THE BRACKENRIDGE TRACT TASK FORCE REPORT

Aerial view of West Austin, Summer of 1975

A Letter from the Chairman of the Brackenridge Tract Task Force

Mr. James R. Huffines, Chairman
The University of Texas System Board of Regents

Dear Chairman Huffines,

On behalf of the members of the Brackenridge Tract Task Force, I am pleased to submit our report about the work of the Task Force and our recommendations concerning how to best utilize this remarkable asset.

Over the last 15 months, the Task Force has held 13 meetings, nearly half of them open to the public. We have heard from a broad range of interested parties — faculty members, residents, interest groups, and public officials — and from outside experts who provided impartial information and evaluations of best uses for the tract. We have been impressed but not surprised by the care and concern expressed by the people who brought us their ideas.

I think I speak for every member of the Task Force when I say that we have been honored to serve the U. T. System in this capacity. Our guiding principle has been living up to Colonel Brackenridge's trust in future generations to use this land for the benefit of U. T. Austin and its mission of educational excellence.

Now that our work is done, we hope you will agree that we have done right by the colonel and done well by U. T. Austin.

Sincerely,

Larry E. Temple
Chairman, Brackenridge Tract Task Force

The University of Texas System Board of Regents

James R. Huffines
Chairman

Rita C. Clements
Vice Chairman

Cyndi Taylor Krier
Vice Chairman

H. Scott Caven, Jr.
Vice Chairman

John W. Barnhill, Jr.

Judith L. Craven

Robert A. Estrada

Colleen McHugh

Robert B. Rowling

Randal Matthew Camarillo
Student Regent

The Brackenridge Tract Task Force Report

October 12, 2007

The Task Force and its Charge

In July of 2006, Chairman James R. Huffines, acting on behalf of the Board of Regents of The University of Texas System, created the current Brackenridge Tract Task Force and gave the Task Force the following charge:

The charge to the Task Force is to review and identify facts and issues that impact land held in Travis County by the U. T. System Board of Regents for the benefit of The University of Texas at Austin and known as the Brackenridge Tract. The Task Force is asked to seek input and advice concerning the Board's stewardship of the Brackenridge Tract, to make findings of fact related to the asset, to identify alternatives concerning long term uses of the Tract, and to make recommendations concerning *the best and most prudent ways to utilize the asset to the maximum benefit of The University of Texas at Austin.*[1]

[1] Emphasis added.

THE MEMBERS OF THE TASK FORCE[2] ARE:

Mr. Larry E. Temple, Chairman
Dr. Pat L. Clubb
Mr. Frank W. Denius
Mr. Jesus Garza
Ms. Dealey D. Herndon
Mr. Kevin P. Hegarty
Dr. Scott C. Kelley
Mr. Tom Meredith
Mr. C. Patrick Oles, Jr.
Ambassador Pamela P. Willeford

This report first sets out a brief history of the tract and summarizes its present uses, then details the work of the Task Force and summarizes information provided to the Task Force, and finally states the findings and recommendations of the Task Force.

[2] Brief biographical information about each Task Force member is available in Appendix A.

In 1910, Colonel George W. Brackenridge donated 503 acres along the Colorado River "for the benefit of The University of Texas." Since then, the Board of Regents of The University of Texas System has been responsible for the stewardship of the tract.

The History of the Tract

CENTER FOR AMERICAN HISTORY, U. T. AUSTIN

Colonel Brackenridge's Dream

Colonel George W. Brackenridge served as a member of The University of Texas System Board of Regents for more than 25 years from November 1886 to January 1911 and August 1917 to January 1919 — longer than any other individual. He began his service, when the "System" was composed of The University of Texas main campus in Austin and The University of Texas Medical Branch in Galveston. At the time, the Austin campus had fewer than 300 students. Fortunately for the University, Brackenridge was a visionary who devoted his time, energy, and personal resources to creating the "University of the first class" that the Constitution of 1876 had contemplated.

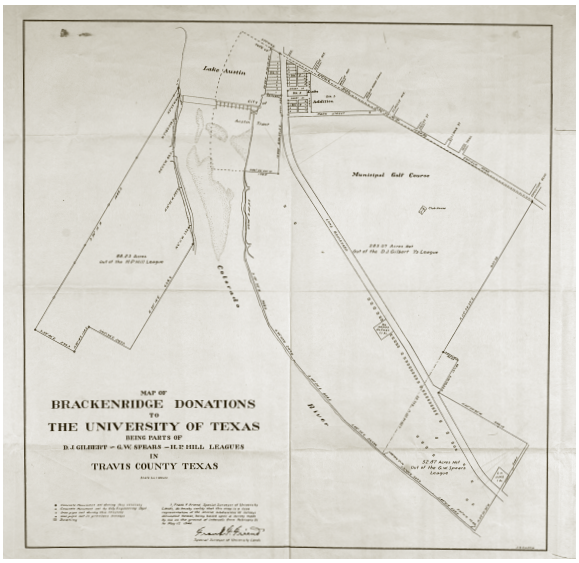
Over the years, Brackenridge made generous contributions that underwrote the construction of two dormitories in Austin and one in Galveston, as well as the creation of many scholarships. During one particularly stormy political season when the Governor attempted to veto the University's entire appropriation, Brackenridge and Major George W. Littlefield each pledged his fortune to cover the University's budget. The veto was ruled unconstitutional so the pledges went unredeemed, but Colonel Brackenridge's commitment exemplified his devotion to the University. As a member of the Board, he also assumed leadership for the first survey, organization, and management of the Permanent University Fund lands in West Texas that were provided as an endowment to the University by the Constitution of 1876 and the Texas Legislature. With the eventual discovery of oil in West Texas, these lands — which include some two million acres — became the strong financial underpinning of the University.

By the turn of the century, the University had grown to an enrollment of almost 2,000 and the Board of Regents recognized that the original "forty acres" in Austin would not be large enough to meet the University's future needs. In response, Brackenridge developed a remarkable plan for a new campus west of the original site. As he conceived it, the new campus would cover some 1,000 acres, beginning at the Niles Road residence of his late friend, Governor Elisha Pease, and continuing from there down to land that Brackenridge owned along the Colorado River. When the Pease heirs decided that they could not part with the residence and the surrounding acreage, Brackenridge altered his plan, offering his own holdings and hoping to acquire additional land.

The Honorable Alexander Watkins Terrell, former Regent, and Colonel Brackenridge.

A Generous Gift in Support of University Education

After the Board voiced general support of the plan, Brackenridge deeded the land to the University in June of 1910.[3] The Board formally accepted his gift in October of that year.



CENTER FOR AMERICAN HISTORY, U. T. AUSTIN

The deed conveying 503 acres "for the purpose of advancing and promoting University education" came with several conditions. First, the land was to be held "in trust for the benefit of the University of Texas." Second, it was to be used "for educational purposes" for all generations of students to come. It is significant that the land was given by Brackenridge to benefit the educational mission of The University of Texas.

And, finally, Brackenridge included a provision prohibiting sale of any part of the land during the lifetimes of several young children of kinsmen and employees. If such a sale were made, he instructed that ownership of the land would pass to Jackson County, Texas, for the benefit of the public schools there.

The next year saw a substantial change in Board membership. Brackenridge left the Board in January of 1911 and Governor Oscar B. Colquitt appointed several new Regents. Those Regents, especially George W. Littlefield, had reservations about moving the main campus. Even Brackenridge had envisioned incremental movement of the campus. So, the Board found itself in a quandary about the best initial use of the tract. They considered uses as varied as a park, a fish hatchery, and a farm. Regent Littlefield was assigned the task of leasing the tract. In one report to the Board, Regent Littlefield stated that the land on the east side of the river had been rented for $500; the land on the west side of the river, for $10.

In 1920, Brackenridge and Littlefield died within a month of each other. With their passing, U. T. Austin President Robert E. Vinson took up the cause of expanding the Austin campus and urged the Board to petition the Governor and the Legislature to move the campus to the Brackenridge Tract. The Board agreed and made its request on January 5, 1921.

The request set off an unexpected firestorm in the Legislature. Debate of various bills and resolutions was so heated that, at one point, there was discussion of a statewide referendum to determine whether the University would remain in Austin. A compromise was reached: the University would remain at its original site and the Legislature appropriated $1,350,000 to acquire 135 acres east of the campus for expansion.

[3] Appendix B is a copy of the original deed.

Rethinking the Dream

The Legislature's actions left the Board with the responsibility for managing Brackenridge's gift with the understanding that the specific use that Brackenridge had originally hoped for — a new location for the main campus — was unlikely to be accomplished. Yet, it was not until 1963 that the Board formally concluded that Brackenridge's dream of moving the campus could not be achieved.

During that year, in anticipation of dramatic enrollment growth as the baby boom generation began to reach college age, the Board instructed Dr. L. D. Haskew, a vice chancellor of the System, to research the possible use of the Brackenridge Tract to meet the increasing demand for public higher education. Dr. Haskew's study concluded that, because of the distance from the main campus to the tract, it was not feasible to use the tract for major academic buildings. According to former Board Chairman Frank Erwin's subsequent history,[4] it was further determined that the best use of the tract would be for "student housing, for athletic and recreational grounds, for research, support, and non-academic facilities that would not be used regularly for academic purposes by sizeable numbers of students and faculty, and for such other Main University activities as would develop in time."

Reflecting on Dr. Haskew's report, the advice of U. T. System Chancellor Harry Ransom, and the Board's strongly held belief that it had an ethical and legal obligation to use the Brackenridge Tract to advance and promote education for the benefit of The University of Texas, the Board resolved in 1963 to negotiate elimination of the reversionary interest held by Jackson County and to establish clearly irrevocable ownership of the tract, thereby allowing the Board greater latitude to manage it.

