

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: September 8, 2015		DATE SUBMITTED: August 31, 2015	
DEPARTMENT OF ORIGIN: Eco 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 type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" 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: Consider approving a resolution authorizing the City Manager to negotiate the purchase of property from the Texas Department of Transportation (TxDOT) and authorizing the Mayor to execute all documents necessary to secure the purchase of the property (a.k.a. State-owned property) located at 1300 North Texas Avenue in a total amount not to exceed \$1,015,652.86.			
SUMMARY STATEMENT: At the August 25, 2015, City Council meeting, the City Council directed staff to place this item on the September 8, 2015, City Council meeting agenda. This item, in the form of a resolution, ratifies the letter dated September 4, 2015, sent by the City Manager stating the City of Bryan's interest in exercising its priority right to purchase the property located at 1300 North Texas Avenue. The property acreage totals approximately 11.2 acres including existing facilities. The letter and resolution further state the City request right of entry to the property to perform a Phase II Environmental Assessment prior to closing.			
<p>TxDOT initially notified the City of Bryan regarding this property on October 6, 2014. The City Council exercised its priority right to purchase the property by passing Resolution 3577 on October 20, 2014. The City of Bryan ordered a Phase I Environmental Assessment, which results indicated additional Environmental Assessments were warranted. The City requested additional time to perform a Phase II Environmental Assessment and was denied this request. The City Council subsequently directed staff to end negotiations with TxDOT concerning this property.</p> <p>Consequently, TxDOT offered the property to the public and did not receive the minimum bid for the appraised value, which at that time was \$1,414,375.00. TxDOT rejected all bids and subsequently established the new purchase price for the property at \$1,015,652.86. The attached letter from TxDOT dated August 10, 2015 addresses the rationale for the purchase price.</p> <p>This proposed resolution does not require the purchase of the property. However, it allows the City to perform further due diligence on the condition of the property. If the property comes under the ownership of the City, it can be used to bolster development opportunities in North Bryan or for other purposes.</p>			
STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approving the resolution authorizing the City Manager to negotiate the purchase of the property and authorizes the Mayor to execute the documents necessary to procure this property. Some potential uses of this property include a trade school, light manufacturing, and redevelopment for other appropriate commercial uses.			
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:

1. Letter from the City Manager dated September 4, 2015
2. Proposed Resolution
3. Letter from TxDOT dated August 10, 2015
4. Resolution 3577
5. Letter from TxDOT dated October 6, 2014

FUNDING SOURCE: General Fund (fund balance)

APPROVALS: Hugh R. Walker, 09/01/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 9/1/2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 9/1/2015

Revised 04/2013

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 ("Property"); and

WHEREAS, TxDOT has determined that there is no longer a state highway purpose for the Property, and pursuant to Texas Transportation Code Section 202.021(b), 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; and

WHEREAS, the City Council desires to ratify the letter sent by the City Manager to TxDOT on September 4, 2015 for the purposes stated herein; and

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

SECTION 1.

The City Manager is directed to inform TxDOT of the City's interest in exercising its priority right to purchase the Property pursuant to Texas Transportation Code Section 202.021(c).

SECTION 2.

The City further requests a right of entry to perform Phase II environmental assessments on the Property prior to the projected closing.

SECTION 3.

This resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of Bryan, at a Regular Meeting on the 8th day of September, 2015.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney



September 4, 2015

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

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

Dear Mr. Berglund:

The City of Bryan wishes to exercise its priority right to purchase the above referenced property under the terms in the notice letter dated August 10, 2015.

In addition, the City of Bryan requests right of entry to the above referenced property to perform a phase II environmental assessment.

Please let me know when the right of entry has been granted. Please let me know if you have any questions.

Thank you,

Kean Register
City Manager



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

August 10, 2015

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

RECEIVED

AUG 12 2015

CITY MANAGERS OFFICE
CITY OF BRYAN

VIA CERTIFIED MAIL, RRR 7011-0470-0001-3006-9076

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 of the property is 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 \$1,000,000.00, plus payment of appraisal and survey costs incurred by TxDOT in the amount of \$14,052.86 plus a \$1,600 service fee and any additional incurred closing costs, including the cost of any owner's title policy you may require. This transaction will close no sooner than September 1, 2015 and no later than September 30, 2015.

