



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

**AGENDA ITEM NO.: 78
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 2**

SUBJECT: Conduct a public hearing and adopt a resolution authorizing the use of approximately 1.36 acres (57,707 square feet) for two sedimentation/filtration ponds, along with an approximately 3-acre (130,680 square feet) temporary working space area use agreement to allow for the construction of the ponds through dedicated parkland known as Zilker Park located on Barton Hills Drive in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code.

AMOUNT & SOURCE OF FUNDING: All costs associated with the construction of the ponds, as well as any park restoration, will be paid by the Watershed Protection and Development Review Department.

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

REQUESTING	Public Works	DIRECTOR'S
DEPARTMENT:	for Watershed Protection and Development Review;	AUTHORIZATION: <u>Sondra Creighton</u>

FOR MORE INFORMATION CONTACT: Junie Plummer, 974-7085; Virginia Rohlich, 974-2758; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Recommended by the Parks Board.

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 Watershed Protection and Development Review Department is proposing a water quality project in Zilker Park to treat storm water run-off from the Park Place Apartments at 1200 Barton Hills Drive and from a portion of the adjacent neighborhood and street. The project will consist of the removal of contaminated sediment, construction of two sedimentation/filtration ponds, and the rerouting of storm water to a drainage ditch downstream of Barton Springs pool on dedicated parkland known as Zilker Park. The Park Place Apartments is upstream from Barton Springs pool. It has been determined that run-off from the apartment parking lot contains high levels of polycyclic aromatic hydrocarbons (PAHs, organic contaminants) found within the sediment in various creeks throughout the city, including the tributary adjacent to the Park Place Apartments. This tributary discharges into Barton Creek approximately 300 feet upstream of Barton Springs Pool.

The ponds have been located in a relatively remote area that gets very little foot use by the public. At the request of neighborhood representatives, the upper pond site was shifted to the west to move it out of the soccer practice area and to make it less visible from Barton Hills Drive. Additional landscaping will further minimize visual impact. The approximately 1.36 acre site will be fenced as a safety measure. It is estimated that construction will last 120 days and will occur during winter months, beginning in



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PAGE: 2 of 2**

November 2005.

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 all restoration in parkland will be completed in accordance with the Parks and Recreation Department's Construction in Parks Specifications. The requestor is required to pay 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 September 4, September 11 and September 18, 2005.

RESOLUTION NO. 20050929-

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 parkland for the construction of two sedimentation/filtration ponds and approximately 3-acres of temporary working space to allow for construction of the ponds through dedicated park land known as Zilker Park; and

WHEREAS, notice of public meeting to be held on September 29, 2005, was given for three consecutive weeks on September 4, 11, and 18, 2005 in a newspaper of general circulation; and

WHEREAS, such public hearing was held September 29, 2005, by the City Council to determine the approval of the improvements proposing the use of the parkland; **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 parkland (detailed in the attached Exhibit "A") for the proposed construction of two sedimentation/filtration ponds and approximately 3-acres of temporary working space to allow for construction of the ponds through Zilker

Park 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 parkland from the resulting use.

That the City Manager or his designee be authorized to take such measures as may be necessary for the placement of ponds.

ADOPTED: September 29, 2005

ATTEST: _____

**Shirley A. Brown
City Clerk**

City of Austin
to
City of Austin
29.05-Acres out of the William Barton Labor
(For Parkland Use Agreement)

LEGAL DESCRIPTION

ALL OF THAT CERTAIN 1.325-ACRE (57,707 SQUARE FEET) TRACT OR PARCEL OF LAND BEING A PORTION OF A 29.05-ACRE TRACT OF LAND OUT OF THE WILLIAM BARTON LABOR, AS CONVEYED TO THE CITY OF AUSTIN BY WARRANTY DEED DATED JULY 19, 1955 AND RECORDED IN VOLUME 1602, PAGE 153 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.325-ACRE TRACT BEING COMPRISED OF TWO TRACTS, PART 1 BEING 1.290-ACRE (56,202 SQUARE FEET) AND PART 2 BEING 0.035-ACRE (1,505 SQUARE FEET), SAID PART 1 AND PART 2 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, AND AS SHOWN ON THE ATTACHED SKETCHES:

