

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: October 20, 2014		DATE SUBMITTED: October 16, 2014	
DEPARTMENT OF ORIGIN: Economic Development		SUBMITTED BY: Kevin Russell	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input checked="" type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of a resolution authorizing the City Manager to negotiate and the Mayor to execute all documents necessary to acquire Texas Department of Transportation property (a.k.a. State-owned property) at 1300 North Texas Avenue in a total amount not to exceed \$1,414,375.			
SUMMARY STATEMENT: The Bryan District of the Texas Department of Transportation (TxDOT) has determined the property located at 1300 North Texas Avenue is no longer needed for their use. In accordance with Texas Transportation Code, Section 202.021, governmental entities with the authority to condemn real property have priority right to purchase such property, which in this case is the City of Bryan. TxDOT has established the purchase price for the property at \$1,400,000.00 plus \$12,775.00 for valuation and survey cost, and \$1,600 service fee for a total purchase price of \$1,414, 375. (See the attached letter from TxDOT. The attached letter addresses the rationale for the purchase price.) Along with existing facilities, the acreage totals approximately 11.2 acres. Once the property becomes under the ownership of the City, it can be used to bolster development opportunities in North Bryan or for other purposes.			
STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approving the resolution authorizing the City Manager to negotiate and execute the documents necessary to procure this property. Some of potential uses of this property include a trade school, light manufacturing, and redevelopment for other appropriate commercial uses. According to the letter from TxDOT, the City has thirty (30) days to exercise the option to purchase the property.			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. Approve the resolution 2. Deny the resolution 3. Modify the resolution, which may require consideration at a future City Council meeting 			
ATTACHMENTS:			
<ol style="list-style-type: none"> 1. Proposed Resolution 2. Letter from TxDOT dated October 6, 2014 			
FUNDING SOURCE: General Fund (fund balance)			
APPROVALS: Hugh R. Walker, 10/16/2014			
APPROVED FOR SUBMITTAL: CITY MANAGER			
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 10-16-14			

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR THE PURCHASE OF THE PROPERTY AT 1300 NORTH TEXAS AVENUE, BRYAN, TEXAS, FROM THE TEXAS DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS THAT:

WHEREAS, the Texas Department of Transportation (“TxDOT”) owns approximately 11.2 acres of real property located at 1300 North Texas Avenue, Bryan, Texas (the “Property”); and

WHEREAS, TxDOT has determined that there is no longer a state highway purpose for the Property; and

WHEREAS, pursuant to Texas Transportation Code, Section 202.021, TxDOT has offered to sell the Property to the City; and

WHEREAS, it is in the best interests of the City at this time to enter into negotiations with TxDOT for the purchase of the Property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

SECTION 1.

The City Manager is directed to negotiate with TxDOT regarding acquisition of the Property in an amount not to exceed \$1,400,000.00, plus payment of valuation and survey costs incurred by TxDOT in the amount of \$12,775.00 plus a \$1,600 service fee and any additional incurred closing costs, including the cost of any owner's title policy required, and the Mayor to execute any documents necessary.

SECTION 2.

The City of Bryan requests that the negotiations for purchase of the Property by the City be approved by all necessary parties at the State level as quickly as possible.

SECTION 3.

This resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of Bryan, at a Special Meeting on the 20th day of October, 2014.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney



Texas Department of Transportation

125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8580 | WWW.TXDOT.GOV

October 6, 2014

RE: Offer to Sell State-Owned Property
Texas Department of Transportation
+/- 11.2000 acres
1300 N. Texas Ave
Bryan, Texas



VIA CERTIFIED MAIL, RRR 7012 2210 0001 8397 4092
City of Bryan
Attn: Mr. Kean Register
City Manager
P. O. Box 1000
Bryan, Texas 77805-1000

Dear Mr. Register,

The Bryan District of the Texas Department of Transportation (TxDOT) has determined that the above described property at 1300 N. Texas Ave, Bryan, Texas is no longer needed for state highway purposes. A copy of the survey and an aerial map of the property are enclosed. In accordance with Texas Transportation Code, Section 202.021, governmental entities with the authority to condemn real property have priority right to purchase the property.

The purchase price for this property is \$1,400,000.00, plus payment of valuation and survey costs incurred by TxDOT in the amount of \$12,775.00 plus a \$1,600 service fee and any additional incurred closing costs, including the cost of any owner's title policy you may require.

