

## AGENDA



Thursday, June 21, 2007

## Public Works

Item No. 65

## RECOMMENDATION FOR COUNCIL ACTION

---

**Subject:** Authorize the negotiation and execution of a Boundary Line and Exchange Agreement with Spring Austin Partners, Ltd., for the exchange of interests in right-of-way and approve an ordinance waiving fee requirements regarding the temporary use of right-of-way along a portion of West Third Street from Bowie Street to North Lamar Boulevard Sections 14-11-71 to 14-11-73 of the City Code regarding vacations of City right-of-way.

**For More Information:** Lauraine Rizer 974-7078, Gordon Bowman 974-2346, Laura Bohl 974-7064.

---

The City has initiated efforts to continue to redevelop the corridor along Caesar Chavez Street and West Third Street from Nueces Street to North Lamar Boulevard, which includes the Seaholm Project, the Green Water Treatment Plant, the proposed Gables Park Plaza development and the proposed Spring Condominium development. On June 7, 2007, the City Council approved the sale of an 11,376 square foot tract of land, commonly known as "301 N. Lamar", to Perry Lorenz, one of the Spring partners, for inclusion in the Spring development. On September 28, 2006, the City Council approved the execution of an agreement with the developers of the Spring Project to resolve a disputed boundary line along the property line of the 301 N. Lamar tract and the Spring Project property.

The developers of the Spring Project have presently offered to dedicate the additional fee right-of-way to resolve the additional title conflicts along the right-of-way of West Third Street abutting their development, which has resulted from overlapping property descriptions. The transaction will consist of the transfer of an approximately 32 square-foot tract of City right-of-way to the Spring developers and the dedication of approximately 1935.69 square feet by the Spring developers to the City and is permitted by Section 272.001 of the Texas Government Code. There is an additional 2013.79 square-foot sidewalk easement to be dedicated along West Third Street out of the Spring property. The resolution of these West Third Street right-of-way issues will help to facilitate the development of the other above-referenced projects in this area, including the Bowie Street Pedestrian Tunnel.

In addition, the Spring developers have requested a waiver of fiscal requirements regarding the use of right-of-way for street closure/temporary use of right-of-way along a portion of West Third Street from Bowie Street to North Lamar Boulevard and a portion of Bowie Street to the north of West Third Street. The relative values of the interests in property being dedicated and exchanged will support the waiver of at least a portion of the anticipated fees and has been determined on the basis of appraisal information. The Spring developers have also indicated that they will repave the road and install a ribbon curb on the south side when construction of their project is completed. City staff will bring forward a request to vacate the public easement, if necessary in the 32 square feet of disputed title to be conveyed to Spring Partners.

The proposed ordinance also waives notice requirements, processing and application timing requirements, and board and commission review contained in Sections 14-11-71 to 73 of the Code for vacations of right-of-way. The vacation, if necessary, is confined to only the 32 square feet of disputed title and only affects the Spring development. Waiver of these provisions will facilitate timely consideration by Council of a vacation if it is determined that a vacation is necessary.

The Boundary Line and Exchange Agreement will contain the agreement of the parties on these issues.