

Posting: Approve a resolution directing the City Manager to prepare an ordinance for Council consideration authorizing the City Manager to enter into an agreement that would permit the encroachment into the public right-of-way of Grove Boulevard by a proposed elevated walkway to be constructed, operated, and maintained by Ecology Action of Texas and waiving the application and application fee requirements of City Code Section 14-11-51 (*Application and Approval*) for the agreement.

RESOLUTION NO.

WHEREAS, the Imagine Austin Comprehensive Plan, the Austin Strategic Mobility Plan, the Urban Trails Plan, and the Austin Climate Equity Plan each establish equitable access to parks, trails, and nature as a City priority, with emphasis on historically underserved neighborhoods, and the City has adopted a goal that all residents live within reasonable walking distance of a park; and

WHEREAS, the Montopolis neighborhood in District 3 has been identified as an area with below-average access to green space; and

WHEREAS, Roy G. Guerrero Colorado River Metropolitan Park and the adjacent Circle Acres Nature Preserve together constitute a significant nature and recreation resource for East Austin, and improved trail connectivity between and within these areas would advance the City's adopted park access, mobility, and climate change resilience objectives; and

WHEREAS, the Circle Acres Nature Preserve occupies land that was historically damaged by quarrying and, following the quarry's closure in the 1960s, experienced years of illegal dumping, but is now home to numerous native species, including 218 bird species, within the Colorado River watershed; and

WHEREAS, Texas Parks and Wildlife has awarded Ecology Action of Texas \$148,552 in grant funding for the Country Club Creek East Riparian Trail Enhancement Project, including construction of an elevated walkway forming a segment of public nature trail network at the site, and \$166,420 for the Montopolis Nature Trail Network; and

23 **WHEREAS**, an elevated structure would minimize ground disturbance,
24 avoids damage to restored soils and allows unimpeded passage of both stormwater
25 and wildlife, and a floodplain analysis conducted by the University of Texas at
26 Austin concluded favorably as to the elevated walkway's technical viability; and

27 **WHEREAS**, Ecology Action desires for a section of the proposed walkway
28 to traverse a segment of the Grove Boulevard right-of-way adjacent to the
29 preserve, as shown on **Exhibit "A"**; and

30 **WHEREAS**, Austin Transportation and Public Works has determined that
31 the affected Grove Boulevard right-of-way is not identified for roadway
32 construction in the Austin Strategic Mobility Plan or any other adopted City
33 transportation plan, and Austin Parks and Recreation supports the proposed trail
34 connection; and

35 **WHEREAS**, the affected Grove Boulevard right-of-way segment has been
36 maintained, at no cost to the City of Austin, for the past 20 years by Ecology
37 Action of Texas, a nonprofit organization, which has removed several tons of
38 illegally dumped material and thousands of bags of litter and has established native
39 plant communities; and

40 **WHEREAS**, Ecology Action of Texas owns the land abutting the affected
41 Grove Boulevard right-of-way segment, has been awarded state grant funding for
42 the walkway, and has committed to working closely with Austin Transportation
43 and Public Works on the trail standards and project oversight while bearing the
44 cost of the walkway's construction and ongoing maintenance, which would
45 provide the City with a public trail amenity in an underserved district at minimal
46 public cost; and

47 **WHEREAS**, on March 12, 2020, Council adopted Resolution No.
48 20200312-041, directing the City Manager to work with nonprofit partners to

create partnership agreements benefiting the community and to define the roles and responsibilities of those partners and Austin Parks and Recreation; and

WHEREAS, Council has previously authorized non-City entities, including nonprofit partners, to design, construct, and maintain trail infrastructure on City-controlled land when doing so advances opportunities for public recreation and conservation objectives at reduced cost to the City; **NOW, THEREFORE,**

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

The City Manager is directed to prepare for Council consideration an ordinance authorizing the City Manager to enter into an agreement under City Code Chapter 14-11, Article 1, Division 4, that would permit the encroachment into the public right-of-way of Grove Boulevard by a proposed elevated walkway to be constructed, operated, and maintained by Ecology Action of Texas and waiving the application and application fee requirements of City Code Section 14-11-51 (*Application and Approval*) for the agreement.

BE IT FURTHER RESOLVED:

Any instrument prepared under the ordinance shall include terms that effect and maintain the public purpose of the grant, including continued public access at no charge, allocation of construction and ongoing maintenance obligations to the project sponsor, payment of costs of repair or relocation of public infrastructure damaged or destroyed as a result of the encroachment, establishment of a covenant on the land adjoining the property and a lien if the City incurs costs of removal or modification on termination, a prohibition on assignment or transfer without the prior written consent of the City, insurance and indemnification, accessibility, protection of the restored nature habitats, retention of all necessary public utility easements and emergency access, and reversion to the City should the right-of-way cease to be used for public trail and conservation uses.

BE IT FURTHER RESOLVED:

The City Manager is further directed to obtain the appraisal of the affected right-of-way required under City Code Section 14-11-52 (*Appraisal of Property*) and to evaluate whether the consideration required to enter into the encroachment agreement may lawfully be satisfied by the conveyance to the City of a permanent public access and trail easement across land owned by the project sponsor adjoining the right-of-way, using the model of previous encroachment agreements approved by Council, and, if so, to include a provision in the ordinance authorizing such an exchange.

BE IT FURTHER RESOLVED:

The City Manager is further directed to evaluate whether the consideration required to enter into the encroachment agreement may be lawfully satisfied by an agreement by Ecology Action of Texas to maintain the adjacent Grove Boulevard public right-of-way, and, if so, to include such terms in the encroachment agreement, so as to effect and maintain the public purpose of the grant.

BE IT FURTHER RESOLVED:

The City Manager is further directed to return to Council with the proposed encroachment agreement in time to permit Texas Parks and Wildlife grant funds to be expended within the period allowed by the award.

ADOPTED: _____, 2026

ATTEST: _____

Erika Brady
City Clerk