

ORDINANCE NO. 20130509-016

AN ORDINANCE VACATING TWO PORTIONS OF RIGHT-OF-WAY ON LUTHER LANE, RECORDED IN VOLUME 4, PAGE 345, AND VOLUME 9547, PAGE 959, TRAVIS COUNTY PLAT RECORDS, TO UP-32ND STREET HOSPITALITY, L.L.C.

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

PART 1. Council approves the vacation of the 1,262 square foot portion of Luther Lane right-of-way, recorded in Volume 4, Page 345, Travis County Plat Records, as more particularly described in Exhibit A, attached to and incorporated as part of this ordinance, and the 840 square foot portion of Luther Lane right-of-way, recorded in Volume 9547, Page 959, Travis County Real Property Records, as more particularly described in Exhibit B, attached to and incorporated as part of this ordinance.

PART 2. The area being requested for vacation will be used to expand the lot for commercial development.

PART 3. UP-32ND STREET HOSPITALITY, L.L.C., has posted funds with the City in the amount of \$71,468.00, which is the appraised fair market value of the interests in the land being vacated, and these funds will be deposited after approval of this ordinance.

PART 4. This ordinance takes effect on May 20, 2013.

PASSED AND APPROVED

May 9 _____, 2013

www.wwnorton.com

Lee Leffingwell
Mayor

APPROVED:

~~Karen M. Kennard~~
City Attorney

ATTEST:

Jannette S. Goodall
City Clerk

EXHIBIT " A "

Right-of-way Vacation
Kim Ln-East Avenue Subdivision

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR 1,262 SQUARE FEET OF LAND OUT OF OUTLOT 22, DIVISION C, GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THE RIGHT-OF-WAY OF KIM LANE (50 FOOT PUBLIC RIGHT-OF-WAY) AS DEDICATED BY PLAT CALLED HANCOCK PARK, A SUBDIVISION AS RECORDED IN BOOK 4, PAGE 345 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID RIGHT-OF-WAY NOW COMMONLY KNOWN AS LUTHER LANE, AS SHOWN ON THE EAST AVENUE SUBDIVISION PLAT, A SUBDIVISION AS RECORDED IN DOCUMENT NO. 200800152 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1,262 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING for POINT OF REFERENCE at a 3/4" iron pipe found on the south right-of-way line of said Luther Lane (50-ft right-of-way) at the northwest corner of Lot 5, Block A of the above described East Avenue Subdivision; Thence, with the south line of said Luther Lane and the north line of said Lot 5, S62°28'52"E a distance of 139.68 feet to a p-k nail found at an outside corner of said Lot 5; Thence, S40°40'49"E a distance of 32.82 feet to a calculated point on the west right-of-way line of said Kim Lane, also being on the east line of that portion of right-of-way described as Tract "A" by instrument recorded in Volume 9547, Page 959 of the Real Property Records of Travis County, Texas, for the most northerly corner and POINT OF BEGINNING of the herein described tract;

THENCE S40°40'49"E a distance of 53.64 feet to a calculated point on the east right-of-way line of said Kim Lane and the west line of that portion of right-of-way described as Tract "B" by instrument recorded in Volume 9547, Page 959 of the Real Property Records of Travis County, Texas, from which a 1/2" iron rod set with cap

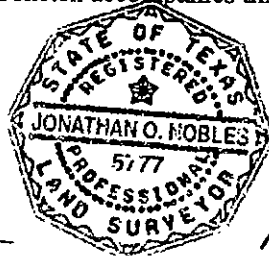
stamped TERRA FIRMA at an outside corner of said Lot 5 bears S40°40'49"E a distance of 6.29 feet;

THENCE, with the east right-of-way line of said Kim Lane and the west line of said Tract "B", S28°05'33"W a distance of 7.61 feet to a calculated point at the south corner of said Tract "B", on the curving northerly line of said Lot 5, Block A, East Avenue Subdivision, for the southeast corner of this tract;

THENCE, along the curving northerly line of said Lot 5 and the southerly right-of-way line of remaining portion of said Kim Lane an arc distance of 52.85 feet, having a radius of 50.00 feet and a chord which bears N69°21'01"W a distance of 50.42 feet to a calculated point at the most westerly corner of said remaining portion of Kim Lane right-of-way and the south corner of said Tract "A", for the southwest corner of this tract;

THENCE, with the west right-of-way line of said Kim Lane and the east line of said Tract "A", N28°05'33"E a distance of 33.56 feet to the POINT OF BEGINNING, and containing 1,262 square feet (0.029 acre) of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma Land Surveying from a survey made on the ground under my supervision on October 8, 2012 and are true and correct to the best of my knowledge. A sketch accompanies this description.




