CENTRAL TEXAS Regional Mobility Authority

Conduct a public hearing and consider a resolution approving the Mobility Authority's permanent use of a 0.688 acre strip of land (approximately 15 feet by 2,082 feet) on the west side of the City of Austin's Bolm Road District Park abutting the east right-of-way line of U.S. Highway 183, for 183 South transportation project facilities, in accordance with Chapter 26 of the

Texas Parks and Wildlife Code.

Strategic Plan Relevance: Regional Mobility

Department: Engineering/Community Relations
Contact: Justin Word, P.E., Director of Project Management
Associated Costs: N/A
Funding Source: N/A
Action Requested: Conduct and close public hearing;
consider and act on draft resolution
Summary:
Chapter 26 of the Texas Parks and Wildlife Code provides that the use of parkland for nonpark purposes may be approved upon a finding by the agency proposing the non-park use that there is no feasible and prudent alternative to the use of the parkland.

The Mobility Authority's 183 South Project will add approximately eight miles of three tolled lanes and two to three improved non-tolled frontage road lanes in each direction within the existing US 183 corridor between US 290 and SH 71. Among other facilities, the project includes a shared-use path adjacent to the roadway for pedestrian and bicycle use, and the required relocation of utility facilities currently within the existing US 183 right-of-way.

To develop the 183 South Project, the Mobility Authority requires the permanent use of a strip of land ( 0.688 acres, approximately 15 feet by 2,082 feet) along the west side of the Bolm Road District Park. The shared use path built in right-of-way adjacent to and on this land will continue north and south to provide a continuous shared use path parallel to the 183 South northbound frontage road. Once completed, the path will provide a safer and more accessible route for those who may want to walk or ride a bike to the park. In addition to its use in connection with the shared use path, the land will also be used to relocate existing underground utility facilities from existing US 183 right-of-way.

In a June 18, 2014, letter to the Texas Department of Transportation from Marc Ott, City Manager, the City of Austin concurred with TxDOT's finding that construction and maintenance of the proposed shared use path over the parkland will have a "de minimis impact" on the Bolm Road District Park.

The City of Austin, the owner and supervisor of the parkland, was notified of this public hearing on October 23, 2015. Notice to the public of this public hearing was provided by publication in the Austin American Statesman once a week over three consecutive weeks, in the issues published on November 2, November 9, and November 16, 2015.

Because of the size and configuration of the Bolm Road District Park and the requirements and design constraints of the 183 South transportation project, there is no feasible and prudent alternative to the use of the dedicated parkland. All reasonable planning to minimize harm to the park resulting from the proposed use has occurred.

Backup provided: Maps to identify the Proposed Use, Affected Land, and Bolm Road District Park
June 18, 2014, letter to TxDOT from Marc Ott, Austin City Manager October 23, 2015, notice to City of Austin
Public Hearing Notice published in the Austin American Statesman Draft Resolution

# GENERAL MEETING OF THE BOARD OF DIRECTORS OF THE <br> CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY 

RESOLUTION NO. 15-

# APPROVING THE MOBILITY AUTHORITY'S PROPOSED USE OF A 0.688 ACRE PORTION OF PARKLAND FROM THE BOLM ROAD DISTRICT PARK OWNED AND SUPERVISED BY THE CITY OF AUSTIN FOR THE 183 SOUTH TRANSPORTATION PROJECT. 

WHEREAS, the Central Texas Regional Mobility Authority ("Mobility Authority") is developing the 183 South Project to add approximately eight miles of three tolled lanes and two to three improved non-tolled frontage road lanes in each direction within the existing US 183 corridor between US 290 and SH 71, including (among other related facilities) a shared-use path for pedestrian and bicycle use adjacent to the roadway and the required relocation of utility facilities currently within the existing US 183 right-of-way (the "Project"); and

WHEREAS, the permanent use of 0.688 acres of the Bolm Road District Park owned and supervised by the City of Austin, as more fully described in Exhibit 1 to this resolution (the "Affected Land") is required for the construction, use, maintenance, repair, and replacement of a shared use path and related support and improvements, and for the relocation of underground utility facilities in existing US 183 right-of-way as required for the Project (the "Proposed Use"); and

WHEREAS, notice of a public hearing before the Board of Directors to consider the Proposed Use of the Affected Land was provided by the Mobility Authority to the City of Austin and was published in a newspaper of general circulation in compliance with the requirements of Chapter 26 of the Texas Parks and Wildlife Code; and

WHEREAS, the Board of Directors held a public hearing on November 24, 2015, to consider the Proposed Use of the Affected Land.

