

RESOLUTION NO.

WHEREAS, the Texas Department of Transportation (TxDOT) and the Central Texas Regional Mobility Authority (CTRMA) have embarked on the MoPac Improvement Project to build an express lane in each direction from Cesar Chavez to Parmer Lane; and

WHEREAS, the Project provided for certain impacted neighborhoods to determine whether concrete sound walls would be a welcome benefit to mitigate vehicular noise from MoPac Expressway; and

WHEREAS, the City Council passed Resolution No. 20111103-032 on November 3, 2011, which ratified the affected property owners' wishes to permit construction of Sound Wall #3 within the City of Austin right of way from approximately 2222 to south of Far West Boulevard and entered into a related interlocal agreement with the CTRMA on September 13, 2012; and

WHEREAS, prior to these Council decisions TxDOT sent a ballot via certified mail to eligible property owners who abut the proposed sound wall, and the balloting resulted in a vote of 26 in favor, 3 opposed, and 16 no response in favor of constructing Sound Wall #3; and

WHEREAS, TxDOT followed the federally mandated process for identifying property owners eligible to vote, notifying them of the project, and conducting an official vote regarding Sound Wall #3; and

WHEREAS, TxDOT and CTRMA community meetings provided extensive information about the proposed sound walls, but the ballots from eligible voters did not include specific details about the location, height, or material of the proposed walls; and

WHEREAS, since that time, affected property owners and interested citizens have become more fully informed and have expressed concerns about the portion of Sound Wall #3 north of Bullard Drive along Great Northern Boulevard; and

WHEREAS, the most serious citizen concerns include that the majority of Sound Wall #3 will be 20 feet in height located 5 feet west of Great Northern Boulevard along a portion of the road used heavily by cyclists and pedestrians and that houses north of Bullard Drive front onto Great Northern Boulevard and their views to the west will be dominated by Sound Wall #3; and

WHEREAS, the TxDOT vote reflects the highest level of support from residents south of Bullard Drive; and

WHEREAS, more recent neighborhood polls of residents north of Bullard Drive suggest that less support now exists than did previously for Sound Wall #3 and that the northern section might not receive a majority vote in favor if the residents were re-pollled; and

WHEREAS, other sound walls along MoPac are significantly shorter in length and thus smaller numbers of property owners made decisions about walls closer to their residences; and

WHEREAS, Sound Wall #3 has not yet been fully designed and construction is not anticipated to begin until Summer of 2014; and

WHEREAS, the Texas Department of Transportation and CTRMA along with the Federal Highway Administration will determine whether

Sound Wall #3 would meet the criteria of being reasonable and feasible if only the portion south of Bullard is constructed; **NOW, THEREFORE,**

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

The City Manager is directed to communicate to the Texas Department of Transportation and CTRMA that the City of Austin has concerns about the construction of Sound Wall #3 north of Bullard Drive and intends to revisit its approval of this portion of the interlocal agreement and the granting of right-of-way access.

The City Manager is further directed to re-poll individuals identified by CTRMA as eligible voters north of Bullard Drive and to report the results to Council by January 30, 2014. The City Manager is further directed to include in this report an outline of available options for Council consideration.

ADOPTED: _____, 2013 **ATTEST:** _____

Jannette S. Goodall
City Clerk