



# LEAD COMMERCIAL

## 9TH + NUECES | AUSTIN, TEXAS: DEVELOPMENT SITE For Ground Lease



**LOCATION:** Northeast Corner of 9th & Nueces

**ADDRESS:** 901, 903 & 905 Nueces, Austin, TX 78701

**SUBMARKET:** Downtown

**LEGAL DESCRIPTION:** Lot 1&2 Block 107 Original City

**LAND AREA:** 17,664 SF (+/- 0.40 acres) per TCAD

**EXISTING IMPROVEMENTS:** +/- 4,000 SF (3 Buildings + Detached Garage)

**ZONING:** DMU-CO

**USE:** Mixed-Use

**HEIGHT:** 120' and 200'

**FAR:** 5:1 and 8:1 (Density Bonus)

**CONCEPT:** Multi-family  
96 units | 132 beds | 112,870 SF

**LEASE RATE:** Negotiable

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# LEAD COMMERCIAL

## HIGHLIGHTS

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

Lead Commercial has been exclusively retained by the owner for the long-term ground lease of approximately 17,664 square feet (+/- 0.40 acres) located at the northeast corner of 9th and Nueces Streets, also known as 901, 903 and 905 Nueces Street (the "Property"). The site is situated on the edge of the Core/Waterfront District per the Downtown Austin Plan, and in the heart of the Old Austin Neighborhood.

Currently positioned near many of Austin's original homes - now mostly converted offices and several of Austin's newest and upcoming multifamily projects, the site offers the tranquility and neighborhood setting while also providing a short walk to anything "Downtown".

## PREMIER DEVELOPMENT SITE IN AUSTIN'S "CORE/WATERFRONT" DISTRICT (Downtown Austin Plan):

- 9th + Nueces offers developers the opportunity to develop in the Old Austin Neighborhood in west central downtown with substantial frontage along 9th and Nueces Streets.
- Located in a residential friendly neighborhood with numerous new developments within several blocks.
- Convenient access to major thoroughfares, Interstate 35 and MoPac (Loop 1) and well connected to City arterials.
- Extraordinary amenities within close proximity to countless restaurants, nightlife and live music venues and pedestrian accessibility to the West Sixth Street Entertainment District, Whole Foods, the Capitol Complex, the Travis County Court house, Lady Bird Lake Hike & Bike Trail, Seaholm Redevelopment District, Wooldridge Square, Duncan Park and Shoal Creek.

## DEVELOPMENT POTENTIAL

- The site is currently zoned DMU-CO, permitting a variety of commercial uses including multifamily, office, hotel, retail and mixed-use.
- A slim portion of the site lies within the Capital View Corridor (CVC), but largely does not affect the bulk of the site – see CVC Map.
- The site has a mix of different floor to area ratios (FAR), 5:1 and 8:1 via the density bonus program. The enclosed schematic depicts a development by utilizing the two FAR ratios for the most efficient floor plan. Owner also has the ability to transfer density from the adjacent eastern lots.

## A BOOMING DOWNTOWN MARKET

- Demand for commercial and multifamily space in downtown remains strong, as rents and absorption across all product types are near historic highs.
- Limited number of remaining development sites and zoning regulations within the core of downtown serve as barriers to entry into downtown and limit future supply of competitive product.

