



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- Northwest Corner of South Lamar and Ben White Boulevard

The Texas Department of Transportation has determined that property located at the northwest corner of South Lamar and Ben White Boulevard (+/- 2.79 acres) 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.

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
+/- 2.79 acres
NWC of S. Lamar and Ben White Blvd.
Austin, Travis County, Texas

VIA FEDERAL EXPRESS

Mr. Marc Ott
City Manager
City of Austin
301 W. 2nd St., 3rd 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 NWC 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 **\$500,000.00** plus any additionally incurred costs by TXDOT.

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. 11TH Street, 5th Floor
Austin, Texas 78701

Or by email to 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.

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 fluid and cursive, with the first name "R." and last name "Tilden" clearly legible, followed by "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
+/- 2.79 acres
NWC 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. 11th 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 NWC 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,

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

Date: _____, 2016



360

343

S-Lamar-Blvd

W-Ben-White-Blvd

Google earth

© 2016 Google

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

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9/11/2014

TRACT 02

BEING A 2.7856 ACRE (121,341 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 BY DEED FROM J, A MCCARTY ET. UX. AND SHOWN ON MAP DATED JULY 1966, WITH C.S.J. NUMBER 113-13-10, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a Texas Department of Transportation (TxDOT) Type I concrete monument found on the south line of Lot 3-A2 of the Resubdivision of Lot 3-A Brodie Oaks Center Amended, a subdivision of record in Volume 91, Page 41 of the Plat Records of Travis County, Texas (P.R.T.C.T.) and the existing north right-of-way line of Loop 360 (right-of-way varies), having coordinates of X=3,097,703.74 and Y=10,060,156.07 for the northwest corner of the tract herein described;

- 1) **THENCE South 42°44'05" East 407.35 feet** with the south line of said Lot 3-A2 and the existing north right-of-way line of Loop 360 to a TxDOT Type I concrete monument found for an angle point in the south line of said Lot 3-A2, from which a 1/2-inch iron rod found bears South 83°10'19" East 16.34 feet;
- 2) **THENCE South 82°26'29" East** with the south line of said Lot 3-A2 and the existing north right-of-way line of Loop 360, at 265.19 feet passing a 1/2-inch iron rod for the southeast corner of said Lot 3-A2 and the southwest corner of Lot 4-A of the Brodie Oaks Center Amended, a subdivision of record in Volume 83, Page 149D of the P.R.T.C.T., continuing with the south line of Lot 4-A, at 300.19 feet passing a calculated point for the southeast corner of Lot 4, continuing with the south line of Lot 5-A of said Brodie Oaks Center Amended (all out of Vol. 83, Pg. 149D), for a total distance of **511.04 feet** to a 1/2-inch iron pipe found for an angle point in the south line of said Lot 5-A, from which a 1/2-inch iron rod found bears North 81°30'58" West 19.79 feet;
- 3) **THENCE North 75°41'31" East 250.47 feet** with the south line of said Lot 5-A and the existing north right-of-way line of Loop 360 to a 1/2-inch iron rod with cap stamped "HALFF" set for the northeast corner of the tract herein described;
- 4) **THENCE South 59°14'25" West 485.42 feet** through said Loop 360 existing right-of-way to a 5/8-inch iron rod with aluminum cap stamped "TX DEPT OF TRANSPORTATION PROPERTY CORNER" set for the southeast corner of the tract herein described;
- 5) **THENCE North 82°33'18" West 280.00 feet** through said Loop 360 existing right-of-way 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;
- 6) **THENCE North 32°39'01" West 613.45 feet** through said Loop 360 existing right-of-way to the **POINT OF BEGINNING** and containing 2.7856 acres of land (121,341 square feet).

