



Travis County Commissioners Court Agenda Request

Meeting Date: March 13, 2012

Prepared By: Greg Chico, Right-of-Way Manager **Phone #:** 854-4659

Division Director/Manager: Steve Manilla, P.E., County Executive

Department Head: Steven M. Manilla, P.E., County Executive-TNR

Sponsoring Court Member: Commissioner Davis, Precinct One

AGENDA LANGUAGE: Consider and take appropriate action on a requested purchase of excess, unused, former right-of-way for Old Johnny Morris Road, totaling approximately 0.75 acres of land located southwest of the intersection of Johnny Morris Road and U.S. Highway 290 East in Precinct One.

BACKGROUND/SUMMARY OF REQUEST:

The owner of 2.971 acres of land adjacent to the subject tract has submitted a formal request to purchase a 0.75 acre parcel of land owned in fee simple by Travis County. This strip of land was previously used as right-of-way for an earlier alignment of Johnny Morris Road. TNR staff has contacted the appropriate and pertinent county departments, as well as TxDOT (with U.S. 290 E. jurisdiction) and ascertained that no current use or anticipated future need exists for this land area. The property owner of the adjacent tract, C.L. Thomas, Inc., is represented by a consulting agent, Ms. Sarah Crocker, in requesting the purchase of this real property.

STAFF RECOMMENDATIONS:

NR staff recommends that the County proceed with the legally-prescribed process for sale of excess right-of-way at or above the appraised fair market value -- only after such amount is determined by an outside, objective, 3rd party independent appraisal. Any such appraisal would necessarily be performed by a County-approved appraiser, licensed by the State of Texas. If approved by the Commissioners Court, selling the property would convey ownership to the private sector, potentially boosting tax revenue for Travis County. Finally, TNR asks that if the Commissioners approve and direct such action, that the Court appoint a Commissioner of Sale for the proposed transaction.

ISSUES AND OPPORTUNITIES:

This is an opportunity for the County to recognize and capitalize upon the value of an unneeded and under-utilized asset, while increasing the tax base for real property within Travis County. If a sale were to occur, the value of the subject property would be added to the local tax rolls.

FISCAL IMPACT AND SOURCE OF FUNDING:

Proceeds from any future sale of the property would be paid directly to Travis County, for contribution to the County's general fund.

ATTACHMENTS/EXHIBITS:

A: Two-page letter dated November 28, 2011, without attachments, from Sarah Putnam Crocker on behalf of adjoining property owner, requesting purchase of the excess right-of-way

B: Legal description (field notes to include metes and bounds) with sketch depicting the 0.75 acre subject tract

REQUIRED AUTHORIZATIONS:

Cynthia McDonald	Financial Manager	TNR	854-4239
Steve Manilla	County Executive	TNR	854-9429

CC:

Chris Gilmore	Assistant County Atty.	TCAO	854-9455
Greg Chico	Right-of-Way Manager	TNR	854-4659
Dee Heap	Right-of-Way Negotiator	TNR	854-7647
Donna Williams-Jones	Senior Financial Analyst	TNR	854-7677

SM:SM:gc
0101 - Administrative -

EXHIBIT "A"

**SARAH PUTNAM CROCKER
CROCKER CONSULTANTS**

4934 W. HWY 290

Austin Texas 78735

November 28, 2011

RECEIVED

JAN 13 2012

TNR

11 DEC -2 PM 12:09
COUNTY CLERK
TRAVIS COUNTY, TEXAS

Honorable Sam Biscoe, County Judge
Travis County Commissioners Court
314 W. 11th St., #520
Austin, TX 78701

RE: REQUEST TO PURCHASE EXCESS RIGHT-OF-WAY (Old Johnny Morris Road)

Judge Biscoe,

On behalf of my client C.L. Thomas Inc., I would like to initiate the process to purchase 0.75 acres of excess right-of-way of Old Johnny Morris Road. On April 4, 2011 my client purchased 2.971 acres of land located at 9600 Johnny Morris Road for the purpose of building a new Speedy Stop convenience store. The 0.75 acres represents 100% of the excess right-of-way that is adjacent to the northern boundary of my client's property.

My office has researched the TCAD records and there is only one adjacent (1) property owner. We have acquired the tax maps and address for Lake Investments & Production Company LTD who own the 37.374 acres that form the other boundary of the 0.75 acres of excess right-of-way.

As part of this submittal I have included the following documents for your review:

- Deed history for the dedication of Old Johnny Morris Road
- Authorized Agent letter
- A certified deed for C.L. Thomas Inc. verifying my clients ownership
- Field notes and sketch of the 0.75 acres of excess right-of-way prepared by Forest Surveying and Mapping Co.
- A schematic site plan of the proposed improvements for the new Speedy Stop.
- City of Austin, Legal Lot Determination C8i-2007-0154 for the subject property at 9600 Johnny Morris Road

Please don't hesitate to contact me should you have any questions or need anything further. A copy of this request and attached material has been provided to Dee Heap, Right-of-Way, negotiator for Travis County (Transportation and Natural Resources Department).

