

ORDINANCE NO. 20140410-

AN ORDINANCE WAIVING THE REQUIREMENTS OF AN APPRAISAL AND THE PAYMENT OF APPRAISED VALUE UNDER SECTION 14-11-52 OF THE CITY CODE AND APPROVING THE REIMBURSEMENT OF THE \$1,000 ENCROACHMENT AGREEMENT APPLICATION FEE FOR THE RETENTION AND MAINTENANCE OF THE ENCROACHMENT OF A SECTION OF A RETAINING WALL IN A 451 SQUARE FOOT SECTION OF THE RIGHT-OF-WAY OF CESAR CHAVEZ AT THE REQUEST OF THE CITY AND THE EXTENSION OF A SECTION OF DECKING IMPROVEMENTS UP TO THE RETAINING WALL UNDER AN ENROACHMENT AGREEMENT WITH GW APARTMENTS LLC, A DELAWARE LIMITED LIABILITY COMPANY, IN CONNECTION WITH THE GREEN WATER TREATMENT PLANT BLOCK 1 REDEVELOPMENT PROJECT.

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

PART 1.

- (A) GW Apartments, LLC, ("GWA") is currently constructing a mixed use project on Block One of the site of the City's former Green Water Treatment Plant (the "Project").
- (B) The City has requested the retention and maintenance of the encroachment of a section of a retaining wall in a 451 square foot section of the right-of-way of Cesar Chavez and the extension a section of decking improvements up to the retaining wall in order to protect several designated heritage trees located within an adjacent portion of the Project.
- (C) GWA has requested the waiver of the requirements of an appraisal and the payment of appraised value under Section 14-11-52 of the City Code and the approval of the reimbursement of the \$1,000 encroachment agreement application fee for the required encroachment agreement.

- (D) Waiving the requirements of an appraisal and the payment of appraised value under Section 14-11-52 of the City Code and approving the reimbursement of the \$1,000 encroachment agreement application fee for the required encroachment agreement will serve the public interest by providing for the protection of several designated heritage trees located within an adjacent portion of the Project.

PART 2. The Council authorizes the waiver of the requirements of an appraisal and the payment of appraised value under Section 14-11-52 of the City Code and approves the reimbursement of the \$1,000 encroachment agreement application fee for the required encroachment agreement in accordance with the findings set forth above.

PART 3. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014 §
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Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
Karen M. Kennard Jannette S. Goodall
City Attorney City Clerk