

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 08-45

WHEREAS, the Central Texas Regional Mobility Authority ("CTRMA") was created pursuant to the request of Travis and Williamson Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.01, *et seq.* (the "RMA Rules"); and

WHEREAS, the Board of Directors of the CTRMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, in a minute order approved on August 25, 2005, the Texas Transportation Commission authorized the CTRMA to pursue the development of the 290 East Turnpike Project (the "Project"); and

WHEREAS, the CTRMA and the Texas Department of Transportation ("TxDOT") have undertaken the market valuation process set forth in Section 228.0111 of the Transportation Code to determine if either entity will develop the Project as a toll project and such process is currently ongoing; and

WHEREAS, the CTRMA has undertaken efforts related to the planning and development of the Project, including the determination of potential right of way required for the Project; and

WHEREAS, the CTRMA has undertaken discussions with various property owners of potential right of way tracts that pose significant challenges for the Project in order to attempt to mitigate possible future delays in the timely completion of the Project; and

WHEREAS, a tract jointly owned by the City of Austin (the "City") and Herby's Joint Venture ("Herby's") consisting of approximately 47.533 acres was designated as parkland and therefore presented possible additional considerations to be undertaken in connection with the environmental review of the Project; and

WHEREAS, the 47.533 acre tract was partitioned into two tracts—one being a 39.6084 acre tract owned by the City and to continue to be designated as parkland, and an 8.3436 acre tract owned by Herby's that was intended to no longer be designated as parkland; and

WHEREAS, the partition deed referenced certain language that could cause the 8.3436 acre tract to continue to be considered parkland for environmental review purposes ("Reservation Language"); and

WHEREAS, the 8.3436 acre tract was acquired by the CTRMA from Herby's with the intent that such tract would no longer be designated as parkland; and

WHEREAS, the inclusion of the Reservation Language in the partition deed may cause the Project's environmental review to consider the 8.3436 acre tract to be parkland, although this was not any of the party's intent; and

WHEREAS, the deletion of the Reservation Language from the partition deed is desirable to insure that the 8.3436 acre tract is not considered parkland for any purposes, but it is necessary to offer the City the CTRMA's full assurance that all reasonable efforts will be undertaken to ensure that the City may develop and construct a portion of its planned Regional Hike and Bike Trail over and across the 8.3436 acre tract in a manner acceptable to all parties; and;


WHEREAS, an Interlocal Agreement shall be prepared to set forth the CTRMA's agreement to ensure that the City may develop and construct a portion of its planned Regional Hike and Bike Trail over and across the 8.3436 acre tract in a manner acceptable to all parties (an "Interlocal Agreement"); and

WHEREAS, the CTRMA staff and Executive Director recommend that the Board authorize the negotiation, preparation and execution of an Interlocal Agreement.

NOW THEREFORE, BE IT RESOLVED, that the CTRMA Board of Directors authorizes the Executive Director to negotiate, finalize and execute an Interlocal Agreement, consistent with this Resolution and finds that the execution of an Interlocal Agreement shall be for the benefit of the traveling public of the region.


Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30th day of July, 2008.

Submitted and reviewed by:



Tom Nielson
General Counsel for the Central
Texas Regional Mobility Authority

Approved:



Robert E. Tesch
Chairman, Board of Directors
Resolution Number 08-45
Date Passed 07/30/08

Attachment "A"
To Resolution 08-45
Interlocal Agreement with City of Austin
290E COA Hike and Bike Trail