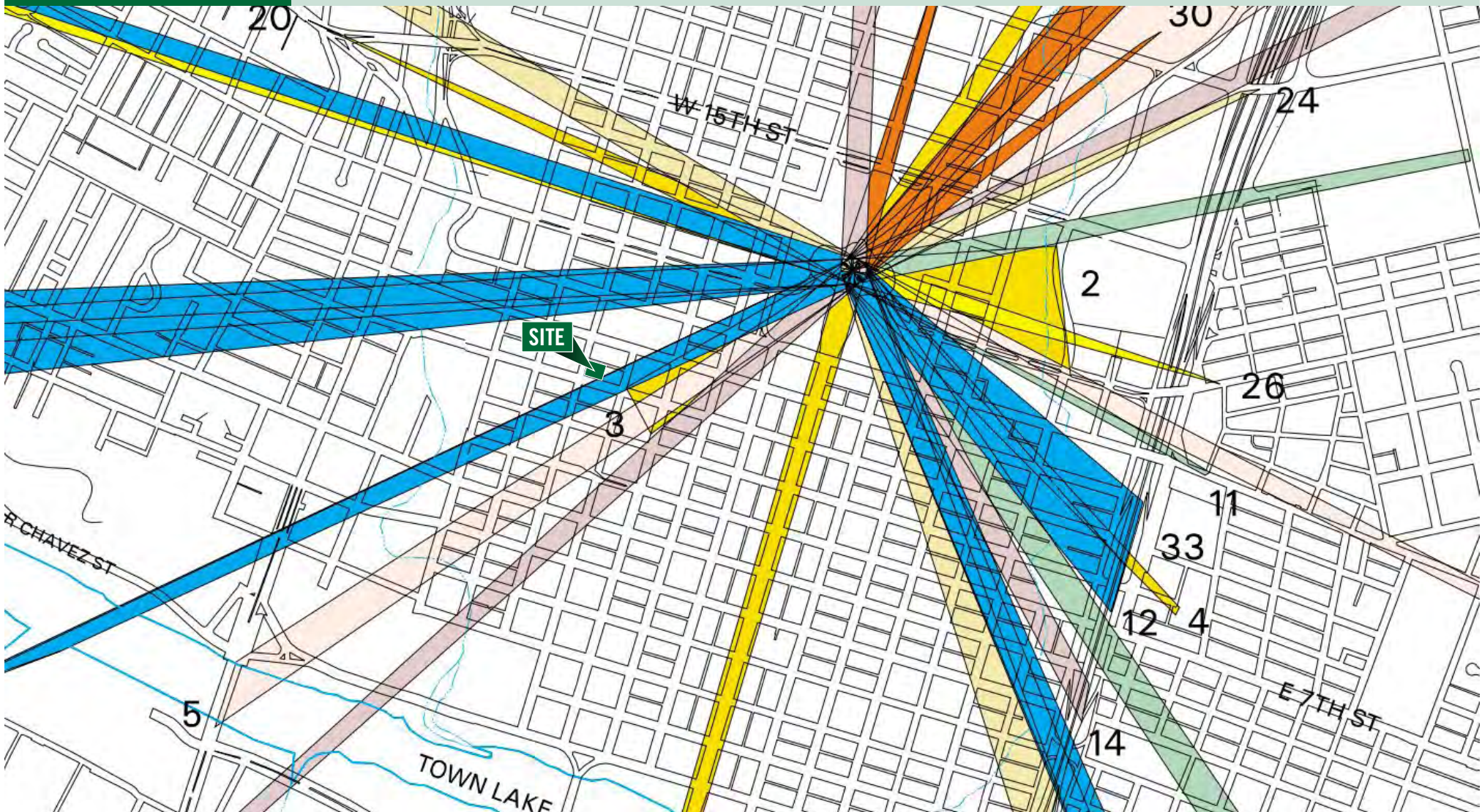




# LEAD COMMERCIAL

CVC MAP

9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

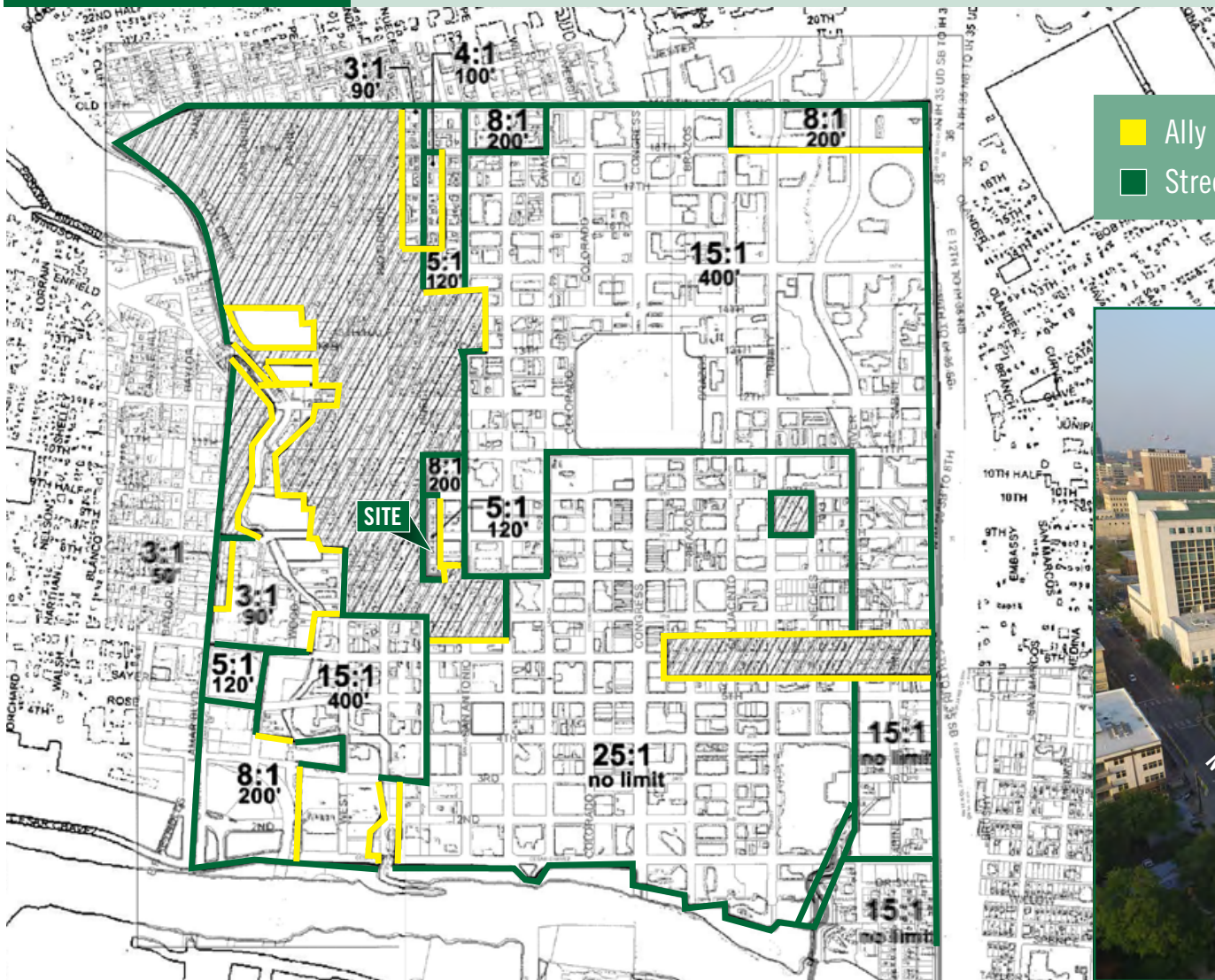




# LEAD COMMERCIAL

## FAR MAP

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease



- Ally or Property Division
- Street Division

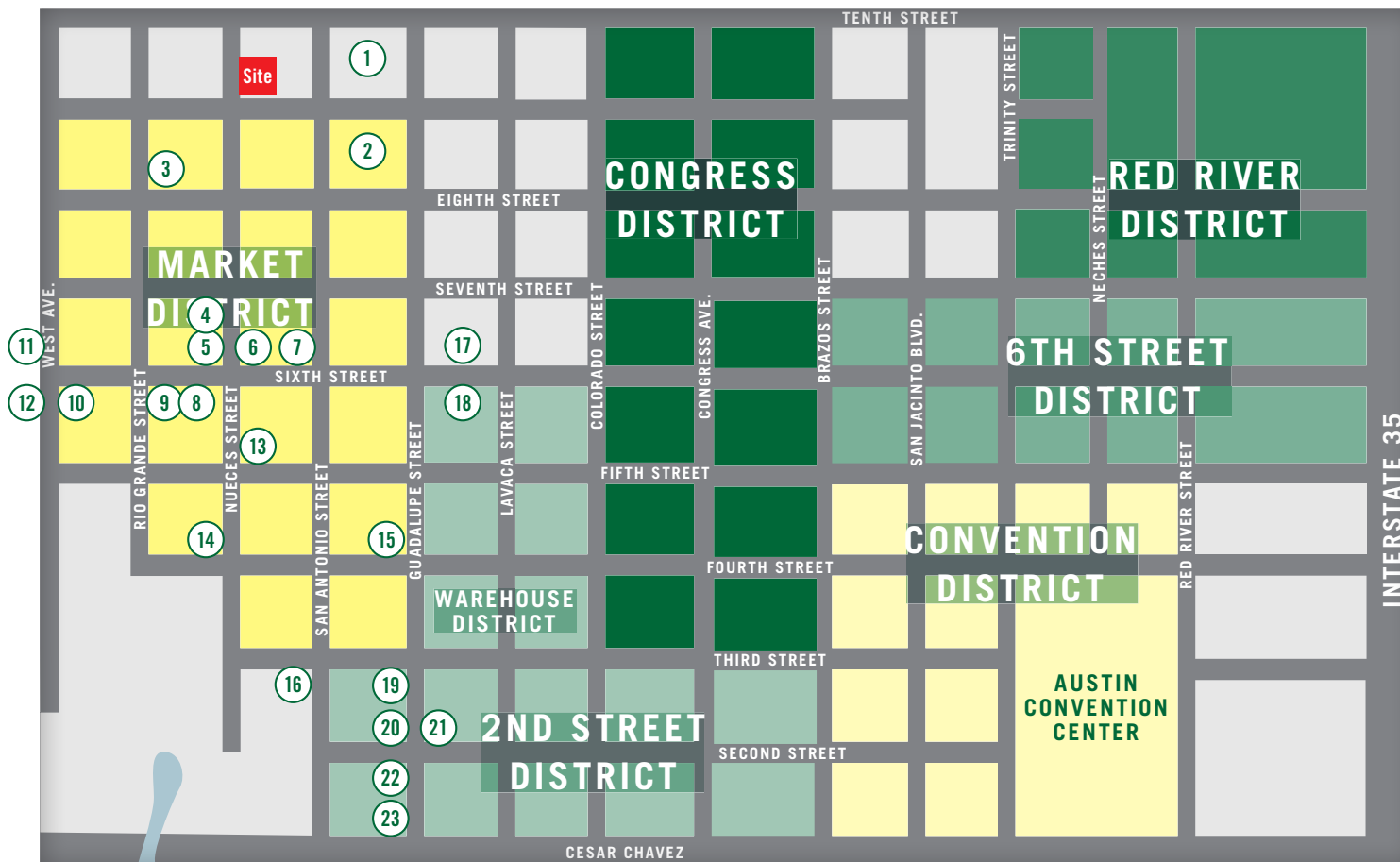




# LEAD COMMERCIAL

## AMENITY MAP

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease



1. Wooldridge Square
2. Austin History Center
3. Headwaters School
4. Ranch 616 | Rattle Inn
5. Star Bar
6. Little Woodrow's
7. The Austin Wine Merchant
8. Walton's Fancy & Staple
9. Key Bar
10. The Dogwood
11. Cirrus Logic
12. Hut's Hamburgers
13. Fixe | Wu Chow
14. Mellow Johnny's | Juan Pelota Café
15. Republic Square | Farmer's Market-Downtown
16. Ballet Austin
17. Gloria's Latin Cuisine
18. Maiko Sushi | The Belmont
19. Saint Bernard
20. Violet Crown Cinema | La Condesa
21. Urban Outfitters
22. Bonobos
23. Lamberts



# LEAD COMMERCIAL

## WALLER MAP

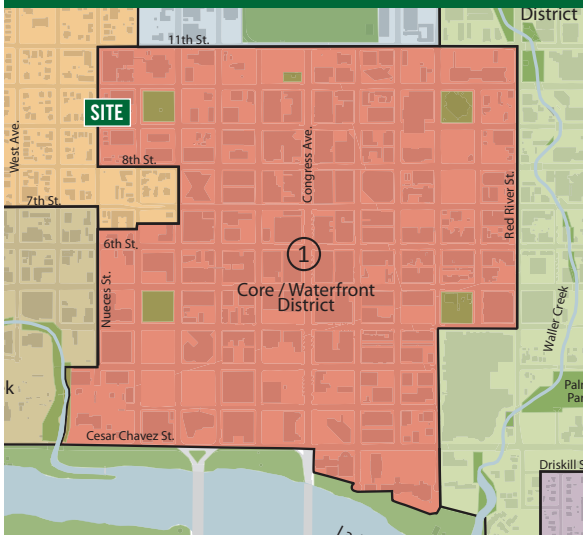
## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease





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## WATERFRONT DISTRICT



## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

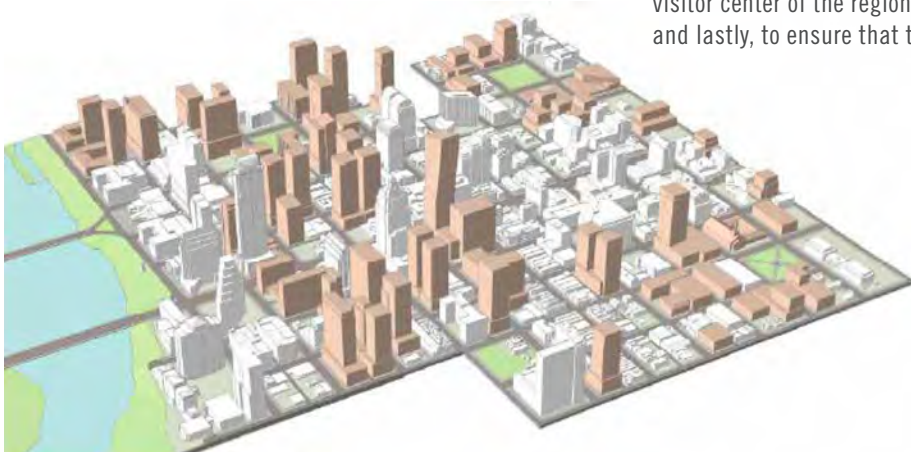
The Core/Waterfront is the most intensely developed and urbanized district of the city. Focused along Congress Avenue between Lady Bird Lake and the Capitol, it has a strong and memorable identity that is recognizable throughout the region.

