

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	20303	Agenda Number	110.
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Meeting Date:	12/6/2012	Department:	Office of Real Estate Services
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Subject

Conduct a public hearing in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code and consider a resolution approving the change in use and conveyance of approximately 17,279 square feet of land in fee simple to Steve and Michele Turnquist through the Balcones Canyonland Preserve tract known as Cortana, located along River Place Boulevard. Related to Item # 30.

Amount and Source of Funding

Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing Language:

Prior Council Action:

For More Information: Junie Plummer 974-7085; William Conrad 972-1661; Lauraine Rizer 974-7078; Amanda Glasscock 974-7173.

Boards and Commission Action: To be reviewed by the BCP Coordinating Committee December 5, 2012.

MBE / WBE:

Related Items:

Additional Backup Information

Chapter 26 of the Texas Parks and Wildlife Code provides that the use of park, recreation area, scientific area, wildlife refuge or historic property for non-protected purposes may be approved upon a finding that there is no feasible and prudent alternative and that all reasonable planning to minimize harm to the use of this land has been done.

The City of Austin (City) owns approximately 1,752 acres commonly known as Cortana that is managed as part of the BCP. When the City acquired the BCP Cortana tract in 1993, the City also entered into an access easement agreement with a neighboring landowner, Aubrey Smith. The City granted Mr. Smith this access easement because its new BCP property holding severed his access to Leonard East Road. This road was formerly a county road. Since that time the River Place Subdivision has been built out and Mr. Smith's successor, Steve Turnquist, no longer needs most of this easement for ingress and egress to his property.

When section 16 of River Place was re-platted in 2005, lots in the subdivision were platted across Leonard East Road, extinguishing the City's direct access to the southern portion of the very large Cortana tract. This loss of access

created a public safety threat because there is no longer direct access to public roads from Cortana for fire departments or law enforcement agencies to access several hundred acres that are bounded by the communities of River Place and Steiner Ranch.

In 2011 Mr. Turnquist proposed an exchange of land and land rights with the City that would convey more than half of his access easement back to the City and proposed providing the City with access easements connecting the southern end of Cortana across private land in River Place to a public road known as Big View Drive. In exchange Mr. Turnquist asked the City to convey to him fee title to the remainder of his original access easement. This agreement would also resolve several points of disagreement between Turnquist and the City with respect to compliance with the original access easement.

This proposed agreement would provide Mr. Turnquist with direct control of the portion of the original access easement that includes the driveway and public service infrastructure that serve his home. The City would gain direct access for emergency services and for land management activities.

Because of the lack of direct access to Cortana for fire, police, and EMS, staff recommends that the City pursue this agreement in the manner prescribed in Chapter 272.001 (b)(3) of Texas Local Government Code in order to resolve an imminent threat to public health and safety. This section of State code provides that real property may be sold or exchanged without bidding when land originally acquired for an easement is exchanged for other land to be used as streets, rights of way, or easements. In this case the City will receive land and interests in land to provide access easements and right of way to promote public safety on the Cortana tract in exchange for the land that Turnquist receives in fee title.

An independent third party appraisal has established the fair-market value of the proposed area being conveyed to Turnquist in the amount of \$120,348 and the easement area conveyed to the City in the amount of \$164,422.

Staff is seeking authorization to negotiate and execute an agreement with Mr. Turnquist to implement his proposal.

There is no feasible and prudent alternative to the use of the protected land which includes all reasonable planning to minimize harm to such lands. The dates of public notification in the Austin American-Statesman are November 11, 18 and 25, 2012.