

SUBJECT: Conduct a public hearing and approve a resolution authorizing the use of approximately 2.56 acres for drainage, 2.33 acres for temporary work space, and 1.40 acres for a wastewater line to allow the construction of improvements serving the Pioneer Hill development through dedicated parkland known as Walnut Creek Greenbelt 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 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 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 Public Works Department on behalf of the Austin Water Utility, and the Watershed Protection and Development Review Department hereby requests authorization for the construction, operation and maintenance of drainage and utility facilities.

The proposed improvements require a wastewater and a drainage use over and across the Walnut Creek Greenbelt to serve the Pioneer Hill TND. The improvements are shown on Exhibit "A".

In mitigation, Continental Homes of Texas, L.P., the developer of Pioneer Hill TND ("*Continental*"), has agreed to the following:

1. Direct Mitigation on Walnut Creek Greenbelt. Continental will provide the following improvements to the Park:
 - a. Brush clearing for a primitive trail.
 - b. Construction of a revegetated grass trail over the use area of the wastewater line.
 - c. Construction of fencing in the Park around existing gravesites in the two off-site cemeteries that abut the Pioneer Hill property on the eastern boundary.
2. Mitigation in Pioneer Hill TND. Continental has proposed the following improvements to the parkland in the Pioneer Hill TND, which improvements are both mitigation for the wastewater and drainage use and commitments of the developer with respect to the parkland in the Pioneer Hill TND:

- a. Provision of general public access on 24.74 acres of private open space of the project.
- b. Construction of a six foot wide concrete trail located along certain single-sided streets abutting open space areas. At these locations, the five foot sidewalk associated with the street will not be installed (approximately 5,970 linear feet). The construction value associated with this five foot sidewalk will be equal to the construction value of the six foot concrete trail.
- c. Construction of approximately 1,400 linear feet of an eight foot high chain link fence enclosing the parkland along the Overcash property abutting Pioneer Hill. A vehicular gate will be provided at the access easement.

There are other improvements and commitments by Continental which relate to the agreements reached with the Parks & Recreation Department for the parkland in the Pioneer Hill TND.

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". Continental 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 January 16, January 23, and January 30, 2005.

Exhibit "A"

1.40 Acre Utility Easement

AN EASEMENT 30 FEET WIDE IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE JAMES O. RICE SURVEY, ABSTRACT 675 AND BEING A PART OF THAT 67.555 ACRE TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN DOCUMENT No. 2000001160 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE at the Most Southerly Corner of that 40.768 Acre Tract of land conveyed to the City of Austin by deed recorded in Volume 7679, Page 269 of the Deed Records of Travis County, Texas, the same being the Most Northerly Corner of the said 67.555 Acre Tract of land conveyed to the City of Austin by deed recorded in Document No. 2000001160 of the Official Public Records of Travis County, Texas, and also being the Northeast Corner of a cemetery

THENCE along the Northerly Line of the 67.555 Acre Tract, the same being the Southeasterly and Southwesterly line of a cemetery the following two (2) courses:

1. S.32°38'27"W. a distance of 259.25 feet;
2. N.60°26'23"W. a distance of 392.82 feet to a $\frac{3}{4}$ " iron rod found for the Westerly Northwest Corner of the 67.555 Acre Tract;

THENCE along the West Line of the 67.555 Acre Tract the following three (3) courses:

1. S.11°00'34"E. a distance of 186.47 feet to a $\frac{3}{4}$ " iron rod found;
2. S.00°28'13"W. a distance of 497.13 feet to a $\frac{3}{4}$ " iron rod found;
3. S.32°29'43"W. a distance of 329.65 feet to the Point of Beginning;

THENCE crossing the said 67.555 Acre Tract the following four (4) courses:

1. S.37°10'01"E. a distance of 591.57 feet;
2. N.85°41'56"E. a distance of 814.79 feet;
3. S.70°16'47"E. a distance of 274.42 feet;
4. S.42°16'34"E. a distance of 350.83 feet to the East Line of the said 67.555 Acre Tract, the same being the West Line of Sprinkle Road.

The side lines of said easement to be extended or shortened to meet at all angle points and to terminate at the East and West Lines of the 67.555 Acre Tract. Containing 1.40 acres, more or less.


J. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas

RJ Surveying, Inc.
1212 East Braker Lane
Austin, Texas 78753



FRED C. MORSE
VOL. 3448,
PAGE 406
97.95 ACRES

CITY OF AUSTIN
VOLUME 7679, PAGE 269
40.768 ACRES

Exhibit "A"

METHODIST EPISCOPAL
CHURCH OF MOUNT
SALEM CEMETERY

POINT OF
COMMENCEMENT

S11°00'34"E
186.47'
S00°28'13"W
497.13'

POINT OF
BEGINNING

CITY OF AUSTIN
DOCUMENT NO. 2000001160
67.555 ACRES

N85°41'56"E
814.79'

S70°16'47"E
274.42'

S42°16'34"E
350.63'

CENTERLINE OF
30' UTILITY
EASEMENT
(1.40 ACRES)

WALNUT CREEK

SPRINKLE ROAD



SKETCH TO ACCOMPANY DESCRIPTION
OF DRAINAGE EASEMENT
SEE DESCRIPTION ON SEPARATE
ATTACHMENT

DATE: SEPT. 15, 2004

SCALE: 1" = 300'

RJ SURVEYING, INC.

1212 E. BRAKER LANE AUSTIN, TEXAS 78753 (512) 836-4793

John K. Weigand 12-13-04

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Exhibit "B"

2.33 Acre Temporary Construction Easement

AN EASEMENT 50 FEET WIDE IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE JAMES O. RICE SURVEY, ABSTRACT 675 AND BEING A PART OF THAT 67.555 ACRE TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN DOCUMENT No. 2000001160 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE at the Most Southerly Corner of that 40.768 Acre Tract of land conveyed to the City of Austin by deed recorded in Volume 7679, Page 269 of the Deed Records of Travis County, Texas, the same being the Most Northerly Corner of the said 67.555 Acre Tract of land conveyed to the City of Austin by deed recorded in Document No. 2000001160 of the Official Public Records of Travis County, Texas, and also being the Northeast Corner of a cemetery

THENCE along the Northerly Line of the 67.555 Acre Tract, the same being the Southeasterly and Southwesterly line of a cemetery the following two (2) courses:

1. S.32°38'27"W. a distance of 259.25 feet;
2. N.60°26'23"W. a distance of 392.82 feet to a $\frac{3}{4}$ " iron rod found for the Westerly Northwest Corner of the 67.555 Acre Tract;

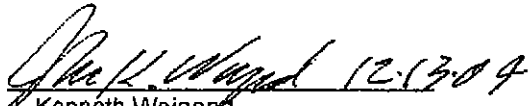
THENCE along the West Line of the 67.555 Acre Tract the following three (3) courses:

1. S.11°00'34"E. a distance of 186.47 feet to a $\frac{3}{4}$ " iron rod found;
2. S.00°28'13"W. a distance of 497.13 feet to a $\frac{3}{4}$ " iron rod found;
3. S.32°29'43"W. a distance of 329.65 feet to the Point of Beginning;

THENCE crossing the said 67.555 Acre Tract the following four (4) courses:

1. S.37°10'01"E. a distance of 591.57 feet;
2. N.85°41'56"E. a distance of 814.79 feet;
3. S.70°16'47"E. a distance of 274.42 feet;
4. S.42°16'34"E. a distance of 350.63 feet to the East Line of the said 67.555 Acre Tract, the same being the West Line of Sprinkle Road.

The side lines of said easement to be extended or shortened to meet at all angle points and to terminate at the East and West Lines of the 67.555 Acre Tract. Containing 2.33 acres, more or less.



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FRED C. MORSE
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97.95 ACRES

CITY OF AUSTIN
VOLUME 7679, PAGE 269
40.768 ACRES

Exhibit "B"

METHODIST EPISCOPAL
CHURCH OF MOUNT
SALEM CEMETERY

POINT OF
COMMENCEMENT

3/4" REF
186.47'
S11°00'34"E
3/4" REF
N60°26'23"W
392.82'
S32°38'27"W
259.25'

S00°28'13"W
497.13'

3/4" REF
S32°29'43"W
329.65'

POINT OF
BEGINNING

CITY OF AUSTIN
DOCUMENT NO. 20000001160
67.555 ACRES

S32°29'43"W
92.40'

1/2" REF

N85°41'56"E
814.79'

S70°16'47"E
274.42'

S42°16'34"E
350.63'

CENTERLINE OF
50' EASEMENT
(2.33 ACRES)

S37°10'01"E
591.57'

WALNUT CREEK

SPRINKLE ROAD



SKETCH TO ACCOMPANY DESCRIPTION
OF DRAINAGE EASEMENT
SEE DESCRIPTION ON SEPARATE
ATTACHMENT

DATE: SEPT. 15, 2004

SCALE: 1" = 300'

RJ SURVEYING, INC.

