

C 40  
1

**MEMORANDUM**

**TO:** Dora Anguiano, Planning Commission Coordinator  
Planning and Development Review Department

**FROM:** Chris Muraida, Land Management Section  
Office of Real Estate Services

**DATE:** November 30, 2010

CIOV-2010-04

**SUBJECT:** F#8417-0701 Vacation of the alley between East 8<sup>th</sup> and East 9<sup>th</sup> Streets and East of Red River and West of the vacated right of way of Sabine Street (Adjacent to: 801 Red River).

Attached are the departmental comments and other information pertinent to the referenced alley vacation. **The area being requested for vacation will be used for the Stubb's expansion project of the current facilities.** All affected departments and private utility franchise holders have reviewed this request and recommend approval, subject to a public utility easement to be retained.

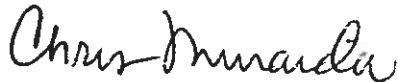
The applicant has requested that this item be submitted for placement on the December 14, 2010, Planning Commission Agenda for their consideration.

Staff contact: Chris Muraida at 974-7087 or [landmanagement@ci.austin.tx.us](mailto:landmanagement@ci.austin.tx.us).

Applicant: Richard T. Suttle, Jr. - 435-2310

Property Owner: Stubbs Austin Restaurant Company LLC

Applicant will be present to answer questions regarding the project and vacation request, if needed.



Chris Muraida, Property Agent Supervisor  
Land Management Section

**OFFICE OF REAL ESTATE SERVICES**

Attachments

C40  
/2

DEPARTMENT COMMENTS FOR THE VACATION OF THE ALLEY  
BETWEEN EAST 8TH AND EAST 9TH STREETS AND EAST OF RED RIVER and  
WEST OF THE VACATED RIGHT OF WAY OF SABINE STREET.  
(ADJACENT TO: 801 RED RIVER).

AT&T	RETAIN AS A PUBLIC UTILITY EASEMENT
AUSTIN ENERGY	APPROVE
AUSTIN WATER (Water)	APPROVE
AUSTIN WATER (Wastewater)	APPROVE
CHIEF ENGINEER	APPROVE
CTM – GAATN	APPROVE
GRANDE COMMUNICATIONS	APPROVE
NPZD (Neighborhood Planning)	REFER TO PLANNING COMMISSION
NPZD (Urban Design)	APPROVE
NPZD (Zoning Review)	APPROVE
PUBLIC WORKS DIRECTOR	APPROVE
SOLID WASTE (Code Enforcement)	APPROVE
TARA	APPROVE
TEXAS GAS	APPROVE
TIME WARNER	RETAIN AS A PUBLIC UTILITY EASEMENT
TRANSPORTATION DIRECTOR	APPROVE
WATERSHED (Engineering)	APPROVE
WATERSHED (Environmental)	APPROVE
WATERSHED (Stormwater)	APPROVE
WATERSHED (TASC)	APPROVE

C40/3

Updated  
letter

**ARMBRUST & BROWN, L.L.P.**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2380

AMANDA MORROW  
(512) 435-2386  
amorrow@abastin.com

October 27, 2010

Lauraine Rizer  
City of Austin  
Real Estate Services Division  
505 Barton Springs Road  
13th Floor  
Austin, Texas 78704

Re: Alley Vacation for Stubb's Bar-B-Q (the "Application"); also known as 801 Red River Austin, Texas 78701 (the "Property")

Dear Ms. Rizer:

This firm represents and this letter is submitted on behalf of the applicant in the above referenced Application. The purpose of this Application is to vacate a portion of the alley that is located along the 800 block of Red River between 8<sup>th</sup> Street and 9<sup>th</sup> Street. The portion of the alley that will be vacated bisects the Property and terminates at the centerline of Waller Creek. As a result, the alley provides limited access and does not contribute to the transportation network. If the vacation is approved, the alley will be part of an interior courtyard used for concerts.

**Existing Conditions**

The current zoning on the Property is Central Business District – Central Urban Redevelopment Combining District ("CBD-CURE"). The CURE was approved to allow development of the Property without being subject to Section 25-6-591 and Chapter 25-6, Appendix A of the City Code. The CURE zoning also permits Outdoor Entertainment as a permitted use within the CBD zoning district.

The majority of the Property is currently inundated by the 25-year and 100-year floodplains. On February 11, 2010 the Austin City Council approved Ordinance No. 20100211-036, granting several floodplain variances for the Property.