Part 1

BEGINNING FOR POINT OF REFERENCE at a 1/2" iron rod found on the northerly right-of-way line of Barton Hills Drive (70' Right-of-Way), said 1/2" iron rod found being the southeast corner of Lot 1, Barton Terrace 7-A, a subdivision as recorded in Book 62, Page 73 of the Plat Records of Travis County, Texas, said 1/2" iron rod found also being in the southwest line of the above referenced City of Austin 29.05-acre tract; **THENCE**, with the common line of said Lot 1, Barton Terrace and said City of Austin 29.05-acre tract, N54°59'23"W a distance of 9.07 feet to a calculated angle point; **THENCE**, continuing with said common line, N65°25'23"W a distance of 79.15 feet to a calculated point; **THENCE**, departing said common line, through said City of Austin 29.05-acre tract, N24°34'37"E a distance of 78.49 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999938179) values of N = 10,068,403.240 and E = 3,105,074.395 for the most southerly corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, continuing through said City of Austin 29.05-acre tract, the following twenty-six (26) courses:

- 1) N69°49'23"W a distance of 67.92 feet to a calculated angle point of this tract;
- 2) N60°58'02"W a distance of 73.34 feet to a calculated angle point of this tract;
- 3) S82°17'33"W a distance of 52.96 feet to a calculated angle point of this tract;

- 4) N69°21'51"W a distance of 87.49 feet to a calculated angle point of this tract;
- 5) N29°54'17"W a distance of 37.70 feet to a calculated angle point of this tract;
- 6) S30°44'14"W a distance of 11.94 feet to a calculated angle point of this tract;
- 7) N58°32'04"W a distance of 16.05 feet to a calculated angle point of this tract;
- 8) N30°56'59"E a distance of 13.44 feet to a calculated angle point of this tract;
- 9) N35°35'37"W a distance of 40.38 feet to a calculated angle point of this tract;
- 10) N11°23'13"W a distance of 23.13 feet to a calculated angle point of this tract;
- 11) N15°21'38"E a distance of 23.88 feet to a calculated angle point of this tract;
- 12) N45°17'56"E a distance of 31.27 feet to a calculated angle point of this tract;
- 13) N71°21'08"E a distance of 43.88 feet to a calculated angle point of this tract;
- 14) N87°59'17"E a distance of 27.07 feet to a calculated angle point of this tract;
- 15) S68°17'32"E a distance of 27.39 feet to a calculated angle point of this tract;
- 16) S74°38'54"E a distance of 18.47 feet to a calculated angle point of this tract;
- 17) S89°39'29"E a distance of 44.73 feet to a calculated angle point of this tract;
- 18) N23°53'46"E a distance of 16.49 feet to a calculated angle point of this tract;
- 19) N17°52'24"E a distance of 24.79 feet to a calculated point for the most northerly corner of this tract, from which a 3/4" iron pipe found at an angle point in the said common line of Lot 1, Barton Terrace 7-A, and said City of Austin 29.05-acre tract bears N59°21'47"W a distance of 244.09 feet;
- 20) S66°47'33"E a distance of 112.70 feet to a calculated angle point of this tract;
- 21) S01°46'55"E a distance of 84.10 feet to a calculated angle point of this tract;
- 22) S45°45'09"E a distance of 52.97 feet to a calculated angle point of this tract;
- 23) S15°15'35"E a distance of 25.80 feet to a calculated angle point of this tract;
- 24) S32°42'06"W a distance of 34.42 feet to a calculated angle point of this tract;
- 25) S13°11'32"E a distance of 34.95 feet to a calculated angle point of this tract;

26) S59°03'13"W a distance of 20.74 feet to the **POINT OF BEGINNING** and containing 1.290-acre (56,202 square feet) of land, more or less;

Part 2

BEGINNING FOR POINT OF REFERENCE at a 1/2" iron rod found on the northerly right-of-way line of Barton Hills Drive (70' Right-of-Way), said 1/2" iron rod found being the southeast corner of Lot 1, Barton Terrace 7-A, a subdivision as recorded in Book 62, Page 73 of the Plat Records of Travis County, Texas, said 1/2" iron rod found also being in the southwest line of the above referenced City of Austin 29.05-acre tract; **THENCE**, with the common line of said Lot 1, Barton Terrace and said City of Austin 29.05-acre tract, N54°59'23"W a distance of 9.07 feet to a calculated angle point; **THENCE**, continuing with said common line, N65°25'23"W a distance of 454.57 feet to a calculated point; **THENCE**, departing said common line, through said City of Austin 29.05-acre tract, N24°34'37"E a distance of 233.26 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD '83 (HARN), U.S. Feet, Combined Scale Factor 0.999938179) values of N = 10,068,700.271 and E = 3,104,797.432 for the most southerly corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, continuing through said City of Austin 29.05-acre tract, the following fifteen (15) courses:

