

ORDINANCE NO. 850110-X

AN ORDINANCE RELATIVE TO PARKS AND WILDLIFE CODE, SECTION 26.001, V.A.T.C.S., AS AMENDED, PUBLIC HEARING ON CHANGE OF USE OF A PORTION OF CITY'S SAND BEACH RESERVE FROM PARK TO PUBLIC STREET PURPOSES AND EFFECTING DEDICATION OF SUCH PORTION FOR A PUBLIC STREET; ENTERING FINDINGS RELATIVE TO THE SUBJECT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

WHEREAS, it is the finding of the City Council that the City Manager has requested that 13,391 square feet or 0.307 of one acre of land out of the City's Sand Beach Reserve, presently used for park purposes, be changed to public street use in order to provide access to the Townlake Joint Venture property which is bounded on the south by the City's Sand Beach Reserve, on the north and east by Railroad right-of-way, and on the west by Lamar Boulevard; and,

WHEREAS, upon due notices and public hearing on the question, pursuant to Parks and Wildlife Code, Sec. 26.001, V.A.T.C.S., the City Council finds that the public interest will best be served by the requested change and that the affected portion should be dedicated for public street purposes; and,

WHEREAS, the City Council finds that there are no other existing, enforceable restrictions on the said change in use of such affected portion; Now, Therefore,

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

SECTION 1. That, after requisite public hearing duly conducted by the City Council pursuant to Parks and Wildlife Code, Sec. 26.001, V.A.T.C.S., it is hereby found:

1. There is no feasible and prudent alternative to the use or taking by the City of that portion of the City's Sand Beach Reserve, described in Exhibits "A" and "B", annexed hereto and incorporated herein for all purposes by this reference, for public street purposes in order to provide access for Townlake Joint Venture;
2. The proposed project will include all reasonable planning to minimize harm to the land involved as playground or park resulting from public street uses.
3. Clearly enunciated local preferences have been fully considered; and,

4. The prior approval of the City Parks and Recreation Board of the said change in use of the said affected portion of the Sand Beach Reserve has been given.
5. The Environmental Board, Parks and Recreation Board, Planning Commission, Public Works Department and Urban Transportation Department, have reviewed and approved the Townlake Joint Venture site plan and have approved the use and dedication of the Sand Beach Reserve for roadway purposes subject to the following:

That Townlake Joint Venture shall agree to:

- a. Pay all expense for the construction and maintenance of said street and a new parking lot upon the Sand Beach Reserve.
- b. Replace trees, shrubs, groundcover and provide new trees and landscaping according to mutual agreement with Parks and Recreation staff on Sand Beach Reserve and on adjacent tract.
- c. Remove paving from one existing parking lot and driveway.
- d. Provide \$25,000 additional donation in cash or improvements to Town Lake development, to be determined by the Parks and Recreation Department.
- e. Construct and dedicate a hike and bike trail along west boundary to connect to City's trail system, location to be approved by the Parks and Recreation Department.
- f. Construct and maintain new street entrance and one public parking lot upon Sand Beach Reserve.
- g. Provide a Letter of Credit in an amount to be determined by Urban Transportation for widening West First Street if necessary, including utility relocation, paving, drainage, traffic signal relocation and revised signal head design with new controller.

- h. Allow free public use of the parking garage to be constructed during non-business hours, if requested by the Parks and Recreation Department for use during special public events such as Aqua Festival, Yule Fest, etc.
- i. Dedicate permanent Ingress-Egress Easement through a portion of its property to allow public access from the proposed street to the new parking lot to be constructed on Sand Beach Reserve and to connect to the hike and bike trail to be dedicated.

SECTION 2. There is hereby dedicated to public street use that portion of the City's Sand Beach Reserve as described in the above referenced Exhibits "A" and "B".

