

## AGENDA



Thursday, June 10, 2010

**Contract and Land Management  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 2**

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**Subject:** Authorize the negotiation and execution of the conveyance of approximately one-acre tract of land, out of the Garner Mayes Survey No. 501, in Travis County, Texas, locally known as 9310 FM 812 to TJFA, L.P., for the fair market value of \$10,389 as determined by a sealed bid auction held on April 13, 2010.

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

**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 – Federal Aviation Regulations (FAR) Noise Study; August 23, 2001 – Council approved the Consultant Selection for Noise Mitigation Program; August 10, 2006 - Council approved the land acquisition.

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This parcel was acquired through the Austin-Bergstrom International Airport's 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 federal regulations. 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 avigation easement and restrictive covenants which prohibit the creation or maintenance of any obstruction to avigation or a wildlife hazard, and further prohibits the use of the property for residential or school uses.