

AGENDA



Thursday, January 28, 2010

**Contract and Land Management
RECOMMENDATION FOR COUNCIL ACTION****Item No. 5**

Subject: Authorize the negotiation and execution of the fee simple acquisition of a 0.184 acre tract out of Lot 1, Block 2, Bergstrom Downs No. 1, locally known as 827 Patton Avenue, from JAMES ANTHONY CRIST for the Airport Noise Mitigation Program, in the amount of \$135,000 for the land and improvements, plus closing costs and moving related expenses in the amount of \$15,000, for an amount not to exceed \$150,000.

Amount and Source of Funding: Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.

Fiscal Note: A fiscal note is attached.

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

Prior Council Action: June 7, 2007- Council approved recommendations in the 2007 Draft Federal Aviation Regulations Part 150 Noise Study Update; February 28, 2008 – Council approved the Consultant Selection for Noise Mitigation Program.

The property and residence located at 827 Patton Avenue is a part of the approved Airport Noise Mitigation Program. The purpose of the program is to reduce noise impacts and ensure land use compatibility within the airport vicinity.

The lot to be acquired is approximately a 0.184 acre tract and improvements include a 1,529 SF residential duplex, two covered front porches, concrete drive, concrete sidewalks, 4' chain link fence, and typical landscaping. The fair market value of the property including improvements is \$135,000, as determined by an independent appraisal. The owner has agreed to accept the City's offer. The City will relocate any tenants according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, any owner may choose to retain an improvement at the salvage value of that improvement, and the salvage value will be deducted from the purchase price at closing. James Anthony Crist has elected to retain ownership of two HVAC units and two main breaker load centers currently located on the property being purchased for the salvage value of \$131.00, which will be netted out of the property settlement amount at closing.

Closing and moving costs are not to exceed \$15,000 and are a part of the final property settlement amount.