Area Metropolitan Planning Organization. The Commission previously granted \$4,400,000 of the Category 2 funds to the Authority for the project in the form of a grant under a financial assistance agreement dated February 9, 2011, authorized by Minute Order 112443, dated September 30, 2010, leaving a total of \$95,600,000 available under this UTP allocation.

2. Category 7 Funds. The UTP allocates \$21,794,248 in Category 7 funds for the Project, which was previously allocated by the Capital Area Metropolitan Planning Organization. Some of these Category 7 Funds have been disbursed to the Authority under the AFA, which provides for Federal Participation of \$20,230,000 and State Participation of in-kind services of \$1,564,248, for a total of \$21,794,248.



3. Category 12 Funds. The UTP allocates \$26,050,000 in Category 12 funds for the Project.

4. Right of Way. Texas Transportation Code §373.101 requires the Commission and TxDOT to assist a local toll project entity in the development, financing, construction, and operation of a toll project for which the local toll project entity has exercised its option to develop, finance, construct, and operate the project by allowing the local toll project entity to use state highway right-of-way and to access the state highway system as necessary to construct and operate the toll project. Pursuant to Section 373.101, and subject to Commission approval, the Authority has requested that the right-of-way associated with the project's tolled mainlanes and direct connectors be removed from the state highway system and transferred to the Authority. Texas Transportation Code §373.102 requires the Authority to reimburse TxDOT for its costs to acquire right-of-way transferred to the local toll project entity, but authorizes the Commission or TxDOT to waive the requirement of reimbursement. The Authority has requested that the Commission waive the requirement of reimbursement for the Right-Of-Way that is expected to be transferred to the Authority after the scope of the Right-Of-Way is determined and the Commission approves the transfer, to be designated as a grant of the value of the Right-Of-Way once it is transferred.

O. On August 24, 2015, the Authority's Board of Directors (the "Board") accepted the Grant and, in Resolution No. 15-\_\_\_, authorized the Executive Director of the Authority to enter into this Agreement with TxDOT.

#### AGREEMENT

In light of the foregoing recitals, and for good and other valuable consideration, the parties agree as follows:

1. Use of Grant Funds.

a. TxDOT will provide financial assistance to the Authority, in the form of a grant, in an amount not to exceed \$143,444,248 consisting of the Category 2 Funds, Category 7 Funds, and Category 12 Funds as described herein, to be provided on a reimbursement basis, plus the value of the Right-Of-Way which has been requested to be transferred from TxDOT to the Authority (subject to Commission approval), all to be used for the development and construction of the Project in accordance with this Agreement. This funding is committed by TxDOT and is not subject to future discretionary actions of TxDOT or the Commission. The parties recognize that this funding commitment is an integral part of the overall plan of finance for the Project. The parties further recognize and acknowledge that the funds committed herein may be applied to reimburse Project costs incurred since February 6, 2014 (the effective date of the AFA), in anticipation of the receipt of those funds.

b. Project costs paid or reimbursed by the Authority using funds granted under this Agreement shall be paid or reimbursed in accordance with applicable policies of the Authority, the Financial Assistance Rules, and other applicable state and federal laws, including the

applicable requirements of OMB Circular A-87 (now at 2 CFR Part 225 - Cost Principles for State, Local, and Indian Tribal Governments).

c. The Category 7 Funds shall be governed by both the AFA and this Agreement, provided that this Agreement shall control in the event of any conflict between the AFA and this Agreement. Any funds disbursed from TxDOT to the Authority for the Project under the AFA prior to the effective date of this Agreement shall be treated as if they were disbursed under, and in compliance with, this Agreement.

2. Availability of Grant Funds. All Grant funds governed by this Agreement that have not been provided to the Authority as of the effective date of this Agreement are available for disbursement by TxDOT, provided that the Authority is in compliance with the terms of this Agreement and all prerequisites for the disbursement of funds are satisfied, including authorizations for the use of federal funds by the Federal Highway Administration.

