

C14  
7

**SUBDIVISION REVIEW SHEET**

**CASE NO.:** C8-2010-0047.0A

**P.C. DATE:** January 25, 2011

**SUBDIVISION NAME:** Resubdivision of Lot B, First Resubdivision of Lots 15-16, Vance Park

**AREA:** 1.18 acres

**LOTS:** 2

**OWNER/APPLICANT:** Reynaldo Ortiz

**AGENT:** J. Valera Engineering  
(Juan Valera)

**ADDRESS OF SUBDIVISION:** 1808 Vance Circle

**GRIDS:** J-23

**COUNTY:** Travis

**WATERSHED:** Shoal Creek

**JURISDICTION:** Full Purpose

**EXISTING ZONING:** SF-3

**PROPOSED LAND USE:** Single Family

**NEIGHBORHOOD PLAN:** Downtown Neighborhood Plan Area

**SIDEWALKS:** Sidewalks exist along Vance Circle and will be required along Shoal Creek Boulevard prior to that lot being occupied.

**DEPARTMENT COMMENTS:** The request is for approval of the resubdivision, namely, Resubdivision of Lot B, First Resubdivision of Lots 15-16, Vance Park. The proposed resubdivision is composed of 2 lots on 1.18 acres.

A request for postponement to the February 22, 2011 meeting has been received from the Neighborhood (See attached request).

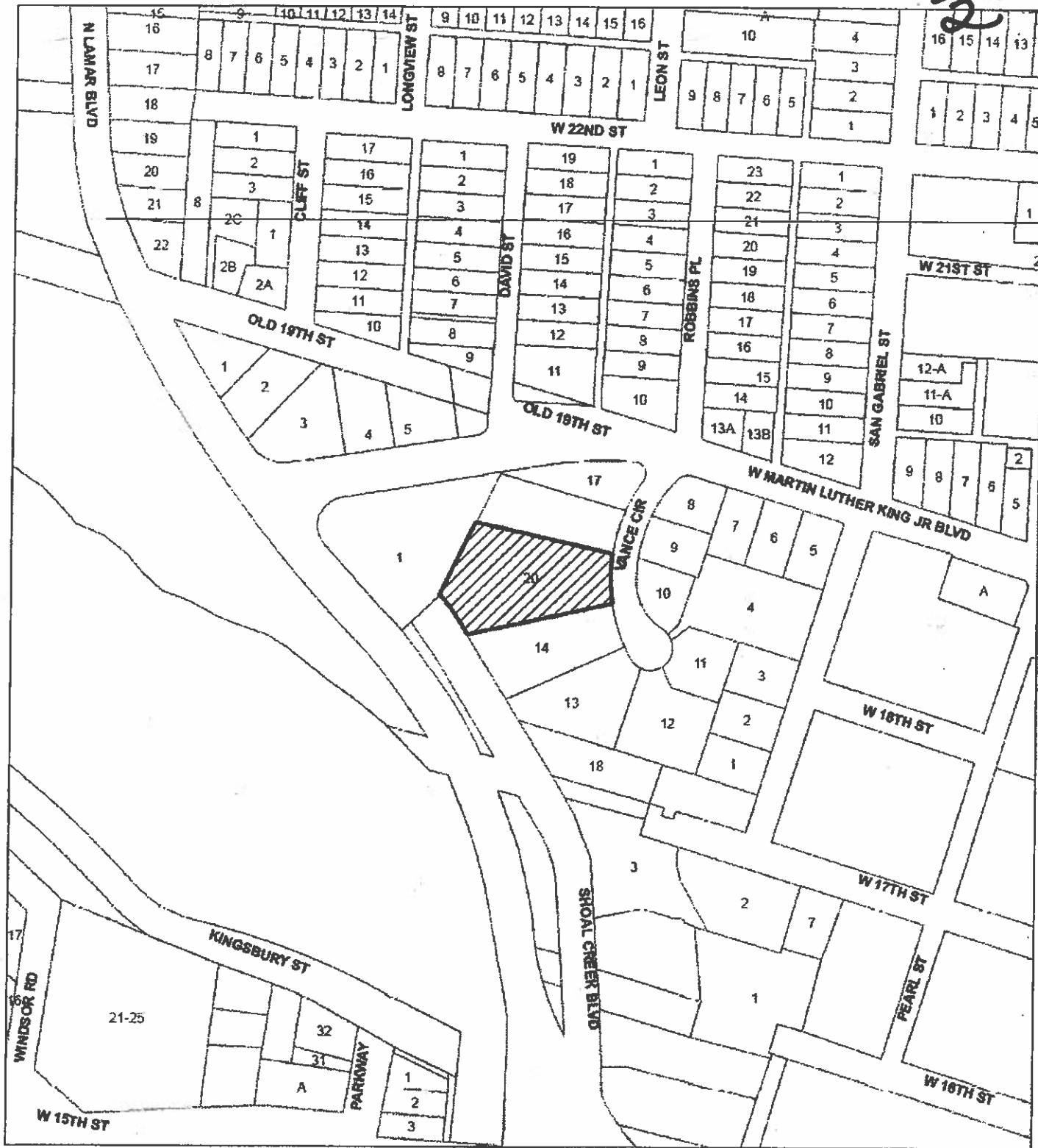
**STAFF RECOMMENDATION:** Staff recommends approval of this resubdivision. It meets all current City of Austin Land Development and State Local Government requirements.



