

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

**AGENDA ITEM NO.: 46
AGENDA DATE: Thu 12/16/2004
PAGE: 1 of 1**

SUBJECT: Set a public hearing and approve a resolution authorizing the conveyance of approximately 0.117 acres of City parkland for use as US 183 right-of-way in exchange for access easement rights across Little Walnut Creek at US 183 and authorizing the negotiation and execution of an agreement with the Texas Department of Transportation for such a conveyance and exchange, subject to and in accordance with the public hearing requirements of Section 26.001, et seq., of the Texas Parks & Wildlife Code and the applicable requirements of Sections 253.001(i) and 271.001 of the Texas Local Government Code (Suggested date and time: January 13, 2005 at 6:00 p.m.

AMOUNT & SOURCE OF FUNDING: All costs associated with the construction as well as any parkland restoration will be paid by the requestor.

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; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Recommended by Parks Board on October 26, 2004.

PURCHASING: N/A

MBE / WBE: N/A

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

The Public Works Department hereby requests that pending a public hearing to be conducted January 13, 2005, it will be authorized to convey a strip of parkland to the Texas Department of Transportation (TxDOT) for the construction, operation and maintenance of the proposed U.S. Hwy. 183 improvements.

The proposed improvement requires a narrow strip of right-of-way from the parkland at the bridge crossing over Little Walnut Creek. As mitigation to the parkland TxDOT will be providing a Hike and Bike Easement under the bridge to provide for a trail connection from the west to the east. Approval of the use of parkland is made on the condition that all restoration is completed in accordance with the Standard Specifications and Construction Standards of the City of Austin and the Parks and Recreation Department's "Construction in Parks Specifications". The requestor is required to pay any and all costs associated with the restoration.

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 are December 19, 2004, December 26, 2004 and January 2, 2005.

RESOLUTION NO. 04

WHEREAS, there is no reasonable or prudent alternative to using parkland to construct the U.S. Highway 183 improvements; and

WHEREAS, the plans for U.S. Highway 183 include all reasonable planning to minimize harm to the remaining parkland; **NOW, THEREFORE**,

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

The Council approves the conveyance of approximately 0.117 acres of City parkland for use as US 183 right-of-way in exchange for access easement rights across Little Walnut Creek at US 183 and authorizes the negotiation and execution of an agreement with the Texas Department of Transportation for such a conveyance and exchange, subject to and in accordance with the public hearing requirements of Section 26.001, et seq., of the Texas Parks & Wildlife Code and the applicable requirements of Sections 253.001(i) and 271.001 of the Texas Local Government Code.

ADOPTED: _____, 2004

ATTEST: _____
Shirley A. Brown
City Clerk

EXHIBIT _____

County: Travis
Parcel No.: 97A
Highway: U.S. 183
Limits: From: East of US 290
To: SH 71
CSJ: 0151-09-039

PROPERTY DESCRIPTION FOR PARCEL 97A

DESCRIPTION OF A 0.117 ACRE (5080 SQ. FT.) TRACT OF LAND LOCATED IN THE J. C. TANNEHILL LEAGUE NO. 22 IN TRAVIS COUNTY, TEXAS, AND BEING PART OF A 197.59 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO THE CITY OF AUSTIN IN DOCUMENT NUMBER 2002178092 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.), SAID 0.117 ACRE (5080 SQ. FT.) TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½-inch iron rod with Texas Department of Transportation (TxDOT) aluminum cap set 193.95 feet right of Engineer's Centerline station 307+95.88, in the westerly proposed right-of-way line of U.S. Highway 183, in the common line of a called 4.598 acre tract being part of Tract VII, also known as Lot 1, Oriens Park Section Eight as recorded in Book 86, Pages 193A and 193B of the Plat Records of Travis County, Texas (P.R.T.C.TX.), and said 197.59 acre tract, marking the beginning of this Control of Access Line (Area of Denied Access to Highway Facility) and being the southwesterly corner of the tract described herein, from which a ½-inch iron rod found on said common line bears N62° 53' 12" W, a distance of 65.69 feet;

