



City of Austin

October 8, 2010

Robert Brennes
City of Austin
Parks and Recreation Department
Planning, Design and Construction
919 W. 28 1/2 Street
Austin, TX 78705

RE: Water Treatment Plant No. 4 – Jollyville Transmission Main
Subterranean Permanent Use Agreement on dedicated parkland

Dear Mr. Brennes:

For the referenced project, the Austin Water Utility (AWU) will be pursuing through the Texas Parks and Wildlife Code under Chapter 26 a change in use of 3.727 acres of dedicated parkland for Subterranean Tunnels on dedicated parkland owned by the Parks and Recreation Department (PARD), located within the Upper Bull Creek Preserve. A breakdown of the proposed change in parkland use is shown in the table below.

TCAD Property ID No.	TCAD Ref ID2 No.	TCAD Location	Permanent Use Size, acres
164673	01641303510000	SCOTLAND WELL DR 78750	0.473
164674	01641303520000	10400 SCOTLAND WELL DR 78750	0.841
497958	01641307030000	SPICEWOOD SPRINGS RD 78759	0.067
164686	01641305010000	10417 SCOTLAND WELL DR 78750	0.770
167968	01661101240000	CALLANISH PARK DR 78750	1.086
367253	01641106360000	SPICEWOOD SPRINGS RD 78759	0.490
		Total =	3.727

These Tunnels will provide AWU the right and privilege to enter the subsurface of the area encumbered by the Permanent Use Agreement to construct, operate, maintain, upgrade, replace, and repair the tunnels and/or water transmission main. The Tunnels will not provide AWU the right to access the tunnel and/or water transmission main from the parkland surface; where surface rights are desired by the Parks and Recreation Department, AWU will pursue permanent use agreements for the water line.

As a condition for approval of the Tunnels, AWU acknowledges the right of the Parks and Recreation Department to develop the parkland as appropriate, with no restrictions in regard to the Water Line, except that no PARD-related activity shall occur within the Tunnels below the upper subterranean elevation listed in the recorded Affidavit Declaring the Change in Use document(s). The depth of the Tunnels is to be determined upon final design. However, there will not be an impact to future parkland development.



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AWU anticipates that construction of the Jollyville Transmission Main will start on or after October 1, 2011. Prior to this date, the Tunnel design and depths will be recorded in the official records of Travis County.

Please let me know if you have any questions concerning this issue.

Respectfully,

A handwritten signature in black ink, appearing to read "Joe Hoepken".

**Joe Hoepken, P.E.
Austin Water Utility
974-1171**

**xc: Ms. Stacie Long, P.E., COA-PWD/PMD
Ms. Joanna Thompson, COA- Office of Real Estate Services
Ms. Junie Marie Plummer, COA, Office of Real Estate Services
Mr. Brent Lloyd, Assistant City Attorney, Law Department
Mr. Judd Leach, Assistant City Attorney, Law Department**