In order to exercise your priority, please provide TxDOT with a resolution or the equivalent from your governing body committing to the purchase of the property within thirty (30) days of the receipt of this letter. Please forward a copy of the commitment to:

Mr. Jess Berglund
Real Estate Management and Development Division
Texas Department of Transportation
125 E. 11TH Street
5th Floor
Austin, Texas 78701

This offer is subject to change or revocation by TxDOT. If the above does not receive a copy of the commitment within thirty (30) days after your receipt of this letter, TxDOT will consider your priority right to purchase the property to be waived. Although not required to implement the automatic waiver provided in the prior sentence, if your governmental entity is not interested in the property TxDOT would appreciate it if you would return the enclosed Waiver of Priority Purchase Right.

If you should have any questions concerning this matter, please contact Jess Berglund at (512) 463-3166.

Sincerely,

Roland Tilden
Director
Real Estate Management and Development

C: Catherine Hejl, P.E., District Engineer, Bryan District
Rudy Equia, TxDOT Regional Right of Way Manager

Waiver of Priority Purchase Right

RE: Offer to Sell State-Owned Property
Texas Department of Transportation
+/- 11.2000 acres
1300 N. Texas Ave
Bryan, Texas

Jess Berglund
Real Estate Management and Development Division
Texas Department of Transportation
125 E. 11th Street
5th Floor
Austin, Texas 78701

Dear Mr. Berglund:

We have reviewed TxDOT's letter dated September 16, 2014 regarding the proposed sale of the property at 1300 N. Texas Ave, Bryan, Texas .

The City of Bryan IS NOT interested in purchasing this property.

The City of Bryan WAIVES the priority right to purchase this property.

Sincerely,

Mr. Kean Register
City Manager

City of Bryan
P. O. Box 1000
Bryan, Texas 77805-1000

Date: _____, 2014

EXHIBIT A

County: Brazos
City: Bryan
Parcel: Bryan District Headquarters

METES AND BOUNDS DESCRIPTION

ALL THAT CERTAIN 11.20 ACRE TRACT, LOT OR PARCEL OF LAND SITUATED WITHIN AND BEING A PORTION OF THE STEPHEN F. AUSTIN LEAGUE NO. 9, ABSTRACT NO. 62, AND THE STEPHEN F. AUSTIN LEAGUE NO. 10, ABSTRACT NO. 63, LOCATED WITHIN THE CURRENT CITY LIMITS OF BRYAN, BRAZOS COUNTY, TEXAS, BEING CALLED A PORTION OF LOTS 13, 14 AND 15, OF BLOCK 1, BRYAN'S FIRST ADDITION TO THE CITY OF BRYAN, AN UNRECORDED SUBDIVISION, AND BEING COMPRISED OF FOUR (4) SEPARATE TRACTS FURTHER DESCRIBED AS ALL THAT CERTAIN TRACT OR PARCEL CONTAINING ABOUT 1.86 ACRES OF LAND IN A DEED DATED DECEMBER 2, 1931 FROM THE BRYAN COTTON OIL AND FERTILIZER CO. TO THE TEXAS STATE HIGHWAY DEPARTMENT RECORDED AS VOLUME 81, PAGE 76 IN THE DEED OR OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS, ALL THAT CERTAIN TRACT OR PARCEL DESCRIBED AS CONTAINING 3.3 ACRES OF LAND, MORE OR LESS, IN A DEED DATED NOVEMBER 12, 1934 FROM MATTIE TABOR MALLY AND HUSBAND, FRED W. MALLY TO THE STATE OF TEXAS RECORDED AS VOLUME 88, PAGE 71 IN SAID DEED RECORDS, ALL THAT CERTAIN TRACT OR PARCEL DESCRIBED AS CONTAINING 3.383 ACRES OF LAND, MORE OR LESS, IN A DEED DATED AUGUST 4, 1941 FROM MRS. MATTIE TABOR MALLY, A WIDOW, TO THE STATE OF TEXAS, ACTING THROUGH THE STATE HIGHWAY COMMISSION, RECORDED AS VOLUME 107, PAGE 232 IN SAID DEED RECORDS, AND ALL THAT CERTAIN TRACT OR PARCEL DESCRIBED AS CONTAINING 1.9 ACRES OF LAND, MORE OR LESS, IN A DEED DATED DECEMBER 20, 1957 FROM O. H. McCOLLUM AND WIFE, ABA MAY McCOLLUM TO THE STATE OF TEXAS, FOR THE USE AND BENEFIT OF THE STATE HIGHWAY DEPARTMENT, RECORDED AS VOLUME 186, PAGE 405 IN SAID DEED RECORDS; SAID 11.20 ACRE TRACT, LOT OR PARCEL OF LAND, LOCALLY KNOWN AS 1300 NORTH TEXAS AVENUE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4 inch iron rod, with a triangular bar top, found (N-10235590.75, E-3541376.52, State Plane Grid Coordinates) monumenting the most westerly northwest corner of said 1.9 acre tract, common with the most westerly southwest corner of that certain tract or parcel described as containing 1.410 acres of land in a Warranty Deed to First Federal Savings Bank,

