

RESOLUTION NO. _____

WHEREAS, the City Council was requested to conduct a public hearing to consider the permanent use of approximately 130,283 square feet of land for the construction, operation, maintenance, repair and replacement of a permanent rainwater storage and storm water quality system (the “Proposed Use”) through dedicated parkland known as Shoal Beach at Town Lake Park on West Cesar Chavez Street, Austin, Texas to support the Seaholm Power Plant Project.

WHEREAS, the land being used for the Proposed Use is in two components described as approximately 24,489 square feet of land on the south side of West Cesar Chavez Street described in Exhibit A and approximately 105,794 square feet of land on the north side of West Cesar Chavez Street described in Exhibit B, both within Shoal Beach parkland (collectively, the “Affected Land”).

WHEREAS, in Ordinance No. 20080410-023, passed and approved by the City Council on April 10, 2008 to be effective April 21, 2008, the City directed and authorized the City Manager to negotiate and execute a Master Development Agreement with Seaholm Development LLC for the redevelopment of the property currently known as the Seaholm Power Plant on West Cesar Chavez Street, Austin, Texas.

WHEREAS, the City Manager and Seaholm Power Development, LLC executed that Master Development Agreement effective June 17, 2008.

WHEREAS, the Economic Growth and Redevelopment Services Office (“EGRSO”) through the City of Austin’s development partner, Seaholm Power Development, LLC, is proposing to utilize parkland for the Proposed Use to support the Seaholm Power Plant Redevelopment project.

WHEREAS, notice of the public hearing to be held on November 1, 2012 was given for three consecutive weeks on October 7, 14, and 21, 2012 in a newspaper of general circulation; and

WHEREAS, such public hearing was held on November 1, 2012 by the City Council to consider the use of Affected Land for the Proposed Use.

NOW, THEREFORE,

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

Having taken into account clearly enunciated local preferences, the City Council finds that there is no feasible and prudent alternative to the use of the Affected Land for the Proposed Use, and that all reasonable planning has been done to minimize harm to the Affected Land from the Proposed Use. The use of the Affected Land for the Proposed Use is approved.

The City Manager is authorized to take such measures as may be necessary, favorable or required to effectuate the purpose and intent of this resolution.

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