



CENTRAL TEXAS REGIONAL  
**MOBILITY AUTHORITY**

September 26, 2018  
**AGENDA ITEM #23**

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

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

Summary:

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

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

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

The parcel for your consideration and action at this meeting is:

- A. Parcel E36E/F of the 183 South (Bergstrom Expressway) Project, an easement taking of 0.197 acres, from 4.392 acres of real estate, **owned by 8200 N. I-35 LLC, a Texas limited liability company**; and located at 912 Highway 183 South, Austin, Travis County, Texas.

Backup Provided: Draft resolution for Parcel E36E/F  
Parcel aerial image and survey

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

**RESOLUTION NO. 18-0XX**

**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY RIGHTS BY  
AGREEMENT OR CONDEMNATION OF CERTAIN PROPERTY IN TRAVIS  
COUNTY FOR THE 183 SOUTH / BERGSTROM EXPRESSWAY PROJECT  
(PARCEL E36E/F)**

WHEREAS, pursuant to and under the authority of Subchapter E, Chapter 370, Texas Transportation Code and other applicable law, the Central Texas Regional Mobility Authority (“Mobility Authority”) hereby finds and determines that to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways and the roadways of the State of Texas, public convenience and necessity requires acquisition of a water and wastewater utility easement, as that easement is described by metes and bounds in Exhibit A to this Resolution (the “Property”), owned by 8200 N. I-35 LLC (the “Owner”), located at 912 Highway 183 South, Austin, Texas 78721, for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of the US 183 South / Bergstrom Expressway Project (the “Project”), as a part of the improvements to the Project; and

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

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

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

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

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

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

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

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 26th day of September 2018.

Submitted and reviewed by:

Approved:

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Geoff Petrov, General Counsel

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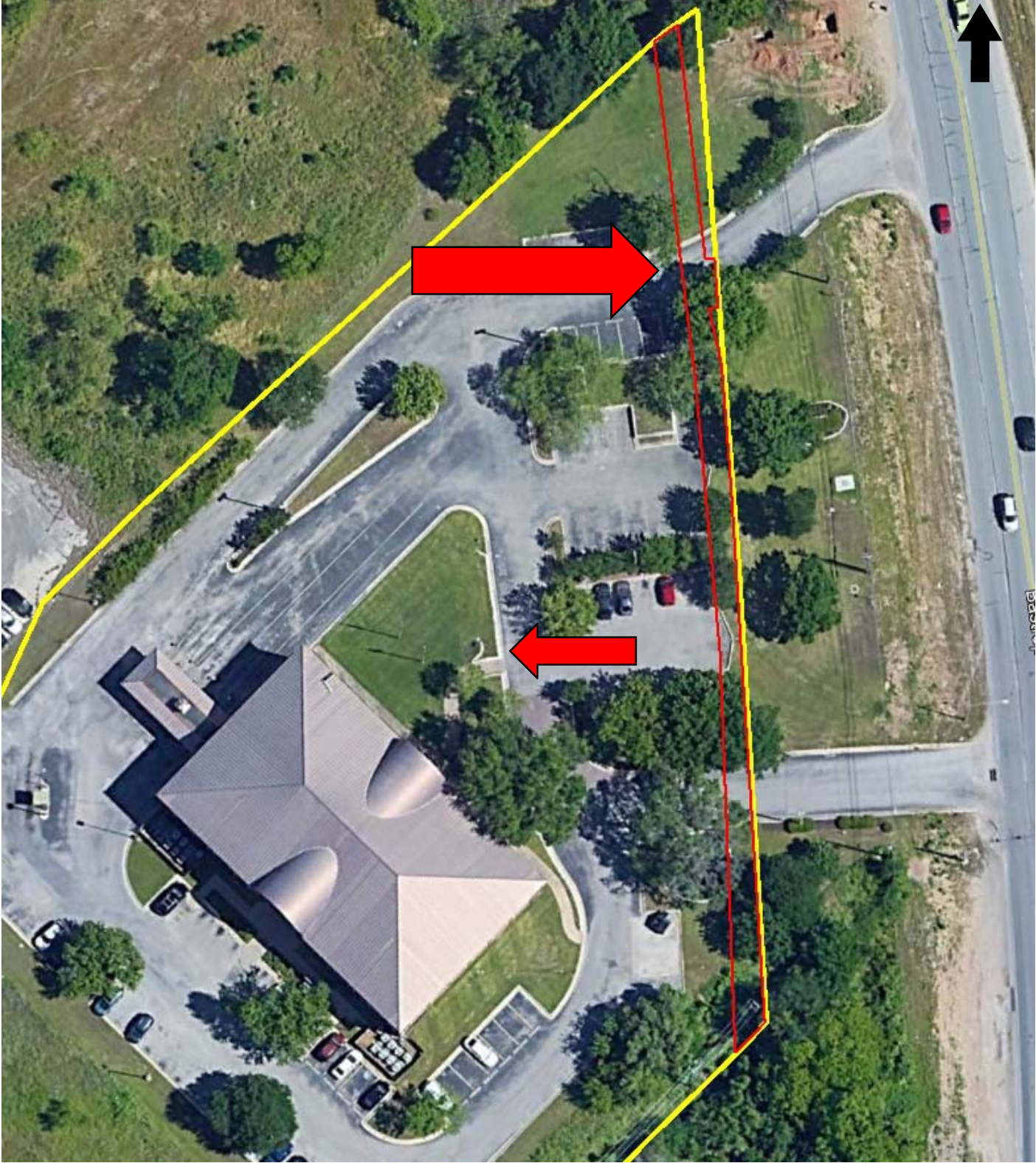
Ray A. Wilkerson, Chairman

