

**ORDINANCE NO.**

**AN ORDINANCE VACATING THE PORTION OF COLORADO STREET BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> STREETS AND CERTAIN OTHER CITY-OWNED RIGHT OF WAY SURROUNDING THE TEXAS GOVERNOR'S MANSION; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MASTER AGREEMENT WITH THE STATE OF TEXAS REGARDING THE USE OF VACATED CITY RIGHT OF WAY AND OTHER MATTERS RELATED TO THE CONSTRUCTION AND MAINTENANCE OF NEW SECURITY IMPROVEMENTS FOR THE TEXAS GOVERNOR'S MANSION; AMENDING CHAPTER 12-1 OF THE CITY CODE TO LIMIT VEHICULAR TRAFFIC AND SPECIFY WHERE UTILITIES MAY BE LOCATED ON THE VACATED PORTION OF COLORADO STREET; AND WAIVING CERTAIN REQUIREMENTS UNDER CHAPTER 14-11 OF THE CITY CODE RELATING TO RIGHT-OF-WAY VACATIONS.**

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

**PART 1.** The City's right, title and interest in and to the portion of Colorado Street between 10<sup>th</sup> and 11<sup>th</sup> Streets and the City-owned sidewalks immediately adjacent to and surrounding the Texas Governor's Mansion, as more particularly described and depicted on Exhibit A attached to this ordinance (collectively, the "ROW Area"), is hereby vacated; provided, however, the City's expressly reserves from the vacation certain utility and public access easements affecting the ROW Area as more particularly described in the Master Agreement defined in Part 2 of this ordinance.

**PART 2.** The City Manager is authorized to negotiate and execute a master agreement with the State of Texas (the "State") regarding the City and State's use of the ROW Area for utility and security purposes (the "Master Agreement"). The Master Agreement will address, among other things, the easements described in Part 1 of this ordinance, responsibility for the installation and maintenance of vehicular barriers, landscaping, utilities, bicycle- and pedestrian-friendly amenities and other improvements within the ROW Area, and reimbursement to the State for certain expenses incurred in connection with relocating City-owned utilities within the ROW Area in an amount not to exceed \$178,440.90.

**PART 3.** As consideration for the City's agreement to vacate its right, title and interest in and to the ROW Area, the State will redevelop the ROW Area into a bicycle- and pedestrian-friendly amenity and make certain other improvements to the ROW Area as described in the Master Agreement (collectively, the "State ROW Improvements") at the State's sole cost and expense. The State estimates that the actual cost to complete the State ROW Improvements is \$450,000. If the actual cost to complete the State ROW

Improvements is less than \$450,000, the State will pay the City the difference between the actual completion costs of the State ROW Improvements and \$450,000.

**PART 4.** The City Council waives Chapter 14-11 (*Use of Right-of-Way*), Article 1, Division 4, Sections 14-11-71 through 14-11-75 of the City Code for purposes of the right-of-way vacation described in this ordinance.

**PART 5.** The vacation and waivers described in Parts 1 and 4 of this ordinance, respectively, become effective upon the execution of the Master Agreement by the duly authorized representatives of the City and the State.

**PART 6.** Chapter 12-1 (*Traffic Regulation and Administration*), Article 2 of the City Code is amended to add a new Section 12-1-19 to read as follows:

Section 12-1-19 COLORADO STREET BETWEEN 10<sup>th</sup> STREET and 11<sup>th</sup> STREET.

- (A) The portion of Colorado Street located between 10<sup>th</sup> and 11<sup>th</sup> Streets may be used only by bicyclists, pedestrians, mobility-impaired individuals using motorized mobility devices, and emergency and utility repair vehicles only.
- (B) Utilities may be installed and relocated within the portion of Colorado Street located between 10<sup>th</sup> and 11<sup>th</sup> Streets only as provided in agreements between the City and the State of Texas.
- (C) The traffic engineer may adopt rules, install traffic control devices, or take any other action reasonably necessary to implement this section.

**PART 7.** This ordinance takes effect on \_\_\_\_\_, 2011.

**PASSED AND APPROVED**

\_\_\_\_\_, 2011

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Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk