

Checklist for Vacation, Closure, Abandonment & Purchase of City-Owned Property

The following actions are necessary to process a request by a landowner for purchase of city property.

1. Petition for purchase of City property- The application must contain the following:
 - a) Petition with signatures of any butting property owners
 - b) Title verification of ownership
 - c) Detailed sketch of area requesting to be closed which shows surrounding area to the nearest street in all directions, all abutting lots, and record owner of each lot
 - d) Name and contact information of the petitioner
2. Within 20 days from the date of the submittal of the application, petitioner(s) must provide the City with the a certified appraisal and a certified survey. It is the purchaser's responsibility to obtain the certified appraisal and survey and deliver the completed documents to the City. The costs are at the expense of the purchaser and are nonrefundable.
3. City will conduct a utility review.
4. After the abutting property owners have agreed in writing and notified the City of their desire to proceed with the closure and sale of the property, the City Council shall conduct a public hearing.
5. A notice of public hearing shall be published in a paper of general circulation in the City.
6. The City Council will conduct the public hearing.
7. An ordinance authorizing the sale of the property shall be set for the Council agenda and must be passed and approved by the Council. Ordinances require at least two (2) public hearings or readings.
8. The purchaser shall deliver a certified check to the Finance Department for the council-approved sale amount no later than 5 working days after the passage of the ordinance.
9. Landowners must commit to the re-plat of the lots within 60 days of the sale.
10. A Deed for the property will be drafted conveying the sold property to the purchaser. The purchaser must file the deed with Brewster County at the expense of the purchaser.
11. A certificate of compliance will be issued upon completion of all requirements.

A completed original application package must be submitted to the Office of the City Secretary located at City Hall, 100 N. 13th Street, Alpine, Texas, 79830. Any questions may be directed to city.secretary@ci.alpine.tx.us.

EXHIBIT 1

PETITION FOR CLOSURE & PURCHASE OF CITY-OWNED PROPERTY

STATE OF TEXAS §

COUNTY OF BREWSTER §

TO THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS:

Now, come(s) _____ of the City of Alpine, County of Brewster, State of
(Purchaser)

Texas, and request the City Council of the City of Alpine, Texas to close and/or abandon a street/alley described as: _____

(alley, street location and boundaries)

Said _____ represents that they/he/she own(s) the following property:
(property owner(s))

_____ and legally described as
(Street Address)

_____ which adjoins or abuts
(Legal Description)

the street/alley. Said property owner(s) request the above referenced street/alley be closed and/or abandoned for the following reason(s): _____

ABUTTING PROPERTY OWNER PETITION

I, _____, affirm that I own the property that abuts the street or
(Abutting Property Owner Printed Name)
alley that the above petition is concerning. I hereby request the closure, abandonment, and sale of the land to the above petitioner.

Address: _____

Signature: _____

Phone Number: _____

Date: _____

ABUTTING PROPERTY OWNER PETITION

I, _____, affirm that I own the property that abuts the street or
(Abutting Property Owner Printed Name)
alley that the above petition is concerning. I hereby request the closure, abandonment, and sale of the land to the above petitioner.

Address: _____

Signature: _____

Phone Number: _____

Date: _____

The City shall have the right to reserve easements necessary for the existing utilities or require the owner(s) provide a new utility/drainage easement should the closing required relocation of utilities. The said property owner(s) agree(s) that should the closing require relocation of utilities, such relocation shall be at their expense.

The purchaser(s) agree(s) that expenses related to the survey (plat and field notes including jointers), appraisal, publication and mailing of public hearing notices and any other applicable fees shall be at the petitioner's expense.

We, the petitioner(s) agree to hold the City of Alpine harmless, and indemnify it against all suits, costs, expenses and damages that may arise out of this request for closure and abandonment.