NOW THEREFORE, BE IT RESOLVED, after considering the clearly enunciated local preferences expressed at the public hearing, the Board of Directors hereby determines there is no feasible and prudent alternative to the Proposed Use of the Affected Land, and that the Proposed Use includes all reasonable planning to minimize harm to the Affected Land resulting from the Proposed Use; and

BE IT FURTHER RESOLVED that the Board hereby approves the Proposed Use of the Affected Land; and hereby authorizes the Executive Director to take such measures as may be necessary, favorable, or required to effectuate the purpose and intent of this resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the $24^{\text {th }}$ day of November, 2015.

Submitted and reviewed by:

Geoffrey, Petrov, General Counsel

Approved:

Ray A. Wilkerson
Chairman, Board of Director

## Exhibit 1

Description of the Affected Land
[on the following 7 pages]


City of Austin
City Manager's Office
P.O. Box 1088, Austin, TX 78767
(512) 974-2200, Fax (512) 974-2833

Marc A. Ott, City Manager
marc.ott@austintexas.gov
June 18, 2014

TxDOT US 183 Project
From US 290 to SH 71
CSJ: 0151-09-036
Mr. Terry McCoy
Deputy District Engineer
Texas Department of Transportation
Austin District
P.O. Box 15426

Austin, Texas 78761

Dear Mr. McCoy,
As a required element of the planning and development of the above referenced project (Project), the Texas Department of Transportation (TxDOT) has asked the City of Austin (City) to concur in its determination that TxDOT's construction and maintenance of a 0.7 acre shared use path (Path) over and on Bolm Road District Park will have a "de minimis impact," as that term is used for the purposes of Section 4(f) of the Department of Transportation Act of 1966, on the affected City parkland.

TxDOT has represented to the City that the Path, which will be constructed by TxDOT or its contractors, will be designed and constructed in accordance with all applicable TxDOT design and criteria manuals and located as shown in the attached map. Further, TxDOT has represented that the Path will be ADA compliant and shall remain open for public use on terms and conditions consistent with City policies and regulations for the use of City owned parkland.

The City concurs with TxDOT's finding that the Path will not adversely affect the activities, features, or attributes that make the City parkland eligible under section $4(f)$ protection. The City's concurrence is based solely on TxDOT's representations regarding the Shared Use Path as summarized above. Please be advised that the City's concurrence with respect to any de minimis determination is limited to the construction and maintenance of the Shared Use Path and does not include or extend to any acquisition of City parkland by TxDOT or the closure of Bolm Road.

The City appreciates TxDOT's cooperation in preserving City parkland and we look forward to working with you on this project. Please call if you have any questions.


Attachment: Map of proposed shared use path


October 23, 2015
CENTRAL TEXAS

## Regional Mobility Authority

## Mr. Marc Oft

City Manager, City of Austin
301 W. $2^{\text {nd }}$ Street
Austin, Texas 78701
Dear City Manager Oft,
As you know, the Mobility Authority is currently developing the 183 South Project to add much needed additional traffic capacity between US 290 East and Highway 71. Additional right-of-way is required to complete the Project.

Included in the required additional right-of-way is Parcel 118, a 0.688 acre strip of land adjacent to existing right-of-way on the east side of U.S. Highway 183. Parcel 118 is a part of a larger tract that is dedicated to the City of Austin for park use.

Chapter 26 of the Texas Parks and Wildlife Code provides that the Mobility Authority may not use or take public land designated and used as a park for the Project unless the Mobility Authority Board of Directors determines that:

- there is no feasible and prudent alternative to the use or taking of the park land; and
- the Project includes all reasonable planning to minimize harm to the land as a park resulting from the use or taking.

This letter is notice to the City of Austin under Sec. 26.002, Texas Parks and Wildlife Code, that the Mobility Authority Board of Directors will hold a public hearing at its meeting that starts at 9:00 arm. on November 24, 2015, at the Lowell H. Lebermann, Jr., Board Room, 3300 N. IH-35, Suite 300. Austin, Texas 78705. The hearing is intended to satisfy all requirements of Chapter 26 necessary for the Board to make the required findings under Sec. 26.001 of that chapter.

