



# City of Austin

## Recommendation for Action

---

**File #:** 23-3362, **Agenda Item #:** 34.

3/7/2024

---

### **Posting Language**

Approve an ordinance vacating approximately 10,131 square feet of developed right-of-way to John E. Meddaugh and Andrew M. Cotton d/b/a Burnet Road Property and GDC-NRG Brentwood LLC, being that certain 40-foot-wide right-of-way known as Clay Avenue, traversing north from Burnet Road to Houston Street.

### **Lead Department**

Transportation and Public Works Department.

### **Fiscal Note**

This item has no fiscal impact.

### **For More Information:**

Richard Mendoza, Interim Director, 512-974-2488; Upal Barua, Acting Assistant Director, 512-974-7110; Elizabeth Boswell, Managing Engineer, 512-974-1849; Gilda Powers, Quality Consultant, 512-974-7092; Stella Deshotel, Business Process Consultant, 512-974-8054.

### **Council Committee, Boards and Commission Action:**

October 24, 2023 - Approved by the Planning Commission on a 12-0 vote with Commissioner Shaw absent.  
December 5, 2023 - Approved by the Urban Transportation Commission on a vote of 7-0 with Commissioners Smith and Wheeler absent, and two vacancies on the dais.

### **Additional Backup Information:**

The adjoining property owners, John E. Meddaugh and Andrew M. Cotton d/b/a Burnet Road Property and GDC-NRG Brentwood, LLC, request vacation of approximately 10,131 square feet of developed right-of-way, being a 241-square-foot tract conveyed to the City of Austin by Street Deed plus a portion of the 40-foot-wide street right-of-way dedicated as "Clay Avenue" by the plat of the Broadacres subdivision, of record in Volume 3 page 135, Plat Records of Travis County, Texas. The street right-of-way traverses north/south and is commonly known as "Clay Avenue" adjoining 5401 Burnet Road and 5403 Clay Avenue, Austin, Travis County, Texas.

Out of the approximately 10,131 square feet of right-of-way proposed to be vacated, the 241-square-foot tract and a 4,617-square-foot portion of the dedicated street right-of-way would be vacated and separately conveyed to John E. Meddaugh and Andrew M. Cotton d/b/a Burnet Road Property, as the abutting property owner. The remaining approximately 5,273 square feet of right-of-way, being the remainder of the 40-foot-wide street right-of-way dedicated by plat of the Broadacres subdivision, would be conveyed to GDC-NRG Brentwood, LLC, as the abutting property owner.

All affected City departments and utility franchise holders have reviewed the right-of-way vacation requests and recommend approval. Austin Energy Department, Austin Water Department, Watershed Protection Department, and other utility stake holders approve the vacation, provided the City retains a Public Utility Easement over the entire envelope. It is the intent that this easement would be released once all City infrastructure has been removed from this section of Clay Avenue. As a condition of the vacation, GDC-NRG

---

Brentwood, LLC agrees to place ADA ramps at the southwest and northwest corners of the intersection of Houston Street and Clay Avenue as part of its development of its property. GDC-NRG Brentwood, LLC further agrees to confer with the Urban Trails Division of the Transportation and Public Works Department during the Site Plan review process for its development of its property.

Property owners within 300 feet of the right-of-way vacation area were notified via certified mail on October 12, 2023. No objections were received by the Transportation and Public Works Department. The Planning Commission received a letter of support from the Brentwood Neighborhood Association.

The fair market value for the 10,131 square feet of right-of-way is \$914,200. The amount of the fair market value, the cost of engaging the appraiser, and the cost of sending public notices has been submitted to the Transportation and Public Works Department for processing upon approval of these right-of-way vacation requests.