- 1) N03°16'48"W a distance of 6.80 feet to a calculated angle point of this tract;
- 2) N10°52'34"E a distance of 14.25 feet to a calculated angle point of this tract;
- 3) S78°47'35"E a distance of 5.04 feet to a calculated angle point of this tract;
- 4) N11°14'11"E a distance of 18.10 feet to a calculated angle point of this tract;
- 5) N10°27'35"E a distance of 20.32 feet to a calculated angle point, for the most northerly corner of this tract, from which a 3/4" iron pipe found at an angle point in the said common line of Lot 1, Barton Terrace 7-A, and said City of Austin 29.05-acre tract bears N64°14'40"W a distance of 77.74 feet;
- 6) S78°17'05"E a distance of 35.11 feet to a calculated angle point of this tract;
- 7) S56°30'34"E a distance of 6.69 feet to a calculated angle point of this tract;
- 8) S37°23'34"E a distance of 7.23 feet to a calculated angle point of this tract;
- 9) S12°04'39"E a distance of 5.59 feet to a calculated angle point of this tract;
- 10) S03°24'12"E a distance of 9.71 feet to a calculated angle point of this tract;
- 11) N89°33'43"W a distance of 16.51 feet to a calculated angle point of this tract;

- 12) N79°53'17"W a distance of 24.88 feet to a calculated angle point of this tract;
- 13) S09°59'27"W a distance of 13.64 feet to a calculated angle point of this tract;
- 14) S38°12'28"W a distance of 18.39 feet to a calculated angle point of this tract;
- 15) S67°21'07"W a distance of 6.30 feet to the **POINT OF BEGINNING** and containing 0.035-acre (1,505 square feet) of land, more or less;

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground during January, 2005 under my supervision.

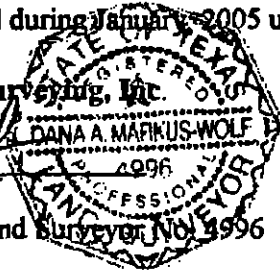
Prepared by Landmark Surveying, Inc.


Dana A. Markus-Wolf

Registered Professional Land Surveyor No. 4996

August 22, 2005

Revised: August 31, 2005



BEARING BASIS NOTE

Nad 83 (Harn)

Coordinate system (Grid)

Texas Central (4203)

Combined scale factor .999938179

Horizontal coordinates for AUS 5 as established and published by the Texas Department of Transportation and H-22-3001 as established and published by the City of Austin were used as controlling monuments for this survey.

