Public Hearings and Possible Actions

RECOMMENDATION FOR COUNCIL ACTION

Subject: Conduct a public hearing and adopt a resolution authorizing the use of approximately 1.552 acres for a waterline, 2.422 acres for a wastewater line and a temporary work space adjacent to both permanent easements to allow the construction of improvements serving the Goodnight Ranch PUD, through dedicated parkland known as Onion Creek Park located along Nuckols Crossing Road and Thaxton Road, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: June 22, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).

Amount and Source of Funding: All costs associated with construction, as well as any parkland restoration, will be paid by requester.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

Additional Backup Material

For More Information: Junie Plummer, 974-7085; Laura Bohl, 974-7064.


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 on behalf of the Austin Water Utility hereby requests authorization for the construction, operation and maintenance of the water and wastewater facilities.

The proposed improvements require a water and wastewater use over and across the Onion Creek Park to serve the Goodnight Ranch PUD (Goodnight). In addition the lines will serve the AISD’s South Central Elementary School. The Improvements are shown on Exhibits “A” and “B”.

In mitigation, Austin Goodnight Ranch, L.P., the developer of Goodnight Ranch PUD, has agreed to the following:

a. Construct a crushed granite trail along the use area of the wastewater line.
b. Provide water and wastewater service connects to allow future development of the park.
c. Provide a cable fence along the park frontage adjacent to the Goodnight Ranch PUD to help
Control unauthorized access and dumping.

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". Goodnight 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 May 28th, June 4th and 11th, 2006.
1.552 ACRES
WATERLINE EASEMENT

A DESCRIPTION OF 1.552 ACRES (67,592 SQ. FT.) IN THE SANTIAGO DEL VALLE
GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 226.903 ACRE TRACT
DESCRIBED IN A GENERAL WARRANTY DEED TO THE CITY OF AUSTIN, DATED
JANUARY 25, 2000 AND RECORDED UNDER DOCUMENT NO. 2000011816 OF THE
OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.552 ACRE
TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
FOLLOWS:

BEGINNING at a 1" Iron pipe found at an angle point in the north right-of-way line of
Nuckols Crossing Road (right-of-way width varies), being also an angle point the south
line of the said 226.903 acre tract;

THENCE South 72°41'41" West, with the north right-of-way line of Nuckols Crossing
Road, being also the south line of the 226.903 acre tract, a distance of 9.22 feet to a
calculated point, from which a 1" Iron pipe found at an angle point in the north right-of-
way line of Nuckols Crossing Road, being also an angle point the south line of the said
226.903 acre tract, bears South 72°41'41" West, a distance of 64.11 feet;

THENCE departing the north right-of-way line of Nuckols Crossing Road, over and
across the 226.903 acre tract, the following six (6) courses:

1. North 32°00'13" East, a distance of 107.05 feet to a calculated point;
2. North 25°39'34" East, a distance of 851.48 feet to a calculated point;
3. North 32°18'06" East, a distance of 164.86 feet to a calculated point;
4. North 71°55'55" East, a distance of 53.28 feet to a calculated point;
5. South 72°41'51" East, a distance of 184.61 feet to a calculated point;
6. South 61°06'40" East, a distance of 1420.69 feet to a calculated point in the
north right-of-way line of Thaxton Road (right-of-way width varies), being also the
south line of the 226.903 acre tract, from which a 1/2" rebar found in the north
right-of-way line of Thaxton Road, being also the south line of the 226.903 acre tract, bears North 87°41'17" East, a distance of 12.31 feet;

THENCE with the north right-of-way line of Thaxton Road and Nuckols Crossing Road, being also the south line of the 226.903 acre tract, the following ten (10) courses:

1. South 87°41'17" West, a distance of 22.78 feet to a 5/8" rebar found;

2. North 73°57'04" West, a distance of 59.40 feet to a 1/2" rebar found, from which a 3/8" iron pipe found in the south right-of-way line of Thaxton Road bears South 32°52'03" West, a distance of 69.88 feet;

3. North 61°06'38" West, a distance of 480.92 feet to a 1" iron pipe found;

4. North 61°06'42" West, a distance of 879.84 feet to a 1/2" rebar found, from which a 1/2" iron pipe found in the south right-of-way line of Thaxton Road bears South 28°23'04" West, a distance of 68.94 feet;

