



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

AGENDA ITEM NO.: 52
AGENDA DATE: Thu 08/05/2004
PAGE: 1 of 1

SUBJECT: Conduct a public hearing and approve an ordinance to modify the Brackenridge Urban Renewal Plan, the Blackshear Urban Renewal Plan, and the Glen Oaks Urban Renewal Plan to terminate the urban renewal plans and the project controls and restrictions on December 31, 2004.

AMOUNT & SOURCE OF FUNDING: N/A

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

REQUESTING Neighborhood Housing **DIRECTOR'S**
DEPARTMENT: and Community **AUTHORIZATION:** Paul Hilgers
Development

FOR MORE INFORMATION CONTACT: Paul Hilgers, Community Development Officer,
Neighborhood Housing and Community Development, 974-3108.

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Recommended by the Urban Renewal Board. Approved by
the Planning Commission.

PURCHASING: N/A

MBE / WBE: N/A

This public hearing is to receive public comment regarding the proposed modifications to the Brackenridge, Blackshear, and Glen Oaks Urban Renewal Plans as required by Chapter 374.014 (e) of the Texas Local Government Code.

Between 1964 and 1970, five areas in East Austin were declared urban renewal areas and a plan of action for each area was developed and approved by the Urban Renewal Board, the Planning Commission, the Austin City Council, and the U.S. Department of Housing and Urban Development. The major objectives of the Plans were to eliminate blighting influences in the form of substandard structures and incompatible land uses. Of the five approved plans, two have since expired, and the remaining Urban Renewal Plans have served their purposes by removing blighted influence. We are therefore recommending that these Urban Renewal Plans be scheduled to expire effective December 31, 2004.

In order to terminate the Plans, the Land Use Provisions and Building Requirements, Duration of Controls section, of each plan, must be amended. The Plans were approved with a thirty-year life span. This section states that if no amendment occurred at the end of thirty years, the Plans would automatically be extended for successive periods of ten years; at the end of each ten-year period.

The amended language for this section would be amended to read that the Plan expires effective December 31, 2004.

ORDINANCE NO.

AN ORDINANCE MODIFYING THE BLACKSHEAR URBAN RENEWAL PLAN, THE BRACKENRIDGE URBAN RENEWAL PLAN, AND THE GLEN OAKS URBAN RENEWAL PLAN.

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

PART I. BACKGROUND AND FINDINGS:

(A) Urban Renewal Agency of the City of Austin action:

- (1) The Urban Renewal Agency developed a plan modification to the Blackshear Plan (Blackshear Plan Modification), attached to and made a part of this ordinance as Exhibit A.
- (2) The Urban Renewal Agency developed a plan modification to the Brackenridge Plan (Brackenridge Plan Modification), attached to and made a part of this ordinance as Exhibit B.
- (3) The Urban Renewal Agency developed a plan modification to the Glen Oaks Plan (Glen Oaks Plan Modification), attached to and made a part of this ordinance as Exhibit C.
- (4) In accordance with Section 374.014(b) (*Municipal Urban Renewal Plan*) of the Texas Local Government Code, on May 17, 2004, the Urban Renewal Agency approved a resolution recommending that the council adopt the Blackshear Plan Modification, the Brackenridge Plan Modification, and the Glen Oak Plan Modification.

(B) Planning Commission action: In accordance with Section 374.014(b) (*Municipal Urban Renewal Plan*) of the Texas Local Government Code, on July 27, 2004, the Planning Commission approved a resolution recommending that the council adopt the Blackshear Plan Modification, the Brackenridge Plan Modification, and the Glen Oak Plan Modification.

(C) Council action:

- (1) On _____, the council adopted the Blackshear Urban Renewal Plan, on file at Volume 3870, Page 1257 of the Deed Records of Travis County, Texas (the Blackshear Plan).

(2) On _____, the council adopted the Brackenridge Urban Renewal Plan, on file at Volume 3620, Page 1544 of the Deed Records of Travis County, Texas (the Brackenridge Plan).

(3) On _____, the council adopted the Glen Oaks Urban Renewal Plan, on file at Volume 3294, Page 1684 of the Deed Records of Travis County, Texas (the Glen Oaks Plan).

(4) On August 5, 2004, the council held public hearings on the Blackshear Plan Modification, the Brackenridge Plan Modification, and the Glen Oak Plan Modification as prescribed by Section 374.014(c) (*Municipal Urban Renewal Plan*) of the Texas Local Government Code.

PART 2. In accordance with Section 374.014(e) (*Municipal Urban Renewal Plan*) of the Texas Local Government Code, the council adopts the Blackshear Plan Modification, the Brackenridge Plan Modification, and the Glen Oak Plan Modification.

PART 3. The city clerk shall file a certified copy of the Blackshear Plan Modification, the Brackenridge Plan Modification, and the Glen Oak Plan Modification in the real property records of Travis County, Texas. The city clerk shall also attach a copy of the modifications to the appropriate urban renewal plans on file at the clerk's office.

PART 4. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004 § _____
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 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk

Exhibit A

Blackshear Plan Modification

The Blackshear Urban Renewal Plan is modified by striking in its entirety Section C.2.c. of Part A of the Blackshear Urban Renewal Plan and substituting in its place a new Section C.2.c. of Part A as follows:

c. Duration and Enforcement of Regulations and Restrictions.

