

## ROYDER ROAD/ NEW ELEMENTARY

### Agenda Item:

Consider approval of the sale, transfer, or exchange of a Public Utility Easement and parcel of real property to the City of College Station; the sale, transfer, or exchange of a Public Utility Easement to Wellborn Special Utility District; consider approval of revisions to previously approved Temporary Construction Easement, and the documents evidencing those transactions. The documents are summarized as follows: a permanent Public Utility Easement of approximately 0.193 acre, more or less, and 0.318 acre; and a Special Warranty Deed for a tract or parcel of land containing 0.455 acre of land, more or less, lying and being situated in the Samuel Davidson League, Abstract No. 13, Brazos County Texas, by and between the Seller, College Station Independent School District (Seller) and the City of College Station, Texas (Buyer); and a 15' wide Public Utility Easement lying and being situated in the Samuel Davidson League, Abstract No. 13 Brazos County, Texas, by and between College Station Independent School District (Seller) and the Wellborn Special Utility District (Buyer). The Temporary Construction Easement was approved by this board on October 1, 2010; the proposed modification will widen the Temporary Construction Easement by ten (10) feet to facilitate the construction of a sidewalk on property owned by CSISD.

### Motion and Resolution

On motion duly made and seconded, it is hereby resolved that:

**WHEREAS**, College Station Independent School District ("**District**") is the owner of approximately 46.027 acres of real property located at the intersection of Royder Road and Greens Prairie Trail (the "**Property**"); and

**WHEREAS**, CSISD is in the process of constructing an elementary school (the "**School**") at the intersection of Royder Road and Greens Prairie Trail; and

**WHEREAS**, the construction of the School will require certain public infrastructure, such as sidewalks, drainage facilities, deceleration lanes, and the expansion of Royder Road and Greens Prairie Trail, to facilitate the ease and flow of traffic to and from the school (the "**Development**"); and

**WHEREAS**, pursuant to Chapter 791 of the Texas Government Code, the City of College Station ("**City**") and CSISD have negotiated a joint Participation Agreement ("**Participation Agreement**") regarding the City's participation in the Development; and

**WHEREAS**, on October 1, 2010, the Board of Trustees of CSISD ("**Board**") approved a Temporary Construction Easement ("**TCE**"), attached hereto as **Exhibit "1"** and incorporated by reference herein, to facilitate the City's construction and expansion of Royder Road pursuant to the terms of the Participation Agreement; and

**WHEREAS**, the original Temporary Construction Easement was 24.47 feet wide; and

**WHEREAS**, the City has requested that CSISD grant an additional ten (10) feet of TCE to facilitate construction of a sidewalk along the Property ("**Revised TCE**"), attached hereto as **Exhibit "2"** and incorporated by reference herein; and

**WHEREAS**, the Revised TCE is further described by the not-to-scale GIS map attached hereto as **Exhibit "3"** and incorporated by reference herein, and will be further described by a metes and bounds description to be provided by the City at later date, and incorporated at that time as **Exhibit "4"**; and

**WHEREAS**, the City has requested that CSISD grant a Right of Way ("ROW") by Special Warranty Deed ("ROW Deed"), attached hereto as **Exhibit "5"** and incorporated by reference herein, and Public Utility Easement ("PUE"), attached hereto as **Exhibit "6"** and incorporated by reference herein, to the City in order to facilitate the City's construction on Royder Road; and

**WHEREAS**, the PUE will encompass two tracts of land, one of approximately 0.193 acre of land, more or less, lying and being situated in the Samuel Davidson League, Abstract No. 13 Brazos County, Texas, said land being more fully described by metes and bounds on **Exhibit "7"** attached hereto and incorporated herein, and 0.318 acre of land, more less, lying and being situated in the Samuel Davidson League, Abstract No. 13, Brazos County, Texas, said land being more fully described by metes and bounds on **Exhibit "8"** attached hereto and incorporated herein; and

**WHEREAS** the ROW will encompass .0455 acre of land, more or less, lying and being situated in the Samuel Davidson League, Abstract No. 13, Brazos County Texas, said land being more fully described by metes and bounds on **Exhibit "9"** attached hereto and incorporated herein; and

**WHEREAS**, Wellborn Special Utility District ("Utility District") has requested that CSISD grant a Right of Way Easement ("Wellborn Easement"), attached hereto as **Exhibit "10"** and incorporated by reference herein, to the Utility District, in order to facilitate the installation of water distribution and appurtenance lines across the Property; and

**WHEREAS**, the Wellborn Easement will be no more than fifteen (15) feet wide and encompass three tracts land of 4043 square feet, 1568 square feet, and 9417 square feet, more or less, lying and being situated in the Samuel Davidson league, Abstract No. 13, Brazos County, Texas, said land being more fully described by metes and bounds on **Exhibit "11"** attached hereto and incorporated herein; and

**WHEREAS**, CSISD, the City, and the Utility District are governmental entities/ political subdivisions of the state of Texas; and

**WHEREAS**, the dedication of right of way and the granting of the public utility easements as referenced herein are each in conformity with the development ordinances of the City of College Station; and

**WHEREAS**, pursuant to Texas Local Government Code Section 272.001, the District may convey real property to governmental entities with the power of eminent domain, such as the City and the Utility District, without following the notice and bidding procedures set forth in Section 272.001, so long as the sale is for fair market value; and

**WHEREAS**, the consideration to be received by CSISD is greater than the fair market value of the Revised TCE, PUE, the ROW, and the Wellborn Easement.

**NOW THEREFORE**, the Board makes the following resolutions:

**RESOLVED**, that the Revised TCE, PUE, ROW and the Wellborn Easement are necessary to facilitate the construction of the School.

**RESOLVED**, that the Board approves and ratifies the terms and conditions of the proposed sale, transfer or exchange of a Revised TCE, ROW and PUE to the City, and the Wellborn Easement to the Utility District.

**RESOLVED**, that the sale, transfer or exchange of the Revised TCE, ROW, PUE and Wellborn Easement, as approved by this resolution is a sale, transfer or exchange for fair market value, and in conformity with the provisions of Section 272.001(b) of the Texas Local Government Code.

**RESOLVED**, the Board further approves and ratifies the documents conveying the Revised TCE, ROW, PUE, and Wellborn Easement.

**RESOLVED**, the Board authorizes the Board President, to execute and deliver the Revised TCE, ROW Deed, and PUE to the City, and the Wellborn Easement to the Utility District, and do all things necessary to convey the property described in the Revised TCE, ROW Deed, PUE, and Wellborn Easement, to receive consideration for such property, and to execute any additional documents necessary to accomplish the sale, transfer or exchange of the Revised TCE, ROW and PUE to the City and Wellborn Easement to the Utility District.

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Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_