- 1) **THENCE**, N12° 33' 00"E, through the interior of said 197.59 acre tract with said proposed westerly right-of-way line, a distance of 228.67 feet to a TxDOT Type I concrete monument found 197.93 feet right of Engineer's Centerline station 305+67.24, at the intersection with said existing westerly right-of-way line of said U.S. Highway 183, being the most northerly corner of the tract described herein and marking the end of this Control of Access Line;
- 2) **THENCE**, S02° 04' 17"W, with the existing right-of-way line of said U.S. Highway 183, described in a deed to the State of Texas as recorded in Volume 2599, Page 286, Deed Records Travis County, Texas (D.R.T.C.TX.), a distance of 244.29 feet to ½-inch iron rod found for the common corner of said 4.598 acre tract and said 197.59 acre tract, and a called 0.0004 acre area included within said plat boundary of Oriens Park Section Eight, being the southeasterly corner of the tract described herein, from which a TxDOT Type I concrete monument found on said existing right-of-way line bears S02° 04' 17"W, a distance of 59.31 feet;

- 3.) **THENCE**, N62°53'12"W, with the common line of said 4.598 acre tract, said 197.59 acre tract, and a said 0.0004 acre area, passing at a distance of 9.59 feet to a ½-inch iron rod found, and continuing on said common line for a total distance of 45.90 feet to the **POINT OF BEGINNING**, and containing 0.117 acre (5080 sq. ft.) of land, more or less.

This property description is accompanied by a plat of even date.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (93).

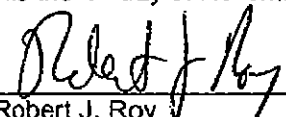
Access is prohibited across the "The Control of Access Line" to the transportation facility from the adjacent property.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Robert J. Roy, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

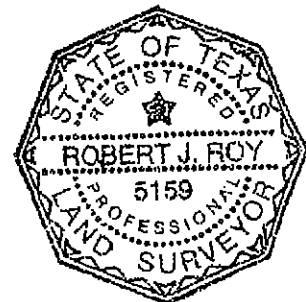
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of November 2004 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290 Building B
Austin, Texas 78735

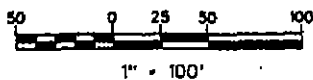

Robert J. Roy
Registered Professional Land Surveyor
No. 5159 – State of Texas

REFERENCES:
TCAD PARCEL NO. 02-1824-0101
AUSTIN GRID N-24

FIELD NOTES REVIEWED
By Keith M. Moore Date 11-8-2004
Engineering Support Section
Department of Public Works
and Transportation



GRAPHIC SCALE
(IN FEET)



J. C. TANNEHILL LEAGUE

ENGINEER'S CENTERLINE
CURVE DATA
PISta 331+84.36
X= 3139174.52
Y= 10079921.78
Δ= 1° 31' 17.64" (RT)
O = 0° 04' 17.83"
L = 2124.52'
T = 1062.32'
R = 80000.50'
PC Sta 321+22.04
PT Sta 342+46.56

