

ORDINANCE NO. 850502-U

AN ORDINANCE DEDICATING CERTAIN CITY OWNED LAND LOCATED ALONG OR NEAR TOWN LAKE AS PARKLAND; RESERVING EASEMENTS FOR EXISTING UTILITIES, DRAINAGE STRUCTURES, STREETS AND RIGHT-OF-WAYS; DEDICATING CERTAIN TRACTS OF LAND AS PARKLAND UPON THE TERMINATION OR CESSATION OF THEIR EXISTING USES; PROVIDING A SEVERANCE CLAUSE; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE (3) SEPARATE DAYS, AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. That certain City owned parcels of land located along or near Town Lake between Tom Miller Dam on the west and Longhorn Dam on the east, three (3) parcels of land north of Bergman and east of Chicon, and south of Riverview, and the strip of land (or island) at south First Street and west First Street, the same being properties described in Exhibit A attached hereto and incorporated herein are dedicated for use as parkland.

PART 2. That certain existing structures, facilities, and right-of-ways presently situated on the above described lands are hereby specifically reserved as perpetual use easements to the City for present and future maintenance, repair, replacement, or enlargement, and all areas immediately adjacent thereto and necessary for access to said easements; the same being described as follows:

- (a) existing utilities, including but not limited to water intake, and lift stations, buffer zones, existing drainage lines and drainage structures, whether or not an easement has been previously dedicated across City owned land;
- (b) existing streets and right-of-ways.

PART 3. That the following tracts of land, the same being described in Exhibit B attached hereto and incorporated herein, shall immediately become parkland upon the termination or cessation of their existing uses:

- (a) Zachary Scott Theater lease and adjacent City-owned land bounded by streets, private properties and tract S-3 dedicated herein.
- (b) Green Water Plant and/or Seaholm Power Plant water intake structures south of West First Street and between tracts N-10 and N-11 herein.
- (c) Holly Street Power Plant and adjacent land used in connection therewith and being located between tracts N-16 and N-17 herein.

PART 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

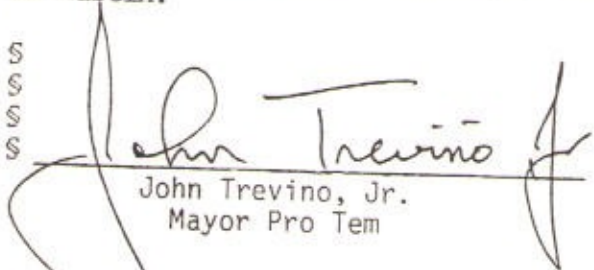
If any provision of this ordinance or the application thereof to any person, act, situation or circumstance is held invalid the remainder of this ordinance and the application of such provision to other persons, facts, situations or circumstances shall not be affected thereby.

PART 5. The rule requiring the reading of ordinances on three (3) separate days is hereby suspended, and this Ordinance shall become effective ten (10) days following the date of its final passage, as provided by the Charter of the City of Austin.


PASSED AND APPROVED

May 2, 1985

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John Trevino, Jr.
Mayor Pro Tem

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


Betty G. Brown
Deputy City Clerk

FG:mst
2MAY85

DESCRIPTION OF WATER INTAKE STRUCTURE SITE
LOCATED ON THE NORTH BANK OF TOWN LAKE OF THE COLORADO RIVER

BEGINNING, at the eastern right-of-way line of the Missouri Pacific Railroad and the southern curb line of West First Street for the northwest corner hereof;

THENCE, in a southerly direction to the north shoreline of Town Lake;

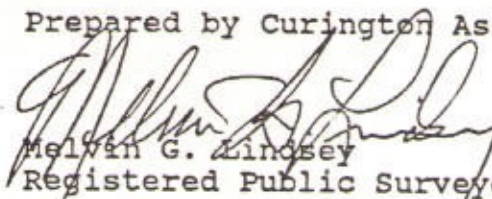
THENCE, in an easterly direction along the north shore line of Town Lake to a point being 200 feet east of the most easterly water intake structure situated upon the herein described tract;

THENCE, in a northerly direction to the south curb line of West First Street for the northeast corner hereof;

THENCE, in a westerly direction along the south curb line of West First Street to the POINT OF BEGINNING.

The foregoing general description was prepared from records available and does not purport to be an actual survey on the ground or a survey prepared in the office from deed records.

Prepared by Curington Associates, Inc.


Melvin G. Lindsey
Registered Public Surveyor No. 1587

FN:MGL:owg
Job No. 80-165-3
5-23-85

