

**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 81
AGENDA DATE: Thu 07/28/2005
PAGE: 1 of 1**

SUBJECT: Conduct a public hearing and approve a resolution granting Travis County Water Control and Improvement District No. 17 a 20-foot wide 22,903 square foot easement for the construction of a wastewater line through dedicated Balcones Canyonland Preserve (BCP) known as Double J&T located off of FM 620 on Murfin Road in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code.

AMOUNT & SOURCE OF FUNDING: All costs associated with the line, as well as any preserve restoration will be paid by Travis County Water Control and Improvement District No. 17.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Public Works
DEPARTMENT:

DIRECTOR'S
AUTHORIZATION: Sondra Creighton

FOR MORE INFORMATION CONTACT: Junie Plummer 974-7085; Willy Conrad 263-6430; Laura Bohl 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Recommended by BCP Coordinating Committee.

PURCHASING: N/A

MBE / WBE: N/A

Chapter 26 of the Parks and Wildlife Code provides that the use of preserve for non-preserve purposes may be approved upon a finding that there is no feasible and prudent alternative to the use of this land.

Travis County Water Control and Improvement District No. 17 requested an easement across a portion of BCP lands (Double J&T Preserve) that would serve as the location for a proposed wastewater line. The proposed 4-inch line will run from the present development in Cardinal Hills Unit 3, across BCP land (which includes boring under Murfin Road), and into an existing lift station located on Barrie Drive in Cardinal Hills Unit 4. This corridor through BCP land was chosen for the easement, because it has already been previously disturbed/cleared some time ago, and so impact to the natural environment is minimized. The BCP Scientific Advisory Committee reviewed the project and found the easement to be beneficial to BCP. The alternative, an on-site wastewater treatment plant for new development, poses serious threats to the preserve from the wastewater discharges.

Any and all Best Management Practices (BMP's) will be adhered to before, during and post construction for the proposed wastewater improvements. Proper revegetation will include exclusively native plants and open grass shrubs.

There is no feasible and prudent alternative to the use of the dedicated parkland, which includes all reasonable planning to minimize harm to such lands. The dates of public notification in the Austin American-Statesman were July 9th, July 10th and July 17th, 2005.

EXHIBIT "A"

TRACT 1, 0.276 ACRE, 12,033 Sq. Ft.
20' WIDE WASTEWATER BASEMENT
LOT 3, BLOCK NO. TWO
LAKE OAKS ESTATES NO. TWO
E. A. VASSER SURVEY NO. 1, ABS. 2585

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OF LAND OUT OF AND A PART OF THE E.A. VASSER SURVEY NO. 1, ABSTRACT 2585, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF LOT 3, BLOCK NO. 2, LAKE OAKS ESTATES NO. TWO, A SUBDIVISION RECORDED IN VOLUME 13, PAGE 16 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO THE CITY OF AUSTIN IN VOLUME 11848, PAGE 1718 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 0.276 ACRE OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found in the north line of said Lot 3, Block No. 2, at the common southerly corner of Lots 34 and 35 of Cardinal Hills Unit 3, a subdivision recorded in Book 16, Page 9, of the Plat Records of Travis County, Texas, for the **POINT OF BEGINNING** of the herein described 0.276 acre tract of land, from which point an iron rod found at the northeast corner of said Lot 3, Block No. 2 bears, S59°28'46"E, a distance of 272.19 feet,

THENCE, over and across said Lot 3, S29°52'02"W, a distance of 601.68 feet to a point in the south line of said Lot 3, Block No. 2, being also the north right-of-way line of Murfin Road, a 60-foot wide public right-of-way as shown on said Lake Oaks Estates plat, for the southeast corner of the herein described tract, from which point an iron rod found for the southeast corner of Lot 4, Block No. 2 of said Lake Oaks Estates No. Two bears, S59°40'00"E, a distance of 559.81 feet,

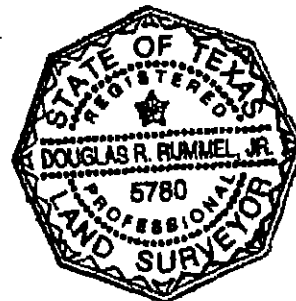
THENCE, with the south line of said Lot 3, Block No. 2, being also said north right-of-way line, N59°40'00"W, a distance of 20.00 feet to a point for the southwest corner of the herein described tract, from which point an iron rod found for the southwest corner of said Lot 3, Block No. 2 bears, N59°40'00"W, a distance of 20.24 feet, and an iron rod found for the southwest corner of Lot 2, Block No. 2 of said Lake Oaks Estates No. Two bears, N59°40'00"W, a distance of 320.06 feet,

THENCE, over and across said Lot 3, Block No. 2, N29°52'02"E, a distance of 601.68 feet to a point in the north line of said Lot 3, Block No. 2, also being the south line of said Lot 34, for the northwest corner of the herein described tract, from which point an iron rod found at the northwest corner of said Lot 3, Block No. 2 bears, N59°40'37"W, a distance of 7.77 feet,

THENCE, with the north line of said Lot 3, Block No. 2, being also the south line of said Lot 34, S59°40'37"E, a distance of 20.00 feet to the **POINT OF BEGINNING**, and containing 0.276 Acre of Land.