RESPECTFULLY SUBMITTED BY _____ this the day _____ of _____, 20_____.
(Month) (Year) (Printed Name of Purchaser) (Day)

(Signature of Purchaser)

THE STATE OF TEXAS §
COUNTY OF BREWSTER §

This instrument was acknowledged before me on this the _____ day of _____, 20_____.
[SEAL]

Notary Public, State of Texas

RESPECTFULLY SUBMITTED BY _____ this the day _____ of _____, 20_____.
(Month) (Year) (Printed Name of Purchaser) (Day)

(Signature of Purchaser)

THE STATE OF TEXAS §
COUNTY OF BREWSTER §

This instrument was acknowledged before me on this the _____ day of _____, 20_____.
[SEAL]

Notary Public, State of Texas

EXHIBIT 2

AGREEMENT TO REPLAT PURCHASED PROPERTY

WHEREAS, I (we), the undersigned purchaser(s) of real property described as

_____ (alley, street location and boundaries)
located in the City of Alpine, County of Brewster, and State of Texas wish to purchase said property from the City of Alpine; and

WHEREAS, said purchase requires that the property described above be replatted upon approval by the City Council; and

WHEREAS, I (we) understand that the replat is non-negotiable and a contingent part of the sale.

THEREFORE, I (we) agree to have the property described above replatted as required by the City of Alpine and to file said replat with the County of Brewster within sixty (60) days of the finalization of the sale of the property.

1. I (we) agree that all costs associated with the aforementioned replat, including surveying, filing, advertising and recording fees shall be the responsibility of the undersigned.
2. I (we) agree that any improvements made prior to the completion of this replat are made entirely at our own risk and the City of Alpine shall not be responsible for any cost or loss.
3. I (we) agree that the City of Alpine may seek injunctive relief to enforce the terms of this agreement and that I (we) shall be assessed with those costs, expenses and reasonable attorney's fees.
4. This agreement is binding upon the parties and their heirs, successors and assigns.
5. I (we) agree to deliver a certified check to the Alpine Finance Department no later than five (5) working days after the passage of the ordinance.

In witness whereof, I (we) have hereunto set my (our) hand(s) this the _____ day of _____, 20_____.

Printed name of Purchaser

Signature of Purchaser

THE STATE OF TEXAS §

COUNTY OF BREWSTER §

This instrument was acknowledged before me on this the _____ day of _____, 20_____.

[SEAL]

