

**ORDINANCE NO.**

**AN ORDINANCE VACATING THE WEST HALF OF SAN ANTONIO STREET BETWEEN 4<sup>TH</sup> AND 5<sup>TH</sup> STREETS TO THE UNITED STATES GENERAL SERVICES ADMINISTRATION; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MASTER AGREEMENT WITH THE UNITED STATES GENERAL SERVICES ADMINISTRATION COVERING ITS USE OF CITY PROPERTY AND OTHER MATTERS RELATED TO A NEW FEDERAL COURTHOUSE; ACCEPTING PAYMENT OF \$1.2 MILLION FOR USE OF THAT CITY PROPERTY; AMENDING CHAPTER 12-1 OF THE CITY CODE TO PROHIBIT VEHICULAR TRAFFIC AND SPECIFY WHERE UTILITIES MAY BE LOCATED ADJACENT TO THE FEDERAL COURTHOUSE; AND WAIVING CERTAIN FEES AND CITY CODE REQUIREMENTS.**

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

**PART 1.** The west half of the right-of-way of San Antonio between 4<sup>th</sup> and 5<sup>th</sup> streets is vacated to the GSA, subject to an easement for the maintenance, replacement, and upgrading of existing utilities and non-vehicular access by the public.

**PART 2.** The City Manager is authorized to negotiate and execute a master agreement with the United States General Services Administration (“GSA”) covering GSA’s use of the right-of-way in the streets adjacent to Block 46 of the Original City of Austin and any other adjacent City property to facilitate the construction and operation of the new federal courthouse on that block (“Federal Courthouse Project”). The agreement shall include easements and licenses for the installation and maintenance of vehicular barriers, landscaping and other improvements; utility easements and adjustments; the conversion of the area between the Federal Courthouse Project and Republic Square into a pedestrian way and plaza; and any other matter related to the Federal Courthouse Project.

**PART 3.** As consideration for the GSA’s use of the City’s property interests for the Federal Courthouse Project, the Council accepts the payment of \$1.2 million and directs that it be used for improvements to Republic Square. The City Manager shall determine the amount of all fees previously paid by or on behalf of the GSA for the Federal Courthouse Project and credit it against the foregoing amount. Fees previously paid shall also be used for improvements to Republic Square.

**PART 4.** All requirements to post fiscal security and the following utility fees totaling \$67,000 are waived for the Federal Courthouse Project.

Water/Wastewater

Temporary Water - \$4,500

Water Meters including Capital Recovery - \$48,500

Austin Energy

Temporary Power - \$14,000

**PART 5.** The vacation and waivers in Parts 3 and 4 of this ordinance are effective upon and execution of the master agreement authorized by Part 1 of this ordinance and payment of the amount accepted in Part 2 of this ordinance.

**PART 6.** Chapter 12-1 (*Traffic Regulation and Administration*) of the City Code is amended to add a new Section 12-1-18 to read as follows:

Section 12-1-18 SAN ANTONIO STREET BETWEEN THE FEDERAL COURTHOUSE AND REPUBLIC SQUARE.

- (A) The right-of-way of San Antonio Street between 4<sup>th</sup> and 5<sup>th</sup> streets may be used only as a pedestrian plaza for non-vehicular traffic.
- (B) Utilities may be installed and relocated within the existing and former right-of-way of San Antonio Street between 4<sup>th</sup> and 5<sup>th</sup> streets only as provided in agreements between the City and the United States General Services Administration.
- (C) The traffic engineer may adopt rules, install traffic control devices, or take any other action reasonably necessary to implement this section.

**PART 7.** Council waives the requirements of Chapter 14-11 of the City Code for right-of-way vacations.

**PART 8.** This ordinance takes effect on \_\_\_\_\_, 2009.

**PASSED AND APPROVED**

\_\_\_\_\_, 2009      § \_\_\_\_\_  
§ \_\_\_\_\_  
§ \_\_\_\_\_

Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk