

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: January 13, 2015		DATE SUBMITTED: December 30, 2014	
DEPARTMENT OF ORIGIN: Economic Development		SUBMITTED BY: Lindsey Guindi	
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 type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" 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 an ordinance authorizing the sale of City-owned property formerly used as the City of Bryan Police Station, located at 301 S. Texas Avenue in Bryan, Brazos County, Texas.			
SUMMARY STATEMENT: In March of 2014 the City of Bryan released a request for proposals (RFP) for 301 S. Texas Avenue, the former Bryan Police Station. Wayne Carroll, with Otis Instruments, provided the only response, which was for the purchase price of one million five hundred eighty thousand dollars (\$1,580,000.00). An appraisal was performed by Paramount Property Analysts and the property appraised for the purchase price.			
On October 31, 2014, the City entered into a purchase and sale agreement with Mr. Carroll, which was authorized by the City Council on October 14, 2014. The purchase and sale agreement provided for a sixty (60) day feasibility period to conduct inspections of the building as well as a thirty (30) day period during which the parties shall close on the sale.			
The City is authorized pursuant to Texas Local Government Code Section 253.001 to sell municipal buildings and to effect the sale by adopting an ordinance directing the Mayor to execute the conveyance.			
Mr. Carroll plans to move Otis Instruments to 301 S. Texas Avenue and eventually expand the business. Closing on the sale is tentatively scheduled for January 14, 2015.			
STAFF ANALYSIS AND RECOMMENDATION: For the reasons listed below, staff recommends approval of the ordinance:			
<ol style="list-style-type: none"> 1. the building is being purchased for appraised value 2. Mr. Carroll submitted the only proposal in response to the City's request for proposals 3. adding a business with employees and customers at this location will positively benefit the area and generate tax revenue while keeping a growing Bryan business in the community 			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. approve the ordinance 2. do not approve the ordinance and provide direction to staff 			
ATTACHMENTS:			
<ol style="list-style-type: none"> 1. ordinance 			

2. special warranty deed

FUNDING SOURCE: No funding is required for this item. The sale of 301 S. Texas Avenue will result in the City of Bryan receiving \$1,580,000.00 for the property.

APPROVALS: Joey Dunn, 12-30-14; Hugh R. Walker, 01/05/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 12-5-2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 1-5-2015

Revised 05/2013

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN AUTHORIZING THE SALE OF 301 SOUTH TEXAS AVENUE; PROVIDING FOR THE TERMS AND CONDITIONS OF THE SALE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan (“City”) is a Texas home rule municipal corporation in Brazos County, Texas and is the owner of 301 S. Texas Avenue (“Annex”) which is more particularly described as Block 38 of the Bryan Original Townsite; and

WHEREAS, the City submitted a request for proposals for the Annex, and Wayne Carroll (“Grantee”) provided the only response which was for the purchase price of one million five hundred eighty thousand dollars (\$1,580,000.00); and

WHEREAS, on October 31st, 2014, the City entered into a purchase and sale agreement with Grantee, which was authorized by the City Council on the 14th day of October, 2014, which provided for a sixty (60) day feasibility period to conduct inspections of the Annex as well as a thirty (30) day period during which the parties shall close on the sale; and

WHEREAS, the City is authorized pursuant to Texas Local Government Code Section 253.001 to sell municipal buildings and to effect the sale by adopting an ordinance directing the mayor to execute the conveyance; and

WHEREAS, the City Council determines that this sale is in the best interests of the citizens and desires to convey the property in exchange for the consideration stated above;

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

1.

The City Council hereby approves the sale of the Annex to Grantee for the price of one million five hundred eighty thousand dollars (\$1,580,000.00).

2.

The Mayor is hereby directed to execute a special warranty deed to the Annex, as well as any other documentation required by the title company, to effect the sale.

3.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given, pursuant to all applicable law.

4.

This ordinance shall take effect from and after its final passage.

PRESENTED AND GIVEN first reading the 12th day of January, 2015, at a special meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 13th day of January, 2015, by a vote of _____ ayes and _____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

SPECIAL WARRANTY DEED

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

GRANTEE: Wayne Carroll
 2200 E. Villa Maria Rd.
 Bryan, Texas 77802

CONSIDERATION:

ONE MILLION FIVE HUNDRED EIGHTY THOUSAND DOLLARS (\$1,580,000.00)

PROPERTY:

Being all those certain lots, tracts, or parcels of land lying and being situated in Brazos County, Texas and being Lots One (1) through Ten (10), Block 38, City of Bryan Townsite, according to the plat recorded in Volume H, Page 721, of the Deed Records of Brazos County, Texas

CONVEYANCE, RESERVATIONS, & EXCEPTIONS:

Grantor, for the Consideration stated above and subject to the Reservations from and Exceptions to Conveyance and Warranty stated below, has GRANTED, SOLD, AND CONVEYED and by these presents does GRANT, SELL, AND CONVEY unto the Grantee the above described Property, together with all and singular the rights and appurtenances thereto in any wise belonging. TO HAVE AND TO HOLD, unto the said Grantee and Grantee's heirs, successors, and assigns forever, subject to the Reservations from and Exceptions to Conveyance and Warranty. Grantor does hereby bind itself its heirs, successors, and assigns to warrant and forever defend all and singular the Property unto said Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same, or any part thereof when the claim is by, through, or under Grantor but not otherwise.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Grantor reserves all easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, covenants, conditions, and other instruments that affect the Property; any discrepancies, conflicts, or shortages in area or boundary lines; and any encroachments or overlapping of improvements. Grantor further reserves, saves, and excepts from this conveyance the following:

1. Easement from Eula H. Walker to City of Bryan, dated August 9, 1949, recorded in Volume 140, Page 16, Deed Records of Brazos County, Texas.
2. Mineral reservation in deed from First City National Bank of Bryan to City of Bryan, Texas, dated April 17, 1985, recorded in Volume 783, Page 547, Official Records of Brazos County, Texas.
3. Estate created by Oil and Gas Lease(s) from First national Bank of Bryan to INCO Development Company, dated August 11, 1982, recorded in Volume 69, Page 350, O&GL Records of Brazos County, Texas and as ratified by instrument recorded in Volume 1119, Page 73, Official Records of Brazos County, Texas.
4. All leases, grants, exceptions, or reservations of coal, lignite, oil, gas, and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed herein or not.

EXECUTED ON THE _____ DAY OF JANUARY, 2015

**GRANTOR:
CITY OF BRYAN:**

By: _____
Jason P. Bienski, Mayor

ATTEST:

APPROVED AS TO FORM:

Mary Lynne Stratta, City Secretary

Janis K. Hampton, City Attorney

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

BEFORE ME, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared Jason P. Bienski, Mayor of the City of Bryan, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Notary Public, State of Texas

My commission expires: _____