

**AGENDA**



**Recommendation for Council Action (Real Estate)**

<b>Austin City Council</b>	<b>Item ID:</b>	25128	<b>Agenda Number</b>	37.
<b>Meeting Date:</b>	June 27, 2013			
<b>Department:</b>	Office of Real Estate Services			
<b>Subject</b>				
<p>Authorize the negotiation and execution of all documents and instruments necessary or desirable to sell property generally known as 818, 820, 822, 824, 825, 827, and 829 Patton Avenue and 915 Bastrop Highway to Michael J. Kuhn, for the fair market value of \$85,000 as determined by a sealed bid auction held on May 14, 2013.</p>				
<b>Amount and Source of Funding</b>				
<p>Revenue generating sale of property. Funds received must be used in the Noise Mitigation Program in accordance with federal regulations.</p>				
<b>Fiscal Note</b>				
<p>There is no unanticipated fiscal impact. A fiscal note is not required.</p>				
<b>Purchasing Language:</b>				
<b>Prior Council Action:</b>	<p>June 6, 2007 - Approved recommendations in the 2007 Draft FAR Part 150 Noise Study Update.                  February 28, 2008 - Consultant Selection for Noise Mitigation Program.</p>			
<b>For More Information:</b>	<p>Melinda Ruby 530-6634; Lauraine Rizer 974-7078; Amanda Glasscock 974-7173.</p>			
<b>Boards and Commission Action:</b>				
<b>MBE / WBE:</b>				
<b>Related Items:</b>				
<b>Additional Backup Information</b>				

This parcel was acquired through the Austin-Bergstrom International Airport's Noise Mitigation Program utilizing Federal Aviation Administration (FAA) grant funds. The Noise Mitigation Program identifies properties with land uses that are incompatible with the airport due to aircraft noise levels.

In order to use federal funds to acquire the non-compatible properties in the Program, the FAA requires that unneeded noise land be sold for a compatible use such as agricultural, commercial and/or industrial. FAA Grant Assurance 31 requires that an airport owner must dispose of unneeded noise land at fair market value at the earliest practical time after the land is no longer needed for noise compatibility purposes. The proceeds are retained by the Department of Aviation for future use in the Noise Mitigation Program in accordance with current federal regulations. The federal share is 80%.

Federal law also requires that conveyance of property acquired under a noise program be subject to measures to reduce or eliminate present and future non-compatible uses of the land. The sale of the land is therefore subject to a perpetual aviation easement and restrictive covenants which prohibit the creation or maintenance of any obstruction to air aviation or a wildlife hazard, and further prohibits the use of the property for residential or school uses.

The legal description of the property is as follows: Lots 2 and 3, Block 1, Bergstrom Downs No. 1, according to the map or plat thereof recorded in Volume 5, Page 2, Plat Records, Travis County, Texas; Lots B and C, resubdivision of Lot 1, Block 1, Bergstrom Downs No. 1, according to the map or plat thereof recorded in Volume 59, Page 11, Plat Records, Travis County, Texas, save and except therefrom that certain portion of Lot B, as described and vested in the State of Texas by Virtue of the Judgment in Condemnation Proceedings Cause No. 2432, Probate Court, Travis County, Texas, as recorded in Document No. 2005029183, Official Public Records, Travis County, Texas; 0.126 of an acre, more or less, being a portion of Lot 1, Block 2, Bergstrom Downs No. 1, according to the map or plat thereof recorded in Volume 5, Page 2, Plat Records, Travis County, Texas, also referred to as Lot F of an unrecorded subdivision of Lot 1, Block 2, Bergstrom Downs No. 1, according to the map attached to the Deed of Trust recorded in Volume 7045, Page 641, Deed of Trust Records, Travis County, Texas; 0.184 of an acre, more or less, being a portion of Lot 1, Block 2, Bergstrom Downs No. 1, according to the map or plat thereof recorded in Volume 5, Page 2, Plat Records, Travis County, Texas, also referred to as Lot G of an unrecorded subdivision of Lot 1, Block 2, Bergstrom Downs No. 1, according to the map attached to the Deed of Trust recorded in Volume 7045, Page 641, Deed of Trust Records, Travis County, Texas; 0.192 of an acre, more or less, being a portion of Lot 1, Block 2, Bergstrom Downs No. 1, according to the map or plat thereof recorded in Volume 5, Page 2, Plat Records, Travis County, Texas, also referred to as being a part of Lot H, Block 2 of an unrecorded subdivision of Lot 1, Block 1, and Lot 1, Block 2, Bergstrom Downs No. 1, according to the map attached to Deed recorded in Volume 7020, Page 240, Deed Records, Travis County, Texas; and 0.386 of an acre, more or less, out of the Santiago Del Valle Grant, in Travis County, Texas, being the same tract of land conveyed to the City of Austin by Deed recorded in Document No. 2010044114, Official Public Records, Travis County, Texas.