



## Travis County Commissioners Court Agenda Request

**Meeting Date:** December 2, 2014

**Prepared By:** Greg Chico Phone #: (512) 854-4659

**Division Director/Manager:** Charles Bergh, Parks Director

**Department Head:** Steven M. Manilla, P.E., County Executive-TNR

**Sponsoring Court Member:** Commissioner Davis, Precinct One

**AGENDA LANGUAGE:** Approve setting a public hearing on Tuesday, January 27, 2015, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments regarding the use of dedicated parkland for the purpose of constructing an underground and buried electric utility line within an approximately 4,800 square foot proposed easement area through parkland known as Ben E. Fisher Park, a small Travis County Park located immediately south of U.S. 290 East, near Manor, Texas in Precinct One.

### **BACKGROUND/SUMMARY OF REQUEST:**

In the spring and summer of 2014, Travis County TNR staff met with officials of the Bluebonnet Electric Cooperative at Ben E. Fisher Park to discuss potential plans for the extension of electric lines to provide utility service to an adjoining property located along the western boundary of the park. During the course of those discussions, TNR Parks representatives indicated that the only condition under which county staff could support the proposed extension would be if the electrical lines requested by Bluebonnet were to be buried. As such, Bluebonnet revised its request to limit any permissible usage of county parkland to the installation and maintenance of subsurface utilities.

Prior to meeting with Bluebonnet representatives, county staff had been engaged in discussions with the property owner of land adjacent to the park. In mid-November 2014, this third party entered into a contractual agreement with Travis County to sell an undeveloped strip of land -- approximately 150 feet in width and totaling more than 4 acres -- to the county for inclusion of the land area in the 2011 Eastern Creeks Bond Program. Ultimately, the county envisions a greenway or open space corridor for public use and trails, stretching southward from Ben Fisher Park along the eastern banks of Gilleland Creek. However, a provision of this adjacent property owner's planned sale to Travis County of the needed strip of land, requires that their (the owner's) abutting tract is able to receive electrical service from Bluebonnet's existing facilities that presently serve the county park. These existing facilities currently terminate within the boundaries of Ben Fisher Park. Hence, Bluebonnet (also wishing to provide this electrical service to the adjacent tract) is seeking

authorization -- in the form of an underground electrical utility easement -- to bury a transmission line in a proposed easement area that is 20 feet in width, and approximately 240 feet in length, as depicted in the sketch attached hereto as Exhibit "A". During the proposed installation of utility infrastructure, the park would remain open with no curtailment of public use or modification to permitted activity. Moreover, the estimated duration of onsite construction for installation of the requested electrical line(s) is in the range of approximately one to two weeks.

**STAFF RECOMMENDATIONS:**

Staff recommends setting a public hearing date of January 27, 2015, to: (1) provide a forum to receive public input regarding the proposed sale of easement rights; and (2) satisfy Chapter 26 requirements of Texas Parks and Wildlife regulations regarding disposition of real property parkland interests.

**ISSUES AND OPPORTUNITIES:**

If conducted as proposed, the public hearing would enable citizen input and facilitate dissemination of information regarding the proposed conveyance of an underground electrical easement area and rights. Travis County staff has negotiated with the utility provider to reach an agreement on a proposal that would ensure any negative resultants from the proposed utility line(s) are eliminated or minimized with regard to the public use and enjoyment of a significant county asset serving residents and visitors throughout the metropolitan area, and particularly so in the general vicinity of Manor, Texas. A public hearing is also required by law prior to any conveyance of property rights from Travis County.

**FISCAL IMPACT AND SOURCE OF FUNDING:**

There is no direct fiscal impact to Travis County anticipated by conducting a public hearing under provisions of Chapter 26 (as explained above). If the sale of easement rights were to transpire, Travis County would receive funds in the amount of the appraised value for the easement -- projected to be less than \$5,000. Additionally, if a sale of easement rights were to occur, all costs associated with such conveyance would be borne solely by the purchaser (Bluebonnet Electrical Cooperative).

**ATTACHMENTS/EXHIBITS:**

Exhibit "A" -- Sketch with dimensions of the proposed underground electrical easement area (within Ben E. Fisher Park).

Exhibit "B" -- Overhead (aerial photograph) map of park depicting approximate location and configuration of proposed easement area.

**REQUIRED AUTHORIZATIONS:**

Cynthia McDonald	Financial Manager	TNR	(512) 854-4239
Steven M. Manilla	County Executive	TNR	(512) 854-9429


**CC:**

Tom Nuckols	Assistant County Atty.	TCAO	(512) 854-9513
Julie Joe	Assistant County Atty.	TCAO	(512) 854-9513
Chris Gilmore	Assistant County Atty.	TCAO	(512) 854-9455
Charles Bergh	Parks Director	TNR	(512) 854-9408
Robert Armistead	Parks Manager	TNR	(512) 854-9831
Greg Chico	Real Estate Manager	TNR	(512) 854-4659
Mike Martino	Real Estate Rep.	TNR	(512) 854-7646

**SM:CB:gc**

**0701 - Parks Planning - Agenreq283**