THENCE along the common line of said Lots 13 and 12, within the current roadway of said East Fifteenth Street, **S 41°52'22" W**, at a distance of 261.42 feet pass a 3/4 inch iron pipe found left, at the mid-point of the common line between Lot 11 and Lot 10, said Bryan's First Addition, on the northwest line of the City of Bryan Cemetery tract, bearing **S 48°07'38" E**, a distance of 660.00 feet, continuing along the common line of said Lots 13 and 12, at 591.42 feet pass the common southern corner of said Lots 13 and 12, and **in all a total distance of 615.27 feet** to a 1/2 inch iron rod set on the northeast old town site line of the City of Bryan, as located by others, being the most southerly corner hereof;

THENCE along said town site line and the southerly line hereof, **N 48°10'56"W**, a distance of **0.93 feet** to a 1/2 inch iron rod set near the edge of pavement on the northwest edge of said East Fifteenth Street, being on the east right of way line of said Union Pacific Railroad, situated a distance of 30.0 feet from the current track centerline;

THENCE a distance of 1065.78 feet along the arc of a tangent curve to the left, with the easterly right of way of said Union Pacific Railroad, common with the westerly lines of said 1.86 acre tract, said 3.383 acre tract and said 1.9 acre tract, being the southwesterly line hereof, having a central angle of 21°05'41", a radius of 2894.79 feet and a chord bearing **N 17°46'20"W**, a distance of **1059.77 feet** to the **POINT OF BEGINNING** containing 11.20 acres of land within this description.

THERE IS HOWEVER, a portion of the herein described 11.20 acre tract, lot, or parcel of land, which lies within the current alignment of East Fifteenth Street, and is in use by the general public for unobstructed travel and non-exclusive utilities. This area being more particularly described as follows:

ALL THAT CERTAIN 0.30 ACRE TRACT OR PARCEL OF LAND SITUATED WITHIN AND BEING A PORTION OF THE STEPHEN F. AUSTIN LEAGUE NO. 9, ABSTRACT NO. 62, LOCATED WITHIN THE CURRENT CITY LIMITS OF BRYAN, BRAZOS COUNTY, TEXAS, BEING A PORTION OF LOT 13 OF BLOCK 1, BRYAN'S FIRST ADDITION TO THE CITY OF BRYAN, AN UNRECORDED SUBDIVISION. SAID 0.30 ACRE TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

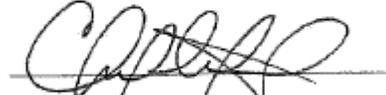
BEGINNING at a 1/2 inch iron rod with aluminum cap labeled "TX DOT ROW MARKER" set near the edge of pavement on the southeast side of said East Fifteenth Street on the westerly right of way of North Texas Avenue, being on the common line of said Lot 13 and Lot 12 of said Block 1, Bryan's First Addition, from which the common northern corner of said Lots 13 and 12 bears

Bearings and directional control based on the North American Datum of 1983 (NAD83), TxDOT Global Positioning VRS Continuous Operating Reference System (CORS), Epoch 2002.00, Grid North

Point of Beginning grid coordinate relates to the Texas State Plane Coordinate System, Texas Central Zone No. 4203. All acreage and dimensions shown were converted to surface by utilizing a Combined Scale Factor of 1.00012, and no vertical or elevation component was used for the purpose of this survey.

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

I, Chet M. Glasscock, Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description was prepared from a survey made on the ground by me, and under my supervision. It substantially complies with the standards set forth by the Texas Society of Professional Surveyors Category 1A, Condition II, Land Title Survey to satisfy the criteria outlined by the parties involved, and is true and correct to my knowledge and belief. A map was prepared in conjunction with this description and is considered a part of this survey.



June 06, 2012

Date

Chet M. Glasscock, R.P.L.S.
No. 4626 - State of Texas
Texas Department of Transportation
Bryan District Headquarters
2591 North Earl Rudder Freeway
Bryan, Texas 77803-5190



