

RESOLUTION NO.

WHEREAS, the Texas Department of Transportation (TxDOT) and the Central Texas Regional Mobility Authority (CTRMA) have embarked on the MoPac Improvement Project to build an express lane in each direction between Cesar Chavez and Parmer Lane; and

WHEREAS, CTRMA and TxDOT proposed a number of concrete sound walls along the length of the Project to mitigate vehicular noise from the MoPac corridor; and

WHEREAS, a 2011 vote conducted in accordance with Federal Highway Administration and TxDOT guidelines as part of the National Environmental Protection Act (NEPA) process reflected that a majority of adjacent residents supported the construction of Sound Wall #3 along Great Northern Boulevard; and

WHEREAS, based upon the 2011 voting results, the City Council passed Resolution No. 20111103-032 on November 3, 2011, by which the City Council concurred with affected property owners' wishes to permit construction of Sound Wall #3 and consented to the construction of Sound Wall #3 in the City of Austin right-of-way from approximately Highway 2222 to south of Far West Boulevard, and

WHEREAS, the City entered into a related interlocal agreement with the CTRMA on September 13, 2012, that, among other things, obligates the CTRMA to construct Sound Wall #3 "generally consistent with the plans shown" on an exhibit to that resolution, including construction of that portion of the wall along Great Northern Boulevard between Bullard Drive to a point south of Far West Boulevard; and

WHEREAS, since that time, affected property owners and other nearby residents have become more informed about the placement and height of Sound Wall #3 and have expressed concerns about the portion north of Bullard Drive along Great Northern Boulevard; and

WHEREAS, the majority of Sound Wall #3 will be between 18 to 20 feet in height and located approximately 5 to 8 feet west of Great Northern Boulevard along a portion of the road used heavily by cyclists and pedestrians; and

WHEREAS, Sound Wall #3 is the only wall in the MoPac Improvement Project planned for construction in City right-of-way, and for which the City is financially and legally responsible in perpetuity for maintenance after construction; and

WHEREAS, Sound Wall #3 is one of the longest stretches of wall along the MoPac Corridor; and

WHEREAS, the City Council passed Resolution No. 20131212-076 on December 12, 2013, which directed the City Manager to re-poll the owners of adjacent property identified by CTRMA as eligible voters north of Bullard Drive and to report the results to Council; and

WHEREAS, the City Manager conducted such a poll and reported in a January 29, 2014 memo that the portion of Sound Wall #3 north of Bullard Drive did not receive a majority vote of re-pollled property owners supporting the construction of that portion of the wall; and

WHEREAS, 58.3% of the responding property owners (7 out of 12 responding voters) voted a preference for “No Sound Wall”; and

WHEREAS, the City Manager’s report concludes, “had this result been received as part of an initial sound wall balloting, it is presumed that Sound Wall #3 north of Bullard Drive would not have been recommended by CTRMA/TxDOT”; and

WHEREAS, the re-polling demonstrates that a majority of adjacent property owners oppose Sound Wall #3 north of Bullard Drive; and

WHEREAS, the City of Austin understands from CTRMA that eliminating Sound Wall #3 north of Bullard would not impact project funding for Sound Wall #3 south of Bullard; and

WHEREAS, final designs have not yet been completed for Sound Wall #3, nor has construction begun; **NOW, THEREFORE,**

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

The City Manager is directed to communicate to TxDOT and CTRMA that the City of Austin desires to amend the Interlocal Agreement related to Sound Wall #3 to rescind its approval for use of the City’s right-of-way for the construction of that portion of Sound Wall #3 that is generally north of Bullard Drive, except to the extent that City right-of-way is required to provide sufficient sound mitigation by Sound Wall #3 to those properties located south of Bullard Drive. The City Manager is further directed to report back to Council by February 27, 2014 with the steps necessary to effect such amendments to the Agreement.

ADOPTED: _____, 2014 **ATTEST:** _____

Jannette S. Goodall
City Clerk