5. North 72°41'51" West, a distance of 174.10 feet to a 1/2" rebar found;

6. South 71°55'55" West, a distance of 36.30 feet to a 1/2" rebar found;

7. South 32°18'06" West, a distance of 154.40 feet to a 1/2" rebar found, from which a 3/8" iron pipe found in the south right-of-way line of Nuckols Crossing Road bears South 63°36'38" East, a distance of 69.27 feet;

8. South 25°39'34" West, a distance of 851.75 feet to a 5/8" rebar found, from which a 1" iron pipe found in the south right-of-way line of Nuckols Crossing Road bears North 79°00'11" East, a distance of 87.02 feet;

9. South 33°31'21" West, a distance of 48.80 feet to a 1-3/4" iron pipe found;

10. South 50°43'05" West, a distance of 55.25 feet to the POINT OF BEGINNING, containing 1.552 acres of land, more or less.


Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995

REFERENCES
TCAD Parcel #0334000126
Austin Grid map H-13 & J-13

FIELD NOTES REVIEWED
By John Moore, Date 4-18-2006
Engineering Support Section
Department of Public Works
and Transportation
SKETCH TO ACCOMPANY A DESCRIPTION OF 1.552 (67,592 SQ. FT.) ACRES IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 226.903 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO THE CITY OF AUSTIN, DATED JANUARY 25, 2000 AND RECORDED UNDER DOCUMENT NO. 2000011816 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 471-001-WE1

### LINE TABLE

<table>
<thead>
<tr>
<th>No.</th>
<th>BEARING</th>
<th>LENGTH</th>
<th>RECORD LINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>S72°41'41&quot;W</td>
<td>73.33'</td>
<td>(S72°42'40&quot;W 73.32')</td>
</tr>
<tr>
<td>L2</td>
<td>N87°20'12&quot;W</td>
<td>47.73'</td>
<td>(N87°20'59&quot;W 47.74')</td>
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<tr>
<td>L3</td>
<td>N80°00'36&quot;W</td>
<td>5.30'</td>
<td>(N80°01'13&quot;W 5.30')</td>
</tr>
<tr>
<td>L4</td>
<td>S10°01'39&quot;W</td>
<td>68.98'</td>
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</tr>
<tr>
<td>L5</td>
<td>S72°41'41&quot;W</td>
<td>9.22'</td>
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<tr>
<td>L6</td>
<td>N32°00'13&quot;E</td>
<td>107.05'</td>
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<td>L7</td>
<td>N32°18'06&quot;E</td>
<td>164.86'</td>
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<td>L8</td>
<td>N71°55'55&quot;E</td>
<td>53.28'</td>
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<td>L9</td>
<td>S72°41'51&quot;E</td>
<td>184.61'</td>
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<td>S87°41'17&quot;W</td>
<td>59.40'</td>
<td>(N73°58'19&quot;W 59.28')</td>
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<tr>
<td>L11</td>
<td>N73°57'04&quot;W</td>
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</tr>
<tr>
<td>L12</td>
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<td>S28°23'04&quot;W</td>
<td>174.10'</td>
<td>(N72°41'57&quot;W 174.11')</td>
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<td>59.28'</td>
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<td>154.40'</td>
<td>(S32°19'48&quot;W 154.44')</td>
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<td>(S33°29'17&quot;W 48.81')</td>
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<tr>
<td>L18</td>
<td>N79°00'11&quot;E</td>
<td>87.02'</td>
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<td>L19</td>
<td>S33°31'32&quot;W</td>
<td>48.80'</td>
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<tr>
<td>L23</td>
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<td>(N53°22'40&quot;E 41.31')</td>
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<tr>
<td>L24</td>
<td>N35°35'19&quot;E</td>
<td>42.98'</td>
<td>(N36°04'57&quot;E 42.78')</td>
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</tbody>
</table>

**LEGEND**

- ● REBAR FOUND (SIZE NOTED)
- ◐ IRON PIPE FOUND (SIZE NOTED)
- ○ CALCULATED POINT
- ( ) RECORD DATA

DATE OF SURVEY: OCT. 2005
PLOT DATE: 4/18/06
DRAWING NO.: 471-001-WE1
PROJECT NO.: 471-001
SHEET 1 OF 4
SANTIAGO DEL VALLE GRANT

