

Temporary Use of Right of Way Permit Fee Relief

The Capitol Complex development greatly benefits the City of Austin, including new and enhanced restoration of the areas we rent in the ROW.



After the project, the city will enjoy the benefit of new sidewalks on all sides of the project that reside in or adjoin the city's right of way (ROW). The approximate cost of these improvements is **\$1,098,571**.

November 2022 (Before)



After the project, TFC will restore/repave the lanes we rent in the ROW. The approximate cost of these improvements is **\$782,545**.

December 2026 (After)



TFC is improving the city's utilities for electric, water, stormwater, and wastewater infrastructure beyond what is required to serve our project, including:

Electric Utility Upgrades valued at	\$1,260,475
Domestic Water Utility Upgrades valued at	\$3,046,148
Storm Water Utility Upgrades valued at	\$1,680,634
Waste Water Utility Upgrades valued at	\$980,019
For a total of	\$6,967,276

Pavement restoration, sidewalk and utility upgrades are estimated to cost **\$8,848,392**.

TFC has a very limited and tight budget for Phase II (based on many unknown economic conditions now), requiring a review for Temporary Use of Right of Way Permit (TURP) fees.

The City of Austin provides an informational document on the legal basis for development fees that includes the following salient points:

- If a state statute includes language that grants authority for a specified fee, and the city follows the statute, then the municipality may assess the fee.
- Fees that generate revenue in excess of what is needed to operate the program can be found by a court to be unauthorized taxes.
- *A city in Texas cannot raise more revenue from fees than it needs to regulate.*

Beneficial project improvements total over \$8.8M.

TFC understands and fully supports cost recovery models for governmental operations. And realize that inspections of utility work and other administrative/oversight actions related to City ROW management incur costs to the city that, if necessary, we will pay. However, respectfully, the TURP fees on top of the substantial capital investment to the infrastructure renewal and "Destination Appeal" of downtown Austin provided by the State's Capitol Complex seems excessive, redundant, and unjustified as a cost to the project and the citizens of Texas. **TFC seeks full waiver or exemption from TURP fees for the Capitol Complex Phase 2 development.**