The existing uses located on the Property consist of a 5,936 sq. ft. cocktail lounge/restaurant with associated storage space, a 16,009 sq. ft. outdoor amphitheater and

C40  
/4

**ARMBRUST & BROWN, L.L.P.**  
Page 2

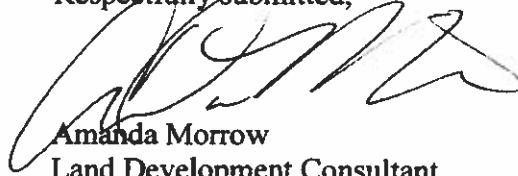
various improvements associated with these uses. Primary pedestrian access to the Property is located along Red River.

**Proposed Conditions**

Our client proposes to redevelop the site in two phases. The first phase is to acquire permits for the outdoor bars, sound booth, ticket booth, merchandize stand, and other related improvements. The second phase is a master redevelopment plan, that will include various improvements to the outdoor stage, bars, sound booth, merchandize stand, and the cocktail lounge/restaurant building.

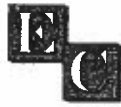
Thank you for your time and consideration in this matter. If you have any questions, comments, or need additional information, please do not hesitate to contact me at 512-435-2368.

Respectfully submitted,



Amanda Morrow  
Land Development Consultant

cc: Margaret Vera  
Richard T. Suttle, Jr.



Espey Consultants, Inc.  
Environmental & Engineering Services

C40  
1/5

January 5, 2007

Public Works/Real Estate Services Division  
505 Barton Springs Road, Suite 1350  
Austin, TX 78704  
Attn: Alex Papavasiliou

Re: Alley Vacation for Stubbs' Property  
801 Red River St.  
EC Job No. 3040

Dear Mr. Papavasiliou:

On behalf of our client, Espey Consultants, Inc. is requesting permission to vacate the alley located between Red River Street and Waller Creek on the western portion of the block between 8<sup>th</sup> and 9<sup>th</sup> Streets. This site is located in the Central Business District at 8<sup>th</sup> and Red River Street. The proposed project will involve construction of a new indoor concert hall and expansion of the current facilities. The area currently platted as an alley will be part of an interior courtyard to be used for concerts and dining.

The current owner owns the adjacent property on both sides of the alley and it is not being used as a transportation corridor due to limited access on the east end where it terminates at Waller Creek.

There is currently no public parking available on this alley, so future development of this alley will not affect parking in the surrounding area.

Please find attached an application for the alley vacation and copies of the warranty deeds for the adjoining properties.

Thank you,

Patti Chesney  
Staff Engineer

Cc: Margaret Vera

C40/6

APPLICATION FOR STREET OR ALLEY VACATION

File No. 8417-0701  
Department Use Only

DATE: 2-1-07  
Department Use Only

TYPE OF VACATION

Vacation of a: Street: \_\_\_\_\_ or Alley: X Hundred Block: \_\_\_\_\_  
Name of Street/Alley: Alley between 8th + 9th st, east of Red River  
Adjoins property at the following street address: 801 Red River st.  
Purpose: The alley will be incorporated into development plans of the adjacent property

PROPERTY DESCRIPTION OF AREA TO BE VACATED

Parcel #: 0206041311  
Survey & Abstract No.: \_\_\_\_\_  
Lot(s): Lot 1 + Lot 2 Block: Less SE 1/4 Quarter: Tri block 092  
Subdivision Name: Original City  
Plat Book \_\_\_\_\_ Page Number \_\_\_\_\_ Document Number \_\_\_\_\_

RELATED CASES

Existing Site Plan: YES  NO   
Subdivision Case: YES  NO   
Zoning Case: YES  NO   
FILE NUMBERS \_\_\_\_\_

OWNER INFORMATION

Name: Red River Real Estate LC (as shown on Deed)  
8080 N. Central Expy # 780B LB41  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
City: Dallas County: Travis State: TX Zip: 75206-1838  
Email Address: margarettvero@gmail.com  
(If multiple owners are joining in this request - complete names, addresses on each, must be attached.)

APPLICANT INFORMATION

Name: Patti Chesney / Keith Moody, P.E.  
Firm Name: Espey Consultants, Inc.  
Address: 3809 S. 2nd st. Phone: 326-5659 Fax No.: 326-5723  
City: Austin State: TX Zip: 78704  
EMAIL ADDRESS: pchesney@espeyconsultants.com

The undersigned Landowner/Applicant understands: 1) The application will be handled in accordance with the Policies and Procedures. 2) No action will be taken without payment of the non-refundable application fee or necessary documentation. 3) The application and fee in no way obligates the City to vacate the subject area. 4) It is further understood that all documents related to this transaction and a check for the "appraised value" must be delivered to the City of Austin prior to placing the item on the Council Agenda for final approval.

