



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** J. Rodney Gonzales, Director, Development Services Department

**DATE:** November 30, 2017

**SUBJECT:** Correction – Items 26 & 27 (Capitol Complex Project)

The December 7, 2017 Council agenda includes two items related to the development of Phase One of the 2016 Texas Capitol Complex Master Plan.

Item 26 authorizes execution of an interlocal agreement with the Texas Facilities Commission (TFC) for development of Phase One of the 2016 Texas Capitol Complex Master Plan. Item 27 waives fees in an amount not to exceed \$6,800,000 and requirements related to review of an application for right-of-way vacation by certain Commissions.

Unfortunately, each of the final posted Recommendations for Council Action (RCAs) did not include recent revisions. Specifically, the final posted RCA's include a summary of the requests received from TFC as follows:

1. Priority processing of all aspects of the project requiring City consideration;
2. Waiver of easement and right-of-way usage fees;
3. Conversion of 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> Streets to two-way traffic; and,
4. Vacation of North Congress Ave. from the northern boundary of 15<sup>th</sup> St. to Martin Luther King, Jr. Blvd., along with a portion of 17<sup>th</sup> St.

Numbers 2 and 4 should have reflected revisions as shown below, and a number 5 should have been included as follows:

1. Priority processing of all aspects of the project requiring City consideration;
2. Waiver of temporary use of right-of-way permit fees;
3. Conversion of 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup> Streets to two-way traffic;
4. Vacation of North Congress Avenue from the northern boundary of 15<sup>th</sup> Street to Martin Luther King, Jr. Boulevard, along with portions of 16<sup>th</sup> Street, 17<sup>th</sup> Street, and 18<sup>th</sup> Street; and,
5. A permanent easement for State-operated utilities.

Item number 5 on the above list relates to a utility tunnel easement(s) as requested by TFC under City right-of-way. Previously, this was contemplated as a fee waiver. However, the Office of Real Estate Services has determined that a utility tunnel easement is a property interest that is granted and is not considered a fee waiver. Therefore, the total amount of the proposed fee waiver now only includes the temporary use of right-of-way permit fees.

Number 4 reflects a minor adjustment to the area proposed for vacation by extending it to small portions of 16<sup>th</sup> and 18<sup>th</sup> Street.

As a reminder, should Council approve execution of the interlocal, a future Council action item will be brought forward at a later date for the right-of-way vacation and the utility tunnel easement in exchange for a "reasonable value" in accordance with Texas Government Code §2166.052.

Please feel free to contact me at (512) 974-2313, or Marie Sandoval, Development Services Manager, at (512) 974-3298, should you have any questions or concerns.

Cc: Elaine Hart, Interim City Manager  
Joe Pantalion, Interim Assistant City Manager  
Lauraine Rizer, Director, Office of Real Estate Services  
Lauren Bellomy, Assistant City Attorney, Law Department  
Marie Sandoval, Development Services Manager, Development Services Department