

ORDINANCE NO.

**AN ORDINANCE ESTABLISHING A PROCESS FOR MANAGING THE
CONDEMNATION OF CITY-OWNED LAND DEDICATED TO PARK
PURPOSES AND CITY PARKLAND.**

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

PART 1. FINDINGS:

- A. The City shall implement a standardized process governing instances in which City owned land dedicated to park purposes or City parkland (parkland) is subject to condemnation resulting in a permanent unavailability of that land for recreational or park purposes.
- B. The process will ensure oversight, evaluation, and mitigation safeguarding the public interest.

PART 2. INITIATION OF PROCESS:

- A. This process will not apply to projects in effect for five years, or less, and where the property will be restored to like, or better than, its original condition, and returned to recreational use.
- B. When the Manager receives notice of a proposed condemnation of parkland, the Manager will contact the condemning authority (Authority) and facilitate consultation between the City and the Authority.
- C. The Manager will post an item for discussion of the proposed condemnation on a Council meeting agenda within 90 days of receiving notice of a proposed condemnation of parkland.
- D. The Manager will provide notification of the proposed condemnation to the Environmental Commission, Parks and Recreation Board, and any partner with stewardship related to the subject property within 90 days of receiving notice of proposed condemnation of parkland.

PART 3. VALUATION:

- A. The Manager will commission an independent appraisal to be performed by an appraiser with the experience and expertise in valuing publicly-owned land.

B. The Manager may not commission an independent appraisal if such an appraisal is unlikely to result in a value higher than the Authority's offer of compensation considering:

1. Property value;
2. Strategic importance; and
3. Complexity of the acquisition.

C. The Manager will:

1. Review the proposed acquisition, evaluate the justification for the taking and whether there are reasonable alternatives, and, if available, develop alternatives to condemnation to be presented to the Authority;
2. Evaluate impacts on parkland access, equity, and service levels; and
3. Ensure all valuations conducted by or for an Authority and the City evaluate applicable zoning classifications

PART 4. TEXAS PARKS AND WILDLIFE CODE CHAPTER 26 PARALLEL PROCESS:

In cases where the Manager determines a condemnation will result in an area becoming park deficient, that heightened protection or public interest is necessary, and/or the value of the condemned property will exceed \$500,000, the Manager will post a Texas Parks and Wildlife Code Chapter 26 hearing on a Council agenda.

PART 5. PROTECTION OF REPURCHASE RIGHTS:

When the repurchase provisions of Texas Property Code Section 21.001 apply, the Manager will pursue repurchase of the property when:

- A. The Property was not used for the intended public use; or
- B. Funding is available and the property is available for sale.

PART 6. REPLACEMENT OF PARKLAND:

The Manager will ensure condemnation proceeds are placed in a dedicated budget and used exclusively to:

- A. Replace lost parkland and restore or enhance park features; and
- B. Ensure replacement occurs on remaining portions of the impacted property, or within a close geographic area.

Condemnation proceeds may not be repurposed for any other use.

PART 7. This ordinance takes effect on _____, 2026.

PASSED AND APPROVED

_____, 2026 §
 §
 § _____
 Kirk Watson
 Mayor

APPROVED: _____ **ATTEST:** _____
 Deborah Thomas Erika Brady
 City Attorney City Clerk