SECTION 3. WHEREAS, an emergency is apparent for the immediate preservation of order, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this Ordinance become effective immediately upon its passage, therefore, the rule requiring the reading on three separate days is hereby suspended and this Ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

January 10

, 1985

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Ron Mullen
Mayor

APPROVED:



Paul C. Isham
City Attorney

ATTEST:



James E. Aldridge
City Clerk

TDN:sh

Area to be Dedicated
For Street Purposes

DESCRIPTION

DESCRIPTION OF 13,391 SQUARE FEET OR 0.307 OF ONE ACRE OF LAND, SAME BEING A STRIP OF LAND SIXTY (60.00) FEET IN WIDTH, OUT OF THAT PORTION OF THE SAND BEACH RESERVE AS DESCRIBED IN A DEED TO THE CITY OF AUSTIN OF RECORD IN VOLUME 769, PAGE 57, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.307 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin set at the northeast corner of this tract, same being in the north line of said Sand Beach Reserve, same also being the south line of Lot A, Jetco Partners International Resubdivision One, a subdivision of record in Book 83, Page 184A, Plat Records of Travis County, Texas, from which point an iron pin found at the southeast corner of said Lot A bears S47°30'46"E 8.54 feet;

THENCE, with the easterly line of this tract, crossing said Sand Beach Reserve, the following five (5) courses:

- 1) S20°46'00"W 3.31 feet to an iron pin set at the point of curvature of a curve whose radius is 20.00 feet;
- 2) With said curving line to the left, an arc distance of 16.41 feet, the chord of which arc bears S02°44'00"E 15.95 feet to an iron pin set at the point of tangency of said curve;
- 3) S26°14'00"E 58.26 feet to an iron pin set at the point of curvature of a curve whose radius is 80.00 feet;
- 4) With said curving line to the right, an arc distance of 125.66 feet, the chord of which arc bears S18°45'52"W 113.13 feet to an iron pin set at the point of tangency of said curve; and
- 5) S63°45'45"W 30.11 feet to an iron pin set at the most southerly corner of this tract, same being in the north line of the Right Wing or north portion of West 1st Street;

THENCE, with the north line of the Right Wing or north portion of West 1st Street, N26°14'15"W 60.00 feet to an iron pin set at the most westerly corner of this tract;

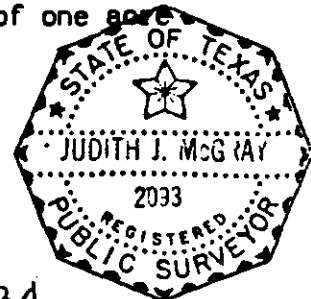
THENCE, with the westerly line of this tract, crossing said Sand Beach Reserve, in a line 60.00 feet west of and parallel with the easterly line of this tract, the following five (5) courses:

- 1) N63°45'45"E 30.11 feet to an iron pin set at the point of curvature of a curve whose radius is 20.00 feet;
- 2) With said curving line to the left, an arc distance of 31.41 feet, the chord of which arc bears N18°45'52"E

- 28.28 feet to an iron pin set at the point of tangency of said curve;
- 3) N26°14'00"W 58.26 feet to an iron pin set at the point of curvature of a curve whose radius is 80.00 feet;
 - 4) With said curving line to the right, an arc distance of 65.62 feet, the chord of which arc bears N02°44'00"W 63.80 feet to an iron pin set at the point of tangency of said curve; and
 - 5) N20°46'E 27.21 feet to an iron pin set at the northwest corner of this tract, same being in the north line of Sand Beach Reserve, same also being in the south line of said Lot A, from which point an iron pin found at an angle point in the south line of said Lot A bears N47°30'46"W 6.31 feet;

THENCE, with the north line of Sand Beach Reserve, same being the south line of said Lot A, S47°30'46"E 64.59 feet to the POINT OF BEGINNING and containing 13,391 square feet or 0.307 of one acre of land within these metes and bounds.

