



## MEMORANDUM

**To:** Mayor and Council

**From:** Sue Edwards, Assistant City Manager *SE*

**Date:** May 9, 2016

**Subject:** Notice of Priority Right – Texas Department of Transportation- Northeast Corner of South Lamar and Ben White Boulevard

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The Texas Department of Transportation has determined that property located at the northeast corner of South Lamar and Ben White Boulevard, immediately adjacent to +/- 1.85 acre parcel for which we recently received notice, is no longer needed for state highway purposes. Texas Transportation Code, Section 202.021 provides that governmental entities with the authority to condemn real property have priority right to purchase the property. Attached for your information is the formal Notice of Priority Right received on April 27, 2016. The full transmittal is attached for your information.

The State requires a formal response from the City of Austin within 30 days of receiving this letter. Please contact me as soon as possible if you would like to pursue purchase. I can be reached at (512) 974-7820 or via email at [Sue.Edwards@austintexas.gov](mailto:Sue.Edwards@austintexas.gov).

Attachment

**Cc:** Marc Ott, City Manager  
Lauraine Rizer, Officer, Office of Real Estate Services



April 22, 2016

RE: Notice of Priority Right  
Texas Department of Transportation  
NEC of S. Lamar and Ben White Blvd.  
Austin, Travis County, Texas

**VIA FEDERAL EXPRESS**

Mr. Marc Ott  
City Manager  
City of Austin  
301 W. 2<sup>nd</sup> St., 3<sup>rd</sup> Floor  
Austin, Texas 78701

Dear Mr. Ott,

The Austin District of the Texas Department of Transportation ("TxDOT") has determined that the above-described property located at the NEC of S. Lamar and Ben White Blvd., Austin, Travis County, Texas is no longer needed for state highway purposes. An aerial photograph and a survey of the property are enclosed. In accordance with Texas Transportation Code, Section 202.021, governmental entities with the authority to condemn real property have priority right to purchase the property.

The purchase price for this property is **\$9.31 per square foot** based upon a future survey of the property or the appraised value, whichever amount is higher, plus any additionally incurred costs by TXDOT. A survey is required. The prospective purchaser may procure the survey for the property or may elect to have TxDOT procure the survey. Surveys ordered by the purchaser must be approved by TxDOT. If the purchaser elects to have TXDOT provide the survey, then the cost will be added to the sales price.

In order to exercise your priority, within thirty (30) days of the receipt of this letter please provide TxDOT with a written statement of your entity's intent to purchase the property on these terms. Please forward a copy of the statement to:

Mr. Jess Berglund  
Real Estate Management and Development Division  
Texas Department of Transportation  
125 E. 11<sup>TH</sup> Street, 5<sup>th</sup> Floor  
Austin, Texas 78701

Or by email to [Jess.Berglund@txdot.gov](mailto:Jess.Berglund@txdot.gov).

This offer is subject to change or revocation by TxDOT. If the above does not receive a copy of the statement exercising the priority right within thirty (30) days after your receipt of this letter, TxDOT will consider your priority right to purchase the property to be waived. Before the sale is placed on Texas Transportation Commission meeting agenda for approval, TxDOT may request a resolution or the equivalent from your entity's governing body committing to the purchase of the property. If your governmental entity is not interested in the property TxDOT would appreciate it if you would return the enclosed Waiver of Priority Purchase Right prior to the automatic 30-day waiver.

**OUR GOALS**

**MAINTAIN A SAFE SYSTEM ▪ ADDRESS CONGESTION ▪ CONNECT TEXAS COMMUNITIES ▪ BEST IN CLASS STATE AGENCY**  
*An Equal Opportunity Employer*

If you should have any questions concerning this matter, please contact Jess Berglund at (512) 463-3166.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Tilden IV". The signature is stylized with a large, looped "R" and a clear "Tilden IV".

Roland Tilden, Director  
Real Estate Management and Development

CC: Terry McCoy, P.E., District Engineer, Austin District  
Kyle Madsen, Right of Way Project Delivery Director

## Waiver of Priority Purchase Right

RE: Notice of Priority Right  
Texas Department of Transportation  
NEC of S. Lamar and Ben White Blvd.  
Austin, Travis County, Texas

Jess Berglund  
Real Estate Management and Development Division  
Texas Department of Transportation  
125 E. 11<sup>th</sup> Street  
5th Floor  
Austin, Texas 78701

Dear Mr. Berglund:

We have reviewed TxDOT's letter dated April 22, 2016 regarding the proposed sale of the property located at the NEC of S. Lamar and Ben White Blvd., Austin, Travis County, Texas.