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

CC: 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
c/- 11,2000 acres
2300 N. Texas Ave.
Bryan, Texas

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

Dear Mr. Berglund:

We have reviewed TxDOT's letter dated August 10, 2013 regarding the proposed sale of the property at 1500 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,

City of Bryan
John M. Kean Register
City Manager
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,

Bryan, Texas dated January 3, 1997 as recorded in Volume 2809, Page 325 in said Official Records, same being the most westerly southwest corner of that certain tract or parcel described as containing 0.4115 acres of land in a Warranty Deed to State Bank dated March 10, 2003 and recorded as Volume 5310, Page 174 in said Official Records, same being called on the curving easterly line of the Union Pacific Railroad, formally known as the Houston & Texas Central (H&TC) Railroad, a sixty (60) foot right of way as depicted on the Bryan Station Map, V.2. S26B, dated June 30, 1918 and which no deed was found of record, said 3/4 inch iron rod with a triangular bar top found measures 30.0 feet from the current track centerline of said railroad found as of the date of this survey.

THENCE with the northwest line of said 1.9 acre tract, common with the southeast line of said 1.410 acre tract, **N 42°09'35" E**, at a distance of 164.13 feet pass the most easterly northeast corner of said 0.4115 acre tract, common with the most southerly southeast corner of Lot 1, Block 1, Final Plat of First Federal Subdivision, a plat recorded as Volume 3509, Page 301 in said Official Records, from which a 1/2 inch iron rod found bears **N 47°08'12" W**, a distance of 124.91 feet, continuing along said northwest line, common with the southeast line of said Lot 1, Block 1, and in **all a total distance of 465.90 feet** to a TxDOT Type I concrete right of way monument found at the most northerly northwest hereof, being the most northerly northwest corner of said 1.9 acre tract, common with the most easterly northeast of said Lot 1, Block 1, on the curving southwesterly right of way line of North Texas Avenue, also known as old Texas Highway No. 6 or Business Highway No. 6, a one hundred (100) foot dedicated roadway by deeds adjoining, or adjacent, the herein described tract, recorded for a more complete description in Volume 77, Page 453, Volume 77, Page 455 and Volume 77, Page 592 of said Deed Records;

THENCE a distance of 855.41 feet along the arc of a tangent curve to the right, with the westerly right of way of North Texas Avenue, common with the easterly lines of said 1.9 acre tract, said 3.383 acre tract and said 3.3 acre tract, having a central angle of **17° 24' 44"**, a radius of 2814.79 feet and a chord bearing **S 26° 25' 54"E**, a distance of **852.13 feet** to a 1/2 inch iron rod with aluminum cap labeled "TX DOT ROW MARKER" set for a point of tangency;

THENCE continuing along said right of way and the easterly line of said 3.3 acre tract, **S 17°43' 32" E**, at a distance of 97.38 feet pass a 1/2 inch iron rod with aluminum cap labeled "TX DOT ROW MARKER" set near the edge of pavement on the northwest side of East Fifteenth (15th) Street, an undedicated, unplatted, and prescriptive by nature public use corridor, and in **all a total distance of 140.66 feet** to 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, 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 **N 41°52'22" E**, a distance of 68.58 feet, and from which a TxDOT Type I right of way marker found bears **S 17°43'32" E**, a distance of 816.43 feet and **N 72°16'28"E**, a distance of 100.00 feet;

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

N 41°52'22" E, a distance of 68.58 feet, and from which a TxDOT Type I right of way marker found bears S 17°43'32" E, a distance of 816.43 feet and N 72°16'28"E, a distance of 100.00 feet;