Signed By: P Chesney  
Landowner/Applicant

8TH STREET ALLEY VACATION

sketch to accompany field notes

EXHIBIT "B"

J10042D

C40  
/ 2

RED RIVER STREET

LEGEND  
RECORD CALL ( )

SCALE  
1"=30'

LOT 5

POINT OF BEGINNING  
Found P.K. Nail  
in Concrete

DOC#2003237209

BLOCK 92

DOC#2003242922

Found 60d Nail  
in tree root

LOT 8  
(69')

LOT 7  
Found P.K. Nail in stone  
(46')

LOT 6

S 70°23'19" E 92.77'

20' Alley

0.080 ACRE  
3470 SQUARE FEET

105.65' →  
S 71°05'33" E

32.95'  
S 72°47'50" W

N 70°24'58" W 69.61'  
(69.0')  
Found Iron Rod

68.99' (69')  
N 70°24'58" W  
Found Iron Rod

32.77'  
N 70°24'58" W  
Set Iron Rod

LOT 1

12449/815

LOT 2

S 20°00'02" W 24.64'

Found Iron Rod

City of Austin  
Police Garage  
Lot 1-A  
Bk 82/Pg 83

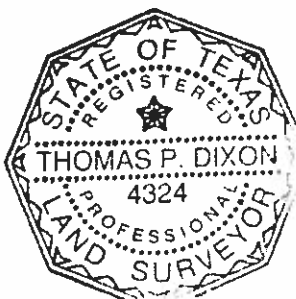
N 17°35'00" E  
18.54'

BEARING BASE:

THE COMMON NORTH LINE OF LOTS 5, 6 AND 7, BLOCK 92 AND THE SOUTH R.O.W. OF EAST 9TH STREET AS CALLED FOR IN THAT CERTAIN 0.479 ACRE TRACT RECORDED IN VOLUME 12353, PAGE 323, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; FOUND BOLT AT THE N.E. CORNER OF LOT 5, BLOCK 92 AT THE INTERSECTION OF THE SOUTH R.O.W. OF EAST 9TH STREET AND IRON ROD FOUND ON THE SOUTH R.O.W. OF EAST 9TH STREET AT THE N.W. CORNER OF SAID 0.479 ACRE TRACT BEARING N71°05'59"W

LEGAL DESCRIPTION:

