ORDINANCE NO. 860130-A

AN ORDINANCE DECLARING THE LIMITED PURPOSE JURISDICTION STATUS OF ALL SHORELINE PROPERTIES LYING ALONG LAKE AUSTIN BELOW THE 504.9' MEAN SEA LEVEL CONTOUR LINE; DECLARING THE FULL PURPOSE JURISDICTION OF THE LANDS LYING BENEATH THE NORMAL CONSERVATION POOL ELEVATION OF LAKE AUSTIN; DECLARING AN ERROR IN THE CITY OF AUSTIN'S 1985 TAX APPRAISAL ROLL; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

WHEREAS, by an 1891 legislative enactment, a portion of the Lake Austin shoreline properties between the normal conservation pool level of Lake Austin and the 504.9' mean sea level contour line was included within the limits of the City of Austin; and,

WHEREAS, in 1928, the City of Austin redefined the boundaries of the corporate City limits to specifically include all lands along Lake Austin and below 504.9' mean sea level; and,

WHEREAS, the City of Austin has not regularly and routinely provided comparable municipal services such as construction and maintenance of street, water, and wastewater facilities, or police and fire protection because of the difficulty in economically providing such services to the very sparsely populated suburban areas clustered along the rugged terrain on both sides of Lake Austin; and,

WHEREAS, substantial confusion regarding the status of voting rights of the residents living along the Lake Austin shoreline, below the respective north shore and south shore 504.9' mean sea level contour lines has existed because of the inability to exactly locate said contour lines without doing an on-the-ground survey; and,

WHEREAS, because of its special status within the City of Austin, Lake Austin shoreline properties below the respective 504.9' mean sea level contour lines have never been taxed by the City of Austin; and,

WHEREAS, certain services normally provided in limited purpose jurisdiction areas, including planning and zoning controls, have been long provided in this area; and,

WHEREAS, it is appropriate to clarify the status of the Lake Austin shoreline properties below the respective north shore and south shore 504.9' contour lines, and to avoid any future confusion over the respective rights and duties of Lake Austin shoreline residents or the respective rights and duties of the City of Austin; Now, Therefore,

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

PART 1. That all lands lying along Lake Austin, between the north shore 492.8' mean sea level contour line, said line being the normal conservation pool elevation of Lake Austin, and the north shore 504.9' mean sea level contour line, upstream of the Capital of Texas Highway bridge (Loop 360), and all lands lying along Lake Austin, between the south shore 492.8' mean sea level contour line, said line being the normal conservation pool elevation of Lake Austin, and the south shore 504.9' mean sea level contour line, upstream of Tom Miller Dam, and more particularly described by the parcel number listing attached hereto and incorporated herein by reference as Exhibit "A," shall be treated, from W the effective date of this ordinance, according to the same tax collection policy which prevailed with regard to said tracts from the 1891 through the 1984 tax years, until all City services are available for said tracts and the City Council, by resolution, orders taxes to be collected on all or part of the value of said tracts.

<u>PART 2.</u> That the City of Austin declares and recognizes that all lands lying between the north shore 492.8' mean sea level contour line and the south shore 492.8' mean sea level contour line, such lines comprising the normal conservation pool level of Lake Austin, are full purpose jurisdiction lands of the City of Austin, and have been at all times since the 1891 Act of Incorporation.

<u>PART 3.</u> That the request to list the aforedescribed property on the City's tax appraisal roll for the 1985 tax year was made in error, and the Chief Appraiser of the Travis County Appraisal District is hereby requested to move the Travis County Appraisal Review Board to correct the City's tax appraisal roll by written order and notify the Travis County Assessor of this action.

<u>PART 4.</u> If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portion of this Ordinance or its application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council and the City of Austin in adopting, and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Whereas an emergency exists concerning the safe, PART 5. orderly and healthful growth and development of the City; and in order to clarify the rights, duties, and responsibilities of the various emergency service jurisdictions, including but not limited to the Travis County Sheriff's office, volunteer fire departments, and Travis County rural fire prevention districts, as well as the rights, duties, and responsibilities of the comparable City of Austin emergency service departments; and whereas such emergency requires that this Ordinance become effective immediately upon its passage in order to assure the immediate preservation of the public peace, health, safety and general welfare; therefore, the rule requiring the reading of ordinances on three separate days is hereby suspended and this Ordinance shall become effective immediately upon its passage, as provided by the Charter of the City of Austin.

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PASSED AND APPROVED

January 30 , 1986

S S S Frank C. Cooksey

Mayor

APPROVED: Paul C. Isham

City Attorney

ATTEST: James C. ald / James E. Aldridge City Clerk

30JAN86 DLG:mtc 1/DG

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