

Mayor and Council Communication

DATE: 09/24/19

M&C FILE NUMBER: M&C 19-0210

LOG NAME: 21SCHWARTZ VOLUNTARY ACQUISITION

SUBJECT

Authorize the Acquisition of Approximately 9.53 Acres of Vacant Land Located at 3255 and 3257 Schwartz Avenue in the Amount of \$757,160.00 from Total E&P USA Real Estate, LLC, and Pay \$12,000.00 in Estimated Closing Costs, Adopt Appropriation Ordinance and Dedicate the Property as Lebow Park (COUNCIL DISTRICT 2)

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the PARD Dedication Fees Fund in the amount of \$772,160.00 from available funds for the property acquisition;
 2. Authorize the execution of an agreement for the acquisition of approximately 9.53 acres of vacant land located at 3255 and 3257 Schwartz Avenue in the amount of \$757,160.00 from Total E&P USA Real Estate, LLC;
 3. Authorize the payment of the estimated closing costs in the amount of \$12,000.00;
 4. Authorize the City Manager or his designee to execute the appropriate closing documents and record the appropriate instruments; and
 5. Dedicate the property as parkland to be known as Lebow Park, effective upon conveyance.
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DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to acquire land located in the northern sector of Park Planning District 4 in accordance with the Neighborhood and Community Park Dedication Policy and the Park, Recreation and Open Space Master Plan, which calls for the provision of adequate park and recreational areas in the form of Neighborhood Based Parks and Community Based Parks.

The Park & Recreation Department (PARD) conducted an assessment of potential property in the northern sector of Park Planning District 4 for neighborhood parkland acquisition. The proposed acquisition is located in Neighborhood Park Unit 4.13-3 which is underserved by 15.70 acres of neighborhood-based parkland. Upon completion of internal staff assessment of various parcels, the site located at 3255 and 3257 Schwartz Avenue was found most suited for a neighborhood park.

The site is also adjacent to City-owned property identified for the Lebow Channel watershed improvements project located along the southern boundary of the property and could provide minimally invasive channelization encroachment space should there be a need. Future development of this site as a neighborhood park can support a trail connection to Trail Drivers Park to the south and extend to the Trinity River trail corridor.

An independent appraisal was conducted and the property owner has agreed to the negotiated purchase price of \$757,160.00. The real estate taxes will be pro-rated with the Seller being responsible for taxes due up to the closing date. The mineral estate will not be acquired. The deed will contain a surface waiver for the exploration of the mineral estate. Staff has obtained an environmental study and survey of the property.

Staff recommends acquiring the approximately 9.53 acres of vacant land located at 3255 and 3257 Schwartz Avenue from Total E&P USA Real Estate, LLC, to help meet an underserved need in this sector of the City.

In order to address safety concerns present in the proposed park area, there will be a one-time cost of \$3,000.00 to be paid out of park dedication funds for the removal of three drive approaches, installation of curb and gutter assembly, removal of debris, and site leveling and grading.

The park will be held in reserve status until development occurs. The annual cost to maintain this parkland in reserve status is estimated to be \$17,593.00. When the park is developed, additional funding will be requested for maintenance operations of the added facilities. Funding for operations and maintenance will be allocated into the Park & Recreation Department's base budget beginning Fiscal Year 2021.

The property is located in COUNCIL DISTRICT 2.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations, funds will be available in the current capital budget, as appropriated, of the PARD Dedication Fees Fund. Prior to expenditures being made, the participating department has the responsibility to validate the availability of funds. The Director of Finance certifies that parkland maintenance costs will not result in any additional appropriations in the Fiscal Year 2020 Budget.

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