Sincerely,


Mike Heiligenstein
Executive Director
Central Texas Regional Mobility Authority
cc: Ray A. Wilkerson, Chairman, Central Texas Regional Mobility Authority Robert Goode, Assistant City Manager

3300 N IH-35, Suite 300, Austin, Texas 78705
Telephone: (512) 996-9778 | Fax: (512) 996-9784 | MobilityAuthority.com
Ray A. Wilkerson, Chairman • James H. Mills, Jr., Vice Chairman • Robert L. Bennett, Jr., Treasurer
David B. Armbrust • David Singleton • Nikelle S. Meade $\bullet$ Charles Heimsath • Mike Heiligenstein, Executive Director
$\qquad$

| County: | Travis |
| :--- | :--- |
| Highway: | US 183 |
| Limits: | From: East of US 29 To: SH 71 |
| RCSJ: | $0151-09-037$ |
| Station: | $444+54.80$ to $465+14.33$ |

## DESCRIPTION FOR PARCEL 118

DESCRIPTION OF A 0.688 ACRE (29,964 SQ. FT.) PARCEL OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 67.10 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO THE CITY OF AUSTIN AND RECORDED IN DOCUMENT NO. 2013117685 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.). SAID 0.688 ACRE ( 29,964 SQ. FT.) PARCEL, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a Texas Department of Transportation (TxDOT) Type I concrete monument found 213.37 feet left of Engineer's Centerline Station (E.C.S.) 465+63.04, being on the existing east right-of-way line of U.S. Highway 183 (variable width right-of-way) as conveyed to the State of Texas in Document No. 2001153258 of the O.P.R.T.C.TX., also being a point on the west line of said 67.10 acre tract;

THENCE $N 27^{\circ} 47^{\prime} 38^{\prime \prime} \mathrm{E}$, with the existing east right-of-way line of said U.S. Highway 183 , same being the west line of said 67.10 acre tract, a distance of 52.19 feet to $\mathrm{a} / \mathrm{s}$-inch iron rod with TxDOT aluminum cap set 207.35 feet left of E.C.S. $465+14.33^{* *}$, being on the proposed east right-of-way line of said U.S. Highway 183 for the POINT OF BEGINNING and the most southerly corner of the parcel described herein;

THENCE, with the existing east right-of-way line of said U.S. Highway 183, same being the west line of said 67.10 acre tract, the following two (2) courses and distances numbered 1 and 2 :

1) $N 27^{\circ} 47^{\prime} 38^{\prime \prime} \mathrm{E}$, passing at a distance of 345.62 feet a $1 / 2$-inch iron rod found with cap stamped "C.O.A." for the beginning of an existing Access Denial Line (A.D.L.), continuing with the existing A.D.L., passing at a distance of 932.53 feet a $1 / 2$-inch iron rod with cap stamped "C.O.A." for the end of an existing A.D.L., passing at a distance of $1,131.83$ feet to a $1 / 2$-inch iron rod with cap stamped "C.O.A." for the beginning of an existing A.D.L., with the existing A.D.L., passing at a distance of $1,536.01$ feet, a TxDOT Type II concrete monument found, passing at a distance of $1,801.83$ feet, a $1 / 2$-inch iron rod with cap stamped "C.O.A." for the end of an existing A.D.L., departing existing A.D.L., passing at a distance of 1923.86 feet, a TxDOT Type II concrete monument found and continuing a total distance of $2,046.83$ feet to a TxDOT Type II concrete monument found, and
2) $\mathrm{N} 27^{\circ} 42^{\prime} 36^{\prime \prime} \mathrm{E}$, a distance of 35.25 feet to a TxDOT Type II concrete monument found at the northwest corner of the parcel described herein, same being in the common line of the existing east right-of-way line of said U.S. Highway 183 and the existing south right-of-way line of Smith Road (no record information found);
$\qquad$

| County: | Travis |
| :--- | :--- |
| Highway: | US 183 |
| Limits: | From: East of US 29 To: SH 71 |
| RCSJ: | $0151-09-037$ |
| Station: | $444+54.80$ to $\mathbf{4 6 5 + 1 4 . 3 3}$ |

## DESCRIPTION FOR PARCEL 118

3) THENCE $S 4^{\circ} 59^{\prime} 09^{\prime \prime} E$, with the existing south right-of-way line of said Smith Road, same being the north line of said 67.10 acre tract, a distance of 10.01 feet to a $\%$-inch iron rod with TxDOT aluminum set with cap stamped "A.D.L." 197.50 feet left of E.C.S. $444+54.80^{* *}$, at the proposed east right-of-way line of said US Highway 183, same being the beginning of a proposed A.D.L.;