225.903 ACRES
CITY OF AUSTIN
(2000011816)

5.74 AC.
DONALD F.
SCHMIDT ET AL
(5057/250)

225.903 ACRES
CITY OF AUSTIN
(2000011816)

5.74 AC.
ALICE DITTMAR GROBOWSKY
(5057/264)

5.74 AC.
C.L. JENNINGS AND K.T. GILMORE
(2002075802)

679.88 ACRES
MYE VENTURE, LTD.
(2005078856)

LOT 1
GENTRY ESTATES
(75/88)

DATE OF SURVEY: OCT. 2005
PLOT DATE: 4/18/06
DRAWING NO.: 471-001-WE1
PROJECT NO.: 471-001
SHEET 2 OF 4
2.422 ACRES
WASTEWATER EASEMENT

A DESCRIPTION OF 2.422 ACRES (APPROXIMATELY 105,522 SQUARE FEET) IN THE SANTIAGO DEL VALLE GRANT, BEING A PORTION OF A 226.903 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO THE CITY OF AUSTIN, DATED JANUARY 25, 2000 AND RECORDED UNDER DOCUMENT NO. 2000011816 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALSO A PORTION OF A 74.401 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO THE CITY OF AUSTIN, DATED OCTOBER 29, 1999 AND RECORDED UNDER DOCUMENT NO. 1999131284 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.422 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" Iron pipe found at an angle point in the north right-of-way line of Nuckols Crossing Road (right-of-way width varies), being also the west corner of the said 226.903 acre tract and the southeast corner of the said 74.401 acre tract, from which a 1" Iron pipe found at another angle point in the north right-of-way line of Nuckols Crossing Road, being also an angle point in the southwest line of the 226.903 acre tract, bears South 68°17'00" East, a distance of 145.27 feet;

THENCE North 63°17'50" West, along the north right-of-way line of Nuckols Crossing Road, being also the southwest line of the 74.401 acre tract, a distance of 30.00 feet to a calculated point, from which a 1/2" rebar found at an angle point in the north right-of-way line of Nuckols Crossing Road, being also an angle point in the southwest line of the 74.401 acre tract, bears North 63°17'50" West, a distance of 10.12 feet;

THENCE over and across the 74.401 acre tract and the 226.903 acre tract, the following sixteen (16) courses:

1. North 26°55'16" East, a distance of 805.21 feet to a calculated point;
2. North 21°29'13" East, a distance of 260.34 feet to a calculated point;
3. North 26°26'08" East, a distance of 351.19 feet to a calculated point;
4. North 26°45'44" East, a distance of 350.41 feet to a calculated point;
5. North 25°23'09" East, a distance of 352.96 feet to a calculated point;
6. North 62°37'38" West, a distance of 15.00 feet to a calculated point;
7. North 27°22'22" East, a distance of 305.14 feet to a calculated point;
8. North 17°28'47" East, a distance of 383.93 feet to a calculated point in the south line of a 20' wide Sanitary Sewer Easement granted to the City of Austin, of record in Volume 10344, Page 284 of the Real Property Records of Travis County, Texas;
9. South 81°14'31" East, along the south line of the said 20' wide easement, a distance of 60.70 feet to a calculated point;
10. South 17°28'47" West, departing the south line of the 20' wide easement, a distance of 396.32 feet to a calculated point;
11. South 27°22'22" West, a distance of 309.81 feet to a calculated point;
12. North 62°37'38" West, a distance of 15.00 feet to a calculated point;
13. South 25°23'09" West, a distance of 352.80 feet to a calculated point;
14. South 28°45'44" West, a distance of 350.68 feet to a calculated point;
15. South 26°26'08" West, a distance of 349.81 feet to a calculated point;
16. South 21°29'13" West, a distance of 260.46 feet to a 1/2" rebar found at an angle point in the common line of the 226.903 acre tract and the 74.401 acre tract, from which a nail found at another angle point in the aforementioned common line bears North 23°30'17" East, a distance of 228.17 feet;

THENCE South 26°55'16" West, along the aforementioned common line, a distance of 806.52 feet to the POINT OF BEGINNING, containing 2.422 acres of land, more or less.


Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995

REFERENCES
TCAD Parcel #0334000126, 0431080801 & 0431080803
Austin Grid map H-13

FIELD NOTES REVIEWED
By: [signature] Date 4-18-2006
Engineering Support Section
Department of Public Works and Transportation
SKETCH TO ACCOMPANY A DESCRIPTION OF 2.422 ACRES (APPROXIMATELY 105,522 SQUARE FEET) IN THE SANTIAGO DEL VALLE GRANT, BEING A PORTION OF A 226.903 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO THE CITY OF AUSTIN, DATED JANUARY 25, 2000 AND RECORDED UNDER DOCUMENT NO. 2000011816 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALSO A PORTION OF A 74.401 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO THE CITY OF AUSTIN, DATED OCTOBER 29, 1999 AND RECORDED UNDER DOCUMENT NO. 1999131284 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1883/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 471-001-WWE1

LEGEND

- 1/2" REBAR FOUND
- 36" ELm TREE FOUND
- NAIL FOUND
- IRON PIPE FOUND (SIZE NOTED)
- CALCULATED POINT

SEE SHEET 2

SCALE

1" = 100'

40.052 ACRES
CITY OF AUSTIN
(2000121255)

2.422 ACRES
(2000121255)

74.401 ACRES
CITY OF AUSTIN
(1999131284)

0.048 ACRES
R.O.W. DEDICATION
(1999131284)

226.903 ACRES
CITY OF AUSTIN
(2000011816)

SANTIAGO DEL VALLE GRANT

BENCHMARK LAND DEVELOPMENT, INC.
(2005078857)

DATE OF SURVEY: NOV. 2005
PLOT DATE: 4/18/06
DRAWING NO.: 471-001-WWE1
PROJECT NO.: 471-001
SHEET 1 OF 4
SANTIAGO DEL VALLE GRANT

74.401 ACRES
CITY OF AUSTIN
(1999131284)

40.052 ACRES
CITY OF AUSTIN
(2000121256)

226.003 ACRES
CITY OF AUSTIN
(2000011816)

DATE OF SURVEY: NOV. 2005
PLOT DATE: 4/18/06
DRAWING NO.: 471-001-WWE1
PROJECT NO.: 471-031
SHEET 2 OF 4

LEGEND
- 1/2" REBAR FOUND
- 36" ELM TREE FOUND
- NAIL FOUND
- IRON PIPE FOUND
  (SIZE NOTED)
- CALCULATED POINT

DRAWING NO.: 471-001-WWE1
PROJECT NO.: 471-031
SHEET 2 OF 4
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 on behalf of the Austin Water Utility hereby requests authorization for the construction, operation and maintenance of the water and wastewater facilities.

The proposed improvements require a water and wastewater use over and across the Onion Creek Park to serve the Goodnight Ranch PUD (Goodnight). In addition the lines will serve the AISD’s South Central Elementary School. The improvements are shown on Exhibits “A” and “B”.

In mitigation, Austin Goodnight Ranch, L.P., the developer of Goodnight Ranch PUD, has agreed to the following:

a. Construct a crushed granite trail along the use area of the wastewater line.
b. Provide water and wastewater service connects to allow future development of the park.
c. Provide a cable fence along the park frontage adjacent to the Goodnight Ranch PUD to help control unauthorized access and dumping.

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”. Goodnight 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 May 28th, June 4th and 11th, 2006.
RESOLUTION NO. 20060622-

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, operation and maintenance of water and wastewater facilities through dedicated parkland known as Onion Creek Park; and

WHEREAS, notice of public meeting to be held on June 22, 2006, was given for three consecutive weeks on May 28, June 4, and 11, 2006 in a newspaper of general circulation; and

WHEREAS, such public hearing was held June 22, 2006, 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 the parkland (detailed in the attached Exhibit "A" and "B") for the construction, operation and maintenance of water and wastewater facilities through the dedicated parkland known as Onion Creek 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, favorable or required to secure placement of lines.

ADOPTED: June 22, 2006

ATTEST:   Shirley A. Gentry
              City Clerk