

ORDINANCE NO. 20171214-090

AN ORDINANCE WAIVING FEES IN AN AMOUNT NOT TO EXCEED \$6,800,000 AND CERTAIN REQUIREMENTS RELATED TO THE CONSTRUCTION OF PHASE ONE OF THE 2016 TEXAS CAPITOL COMPLEX MASTER PLAN, GENERALLY LOCATED ALONG CONGRESS AVENUE, BETWEEN 15TH AND MARTIN LUTHER KING BOULEVARD.

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

PART 1. The State is developing Phase One of the 2016 Texas Capitol Complex Master Plan (the "Project"), which includes the construction of two new office buildings, underground parking garages, a pedestrian mall, central utility plant expansion, and thermal utility tunnels and creates a permanent iconic pedestrian civic space and museum district plaza that will accommodate multiple uses and draw visitors to Texas and the City of Austin.

PART 2. Council authorizes the waiver of up to \$6,800,000 in Temporary Use of Right-of-Way fees for the Project.

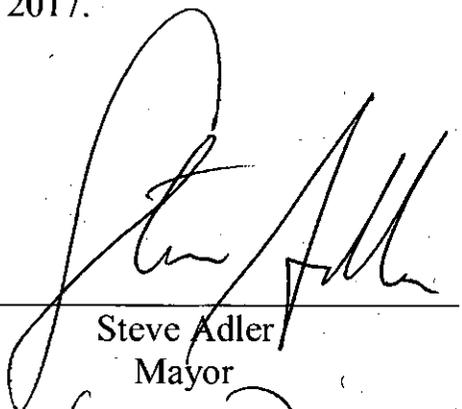
PART 3. Council waives City Code Section 14-11-73, which requires review of an application for right-of-way vacation by certain Commissions, for the Project.

PART 4. This ordinance takes effect on December 25, 2017.

PASSED AND APPROVED

December 14, 2017

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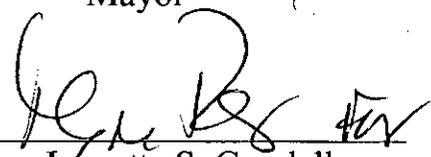

Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

**OPERATING BUDGET
FISCAL NOTE**

DATE OF COUNCIL CONSIDERATION:
CONTACT DEPARTMENT(S):
FUND(S):

12/7/2017
Austin Transportation
Mobility

SUBJECT:

Approve an ordinance waiving fees in an amount not to exceed \$6,800,000 and requirements related to the vacation of right-of-way, associated with the development of Phase One of the 2016 Texas Capitol Complex Master Plan.

Estimate of Fees Waived:

| | |
|-------------|---|
| \$6,800,000 | Temporary Use of Right-of-Way Permit Fees |
| \$6,800,000 | Total Estimated Fees Waived |

ANALYSIS / ADDITIONAL INFORMATION: The combined total amount of fees waived for this item are estimated not to exceed \$6,800,000 and is anticipated to be waived over multiple fiscal years. The amount of \$6,800,000 reflects a conservative estimate of the fees based on the projected work that could be required to complete this project. A detailed listing of all the fees to be waived is attached as backup to this item on the Council agenda and is titled "Itemization of Estimated Fee Waivers".

Waiving fees for this project results in unrealized revenue for the Mobility Fund. Although budgeted revenue for fees is based upon historical data and not necessarily upon specific projects the waiver of these fees reduces potential revenues that could be realized. Revenue for this project was not budgeted in FY2018; therefore, the waiver of these fees will not impact current year revenue projections.