**Exhibit A**

**Description of Parcel E36E/F**



Parcel E36E  
Owner: 8200 N. I-35 LLC





Field Notes for Parcel 36E and 36F Water Easement

**BEING A 0.197 ACRE (8,586 SQUARE FEET) WATER EASEMENT OUT OF THE SANTIAGO DEL VALLE SURVEY, ABSTRACT No. 24 IN TRAVIS COUNTY, TEXAS, SAID 0.197 ACRE WATER EASEMENT BEING PART A 4.392 ACRE (BY DEED) TRACT OF LAND, DEEDED TO 8200 N. I-35, LLC, AS CONVEYED BY SPECIAL WARRANTY DEED EXECUTED SEPTEMBER 18, 2017 AND FILED FOR RECORD SEPTEMBER 20, 2017 AS RECORDED IN DOCUMENT No. 2017151572 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.197 ACRE WATER EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED PLAT:**

**BEGINNING** at a calculated point (Grid Coordinates N=10,057,556.32 US Feet, E=3,133,292.44 US Feet, combined scale factor 1.00011) in the northwest line of said 4.392 acre tract of land and in the southeast line of Lot 3, Block A, Airport Commerce Park, Section Three, a subdivision of record in Document No. 200800089 of the Official Public Records of Travis County, Texas, being the most northerly corner of said 0.197 acre water easement described herein, from which a 1/2 inch iron rod with an aluminum cap found in the southwest right-of-way line of U. S. Highway No. 183 (variable width right-of-way) for the most northerly corner of said 4.392 acre tract of land and for the most easterly corner of said Lot 3, said iron rod also being the northwest corner of a 0.605 acre (by deed) tract of land conveyed to the State of Texas recorded in Document No. 2006144439 of the Official Public Records of Travis County, Texas and for the southwest corner of a 0.146 acre tract of land conveyed to the State of Texas recorded in Document. No. 2002114759 of the Official Public Records of Travis County, Texas;

**THENCE** South 11 degrees 50 minutes 37 seconds East, passing at 87.64 feet, the northwest line of a 7.5 feet wide Public Utility Easement dedicated by plat of Cattlemen’s State Bank, a subdivision recorded in Volume 85, Page 148C of the Plat Records of Travis County, Texas, passing at 96.82 feet the southeast line of said Public Utility Easement, a total distance of 100.43 feet to a calculated point for an interior ell corner of said 0.197 acre water easement described herein;

