

AGENDA



Thursday, July 24, 2008

**Contract and Land Management
RECOMMENDATION FOR COUNCIL ACTION****Item No. 19**

Subject: Approve the termination of a 10 year lease for approximately 215.426 acres out of the Lime Creek Quarry Site located in Cedar Park, Texas.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

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The Austin Water Utility purchased the 215.426 acres located in Cedar Park in 1987 for future disposal of the lime byproduct of the water treatment process. Since that time, AWU has leased the site to excavate stone, rock and gravel.

In 2007 the State Legislature passed House Bill 2910, which prohibits the Utility from disposing of the lime byproduct without the City of Cedar Park's approval. The City of Austin has attempted to negotiate with the City of Cedar Park to get their approval for the disposal of the byproduct, but the City of Cedar Park is not interested. In 2007, the City of Cedar Park zoned the property as mixed use development, which means the property can no longer be used for its intended purpose. On May 8, 2008, Council approved the acquisition of a new site for the disposal of the lime byproduct.

The current lease requires nine month's notice and Council approval to terminate. This Council action serves as notice. Cancellation of this lease will place the tenant on a month to month lease, at the end of the nine month notice period, allowing flexibility as the City of Austin prepares to sell the property. The excavation at the site is a legal non-conforming use and can continue as long as the quarry remains in operation.