Parkland Use Agreement_r1.doc

Austin Map No. 553, Grid No. G-22

TCAD No. 0104060102

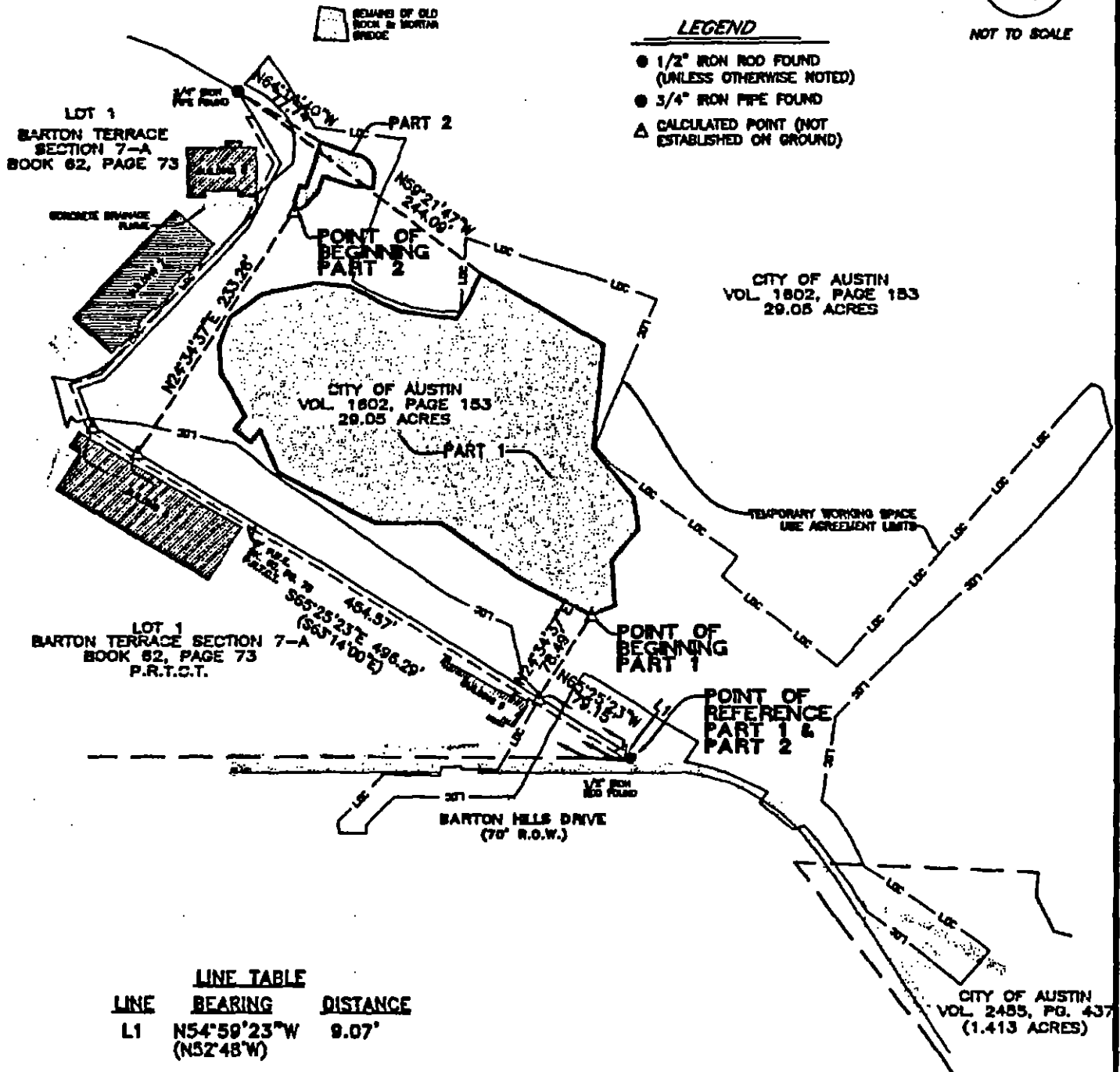
SURVEY OF A PORTION OF CITY OF AUSTIN, TRAVIS COUNTY, TEXAS PAGE 5 OF 8



NOT TO SCALE

LEGEND

- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 3/4" IRON PIPE FOUND
- △ CALCULATED POINT (NOT
ESTABLISHED ON GROUND)



**SKETCH TO
ACCOMPANY
FIELD NOTES**

Client: GILBERT CONSULTING SERVICES
 Date: AUGUST 24, 2005
 Office: McLaughlin
 Crew:
 F.B.:
 Check:
 Copy:
 Job No.: 381-01-09

2:\craigo\Barton Creek Station\Landmark Drawings\GIS-McL\BASEMENTS\BO-grd-BARC.dwg

Landmark
 SURVEYING, INC.

