

RESOLUTION NO. 20150625-019

WHEREAS, on December 13, 2012, Council authorized negotiation and execution of a 25-year agreement with one 10-year extension option with the West Austin Youth Association (WAYA) concerning the use and improvements to a portion of Lamar Beach and Town Lake Metropolitan Park at WAYA's expense; and

WHEREAS, on August 1, 2013 a Parkland Improvement and Land Use Agreement between the City and WAYA was executed; and

WHEREAS, the Pressler Street extension project and the process to complete a Master Plan for the Lamar Beach and Town Lake Metropolitan Park may impact the use of and improvements to the Lamar Beach Metro Park; and

WHEREAS, on August 7, 2014, Council enacted Resolution Number 20140807-114 directing the City Manager to negotiate an amendment to the 2013 Agreement to, among other things, extend the 2013 Agreement to a 50-year term with a 25-year extension option; and

WHEREAS, on May 21, 2015, Council was presented with an Amendment to the 2013 Agreement conforming to Resolution Number 20140807-114, and voted to postpone action indefinitely amid concerns regarding the term of the Amendment;

NOW, THEREFORE,

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

Resolution Number 20140807-114 is amended to:

From Mayor Adler

June 25, 2014

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- (1) Direct the City Manager to negotiate and execute an amendment to the existing Parkland Improvement and Land Use Agreement with West Austin Youth Association consistent with the terms of this Resolution;
- (2) Direct that the Amendment change the start date of the 25-year term [from the effective date of the 2013 Agreement] to the construction completion date established in the initially approved construction schedule under section III D of the Agreement;
- (3) Direct that the Amendment change the time period within which the Construction must be complete from six years after the effective date of the 2013 Agreement to not later than ten years after the Lamar Beach Metro Park Master Plan is adopted by City Council and provide for termination of the Agreement if Construction is not complete within the ten year period;
- (4) Direct that the Amendment provide that the time within which the Construction Project must be complete will be tolled during any time when there is a material and substantial denial of access as a direct result of the Pressler Street extension project that materially and substantially interferes with WAYA's ability to complete the Construction Project;
- (5) Direct that the Amendment provide an extension option of up to 25-years, at the sole discretion of the City;
- (6) Direct that the Amendment provide that if a portion of Lamar Beach and Town Lake Metropolitan Park is required by the City for the

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construction of the Pressler Street extension or other uses in the Lamar Beach Metro Park Master Plan, then that portion of the Park shall not be used for the Improvements described in Exhibits A and B to the Agreement and that with the exception of this limitation, the Amendment does not extend or limit any WAYA rights under the 2013 Agreement; and

- (7) Direct that the Amendment include the provisions of Resolution [20140807-114 not altered by this Resolution.]

ADOPTED: _____, 2015

ATTEST: _____

Jannette S. Goodall
City Clerk