The City of Austin IS NOT interested in purchasing this property.

The City of Austin WAIVES the priority right to purchase this property.

Sincerely,

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Mr. Marc Ott  
City Manager  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Date: \_\_\_\_\_, 2016





360

343

Stellar Blvd

Hwy 290

71

W Ben White Blvd

Victory Dr

Google earth

© 2016 Google

County: Travis  
Highway: Loop 360  
CSJ: 0113-13-160

## TRACT 01

BEING A 1.8477 ACRE (80,484 SQUARE FEET) TRACT SITUATED IN THE CHARLES H. RIDDLE SURVEY, ABSTRACT NUMBER 676, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF RIGHT-OF-WAY DEDICATED TO THE STATE OF TEXAS AND SHOWN ON MAP DATED AUGUST 27, 1987, WITH C.S.J. NUMBER 113-13-903, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2-inch iron found for the south corner of the remainder of Lot 2 of Barton Market Square a subdivision of record in Volume 71, Page 41 of the Plat Records of Travis County, Texas (P.R.T.C.T.), the northwest corner of the remainder of Lot 3 of Barton Market Square Section Three a subdivision of record in Volume 76, Page 325 P.R.T.C.T. and the existing north right-of-way line of U.S. Highway 290 (U.S. 290, right-of-way varies) State of Texas, as shown in (CSJ 113-13-903);

**THENCE North 62°29'21" West 83.10 feet** with the south line of the remainder of Lot 2 and the existing north right-of-way line of U.S. 290 to a Texas Department of Transportation (TxDOT) concrete monument found for the southeast corner and **POINT OF BEGINNING** of the parcel described herein, having coordinates of X=3,098,817.71 and Y=10,058,941.84;

1) **THENCE North 44°38'32" West 310.58 feet** through the existing right-of-way of U.S. 290 to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" set for the southwest corner of the tract herein described;

2) **THENCE North 00°26'09" West 197.43 feet** through the existing right-of-way of U.S. 290 to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" set for the northwest corner of the tract herein described ;

3) **THENCE North 45°40'27" East 493.62 feet** through the existing right-of-way of U.S. 290 to a 1/2-inch iron rod found on the west line of Lot 1 of said Barton Market Square (Vol. 71, Pg. 41) and the existing north right-of-way line of U.S. 290 for the northeast corner of the tract herein described;

4) **THENCE South 24°05'58" West** with the west line of Lot 1 of said Barton Market Square, Lot 4 of said Barton Square Section Three (Vol. 76, Pg. 325), at 145.25 feet passing a calculated point for the southwest corner of said Lot 1, at 408.63 feet pass a 1/2-inch iron rod found for the westerly most southwest corner of said Lot 4, continuing with the west line of said Lot 2 and the existing north right-of-way line of U.S. 290 a total distance of **483.63 feet** to a 1/2-inch iron rod with cap stamped "HALFF" set in the west line of the remainder of said Lot 2;

5) **THENCE South 00°26'15" East 218.67 feet** with the west line of the remainder of said Lot 2 and the existing north right-of-way line of U.S. 290 to a 1/2-inch iron rod with cap stamped "HALFF" set in the west line of the remainder of said Lot 2;

6) **THENCE South 31°10'19" East 120.59 feet** with the west line of the remainder of said Lot 2 and the existing north right-of-way line of U.S. 290 to the **POINT OF BEGINNING** and containing 1.8477 acres of land (80,484 square feet).

County: Travis  
Highway: Loop 360  
CSJ: 0113-13-160

Page 2 of 3  
9/11/2014

## TRACT 01

\*\* The monument described and set may be replaced with a TxDOT Type II right-of-way Marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

Basis of bearings is the Texas Coordinate System of 1983, Central Zone 4203 (NAD83/2011). All distances shown hereon are surface and may be converted to grid by using the surface adjustment factor of 1.00012. Units: U.S. Survey Feet.

This survey was prepared without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

These property descriptions are accompanied by a parcel plat of even date.