**PLANNING COMMISSION ACTION:**

**CASE MANAGER:** Sylvia Limon  
Email address: [sylvia.limon@ci.austin.tx.us](mailto:sylvia.limon@ci.austin.tx.us)

**PHONE:** 974-2767

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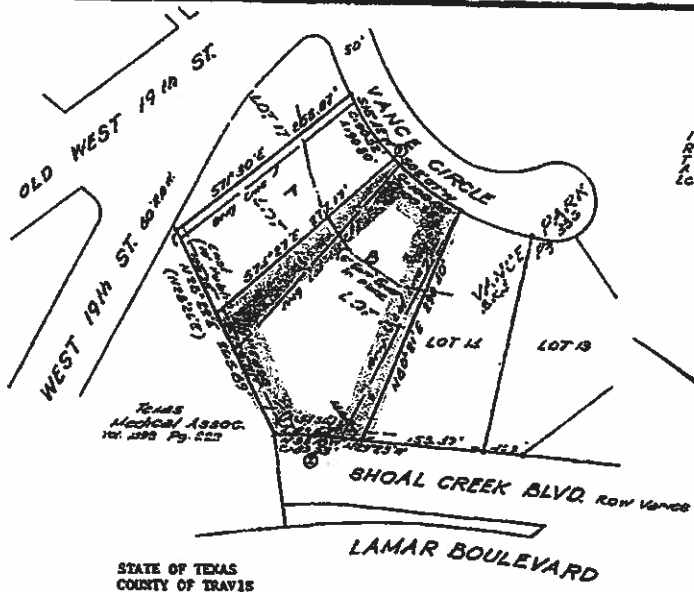
 Subject Tract  
 Base Map

Vance Park  
 CASE#: C8-2010-0047.0A  
 ADDRESS: 1808 Vance Circle  
 MANAGER: Sylvia Limon

1" = 400' OPERATOR: D. SUSTAITA

This map has been produced by Notification Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

C 3 14



**CURVE DATA**  
 L. 250.8' 7.24'  
 R. 330.5' 0.8334'  
 T. 98.45' 1.05'  
 Ic. 108.2' 0.55'

**FIRST RESUBDIVISION OF VANCE PARK**

**LEGEND**  
 • Iron Pin Found  
 • Iron Pin Set  
 • X Found Cut in Conc.

SCALE 1"=100'

STATE OF TEXAS  
 COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT I, W. V. HEATH, OWNER OF A PORTION OF LOT 14, ALL OF LOT 15, AND A PORTION OF LOT 16, OF VANCE PARK, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 4, PAGE 336, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND AS CONVEYED TO ME BY DEEDS RECORDED IN VOLUME 867, PAGE 318, AND VOLUME 1043, PAGE 233, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND THAT THE CAPITAL NATIONAL BANK, TRUSTEE, OWNER OF A PORTION OF LOTS 16 & 17, OF THE SAID VANCE PARK, AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 3722, PAGE 2131, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, DO HEREBY RESUBDIVIDE SAID LOTS, AS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, TO BE KNOWN AS THE FIRST RESUBDIVISION OF VANCE PARK AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.

WITNESS OUR HANDS THIS THE 14th DAY OF March, 1970.

W. V. Heath  
 W. V. HEATH

Herbert S. Bolm  
 HERBERT S. BOLM, TRUST OFFICER  
 CAPITAL NATIONAL BANK

STATE OF TEXAS  
 COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED HERBERT S. BOLM, KNOWN TO ME AS TRUST OFFICER OF THE CAPITAL NATIONAL BANK AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 14th DAY OF March, 1970.