**THENCE** North 78 degrees 09 minutes 23 seconds East, a distance of 4.64 feet to a calculated point in the east line of said 4.392 acre tract of land and in the west right-of-way line of U. S. Highway No. 183 for an exterior ell corner of said 0.197 acre water easement described herein;

**THENCE** South 09 degrees 02 minutes 41 seconds East, with the east line of said 4.392 acres tract of land and with the west right-of-way line of U. S. Highway No. 183, a distance of 20.02 feet to a calculated point for an exterior ell corner of said 0.197 acre water easement described herein;

**THENCE** South 78 degrees 09 minutes 23 seconds West, a distance of 3.66 feet to a calculated point for an interior ell corner of said 0.197 acre water easement described herein;

**THENCE** South 11 degrees 50 minutes 37 seconds East, a distance of 57.95 feet to a calculated in the east line of said 4.392 acre tract of land, in the west right-of-way line of U. S. Highway No. 183 and for an exterior ell corner of said 0.197 acre water easement described herein;

**THENCE**, with the east line of said 4.392 acre tract of land and with the west right-of-way line of U. S. Highway No. 183, along a curve to the right, having a radius of 2842.79 feet, a central angle of 04 degrees 54 minutes 06 seconds, and whose chord bears South 05 degrees 11 minutes 45 seconds East, a distance of 243.12 feet, an arc length of 243.20 feet to a Texas Department of Transportation Type II brass disc monument found for a point of tangency in the west right-of-way line of U. S. Highway No. 183, the east line of said 4.392 acre tract of land and in the east line of said 0.197 acre water easement described herein;

**THENCE** South 02 degrees 44 minutes 42 seconds East, with the east line of said 4.392 acre tract of land and with the west right-of-way line of U. S. Highway No. 183, passing at 97.45 feet, the north line of a 5 feet Public Utility Easement dedicated by said plat of Cattlemen’s State Bank, in all a distance of 104.54 feet to an iron rod with an aluminum cap found for the southeast corner of said 4.392 acre tract of land, for the most southerly corner of said 0.605 acre tract of land, for the northeast corner of Lot 6, Block A of the Resubdivision of Lot 2, Block A, Airport Commerce Park Section One and Lot 1, Block A, Airport Commerce Park Section Two, a subdivision recorded in Document No. 200700279 of the Official Public Records of Travis County, Texas, for the northwest corner of a 1.356 acre (by deed) tract of land deeded to the State of Texas recorded in Document No. 2002030789 of the Official Public Records of Travis County, Texas and for the southeast corner of said 0.197 acre water easement described herein;

**THENCE** South 42 degrees 04 minutes 11 seconds West, with the southeast line of said 4.392 acre tract of land and with the north line of said Lot 6, a distance of 17.97 feet to a calculated point for the southwest corner of said 0.197 acre water easement described herein;

**THENCE** North 04 degrees 45 minutes 47 seconds West, passing at 6.86 feet, the north line of said 5 feet wide Public Utility Easement, in all a distance of 358.58 feet to a calculated point for an interior ell corner of said 0.197 acre water easement described herein;

**THENCE** North 11 degrees 50 minutes 37 seconds West, passing at 70.43 feet the south line of said 7.5 feet wide Public Utility Easement, passing at 79.61 feet, the north line of said 7.5 feet wide Public Utility Easement, in all a distance of 167.22 feet to a calculated point in the northwest line of said 4.392 acres tract of land and in the southeast line of said Lot 3 for the northwest corner of said 0.197 acre water easement described herein;

**THENCE** North 42 degrees 52 minutes 02 seconds East, with the northwest line of said 4.392 acres tract of land and with the southeast line said Lot 1, a distance of 18.38 feet to the **POINT OF BEGINNING**, and containing 0.197 acres or 8,586 square feet of land, more or less.

