

RESOLUTION NO.

WHEREAS, City Code Section 25-8-651 (*Relocation of Shoreline between Tom Miller Dam and Longhorn Dam*) requires City Council approval for relocation of the existing shoreline of the Colorado River, between Tom Miller Dam and Longhorn Dam, and below a contour elevation of 435 feet above mean sea level; and

WHEREAS, the City of Austin's Waller Creek Tunnel Project will relocate the shoreline of Lady Bird Lake at Waller Beach in order to construct the tunnel outlet as shown in Exhibit A; and

WHEREAS, the applicant has demonstrated to the satisfaction of the City Council that approving the application and allowing the shoreline relocation for the Waller Creek Tunnel Project:

- (1) will not endanger a water supply, water supply system, storm or sanitary sewer facility, or other public utility facility;
- (2) will not create a hazard to navigation or swimming;
- (3) will not create a hazard to the safety, maintenance and operation of a dam, bridge, or other structure not owned by the applicant; and
- (4) will not materially and adversely affect the use and enjoyment of other property on the Colorado River between the Tom Miller Dam and Longhorn Dam; and

WHEREAS, City Council has determined that if similar applications were granted for all similarly situated properties, the water storage or flood capacity of the Colorado River basin would not be materially reduced; **NOW, THEREFORE**,

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

The City Council approves the relocation of the shoreline of Lady Bird Lake for the Waller Creek Tunnel Project, as described in site plan number SPC-2009-0362 (R1) and shown in Exhibit A.

ADOPTED: _____, 2011 **ATTEST:** _____
Shirley A. Gentry
City Clerk