

Late Backup

ORDINANCE VACATING AN ALLEY RIGHT-OF-WAY BETWEEN RAINEY STREET AND EAST AVENUE, AND DRISKILL STREET AND RIVER STREET....

Councilmember Morrison Motion to include:

Amend Part 3 of the ordinance to add:

Part 3. A drainage easement and a public utility easement over the vacated portion is reserved from the vacation by the City over and across the area described in Exhibit A [ADDED LANGUAGE] which the owner may request a release of under Chapter 14-11, Division B, City Code, if the existing utility and drainage infrastructure are removed from the vacated portion of the alley, new easements are dedicated to the City, and replacement utility lines are installed.

Add a new PART to the ordinance as follows:

PART ____. Additional conditions of the vacation described in Part 1 are as identified in Exhibit B to this ordinance.

Exhibit B:

- (A) At the closing of the vacation of the property, AUSTIN RAINEY ST. D/E/P, LLC (the "Owner") shall dedicate to the City an Access Easement Tract that is at least 20 feet wide and 20 feet tall and that connects Rainey Street to the portion of the alley way not vacated allowing public pedestrian and vehicle use as well as a public utility easement through the access easement tract.
- (B) At the closing of the vacation of the property, Owner shall deposit an amount equal to \$283,915.00 with the City to pave the remaining portion of the alley not vacated between Rainey Street and East Avenue and Driskill Street and River Street and with the remainder of funds to be directed toward funding a Downtown Alley Master Plan.
- (C) At the closing of the vacation of the property, Owner shall place a restrictive covenant on the property with the following additional terms and conditions, that shall run with the land:

(1) AFFORDABLE HOUSING

At least five (5) percent of the dwelling units on the Property must be reserved as affordable for persons whose household income is equal to or less than eighty (80) percent of the median family income in the Austin statistical

metropolitan area, as determined by the director of the Neighborhood Housing and Community Development Office.

The affordable units will be reserved for a period of:

- (i) 40 years from the date a certificate of occupancy is issued for rental units; and
- (ii) 99 years from the date of certificate of occupancy is issued for ownership units.

Ownership units must be transferred to the owner subject to a resale restricted shared equity agreement approved by the director of Neighborhood Housing and Community Development.

For purposes hereof, a unit is affordable for purchase if the household is required to spend no more than 30 percent of its gross monthly income on utilities and mortgage payments for the unit as determined by the City's Neighborhood Housing and Community Development Department, based on the current Annual Median Family Income for the Austin Metropolitan Statistical Area.

The base rent charged by the owner of the Project for the affordable rental units shall be equal to the rent limit for 80% AMFI households as established by HUD and published by the City or AHFC from time to time under the Texas Department of Housing and Community Affairs (TDHCA) rent limits (Austin) by unit size.

The City shall develop procedures to monitor and enforce this requirement.

(2) DESIGN OF ALLEY/ACCESS AREA

- (a) Owner will design and finish out the entrance to the access easement from Rainey Street acceptable in writing to the City to make the area more attractive to pedestrians and communicate the entrance and space as public space and access to the remaining Rainey Street alley way.
- (b) Owner will provide a commercial space that faces Rainey Street and the alley way, in the southern portion of the building next to the alley cut through. This could include a storefront glass from 10 to 15 foot of width, with access from the internal back wall (via separate door), substantially in the location

and configuration as illustrated in Exhibit C. Owner will finish out with drywall, paint and LED lighting.

- (c) Utilitarian elements (e.g. transformers, trash receptacles, etc.) in the alley and access easement are designed in a manner acceptable in writing to the City that enhances the pedestrian environment and are not simply screened from view.
- (d) Owner will reach out to Agora property owner in coordination with the City about allowing a mural or similar artwork to be located on the wall of the Agora building on the east side of the alley.
- (e) Owner will provide pedestrian-friendly lighting in the access easement/alley space acceptable in writing to the City.

(3) ALLEY ACTIVATION

In the interest of activating Austin's downtown alleys as public spaces:

- (a) Owner will allow events in the Access Easement Tract once every month for a period of 24 months after the building has initially achieved ninety percent occupancy.
- (b) Owner and the City will collaborate to coordinate with other property owners adjacent to the alley to get their cooperation for alley events.
- (c) At the closing of the vacation of the property, Owner shall deposit an amount equal to \$9,600 with the City to produce quarterly events in the Rainey Street alley and Access Easement Tract.

