

A G E N D A



Recommendation for Council Action (Real Estate)

Austin City Council

Item ID:

20304

Agenda Number

30.

Meeting Date:

December 6, 2012

Department:

Office of Real Estate Services

Subject

Authorize the negotiation and execution of any and all documents and instruments necessary for the conveyance of approximately 17,279 square feet of land in fee simple between the City of Austin and Steve and Michele Turnquist. Related to Item # 110.

Amount and Source of Funding

Fiscal Note

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

Purchasing
Language:

Prior Council
Action:

For More
Information:

Junie Plummer 974-7085; Sara Hensley 974-6700; Abigail Smith 972-6088; Lauraine Rizer 974-7078; Amanda Glasscock 974-7173.

Boards and
Commission
Action:

To be reviewed by the BCP Coordinating Committee December 5, 2012.

MBE / WBE:

Related Items:

Additional Backup Information

The City of Austin (City) owns approximately 1,752 acres commonly known as Cortana that is managed as part of the BCP. When the City acquired the BCP Cortana tract in 1993, the City also entered into an access easement agreement with a neighboring landowner, Aubrey Smith. The City granted Mr. Smith this access easement because its new BCP property holding severed his access to Leonard East Road. This road was formerly a county road. Since that time the River Place Subdivision has been built out and Mr. Smith's successor, Steve Turnquist, no longer needs most of this easement for ingress and egress to his property.

When section 16 of River Place was re-platted in 2005, lots in the subdivision were platted across Leonard East Road, extinguishing the City's direct access to the southern portion of the very large Cortana tract. This loss of access created a public safety threat because there is no longer direct access to public roads from Cortana for fire departments or law enforcement agencies to access several hundred acres that are bounded by the communities of River Place and Steiner Ranch.

In 2011 Mr. Turnquist proposed an exchange of land and land rights with the City that would convey more than half of his access easement back to the City and proposed providing the City with access easements connecting the southern end of Cortana across private land in River Place to a public road known as Big View Drive. In exchange Mr. Turnquist asked the City to convey to him fee title to the remainder of his original access easement. This agreement would also resolve several points of disagreement between Turnquist and the City with respect to compliance with the original access easement.

This proposed agreement would provide Mr. Turnquist with direct control of the portion of the original access easement that includes the driveway and public service infrastructure that serve his home. The City would gain direct access for emergency services and for land management activities.

Because of the lack of direct access to Cortana for fire, police, and EMS, staff recommends that the City pursue this agreement in the manner prescribed in Chapter 272.001 (b)(3) of Texas Local Government Code in order to resolve an imminent threat to public health and safety. This section of State code provides that real property may be sold or exchanged without bidding when land originally acquired for an easement is exchanged for other land to be used as streets, rights of way, or easements. In this case the City will receive land and interests in land to provide access easements and right of way to promote public safety on the Cortana tract in exchange for the land that Turnquist receives in fee title.

An independent third party appraisal has established the fair-market value of the proposed area being conveyed to Turnquist in the amount of \$120,348 and the easement area conveyed to the City in the amount of \$164,422.

Staff is seeking authorization to negotiate and execute an agreement with Mr. Turnquist to implement his proposal.