3. Disbursement of Grant Funds.

a. The Authority will deliver to TxDOT prior to each disbursement a certificate in which the Authority accounts for all Grant funds disbursed under this agreement and certifies that the disbursement, when added to the amount of all prior disbursements under this Agreement, will not exceed the total amount of funding authorized under this Agreement.

b. Funds to be made available pursuant to this Agreement shall be disbursed within thirty (30) days of receipt and formal acceptance by TxDOT of a request for reimbursement from the Authority in a format acceptable to TxDOT which complies with the requirements in this Agreement, including those prescribed in Attachment "B" to this Agreement, and which shall also include the following:

- i. the amount requested;
- ii. a description of the use of the funds requested; and
- iii. copies of proposals, invoices, fee statements, or other documentation showing the intended use of the funds requested.

c. TxDOT shall have the right to deny all or part of a request for funds proposed to be used for purposes not authorized by this Agreement or due to a lack of adequate documentation. In either event, the Authority will have the right to submit additional information to clarify the use of funds requested or to provide any missing documentation. The parties will use their best efforts to resolve any disputes over the requested use of funds in a manner which recognizes the need for the Authority to advance the Project and meet its obligations.

d. The Authority shall submit to TxDOT an annual budget of Project costs payable from the Grant funds for the upcoming fiscal year of the Authority that includes monthly estimates of expenditures, such budget and cash flows to be in a form and in sufficient detail as may be reasonably required by TxDOT (the "Budget"). If the Authority determines that it will

incur costs that were not included in the Budget, the Authority shall provide a revised Budget to TxDOT.

e. TXDOT has thirty (30) calendar days from receipt of a revised Budget to notify the Authority in writing of TXDOT's approval of the revised Budget. Failure to notify the Authority of approval or disapproval of the Budget within thirty (30) calendar days shall be considered deemed approval of the Budget. Budget approval by TXDOT is conditioned on verification by TxDOT that the anticipated Grant disbursements can be made in the anticipated timeframe.

f. If TXDOT disapproves the revised Budget it shall specify, in writing (issued within the initial thirty (30) calendar day review period) the reasons for disapproval. The Authority may resubmit the revised Budget in a manner which addresses the issues raised by TXDOT. TXDOT shall have ten (10) business days from receipt of the resubmittal to review and approve, or disapprove, of the resubmittal. If TXDOT disapproves the resubmittal, it shall specify, in writing (issued within the ten (10) business day review period) the reasons for disapproval. Additional resubmittals will be processed in the same manner.

g. To the extent funds disbursed hereunder are utilized to procure tangible work product consistent with the authorized purposes under this Agreement, TxDOT shall have the right to review such work product as a condition to making a requested disbursement.

4. Reporting Requirements. The Authority shall provide the following information to TxDOT within the time frames prescribed herein:

a. a Budget, no later than three months prior to the start of the Authority's fiscal year;

b. the Authority's annual audited financial statements, no later than thirty (30) days after acceptance of the statements by the Authority's Board of Directors;

c. if applicable, any other annual financial information and notices of material events disclosed under Rule 15c2-12 of the United States Securities and Exchange Commission relating to any publicly-offered financing for the Project, no later than ten (10) days after disclosure; and

d. a written report detailing specific expenditures made or reimbursed with Grant disbursements during the previous Fiscal Year, no later than thirty (30) days after the end of the Fiscal Year.

e. The Authority will maintain transaction level expenditure information relating to expenditures paid or reimbursed with funds provided under this Agreement, and will provide, on a quarterly basis, a written report prepared by its General Engineering Consultant detailing the status of Project construction and the specific use of the granted funds during the previous quarter, including without limitation the use of those funds to reimburse costs incurred in anticipation of the receipt of those funds.

5. Notices and Communications.

a. All notices and other communications to either party under this Agreement shall be delivered personally, sent by email followed by a hard copy sent by U.S. mail, sent by overnight mail or courier service, or sent by certified U.S. mail, to the addresses set forth in subsections (b) and (c) of this section.

b. All notices or other communications to TxDOT shall be delivered to the following address or as otherwise directed by TxDOT:

Texas Department of Transportation  
Innovative Finance and Debt Management Office  
125 E. 11th Street  
Austin, TX 78701  
Attn: Benjamin Asher  
Email: Benjamin.Asher@txdot.gov

with copies emailed to:

Texas Department of Transportation  
Austin District  
**Physical Address**  
7901 N. I-35  
Austin, TX 78753  
Email:  
[heather.ashleynguyen@txdot.gov](mailto:heather.ashleynguyen@txdot.gov)  
[RoseMarie.Klee@txdot.gov](mailto:RoseMarie.Klee@txdot.gov)  
[Lloyd.Chance@txdot.gov](mailto:Lloyd.Chance@txdot.gov)

**Mailing Address**  
P.O. Drawer 15426  
Austin, TX 78761-5426

c. All notices or other communications to the Authority shall be delivered to the following address or as otherwise directed by the Authority:

Central Texas Regional Mobility Authority  
3300 North IH 35, Suite 300  
Austin, Texas 78705  
Attention: Executive Director

d. All personally delivered notices or other communications shall be deemed received on the date so delivered. Any notice or other communication by email shall be deemed received on the date of confirmation of receipt of the email, provided such communication is also deposited in the U.S. mail. All notices or other communications delivered by overnight mail or courier service shall be deemed received on the date shown on the receipt of private carrier or courier service.

