

MEMORANDUM

TO: Gilda Powers, Urban Transportation Commission Coordinator
Austin Transportation Department

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

DATE: November 30, 2010

SUBJECT: F#8417-0701 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).

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 Urban Transportation Commission Agenda for their consideration.

Staff requests UTC's recommendation to Council to approve the Stubb's alley vacation. Staff contact is: Chris Muraida at 974-7191.

Applicant: Amanda Morrow, Armburst & Brown, PLCC, 435-2368 - will conduct a presentation at the meeting.

Property Owner: Stubbs Austin Restaurant Company LLC

Chris Muraida
Land Management Section

OFFICE OF REAL ESTATE SERVICES

Attachments

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

Updated
letter

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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

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AMANDA MORROW
(512) 435-2386
amorrow@abaustin.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 8th Street and 9th 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

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Page 2

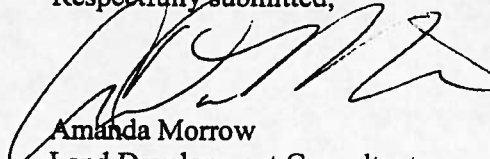
various improvements associated with these uses. Primary pedestrian access to the Property is located along Red River.

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

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 8th and 9th Streets. This site is located in the Central Business District at 8th 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

APPLICATION FOR STREET OR ALLEY VACATION

File No. 8417-0701 DATE: 2-1-07
Department Use Only Department Use Only

TYPE OF VACATION

Vacation of a: Street: _____ or Alley: X Hundred Block: _____
 Name of Street/Alley: Alley between 8th + 4th 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 Section: Tri block 092
 Subdivision Name: Original City
 Plat Book _____ Page Number _____ Document Number _____

RELATED CASES

	FILE NUMBERS
Existing Site Plan: YES / <u>(NO)</u>	_____
Subdivision Case: YES / <u>(NO)</u>	_____
Zoning Case: YES / <u>(NO)</u>	_____

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.

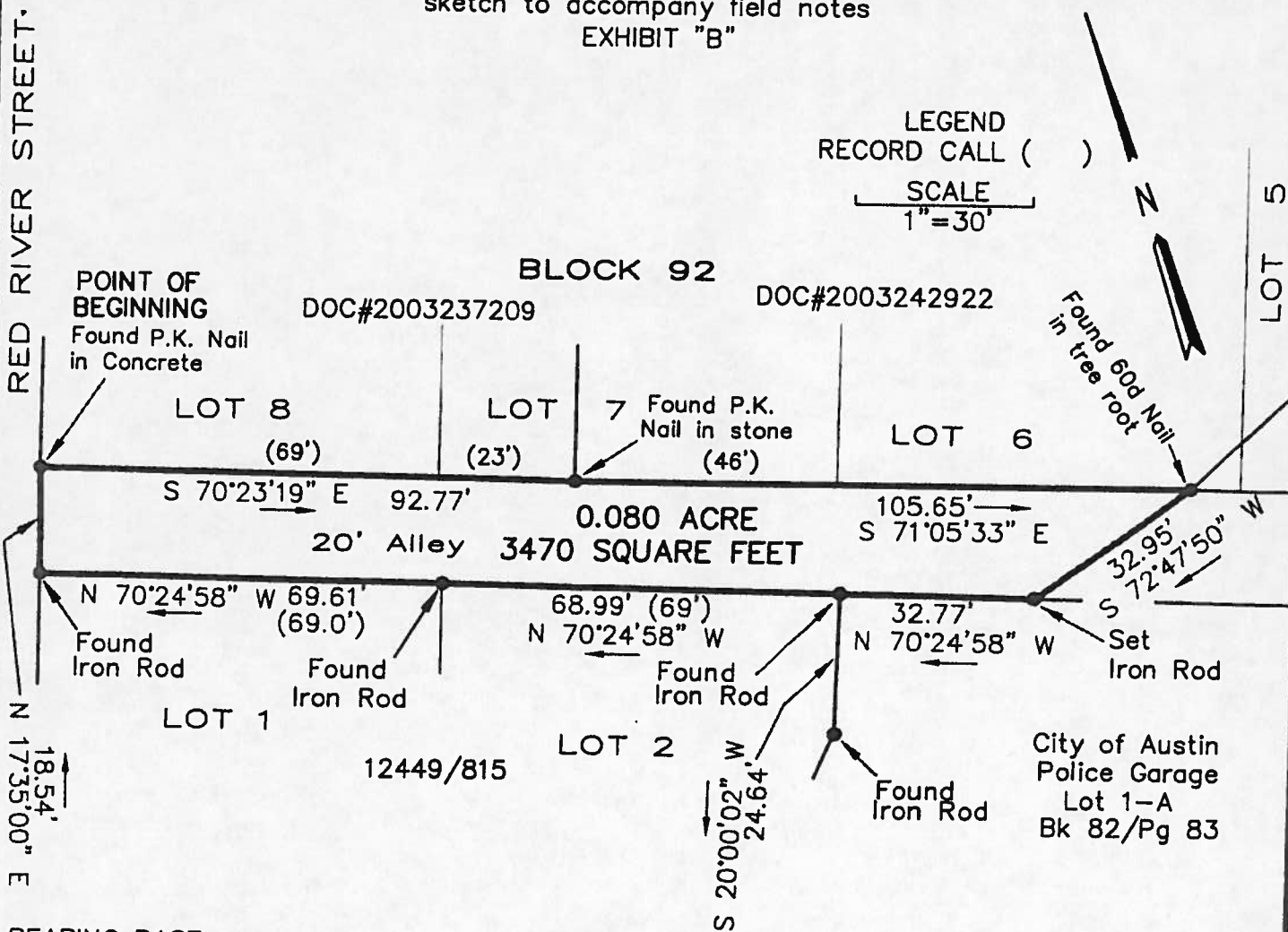
Signed By: P Chesney
 Landowner/Applicant

8TH STREET ALLEY VACATION

sketch to accompany field notes

EXHIBIT "B"

J10042D

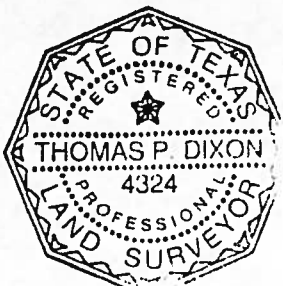


BEARING BASE:

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