Jonathan O. Nobles

10/22/2012
Date

Registered Professional Land Surveyor No. 5777

Client: Cypress Real Estate Advisors, Inc.
Date: October 22, 2012
Job No.: 0A643-005-00
FB: 621
File: J:\Projects\A643...\005...\Survey\Legal\A643-005-Kim ROW Vacate-FN.doc
TCAD No.: 02-1508-01-67
Austin Grid No.: K-24

BEARING BASIS NOTE:

Horizontal datum based on the Texas State Plane Coordinate System, NAD 83, Texas Central Zone. Coordinates and distances shown are surface values. Combined scale factor is 1.0000668275.

FIELD NOTES REVIEWED

By: Clark T. Dink Date 11-08-2012

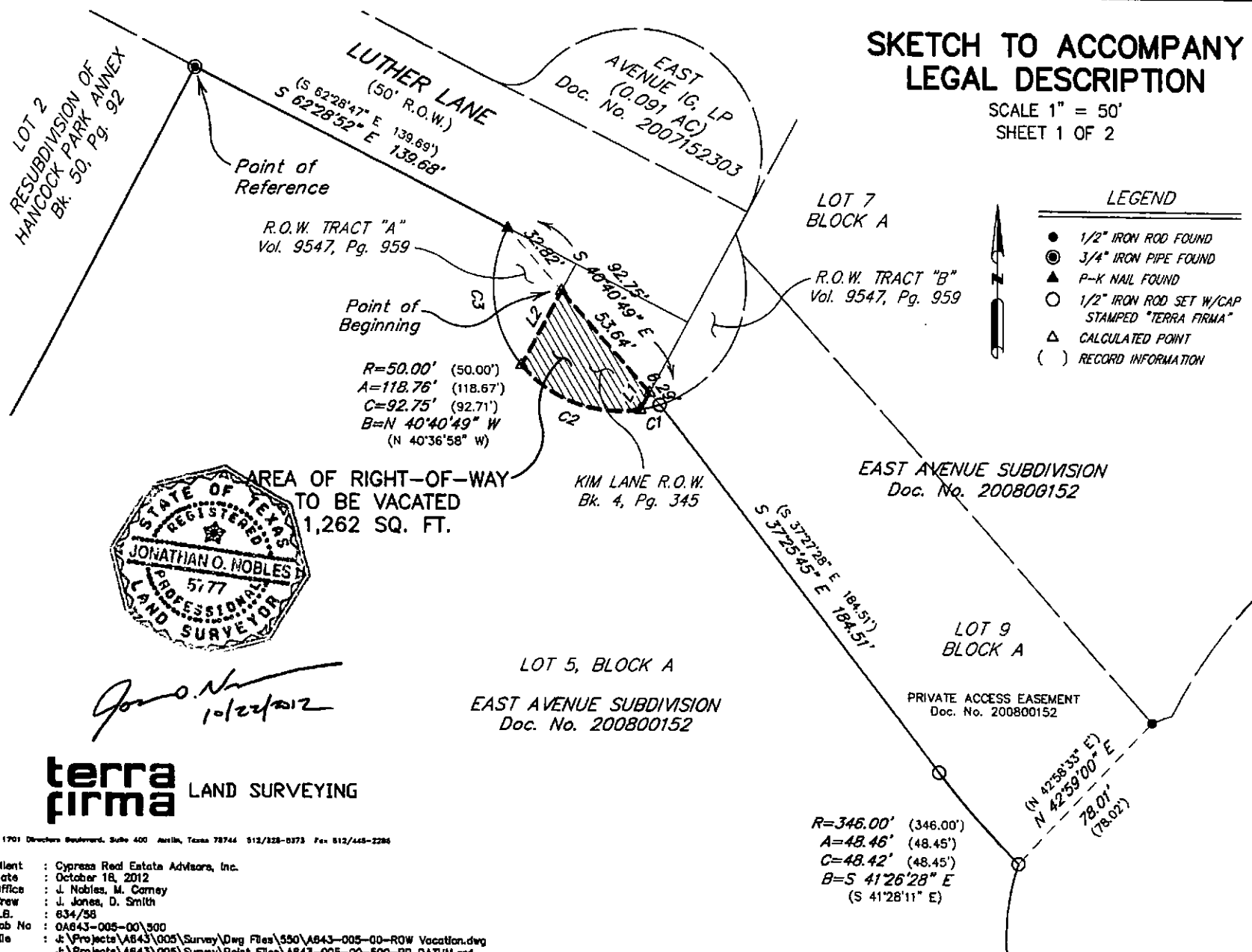
Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SCALE 1" = 50'
SHEET 1 OF 2