THENCE, with the proposed east right-of-way line of said U.S. Highway 183, over and across said 67.10 acre tract, the following ten (10) courses and distances numbered 4 through 11:
4) $S 27^{\circ} 46^{\prime} 58^{\prime \prime}$ W, departing the south right-of-way line of said Smith Road and with said proposed A.D.L. a distance of 280.75 feet to $a / 8$-inch iron rod with TxDOT aluminum cap set 197.01 feet left of E.C.S. 447+34.20**,
5) S $27^{\circ} 47^{\prime} 38^{n} \mathrm{~W}$, with said proposed A.D.L. a distance of 356.73 feet to a $5 / 8$-inch iron rod with TxDOT aluminum cap 197.01 feet left of E.C.S. $450+90.92^{* *}$,
6) $\mathrm{S} 27^{\circ} 47^{\prime} 45^{\prime \prime} \mathrm{W}$, with said proposed A.D.L. a distance of 67.38 feet to a $5 / 8$-inch iron rod with TxDOT aluminum cap set 197.01 feet left of E.C.S. $451+58.30^{* *}$,
7) S $26^{\circ} 05^{\prime} 48^{\prime \prime}$ W, with said proposed A.D.L. a distance of 245.99 feet to a $5 /-$-inch iron rod with TxDOT aluminum set with cap stamped "A.D.L." 204.29 feet left of E.C.S. $454+04.18^{* *}$, said point being the end of the proposed A.D.L., continuing a total distance of 339.44 feet to a $\%$-inch iron rod with TxDOT aluminum cap set 207.06 feet left of E.C.S. 454+97.59**,
8) $\mathrm{S} 27^{\circ} 47^{\prime} 38^{\prime \prime} \mathrm{W}$, a distance of 105.89 feet to a $5 / 8$-inch iron rod with TxDOT aluminum set with cap stamped "A.D.L." 197.50 feet left of E.C.S. $461+88.77$, said point being the beginning of a proposed A.D.L., continuing with said proposed A.D.L. a total distance of 650.34 feet to a $5 / 8$-inch iron rod with TxDOT aluminum cap set 207.06 feet left of E.C.S. $461+47.93^{* *}$, same being the beginning of a curve to the right,
9) Southwesterly, with said curve to the right, having an arc distance of 42.64 feet, through a central angle of $00^{\circ} 50^{\prime} 31^{\prime \prime}$, having a radius of $2,901.79$ feet, and a chord that bears $\mathrm{S} 28^{\circ} 12^{\prime} 54^{\prime \prime} \mathrm{W}$, with said proposed A.D.L. a distance of 42.64 feet to $a 5 / 8$-inch iron rod with TxDOT aluminum set with cap stamped "A.D.L." 206.88 feet left of E.C.S. $461+88.77$, said point being the end of the proposed A.D.L.,

EXHIBIT $\qquad$

| County: | Travis |
| :--- | :--- |
| Highway: | US 183 |
| Limits: | From: East of US 29 To: SH 71 |
| RCSJ: | $0151-09-037$ |
| Station: | $444+54.80$ to $465+14.33$ |

## DESCRIPTION FOR PARCEL 118

10) Southwesterly, continuing with said curve to the right, having an arc distance of 159.94 feet, through a central angle of $03^{\circ} 09^{\prime} 29^{\prime \prime}$, having a radius of $2,901.79$ feet, and a chord that bears S $30^{\circ} 12^{\prime} 54^{\prime \prime} \mathrm{W}$, a distance of 159.92 feet to a $\%$-inch iron rod with TxDOT aluminum cap set 205.19 feet left of E.C.S. $463+39.23^{* *}$, and
11) S $31^{\circ} 47^{\prime} 38^{\prime \prime} \mathrm{W}$, a distance of 186.12 feet to the POINT OF BEGINNING and containing 0.688 acres ( $29,964 \mathrm{sq}$. ft.) of land more or less.

Access is prohibited across the "Access Denial Line" to the transportation facility from the adjacent property.
*This monument may be replaced by a TxDOT Type II right-of-way upon the completion of the highway construction project under the supervision of a RPLS either employed or retained by TxDOT.

This property description is accompanied by a plat of even date.
All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83(NonHARN). All distances shown hereon are adjusted to surface multiplying the grid coordinates by a surface adjustment factor of 1.00011 .

## THE STATE OF TEXAS <br> §

§
KNOW ALL MEN BYTHESE PRESENTS:
COUNTY OF TRAVIS
§
That I, William Reed Herring, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the $02^{\text {nd }}$ of February, 2015 A.D.

SURVEYING AND MAPPING, LLC
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78704
Texas Firm Registration Number 10064300