The area consists of numerous sub-districts, each with its own unique identity, including: Congress Avenue, East 6th Street, the Warehouse District, the three historic squares, 2nd Street, the Waterfront and the Convention Center area. The District faces and embraces Lady Bird Lake, the region's pre-eminent open space and one of the community's most beloved gathering places.

The Core is the principal address for corporate office users and for major "flagship" hotels. Downtown's waterfront has emerged as a high-density residential and mixed-use area. The eastern portion of the Core is least developed, characterized by underutilized parcels, parking lots and a concentration of social services.

As part of the Downtown Austin Plan, urban design priorities have been established to incentivize office and hotel uses to bolster the Core/ Waterfront as the premier office employment district and visitor destination of the region. In fact, in this district, there are 63 properties, totaling about 50 acres that have been assembled to a quarter-block or greater. These are considered "opportunity sites" and are relatively unconstrained. They could likely develop over the next five to 15 years. The sites shown in brown (shown bottom right) represent approximately 14.4 million square feet of future potential development.

Additional urban design goals for the district include enhancing the Core/Waterfront as the premier employment, cultural and visitor center of the region; improving the quality of the pedestrian experience; to make it easier to move around without a car; and lastly, to ensure that the district is a welcoming and affordable place for all.

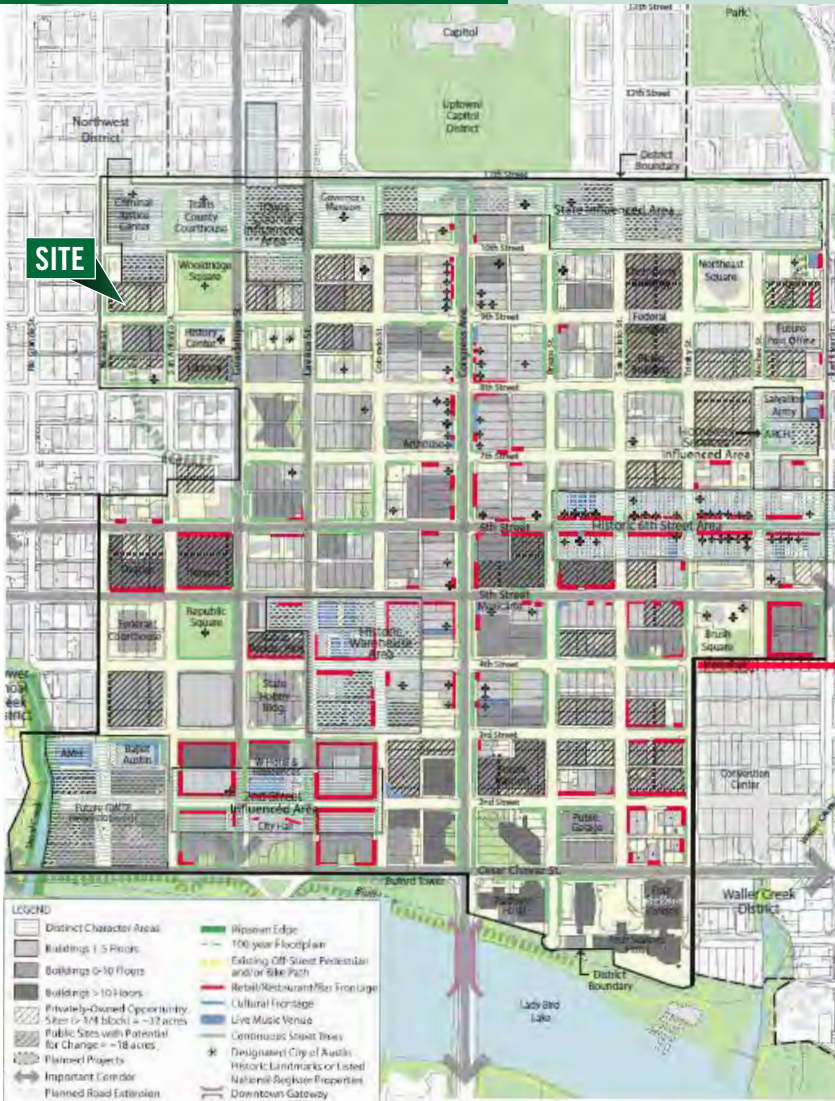




# LEAD COMMERCIAL

## DOWNTOWN AUSTIN PLAN

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease



### DISTRICT GOALS

1. Enhance the Core/Waterfront as the premier employment, cultural and visitor center of the region.
2. Improve the quality of the pedestrian experience.
3. Make it easier to move around without a car.
4. Restore and activate the historic squares.
5. Ensure that the District is a welcoming and affordable place for all.
6. Preserve the historic building fabric.

### TOP 3 PUBLIC IMPROVEMENT PRIORITIES

(per 256 responses from 2009 survey):

1. Great Streets (72%), particularly Congress Avenue and E. 6th Street
2. Existing open space improvements (46%), including the historic squares
3. Public parking facility (33%)





# LEAD COMMERCIAL

## CONCEPT

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

VIEW SOUTH



VIEW SOUTH



STREET CORNER



POOL CONCEPT





# LEAD COMMERCIAL

## DENSITY STUDY

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

### 9th and Nueces

Austin, TX  
NSF/GSF/Parking Analysis

### Scheme H V1.7

11.14.2016

| 12 STORIES COCRETE FRAME          |                 |               | 1 STORY BELOW GRADE |                |                    | 10'-0" CEILINGS       |                        |                       |                          |
|-----------------------------------|-----------------|---------------|---------------------|----------------|--------------------|-----------------------|------------------------|-----------------------|--------------------------|
| Residential Unit Type             | Description     | %             | Balcony SF          | Aprox. Unit SF | Unit Sub-Total     | Bedroom Sub-Total     | SF Sub-Total           | Pkg Spaces/Unit (COA) | Parking Base Req         |
| A1                                | 1BR 1BA         | 18.75%        | 52                  | 689            | 18                 | 18                    | 12,402                 | 1.5                   | 27                       |
| A2                                | 1BR 1BA         | 18.75%        | 52                  | 722            | 18                 | 18                    | 12,996                 | 1.5                   | 27                       |
| A3                                | 1BR 1BA         | 34.38%        | 52                  | 737            | 33                 | 33                    | 24,321                 | 1.5                   | 50                       |
|                                   | <i>Subtotal</i> | <i>37.50%</i> |                     |                |                    |                       |                        |                       |                          |
| B1                                | 2BR 2BA         | 9.38%         | 52                  | 1100           | 9                  | 18                    | 9,900                  | 2                     | 18                       |
| B2                                | 2BR 2BA         | 9.38%         | 52                  | 1108           | 9                  | 18                    | 9,972                  | 2                     | 18                       |
|                                   | <i>Subtotal</i> | <i>18.75%</i> |                     |                |                    |                       |                        |                       |                          |
| C1                                | 3BR 2BA         | 9.38%         | 52                  | 1432           | 9                  | 27                    | 12,888                 | 2.5                   | 23                       |
|                                   | <i>Subtotal</i> | <i>9.38%</i>  |                     |                |                    |                       |                        |                       |                          |
|                                   |                 |               |                     |                | <b>Total Units</b> | <b>Total Bedrooms</b> | <b>Total Unit NRSF</b> | <b>Avg Unit Size</b>  | <b>Min Parking Req'd</b> |
|                                   |                 |               |                     |                | <b>96</b>          | <b>132</b>            | <b>82,479</b>          | <b>859</b>            | <b>65</b>                |
| <b>Unit Mix</b>                   | Studio          | 1BR           | 2BR                 | 3BR            | Live Work          |                       |                        |                       |                          |
|                                   | 0.00%           | 37.5%         | 18.8%               | 9.4%           | 0.0%               |                       |                        |                       |                          |
| <b>Accessory/Amenity SF</b>       | <b>9,245</b>    |               |                     |                |                    |                       |                        |                       |                          |
| <b>Storage SF</b>                 | <b>1,928</b>    |               |                     |                |                    |                       |                        |                       |                          |
| <b>PARKING SUMMARY</b>            |                 |               |                     |                |                    |                       |                        |                       | <b>Parking Proposed</b>  |
| Resident Parking                  | Standard        |               |                     |                |                    |                       |                        |                       | 96                       |
|                                   | Compact         |               |                     |                |                    |                       |                        |                       | 0                        |
|                                   | Accessible      |               |                     |                |                    |                       |                        |                       | 6                        |
|                                   | <b>Total</b>    |               |                     |                |                    |                       |                        |                       | <b>102</b>               |
| Residential Unit Parking Ratio    |                 |               |                     |                |                    |                       |                        | <b>1.06</b>           |                          |
| Residential Bedroom Parking Ratio |                 |               |                     |                |                    |                       |                        | <b>0.77</b>           |                          |
| Staff Parking                     |                 |               |                     |                |                    |                       |                        | 0                     |                          |
| <b>TOTAL PARKING PROVIDED</b>     |                 |               |                     |                |                    |                       |                        |                       | <b>102</b>               |



