

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 490428-A TO (1) PROVIDE THAT THE 3871 SQUARE FOOT PROPERTY DESCRIBED AS THAT FORMER 13 FOOT PUBLIC ALLEY ABUTTING AUSTIN COMMUNITY COLLEGE PROPERTY AT WEST 12TH STREET AND SHOAL CREEK BOULEVARD BE RELEASED FROM THE CONDITION THAT IT BE KEPT OPEN TO THE PUBLIC FOREVER; (2) PROVIDE THAT SUCH 3871 SQUARE FOOT TRACT AND AN ADDITIONAL ABUTTING 993 SQUARE FOOT TRACT OF LAND BE RELEASED FROM THE SAME CONDITIONS IN DEED RECORDED AT VOLUME 960, PAGE 138, OF DEED RECORDS OF TRAVIS COUNTY, TEXAS; AND (3) ALLOW CONTROLLED ACCESS TO THE PROPERTY FOR UTILITY EASEMENT MAINTENANCE, REPLACEMENT, AND REPAIR; AND PROVIDE FOR EMERGENCY PASSAGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Findings.

- A. A certain 3871 square foot portion of a public alley was vacated and closed to public travel by Council action on April 29, 1949, under Ordinance 490428-A (the "Ordinance") under the condition that it be kept open to the public forever and that it be converted to a driveway to be kept open to the public forever.
- B. The Ordinance was recorded at Volume 930, Page 588, of the Deed Records of Travis County, Texas.
- C. The City deeded the 3871 square foot portion of the alley along with an additional abutting tract of 993 square feet (collectively, the "Property") to H.E. Butt Grocery Company, the predecessor in title to Austin Community College, the present fee owner of the property, which deed is recorded at Volume 960, Page 138, of the Deed Records of Travis County, Texas (the "Deed").
- D. The Deed subjected the entire Property to the same conditions set forth in the Ordinance.

- 1 E. Austin Community College currently desires to construct and maintain
2 certain improvements in a portion of the Property while not interfering with
3 established utility easements.
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5 F. The improvements will serve a public purpose.
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7 G. Controlled access shall be provided to the Property for the purposes of utility
8 easement maintenance, replacement and repair.
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10 **PART 2.** Ordinance No. 490428-A, which is of record at Volume 930, Page 588, of the
11 Deed Records of Travis County, Texas, is amended to release the Property from the
12 condition in the Ordinance that it be kept open to the public forever and that it be
13 converted to a driveway to be kept open to the public forever on the conditions that
14 controlled access shall be provided to the Property for the purposes of utility easement
15 maintenance, replacement and repair.
16

17 **PART 3.** The City Manager is authorized and directed to execute and record a release of
18 the Property from the provision in the Deed, that it be kept open to the public forever and
19 that it be converted to a driveway to be kept open to the public forever on the conditions
20 that controlled access shall be provided to the Property for the purposes of utility
21 easement maintenance, replacement and repair.
22

23 **PART 4.** The Council finds that the need for Austin Community College to be released
24 from the deed provision described above constitutes an emergency. Because of this
25 emergency, this ordinance takes effect immediately on its passage for the immediate
26 preservation of the public peace, health and safety.
27

28 **PASSED AND APPROVED**
29

30 §
31 §
32 _____, 2008 § _____
33 Will Wynn
34 Mayor
35

36
37 **APPROVED:** _____
38 David Allan Smith
39 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk