



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 5  
AGENDA DATE: Thu 10/07/2004  
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**SUBJECT:** Approve an ordinance amending Ordinance No. 040902-17, which vacated approximately 0.0854 acres of the western 10,000 block of Jean Drive at the intersection of Jean Drive and Applegate to Gilberto I. and Maria Elena Puente, 205 East Applegate (Lot 3, Block 5, Mockingbird Hill, Section 2, Travis County, Texas) and which vacated approximately 0.854 acres of the eastern 10,000 block of Jean Drive to Clarissa Anne Reburn, 301 East Applegate (Lot 1, Block 6, Mockingbird Hill, Section 2, Travis County, Texas). This amendment permits dedication of a public utility easement and a gas line easement by separate instrument.

**AMOUNT & SOURCE OF FUNDING:** N/A

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

**REQUESTING Law  
DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION: Marty Terry**

**FOR MORE INFORMATION CONTACT:** Gordon Bowman, 974-2346; Chris Muraida, 974-7191

**PRIOR COUNCIL ACTION:** Ordinance passed on September 2, 2004

**BOARD AND COMMISSION ACTION:** N/A

**PURCHASING:** N/A

**MBE / WBE:** N/A

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On September 2, 2004, Council approved Ordinance No. 040902-17 which vacated a portion of Jean Drive to Gilberto I. and Maria Elena Puente (Lot 3, Block 5) and Clarissa Anne Reburn (Lot 1, Block 6).

Originally, all affected departments and franchise holders reviewed this request and recommended approval, subject to 5-foot public utility easement being dedicated to the City of Austin and a 10-foot gas easement being dedicated to Texas Gas. The ordinance retained the easements rather than providing for dedication by separate easement. This item will repeal Part 2 of Ordinance No. 040902-17 and renumber the remaining Parts. The effect of the repeal is to eliminate the retention of the easements by ordinance and to permit the dedication of these easements by separate documents as recommended by the affected utilities.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 040902-17 RELATING TO THE VACATION OF THE PORTION OF JEAN DRIVE LOCATED SOUTH OF THE INTERSECTION OF JEAN DRIVE AND APPLGATE DRIVE TO PERMIT DEDICATION OF EASEMENTS BY SEPARATE INSTRUMENT.**

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

**PART 1.** Part 2 of Ordinance No. 040902-17 is repealed.

**PART 2.** Parts 3 and 4 are renumbered accordingly.

**PART 3.** 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