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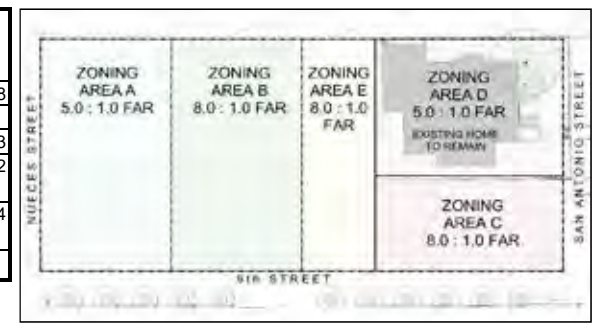
## DENSITY STUDY

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

| ZONING AREA A             |               |               | TOT PARKING | ZONING AREA B             |               |               |                |               |                   |
|---------------------------|---------------|---------------|-------------|---------------------------|---------------|---------------|----------------|---------------|-------------------|
| FLOOR                     | GSF           | NRSF          | SPACES      | FLOOR                     | GSF           | NRSF          | TOT GSF        | TOT NRSF      | TOT % NRSF OF GSF |
| Level -01 - Parking       |               |               | 34          | Level -01 - Parking       |               |               |                |               |                   |
| Level 1 G - Lobby / Units | 8,055         | 0             | 0           | Level 1G - Lobby / Units  | 4,623         | 0             | 12,678         | 0             | 0%                |
| Level 2 - Parking / Units |               |               | 34          | Level 2 - Parking         |               |               |                |               |                   |
| Level 3 - Parking         |               |               | 34          | Level 3 - Parking         |               |               |                |               |                   |
| Level 4 - Amenity / Units | 4,020         | 1,220         |             | Level 4 - Amenity / Units | 7,124         | 6,091         | 11,144         | 7,311         | 66%               |
| Level 5 - Units / Storage | 4,007         | 3,405         |             | Level 5 - Units / Storage | 7,124         | 6,091         | 11,131         | 9,496         | 85%               |
| Level 6 - Units / Storage | 4,007         | 3,405         |             | Level 6 - Units / Storage | 7,124         | 6,091         | 11,131         | 9,496         | 85%               |
| Level 7 - Units / Storage | 4,007         | 3,405         |             | Level 7 - Units / Storage | 7,124         | 6,091         | 11,131         | 9,496         | 85%               |
| Level 8 - Amenity / Units | 4,007         | 3,405         |             | Level 8 - Amenity / Units | 7,124         | 6,091         | 11,131         | 9,496         | 85%               |
| Level 9 - Units           | 4,007         | 3,405         |             | Level 9 - Units           | 7,124         | 6,091         | 11,131         | 9,496         | 85%               |
| Level 10 - Units          | 4,007         | 3,405         |             | Level 10 - Units          | 7,124         | 6,091         | 11,131         | 9,496         | 85%               |
| Level 11 - Units          | 4,007         | 3,405         |             | Level 11 - Units          | 7,124         | 6,091         | 11,131         | 9,496         | 85%               |
| Level 12 - Units          | 4,007         | 3,405         |             | Level 12 - Units          | 7,124         | 6,091         | 11,131         | 9,496         | 85%               |
| Level 13 - Units          | Height Limit  |               |             | Level 13 - Units          | Height Limit  |               |                |               |                   |
| Level 14 - Units          |               |               |             | Level 14 - Units          |               |               |                |               |                   |
| Level 15 - Units          |               |               |             | Level 15 - Units          |               |               |                |               |                   |
| Level 16 - Units          |               |               |             | Level 16 - Units          |               |               |                |               |                   |
| Level 17 - Units          |               |               |             | Level 17 - Units          |               |               |                |               |                   |
| Level 18 - Units          |               |               |             | Level 18 - Units          |               |               |                |               |                   |
| Level 19 - Units          |               |               |             | Level 19 - Units          |               |               |                |               |                   |
| <b>TOTAL</b>              | <b>44,131</b> | <b>28,460</b> | <b>102</b>  | <b>TOTAL</b>              | <b>68,739</b> | <b>54,819</b> | <b>112,870</b> | <b>83,279</b> | <b>74%</b>        |

## FAR CALCULATION

|  | ZONING AREA A | ZONING AREA B | ZONING AREA C | ZONING AREA D HOUSE | ZONING AREA E | Total A+B+C+D+E |
|--|---------------|---------------|---------------|---------------------|---------------|-----------------|
| AREA                                     | 8,832         | 8,832         | 5,230         | 7,475               | 4,959         | 35,328          |
| FAR                                      | 5.0           | 8.0           | 8.0           | 5.0                 | 8.0           |                 |
| TOTAL SF ALLOWED                         | 44,160        | 70,656        | 41,840        | 37,375              | 39,672        | 233,703         |
| Zoning SF                                | 44,131        | 68,739        | 0             | 7,602               | 0             | 120,472         |
| Proposed + Existing                      |               |               |               |                     |               |                 |
| SF available to be Transferred to Site B | 29            | n/a           | 41,840        | 29,773              | 39,672        | 111,314         |
| FAR Proposed                             | 5.0           | 7.8           | 0.0           | 1.0                 | 0.0           |                 |