LEGEND

- 1/2" IRON ROD FOUND
- ⊙ 3/4" IRON PIPE FOUND
- ▲ P-K NAIL FOUND
- 1/2" IRON ROD SET W/CAP
STAMPED "TERRA FIRMA"
- △ CALCULATED POINT
- () RECORD INFORMATION



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SHEET 2 OF 2

Exhibit A
Page 4 of 4

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 28°05'33" W	7.61'
	(S 30°29' W)	
L2	N 28°05'33" E	33.56'
	(N 30°29' E)	

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	50.00'	7.93'	7.92'	S 75°49'22" W
	(50.00')			
C2	50.00'	52.85'	50.42'	N 69°21'01" W
	(50.00')	(52.75')	(50.34')	(N 66°09'30" W)
C3	50.00'	57.97'	54.78'	N 05°51'12" W
	(50.00')	(57.52')	(54.40')	(N 02°58'30" W)

BEARING BASIS NOTE:

HORIZONTAL DATUM BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM,
NAD 83, TEXAS CENTRAL ZONE. COORDINATES AND DISTANCES SHOWN ARE
SURFACE VALUES. COMBINED SCALE FACTOR IS 1.0000668275.

Client : Cypress Real Estate Advisors, Inc.
Date : October 18, 2012
Office : J. Nobles, M. Carney
Crew : J. Jones, D. Smith
F.B. : 834/58
Job No : 0A643-005-00/500
File : J:\Projects\A643\005\Survey\Draw Files\550\A643-005-00-ROW Vacation.dwg
J:\Projects\A643\005\Survey\Point Files\A643-005-00-500-BP DATUM.crd

terra
firma LAND SURVEYING

1701 Directors Boulevard, Suite 400 Austin, Texas 78744 • 512/328-8373 • Fax 512/445-2288

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR 840 SQUARE FEET OF LAND OUT OF OUTLOT 22, DIVISION C, GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THE RIGHT-OF-WAY AS CONVEYED TO THE CITY OF AUSTIN DESCRIBED AS R.O.W. TRACTS "A" AND "B" BY INSTRUMENT RECORDED IN VOLUME 9547, PAGE 959 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID RIGHT-OF-WAY NOW COMMONLY KNOWN AS LUTHER LANE, AS SHOWN ON THE EAST AVENUE SUBDIVISION PLAT, A SUBDIVISION AS RECORDED IN DOCUMENT NO. 200800152 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 840 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED IN TWO (2) TRACTS BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

TRACT A

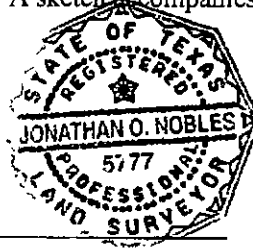
COMMENCING for POINT OF REFERENCE at a 3/4" iron pipe found on the south right-of-way line of said Luther Lane (50-ft right-of-way) at the northwest corner of Lot 5, Block A of the above described East Avenue Subdivision; Thence, with the south line of said Luther Lane and the north line of said Lot 5, S62°28'52"E a distance of 139.68 feet to a p-k nail found at an outside corner of said Lot 5, at the northwest corner of the above-described Tract "A", for the most northerly corner and POINT OF BEGINNING of the herein described tract;