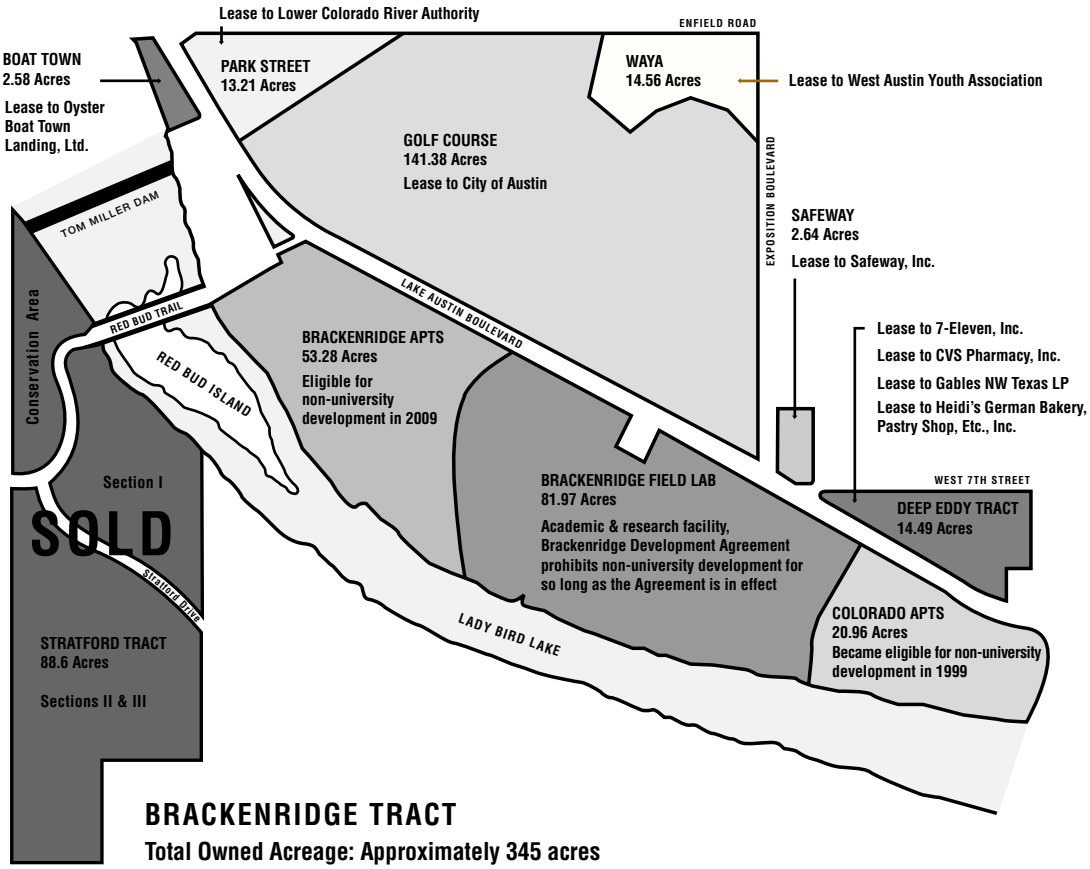
The goals relating to clarification of management and ownership were accomplished by 1966. In 1964, the 126th District Court of Travis County affirmed that the Brackenridge Tract was held in trust exclusively for the benefit of the University. In that same ruling, the Court affirmed the Board's authority to issue bonds for the construction of student housing on the Brackenridge Tract. After securing authorization from the Texas Legislature in 1965, the Board designated Regent W. H. Bauer to negotiate with Jackson County to purchase the county's reversionary interest in the tract. That interest was conveyed to the Board in 1966 for the total consideration of $50,000, and the purchase agreement was subsequently affirmed by the District Court.

---

[4] A copy of former Chairman Erwin's history is available as Appendix C.

The Modern Commitment to Education and the University

Throughout the years, the Board has used the Brackenridge Tract for the benefit of the University by authorizing University uses on portions of the tract and by entering into leases or sales of other portions of the tract to generate needed funds to support the educational mission of the University. From 1989 to 2007, leases and sales of portions of the Brackenridge Tract have produced more than $25.6 million in revenue. In FY 2007, total rent received for the year from leases on the tract was $951,627.72. Proceeds from the sales and leases have been used by the University to provide financial support for academic excellence through the funding of endowments and research and for other University programs and projects. For example, in the early 1990s, $12.5 million was used to match $25 million in other gift funds to create endowments for 10 academic positions, 107 student scholarships and fellowships, and three program support endowments. The map below delineates current utilization of the Brackenridge Tract and existing leases.[5] The current uses are summarized in the text following the map.



[5] A chart displaying information about lease terms is available as Appendix D.

University Uses

- In 1946, the Board authorized placement of former military barracks on a portion of the tract to serve as married student housing following the end of World War II. In 1965, the Board authorized the financing and construction of low-cost married student housing — which became the Colorado Apartments. In 1984, the Brackenridge Apartments were constructed just north of the field lab described below. The Colorado and Brackenridge Apartments occupy 74 acres.

  These 515 apartment units on the Brackenridge Tract, along with the 200 additional units at the Gateway complex on West Sixth Street, house primarily graduate students with families or special needs.

- In 1963, the Board designated 80 acres of the tract to serve as a Biological Sciences Experimental Field Laboratory for 20 years. The original request made by the departments of botany, zoology, and microbiology in 1962 asked the Board to set aside the land for 10 years as part of a grant application to the National Science Foundation. Negotiations with the Foundation resulted in a request to dedicate the land as a field laboratory for 20 years instead of 10. The field lab is still in existence, now sits on approximately 82 acres, and is called the Brackenridge Field Laboratory. In accordance with the Brackenridge Development Agreement (to be discussed later), the land that the laboratory occupies may not be commercially developed while that Agreement is in effect.

  The Brackenridge Field Laboratory is an organized research unit of the University, used principally by faculty and students in Integrative Biology. It is home to several facilities including greenhouses, fish tanks, and a laboratory building providing indoor research facilities, classrooms, and computer lab space. Several courses are currently taught at the Brackenridge Field Laboratory.

- The U. T. Austin Rowing Center is located near the Colorado Apartments and is the home to the U. T. Austin women's rowing team, Texas Rowing. Texas Rowing is a varsity sport with a varsity squad and a novice squad.