**Capitol Complex Phase One
Temporary Use of Right-of-Way Estimates (5yr period)**

| TIER 1 - (day 1 - 180) | length | width | # of days | fee per sq.ft | Total |
|-------------------------------------|--------|-------|-----------|---------------|-----------------------|
| Sidewalk Space (1700 Brazos) | 345 | 10 | 180 | 0.0104 | \$6,458.40 |
| Sidewalk Space (E MLK) | 390 | 10 | 180 | 0.0104 | \$7,300.80 |
| Sidewalk Space (E 18th) | 390 | 10 | 180 | 0.0104 | \$7,300.80 |
| Sidewalk Space (E 17th N) | 150 | 10 | 180 | 0.0104 | \$2,808.00 |
| Sidewalk Space (E 17th S) | 150 | 10 | 180 | 0.0104 | \$2,808.00 |
| Sidewalk Space (E 16th N) | 280 | 10 | 180 | 0.0104 | \$5,241.60 |
| Sidewalk Space (W 17th N) | 190 | 10 | 180 | 0.0104 | \$3,556.80 |
| Sidewalk Space (W 17th S) | 190 | 10 | 180 | 0.0104 | \$3,556.80 |
| 1st Traffic Lane (E 17th) | 150 | 22 | 180 | 0.104 | \$61,776.00 |
| 1st Traffic Lane (W 17th) | 190 | 22 | 180 | 0.104 | \$78,249.60 |
| total | | | | | \$179,056.80 |
| TIER 2 - (day 181 - 365) | length | width | # of days | fee per sq.ft | Total |
| Sidewalk Space (W MLK) | 345 | 10 | 185 | 0.052 | \$33,189.00 |
| Sidewalk Space (1800 Colorado) | 390 | 10 | 185 | 0.052 | \$37,518.00 |
| Sidewalk Space (W 18th n/c) | 390 | 10 | 185 | 0.052 | \$37,518.00 |
| Sidewalk Space (W 18th s/c) | 150 | 10 | 185 | 0.052 | \$14,430.00 |
| Sidewalk Space (1700 Colorado) | 150 | 10 | 185 | 0.052 | \$14,430.00 |
| Sidewalk Space (W 17th n/c) | 280 | 10 | 185 | 0.052 | \$26,936.00 |
| Sidewalk Space (W 17th s/c) | 190 | 10 | 185 | 0.052 | \$18,278.00 |
| Sidewalk Space (1600 Colorado) | 190 | 10 | 185 | 0.052 | \$18,278.00 |
| 1st Traffic Lane (W 18th) | 150 | 22 | 185 | 0.1456 | \$88,888.80 |
| 1st Traffic Lane (W 17th) | 190 | 22 | 185 | 0.1456 | \$112,592.48 |
| total | | | | | \$402,058.28 |
| TIER 3 - (day 366 - 545) | length | width | # of days | fee per sq.ft | Total |
| Sidewalk Space (W MLK) | 345 | 10 | 180 | 0.0936 | \$58,125.60 |
| Sidewalk Space (1800 Colorado) | 390 | 10 | 180 | 0.0936 | \$65,707.20 |
| Sidewalk Space (W 18th n/c) | 390 | 10 | 180 | 0.0936 | \$65,707.20 |
| Sidewalk Space (W 18th s/c) | 150 | 10 | 180 | 0.0936 | \$25,272.00 |
| Sidewalk Space (1700 Colorado) | 150 | 10 | 180 | 0.0936 | \$25,272.00 |
| Sidewalk Space (W 17th n/c) | 280 | 10 | 180 | 0.0936 | \$47,174.40 |
| Sidewalk Space (W 17th s/c) | 190 | 10 | 180 | 0.0936 | \$32,011.20 |
| Sidewalk Space (W 16th n/c) | 190 | 10 | 180 | 0.0936 | \$32,011.20 |
| 1st Traffic Lane (W 18th) | 150 | 22 | 180 | 0.1872 | \$111,196.80 |
| 1st Traffic Lane (W 17th) | 190 | 22 | 180 | 0.1872 | \$140,849.28 |
| total | | | | | \$603,326.88 |
| TIER 4 - (546 days and over) | length | width | # of days | fee per sq.ft | Total |
| Sidewalk Space (W MLK) | 345 | 10 | 1280 | 0.1352 | \$597,043.20 |
| Sidewalk Space (1800 Colorado) | 390 | 10 | 1280 | 0.1352 | \$674,918.40 |
| Sidewalk Space (W 18th n/c) | 390 | 10 | 1280 | 0.1352 | \$674,918.40 |
| Sidewalk Space (W 18th s/c) | 150 | 10 | 1280 | 0.1352 | \$259,584.00 |
| Sidewalk Space (1700 Colorado) | 150 | 10 | 1280 | 0.1352 | \$259,584.00 |
| Sidewalk Space (W 17th n/c) | 280 | 10 | 1280 | 0.1352 | \$484,556.80 |
| Sidewalk Space (W 17th s/c) | 190 | 10 | 1280 | 0.1352 | \$328,806.40 |
| Sidewalk Space (W 16th n/c) | 190 | 10 | 1280 | 0.1352 | \$328,806.40 |
| 1st Traffic Lane (W 18th) | 150 | 22 | 1280 | 0.208 | \$878,592.00 |
| 1st Traffic Lane (W 17th) | 190 | 22 | 1280 | 0.208 | \$1,112,883.20 |
| total | | | | | \$5,599,692.80 |

ESTIMATED TOTAL: \$6,784,134.76



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 16th, 17th, and 18th Streets to two-way traffic; and,
4. Vacation of North Congress Ave. from the northern boundary of 15th St. to Martin Luther King, Jr. Blvd., along with a portion of 17th 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 16th, 17th, and 18th Streets to two-way traffic;
4. Vacation of North Congress Avenue from the northern boundary of 15th Street to Martin Luther King, Jr. Boulevard, along with portions of 16th Street, 17th Street, and 18th 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 16th and 18th 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 Pantaloni, 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