1301 S. CAPITAL OF TEXAS HWY.
 BUILDING B, SUITE 315
 AUSTIN, TEXAS 78746
 Ph: (512)328-7411 FAX: (512)328-7413

**SURVEY OF A PORTION OF
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
PAGE 6 OF 8**

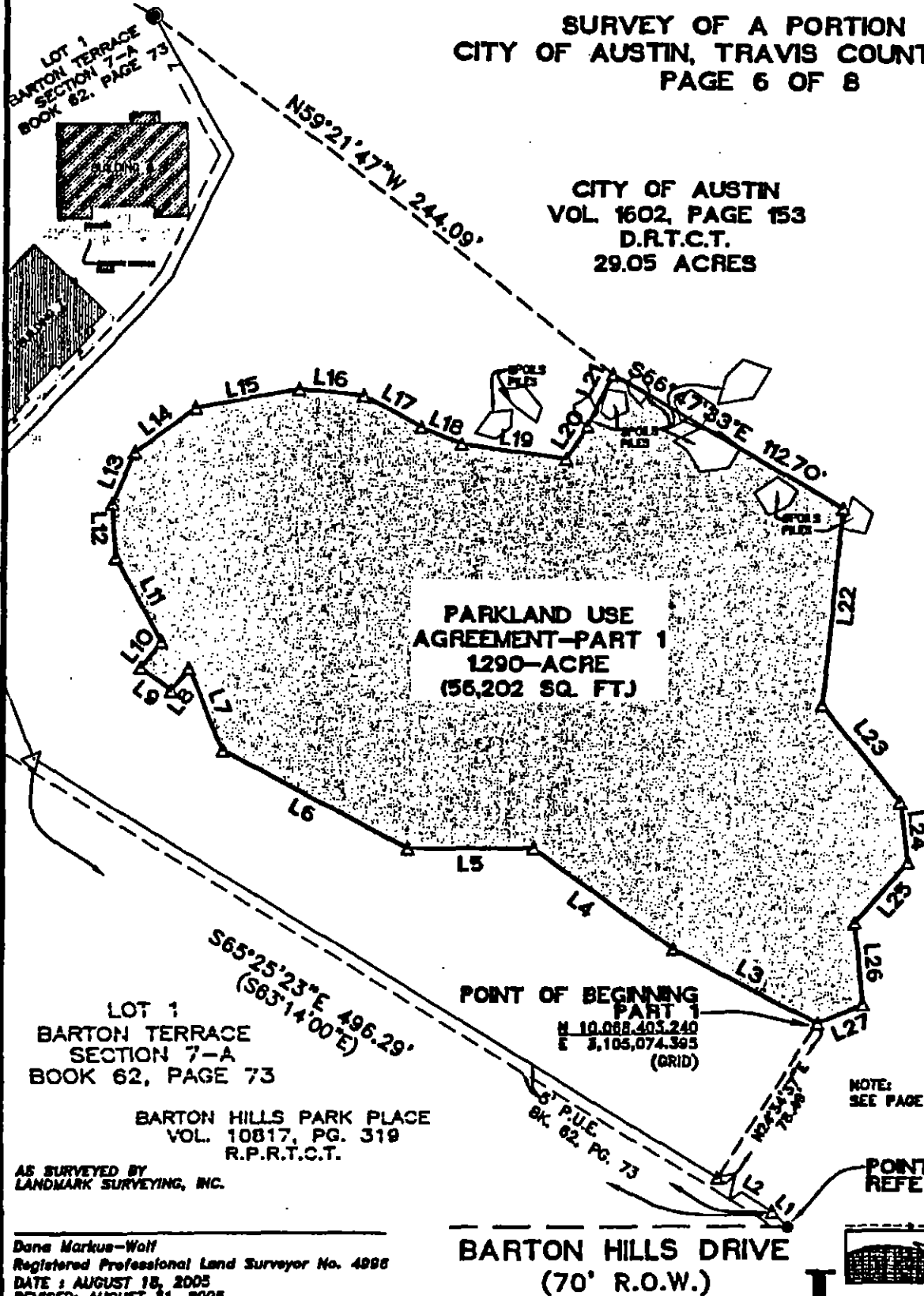


SCALE 1"=80'

**SKETCH TO
ACCOMPANY
FIELD NOTES**

**CITY OF AUSTIN
VOL. 1602, PAGE 153
D.R.T.C.T.
29.05 ACRES**

**CITY OF AUSTIN
VOL. 1602, PAGE 153
D.R.T.C.T.
29.05 ACRES**



NOTE:
SEE PAGE 7 OF 8 FOR LINE TABLE.

AS SURVEYED BY
LANDMARK SURVEYING, INC.

Dana Markus-Wolf
Registered Professional Land Surveyor No. 4996
DATE: AUGUST 18, 2005
REVISED: AUGUST 31, 2005
THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE
SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Client: GREYPO CONSULTING SERVICES
Date: AUGUST 18, 2005
Office: McLoughlin
Drawn: F.B.Z.
Checked: [Signature]
Caption: Job No. 1851-01-00
2:\crapec\Barton Creek Subdivision\Landmark Drawings\DM-Wolf\BASEMENTS\BC-gm-BASE.dwg

**Landmark
SURVEYING, INC.**
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 310
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7412

**SURVEY OF A PORTION OF
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
PAGE 7 OF 8**

LEGEND

- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 3/4" IRON PIPE FOUND
- △ CALCULATED POINT (NOT
ESTABLISHED ON GROUND)
- CONCRETE IMPROVEMENTS
- JB JUNCTION BOX
- W WASTEWATER MANHOLE
- BREAK IN SCALE
- () RECORD INFORMATION
- P.U.E. PUBLIC UTILITY EASEMENT
- R.O.W. RIGHT-OF-WAY
- TCAD TRAVIS COUNTY APPRAISAL
DISTRICT
- D.R.T.C.T. DEED RECORDS
TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS
TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