Commercial Leases

- The Board has entered into several commercial leases, beginning in 1939 for a marina on what is now known as the Boat Town Tract. That tract was subsequently leased in 1992 to Oyster Boat Town Landing, Ltd. for the development of a mixed use restaurant and retail destination. The primary term of the lease expires in 2022. The tenant has one 10-year renewal term at its option.

- In 1977, the Board entered into a lease with Safeway, Inc. to allow the construction of a grocery store. The lease expires in 2016.

- In 1983, the Board began a series of leases on what is known as the Deep Eddy Tract. That first lease, with the Southland Corporation (now 7-Eleven, Inc.) will expire in 2013. In 1991, a lease was entered into with Heidi's German Bakery, Pastry Shop, Etc., Inc.; it expires in 2011. In 1994, a lease to Gables Realty Limited Partnership (now Gables NW Texas LP) was entered into for the construction of an apartment and townhouse complex; that lease expires in 2044. Finally, in 1995, a lease was entered into with Eckerd's (now CVS Pharmacy, Inc.). Its primary term ends in 2026 and the lessee may exercise two five-year renewal options.

Sales

- Approximately 90 acres of the original Brackenridge Tract were west of the Colorado River and therefore geographically separated from the remainder of the tract. In the 1990s, the Board concluded that the highest and best use of that portion, known as the Stratford Tract, was to sell it, with the sales proceeds serving as an endowment for the benefit of U. T. Austin. The Board sold 78 acres on the west side of the Colorado River for residential development in three separate transactions. The Board sold the remaining 12 acres on the west side of the river to the City of Austin as a conservation area.

- Total sales revenue from the Stratford Tract was $6,283,703.

Leases for Governmental and Civic Uses

- In 1953, approximately four acres were leased to the Lower Colorado River Authority. The leased acreage was expanded to 13 acres in 1978 for the development of the Lower Colorado River Authority's headquarters. The primary term of the current lease, executed in 1990, expires in 2051; the tenant has one extension option of three to six years.

- In 1924, the Lions Club approached the Board with a proposal for a lease that would allow creation of a golf course. A 25-year lease was executed that same year with the Austin Municipal Golf and Amusement Association, an affiliate of the Lions Club. The City of Austin renegotiated the lease of 141.38 acres in 1937, for a 50-year term that would expire in 1987. The golf course lease was renewed in 1987 and, as part of the negotiations that led to the Brackenridge Development Agreement, the golf course lease was amended in 1989 to extend its term to 2019, with three five-year extensions that may be cancelled by either the Board or the City of Austin.

- A portion of the tract adjacent to the golf course was leased, beginning in 1980, to the West Austin Youth Association (WAYA), for the development of neighborhood youth sports activities. That lease also expires in 2019 and has three five-year extensions that may be cancelled by either the Board or WAYA. WAYA is a privately funded, non-profit organization that provides recreation opportunities for member families. The lease covers 14.56 acres.

The Brackenridge Development Agreement

By 1985, the Brackenridge Tract was becoming a significantly more valuable real estate asset. What had initially been land on the edge of town was becoming very desirable for potential development in a city beginning to see dramatic growth. The value of the land and the income it could generate were increasing at a remarkable pace.

In recognition of this change and in anticipation of the expiration of the golf course lease in 1987, the Board requested that U. T. System staff review the uses of the Brackenridge Tract and present recommendations that would facilitate the highest and best use of tract lands. This action reflected the Board's commitment to maximize the value of the tract either through use of the tract for academic purposes or to generate revenues from the tract to be used to support the educational mission of the University.

The System Office of Real Estate was directed to formulate a plan for use of the tract. Negotiations with various stakeholders resulted in the Brackenridge Development Agreement between the Board and the City of Austin. The Agreement went into effect in 1989 for an initial term of 30 years and has three five-year extensions that are cancellable by either the Board or the City.[6]

The Agreement established development rights for the non-university development of portions of the tract. The Agreement contains height restrictions, use restrictions, land use densities, pervious and impervious cover requirements, mechanisms for reviewing site plans and construction plans, and mechanisms for the provision of utility services to parcels within the Brackenridge Tract. It also addresses a variety of other matters pertaining to the non-university development of the portions of the Brackenridge Tract that are subject to the Agreement.

The Agreement specifically prohibits non-university development of the tract occupied by the Brackenridge Field Laboratory for so long as the Agreement is in effect. Under the provisions of the Brackenridge Development Agreement, the Colorado Apartments site is now eligible for non-university development of up to 410,858 square feet of improvements and the Brackenridge Apartments site is eligible in 2009 for non-university development of up to 1,044,395 square feet of improvements.

The Agreement does not govern development of the Brackenridge Tract for university purposes.

Further, development of the 141 acres leased to the City of Austin for a golf course, or the 15 acres leased to the West Austin Youth Association for youth sports activities is also not covered by the Agreement. Both leases are coextensive with the term of the Brackenridge Development Agreement.

Since the implementation of the Brackenridge Development Agreement, the Stratford Tract was sold, as described above, and several of the commercial leases, as summarized above, were executed.

---

[6] Due to its length, the Brackenridge Development Agreement is not included as an appendix to this report. It is filed in the Real Property Records of Travis County, Texas, at Volume 10968, pages 0386 through 0562-B.