7. Miscellaneous Provisions.

a. Each party will comply with applicable state and federal law in the performance of their obligations under this Agreement and any other agreements executed by the parties in relation to the Project.

b. TxDOT or the Texas State Auditor may conduct an audit or investigation of any aspect of the Grant. The Authority must provide TxDOT or the Texas State Auditor with access to any information TxDOT or the Texas State Auditor consider relevant to the investigation or audit. An audit by either TxDOT or the Texas State Auditor can include, but is not limited to, any contract for the performance of work authorized by this Agreement. Additionally, the Authority will maintain its books and records relating to the Project and the financial assistance provided under this Agreement in accordance with the requirements of 43 Texas Administrative Code §27.55(b)(2), and will comply with the audit, retention, and other requirements relating to records regarding the Project in 43 Texas Administrative Code §27.55(b). Generally Accepted Accounting Principles (GAAP) will be followed. "GAAP" means those principles of accounting promulgated by the Financial Accounting Standards Board, the Governmental Accounting Standards Board or the standards of the Office of Management and Budget Circular A-133, Audits of States, Local Government and Non-profit Organizations, as applicable, or which have other substantial authoritative support and are applicable in the circumstances as of the date of a report, as such principles are from time to time supplemented and amended.

c. In the event the Project is not developed and constructed by the Authority, then: (i) all work product and right of way associated with the Project and either procured with funds disbursed under this Agreement or otherwise granted under this Agreement shall, at TxDOT's request, be transferred to TxDOT, along with all right, title and interest in and to such work product, along with all right, title and interest in and to such work product or right of way; and (ii) TxDOT shall disburse to the Authority any undisbursed amounts of the financial assistance needed to pay or reimburse costs incurred by the Authority prior to such termination; provided, however, that such disbursement shall not exceed the aggregate amount of Project construction costs incurred prior to such termination. All unexpended funds provided to the Authority under this Agreement that exceed the aggregate amount of Project construction costs incurred prior to such termination shall be returned to TxDOT.

d. If either party defaults in the performance of any obligation described in this Agreement, the other party may exercise any rights and remedies granted by law or this Agreement.

e. The Authority shall comply with all environmental permits, issues and commitments necessary for development, construction, operation, or maintenance of the Project.

f. No provision of this Agreement shall be construed against or interpreted to the disadvantage of any party by any court or other governmental or judicial authority by reason of such party having or being deemed to have drafted, prepared, structured, or dictated such provision.

g. The signatories to this Agreement warrant that each has the authority to enter into

this Agreement on behalf of the party represented.

h. This Agreement does not constitute TxDOT approval of the Project or TxDOT approval for the Authority to construct the Project.

8. Effective Date. This Agreement shall be effective as of the date on which the last party to execute this Agreement does so.

IN WITNESS WHEREOF, TxDOT and the Authority have executed this Agreement in four multiple counterparts on the dates shown herein below.

**CENTRAL TEXAS REGIONAL  
MOBILITY AUTHORITY**

**TEXAS DEPARTMENT OF  
TRANSPORTATION**

By: \_\_\_\_\_  
Mike Heiligenstein  
Executive Director

By: \_\_\_\_\_  
LtGen J.F. Weber, USMC (Ret)  
Executive Director

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

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

## ATTACHMENT A

### Project Description:

Design build joint partnership between TxDOT and the Central Texas Regional Mobility Authority (CTRMA). The map highlights the project limits in dark blue. The project is approximately 8 miles in length and would include three new toll lanes and three improved non-tolled lanes in each direction with direct connectors at US 183 and SH 71, and improvements on SH 71 adjacent to US 183. The project also includes a proposed sidewalk (SW) and shared-use path (SUP) within the right of way adjacent to the roadway and an outside bike lane (BL).

### Purpose:

The purpose of the project is to improve safety and mobility. Expanding the existing four lane facility will greatly enhance north-south mobility for the region and improve access to SH 71 and Austin Bergstrom International Airport and SH 71. The expansion and addition of direct-connectors at SH 71 will provide an alternate route to IH 35 from Ben White at IH 35 to US 183 and IH 35 through the US 290 interchange.



Existing US 183



Proposed US 183 South