

A G E N D A



Recommendation for Council Action (Real Estate)

Austin City Council

Item ID:

26215

Agenda Number

21.

Meeting Date:

August 8, 2013

Department:

Office of Real Estate Services

Subject

Approve an ordinance amending City Code Chapter 14-11 related to permanent encroachments in the public right-of-way.

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:

Andy Halm 974-7185; Chris Muraidda 974-7191; Lauraine Rizer 974-7078; Amanda Glasscock 974-7173.

Boards and
Commission
Action:

MBE / WBE:

Related Items:

Additional Backup Information

Under existing Code provisions, a person must submit an application, for approval under the authority of the City Manager, to obtain rights for the private use of City-owned property. City Code Section 14-11 currently specifies three processes by which the City may grant or transfer certain real property rights to individuals or entities: the release of public easements, a license for the private use of public property, and the vacation of public right-of-way. The ordinance proposed for approval would amend this section of the Code to specify a fourth process, allowing for the permanent encroachment of private structures into public right-of-way.

Currently, the City's license for the private use of public property (such as right-of-way) is temporary and short-term, insofar as it is paid for by an annual use fee, and may be terminated by City Council with 90 days' notice. As an alternative, the vacation of public right-of-way to a private property owner is permanent and irrevocable, for it transfers the property from the City to the private individual. (The City may retain certain easements over the property being vacated.)

It is anticipated that the proposed encroachment agreements process between the City and private property owners will allow for greater flexibility in the City's review and oversight of proposed developments or improvements which may encroach in, under or over a portion of a City sidewalk or street. The permanent encroachment concept more usefully applies to private uses considered "permanent", such as aerially encroaching building features or subsurface structures, but does not require that the City relinquish title to its valuable right-of-way, or its ability to enforce the long-term maintenance and public accessibility of said right-of-way.