The Work of the Task Force

Task Force Process and Meetings

Since its establishment, the Task Force has studied the history and current uses of the Brackenridge Tract, held public meetings and work sessions, and heard from experts and interested parties. The Task Force held its first meeting on August 24, 2006. At this meeting, after receiving its charge from Board Chairman James R. Huffines, members reviewed background materials about the tract including the original deed, former Board Chairman Frank Erwin's 1973 history of the tract, and the Brackenridge Development Agreement. James Wilson, Campus Director of Real Estate at U. T. Austin, who was Executive Director of Real Estate for U. T. System and led negotiations on the Brackenridge Development Agreement in the mid 1980s, made a presentation reviewing prior development and current utilization of the tract. The Task Force held a total of 13 meetings, concluding its work in September 2007.

Public Meetings

Five of the Task Force's meetings were open to the public and included on-site meetings at the Brackenridge Field Laboratory and at the Brackenridge Apartments. In the public meetings, the Task Force invited all interested parties to provide comment. The Task Force received comments and presentations from a number of groups and individuals, including the following.[7]

- Dr. Mary Ann Rankin, Dean of the College of Natural Sciences, and Dr. Larry Gilbert, Director of the Brackenridge Field Laboratory, urged the Task Force to retain the field laboratory at its current location, noting that a recent external review conducted by three members of the National Academy of Sciences retained by the college supported that position. These experts and several faculty members stressed that the field laboratory is particularly vital to the section of Integrative Biology, which is nationally recognized as an outstanding program, in the School of Biological Sciences. Dean Rankin and Dr. Gilbert stated that the Brackenridge Field Laboratory is uniquely suited to research and education because:

  – It is relatively near the main campus, which allows students and faculty to easily work in both places;

  – It provides diverse habitat and species;

  – It has produced historical records and collections that would be disrupted by a change of locations; and

  – It provides facilities for research and teaching.

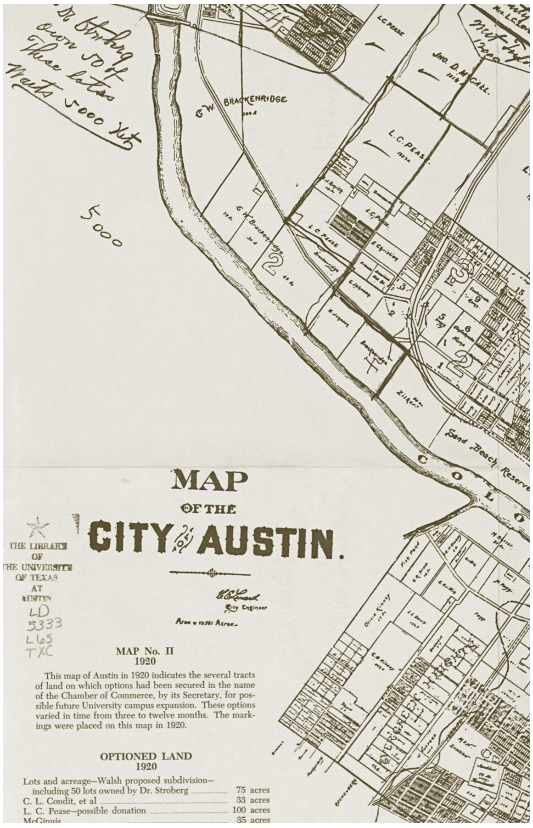
  Other faculty members also spoke about the uses and importance of the field lab.

- Austin Mayor Pro Tem Betty Dunkerley and City Manager Toby Futrell told the Task Force that the City desires to make Lions Municipal Golf Course a permanent facility. They also indicated that the City would be interested in purchasing the golf course tract, swapping other property for it, or renewing the lease. Numerous supporters of the golf course also testified, mentioning its historic nature, its importance as green space or open space to the neighborhood, and its popularity with golfers. Speakers indicated that the Lions Municipal Golf Course is Austin's most used public course and has been a training ground for professional golfers. Data provided by City staff evidenced that the golf course has experienced a reduction in rounds played over the last few years.

[7] A list of individuals who spoke to the Task Force is included in Appendix E.

- Members and supporters of the West Austin Youth Association (WAYA), including president Randy Howry, made presentations to the Task Force to illustrate the athletic and recreational uses of the tract by WAYA and how WAYA's core purpose of maintaining a safe, positive, and nurturing environment for children complements the mission of the University. They also pointed out that many graduates of U. T. Austin and their families are members of WAYA and U. T. Austin students often work or intern at WAYA. It was suggested that opportunities for U. T. Austin students might be expanded — for example, for students majoring in kinesiology or, perhaps, for student teaching. WAYA offers scholarships and is a community service organization completely supported by contributions, serves about 4,000 young people, and offers about 30 sports.

- Dan Garrison, founder of the Town Lake Trail Foundation and member of its Board of Directors, noted the importance of extending and completing the Austin Hike and Bike Trail along Lady Bird Lake through the Brackenridge Tract. Foundation representatives presented possible trail routes and discussed possible features and amenities. The speakers emphasized the beautification and health benefits of the trail and the sense of community it fosters, noting that the trail could be enhanced by a collaborative partnership among the Board, the City, and the Town Lake Trail Foundation.