Dwight D. McCulla  
 DWIGHT D. MCCULLA  
 NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS



STATE OF TEXAS  
 COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED W. V. HEATH, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 14th DAY OF March, 1970.

Dwight D. McCulla  
 DWIGHT D. MCCULLA  
 NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS



APPROVED FOR ACCEPTANCE March 17, 1970, A.D. Hoyle H. Osborne  
 DIRECTOR OF PLANNING - Hoyle H. Osborne

ACCEPTED AND AUTHORIZED FOR RECORD BY THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, March 17, 1970, A.D.

John P. Hines  
 CHAIRMAN

Richard A. Hines  
 SECRETARY

FILED FOR RECORD AT 2:30 O'CLOCK P. M. THE 17th DAY OF March, 1970, A.D.

MISS ENILIE LINBERG, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

DEPUTY Judith Wacker

STATE OF TEXAS  
 COUNTY OF TRAVIS

I, MISS ENILIE LINBERG, CLERK COUNTY COURT, WITHIN AND FOR THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 17 DAY OF March, 1970, A.D. AT 2:30 O'CLOCK P. M. AND DULY RECORDED ON THE 17 DAY OF March, 1970, A.D., AT 2:31 O'CLOCK P. M. IN THE PLAT RECORDS OF SAID COUNTY, IN PLAT BOOK 49, PAGE 74.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT, OF SAID COUNTY, THE DATE LAST WRITTEN ABOVE.

MISS ENILIE LINBERG, CLERK COUNTY COURT, TRAVIS COUNTY, TEXAS

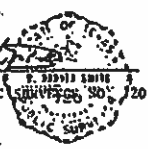
DEPUTY Judith Wacker



THIS IS TO CERTIFY THAT AUSTIN CITY CODE CHAPTER 23.27 OF 1956, HAS BEEN COMPLIED WITH.

AS SURVEYED BY:

C. Harvey Smith  
 C. HARVEY SMITH  
 1715 WEST 36th  
 AUSTIN, TEXAS  
 MARCH 14, 1970



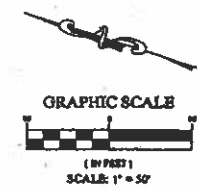
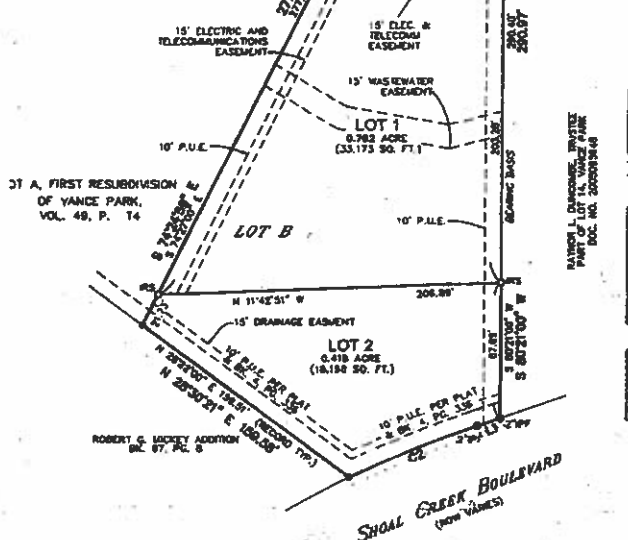
Survey 12-28-68 by C. H. A. 214C 475

# RESUBDIVISION OF LOT B, FIRST RESUBDIVISION OF LOTS, 15-16 VANCE PARK

C 14  
4

## LEGEND

- ⊕ 2" IRP 2-INCH IRON PIPE FOUND
- ⊙ 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON ROD SET
- W/CAP STAMPED "SNS"

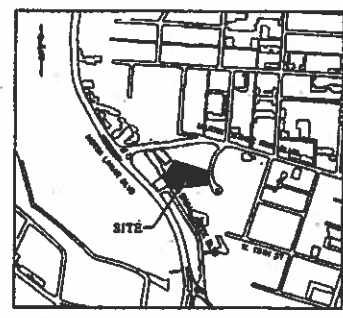


LOT TABLE			
LOTS	LAND USE	SF	AC
LOT 1	SINGLE FAMILY	33,173	0.762
LOT 2	SINGLE FAMILY	18,198	0.418
TOTALS		51,371	1.18

TOTAL NUMBER OF SINGLE FAMILY LOTS 2  
TOTAL NUMBER OF LOTS IN THIS SUBDIVISION 2

CURVE NO.	RADIUS	CHORD BEARING	CHORD	ARC
C1	330.82'	ACTUAL S 08°53'26" W RECORD S 02°07'00" W	99.97' 100.00'	100.36° 100.34°
C2	633.34'	ACTUAL N 32°57'47" W RECORD N 33°10'00" W	84.92' 83.58'	84.86° 83.64°