# LEAD COMMERCIAL

**DENSITY STUDY**

**9TH + NUECES: DOWNTOWN DEVELOPMENT SITE** For Ground Lease

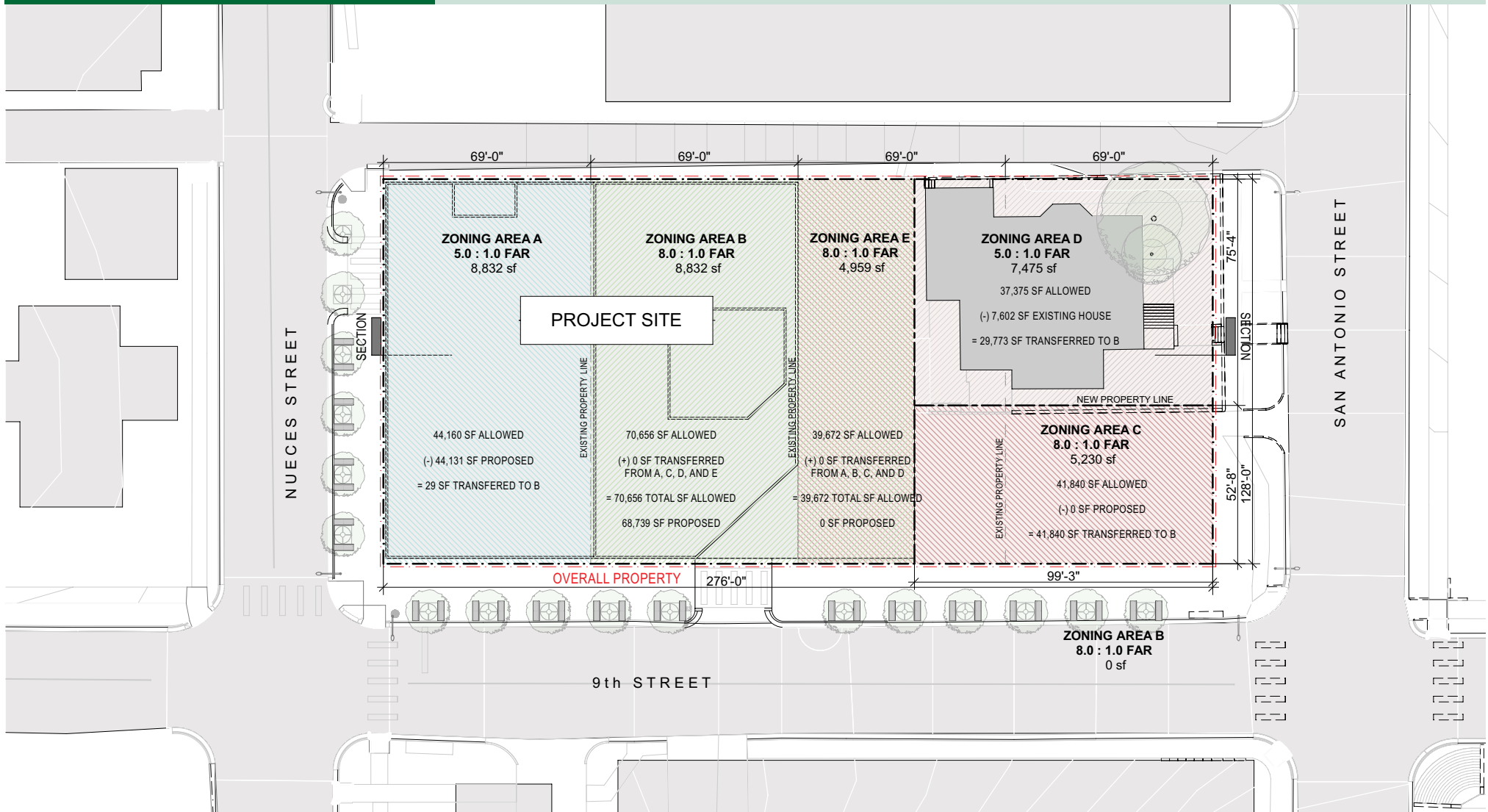




# LEAD COMMERCIAL

## DENSITY STUDY

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease



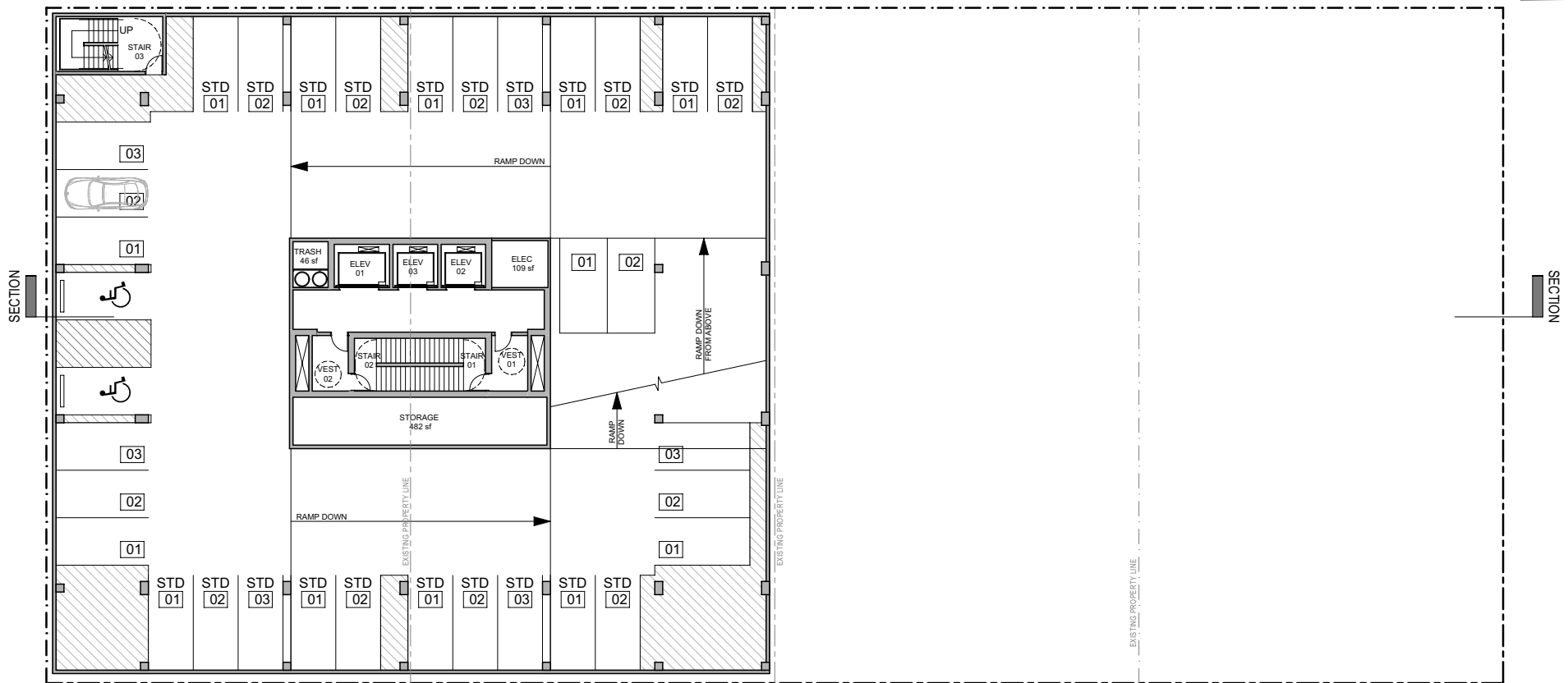


# LEAD COMMERCIAL

## DENSITY STUDY

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

### LEVEL - 01

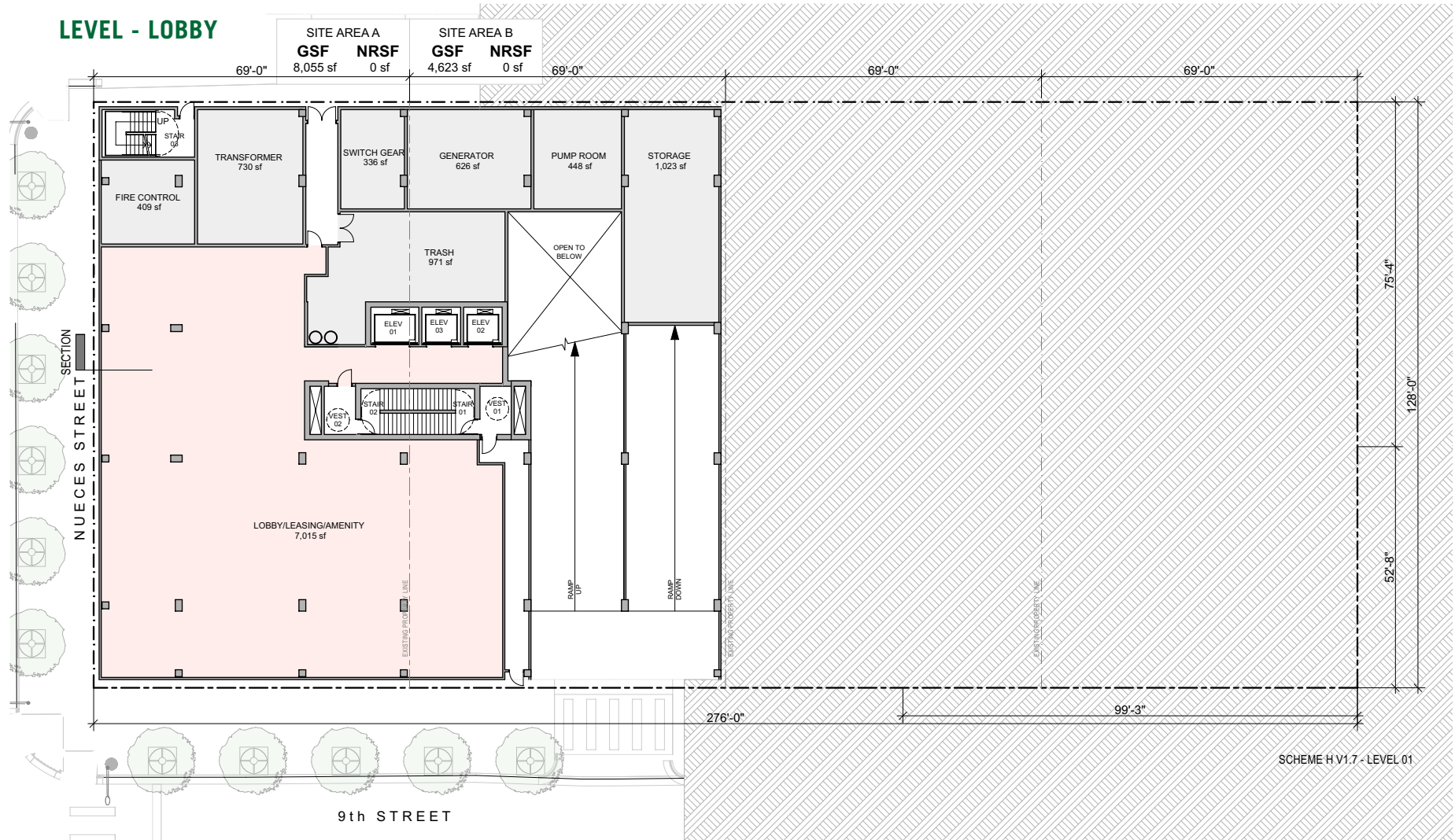




# LEAD COMMERCIAL

## DENSITY STUDY

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease



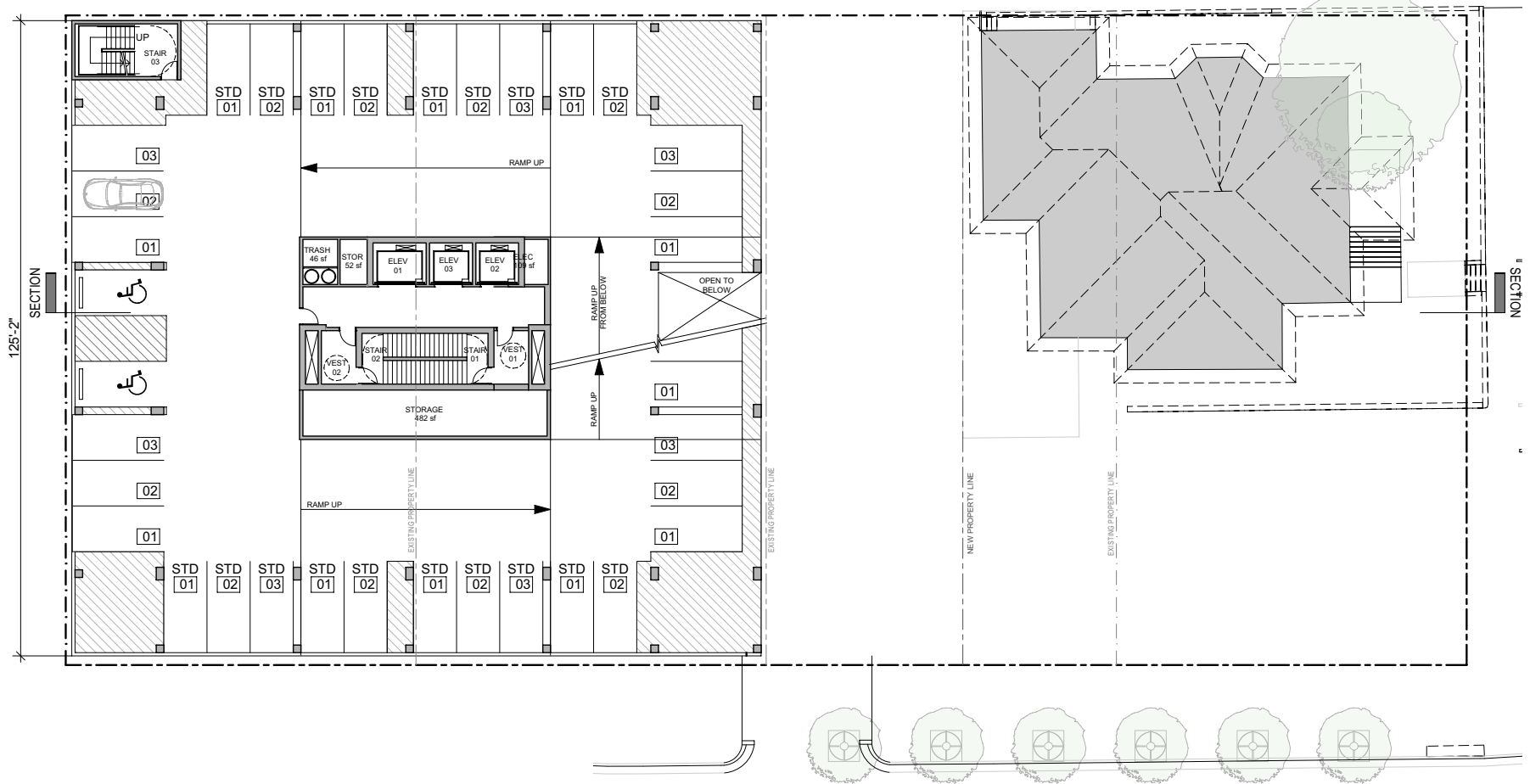


# LEAD COMMERCIAL

## DENSITY STUDY

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

### LEVEL - 02



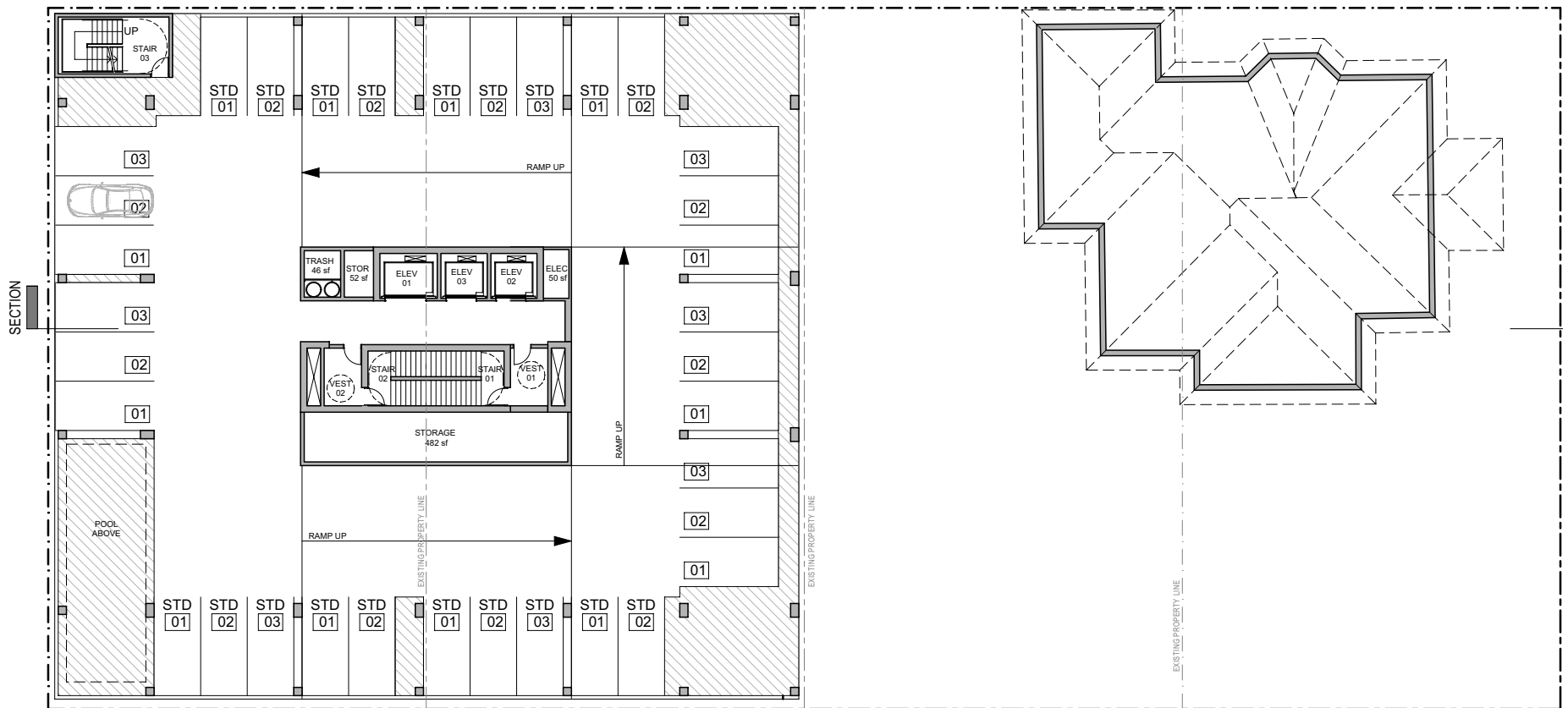


# LEAD COMMERCIAL

## DENSITY STUDY

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

### LEVEL - 03



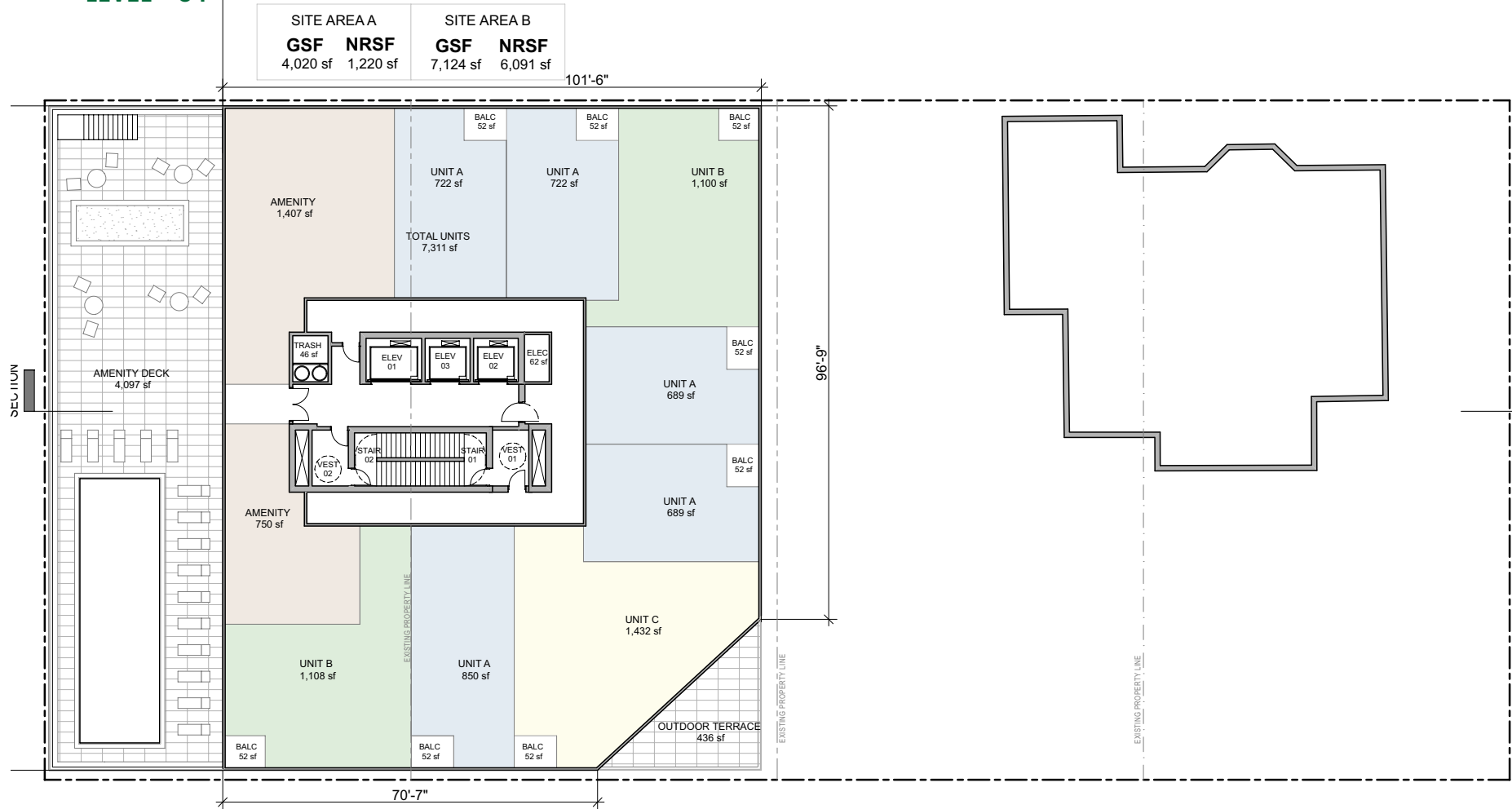


# LEAD COMMERCIAL

## DENSITY STUDY

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

### LEVEL - 04





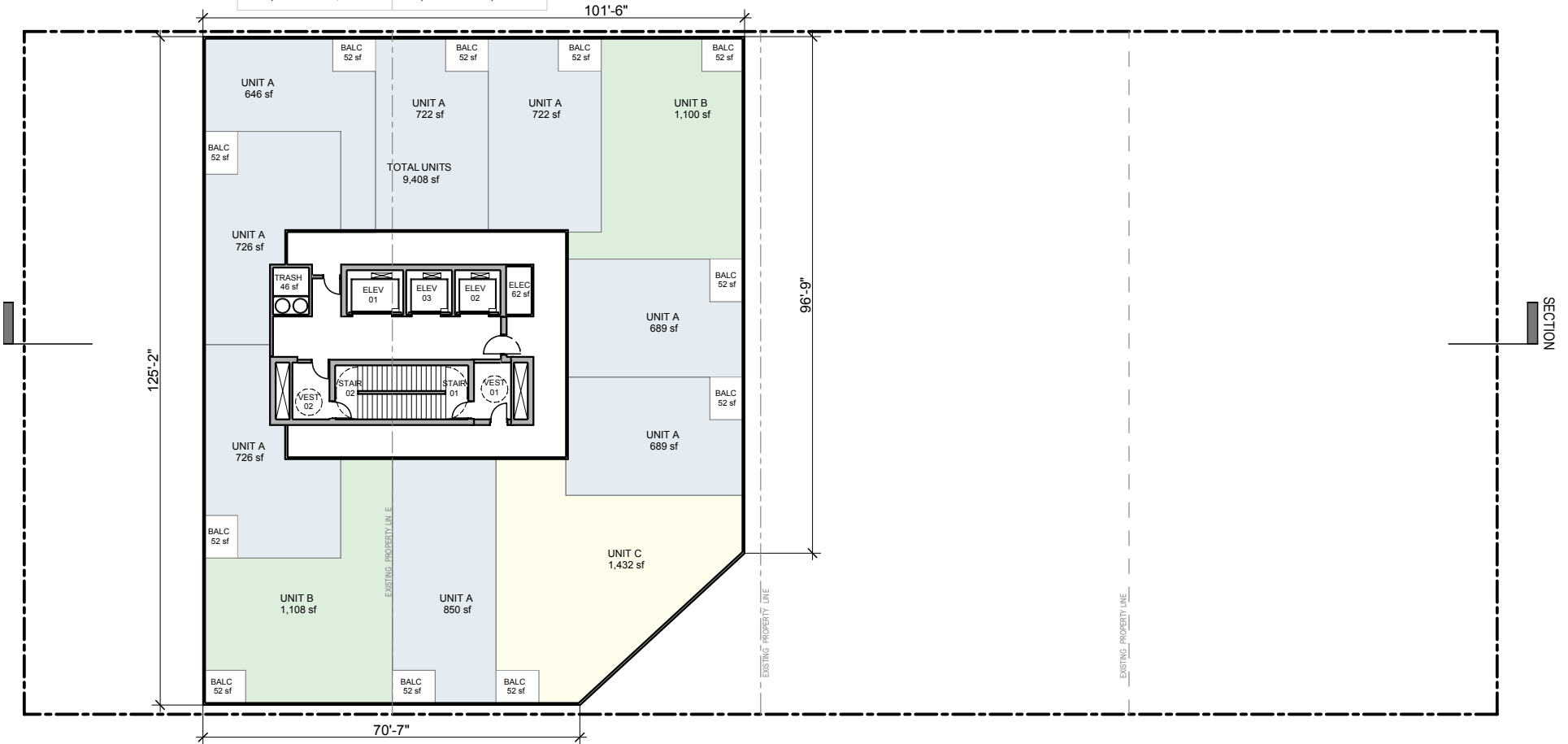