CENTER FOR AMERICAN HISTORY, U. T. AUSTIN

- Comments by students, representatives of the U. T. Austin Housing and Food Service Division, and other supporters of student housing made it clear that the graduate student housing on the Brackenridge Tract is popular and sought after for several reasons, especially its affordability and the sense of community it fosters. Speakers indicated that they value the quality of nearby public schools, the relative proximity to campus, and the safety of the current housing locations. Students also told the Task Force that the availability and quality of affordable housing were important factors in their decisions to attend the University.

- Officers and members of the West Austin Neighborhood Group, together with other nearby residents, spoke to the Task Force about the importance of the tract to the neighborhood. Speakers advised the Task Force of the neighborhood's interest in being involved in the decision-making process and stressed that future planned uses of the tract should be compatible with existing neighborhood uses and should take into account the impact of those uses on the neighborhood. Speakers also encouraged the continuation of the existing golf course or, in the alternative, using that portion of the tract as green space.

Working Sessions

The Task Force also held working sessions, including a meeting with U. T. Austin President William C. Powers, Jr. and meetings at which experts invited by the Task Force shared their knowledge and insights.

On January 29, 2007, the Task Force met with President Powers. He told the Task Force that the University recognizes the tremendous value of Colonel Brackenridge's gift and welcomes the opportunity to critically assess the role it can play in helping U. T. Austin achieve its mission of teaching, research, and service. Because the University has no plans for program and facility expansion on the Brackenridge Tract, he noted, the revenue potential of the property affords the most valuable benefit as U. T. Austin struggles to maintain and improve its competitive position among the nation's most highly regarded research universities.

Further, the fierce competition for top-ranked faculty and students is a challenge insurmountable with status quo budgetary constraints. President Powers advised that U. T. Austin ranks near last among its national peer institutions in available funds per student and, unless this situation improves, U. T. Austin will not be able to recruit and retain the nation's best faculty and students. He concluded that the potential revenue stream from developing the Brackenridge Tract is an asset that could play an important role in helping U. T. Austin to be considered as, and remain among, the nation's top five research universities.

In December of 2006, the Task Force met with Dr. David Perry, a former U. T. Austin faculty member and currently professor of Urban Planning and Policy at the University of Illinois at Chicago and the director of the Great Cities Institute at the same university, and Dr. Wim Wiewel, provost and Senior Vice President for Academic Affairs at the University of Baltimore and former dean of the College of Business Administration and of the College of Urban Planning and Public Affairs at the University of Illinois at Chicago. Drs. Perry and Wiewel are co-editors of *The University as Urban Developer: Case Studies and Analysis* and *The University, the City and the State: International Studies of Universities as Land Developers.*

Perry and Wiewel led the Task Force through a series of processes and outcomes that other universities experienced as they developed and re-developed university-owned real estate. The speakers noted the change that was occurring in the relationship between universities and cities as the two become more integrated with each other. In the words of Carl Patton, urban planner and president of Georgia State, "the university should be a part of the community and not apart from it."[8]

[8] Perry and Wiewel, *The University as Urban Developer*, page 14 (Lincoln Institute of Land Policy, 2005)

Perry and Wiewel made three key summary points about universities within urban areas:

- If not "engines" of urban development, universities, at the very least, are sources of increasingly "mixed use" development —blurring the edge, the structure, and in some cases, the very meaning of "campus."
- As universities embed themselves ever more fully in the land economy of the city, they become more visibly important, perhaps even foundational, urban institutions.
- Real estate practices are key to the fiscal and programmatic future of higher education—from scholarship to endowment.

Perry and Wiewel advised the Task Force that universities are sources of increasingly "mixed use" development, blurring the boundary line between the campus and the rest of the city. The importance of a university's real estate practices was highlighted by Perry and Wiewel, who concluded that those real estate practices are key to the fiscal and programmatic future of higher education — from scholarship to endowment.

The Task Force also sought advice concerning the field laboratory from Dr. Peter H. Raven, longtime director and president of the Missouri Botanical Garden, George Engelmann Professor of Botany at Washington University - St. Louis, adjunct professor of biology at the University of Missouri - St Louis and St. Louis University and a former Home Secretary of the National Academy of Sciences.

Dr. Raven toured the Brackenridge Field Laboratory, met with Dean Rankin and faculty members from U. T. Austin's College of Natural Sciences, and spoke at the Task Force meeting on May 25, 2007. In response to questions from and discussion with Task Force members, Dr. Raven made a number of relevant observations. Noting that some of the University's peer institutions have such facilities, he stated that U. T. Austin needs a biological reserve for academic purposes, but questioned whether this field laboratory had been treated as a priority. He expressed the opinion that the current Brackenridge Field Laboratory would benefit from more emphasis within the department and improved facilities and more community involvement. He also suggested that increased public access could be useful. He concluded that reducing the size of the field laboratory to no fewer than 60 acres would not compromise the research or the mission of the field laboratory if necessary improvements were made.

Dr. Raven advised the Task Force that the current location of the field laboratory, while convenient because of its proximity to the main campus, is not essential to its mission and that another location with appropriate features and good proximity to the campus could provide similar benefits. He further counseled that longitudinal research records related to the current site, while useful, were not of sufficient duration to preclude relocation. And, he noted that several aspects of the field laboratory, such as its modest facilities, the construction of fish tanks, and the failure to preclude the entry of deer and non-indigenous plants, detracted from its usefulness.