Surveyed by:

DR Rummel 6/20/05
DOUGLAS R. RUMMEL, JR., R.P.L.S. NO. 5780
Carlson, Brigrance & Doering, Inc.
3401 Slaughter Lane West
Austin, Texas 78748 (512) 280-5160

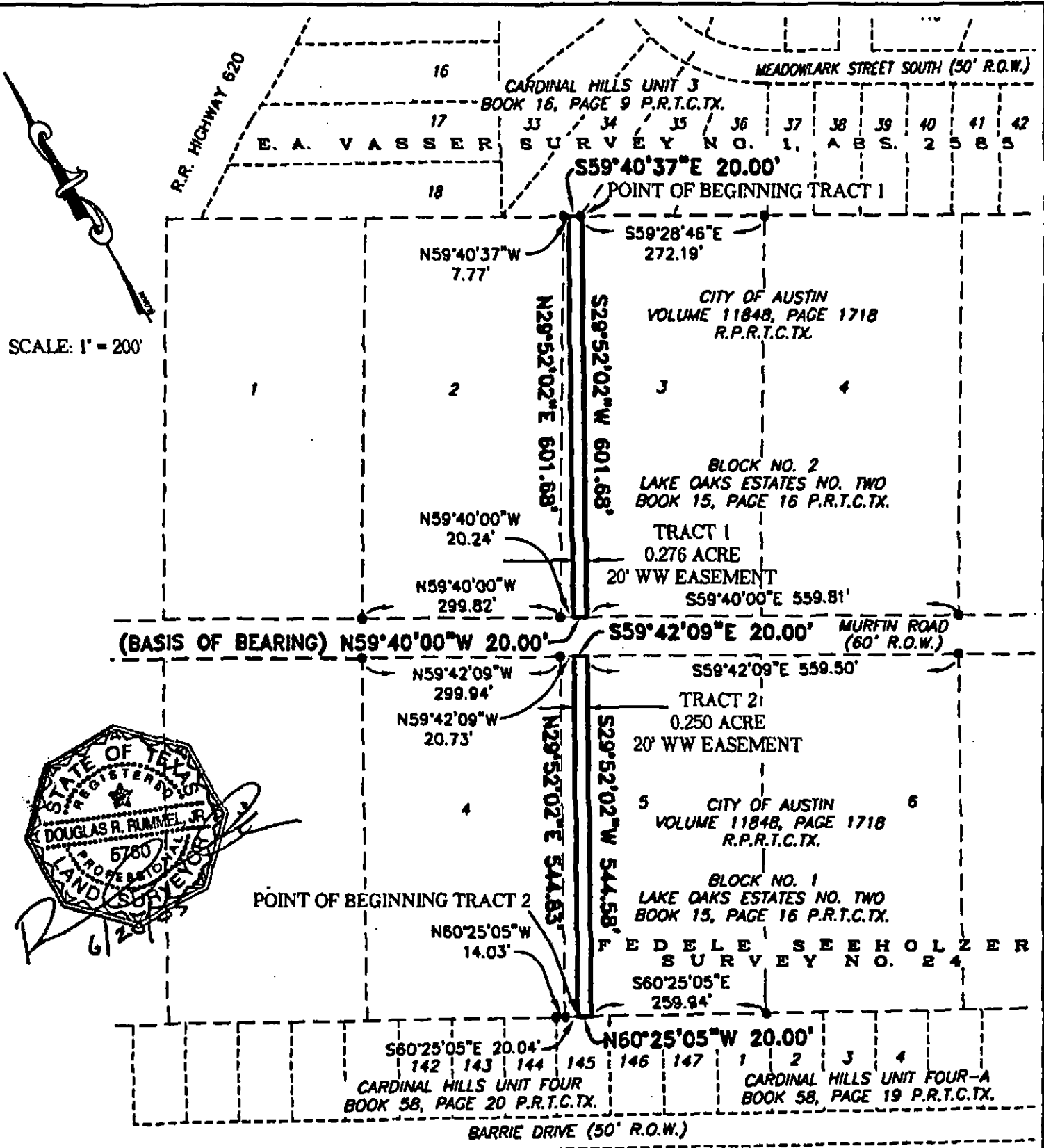


BEARING BASIS FROM LAKE OAKS ESTATES NO. TWO
T.C.A.D. PARCEL NO. 01 3768 0202
AUSTIN GRID WY-30

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FIELD NOTES REVIEWED

By: John Moore Date 6-21-2005
Engineering Support Section
Department of Public Works



BEARING BASIS IS THE NORTH RIGHT-OF-WAY LINE OF MURFIN ROAD, RECORDED PLAT OF LAKE OAKS ESTATES NO. TWO, RECORDED IN BOOK 15 AT PAGE 16, PLAT RECORDS OF TRAVIS COUNTY

LEGEND
● IRON ROD FOUND

**SKETCH TO ACCOMPANY
FIELD NOTES**

Carlson, Brigrance & Doering, Inc.

