

ORDINANCE NO. 20110818-019

AN ORDINANCE VACATING THE PORTION OF COLORADO STREET BETWEEN 10TH AND 11TH STREETS AND CERTAIN OTHER CITY-OWNED RIGHTS-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 RIGHTS-OF-WAY; AMENDING CHAPTER 12-1 OF THE CITY CODE TO LIMIT VEHICULAR TRAFFIC ON THE VACATED PORTION OF COLORADO STREET; AND WAIVING CERTAIN REQUIREMENTS UNDER CHAPTER 14-11 OF THE CITY CODE RELATING TO VACATION OF RIGHT-OF-WAY.

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 10th and 11th 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 \$164,542.00.

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.

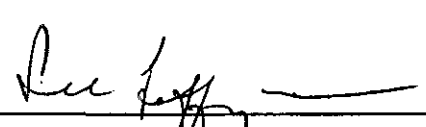
PART 6. Chapter 12-1 (*Traffic Regulation and Administration*), Article 2 of the City Code is amended to add a new Section 12-1-19 to read as follows:

§ 12-1-19 COLORADO STREET BETWEEN 10th STREET and 11th STREET.

- (A) The portion of Colorado Street located between 10th and 11th 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 10th and 11th 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 August 29, 2011.

PASSED AND APPROVED

_____, August 18, 2011 §
 §
 § 
 Lee Jeffingwell
 Mayor

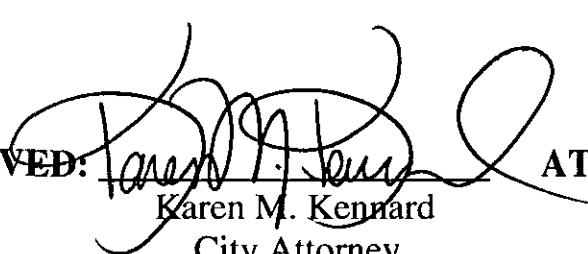
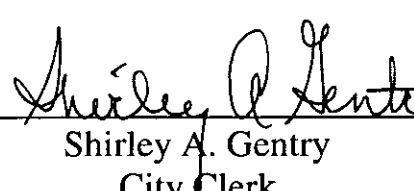
APPROVED:  ATTEST: 
 Karen M. Kennard Shirley A. Gentry
 City Attorney City Clerk

EXHIBIT A

0.904 ACRE
R.O.W. ADJACENT TO BLOCK 125
ORIGINAL CITY OF AUSTIN

FN.NO. 11-114(ACD)
APRIL 15, 2011
BPI JOB NO. 1648-04

DESCRIPTION

OF A 0.904 ACRE TRACT, BEING OUT OF THE WEST 10TH STREET (80' R.O.W.), WEST 11TH STREET (80' R.O.W.), AND LAVACA STREET (80' R.O.W.) RIGHTS-OF-WAY ADJACENT TO BLOCK 125, ORIGINAL CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT ON FILE AT THE TEXAS GENERAL LAND OFFICE; ALSO BEING OUT OF THE COLORADO STREET (80' R.O.W.) ADJACENT TO SAID BLOCK 125 AND BLOCK 124, OF SAID ORIGINAL CITY OF AUSTIN; SAID 0.904 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a PK nail with washer set at the intersection of the easterly right-of-way line of said Lavaca Street and the southerly right-of-way line of said West 11th Street, being the northwesterly corner of said Block 125, for the most northerly interior corner hereof;

THENCE, leaving said Block 125, over and across said West 11th Street and said Colorado Street rights-of-way, for a portion of the irregular northerly line hereof, the following four (4) courses and distances:

- 1) N17°54'18"E, a distance of 18.16 feet to a calculated point, for an angle point;
- 2) S72°09'44"E, a distance of 316.15 feet to a calculated point in the calculated centerline of said Colorado Street, for an angle point;
- 3) S17°54'18"W, along the calculated centerline of said Colorado Street, a distance of 9.52 feet to a calculated point, for an angle point;
- 4) S72°04'43"E, a distance of 39.97 feet to a calculated point at the projection of the westerly line of said Block 124, for the northeasterly corner hereof;

