



# City of Killeen

## Legislation Text

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**File #:** RS-24-022, **Version:** 1

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Consider a memorandum/resolution authorizing the sale of real property at the intersection of Jim Avenue and Fabianna Drive.

**DATE:** February 6, 2024

**TO:** Kent Cagle, City Manager

**FROM:** Holli Clements, City Attorney

**SUBJECT:** Sale of real property to the abutting private property owner

**BACKGROUND AND FINDINGS:**

In July 2023, City staff identified multiple properties along Jim Avenue and Fabianna Drive that potentially had fences and structures that extended beyond the property lines onto City-owned property. In response, City staff sent out notices to all identified properties instructing the owners to remove the encroachments within one year.

City staff then met with the owner of 4106 Jim Avenue, one of the above identified properties, to discuss the issue. The property currently contains a fence, large storage building, carport, and a driveway extending onto City property. Upon review, City staff determined that the storage building had been permitted but none of the other improvements were permitted.

The encroached upon section of land is located at the intersection of Jim Avenue and Fabianna Drive and is approximately 4,200 square feet in size. The City acquired the property on March 17, 2009, via deed, as part of a larger 23.3-acre tract. There is a drainage flume directly to the east and South Nolan Creek to the south of the property.

City staff negotiated a sales price of the property to the owner of 4106 Jim Avenue for \$6,800. The value is based on the per square-foot value of the abutting property. If approved, the owner will obtain a survey specifically describing the area to be purchased. The City will convey the property via a quitclaim deed.

As required by Section 145 of the City Charter, if authorized, the sale shall not be effective until thirty (30) days have elapsed from the date of this resolution.

**THE ALTERNATIVES CONSIDERED:**

1. Do not authorize the sale of the property to the abutting property owner.
2. Authorize the sale of the property to the abutting property owner for more than \$6,800.
3. Authorize the sale of the property to the abutting property owner for \$6,800.

**Which alternative is recommended? Why?**

Staff recommends alternative 3, the sale of the land to the property owner of 4106 Jim Avenue. The negotiated amount is in accordance with the value calculated per square foot by the Bell County Appraisal District. Selling the property is in the best interest of the City as it will prevent the demolition of the structures currently on the property and will return the property to the City's tax rolls.

**CONFORMITY TO CITY POLICY:**

This item conforms to all State and City policies. Texas Local Government Code Section 272.001(b)(1) authorizes the City to sell certain small sections of land to the abutting property without the competitive bidding process.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

Although this is not an expenditure, there is a financial impact as the City would receive \$6,800 in revenue for the sale of assets should the City Council authorize the sale of property.

**Is this a one-time or recurring expenditure?**

One-time revenue

**Is this expenditure budgeted?**

Yes, the revenue budgeted is the General Fund sales of assets account 010-0000-392.01-01.

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes, for revenue account

**RECOMMENDATION:**

Staff recommends that the City Council authorize the sale of the above-described property for \$6,800 to the abutting property owner and authorize the City Manager, or designee, to execute and deliver all contracts, deeds, deeds of trust, filings, closing statements, and any and all additional documents necessary to complete the sale in accordance with this resolution.

**DEPARTMENTAL CLEARANCES:**

Legal  
Finance

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Presentation