The Colorado Apartments on the Brackenridge Tract

Findings

1. After reviewing the deed, the motivation that led to Colonel Brackenridge's remarkable gift, and the history of the Brackenridge Tract, the Task Force concludes that the Board of Regents has a legal and ethical obligation – in point of fact, a fiduciary duty – to carry out Colonel Brackenridge's fundamental philanthropic purpose and mandate when the gift was made: to use the tract for the benefit of the educational mission of the University.

   This responsibility requires the Board to utilize the property in the best interests and for the maximum benefit of the University, in recognition of changed times and circumstances.

2. Past uses of the Brackenridge Tract have served the University well and benefited the community, but the Board must not allow itself to be bound indefinitely to uses that may have been appropriate at one time but may no longer fulfill the Board's obligations to respect the spirit of the gift or to meet the requirements of its stewardship of the tract.

   The pressing financial needs of the University as it strives to maintain and strengthen its role as a world-class educational institution, the increases in population and changes in land use in the City, and the tremendous increase in the value of the land compel a new vision for the tract that will provide greater financial benefits to the University in support of its educational mission.

3. The Brackenridge Development Agreement provided the Board with an efficient tool for non-university development of portions of the tract in the early 1990s. Since the Agreement was executed in 1989, however, both the University and the City have experienced profound changes and the University faces increasing financial challenges in meeting its educational mission.

4. The Brackenridge Tract remains a treasured asset and resource for the University. Because the University is perpetual in nature and thus all future needs for the use of its lands cannot be determined, any future discussion of the use of the remaining lands within the Brackenridge Tract should begin with the presumption that the property should not be sold without a compelling reason.

5. Other than the present uses for the Brackenridge Field Laboratory, student housing, and the U. T. Austin Rowing Center, the University has no current or planned, near-term University uses of the tract.

   During discussions with the Task Force, President Powers indicated that no additional University uses for campus expansion have been identified for the present or in the University's planning horizon.

6. A biological reserve is important to the University's academic purposes, but it is not clear that the field laboratory should remain at its current location.

7. The current use of 74 acres of the Brackenridge Tract for student housing is not the highest and best use of the land.

8. The Board has sufficient time to plan well for the future of the Brackenridge Tract, but should begin that process as soon as reasonably possible.

   Leases of portions of the tract are for varying durations, some expiring as early as 2011, and some as late as 2051. Under the Brackenridge Development Agreement, the land on which the Colorado Apartments are situated is available for development now and that on which the Brackenridge Apartments are built will be available in 2009.

The University of Texas at Austin Tower

Recommendations

1. To facilitate planning for future uses of the tract, the Board, through the U. T. System Real Estate Office, should engage in an open process to select a qualified outside planning firm to provide a comprehensive analysis of the tract. That analysis should engage the University and seek the input of members of the community, civic and governmental leaders, and other stakeholders and should result in a conceptual master planning document that identifies the possibilities and constraints of the tract and that serves as a guide for both near-term and long term use of the tract.

As noted above, the Task Force heard from Drs. David Perry and Wim Wiewel about the role of the university as an urban developer. One of the most lasting impressions that their presentation conveyed was the importance of engaging a master planner. Other universities, such as Harvard University, have found the advice of outside experts helpful in their land planning. The Massachusetts Institute of Technology has established its own in-house department of professional planners. Both of these universities are, like U. T. Austin, institutions in major urban areas that have responsibilities for the welfare of their campuses and quality of life issues for the surrounding communities.

Through the open selection process, the Board should seek to engage a highly regarded master planning team of experts who have consistently demonstrated excellence on major, comparable projects to develop a conceptual master planning document that presents planning visions for the tract that are world-class and establish the University and the City as leaders in the strategic use of university real estate assets.[9]

2. The Brackenridge Development Agreement should be allowed to terminate in 2019 when its initial term expires.

While the Agreement permits three five-year renewal terms, the Task Force does not recommend that it be renewed beyond the initial 30-year term because of the very significant changes in conditions since the Agreement was first adopted. For so long as the Agreement is in effect, there can be no changes to the use of the golf course or the WAYA tract since those leases are coextensive with the term of the Agreement. Additionally, the Agreement allows the Brackenridge Field Laboratory to be used only for university purposes. These limitations, though appropriate at the time the Agreement was executed, restrict the Board in the stewardship of the tract. While it will be necessary for the master planning team to consider the impact of the Agreement on near-term development of the tract, the team should be allowed to propose future planning visions for the tract that are not restricted by the Agreement executed so many years earlier.

[9] *Note*: The planning document should include the adjacent one-acre tract currently occupied by the Lake Austin Centre. That parcel was not originally part of the Brackenridge Tract, but is now owned by the Board for the benefit of the University.

Board of Regents meeting room

BRACKENRIDGE
FIELD
LABORATORY

3. The Board should include the Brackenridge Field Laboratory in the master planning process to assist the Board in determining whether to restructure the Laboratory at its current location or to relocate the Laboratory to another site.

After extensive interviews and discussions with Dean Rankin and other faculty representatives, site visits, and an analysis by a third party expert, the Task Force has been unable to determine whether the Laboratory (1) should be at its present location utilizing all 82 acres, (2) should be at the present location occupying less acreage, or (3) should be relocated and enhanced at another site.

The testimony to the Task Force by Dean Rankin and Dr. Gilbert urged retaining the Field Laboratory at its current site occupying the current acreage. While Dr. Raven confirmed that a field laboratory is an essential part of the academic program, he indicated that its retention at the current site is not necessarily critical. He also opined that the Field Laboratory could be valuable and effective with a focus or concentration using approximately 60 acres.