1212 E. BRAKER LANE AUSTIN, TEXAS 78753 (512) 836-4793

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John K. Weigand 12.13.04

Exhibit "C"

2.56 Acre Drainage Easement

AN EASEMENT 50 FEET WIDE IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE JAMES O. RICE SURVEY, ABSTRACT 675 AND BEING A PART OF THAT 40.768 ACRE TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 7679, PAGE 269 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE at the Most Southerly Corner of the said 40.768 Acre Tract, the same being the Most Northerly Corner of that 67.555 Acre Tract of land conveyed to the City of Austin by deed recorded in Document No. 2000001160 of the Official Public Records of Travis County, Texas, and also being the Northeast Corner of a cemetery

THENCE N.59°16'33"W., along the South Line of the 40.768 Acre Tract and the North Line of the cemetery, a distance of 689.49 feet to a ½" iron rod found for the Northwest Corner of the cemetery and to a point in the East Line of that 97.95 Acre Tract of land conveyed to Fred C. Morse by deed recorded in Volume 3448, Page 406 of the Deed Records of Travis County, Texas;

THENCE N.15°07'21"W., along the West Line of the 40.768 Acre Tract, the same being the East Line of the 97.95 Acre Tract, a distance of 41.27 feet to the Point of Beginning;

THENCE crossing the 40.768 Acre Tract the following eleven (11) courses:

1. N.48°28'54"E. a distance of 276.13 feet;
2. N.29°54'38"E. a distance of 267.56 feet;
3. N.26°34'33"E. a distance of 155.59 feet to Point A;
4. N.90°00'00"E., a distance of 72.51 feet;
5. N.39°18'10"E. a distance of 288.47 feet to Point B;
6. N.82°52'42"E. a distance of 70.15 feet;
7. S.83°29'00"E. a distance of 102.17 feet;
8. N.59°02'54"E. a distance of 101.46 feet;
9. N.41°01'21"E. a distance of 88.38 feet;
10. N.70°34'07"E. a distance of 104.57 feet;
11. N.90°00'00"E., a distance of 119.64 feet to the East Line of the 49.768 Acre Tract;

And together with the following:

Begin at Point A described above;

THENCE crossing the 40.768 Acre Tract the following two (2) courses:

1. N.56°31'54"W. a distance of 67.33 feet;
2. N.79°25'37"W. a distance of 193.19 feet to the West Line of the 40.768 Acre Tract, the same being the East Line of that 66.0 Acre Tract of land conveyed to Heritage Society of Austin by deed recorded in Volume 1674, Page 195 of the Deed Records of Travis County, Texas from which point an iron pipe found for angle point in the West line of 40.768 Acre Tract bears S.31°39'09"W., 252.43 feet;

2.56 Acre Drainage Easement

Exhibit "C"

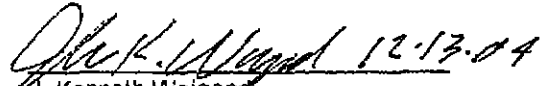
And together with the following:

BEGIN at Point B described above:

THENCE crossing the 40.768 Acre Tract the following two (2) courses:

1. N.30°58'33"W. a distance of 84.53 feet;
2. N.57°29'41"W. a distance of 281.60 feet to the West Line of the 40.768 Acre Tract and the East Line of the 66.0 Acre Tract conveyed to Heritage Society of Austin, from which point a 1/2" iron rod found for angle point in the West line of the 40.768 Acre Tract bears S.29°36'19"W., 178.96 feet.