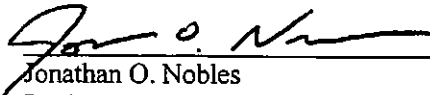
THENCE S40°40'49"E a distance of 32.82 feet to a calculated point on the east line of said Tract "A" and the west right-of-way line of Kim Lane as dedicated by plat called Hancock Park, a subdivision as recorded in Book 4, Page 345 of the Plat Records of Travis County, Texas, from which a 1/2" iron rod set with cap stamped TERRA FIRMA

THENCE, with the east right-of-way line of said Kim Lane and the west line of said Tract "B", N28°05'33"E a distance of 7.61 feet to the POINT OF BEGINNING, and containing 23 square feet of land, more or less.

The gross area contained within Tracts A and B totals 840 square feet of land, more or less.

I HEREBY CERTIFY that these notes were prepared by Terra Firma Land Surveying from a survey made on the ground under my supervision on October 8, 2012 and are true and correct to the best of my knowledge. A sketch accompanies this description.




Jonathan O. Nobles

Registered Professional Land Surveyor No. 5777

10/22/2012
Date

Client: Cypress Real Estate Advisors, Inc.

Date: October 22, 2012

Job No.: 0A643-005-00

FB: 621

File: J:\Projects\A643...\005...\Survey\Legal\A643-005-ROW Vacate-FN.doc

TCAD No.: 02-1508-01-67

Austin Grid No.: K-24

BEARING BASIS NOTE:

Horizontal datum based on the Texas State Plane Coordinate System, NAD 83, Texas Central Zone. Coordinates and distances shown are surface values. Combined scale factor is 1.0000668275.

FIELD NOTES REVIEWED

By: Chuck Daniel Date 11-06-2012

Engineering Support Section
Department of Public Works
and Transportation

at an outside corner of said Lot 5, Block A, East Avenue Subdivision bears S40°40'49"E a distance of 59.93 feet;

THENCE, with the west right-of-way line of said Kim Lane and the east line of said Tract "A", S28°05'33"W a distance of 33.56 feet to a calculated point on the curving north line of said Lot 5, at the most westerly corner of the remaining portion of said Kim Lane right-of-way and the south corner of said Tract "A", for the most southerly corner of this tract;

THENCE, along the curving northerly line of said Lot 5 and the westerly line of said Tract "A", along a curve to the right an arc distance of 57.97 feet, having a radius of 50.00 feet, and a chord which bears N05°51'12"W a distance of 54.78 feet to the POINT OF BEGINNING, and containing 817 square feet of land, more or less.

TRACT B

COMMENCING for POINT OF REFERENCE at a 3/4" iron pipe found on the south right-of-way line of said Luther Lane (50-ft right-of-way) at the northwest corner of Lot 5, Block A of the above described East Avenue Subdivision; Thence, with the south line of said Luther Lane and the north line of said Lot 5, S62°28'52"E a distance of 139.68 feet to a p-k nail found at an outside corner of said Lot 5, at the northwest corner of the above-described Tract "A"; Thence, S40°40'49"E a distance of 53.64 feet to a calculated point on the east right-of-way line of Kim Lane as dedicated by plat called Hancock Park, a subdivision as recorded in Book 4, Page 345 of the Plat Records of Travis County, Texas and the west line of the above-described Tract "B" for the most northerly corner and POINT OF BEGINNING of the herein described tract;

THENCE S40°40'49"E a distance of 6.29 feet to a 1/2" iron rod set with cap stamped TERRA FIRMA at an outside corner of said Lot 5, on the east line of said Tract "B", for the east corner of this tract;