THENCE, S17°54'18"W, continuing over and across said West 11th Street right-of-way, along the projection of the westerly line of said Block 124, at 9.11 feet passing a PK nail with washer set at the intersection of said southerly right-of-way line of West 11th Street and the easterly right-of-way line of said Colorado Street, being the northwesterly corner of said Block 124, and continuing along the westerly line of said Block 124, being said easterly right-of-way line of Colorado Street, at 285.42 feet passing a PK nail found at the southwesterly corner of said Block 124, being the intersection of said easterly right-of-way line of Colorado Street and the northerly right-of-way line of West 10th Street, and continuing along a projection of the westerly line of said Block 124, over and across said West 10th Street right-of-way, for the easterly line hereof, a total distance of 300.05 feet to a calculated point, for the southeasterly corner hereof;

THENCE, over and across said West 10th Street, said Colorado Street, Said Lavaca Street, and said West 11th Street rights-of-way, for the southerly, westerly, and a portion of the irregular northerly lines hereof, the following five (5) courses and distances:

- 1) N72°30'35"W, a distance of 39.97 feet to a calculated point in the calculated centerline of said Colorado Street, for an angle point;
- 2) S17°54'18"W, along the calculated centerline of said Colorado Street, a distance of 7.55 feet to a calculated point, for an angle point;
- 3) N72°27'24"W, a distance of 325.62 feet to a calculated point, for the southwesterly corner hereof;
- 4) N17°52'20"E, a distance of 319.10 feet to a calculated point, for the northwesterly corner hereof;
- 5) S72°09'44"E, a distance of 9.65 feet to a calculated point, for an angle point;

THENCE, S17°54'18"W, continuing over and across said West 11th Street right-of-way, at 18.16 feet passing said **POINT OF BEGINNING**, and continuing along the westerly line of said Block 125, being said easterly right-of-way line of Lavaca Street, for a portion of the irregular northerly line hereof, for a total distance of 294.37 feet to a 1/2-inch iron rod with cap set at the southwesterly corner of said Block 125, being the intersection of said easterly right-of-way line of Lavaca Street and said northerly right-of-way line of West 10th Street, for an angle point;

THENCE, S72°03'37"E, along said northerly right-of-way line of West 10th Street, being the southerly line of said Block 125, for a portion of the irregular northerly line hereof, a distance of 276.11 feet to a 1/2-inch iron rod found at the southeasterly corner of said Block 125, being the intersection of said northerly right-of-way line of West 10th Street and the westerly right-of-way line of said Colorado Street, for an angle point;

THENCE, N17°54'18"E, along the easterly line of said Block 125, being said westerly right-of-way line of Colorado Street, for a portion of the irregular northerly line hereof, a distance of 276.29 feet to a PK nail with washer set in storm grate at the northeasterly corner of said Block 125, being the intersection of said westerly right-of-way line of Colorado Street and said southerly right-of-way line of West 11th Street, for an angle point;


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APRIL 15, 2011
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THENCE, N72°04'37"W, along the northerly line of said Block 125, being said southerly right-of-way line of West 11th Street, for a portion of the irregular northerly line hereof, a distance of 276.11 feet to the POINT OF BEGINNING, and containing 0.904 acre (39,383 square feet) of land, more or less, within these metes and bounds.

