

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Claire Swann, Assistant City Manager

DATE: October 10, 2018

SUBJECT: Acceptance of Timbercreek Property with Conditions

BACKGROUND

HC LHFI WILMER, LC, desires to donate four tracts of land to the City ("The Property"). The Property is adjacent to I-35E, north of Hebron Parkway and south of Lakeway Drive. It includes approximately 14.7601 acres of land, and Timber Creek runs through the Property. The Property is more specifically described as:

LAKEPOINTE PH 1 BLK A LOT 2
LAKEPOINTE PH 2 BLK A LOT 3
LAKEPOINTE PH 1 BLK B LOT 2
LAKEPOINTE PH 2 BLK B LOT 3

At the August 6, 2018 City Council workshop, City Council instructed Staff to negotiate the donation of the Property so long as we could simultaneously negotiate a license and maintenance agreement with the owners of the adjacent Target Center and AutoNation. A copy of the PowerPoint presentation is attached. At that meeting, the City Council also instructed Staff to further examine the Timber Creek property south of Hebron Parkway to determine if acceptance of that property was similarly advisable. Staff has visited the southern tracts, but more examination is required prior to Staff being able to make a final recommendation on that southern portion. This memorandum, therefore, only addresses the parcels listed above.

ANALYSIS

Staff has negotiated a license and maintenance agreement with Retail Connection, the owners of the adjacent Target Center. They will be responsible for removing identified trees and underbrush, erosion control through new ground-cover plantings, and removal of all trash from Lakepointe Phase 1, Block A, Lot 2 and Lakepointe Phase 2, Block A, Lot 3. Those are the portions of the Property adjacent to the Target Center. They will also be responsible for ongoing general maintenance of the Property. Staff believes that these improvements will not only improve visibility to the Target Center, but will also clean up the Property, preserve key natural features on the site and would not hinder our future use of the Property.

There is an existing maintenance agreement for Lakepointe Phase 1, Block B, Lot 2 and Lakepointe Phase 2, Block B, Lot 3 (the remainder of the Property) between HC LHFI WILMER, LC and AutoNation. This maintenance agreement could be assigned to the City, but it does not include the necessary insurance and indemnifications requirements for most other city agreements. Staff, therefore, is continuing to work on negotiating a new license and maintenance agreement with AutoNation. There have been difficulties identifying the person at AutoNation responsible for signing that license and maintenance agreement. A meeting is scheduled with AutoNation and HC LHFI WILMER, LC on Friday October 12, 2018. Staff believes we can get the necessary agreement in place with AutoNation, prior to closing on the Property. The proposed agreement would not allow for any substantial changes to the Property, but rather would only allow AutoNation to continue general maintenance of the City's parcels adjacent to their property.

To close on the Property, the City will need formal authorization from City Council to accept the donated Property and to sign all maintenance and license agreements. Staff recommends that City Council authorize the acceptance of the Property conditioned on clean title being provided and that a license and maintenance agreement be signed for a parcel prior to its acceptance by the City.

RECOMMENDATION:

That the City Council authorize the City Manager, or her designee to accept donation of the above-referenced tracts of land conditioned on the following for each tract: (1) clean title being provided; and (2) a license and maintenance agreement being signed prior to its acceptance by the City.