RESOLUTION NO.

WHEREAS, in 1971, Lady Bird Johnson, Ann Butler, and the Town Lake Beautification Committee worked together to establish the Town Lake Metropolitan Park Trail, now known as the Ann and Roy Butler Hike and Bike Trail (the "Butler Trail"); and

WHEREAS, the Butler Trail was constructed by the City of Austin, in accordance with the Land Development Code rules and regulations in place at the time of the construction (the "Project"); and

WHEREAS, the Project has been ongoing since 1971, and improvements are continually being made to the Butler Trail; and

WHEREAS, the Butler Trail sits on almost 300 acres of Town Lake Metropolitan Park with the addition of the Boardwalk, which opened in 2014 to complete a gap in the trail system where parkland did not exist; and

WHEREAS, the Butler Trail now extends from MoPac Expressway to Pleasant Valley Road, forming a loop of pedestrian and bike path that exceeds 10 miles and plays host to almost 5,000,000 users annually, serving as one of the most endeared and high-profile recreational amenities in the City; and

WHEREAS, The Trail Foundation, now known as The Trail Conservancy (the "TTC"), was established in 2003 to protect, enhance and connect the Ann and Roy Butler Hike and Bike Trail for the benefit of all; and

WHEREAS, TTC entered into a Park Operations and Maintenance Agreement (the "Butler Trail POMA") with the City in June 2022, which creates a phased transfer of the day-to-day operations, maintenance and programming of Town Lake Metropolitan Park from the City's Parks and Recreation Department to

TTC, that formalized the TTC's long standing tradition of stewardship of the Butler Trail; and

WHEREAS, Section 2 of Exhibit D, Park Operations and Maintenance Plan, in the Butler Trail POMA requires TTC to regularly work on the Butler Trail and surrounding parkland; and

WHEREAS, the Parks and Recreation Department, Watershed Protection Department, Urban Forestry, Office of Sustainability, Travis Audubon and TTC developed the Urban Forestry and Natural Area Management Guidelines in 2015 (the "2015 Butler Trail Urban Forestry and Natural Area Management Guidelines"), updated in 2022, that provides guidelines that acknowledge the ecological and cultural significance of the site and recommend ways to sustain and improve the user experience and ecological function of the urban forest and natural areas around Lady Bird Lake and the Butler Trail; and

WHEREAS, the Parks and Recreation Department, Urban Trails Program, Public Works Department and TTC developed a Safety and Mobility Study for the Butler Trail (the "Butler Trail Safety and Mobility Study") in 2021 that provides recommendations for conserving natural spaces while offering the highest quality user experience through maintenance and enhancements to sustain the Trail and accommodate for the increasing use, such as a standard trail width of 14 feet; and

WHEREAS, in 2017, provisions were added to the Land Development Code that require infrastructure – including the previously-existing Butler Trail – to be at least 50 feet from the shore of Lady Bird Lake, making approximately 85 percent of the Butler Trail legally non-compliant with the Land Development Code; and

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WHEREAS, the City's Watershed Protection Department has determined that many sections of the Butler Trail may require improvements to better support the ecological function of the shoreline and reduce erosion; and

WHEREAS, certain activities related to satisfying the Butler Trail POMA obligations for the operation, maintenance and capital improvements, as well as recommendations of the 2015 Butler Trail Urban Forestry and Natural Area Management Guidelines, of the existing Butler Trail cannot be implemented without violating the Land Development Code setback provisions; and

WHEREAS, an inability to satisfy the Butler Trail POMA obligations and the recommendations in the 2015 Butler Trail Urban Forestry and Natural Area Management Guidelines will cause a significant negative impact to the recreational value of the Butler Trail; and

WHEREAS, improvements recommended by the Butler Trail Safety and Mobility Study also cannot be implemented without violating the setback amendments of the Land Development Code. **NOW, THEREFORE;**

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

The City Council initiates amendments to City Code Title 25 (Land Development) to allow the Butler Trail to remain within the setbacks applicable to Lady Bird Lake; and to allow capital improvements made to the Butler Trail to comply with the recommendations from the 2015 Butler Trail Urban Forestry and Natural Area Management Guidelines, maintenance standards of care listed in the Butler Trail POMA, and the recommendations provided in the Butler Trail Safety and Mobility Study.

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BE IT FURTHER RESOLVED:

The City Council directs the City Manager to process Code amendments necessary to accomplish the purposes set forth in this resolution and return with a draft ordinance for City Council consideration on or before October 1, 2023.

ADOPTED: _____, 2023 **ATTEST:** _____

Myrna Rios
City Clerk

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