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**ORDINANCE NO.**

**AN ORDINANCE VACATING APPROXIMATELY 3,040 SQUARE FEET OF  
RIGHT-OF-WAY OF CORNELL STREET BETWEEN CHICON AND POQUITO  
STREET TO THE HOUSING AUTHORITY OF THE CITY OF AUSTIN,  
WAIVING CHAPTER 14-11, ARTICLE 1, DIVISION 5 OF THE CITY CODE,  
AND CONVEYING THE VACATED RIGHT-OF-WAY FOR ZERO DOLLARS.**

**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 between Chicon and Poquito Street at 2001 Rosewood Avenue (the “Project”).
- B. The City has a right-of-way interest in an approximately 32,508 square foot tract of land adjacent to the Project (the “Property”).
- C. On or around August 21, 2021, HACA applied to the City requesting the vacation of the City’s right-of-way interest in the Property (the “Application”).
- D. The City notified the appropriate property owners and neighborhood associations of the Application.
- E. On May 10, 2022, the Planning Commission approved the Application.
- F. On May 3, 2021, the Urban Transportation Commission approved the Application.
- G. The City vacated a portion of the Property by Ordinance No. 20220609-063, but, due to a clerical error, the City vacated approximately 29,468 square feet of Cornell Street rather than the 32,508 square feet that make up the Property.
- H. The City desires to vacate the remainder of the Property (the “Remainder Property”) , approximately 3,040 square feet of Cornell Street shown in the attached Exhibit “A” and identified as “ALLEY VACATED VOL.602, PG.106 (P.U.E. RESERVED)”
- I. The appraised value of the Remainder Property is \$196,080.00

39 J. As part of the consideration for this right-of-way vacation, HACA or a subsequent  
40 applicant will grant a trail and recreational easement to the City with the location  
41 of the easement to be determined at time of site plan approval for the Project or a  
42 successor site plan that includes the Remainder Property.

43  
44 K. The vacation of the Remainder Property shall be subject to the following  
45 conditions (the "Conditions"):

- 46  
47 a. The reservation of an electric easement over the envelope of the Remainder  
48 Property (the "Reserved Easement");  
49  
50 b. HACA must comply with all requirements, obligations, and conditions  
51 contained in the City's Right-of-Way Vacation Master Comment Report for  
52 Project Number:2021-019241LM (ProjectName:2021-0192411900 to 2400  
53 Cornell Street).

54  
55 L. Pursuant to Section272.001(g),Texas Local Government Code (LGC), the City  
56 may convey the vacated right-of-way interest to HACA for less than fair market  
57 value if the conveyance is for the development of low or moderate income housing  
58 (the "Public Purpose") and the City fixes the terms of the transaction to effectuate  
59 and maintain the Public Purpose (the "LGC Requirements")

60  
61 **PART 2.** Council approves the vacation of approximately 3,040 square feet of right-of-  
62 way shown in the attached Exhibit "A" and identified as "ALLEY VACATED VOL.602,  
63 PG.106 (P.U.E. RESERVED)"

64 **PART 3.** An electric easement is reserved over the entire area of the Remainder Property  
65 by the City of Austin.

66 **PART 4.** Council waives Chapter 14-11, Article 1, Division 5 of the City Code as it  
67 relates to vacating the Remainder Property.

68 **PART 5.** An amount of zero dollars will be posted for the Remainder Property and zero  
69 dollars will be deposited upon the recording of a deed without warranty related to the  
70 vacation of the Remainder Property (the "Deed").

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

**PART 7.** The City Manager, or designee, may not release the site plan for the Project or a successor site plan that includes the Property until the easement referenced in Part 1.J. is dedicated.

**PART 8.** This ordinance takes effect on \_\_\_\_\_, 2022.

**PASSED AND APPROVED**

\_\_\_\_\_, 2022      §  
                                         §  
                                         §  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan      Myrna Rios  
City Attorney      City Clerk