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Crocker', written over a horizontal line.

Sarah Crocker
Authorized Agent
C.L. Thomas Inc.

EXHIBIT "B"

FOREST SURVEYING AND MAPPING CO.
1002 Ash St.
Georgetown, Tx. 78626

DESCRIPTION FOR PART OF OLD JOHNNY MORRIS ROAD

BEING 0.75 acre that is situated in the Lucas Munos Survey No. 55, Abstract # 513, in Travis County, Texas. This tract is part of the 1.069 acre parcel (Tract One) that was conveyed to Travis County, Texas, by Lucille Westling Carlson, as described in a deed (1962) which was filed in Vol. 2525, Pg. 531, of record in the Deed Records of Travis County, Texas (DRTCT). This tract was surveyed on the ground in October of 2011, under the supervision of William F. Forest, Jr., Registered Professional Land Surveyor No. 1847. Survey note: The bearing basis for this survey is the Texas Coordinate System of 1983, Grid North, Texas Central Zone.

BEGINNING at a concrete Right-of-way monument which was found in the East boundary of the said 1.069 acre parcel that was conveyed to Travis County by Lucille Carlson, in the West boundary of a 2.971 acre parcel that was conveyed to Hardin Interests, Inc., as described in Doc. 2004236957. An iron pin which was set at the Northeast corner of the 1.069 acre parcel, in the South line of Old Manor Road, stands N 29° 33' 36" E 104.90 feet. This corner exists in the South line of a proposed 0.50 acre Acquisition Parcel which has been identified for purchase to widen U.S. 290 East.

THENCE with the West boundary of the said 2.971 acre property of Hardin Interests, Inc., along the East boundary of Old Johnny Morris Road (as modified by a vacation instrument as filed in Vol. 11283, Pg. 883, formerly 50 feet wide), S 29°13'25" W 434.68 feet to an iron pin which was set; and S 29°14'37" W 188.80 feet to an iron pin which was set at the beginning of a curve to the right (C9) having a radius of 1219.10 feet and a central angle of 04°40'17"; continuing 99.40 feet with the arc of the curve, the chord bears S 40°32'05" W 99.37 feet to an iron pin which was set at the South corner of the said property of Hardin Interests, Inc, at the intersection of the East boundary of Old Johnny Morris Road (as modified) with the Northwest boundary of Johnny Morris Road (120' wide right-of-way as conveyed by deed as filed in Vol. 11283, Pg. 841).

THENCE S 59°16'06" W with the West line of Johnny Morris Road as currently in use, 344.76 feet to an iron pin which was set in the North line of Old Manor Road (new configuration as re-routed).

THENCE with the East boundary of the property that was conveyed to Lake Investments & Production Co. Ltd., (partial interests) as described in Vol. 11400, Pg. 1337 (from B.G. Lake), and in Vol. 12637, Pg. 1060 (from P.F. Lake), the same property conveyed by deed as filed in Vol. 11398, Pg. 991 (B.G. Lake deed), and in Vol. 2927, Pg. 547 (deed to P.F. Lake Trustee), and the same property that is described by metes and bounds and conveyed as described in a deed from Lucille Westling Carlson to P.E. Worsham, of record in Vol. 2744, Pg. 1, Deed Records; (C13) 612.14 feet with the arc of the curve to the left having a radius of 1169.10 feet and a central angle of 30°00'00", the chord bears N 44°14'42" E 605.17 feet to an iron pin which was found at the end of the curve; continuing with the East boundary of the property of Lake Investments and Production Co. Ltd., N 29°16'11" E 476.79 feet to a capped iron pin which was set in the South line of a 0.342 acre parcel that has been identified for acquisition to widen U.S. 290 East.

THENCE with the South line of the 0.312 acre acquisition parcel (L2) N 85°26'26" E 2.55 feet to a concrete monument which was found; and N 85°33'25" E 39.50 feet to the POINT OF BEGINNING.

STATE OF TEXAS :
: KNOW ALL MEN BY THESE PRESENTS;
COUNTY OF WILLIAMSON :

I, WM. F. FOREST, JR., do hereby certify that this survey was made on the ground of the property legally described hereon, under my supervision. This description is true and correct to the best of my knowledge and belief. The attached plat identifies any significant boundary line conflicts, shortages in area, apparent protrusions, intrusions or overlapping of improvements. This property abuts a public roadway, except as shown. Ownership and easement information for this tract has not been researched except as shown on the attached plat.

TO CERTIFY WHICH, WITNESS my hand and seal at Georgetown, Texas, this the 27th day of October of 2011, A.D. File: ROW Old Johnny Morris.doc:


WM. F. FOREST JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1847



