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CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 2  
AGENDA DATE: Thu 09/30/2004  
PAGE: 1 of 1

**SUBJECT:** Approve a resolution authorizing negotiation and execution of all documents necessary to sell 14 lots owned by the City of Austin to Habitat for Humanity for \$28,000. These lots are located in the Elm Ridge Subdivision Phase 1 B which is located approximately 1.5 miles from the intersection of Pearce Lane and Wolf Lane, in Bastrop County.

**AMOUNT & SOURCE OF FUNDING:** Revenue will be included in the Fiscal Year 2004-2005 Austin Energy Operating Budget.

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Austin Energy  
**DEPARTMENT:**

**DIRECTOR'S**  
**AUTHORIZATION:** Juan Garza

**FOR MORE INFORMATION CONTACT:** Judy Fowler, Public Involvement and Real Estate Manager/ 322-6107

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** Recommended by the Electric Utility Commission.

**PURCHASING:** N/A

**MBE / WBE:** N/A

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Austin Energy is requesting Council approve a resolution authorizing the sale to Habitat for Humanity of 14 lots in the Elm Ridge Subdivision, Phase 1B, owned by the utility. The utility was contacted by Habitat for Humanity about purchasing the lots. Austin Energy has not solicited bids on the lots, but an independent appraisal was secured by Habitat that showed a value of \$2,000 per lot. Under Texas Local Government Code Section 272.001(k), public notice and auction requirements do not apply to the sale of land owned or managed by a municipally-owned electric utility, provided that the governing body of the municipality adopts a resolution stating the conditions and circumstances for the sale and the public purpose that will be achieved. Habitat for Humanity is a well-respected, non-profit agency, serving people from Austin and the surrounding areas, providing the opportunity for home ownership to individuals who would not otherwise have the chance. The sale of these lots to Habitat helps meet the needs of our community and the surrounding areas.

In 1994, Austin Energy purchased the Elm Ridge Subdivision, Phase 1B (in western Bastrop County), from the Resolution Trust Corporation for \$32,500, in order to maintain access to the Garfield Substation as it was being built. After completion of the substation, Austin Energy sold the subdivision through the City bid process to Evergreen Homes for \$150,000, retaining the 14 lots adjacent to the substation and the transmission lines to facilitate access to our equipment. The utility has since determined that retention of the lots is not necessary; the utility has adequate space for access.

**RESOLUTION NO.**

**WHEREAS**, under Texas Local Government Code Section 272.001(k), public notice and auction requirements do not apply to the sale of land owned or managed by a municipally-owned electric utility, provided that the governing body of the municipality adopts a resolution stating the conditions and circumstances for the sale and the public purpose that will be achieved; and

**WHEREAS**, in 1994, Austin Energy purchased a subdivision known as Elm Ridge Subdivision, Phase 1B, in order to maintain access to the Garfield Substation as it was being built, and after completion of the substation, Austin Energy sold the subdivision, retaining 14 lots adjacent to the substation and the transmission lines to facilitate access to our equipment, and the utility has since determined that it has adequate space for access; and

**WHEREAS**, Habitat for Humanity is a well-respected, non-profit agency, serving people from Austin and the surrounding areas; and

**WHEREAS**, providing the opportunity for home ownership to individuals who would not otherwise have the chance constitutes a legitimate public purpose;  
**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Authorization is given to Austin Energy for the negotiation and execution of a contract with Habitat for Humanity for the sale of 14 lots in the Elm Ridge Subdivision, Phase 1B, because the sale of these lots to Habitat helps meet the needs of our community and the surrounding areas.

**ADOPTED:** , 2004

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk