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ORDINANCE NO. 20200604-

AN ORDINANCE VACATING AN APPROXIMATELY 572 SQUARE FOOT TRACT OF RIGHT-OF-WAY OF THE ALLEY ABUTTING 809 EAST 9TH STREET TO THE GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION, REPEALING ORDINANCE NO. 20200220-081, WAIVING SECTION 14-11-75 OF THE CITY CODE AS IT RELATES TO VACATING THE RIGHT-OF-WAY, AND CONVEYING THE VACATED RIGHT-OF-WAY FOR \$0.00.

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

PART 1.

- A. The Guadalupe Neighborhood Development Corporation (the “GNDC”) is planning to develop multifamily affordable senior housing at 809 East 9th Street, Austin, Texas 78702 (the “Project”).
- B. The City of Austin has a right-of-way interest in an approximately 572 square foot tract of land adjacent to the Project known as the alley of East 8th Street (the “Property”).
- C. On or around December 4, 2018, the GNDC, through its project engineer, applied to the City requesting the vacation of the City’s right-of-way interest in the Property (the “Application”).
- D. The City notified the appropriate property owners and neighborhood associations of the Application.
- E. All affected City departments and utility franchise holders have reviewed the Application and recommend approval.
- F. The Austin Water Utility (the “AWU”) recommended approval of the Application subject to the following conditions (the “AWU Conditions”):
 - (1) the GNDC completing and submitting to the City, in a form acceptable to the City, an updated survey of the Property;
 - (2) the reservation of a waterline easement over the entire Property (the

1 “Reserved Easement”; and

- 2
- 3 (3) the execution of an agreement between the City and GNDC for the
- 4 construction of a clean-out on the Property, the release of a portion of the
- 5 Reserved Easement, and the GNDC’s assumption of the maintenance and
- 6 operations of certain facilities located on the Property.
- 7

8 G. On May 12, 2020, the Planning Commission approved the Application.

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10 H. On May 15, 2020, the Urban Transportation Commission approved the

11 Application.

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13 I. The appraised market value for the 572 square foot tract is \$52,818.00.

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15 J. Pursuant to Section 272.001(g), Texas Local Government Code, the City may

16 convey the vacated right-of-way interest to the GNDC for less than fair market

17 value if the conveyance is for the development of low or moderate income housing

18 (the “Public Purpose”) and the City fixes the terms of the transaction to effectuate

19 and maintain the Public Purpose (the “LGC Requirements”).

20

21 K. Ordinance No. 20200220-081 to vacate the alley did not comply with notice

22 provisions.

23

24 **PART 2.** Council approves the vacation of an approximately 572 square foot tract of

25 right-of-way, being a 20 foot wide tract of land known as the alley of East 8th Street,

26 abutting 809 East 9th Street.

27

28 **PART 3.** Council waives Section 14-11-75 of the City Code as it relates to vacating an

29 approximately 572 square foot tract of right-of-way, being a 20 foot wide tract of land

30 known as the alley of East 8th Street, abutting 809 East 9th Street.

31

32 **PART 4.** An amount of \$0.00 will be posted for the 572 square foot of the alley of East

33 8th Street, abutting 809 East 9th Street, and \$0.00 will be deposited upon the recording of a

34 deed without warranty related to the vacation (the “Deed”).

35

36 **PART 5.** Council instructs the city manager or his designee to negotiate and execute all

37 documents appropriate and necessary to effectuate the AWU Conditions, the LGC

38 Requirements, and the Deed.

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1 **PART 6.** Council repeals Ordinance No. 20200220-081.

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3 **PART 7.** This ordinance takes effect on _____, 2020.

4
5 **PASSED AND APPROVED**

6
7 §
8 §
9 _____, 2020 § _____
10
11 Steve Adler
12 Mayor

13
14 **APPROVED:** _____ **ATTEST:** _____
15 Anne L. Morgan Jannette S. Goodall
16 City Attorney City Clerk
17