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

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9/11/2014

TRACT 02


** 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.

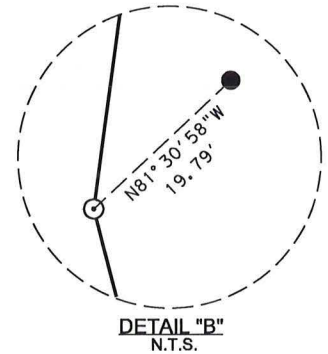
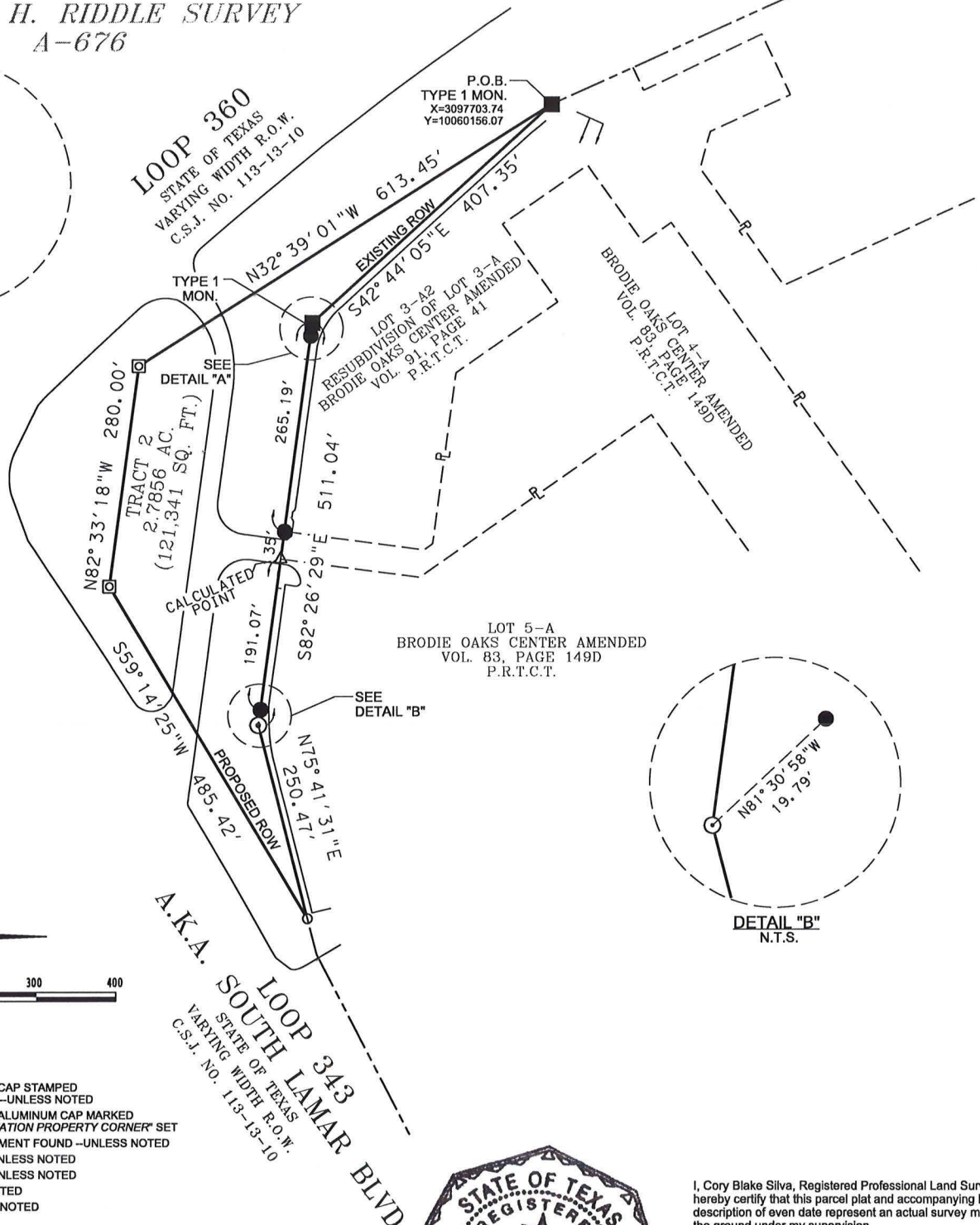
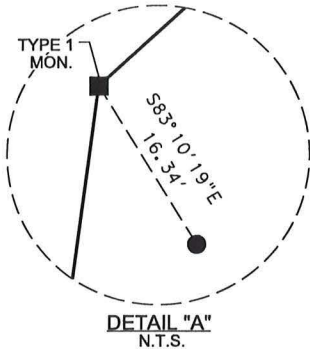


Cory Blake Silva, R.P.L.S.
Texas Registered Professional Land Surveyor No. 6500
Halff Associates, Inc.,
TBPLS Firm No. 10029607
4030 West Braker Lane, Suite 410, Austin, Texas 78759, 512-777-4600

9-11-14
Date



CHARLES H. RIDDLE SURVEY
A-676



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
- PROPERTY LINE
- NOT TO SCALE (N.T.S.)

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.



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



| FED. NO. DIV. | STATE | COUNTY | HIGHWAY NO. | | |
|-----------------------|----------------------------|----------------|----------------|------------|-----------|
| | TEXAS | TRAVIS | 360 | | |
| STATE DISTRICT NO. | FEDERAL AID PROJECT NO. | CONTROL NO. | SECTION NO. | JOB NO. | TRACT NO. |
| 14 | | 0113 | 13 | 160 | 2 |