While the Task Force acknowledges that a field laboratory is an important element of the Integrative Biology program of the College of Natural Sciences, it appears that the laboratory has not been consistently treated as a critical asset. The Board, with input from the University, should decide how and where a field laboratory can be best enhanced for the benefit of the academic programs it serves.

4. The sections of the Brackenridge Tract now occupied by the Colorado and Brackenridge Apartments would be more beneficially utilized as part of a new master plan developed to produce significant funds to support the educational mission of the University.

Given the tremendous value of the land on which the student housing is located, the Task Force recommends that the Colorado and Brackenridge Apartment sites be included in the master planning process to generate funds to support University programs and projects. Changing the use of these sites requires the Board to address two fundamental questions. Is it strategically important to the University to offer graduate student and family housing assistance? If so, should the University provide such housing assistance through financial assistance or actual housing?

If providing actual housing serves the University's mission, that housing can and should be relocated to an appropriate site. The Task Force recognizes that there will be costs associated with relocation of the housing and recommends that the master planning process include the relocation costs in its analysis.

5. The Lions Municipal Golf Course lease should be allowed to terminate at the end of its current term in 2019 and the Board should include the tract in the master planning process.

The Task Force's recommendation is based on its conclusion that the lease of the land for a public golf course at a rental rate that is substantially below what the property could generate were it used for other purposes does not meet the intent of Colonel Brackenridge's gift. Brackenridge was a great benefactor of several cities in Texas, and in fact, expressly conveyed some land for public park purposes, most notably the Brackenridge Park in San Antonio. He gave the Brackenridge Tract in Austin, however, specifically to support the educational mission of the University.

As mentioned earlier, the Board has leased a portion of the Brackenridge Tract to the City for a public golf course since 1937. Decisions by past Boards of Regents to permit use of the land as a golf course have provided an amenity to the community for more than 70 years.

The current lease involves approximately 141 acres. Since the golf course was first established, however, the City has established three additional 18-hole courses and a 9-hole course. In addition to courses maintained by the City, there are numerous other courses open to the public in Austin and the surrounding area.

6. The Board should include the tract presently leased by the West Austin Youth Association in the master planning process.

While the West Austin Youth Association provides an important service to the community, the 14.56 acres leased to WAYA is an essential part of the Brackenridge Tract and should, therefore, be included in the master planning process. A master planning document of the quality envisioned by the Task Force will likely include open space and community space, which might include community services, perhaps similar to those currently provided on this portion of the tract.

7. The master planning process should include evaluation of the trail extension proposed by the Town Lake Trail Foundation to determine whether it is beneficial to and enhances the value of the Brackenridge Tract.

The Town Lake Trail Foundation wishes to extend the Hike and Bike Trail along Lady Bird Lake through the Brackenridge Tract. While the extension may be beneficial to the overall development of the tract, the final decision as to the extension should be made as part of the overall planning process for the tract.

"There is certainly not a more honourable or important place."

-George W. Brackenridge
Describing his service on The University of Texas Board of Regents

Conclusion

Serving Brackenridge's Vision

Colonel Brackenridge's gift to the University was a most generous one in 1910 and is incredibly more valuable today. Although Colonel Brackenridge's dream of relocating the main campus of the University to the tract was never realized, his gift has played an important role in supporting the educational mission of the University for almost 100 years.

Through the years, the Board of Regents has been a careful steward of this asset, which is so important to the University as well as to the Austin community. Some uses of the tract, however, no longer reflect the highest and best uses of the property consistent with the intent of the gift.

Moreover, the University today faces increased economic pressures as it strives to maintain and enhance its role in the world's academic community. Thus, over the last several years, there has been focused attention regarding the utilization of the Brackenridge Tract and whether underutilization may compromise the University's ability to deal with its economic challenges.

The Brackenridge Tract Task Force was created to examine these issues and their implications for the University and the community. In recognition of the Board's legal and fiduciary obligation and the University's economic challenges, the Task Force has concluded that the Board should begin a new chapter in the history of the Brackenridge Tract by engaging in a master planning process that will seek input from stakeholders in the University and the community to develop a master plan to guide the Board in fulfilling its legal and ethical obligation to act in the best interest of the University.

Policy choices such as those that surround the Brackenridge Tract are difficult. The development of a conceptual master planning document through a process that engages the community and the University, however, can lead to the development of the Tract in an exciting, creative, and fiscally responsible way. Such development will both respect Colonel Brackenridge's intent and best serve the future of The University of Texas at Austin.

U. T. System staff support to the Task Force was provided by:

Florence Mayne
Executive Director of Real Estate

Rhonda Hankins
Administrative Projects Coordinator
Office of the Board of Regents

Barry D. Burgdorf
Vice Chancellor and General Counsel

Randa S. Safady
Vice Chancellor for External Relations

Amy Shaw Thomas
Associate Vice Chancellor and Counsel for Health Affairs

Francie Frederick
General Counsel to the Board of Regents

Editorial and design assistance from the Office of External Relations staff at U. T. System:

Anthony de Bruyn
Director of Public Affairs

Suzanne Coleman
Assistant Director of Executive Communication

Gardiner Williams Rhoderick III
Graphic Designer

With appreciation to Monty Jones, for his assistance and support.