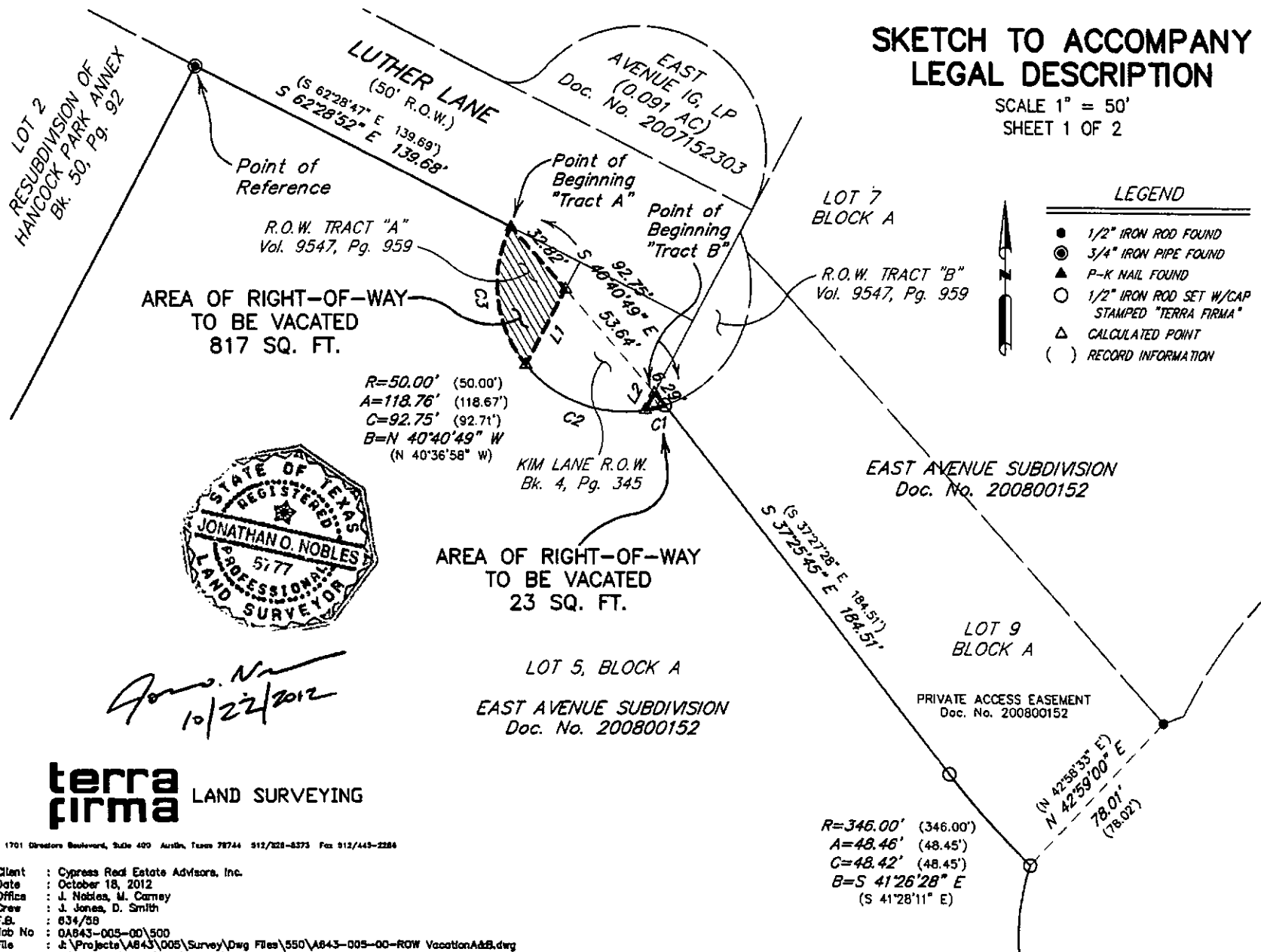
THENCE, with the curving northerly line of said Lot 5 and the easterly line of said Tract "B", along a curve to the right an arc distance of 7.93 feet, having a radius of 50.00 feet, and a chord which bears S75°49'22"W a distance of 7.92 feet to a calculated point at the southeast corner of the remaining portion of said Kim Lane right-of-way and the south corner of said Tract "B", for the south corner of this tract;