SURVEYED BY: McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Drive, Suite 6
Austin, Texas 78731 451-8591

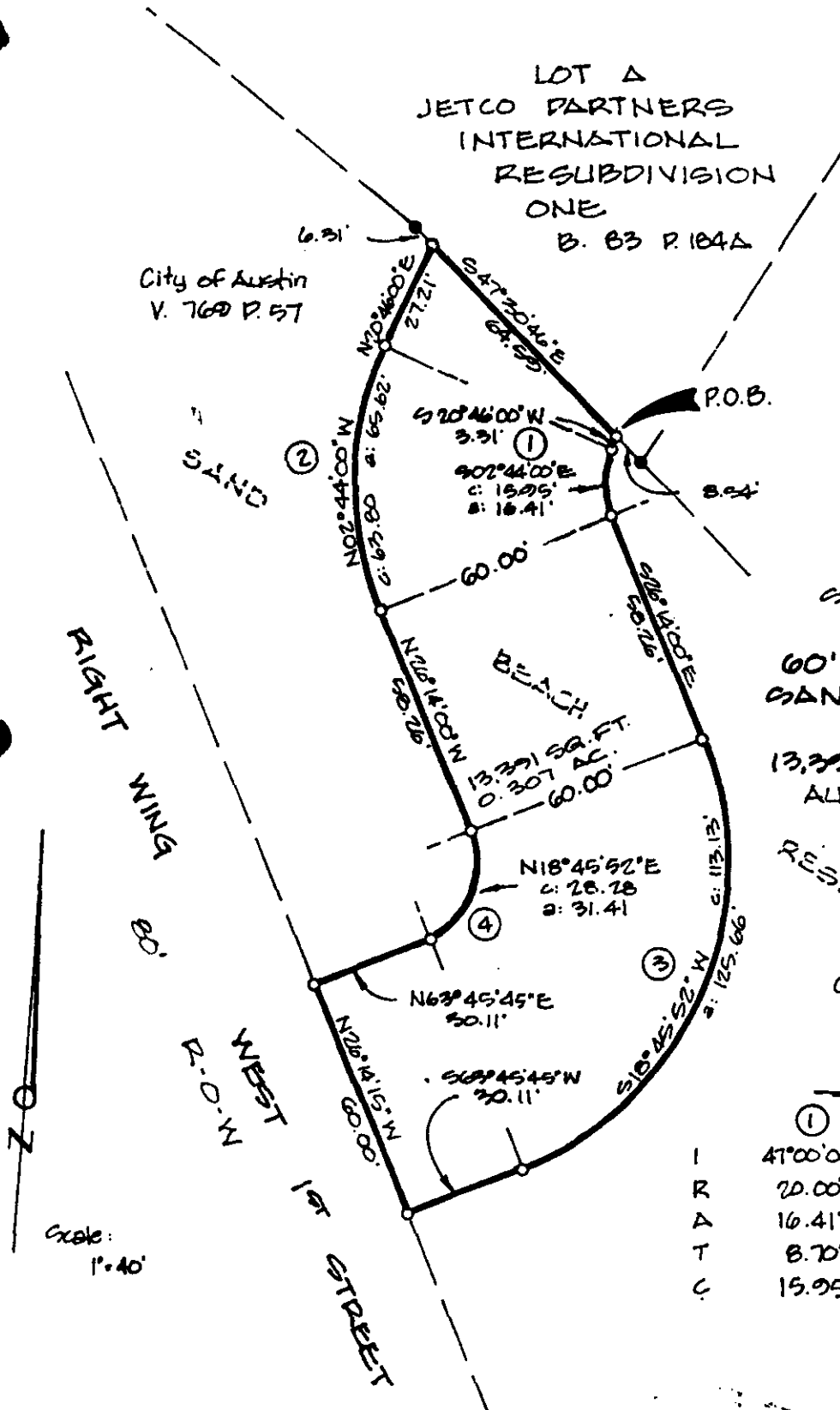


Judith J. McGray

7-27-84

Judith J. McGray, Reg. Public Surveyor No. 2093 Date
84661A

AREA TO BE DEDICATED FOR STREET PURPOSES



Surveyed By:

MCGRAY & MCGRAY LAND SURVEYORS, INC.
3301 Hancock Dr. #6 Austin, Tx 78751

Justin J. McGray
Justin J. McGray RPS. 2003

1-27-04
Date

EXHIBIT "B"