Civil Engineering • Surveying

3401 Slaughter Lane West • Austin, Texas 78748

PH: (512) 280-5160 • FAX: (512) 280-5165

PATH - G:\3810\SECTION-THREE\fn-wwoffsite.dwg

EXHIBIT "A"

TRACT 2, 0.250 ACRE, 10,894 Sq. Ft.
20' WIDE WASTEWATER BASEMENT
LOT 5, BLOCK NO. ONE
LAKE OAKS ESTATES NO. TWO
FEDELE SEEHOLZER SURVEY NO. 24

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OF LAND OUT OF AND A PART OF THE FEDELE SEEHOLZER SURVEY NO. 24, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION LOT 5, BLOCK NO. 1, LAKE OAKS ESTATES NO. TWO, A SUBDIVISION RECORDED IN VOLUME 15, PAGE 16 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO THE CITY OF AUSTIN IN VOLUME 11848, PAGE 1718 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 0.250 ACRE OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at an iron rod found in the north line of Lot 145 of Cardinal Hills Unit Four, a subdivision recorded in Book 58, Page 20 of the Plat Records of Travis County, Texas, said iron rod being also the southwest corner of Lot 5, Block No. One, from which point an iron rod found at the northwest corner of said Lot 145 bears, N60°25'05"W, a distance of 14.03 feet,

THENCE, along said south line of said Lot 5, being also the north line of said Lot 145, S60°25'05"E a distance of 20.04 feet to the **POINT OF BEGINNING** of the herein described 0.250 acre tract of land,

THENCE, over and across said Lot 5, N29°52'02"E, a distance of 544.83 feet to a point in the north line of said Lot 5, being also the south right-of-way line of Murfin Road, a 60-foot wide public right-of-way, for the northwest corner of the herein described tract, from which point an iron rod found at the northwest corner of said Lot 5 bears, N59°42'09"W, a distance of 20.73 feet, and from which point an iron rod found at the northwest corner of Lot 4, Block No. 1 of said Lake Oaks Estates No. Two bears, N59°42'09"W, a distance of 320.67 feet,

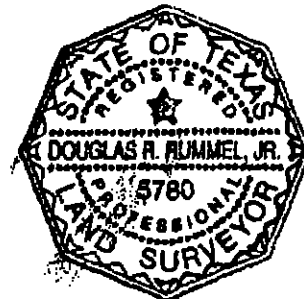
THENCE, with said south right-of-way line, being also the north line of said Lot 5, S59°42'09"E, a distance of 20.00 feet to a point, for the northeast corner of the herein described tract, from which point an iron rod found for the northeast corner of Lot 6, Block No. 1 of said Lake Oaks Estates No. Two bears, S59°42'09"E, a distance of 559.50 feet,

THENCE, over and across said Lot 5, S29°52'02"W, a distance of 544.58 feet to a point in the south line of said Lot 5, being also the north line of said Lot 145, for the southeast corner of the herein described tract, from which point an iron rod found for the southeast corner of said Lot 5 bears S60°25'05"E, a distance of 259.94 feet,

THENCE, with the south line of said Lot 5, being also the north line of said Lot 145, N60°25'05"W, a distance of 20.00 feet to the **POINT OF BEGINNING**, and containing 0.250 Acre of Land.

Surveyed by:

DOUGLAS R. RUMMEL, JR. 6/20/01
DOUGLAS R. RUMMEL, JR., R.P.L.S. NO. 5780
Carlson, Brigrance & Doering, Inc.
3401 Slaughter Lane West
Austin, Texas 78748 (512) 280-5160



BEARING BASIS FROM LAKE OAKS ESTATES NO. TWO
T.C.A.D. PARCEL NO. 01 3788 0305
AUSTIN GRID WY-29 AND WY-30

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FIELD NOTES REVIEWED
By CHL MOORE Date 6-21-2005
Engineering Support Section
Department of Public Works
and Transportation

RESOLUTION NO. 20050728-

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

WHEREAS, the City Council was requested to review and approve the use of preserve property for a wastewater line through that tract of the Balcones Canyonland Preserve known as Double J&T ; and

WHEREAS, notice of public meeting to be held on July 28, 2005, was given for three consecutive weeks on July 9, 10th and 17, 2005 in a newspaper of general circulation; and

WHEREAS, such public hearing was held July 28, 2005, by the City Council to determine the approval of the improvements proposing the use of the preserve property; **NOW, THEREFORE**,

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

That the City Council finds that, having taken into account clearly enunciated local preferences, there is no feasible and prudent alternative to the use of the preserve property (detailed in the attached Exhibit "A") for the proposed wastewater improvements through the Double J&T tract of the Balcones Canyonland Preserve and such proposed use is approved.

That the City Council finds that the program of improvements includes all reasonable planning to minimize harm to the preserve from the resulting use.

That the City Manager or his designee be authorized to convey an easement to Travis County Water Control and Improvement District Number 17 for the placement of the wastewater line on such terms and conditions as may be necessary, favorable or required.

ADOPTED: July 28, 2005

ATTEST: _____
Shirley A. Brown
City Clerk