I, Cory Blake Silva, Registered Professional Land Surveyor, hereby certify that this legal description and the accompanying parcel plat of even date represent an actual survey made on the ground under my supervision.

  
Cory Blake Silva, R.P.L.S.

Texas Registered Professional Land Surveyor No. 6500

Halff Associates, Inc.,

TBPLS Firm No. 10029607

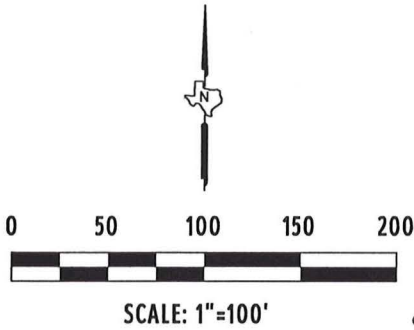
4030 West Braker Lane, Suite 410, Austin, Texas 78759, 512-777-4600

9-11-14  
Date





CHARLES H. RIDDLE SURVEY  
A-676



A.K.A. LOOP 360  
SOUTH LAMAR BLVD  
STATE OF TEXAS  
VARYING WIDTH R.O.W.  
C.S.J. NO. 113-13-10

LOT 1  
BARTON MARKET SQUARE  
VOL. 71, PAGE 41  
P.R.T.C.T.

LOT 4  
BARTON MARKET SQUARE  
SECTION THREE  
VOL. 76, PAGE 325  
P.R.T.C.T.

TRACT 1  
1.8477 AC.  
(80,484 SQ. FT.)

REMAINDER OF  
LOT 2  
BARTON MARKET SQUARE  
VOL. 71, PAGE 41  
P.R.T.C.T.

REMAINDER OF  
LOT 3  
BARTON MARKET SQUARE  
SECTION THREE  
VOL. 76, PAGE 325  
P.R.T.C.T.

LEGEND

- 1/2-INCH IRON ROD WITH CAP STAMPED "HALFF ASSOC. INC." SET -UNLESS NOTED
- ◻ 5/8-INCH IRON ROD WITH ALUMINUM CAP MARKED "TX DEPT OF TRANSPORTATION PROPERTY CORNER" SET
- ◼ TXDOT CONCRETE MONUMENT FOUND -UNLESS NOTED
- 1/2" IRON ROD FOUND -UNLESS NOTED
- 1/2" IRON PIPE FOUND -UNLESS NOTED
- ▲ FOUND NAIL -UNLESS NOTED
- △ FOUND "X" CUT -UNLESS NOTED
- ( ) RECORD INFORMATION
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- RIGHT-OF-WAY (R.O.W.) LINE
- EXISTING EASEMENT LINE
- PROPERTY LINE
- SURVEY LINE

I, Cory Blake Silva, Registered Professional Land Surveyor, hereby certify that this parcel plat and accompanying legal description of even date represent an actual survey made on the ground under my supervision.

CORY BLAKE SILVA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS NUMBER 6500  
TBPLS FIRM NO. 10029607



U.S. 290  
STATE OF TEXAS  
VARYING WIDTH R.O.W.  
C.S.J. NO. 9914-84-991  
C.S.J. NO. 113-13-903

P.O.B.  
TYPE 1 MON.  
X=3098817.71  
Y=10058941.84

P.O.C.  
X=3098891.41  
Y=10058903.45

NOTES

These surveys were prepared without the benefit of title commitments. Easements or other matters of record may exist where none are shown.

\* The monument described and set may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

Basis of bearings is the Texas Coordinate System of 1983, Central Zone 4203 NAD 83/2011. All coordinates and distances shown hereon are surface and may be converted to grid by using the surface adjustment factor of 1.00012. Units: U.S. Survey Feet.

The area calculations shown hereon are for informational purposes only.



Texas  
Department  
of Transportation

© 2014

**HALFF**  
4030 WEST BRAKER LANE #410  
AUSTIN, TEXAS 78759-5358  
TBPLS FIRM NO. 10029600  
TEL (512) 777-4000  
FAX (512) 252-8141

FED. RD. DIST. NO.	STATE	COUNTY	HIGHWAY NO.
	TEXAS	TRAVIS	360
STATE DISTRICT NO.	FEDERAL AID PROJECT NO.	SECTION NO.	TRACT NO.
14		0113 13 160	1