LINE TABLE

LINE	BEARING	DISTANCE
L1	N54°28'23"W (N52°48'W)	9.07'
L2	N63°25'23"W (N63°14'W)	79.15'
L3	N69°49'23"W	67.92'
L4	N60°58'02"W	73.34'
L5	S82°17'33"W	52.96'
L6	N69°21'51"W	87.49'
L7	N29°54'17"W	37.70'
L8	S30°44'14"W	11.94'
L9	N58°32'04"W	16.05'
L10	N30°56'59"E	13.44'
L11	N35°35'37"W	40.38'
L12	N11°23'13"W	23.13'
L13	N15°21'38"E	23.88'
L14	N45°17'56"E	31.27'
L15	N71°21'08"E	43.88'
L16	N87°59'17"E	27.07'
L17	S68°17'32"E	27.39'
L18	S74°38'54"E	18.47'
L19	S89°39'28"E	44.73'
L20	N23°53'46"E	16.49'
L21	N17°52'24"E	24.79'
L22	S01°46'55"E	84.10'
L23	S45°45'09"E	52.97'
L24	S15°15'35"E	25.80'
L25	S32°42'06"W	34.42'
L26	S13°11'32"E	34.95'
L27	S59°03'13"W	20.74'

TITLE COMMITMENT NOTE:

A title commitment was NOT REVIEWED
for the purpose of this survey.

BEARING BASIS NOTE:

NAD 83 (HARN) COORDINATE SYSTEM (GRID)
TEXAS CENTRAL (4203) COMBINED SCALE
FACTOR 0.999838179 NAD83 VERTICAL DATUM HORIZONTAL
AND VERTICAL COORDINATES FOR AUS 5 AS ESTABLISHED AND
PUBLISHED BY TEXAS DEPARTMENT OF TRANSPORTATION AND
H-22-3001 AS ESTABLISHED AND PUBLISHED BY THE CITY OF
AUSTIN, WERE USED AS THE CONTROLLING MONUMENTS FOR THIS
SURVEY.

**SKETCH TO
ACCOMPANY
FIELD NOTES**


Landmark
SURVEYING, INC.

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 515
AUSTIN, TEXAS 78748

PH: (512)328-7411 FAX: (512)328-7412

Client: GRESPO CONSULTING SERVICES
Date: AUGUST 14, 2003
Office: McLaughlin

Drawn: F.B.L.
Disk: Z:\arespo\Barlow Creek Sediment\Landmark Drawings\Grid-Staff\EASEMENTS\SC-grid-BASE.dwg
Job No: 881-01-08

**SURVEY OF A PORTION OF
CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS
PAGE 8 OF 8**

LINE	BEARING	DISTANCE
L1	N54°59'23"W (N52°48'W)	8.07'
L2	N03°16'48"W	6.80'
L3	N10°52'34"E	14.25'
L4	S78°47'35"E	5.04'
L5	N11°14'11"E	18.10'
L6	N10°27'35"E	20.32'
L7	S56°30'34"E	6.89'
L8	S37°23'34"E	7.23'
L9	S12°04'39"E	5.59'
L10	S03°24'12"E	9.71'
L11	N89°33'43"W	16.51'
L12	N79°53'17"W	24.88'
L13	S09°59'27"W	13.64'
L14	S38°12'28"W	18.39'
L15	S67°21'07"W	6.30'

**LOT 1
BARTON TERRACE
SECTION 7-A
BOOK 62, PAGE 73
P.R.T.C.T.**

**SIDEWALK
CONCRETE DRAINAGE
FLUME**

**BARTON HILLS PARK PLACE
VOL. 10817, PG. 319
R.P.R.T.C.T.**

**CITY OF AUSTIN
VOL. 1602, PAGE 153
D.R.T.C.T.
29.05 ACRES**

**PARKLAND USE
AGREEMENT-PART 2
0.035-ACRE
(1,505 SQ. FT.)**

**CITY OF AUSTIN
VOL. 1602, PAGE 153
D.R.T.C.T.
29.05 ACRES**

**BARTON HILLS DRIVE
(70' R.O.W.)**

TITLE COMMITMENT NOTE:

A title commitment was NOT REVIEWED for the purpose of this survey.

BEARING BASIS NOTE:

NAD 83 (HARN) COORDINATE SYSTEM (GRID)
TEXAS CENTRAL (4203) COMBINED SCALE
FACTOR 0.999838179 NAVD 83 VERTICAL DATUM HORIZONTAL
AND VERTICAL COORDINATES FOR AUS 8 AS ESTABLISHED AND
PUBLISHED BY TEXAS DEPARTMENT OF TRANSPORTATION AND
H-22-5001 AS ESTABLISHED AND PUBLISHED BY THE CITY OF
AUSTIN, WERE USED AS THE CONTROLLING MONUMENTS FOR THIS
SURVEY.

**AS SURVEYED BY
LANDMARK SURVEYING, INC.**

Dana Markus-Wolf

Registered Professional Land Surveyor No. 4898

DATE: AUGUST 18, 2005

REVISED: AUGUST 31, 2005

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE
SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Client: GRESPO CONSULTING SERVICES
Date: AUGUST 18, 2005
Office: McLaughlin

Drawn: J.S.J.
Check: J.S.J.
Caption: J.S.J.
Job No.: 201-01-09

**SKETCH TO
ACCOMPANY
FIELD NOTES**

**Landmark
SURVEYING, INC.**

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748

PH: (512)328-7411 FAX: (512)328-7413

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- ⊙ 1/2" IRON PIPE FOUND
- △ CALCULATED POINT (NOT ESTABLISHED ON GROUND)
- () RECORD INFORMATION

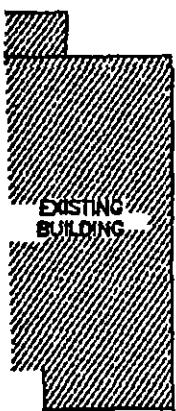
- P.U.E. PUBLIC UTILITY EASEMENT
- R.O.W. RIGHT-OF-WAY
- TCAD TRAVIS COUNTY APPRAISAL DISTRICT
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- CONCRETE IMPROVEMENTS

