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**ORDINANCE NO.**

**AN ORDINANCE VACATING AN APPROXIMATELY 16,988 SQUARE FOOT TRACT OF RIGHT-OF-WAY OF CHALMERS AVENUE BETWEEN EAST 3RD ST AND EAST 4TH ST TO THE HOUSING AUTHORITY OF THE CITY OF AUSTIN, WAIVING SECTION 14-11-75 OF THE CITY CODE AS IT RELATES TO VACATING THE RIGHT-OF-WAY AND CONVEYING THE VACATED RIGHT-OF-WAY FOR \$0.00.**

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

**PART 1.**

- A. The Housing Authority of the City of Austin (“HACA”) is developing affordable housing units to the east and west of Chalmers Avenue between East 3<sup>rd</sup> and East 4<sup>th</sup> Street. (the “Project”).
- B. The City of Austin has a right-of-way interest in an approximately 16,988-square-foot tract of land adjacent to the Project known as Chalmers Avenue between East 3<sup>rd</sup> Street and East 4<sup>th</sup> Street (the “Property”).
- C. On or around February 6, 2020, HACA applied to the City of Austin requesting the vacation of the City’s right-of-way interest in the Property (the “Application”).
- D. The City notified the appropriate property owner and neighborhood associations of the Application.
- E. All affected City departments and utility franchise holders have reviewed the Application and recommend approval subject to the following conditions (the “Conditions”):
  - a. A public utility easement and an access easement must be reserved over the entire area of the vacation by the City of Austin.
  - b. HACA must comply with all requirements, obligations, and conditions contained in the City of Austin’s Right-of-Way Vacation Master Comment Report for Project Number: 2020-084690 LM (Project Name: 10245-2002 Chalmers Ave).

F. On February 9, 2021, the Planning Commission approved the Application.

G. On March 30, 2021, the Urban Transportation Commission approved the Application.

H. The appraised market value of the Property is \$1,560,000.00.

I. Pursuant to Section 272.001(g), Texas Local Government Code, the City may convey the vacated right-of-way interest to HACA for less than fair market value if the conveyance is for the development of low or moderate income housing (the “Public Purpose”) and the City fixes the terms of the transaction to effectuate and maintain the Public Purpose (the “LGC Requirements”).

**PART 2.** Council approves the vacation of an approximately 16,988-square-foot tract of right-of-way, being the tract of land known as Chalmers Avenue between East 3<sup>rd</sup> Street and East 4<sup>th</sup> Street.

**PART 3.** A public utility easement and an access easement are reserved over the entire area of the vacation by the City of Austin.

**PART 4.** Council waives Section 14-11-75 of the City Code as it relates to vacating an approximately 16,988-square-foot tract of right-of-way known as Chalmers Avenue between East 3<sup>rd</sup> Street and East 4<sup>th</sup> Street.

**PART 5.** An amount of \$0.00 will be posted for the approximately 16,988-square-foot tract of land known as Chalmers Avenue between East 3<sup>rd</sup> Street and East 4<sup>th</sup> Street, and \$0.00 will be deposited upon the recording of a deed without warranty related to the vacation (the “Deed”).

**PART 6.** Council instructs the City Manager or his designee to negotiate and execute all documents necessary or desirable to effectuate the Conditions, the LGC Requirements, and the Deed.

This ordinance takes effect on \_\_\_\_\_, 2021

**PASSED AND APPROVED**

\_\_\_\_\_, 2021      § \_\_\_\_\_  
   § \_\_\_\_\_  
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COA Law Department

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Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_

Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk

DRAFT