



23-0992

TITLE: Consider/Discuss/Act on a Resolution Authorizing the Sale of Three Tracts of Land Totaling Approximately 29.215 Acres of Land as More Particularly Described Hereinafter, Consisting of Approximately 8.695 Acres of Land Located North of Old Mill Road West of its Intersection with County Road 317 (Tract I), Approximately 11.142 Acres of Land Located South of Farm to Market Road 546 at its Intersection with County Road 317 (Tract II), and Approximately 9.378 Acres of Land Located at the Northwest Quadrant of Farm to Market Road 546 and County Road 722 (Tract III) to the State of Texas for the Construction of the Spur 399 Project; and Authorizing the City Manager to Execute Deeds and Documents Regarding the Sale of Said City-Owned Property to the State of Texas

COUNCIL GOAL: Operational Excellence
(2B: Balance available resources to accommodate the growth and maintenance needs of the city)

MEETING DATE: December 5, 2023

DEPARTMENT: Development Services/Engineering

CONTACT: Gary Graham, PE, PTOE, Director of Engineering
Todd Wright, Real Estate Acquisitions Administrator

RECOMMENDED CITY COUNCIL ACTION:

- Approval of Resolution.

ITEM SUMMARY:

- This item authorizes the sale, at fair market value, of three parcels of land totaling approximately 29.215 Acres to the State of Texas for use as Right-of-Way (ROW) in the construction of Spur 399 from State Highway 5 to US 380/University Drive (the "Project"), and further authorizes the City Manager to execute all necessary deeds and documents for the sale of said property.

BACKGROUND INFORMATION:

- TxDOT is currently planning for the construction of the Project and acquiring ROW necessary for the Project. Construction is tentatively scheduled to begin in

2026.

- TxDOT finds it necessary to acquire three parcels of City-owned land for use as ROW which are identified in the Ordinance as Exhibit A Tract I, Exhibit A Tract II and Exhibit A Tract III.
- TxDOT submitted an appraisal for each parcel and extended offers on behalf of the State of Texas in excess of the full amount of the appraised fair market value to purchase from the City, in the following amounts:
 - Tract I: Approximately 8.695 acres of land with a negotiated settlement amount of \$2,518,159.00.
 - Tract II: Approximately 11.142 acres of land with a negotiated settlement amount of \$3,182,490.00.
 - Tract III: Approximately 9.378 acres of land with a negotiated settlement amount of \$2,144,471.00.
- The City had review appraisals completed by a certified appraiser for the three appraisals submitted by TxDOT. The review appraisals confirmed that the offers extended by TxDOT constituted the fair market value for the subject parcels.
- The total purchase price for the three parcels is \$7,845,120.00.
- In addition to the offer to purchase, TxDOT has requested a Possession and Use Agreement (“PUA”) for each parcel. TxDOT is offering an additional \$25,000.00 for the signed PUA for each Parcel totaling \$75,000.00. The Possession and Use Agreement will allow TxDOT to enter onto the parcel, for work related to the project, prior to closing on the purchase.
- The total amount received from the three sales (\$7,845,120.00) and the three PUA’s (\$75,000.00) is \$7,920,120.00.
- This agenda item authorizes the sale of the three parcels of land to the State for the fair market values identified above, and further authorizes the City Manager to execute all documents necessary to the sale of said City-Owned land to the State of Texas associated with the construction of the Spur 399 Project.

FINANCIAL SUMMARY:

- In accordance with Texas Local Government Code Section 272.001(b)(5), the sale is exempt from competitive bidding requirements.
- Funding from the sale will be placed in the respective Capital Project Funds from which the land was originally acquired.

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Resolution](#)
[Exhibit A](#)
[Location Map](#)