# LEAD COMMERCIAL

## DENSITY STUDY

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

### LEVELS - 5-12

| SITE AREA AAS |          | ITE AREA B |          |
|---------------|----------|------------|----------|
| GSF           | NRSF     | GSF        | NRSF     |
| 4,007 sf      | 3,405 sf | 7,124 sf   | 6,091 sf |





# LEAD COMMERCIAL

## MARKET OVERVIEW

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease



### HCP ADVISORS' MID YEAR MARKET OVERVIEW 2016

Over the past few years, the list of accolades and rankings for Austin has continued to grow. Earlier this year, Austin ranked 2nd in “Best Places to Live” in the United States by U.S. News & World Report. The Milken Institute ranks Austin as the 4th Best Performing City in their annual assessment of “Where America’s Jobs are Created and Sustained.” Forbes placed Austin at the top of their list of “America’s Cities of the Future,” which ranks cities most likely to prosper over the next decade, and Google recently named Austin the Digital Capital of Texas. The list goes on with additional top rankings in music, film, cultural arts, environmental leadership, education and quality of life.

So, with all these top rankings in mind for Austin, what does this mean for the commercial real estate market? It is certainly challenging to predict what the next few months have in store for us. However, we believe that the fundamentals that form the foundation of the Austin commercial real estate market are strong and should create an environment of growth in the months to come. Construction continues in many parts of the city, rental rates continue to increase, and finding a parking space remains a challenge.

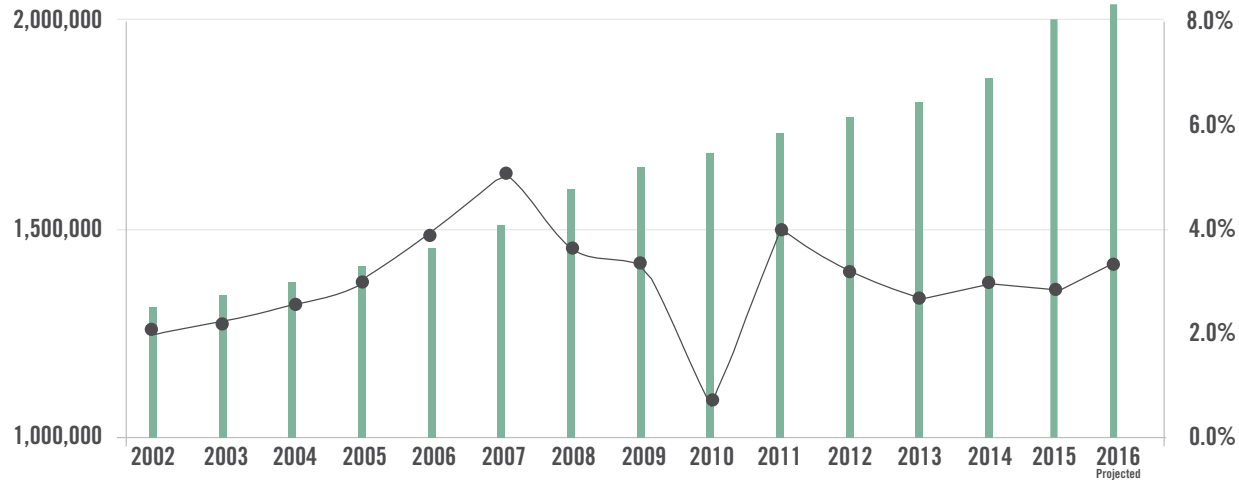
On the next few pages, you will find recent insights into the Austin market surrounding population growth, employment and historical metrics.



# LEAD COMMERCIAL

## POPULATION GROWTH

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease



Source: HCP Advisors' Mid Year Market Overview 2016

### POPULATION

Since 2000, the Austin MSA has grown by 60%, compared to Texas by 29.3% and the US by 13.3%.

