

AGENDA



Recommendation for Council Action

AUSTIN CITY COUNCIL

Regular Meeting: March 22, 2018

Item Number: **019**

Office of Real Estate Services

Approve an ordinance vacating approximately 5,519 square feet of right of way, being that entire east-west alley from Neches Street to Trinity Street, between East 7th Street and East 8th Street, to The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America.

District(s) Affected: District 9

Lead Department	Office of Real Estate Services.
Fiscal Note	This item has no fiscal impact.
For More Information	Lauraine Rizer, Office of Real Estate Services, (512) 974-7078; Megan Herron, Office of Real Estate Services, (512) 974-5649.
Council Committee, Boards and Commission Action	<ul style="list-style-type: none"> i. August 8, 2017 - Approved by the Urban Transportation Commission on a 9-0 vote with Commissioners Champion and Reyna absent ii. August 16, 2017 - Approved by the Downtown Commission on a 6-0 vote with Commissioners Bristol and Harrison absent. Recommendation Number 20170816-006 iii. August 22, 2017 - Approved by the Planning Commission on a 12-0 vote with Commissioner Nuckols absent iv. August 28, 2017 - Approved by the Design Commission on a 9-0 vote with Commissioners Frail and Gonzales absent. Recommendation Number 20170828-03A

Additional Backup Information:

A request has been received for the vacation of approximately 5,519 square feet of the downtown alley traversing east-west from Neches Street to Trinity Street, between East 7th Street and East 8th Street, of Block 87 of the Original City of Austin. The adjoining property owner on both sides of the alley is The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, a New York not-for profit corporation (the "Church"). The existing use of the entire block is a paved parking lot. The vacation tract is planned for a unified development over the entire block consisting of multi-use building with associated parking and improvements.

A restrictive covenant shall be recorded establishing all loading and unloading services, including trash and recycling collection, be conducted internally on site.

Property owners within 300 feet of the area to be vacated were notified on July 26, 2017. No objections were received by the Office of Real Estate Services.

The appraised market value of the 5,519 square feet of the alley vacation is \$1,564,289. A check in the amount of the appraised value has been submitted to the Office of Real Estate Services for processing upon approval of this vacation request.

An escrow agreement shall be negotiated and entered into between the Church and the City agreeing to the following: (1) Within five (5) business days after approval of the ordinance, the payment for the appraised value of the alley vacation in the amount of \$1,564,289 shall be transferred by the City to the escrow and the executed restrictive covenant shall be deposited into escrow by the Church; (2) Escrow period shall remain in effect up to one hundred and eighty (180) days after the effective date of the ordinance; (3) In the event the Church requests to withdraw the application for the alley vacation after the approved ordinance and within the escrow period, (i) the deed conveying the alley vacation and the restrictive covenant shall be null and void and thus not recorded (ii) the payment for the appraised value of the alley vacation in the amount of \$1,564,289 shall be refunded to the Church less the balance due on actual cost of the appraisal in the amount of \$1,000; (4) if the escrow period expires, (i) City shall receive the payment for the total appraised value of the alley vacation from the escrow account in the amount of \$1,564,289, (ii) City shall reimburse the Church in the amount of \$3,500 for the prepaid cost of the appraisal and (iii) City shall record the deed without warranty and the restrictive covenant; and (5) the Church shall be responsible for all escrow fees and charges related to establishing an escrow account..