

THE STATE OF TEXAS

MISCELLANEOUS ORDERS
PROCEDURES FOR SALE OF RESIDUAL
RAILROAD RIGHT OF WAY
PUBLIC SERVICES & OPERATIONS

COUNTY OF COLLIN

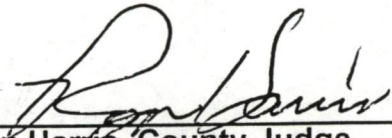
On **October 8, 2001**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

Ron Harris
Phyllis Cole
Jerry Hoagland
Joe Jaynes
Jack Hatchell

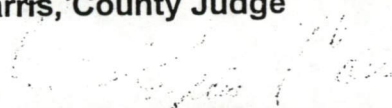
County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4

During such session the court considered a request for approval of procedures for Sale of Railroad Right-of-Way along State Highway 78.

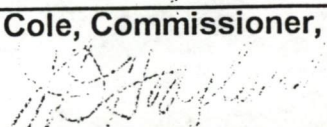
Thereupon, a motion was made, seconded and carried with a majority vote of the court approving the procedures for Sale of Railroad Right-of-Way along State Highway 78, per Section 272.001(b)(1) of the Texas Local Government Code. Same is hereby approved in accordance with the attached documentation.



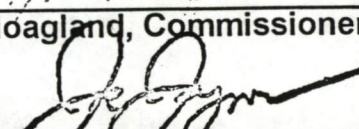
Ron Harris, County Judge



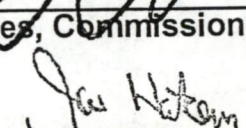
Phyllis Cole, Commissioner, Pct. 1



Jerry Hoagland, Commissioner, Pct. 2

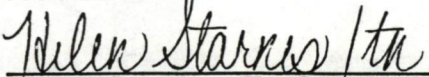


Joe Jaynes, Commissioner, Pct. 3



Jack Hatchell, Commissioner, Pct. 4

ATTEST:



Helen Starnes, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S



Department of Public Services & Operations

October 1, 2001

To: Judge Harris and Commissioners

From: Jeff Durham

Re: Procedures for Sale of Residual Railroad Right-of-Way

Section 272.001 (b)(1) of the Texas Local government Code authorizes the County to sell the residual railroad right-of-way along State Highway 78 to an abutting property owner in accordance with their abutting ownership.

This section applies to "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 developmental control ordinances." The County must receive fair market value for the property as determined by appraisal.

The attached Procedures for Sale of Residual Railroad Right-of-Way have been prepared for your consideration.

I will be available to answer any questions you might have regarding this matter.

xc: Bob Lindberg

PROCEDURES FOR SALE OF RESIDUAL RAILROAD RIGHT-OF-WAY ALONG STATE HIGHWAY 78 TO ABUTTING PRIVATE PROPERTY OWNERS

Section 272.001(b)(1) of the Texas Local Government Code authorizes the County to sell certain real property interests to abutting property owners in accordance with their abutting ownership. This section only applies to "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." Section 272.001(b) requires that the County receive "fair market value" determined by an appraisal obtained by the political subdivision that owns the property.

Procedures:

1. A written request to purchase residual right-of-way shall be submitted to the County by the adjoining record private property owner. This request must be accompanied by a current survey depicting the section of residual right-of-way being purchased.
2. The survey should depict existing property lines extended to their point of intersection with the new northwest right-of-way line of State Highway 78. Acreage calculations, a metes and bounds description and reference to the nearest intersecting street must also be included on the survey.
3. Collin County will notify the City of Wylie when a request to purchase residual right-of-way has been submitted. The City of Wylie will be asked to review each request and provide their written approval before an appraisal of the right-of-way property is ordered.
4. The County should notify the other abutting property owner (TxDot) of the request, and obtain a disclaimer of any rights TxDot possesses as abutting property owner to the centerline of the proposed parcel to be conveyed.
5. The County will obtain a cost estimate for an appraisal of the right-of-way property, and will require that a cash deposit be made up front to cover the cost of the appraisal from the abutting property owner. Prior to conveying the property, the County will require that any residual cost of the appraisal be paid in full. The appraisal deposit cannot be refunded after the appraisal report has been ordered.
6. Upon its receipt of a disclaimer from TxDot of its rights to the abutting property, along with the appraisal determining the fair market value of the property, the County may sell its interest in the property via special warranty deed to the abutting property owner at the appraised amount. Any closing costs, title insurance or legal fees associated with the transaction incurred by the County shall be charged at closing to the abutting property owner.