Current metro area population is estimated at 2 million. The projected population is expected to increase to 2.3 million by 2020, resulting in a 34% increase over the 2010 to 2020 time period. This compares to statewide projected increase of 21%. The Austin MSA population is considered young, with 68% of the current population between 18 and 44 years old; 32% of which are between 25 and 44 years old.

# 11<sup>th</sup>

Largest City in the US  
Based on Population

# NUMBER 1

Best City  
for Startups

# NUMBER 1

Best City  
for Job Growth

# 3<sup>rd</sup>

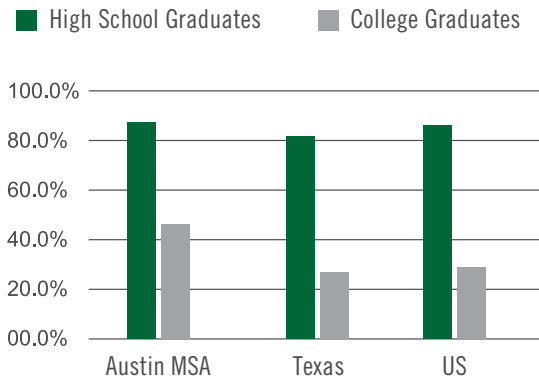
Fastest Growing  
Metro Area in US



# LEAD COMMERCIAL

## EMPLOYMENT

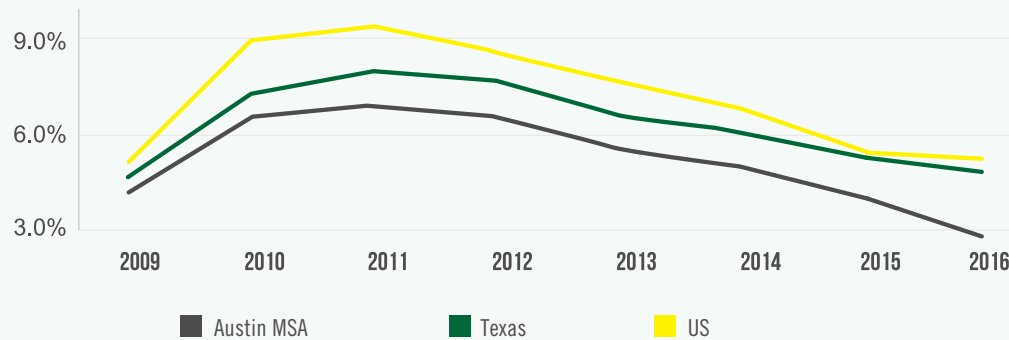
## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease



Source: U.S. Census Bureau and the Texas Higher Education Board / Compiled by the Texas Higher Education Coordinating Board

## EDUCATIONAL ATTAINMENT

The Austin MSA outperforms both the state and the U.S. based on educational attainment with 45.6% having a bachelor's degree or higher. This compares to Texas with 26.7%, and the U.S. 28.8%. According to the Texas Higher Education Board, there are 28 colleges and universities within the Austin MSA. The University of Texas continues to have the highest enrollment with more than 50,000 students.



Source: Bureau of Labor Statistics and Texas Workforce Commission - Compiled by HCP

## EMPLOYMENT PERFORMANCE

The unemployment rate within the MSA has remained below the state and national averages over the past decade with the current Austin MSA unemployment rate being 2.9%, compared to Texas and the U.S. rates of 4.4% and 4.9% respectively. The velocity of relocations and expansions have increased overall employment according to the Bureau for Labor Statistics. Job growth continues to rise, with more than 28,200 jobs added annually within the area, resulting in a 3.9% annual job growth in 2015; higher when compared to Texas and the U.S. annual job growth rates of 1.5 and 2.1%



# LEAD COMMERCIAL

## HISTORICAL METRICS

## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

### AUSTIN - ROUND ROCK - SAN MARCOS MSA: 2011 TO PROJECTED CURRENT

| Indicators         | 2011             | 2012             | 2013             | 2014             | 2015             | 2016 - Proj.     |
|--------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Population         | 1,782,089        | 1,836,149        | 1,885,893        | 1,943,299        | 2,000,860        | 2,100,943        |
| % Change           | 3.8%             | 3.0%             | 2.7%             | 3.0%             | 2.9%             | 2.8%             |
| Total Employment   | 912,660          | 952,005          | 988,473          | 1,016,673        | 1,019,062        | 1,021,769        |
| Unemployment Rate  | 6.9%             | 5.8%             | 5.2%             | 4.4%             | 3.5%             | 2.9%             |
| Gross Retail Sales | \$25,531,752,357 | \$27,768,525,114 | \$31,076,301,601 | \$33,417,027,138 | \$34,253,589,712 | \$35,278,987,613 |
| Sales Per Capita   | \$14,326         | \$15,123         | \$16,478         | \$17,196         | \$17,119         | \$17,987         |

The table above highlights market indicators for Austin - Round Rock - San Marcos MSA, data is presented annually from 2011 to 2016.

As the Austin MSA continues to outperform both the state and national employment growth rates and population growth rates. With job growth and population increases projected for Austin in the near future, the metro area is well positioned

economically to perform well across various real estate sectors. Given the strong talent base for employers and record low unemployment rate, Austin's expanding tech industry continues to prosper. The Austin technology sector has rapidly expanded and

is transforming the Austin area into a tech hub. The Austin MSA is projected to see high growth rates and outperform other metro areas across Texas, as well as the U.S. throughout 2016. (Source: HCP Advisors)

Source: U.S. Census Bureau, Bureau of Labor Statistics and Texas Comptrollers Office - Compiled by HCP



# LEAD COMMERCIAL

## COMPANY



## 9TH + NUECES: DOWNTOWN DEVELOPMENT SITE For Ground Lease

Leaving a legacy in Austin since 2011, Lead Commercial was founded with a mission to protect and serve local establishments. We take pride in our city and want to help it continue to flourish. That means businesses, just like yours. We take ownership of our work and understand the time it takes to gain trust and respect for those with whom we do business. That is why we are selective about those we partner with to serve our clientele. At a time when Austin growth is on the rise, we want to help you to fit right in, sustainably, to become part of Austin's bright future ahead.

When you work with Lead Commercial, you are not just getting experienced, professional brokers by your side, you are getting a network of industry professionals that will help bring your business and its vision to life—from trusted and certified contractors to architects to landscapers.

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## Information About Brokerage Services

Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

### TYPES OF REAL ESTATE LICENSE HOLDERS:

- **A BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- **A SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

### A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

### A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

**AS AGENT FOR OWNER (SELLER/LANDLORD):** The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

**AS AGENT FOR BUYER/TENANT:** The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

**AS AGENT FOR BOTH - INTERMEDIARY:** To act as an intermediary between the parties the broker must first obtain the written agreement of *each party* to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
  - that the owner will accept a price less than the written asking price;
  - that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
  - any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

**AS SUBAGENT:** A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

### TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

**LICENSE HOLDER CONTACT INFORMATION:** This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

|  |                      |                |                |
|--|----------------------|----------------|----------------|
| _____<br>Licensed Broker /Broker Firm Name or<br>Primary Assumed Business Name | _____<br>License No. | _____<br>Email | _____<br>Phone |
| _____<br>Designated Broker of Firm   | _____<br>License No. | _____<br>Email | _____<br>Phone |
| _____<br>Licensed Supervisor of Sales Agent/<br>Associate                      | _____<br>License No. | _____<br>Email | _____<br>Phone |
| _____<br>Sales Agent/Associate's Name  | _____<br>License No. | _____<br>Email | _____<br>Phone |

\_\_\_\_\_  
Buyer/Tenant/Seller/Landlord Initials

\_\_\_\_\_  
Date

**THE TEXAS REAL ESTATE COMMISSION (TREC) REGULATES  
REAL ESTATE BROKERS AND SALES AGENTS, REAL ESTATE INSPECTORS,  
HOME WARRANTY COMPANIES, EASEMENT AND RIGHT-OF-WAY AGENTS  
AND TIMESHARE INTEREST PROVIDERS**

**YOU CAN FIND MORE INFORMATION AND  
CHECK THE STATUS OF A LICENSE HOLDER AT**

**[WWW.TREC.TEXAS.GOV](http://WWW.TREC.TEXAS.GOV)**

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**YOU CAN SEND A COMPLAINT AGAINST A LICENSE HOLDER TO TREC  
A COMPLAINT FORM IS AVAILABLE ON THE TREC WEBSITE**

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**TREC ADMINISTERS TWO RECOVERY FUNDS WHICH MAY BE USED TO  
SATISFY A CIVIL COURT JUDGMENT AGAINST A BROKER, SALES AGENT,  
REAL ESTATE INSPECTOR, OR EASEMENT OR RIGHT-OF-WAY AGENT,  
IF CERTAIN REQUIREMENTS ARE MET**

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**IF YOU HAVE QUESTIONS OR ISSUES ABOUT THE ACTIVITIES OF  
A LICENSE HOLDER, THE COMPLAINT PROCESS OR THE  
RECOVERY FUNDS, PLEASE VISIT THE WEBSITE OR CONTACT TREC AT**



**TEXAS REAL ESTATE COMMISSION**

**P.O. BOX 12188**

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