

RESOLUTION NO.

WHEREAS, the City Code Section 14-11, Article 1(*Disposition of Public Easements and Rights-of-Ways*) addresses four mechanisms by which the City conveys rights to public property:

1. Division 2 - Release of Public Easements,
2. Division 3 - License for Private Use of Public Property,
3. Division 4 - Permanent Encroachment of Public Right-of-Way,
4. Division 5 - Vacation of Public Right-of-Way; and

WHEREAS, in transactions for all but the release of public easements, the City is compensated for the fair market value of the City's rights that are conveyed; and

WHEREAS, the value of the release of a public easement to another party is significant in some cases and minor in others; and

WHEREAS, several aspects of capturing the value of the release of a public easement should be considered to ensure that it is operationally feasible, efficient and fair; and

WHEREAS, the ability to provide for the permanent encroachment of a public right-of-way under City Code Section 14-11, Division 4 (*Permanent Encroachment of Public Rights-of-Way*) was added to the City Code by Ordinance No. 20130808-021 on August 8, 2013; and

WHEREAS, a review across all of the Divisions of City Code Section 14-11, Article 1 (*Disposition of Public Easements and Rights-of-Ways*) and

consideration of approaches by other cities may suggest enhancements to improve consistency and other updates; **NOW, THEREFORE,**

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

The City Manager is directed to develop recommendations, including conducting a stakeholder group meeting, for modifications to City Code Section 14-11, Article 1 (*Disposition of Public Easements and Right-of-Ways*) to capture the value of the release of public easements by the City (described in Division 2), and to enhance the consistency and make other improvements across all Divisions of the Article.

The recommendations should consider (a) the public benefit to the City, (b) the manner by which the City initially acquired the easement, and (c) limiting the scope of easement releases to ensure administrative efficiency and should ensure that future projects, not currently in the development process, fairly compensate the City for the release of a public easement.

The City Manager is further directed to provide a status report to Council by October 15, 2014 and to post the recommendation for Council action at the November 6, 2014 meeting.

ADOPTED: _____, 2014 **ATTEST:** _____

Jannette S. Goodall
City Clerk