Notary Public, State of Texas

Printed name of purchaser

Signature of purchaser

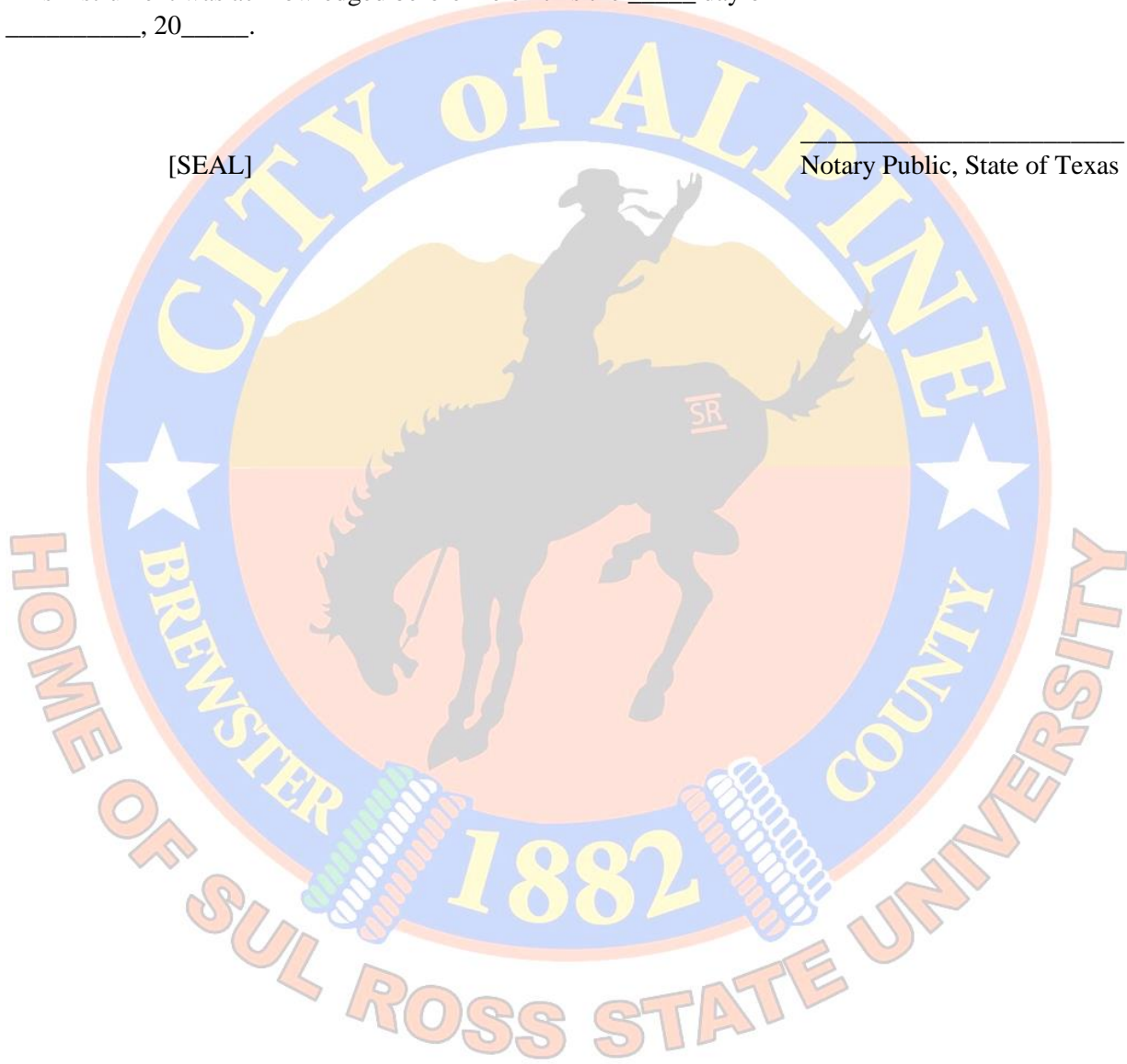
THE STATE OF TEXAS §

COUNTY OF BREWSTER §

This instrument was acknowledged before me on this the ____ day of _____, 20_____.

[SEAL]

Notary Public, State of Texas



SUPPLEMENT 1

LOCAL GOVERNMENT CODE

TITLE 8. ACQUISITION, SALE, OR LEASE OF PROPERTY

SUBTITLE C. ACQUISITION, SALE, OR LEASE PROVISIONS APPLYING TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 272. SALE OR LEASE OF PROPERTY BY MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Sec. 272.001. NOTICE OF SALE OR EXCHANGE OF LAND BY POLITICAL SUBDIVISION; EXCEPTIONS. (a) Except for the types of land and interests covered by Subsection (b), (g), (h), (i), (j), or (l), and except as provided by Section [253.008](#), before land owned by a political subdivision of the state may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication.

(b) The notice and bidding requirements of Subsection (a) do not apply to the types of land and real property interests described by this subsection and owned by a political subdivision. The land and those interests described by this subsection may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest unless the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple. The fair market value is determined by an appraisal obtained by the political subdivision that owns the land or interest or, in the case of land or an interest owned by a home-rule municipality, the fair market value may be determined by the price obtained by the municipality at a public auction for which notice to the general public is published in the manner described by Subsection (a). The notice of the auction must include, instead of the content required by Subsection (a), a description of the land, including its location, the date, time, and location of the auction, and the procedures to be followed at the

auction. The appraisal or public auction price is conclusive of the fair market value of the land or interest, regardless of any contrary provision of a home-rule charter.

This subsection applies to:

(1) narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;

(2) streets or alleys, owned in fee or used by easement;

(3) land or a real property interest originally acquired for streets, rights-of-way, or easements that the political subdivision chooses to exchange for other land to be used for streets, rights-of-way, easements, or other public purposes, including transactions partly for cash;

(4) land that the political subdivision wants to have developed by contract with an independent foundation;

(5) a real property interest conveyed to a governmental entity that has the power of eminent domain;

(6) a municipality's land that is located in a reinvestment zone designated as provided by law and that the municipality desires to have developed under a project plan adopted by the municipality for the zone; or

(7) a property interest owned by a defense base development authority established under Chapter [378](#), Local Government Code, as added by Chapter 1221, Acts of the 76th Legislature, Regular Session, 1999.

(c) The land or interests described by Subsections (b) (1) and (2) may be sold to:

(1) abutting property owners in the same subdivision if the land has been subdivided; or

(2) abutting property owners in proportion to their abutting ownership, and the division between owners must be made in an equitable manner.