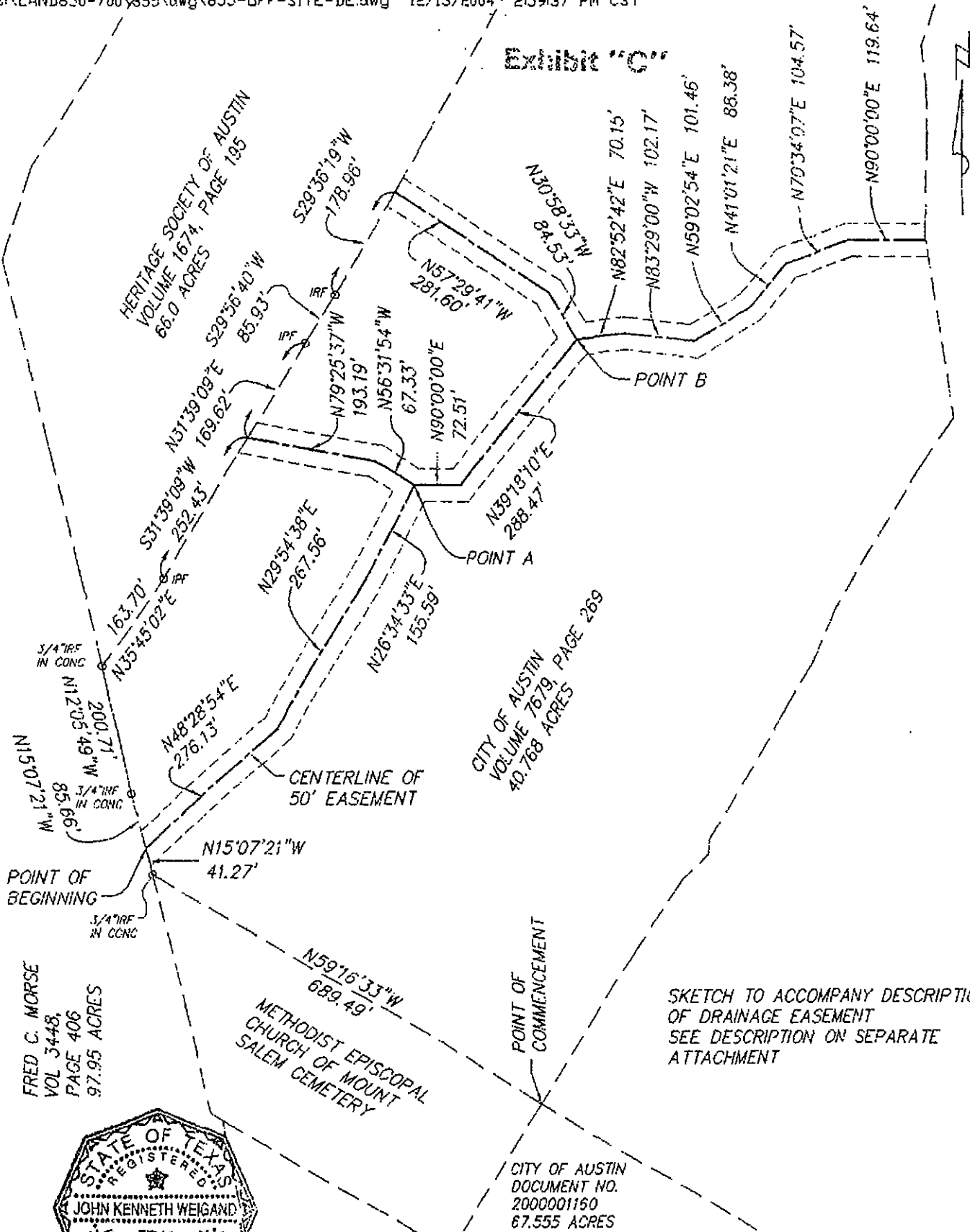
The sidelines of the easement to be extended or shortened to meet at all angle points and to terminate at the West Line of the 40.768 Acre Tract and to terminate at the East Line of the 40.768 Acre Tract. Containing 2.56 Acres, more or less.


J. Kenneth Weigand
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State of Texas

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Exhibit "C"



SKETCH TO ACCOMPANY DESCRIPTION
OF DRAINAGE EASEMENT
SEE DESCRIPTION ON SEPARATE
ATTACHMENT



CITY OF AUSTIN
DOCUMENT NO.
2000001150
67.555 ACRES

DATE: SEPT. 15, 2004

SCALE: 1" = 200'

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John K. Weigand 12-13-04