Exhibit "A"

8200 N. I-35, LLC  
to  
City of Austin  
(For Water Easement)

TCAD No.: Property ID No. 288420 Geo ID No. 0307200403  
TCAD No.: Property ID No. 288421 Geo ID No. 0307200404

City Grid: M19

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

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

*David R. Hartman*

*5/17/2018*

David R. Hartman  
Registered Professional Land Surveyor No. 5264  
TBPLS Firm Registration No. 10106900  
Gorronдона & Associates, Inc.  
4201 West Parmer Lane, Building A, Suite 150  
Austin, TX 78727  
(512) 719-9933

Date



FIELD NOTES REVIEWED

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

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

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

Austin Water Utility



# EXHIBIT "A"

## PARCEL No. 36E AND 36F WATER EASEMENT

SUBJECT PROPERTY MAP AND  
LOCATION EASEMENT AS SHOWN

GRID COORDINATES  
N=10,057,556.32  
E=3,133,292.44

0.146 ACRE (BY DEED)  
STATE OF TEXAS  
DOCUMENT No. 2002114759  
O.P.R.T.C.T.

BLOCK A  
AIRPORT COMMERCE PARK  
SECTION THREE  
DOCUMENT No. 200800089  
O.P.R.T.C.T.

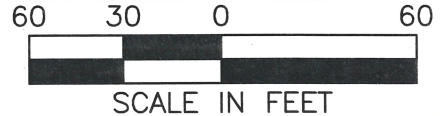
SANTIAGO DEL VALLE  
SURVEY ABSTRACT No. 24

4.392 ACRES (BY DEED)  
8200 N. I-35, LLC  
DOCUMENT No. 2017151572  
O.P.R.T.C.T.

36E AND 36F  
WATER EASEMENT  
8,586 SQ. FT. OR  
0.197 ACRE

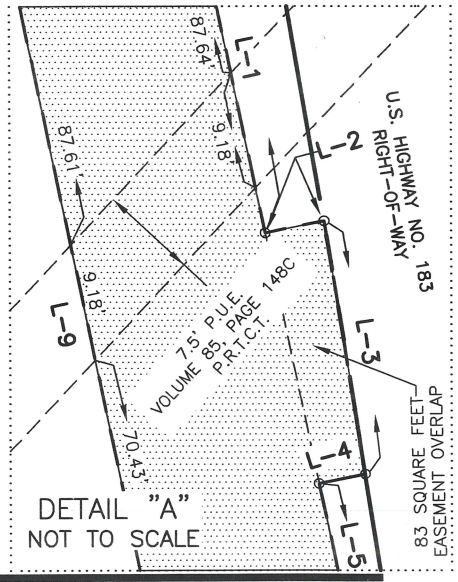
SEE PAGE 6 OF 6 FOR EXHIBIT NOTES AND  
EASEMENT NOTE FOR SUBJECT TRACT

MATCHLINE PAGE 5



**LEGEND**

- CALCULATED POINT
  - FOUND MONUMENT (TYPE INDICATED)
  - ⊗ TELEPHONE UTILITY
  - ⊕ UTILITY HAND HOLE
  - GUY WIRE
  - POWER POLE
  - GAS UTILITY
  - SIGN
  - STREET LIGHT
  - WATER VALVE
- P.O.B. = POINT OF BEGINNING  
O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS  
TRAVIS COUNTY TEXAS  
P.R.T.C.T. = PLAT RECORDS TRAVIS COUNTY TEXAS  
D.R.T.C.T. = DEED RECORDS TRAVIS COUNTY, TEXAS



# CITY OF AUSTIN

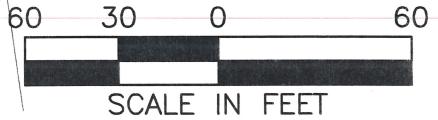
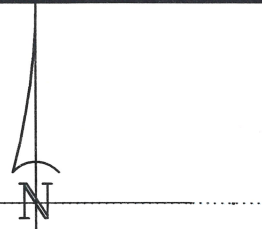
301 W SECOND STREET • AUSTIN, TEXAS 78701

