

PROPERTY ACQUISITION OR SALE

§ 263.007

restriction that a structure may not be placed within 50 feet, or a greater distance determined by the commissioners court, of the landward boundary of the seawall right-of-way retained by the county.

(c) In the order and notice required by Section 263.001, the commissioners court shall give a substantial statement of any restriction, condition, or limitation to which a conveyance is subject.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 263.005. Use by Public Utility or Common Carrier

If, at the time real property, or an interest in real property, is sold, leased, or exchanged under this subchapter, a public utility or common carrier that has the right of eminent domain is using the property for right-of-way and easement purposes, the sale, lease, exchange, conveyance, and surrender of possession of the property or interest are subject to the right of and continued use by the public utility or common carrier.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 263.006. Exchange of Real Property

(a) The commissioners court of a county, by an order entered in its minutes, may authorize the exchange of an interest in real property owned by the county for an interest in real property owned by an individual, private partnership or corporation, or other private entity, to be used for one or more public purposes for which a county otherwise may acquire land. The exchange transaction may include a partial cash payment.

(b) Except as provided by Subsection (d), before the commissioners court exchanges an interest in real property under this section, notice that the county will consider offers for an exchange of the interest in real property must be published in English in a newspaper of general circulation in the county in which the real property is located and in the county that owns the interest if not the same county. The notice must be published once a week for three consecutive weeks before the date of the exchange, with the date of the first publication being before the 20th day before the date of the exchange.

(c) The county shall obtain an appraisal of the fair market value of the interest in real property owned and being exchanged by the county, and the appraisal shall be conclusive for purposes of this section of the value determined. An exchange may not be made under this section for a total consideration, including cash and interest in real property, that is less than the fair market value of the interest in real property being

exchanged by the county. The commissioners court may reject any and all offers made under this section.

(d) An exchange of an interest in real property originally acquired by the county for street, right-of-way, or easement purposes as consideration for the acquisition of another interest in real property for street, right-of-way, or easement purposes is not subject to the notice requirements of Subsection (b) but is subject to the appraisal required by Subsection (c), whether or not the exchange transaction includes a partial cash payment.

(e) This section does not apply to the exchange of an interest in real property owned by a county for an interest in real property owned by the United States, this state, or a municipality or other political subdivision of this state.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 263.007. Sale or Lease of Real Property Through Sealed-Bid Procedure

(a) The commissioners court of a county may adopt a procedure by which the county may sell or lease through a sealed-bid or sealed-proposal procedure any real property, including space in a building, owned by the county.

(b) The procedure must include a requirement that the county publish, before a sale or lease is made, a notice of its intent to sell or lease, as appropriate, the real property. The notice must:

(1) be published in a newspaper of general circulation in the county the commissioners court represents and, if the real property is located in another county, in a newspaper of general circulation in that other county;

(2) be published on two dates, with the date of the second publication occurring before the 14th day before the date the award of the sale or lease is made;

(3) include a description of the real property, including its location; and

(4) include a description of the procedure by which sealed bids or sealed proposals for the sale or lease may be submitted.

(c) Before selling property under this section, the commissioners court shall:

(1) obtain an appraisal of the property's fair market value; and

(2) determine a minimum bid amount, based on the appraisal.

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RECORDERS MEMORANDUM

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AGENDA ITEM # 9

May 5, 1998

Consider granting variance of the subdivision regulations of the radius on Block House Drive, under Minimum Road Requirements, Section B3.

County Engineer Joe England advised the minimum center line radius requirement is for a 45 mile per hour design speed for collector roads. Several curves are approximately 35 mile per hour. He recommended the variance be granted.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To grant variance of the current subdivision regulations of the radius on Block House Drive, under Section B3, Minimum Road Requirements.

Vote: Motion carried 5 - 0

AGENDA ITEM # 10**May 5, 1998**

Consider authorizing advertising and setting date for Public Hearing on Bent Oak Estates, A Resubdivision of Lot 2, Block One, North Lake Estates, Section E.

County Engineer Joe England advised the proposed re-subdivision is to divide Lot 2 into 3 single 2 acre lots.

Moved: Judge Doerfler

Seconded: Commissioner Hays

Motion: To authorize advertising 10 o'clock a.m. on May 26, 1998, for Public Hearing on Bent Oak Estates, A Re-subdivision of Lot 2, Block One, North Lake Estates, Section E.

Vote: Motion carried 4 - 1 with Commissioner Heiligenstein voting against the motion.

AGENDA ITEM # 11**May 5, 1998**

Consider authorizing advertising and setting date for Public Hearing on Re-subdivision of Lot 2, Liberty Hill Business Park.

Moved: Judge Doerfler

Seconded: Commissioner Heiligenstein

Motion: To authorize advertising 10:15 o'clock a.m. on May 26, 1998, for Public Hearing on Re-subdivision of Lot 2, Liberty Hill Business Park.

Vote: Motion carried 5 - 0

AGENDA ITEM # 12**May 5, 1998**

Consider approving the Re-subdivision of Anderson Mill West, Section Nine-A.

County Engineer Joe England advised this property is located at FM 620 and El Salido Parkway consisting of one large lot being divided into smaller tracts.

The City of Cedar Park and the Cities and County Health District have signed the plat.

Commissioner Boatright suggested the county does not want the temporary drainage easement conveyed to Williamson County in Volume 1065, page 927 even with the "Easement to Become Null and Void Upon Tract Development" notation on the plat.

Mr. England advised he had a 2 o'clock p.m. meeting with the City of Cedar Park this afternoon and would discuss the matter with them.

No action was taken on this item which will be added to the agenda of May 12, 1998.

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AGENDA ITEM # 13**May 5, 1998**

Hear report from Treasurer on bank accounts and deposits and take any appropriate action.

County Treasurer Vivian Wood reported on County departments which deposited directly into the General Fund bank account and those who delivered funds to the Treasurer's office for deposit into the bank account.

A discussion followed and the Treasurer answered all questions. She asked for additional time to resolve the problems before reporting back to court. July 15, 1998 was the date set and no action was taken on this agenda item.

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