LINE NO.	BEARING & DISTANCE
L1	ACTUAL N 29°04'30" W 13.70' RECORD W 23°25'00" W 14.60'



LOCATION MAP

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS  
KNOW ALL MEN BY THESE PRESENTS:

THAT REYNALDO ORTIZ, OWNER OF LOT B, FIRST RESUBDIVISION OF VANCE PARK, A SUBDIVISION RECORDED IN VOL. 49, PAGE 74 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING CONVEYED BY WARRANTY DEED RECORDED IN DOCUMENT NO. 2004020235 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID SUBDIVISION HAVING BEEN APPROVED FOR RESUBDIVISION PURSUANT TO THE PUBLIC NOTIFICATION AND HEARING PROMISION OF CHAPTER 212.014 OF THE LOCAL GOVERNMENT CODE, DO HEREBY SUBDIVIDE SAID DESCRIBED LAND IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS: RESUBDIVISION OF LOT B, FIRST RESUBDIVISION OF LOTS 15- 16, VANCE PARK, TRAVIS COUNTY

SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC USE ANY STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D.

REYNALDO ORTIZ  
1808 VANCE DR  
AUSTIN, TX 78701-1035

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, THE UNDERSIGNED AUTHORITY, ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D., DID PERSONALLY APPEAR REYNALDO ORTIZ, I KNOW TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED BEFORE ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED

NOTARY PUBLIC \_\_\_\_\_  
PRINTED NAME \_\_\_\_\_  
COMMISSION EXPIRES \_\_\_\_\_

WITNESS MY HAND THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D.

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I LESLIE E VASTERLUX, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH TITLE 25 OF THE AUSTIN CITY CODE, AND IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND.

LESLIE E VASTERLUX R.P.L.S. NO. 1413  
SNS ENGINEERING  
9801 ANDERSON HILL RD  
AUSTIN, TX 78750  
(512) 335-3944

DATE \_\_\_\_\_

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I DO HEREBY CERTIFY THAT THE ENGINEERING WORK BEING SUBMITTED HEREIN COMPLIES WITH ALL PROVISIONS OF THE TEXAS ENGINEERING PRACTICE ACT, INCLUDING SECTION 131.152(a), AND COMPLIES WITH CHAPTER 25 OF THE CURRENT CITY OF LAND DEVELOPMENT CODE. I HEREBY ACKNOWLEDGE THAT ANY MISREPRESENTATION REGARDING THIS CERTIFICATION CONSTITUTES A VIOLATION OF THE ACT, AND MAY RESULT IN CRIMINAL, CIVIL AND/OR ADMINISTRATIVE PENALTIES AGAINST ME AS AUTHORIZED BY THE ACT.

NO PORTION OF THE SUBDIVISION IS WITHIN THE BOUNDARIES OF THE 100-YEAR FLOOD PLAIN ACCORDING TO THE FEDERAL FLOOD ADMINISTRATION FIRM PANEL 4845300445M DATED SEPTEMBER 26, 2006.

JUAN M. VALERA P.E. NO. 99240  
J. VALERA ENGINEERING  
2301 E. 9TH ST.  
AUSTIN, TX 78702  
(512) 864-4982

DATE \_\_\_\_\_

THIS SUBDIVISION PLAT IS LOCATED WITHIN THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ OF THE CITY OF AUSTIN ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, PLANNING AND DEVELOPMENT REVIEW DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AD.

GREG GUERNSEY DIRECTOR  
PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TEXAS, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

DAVE SULLIVAN, CHAIRPERSON

KATHERINE TOYO, SECRETARY

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, OANA DEBEAUVOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATES OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D., AT \_\_\_\_ O'CLOCK \_\_\_\_ M. AND DULY RECORDED ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D., AT \_\_\_\_ O'CLOCK \_\_\_\_ M. PLAT RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NO. \_\_\_\_\_ OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY.

WITNESS MY HAND AND SEAL OF THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 2010, A.D.

