

AGENDA



Thursday, December 16, 2010

**Contract and Land Management
RECOMMENDATION FOR COUNCIL ACTION****Item No. 2**

Subject: Approve an ordinance releasing the dedication by separate instrument of an unaccepted public roadway easement recorded at Volume 3909, Page 1003, of the Real Property Records of Travis County, Texas, containing 1.22 acres of land known as "White Crowe Trail" to the abutting owners, subject to the retention of any established private rights in the easement and the separate public utility easement in the property.

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

For More Information: Lauraine Rizer 974-7078, Amanda Glasscock 974-7173, Sarah Terry 974-7141

The request for the release of the offer of dedication of the roadway easement nominally known as White Crowe Trail has been submitted by Henry Gilmore on behalf of the majority owners along the offered dedication, including Boat Town, Inc., BSS Austin, Ltd., and LJC Real Estate Ltd.

On May 6, 1970, a roadway and a public utility easement were dedicated to the City of Austin by separate instrument recorded at Volume 3909, Page 1003, of the Real Property Records of Travis County, Texas. The Directors of the City's Public Works Department and Transportation Department have approved the release of the roadway easement dedication known as White Crowe Trail because the roadway has never been accepted or constructed by the City of Austin and "does not serve a present or future public purpose" as a roadway. The majority landowners have requested the release of the dedication of the public roadway easement and all of the other landowners adjacent to the dedication have consented, subject to the retention of any private rights in the easement. The separate public utility easement along the dedicated area described as White Crowe Trail, which was accepted by the action of the Austin Water Utility in constructing a waterline, will remain in place and will not be released.

Distinction between Release and Vacation

In the case of a release of an unaccepted dedication of an easement, there is no requirement for review and recommendation by any commission and there is no requirement for the sale of the offer of dedication at appraised value. The only standard for release is that the offer of dedication serve no present or future public purpose or be in the category of easements of "significant public interest." No ownership of the offer of dedication by the City is presumed.

In the case of the vacation of accepted right-of-way, there is the requirement for review and recommendation by the Urban Transportation and Planning Commissions and there is a requirement for the sale of the right-of-way at appraised value. The standard for vacation of accepted right-of-way is that the right-of-way serves no present or future public purpose, and the Code presumes that the City has an ownership interest in the right-of-way.