## 36E & 36F WATER EASEMENT 183 SOUTH

PARCEL NO. 36E AND 36F WATER EASEMENT		
TYPE OF EASEMENT: WATER UTILITY		
OWNER: 8200 N. I-35, LLC		
SURVEY: SANTIAGO DEL VALLE, ABSTRACT NO. 24		
LOCATION: CITY OF AUSTIN, TRAVIS COUNTY, TEXAS		
EASEMENT AREA: 8,586 SQUARE FEET OR 0.197 ACRE		
WHOLE PROPERTY ACREAGE: 4.392 ACRES (BY DEED)		
JOB No. CRC-1501.00	DRAWN BY: DRH	CAD FILE: E36E-E36F.DWG
MAY 17, 2018	EXHIBIT PAGE 4 OF 6	SCALE: 1" = 60'



**EXHIBIT "A"**  
**PARCEL No. 36E AND 36F**  
**WATER EASEMENT**  
**MATCHLINE PAGE 4**



**LEGEND**

- CALCULATED POINT
- FOUND MONUMENT (TYPE INDICATED)
- ☉ TELEPHONE UTILITY
- ⊕ UTILITY HAND HOLE
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- POWER POLE
- GAS UTILITY
- SIGN
- STREET LIGHT
- WATER VALVE

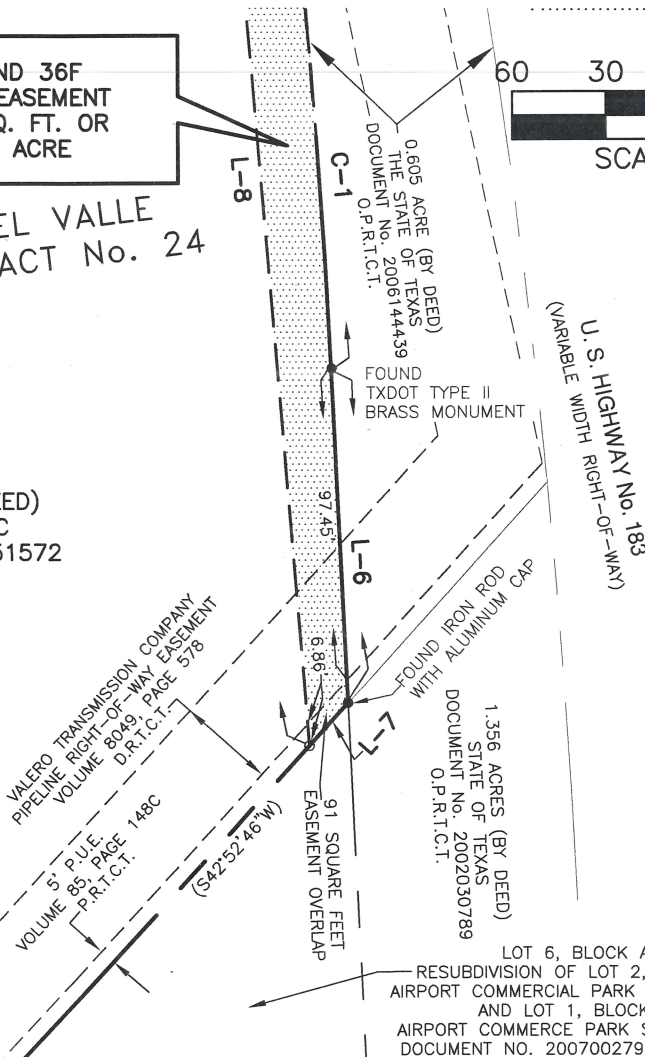
**36E AND 36F**  
**WATER EASEMENT**  
**8,586 SQ. FT. OR**  
**0.197 ACRE**

**SANTIAGO DEL VALLE**  
**SURVEY ABSTRACT No. 24**

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

**4.392 ACRES (BY DEED)**  
**8200 N. I-35, LLC**  
**DOCUMENT No. 2017151572**  
**O.P.R.T.C.T.**

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	S 11°50'37"E	100.43'
L-2	N 78°09'23"E	4.64'
L-3	S 09°02'41"E	20.02'
L-4	S 78°09'23"W	3.66'
L-5	S 11°50'37"E	57.95'
L-6	S 02°44'42"E (S 02°46'41"E)	104.54' (104.66')
L-7	S 42°04'11"W	17.97'
L-8	N 04°45'47"W	358.58'
L-9	N 11°50'37"W	167.22'
L-10	N 42°52'02"E	18.38'
L-11	N 42°52'02"E	9.21'



CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C-1	2842.79'	4°54'06"	S 05°11'45"E	243.12'	243.20'

SEE PAGE 6 OF 6 FOR EXHIBIT NOTES AND EASEMENT NOTE FOR SUBJECT TRACT

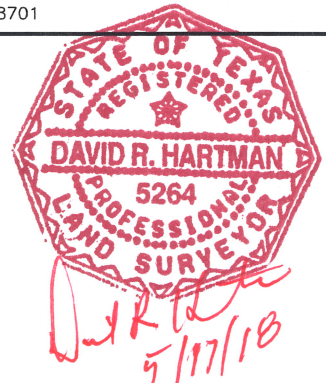


# CITY OF AUSTIN

301 W SECOND STREET • AUSTIN, TEXAS 78701

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JOB No. CRC-1501.00	DRAWN BY: DRH	CAD FILE: E36E-E36F.DWG
MAY 17, 2018	EXHIBIT PAGE 5 OF 6	SCALE: 1" = 60'





**EXHIBIT "A"**  
**PARCEL No. 36E AND 36F**  
**WATER EASEMENT**

GF# 201700488  
 Job # CRC\_1501.00 (E36E AND E36F)  
 Commitment for Title Insurance (Fidelity National Title Insurance Co.)  
 Schedule B: Exceptions from Coverage

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):
- A. Building Pipeline easement granted to Lo-Vaca Gathering Company, by instrument dated November 4, 1963, recorded in Volume 2725, Page 93 of the Deed Records of Travis County, Texas, and amending in instrument dated April 6, 1983, recorded in Volume 8049, Page 548 of the Deed Records of Travis County, Texas. Does affect the tract of land location shown.
  - B. Electric and telephone lines easement granted to the City of Austin, recorded in Volume 9613, Page 679 of the Real Property Records of Travis County, Texas. Blanket type easement, affects the tract of land.
  - C. Public utility easement 5 feet in width along the southeast property line, as shown by Plat recorded in Volume 85, Page 148C of the Plat Records of Travis County, Texas. Does affect the tract of land location shown.
  - D. Public utility easement 7.5 feet in width along the southwest and northwest property line, as shown by Plat recorded in Volume 85, Page 148C of the Plat Records of Travis County, Texas. Does affect the tract of land location shown.
  - E. Building setback of unstated width widths along the northeast and 25 feet along the northwest property lines, as shown by Plat recorded in Volume 85, Page 148C of the Plat Records of Travis County, Texas. Does affect the tract of land
  - G. Access limited by regulations as determined by the Texas Department of Transportation as set out in Judgement of Court in Absence of Objection recorded in in Document No. 2006144439 of the Official Public Records of Travis County, Texas. Access is permitted to the tract of land

**NOTES:**

1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD-83 (HARN), THE CENTRAL ZONE 4203, ALL DISTANCES AND AREAS SHOWN ARE SURFACE.
3. BASIS OF BEARING IS THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, WITH HORIZONTAL DATUM OF NAD83 (HARN).
4. I, DAVID R. HARTMAN, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5264 LICENSED IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY UNDER MY DIRECT SUPERVISION.
5. THIS IS A SURFACE DRAWING. THE COMBINED SCALE FACTOR FOR THIS DRAWING IS 1.00011

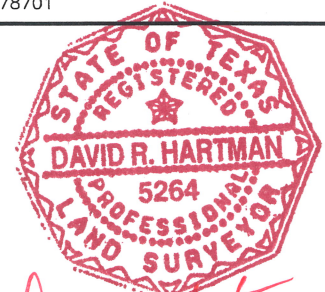


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301 W SECOND STREET • AUSTIN, TEXAS 78701

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MAY 17, 2018	EXHIBIT PAGE 6 OF 6	SCALE: N/A



David R. Hartman  
5/17/18