OANA DEBEAUVOR, COUNTY CLERK TRAVIS COUNTY, TEXAS

DESIGNED BY: AJS	<b>J. VALERA ENGINEERING</b> 2301 East 9th St. Austin, TX 78702 Phone: (512) 964-4982	<b>RESUBDIVISION OF LOT B, FIRST RESUBDIVISION OF LOTS, 15-16 VANCE PARK</b>	<b>SHEET</b> <span style="font-size: 2em;">1</span> of 2 CE-2010-0047.0A
DRAWN BY: AJS			
CHECKED BY: IMV			
APPROVED BY: IMV			
REVISION	DATE		

**Limon, Sylvia**

C14  
1/5

**From:** Ray Langenberg [REDACTED]  
**Sent:** Tuesday, January 04, 2011 7:31 AM  
**To:** Limon, Sylvia  
**Cc:** Mark A. Weitz, Weitz Morgan PLLC; Ryan Squires; Casillas, Cindy  
**Subject:** Request for Postponement of Case No. C8-2010-0047.0A  
**Attachments:** 2010.11.08 Plaintiff's Motion for Summary Judgment.pdf

Dear Ms. Limon –

I received a notice that the subdivision application of Reynaldo Ortiz, Case No. C8-2010-0047.0A, is scheduled to be heard by the Planning Commission on January 11, 2011. I am an affected property owner within 500 feet of the proposed subdivision.

I request that the application be postponed to the February 22, 2011 Planning Commission meeting in order that I may get a ruling from the district judge in my lawsuit against Mr. Ortiz. In the lawsuit, I have filed the attached motion for summary judgment seeking to enjoin Mr. Ortiz from pursuing his application on the ground that it violates the deed restrictions. The district judge has advised us that he will not be able to give us a ruling before January 15. Therefore, I request this postponement.

We have advised the attorney for Mr. Ortiz, Mark Weitz, regarding this request for postponement and it is my understanding that that applicant will not oppose this request. I am also copying Mr. Weitz on this email.

Thank you for your attention to this matter. Please let me know if I need to do anything else to complete my request for postponement.

Ray Langenberg  
Scott, Douglass & McConnico, LLP  
600 Congress Suite 1500  
Austin, TX 78701  
512 495-6313  
[REDACTED]

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**IMPORTANT - SD&M DISCLAIMER:** This message is intended for the use of the Individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone at (512) 495-6300 and/or email and delete the original message. Thank you.

1/4/2011

**PUBLIC HEARING INFORMATION**

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision. A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*It may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property; or proposed development;
  - is the record owner of property within 500 feet of the subject property; or proposed development; or
  - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number, and the contact person listed on the notice.

Case Number: C8-2010-0047.0A

Contact: Sylvia Limon, 512-974-2767 or

Chndy Casillas, 512-974-3437

Public Hearing: Jan. 11, 2011, Planning Commission

*Brent Darringer*  
Brent Darringer  
Your Name (please print)

I am in favor  
 I am object

*989 W. 17th Street, Austin TX 78701*  
Your address(es) affected by this application

*Bris Day*  
Signature

*12/23/10*  
Date

Daytime Telephone: *512-776-2825*

Comments: *Please don't make these deed restrictions and weaken the King's family character of Vance Circle Judges Hill. I'll work with the 1988s resolution by council and avoid undermining valid deed restrictions*

*Thank you*

If you use this form to comment, it may be returned to:  
City of Austin - Planning & Development Review Dept./4<sup>th</sup> Fl

Sylvia Limon  
P. O. Box 1088  
Austin, TX 78767-8810

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

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Case Number: C8-2010-0047.0A  
 Contact: Sylvia Limon, 512-974-2767 or  
 Cindy Casillas, 512-974-3437  
 Public Hearing: Jan. 11, 2011, Planning Commission

JAN THESIN  
 Your Name (please print)

I am in favor  
 I object

1001 W. 17TH ST, AUSTIN 78701  
 Your address(es) affected by this application

*[Signature]*  
 Signature Date 12/4/10

Daytime Telephone: 512-236-1993

Comments: SUBDIVIDING THIS SE-3 LOT WOULD  
 BREAK IN ~~THE~~ DEED RESTRICTIONS AND  
 UNDERMINE THE SULLIVAN FAMILY CHARACTER  
 OF THE AREA'S WIDE BY SETTING A  
 DIVERSOUS PRECEDENT.

*[Signature]*  
 TRAVES

If you use this form to comment, it may be returned to:  
 City of Austin - Planning & Development Review Dept./4<sup>th</sup> Fl  
 Sylvia Limon  
 P. O. Box 1088  
 Austin, TX 78767-8810