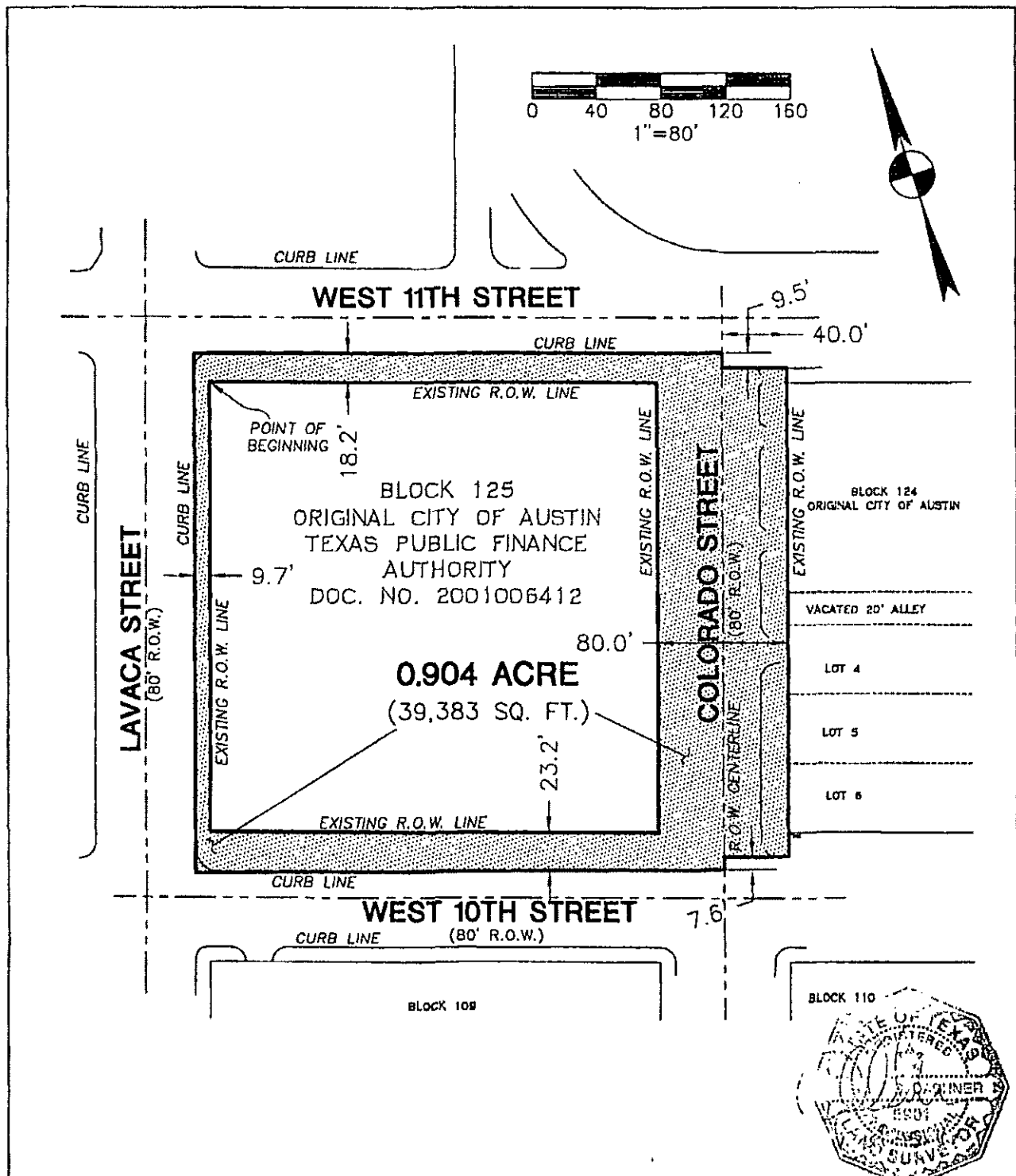
BEARING BASIS: THE WESTERLY RIGHT-OF-WAY LINE OF COLORADO STREET, AS SHOWN ON THE SURVEY PERFORMED BY SIMPSON-LENZ AND ASSOCIATES, DATED AUGUST 28, 1996.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
221 WEST SIXTH STREET SUITE 600
AUSTIN, TEXAS 78701

 4-15-11
ABRAM C. DASHNER
R.P.L.S. NO. 5901
STATE OF TEXAS





Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
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SKETCH TO ACCOMPANY DESCRIPTION

OF A 0.904 ACRE TRACT OUT OF THE WEST 10TH STREET, WEST 11TH STREET, COLORADO STREET, AND LAVACA STREET RIGHTS-OF-WAY ADJACENT TO BLOCK 125, ORIGINAL CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT ON FILE AT THE TEXAS GENERAL LAND OFFICE.

R.O.W. VACTION
EXHIBIT

DATE: 04/08/11 FILE: H:\1648\04\164804ex2.dwg FN No.: 11-114(ACD) DRAWN BY: ACD PROJ. No: 1648-04

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