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

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SHEET 1 OF 2

LEGEND

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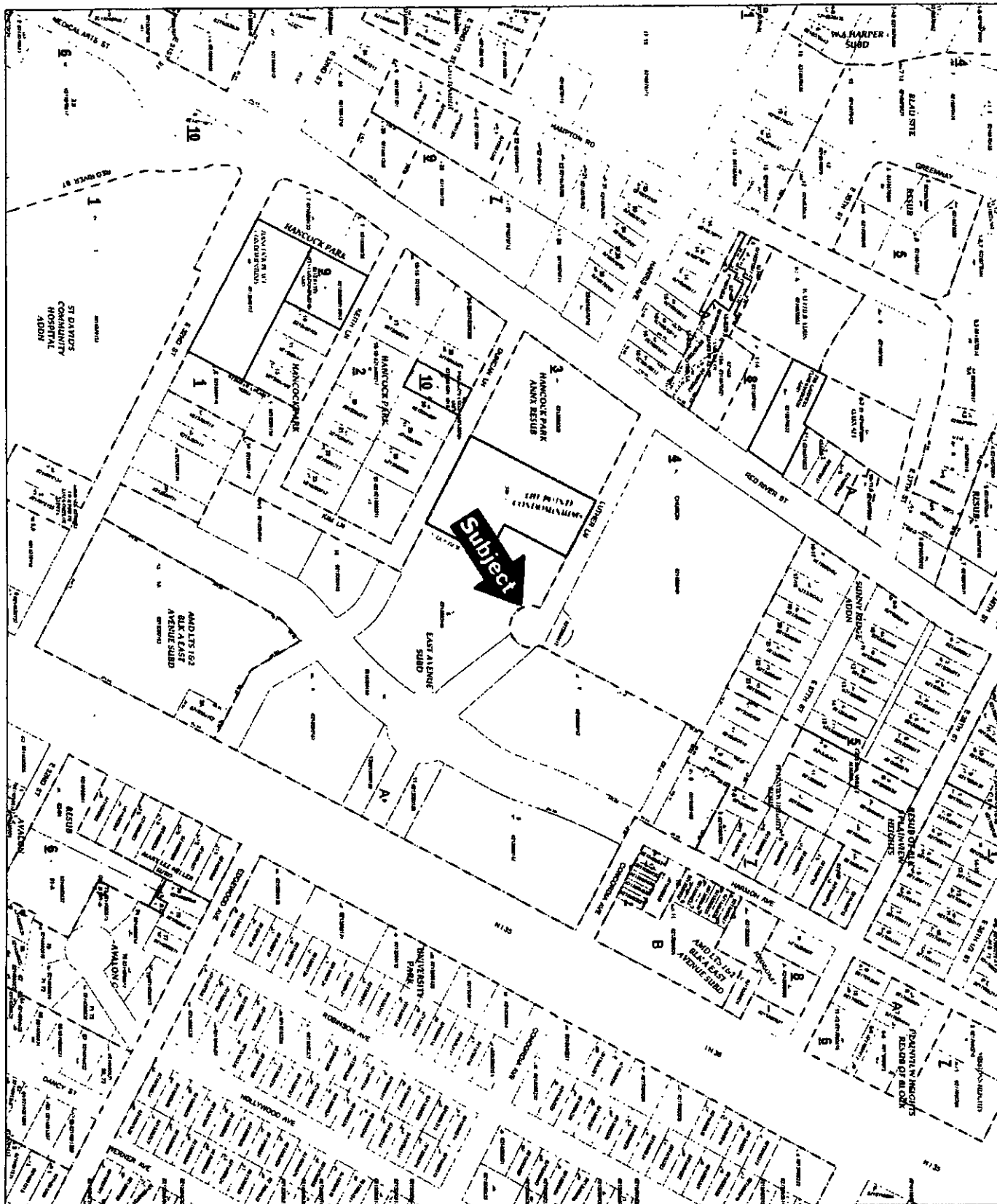
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 File : J:\Projects\A843\005\Survey\Draw Files\550\A843-005-00-ROW Vacation A&B.dwg
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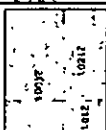
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21508

0 120
Feet
Revision Date:
7/5/2012



NAD_1983_StatePlane
Texas_Central_FIPS_4203_Feet
Projection Lambert_Conformal_Conic

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Travis Central Appraisal District
8314 Cross Park Drive
Austin, Texas 78754

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Main Telephone Number: (512) 634-6317
Appraisal Information: (512) 634-9318
TDD: (512) 636-3326