305+00

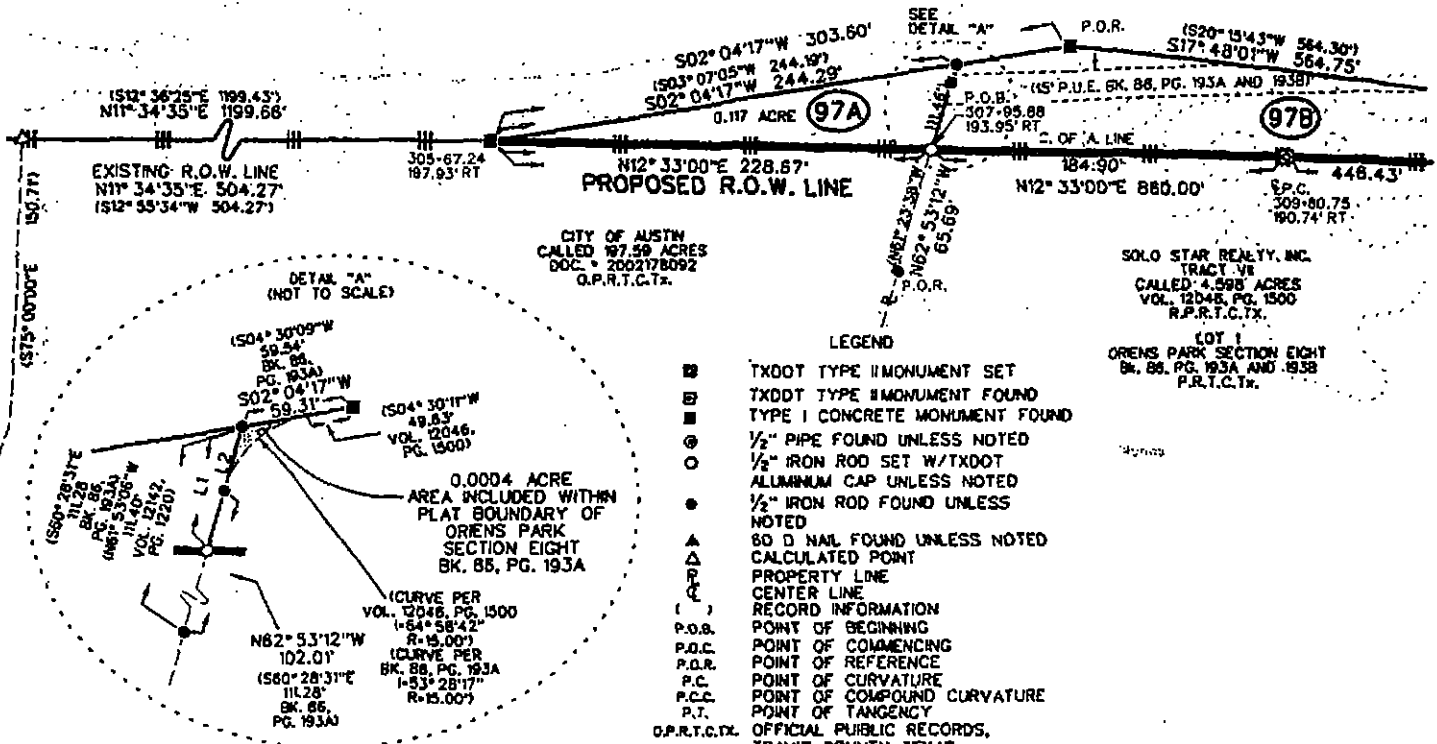
S13° 32' 48" W 1963.89'

ENGINEER'S CENTERLINE

310+00

ED BLUESTEIN BLVD.
U.S. HIGHWAY 183
(VARIABLE WIDTH R.O.W.)

STATE OF TEXAS
VOL. 2599, PG. 288
O.P.R.T.C.T.X.



LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	N62° 53' 12" W	45.90'
L2	N62° 53' 12" W	9.59'

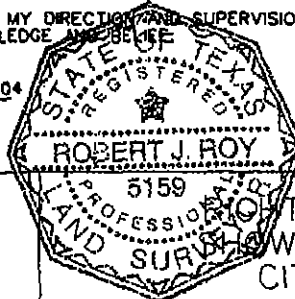
NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
2. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93) HARN. ALL DISTANCES AND COORDINATES ARE ADJUSTED TO SURFACE USING THE PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00011.
3. IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES.
4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.
5. ACCESS IS PROHIBITED ACROSS THE CONTROL OF ACCESS LINE TO THE TRANSPORTATION FACILITY FROM THE ADJOINING PROPERTY.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ROBERT J. ROY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5159, STATE OF TEXAS

NOVEMBER 4, 2004
DATE



PAGE 3 OF 3
REF. FIELD NOTE NO. 3165R



5509 West Highway 290
Building B
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029

RIGHT-OF-WAY SKETCH
SHOWING PROPERTY OF
CITY OF AUSTIN
CSJ NO. 0151-09-039