All regulations restricting land use and the General and Special Regulations and Restrictions provided for in this Plan shall become effective immediately upon the filing of this Plan for record in the Deed Records of Travis County, Texas.

All land use restrictions and the General and Special Regulations and Restrictions, heretofore enumerated shall be construed as covenants running with the land and shall be fully binding upon all persons and others owning or acquiring property in the Blackshear Urban Renewal Area, whether by descent, devise, purchase or otherwise; and any person or others by the acceptance or retention of title to any tract, parcel or lot within the Project Area shall thereby agree and covenant to abide by and fully perform all regulations and covenants herein.

If any person or persons shall violate or attempt to violate any of the General Regulations and Restrictions set forth in Section C.2.b.(1) hereof, it shall be lawful for any other person or persons owning any property within the Blackshear Project, or the Urban Renewal Agency of the City of Austin or its successor, or the City of Austin, or, in the case of General Restriction No. (d)(non-discrimination), the United States of America, to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate the General Regulations and Restrictions, to prevent him or them from so doing, or to correct such violation.

If any person or persons shall violate or attempt to violate any

of the Special Regulations and Restrictions established herein for specified districts, it shall be lawful for the Urban Renewal Agency of the City of Austin or its successor, or any person or persons owning any property within the district in which such violation is existing or threatened, and which latter persons are bound by the same restrictions being violated or threatened with violation, to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate such Special Regulations and Restrictions, to prevent the person or persons from so doing, or correct such violation.

At 12:01 a.m. January 1, 2005 this plan terminates.

Exhibit B

Brackenridge Plan Modification

The Brackenridge Urban Renewal Plan is modified by striking in its entirety Section C.2.c. of Part A of the Brackenridge Urban Renewal Plan and substituting in its place a new Section C.2.c. of Part A as follows:

d. Duration of Controls.

All regulations restricting land use and the General and Special Regulations and Restrictions provided for in this Plan shall become effective immediately upon the filing of this Plan for record in the Deed Records of Travis County, Texas.

All land use restrictions and the General and Special Regulations and Restrictions, heretofore enumerated shall be construed as covenants running with the land and shall be fully binding upon all persons and others owning or acquiring property in the Brackenridge Urban Renewal Area, whether by descent, devise, purchase or otherwise; and any person or others by the acceptance or retention of title to any tract, parcel or lot within the Project Area shall thereby agree and covenant to abide by and fully perform all regulations and covenants herein.

If any person or persons shall violate or attempt to violate any of the General Regulations and Restrictions set forth in Section C.2.b.(1) hereof, it shall be lawful for any other person or persons owning any property within the Brackenridge Project, or the Urban Renewal Agency of the City of Austin or its successor, or the City of Austin, or, in the case of the non-discrimination Restriction, the United States of America, to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate the General Regulations and Restrictions, to prevent him or them from so doing, or to correct such violation.

If any person or persons shall violate or attempt to violate any of the Special Regulations and Restrictions established herein

for Specified Districts, it shall be lawful for the Urban Renewal Agency of the City of Austin or its successor, or any person or persons owning any property within the District in which such violation is existing or threatened, and which latter persons are bound by the same restrictions being violated or threatened with violation, to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate such Special Regulations and Restrictions, to prevent the person or persons from so doing, or correct such violation.

At 12:01 a.m. January 1, 2005 this plan terminates.

Exhibit C

Glen Oaks Plan Modification

The Glen Oaks Urban Renewal Plan is modified by striking in its entirety Section C.2.c. of Part A of the Glen Oaks Urban Renewal Plan and substituting in its place a new Section C.2.c. of Part A as follows:

e. Duration and Enforcement of Regulations and Restrictions.

All regulations restricting land use and the General and Special Regulations and Restrictions provided for in this Plan shall become effective immediately upon the filing of this Plan for record in the Deed Records of Travis County, Texas.

All land use restrictions and the General and Special Regulations and Restrictions, heretofore enumerated shall be construed as covenants running with the land and shall be fully binding upon all persons and others owning or acquiring property in the Glen Oaks Urban Renewal Area, whether by descent, devise, purchase or otherwise; and any person or others by the acceptance or retention of title to any tract, parcel or lot within the Project Area shall thereby agree and covenant to abide by and fully perform all regulations and covenants herein.

If any person or persons shall violate or attempt to violate any of the General Regulations and Restrictions set forth in Section C.2.b.(1) hereof, it shall be lawful for any other person or persons owning any property within the Glen Oaks Project, or the Urban Renewal Agency of the City of Austin or its successor, or the City of Austin, or, in the case of General Restriction No. (d)(non-discrimination), the United States of America, to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate the General Regulations and Restrictions, to prevent him or them from so doing, or to correct such violation.

If any person or persons shall violate or attempt to violate any

of the Special Regulations and Restrictions established herein for specified Districts, it shall be lawful for the Urban Renewal Agency of the City of Austin or its successor, or any person or persons owning any property within the District in which such violation is existing or threatened, and which latter persons are bound by the same restrictions being violated or threatened with violation, to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate such Special Regulations and Restrictions, to prevent the person or persons from so doing, or correct such violation.

At 12:01 a.m. January 1, 2005 this plan terminates.