CLEAN OUT

BREAK IN SCALE



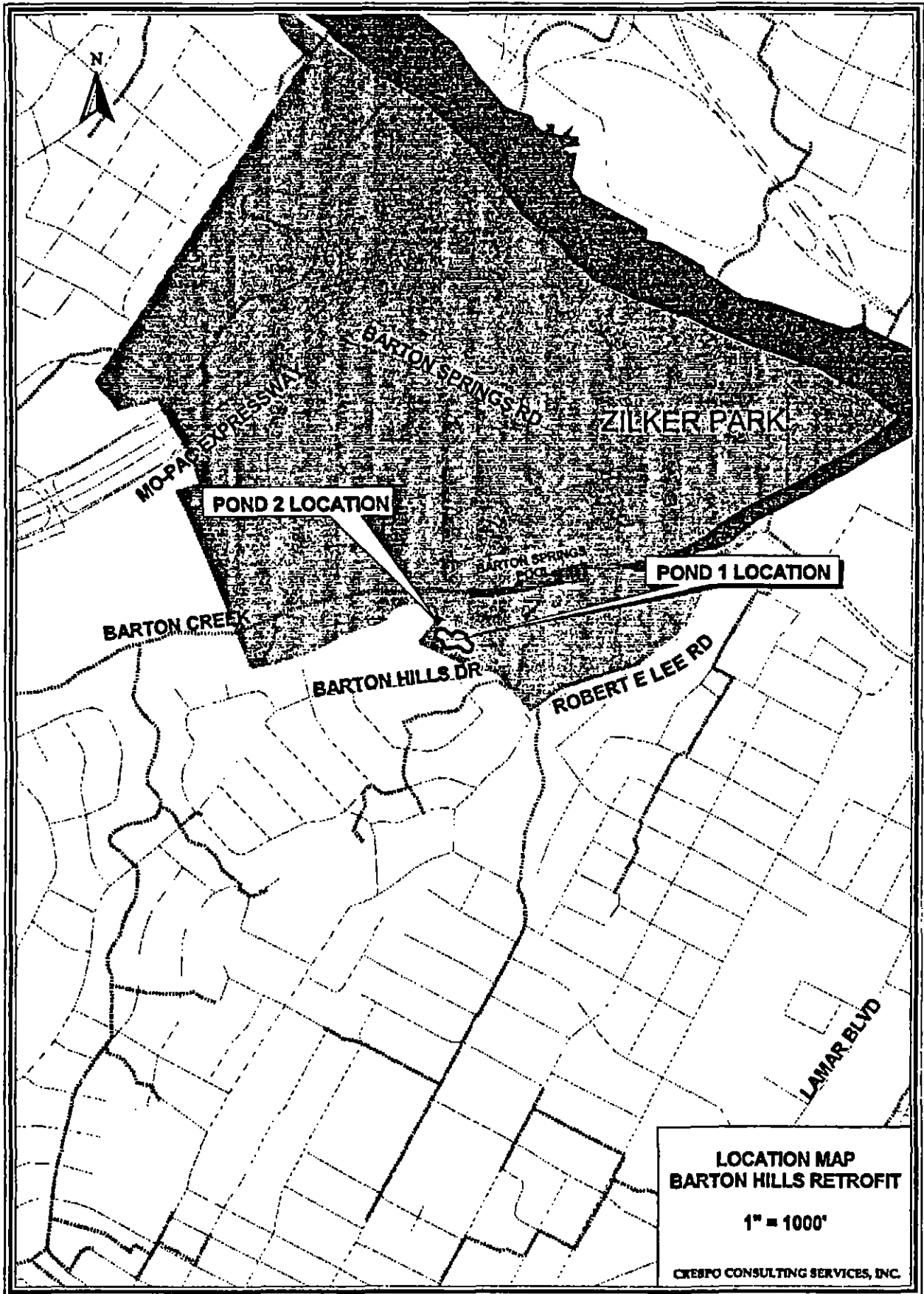
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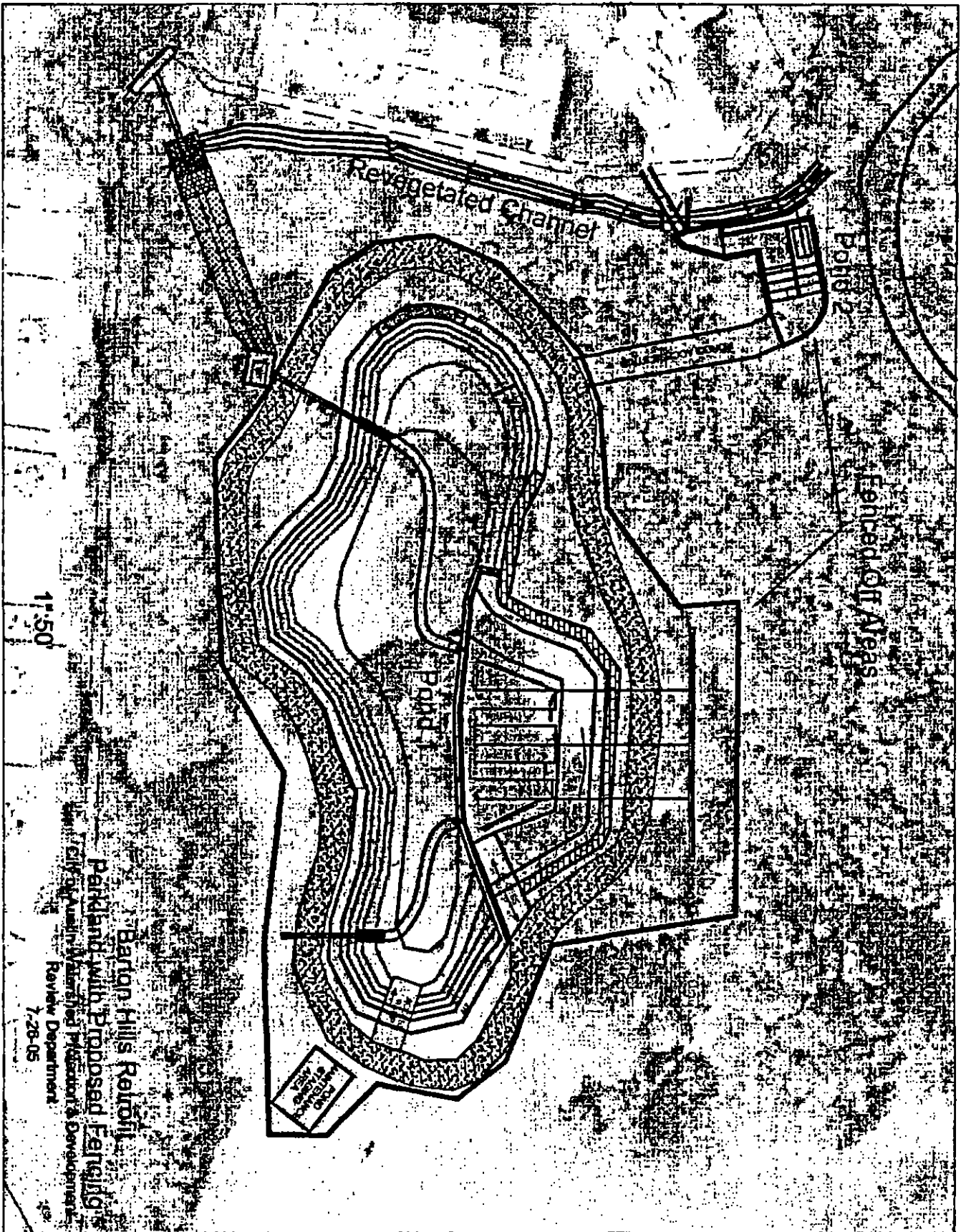


**EXISTING
BUILDING**

**POINT OF
BEGINNING
PART 2
N 10.068.700.271
E 3,104,797.432
(GRID)**

**POINT OF
REFERENCE**





Barton Hills Retool
Parkland with Proposed Fencing
City of Austin, Watershed Protection & Development
Review Department
7-28-05