

## A G E N D A



## Recommendation for Council Action (Real Estate)

Austin City Council

Item ID:

20224

Agenda Number

26.

Meeting Date:

December 6, 2012

Department:

Office of Real Estate Services

## Subject

Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell approximately 13.292 acres of land, more or less, out of the Noel M. Bain Survey No. 1, Abstract No. 61, Travis County, Texas, and being more particularly described by metes and bounds in a Warranty Deed recorded under Document No. 2004171658, of the Official Public Records of Travis County, Texas, locally known as 7201 Bain Road, to O.C. GREENBELTS, LLC, for the fair market value of \$60,000 as determined by a sealed bid auction held on October 10, 2012.

## Amount and Source of Funding

Revenue generating sale of property. Funds received must be used in the Noise Mitigation Program in accordance with federal regulations.

## Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing  
Language:Prior Council  
Action:

June 6, 2007: Council approved recommendations in the 2007 Draft FAR Part 150 Noise Study Update.  
February 28, 2008: Council selected the Noise Mitigation Program Consultant.

For More  
Information:

Melinda Ruby 530-6634; Lauraine Rizer 974-7078; Amanda Glasscock 974-7173.

Boards and  
Commission  
Action:

MBE / WBE:

Related Items:

## Additional Backup Information

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 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 aviation 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.