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, 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 6.30 feet along the arc of a tangent curve to the left, with the easterly right of way of said Union Pacific Railroad, being the southwesterly line hereof, having a central angle of 1°58'45", a radius of 2894.79 feet and a chord bearing N 07°17'14"W, a distance of 6.30 feet to a corner 0.20 feet from the northeast face of a 3-1/2 inch chain-link fence corner post, non-settable, being in the northwest margin of said East Fifteenth Street as currently in use,

THENCE across said Lot 13 with the said northwest margin of East Fifteenth Street the following courses:

- 1.) N 38°49'43"E, a distance of 435.79 feet to a 1/2 inch iron rod set,
- 2.) S 51°56'35" E, a distance of 4.70 feet to a 1/2 inch iron rod set near the edge of pavement,
and
- 3.) N 38°03'25" E, a distance of 198.00 feet to a 1/2 inch iron rod with aluminum cap labeled "TX DOT ROW MARKER" set near the edge of pavement on the westerly right of way of said North Texas Avenue, from which a 1/2 inch iron rod with aluminum cap labeled "TX DOT ROW MARKER" set at a point of curvature bears N 17°43'32" W, a distance of 97.38 feet;

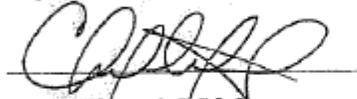
THENCE along said right of way S 17°43'32"E, a distance of 43.28 feet to the POINT OF BEGINNING containing 0.30 acres of land within this description.

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.