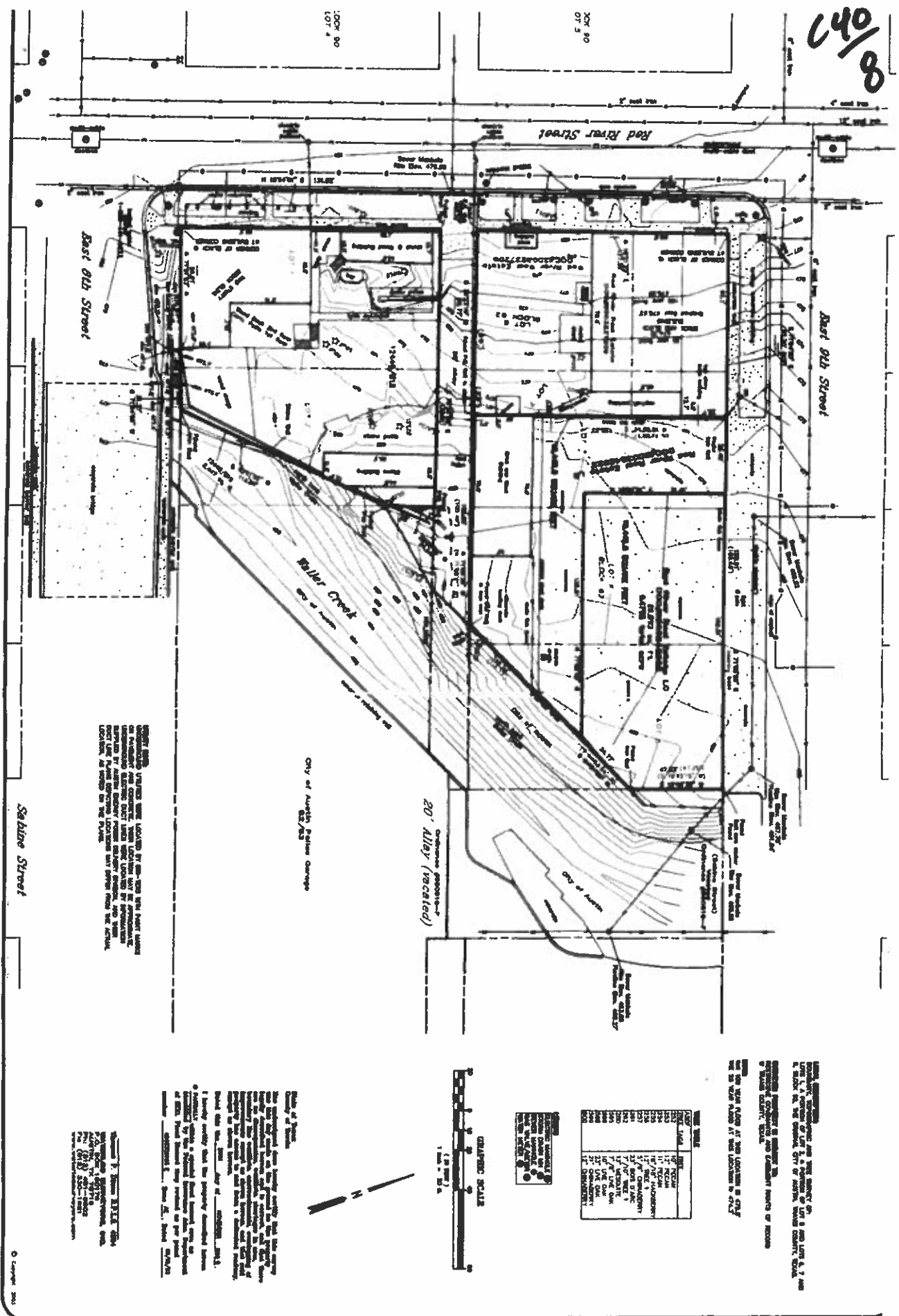
BEING 0.080 ACRE (3470 SQUARE FEET) OF LAND OUT OF THE 20 FOOT ALLEY IN BLOCK 92 OF THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF FILED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS AND BEING THE ALLEY BETWEEN EAST EIGHTH STREET AND EAST NINTH STREET, EAST OF RED RIVER STREET, AND WEST OF THE VACATED R.O.W. OF SABINE STREET.



*Thomas P. Dixon*

THOMAS DIXON R.P.L.S. 4324  
WATERLOO SURVEYORS INC.  
625 INDUSTRIAL BOULEVARD  
AUSTIN, TEXAS 78745  
Phone: 512-481-9602

40/8



EXISTING UTILITIES SHOWN LOCATED BY 60-7000 1904 PLANT MAPS OF HAWAII AND THE COUNTY. THESE LOCATIONS MAY BE APPROXIMATE. APPROXIMATE LOCATIONS ARE SHOWN BY DASHED LINES. EXACT LOCATIONS ARE SHOWN BY SOLID LINES. LOCATIONS AS SHOWN ON THE PLAN.

City of Austin Public Garage

20' Alley (vacated)

Sabalzo Street

Red River Street

East Old Street

LOT 5

LOT 4

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	1/1/20
2	FINAL PLAN	1/1/20
3	REVISION	1/1/20
4	REVISION	1/1/20
5	REVISION	1/1/20
6	REVISION	1/1/20
7	REVISION	1/1/20
8	REVISION	1/1/20
9	REVISION	1/1/20
10	REVISION	1/1/20



**NOTICE TO CONTRACTOR**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES SHOWN ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF AUSTIN AND THE UTILITY COMPANIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES ON THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING THE SITE TO ORIGINAL OR BETTER CONDITION AFTER COMPLETION OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF AUSTIN AND THE UTILITY COMPANIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES ON THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING THE SITE TO ORIGINAL OR BETTER CONDITION AFTER COMPLETION OF THE WORK.

PREPARED BY: [Name]  
 DATE: [Date]



585

Directions Made Easy  
www.mapsco.com

CONTINUED ON MAP 585



CONTINUED ON MAP 584

CONTINUED ON MAP 515

CONTINUED ON MAP 586



COPYRIGHT 1993, 2009 by MAPSCO INC - ALL RIGHTS RESERVED