(d) This section does not require the governing body of a political subdivision to accept any bid or offer or to complete a sale or exchange.

(e) This section does not apply to land in the permanent school fund that is authorized by legislation to be exchanged for other land of at least equal value.

(f) The fair market value of land, an easement, or other real property interest in exchange for land, an easement, or other real property interest as authorized by Subsection (b) (3) is conclusively determined by an appraisal obtained by the political subdivision. The cost of any streets, utilities, or other improvements constructed on the affected land or to be constructed by an entity other than the

political subdivision on the affected land may be considered in determining that fair market value.

(g) A political subdivision may acquire or assemble land or real property interest, except by condemnation, and sell, exchange, or otherwise convey the land or interests to an entity for the development of low-income or moderate-income housing. The political subdivision shall determine the terms and conditions of the transactions so as to effectuate and maintain the public purpose. If conveyance of land under this subsection serves a public purpose, the land may be conveyed for less than its fair market value. In this subsection, "entity" means an individual, corporation, partnership, or other legal entity.

(h) A municipality, other than a municipality with a population of more than one million that is located primarily in a county with a population of two million or more, owning land within 5,000 feet of where the shoreline of a lake would be if the lake were filled to its storage capacity may, without notice or the solicitation of bids, sell the land to the person leasing the land for the fair market value of the land as determined by a certified appraiser. While land described by this subsection is under lease, the municipality owning the land may not sell the land to any person other than the person leasing the land. To protect the public health, safety, or welfare and to ensure an adequate municipal water supply, property sold by the municipality under this subsection is not eligible for and the owner is not entitled to the exemption provided by Section [11.142\(a\)](#), Water Code. The instrument conveying property under this subsection must include a provision stating that the exemption does not apply to the conveyance. In this subsection, "lake" means an inland body of standing water, including a reservoir formed by impounding the water of a river or creek but not including an impoundment of salt water or brackish water, that has a storage capacity of more than 10,000 acre-feet.

(i) A political subdivision that acquires land or a real property interest with funds received for economic development purposes from the community development block grant nonentitlement program authorized by Title I of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.) may lease or convey the land or interest, without the solicitation of bids, to a private, for-profit entity or a nonprofit entity that is a party to a contract with the political subdivision if the land or interest will be used by the private, for-profit entity or the nonprofit entity in carrying out the purpose of the entity's grant or contract. The land or interest may be leased or conveyed without the solicitation of bids if the political

subdivision adopts a resolution stating the conditions and circumstances for the lease or conveyance and the public purpose that will be achieved by the lease or conveyance.

(j) A political subdivision may donate, exchange, convey, sell, or lease land, improvements, or any other interest in real property to an institution of higher education, as that term is defined by Section [61.003](#), Education Code, to promote a public purpose related to higher education. The political subdivision shall determine the terms and conditions of the transaction so as to effectuate and maintain the public purpose. A political subdivision may donate, exchange, convey, sell, or lease the real property interest for less than its fair market value and without complying with the notice and bidding requirements of Subsection (a).

(k) This section does not apply to sales or exchanges of land owned by a municipality operating a municipally owned electric or gas utility if the land is held or managed by the municipally owned utility, or by a division of the municipally owned electric or gas utility that constitutes the unbundled electric or gas operations of the utility, provided that the governing body of the municipally owned utility shall adopt a resolution stating the conditions and circumstances for the sale or exchange and the public purpose that will be achieved by the sale or exchange. For purposes of this subsection, "municipally owned utility" includes a river authority engaged in the generation, transmission, or distribution of electric energy to the public, and "unbundled" operations are those operations of the utility that have, in the discretion of the utility's governing body, been functionally separated.

(l) The notice and bidding requirements provided by Subsection (a) do not apply to a donation or sale made under this subsection. A political subdivision may donate or sell for less than fair market value a designated parcel of land or an interest in real property to another political subdivision if:

(1) the land or interest will be used by the political subdivision to which it is donated or sold in carrying out a purpose that benefits the public interest of the donating or selling political subdivision;

(2) the donation or sale of the land or interest is made under terms that effect and maintain the public purpose for which the donation or sale is made; and

(3) the title and right to possession of the land or interest revert to the donating or selling political subdivision if the acquiring political subdivision ceases to use the land or interest in carrying out the public purpose.