

## AGENDA



Thursday, January 15, 2009

**Contract and Land Management  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 12**

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**Subject:** Approve a resolution to authorize the conveyance of 2.359 acres of land, more or less, out of the Jonathan Bittick Survey No. 500, Abstract No. 54, Travis County, Texas, described in Deed recorded in Volume 2503, Page 1, of Travis County, Texas, locally known as 10224 Moores Bridge Road to Travis County, pursuant to Texas Local Government Code §272.001(b)(5) for the fair market appraised value of \$123,000.

**Amount and Source of Funding:** Revenue generating sale of property. Funds received must be used in the Noise Mitigation Program in accordance with the current law.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Melinda Ruby 530-6634; Lauraine Rizer 974-7078; April Thedford 974-7141

**Prior Council Action:** September 9, 1999 – Council recommended a Federal Aviation Regulations (FAR) Noise Study; August 23, 2001 – Council approved consultant selection for Noise Mitigation Program; June 17, 2004 – Council approved land acquisition.

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This parcel was acquired through the Austin-Bergstrom International Airport Noise Mitigation Program utilizing Federal Aviation Administration (FAA) grant funds. The Noise Mitigation Program identifies properties with land uses that are incompatible with the airport due to aircraft noise levels.

In order to use federal funds to acquire the non-compatible (i.e., residential) properties in the Program, the FAA requires that unneeded noise land be sold for a compatible use such as agricultural, commercial and/or industrial. FAA Grant Assurance 31 requires that an airport owner must dispose of unneeded noise land at fair market value at the earliest practical time after the land is no longer needed for noise compatibility purposes. The proceeds are retained by the Department of Aviation for future use in the Noise Mitigation Program in accordance with current law. The federal share is 80%.

Federal law also requires that conveyance of property acquired under a noise program be subject to measures to reduce or eliminate present and future non-compatible uses of the land. The sale of the land is therefore subject to a perpetual navigation easement and restrictive covenants which prohibit the creation or maintenance of any obstruction to air aviation or a wildlife hazard, and further prohibits the use of the property for residential or school uses.

Travis County has advised that it plans to use this parcel for parks and recreational purposes.