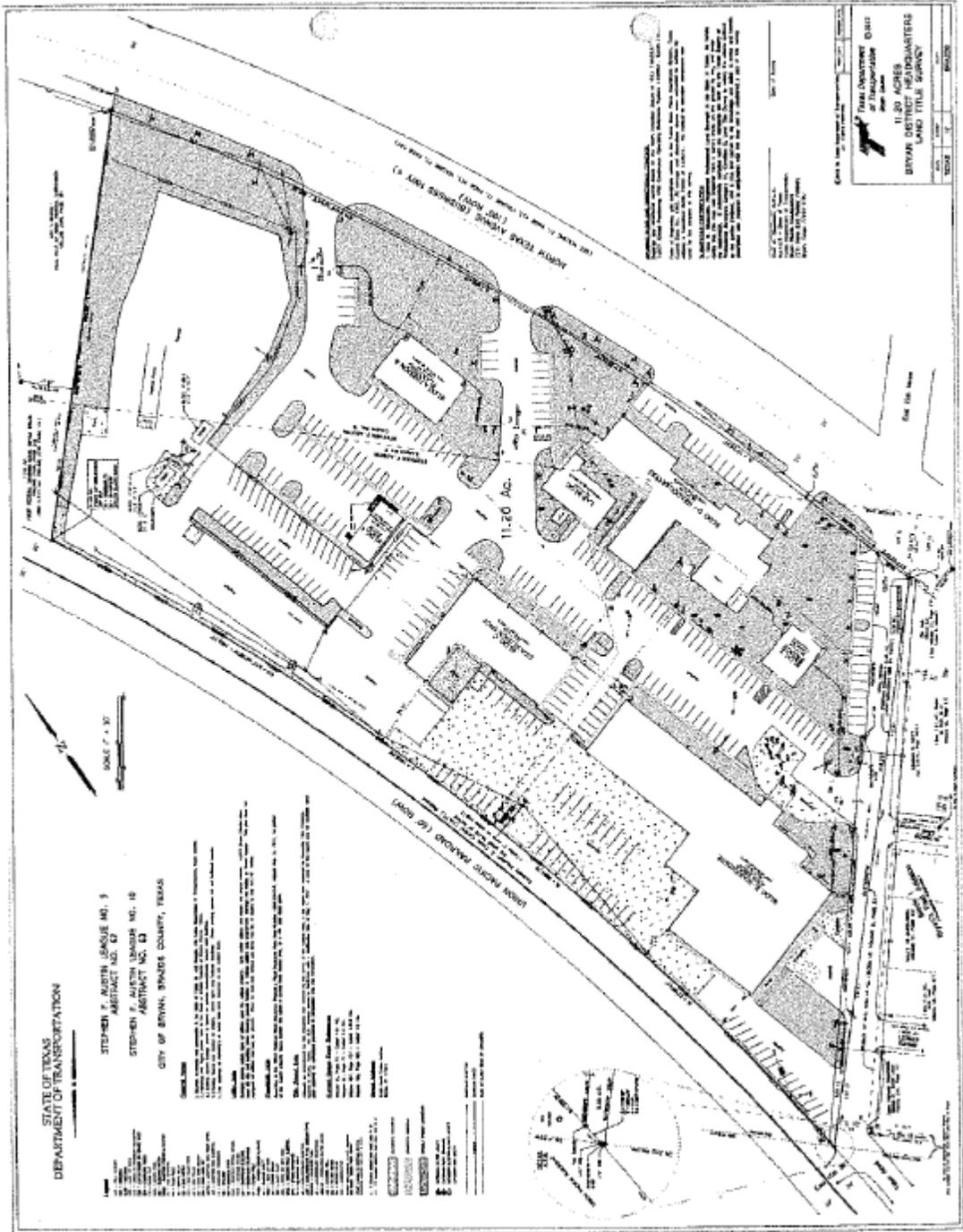


June 06, 2012

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





STATE OF TEXAS
DEPARTMENT OF TRANSPORTATION

STEPHEN F. AUSTIN (LEASE NO. 5)
ABSTRACT NO. 87
STEPHEN F. AUSTIN (LEASE NO. 18)
ABSTRACT NO. 83
CITY OF BRYAN, BRYAN COUNTY, TEXAS

THIS PLAN IS A REVISION OF THE PLAN FOR THE BRYAN DISTRICT HEADQUARTERS, 11.20 ACRES, PREPARED BY THE ARCHITECTURAL FIRM OF [Name], AND IS SUBJECT TO THE SAME CONDITIONS AND RESTRICTIONS AS THE ORIGINAL PLAN. THE ORIGINAL PLAN IS FILED IN THE OFFICE OF THE COUNTY CLERK OF BRYAN COUNTY, TEXAS, UNDER ABSTRACT NO. 83, LEASE NO. 18, AND LEASE NO. 5.

THE CITY OF BRYAN, TEXAS, HAS REVIEWED THIS PLAN AND HAS APPROVED IT AS ACCORDING TO THE CITY ORDINANCES AND REGULATIONS. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS APPROVED IT AS ACCORDING TO THE CITY ORDINANCES AND REGULATIONS.

THE STATE OF TEXAS HAS REVIEWED THIS PLAN AND HAS APPROVED IT AS ACCORDING TO THE STATE LAWS AND REGULATIONS.

DATE OF PREPARATION: [Date]
SCALE: 1" = 30'
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]



NOTICE: THIS PLAN IS A REVISION OF THE PLAN FOR THE BRYAN DISTRICT HEADQUARTERS, 11.20 ACRES, PREPARED BY THE ARCHITECTURAL FIRM OF [Name], AND IS SUBJECT TO THE SAME CONDITIONS AND RESTRICTIONS AS THE ORIGINAL PLAN. THE ORIGINAL PLAN IS FILED IN THE OFFICE OF THE COUNTY CLERK OF BRYAN COUNTY, TEXAS, UNDER ABSTRACT NO. 83, LEASE NO. 18, AND LEASE NO. 5.

Plan No. [Number]
11.20 ACRES
BRYAN DISTRICT HEADQUARTERS
LAND TITLE SURVEY

RESOLUTION NO. 3577

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.

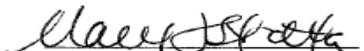
SECTION 3.

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

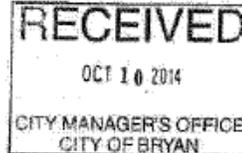


Texas Department of Transportation

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 \$397.4092
City of Bryan
Attn: Mr. Kean Register
City Manager
P. O. Box 1090
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 Equin, 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 1360 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



