

## MEMORANDUM

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

**FROM:** Jennifer Grant, Property Agent  
Land Management Section  
Office of Real Estate Services

**DATE:** June 18, 2013

**SUBJECT:** F# 9141-1211 Vacation of a portion of an alley between Rainey Street and East Avenue and Driskill Street and River Street.

Attached are the departmental comments and other information pertinent to the referenced alley vacation. **The area being requested for vacation will be used for an 8-story vertical mixed use development with structured parking.** All affected departments and private utility franchise holders have reviewed this request and recommend approval, **subject to area being retained as a drainage and public utility easement.**

The applicant has requested that this item be submitted for placement on the **June 25, 2013, Planning Commission Agenda** for their consideration.

Staff contact: Jennifer Grant at 974-7191 or [landmanagement@ci.austin.tx.us](mailto:landmanagement@ci.austin.tx.us).

Applicant: Danae Falvo, Metcalfe Wolff Stuart & Williams, LLP

Property Owner: Austin Rainey St. D/E/P, LLC

Ms. Falvo will be present at the meeting to answer any questions regarding the project, if needed.



Jennifer Grant, Property Agent  
Land Management Section  
Office of Real Estate Services

DEPARTMENT COMMENTS FOR THE VACATION OF THE ALLEY  
BETWEEN RAINEY STREET AND EAST AVENUE AND DRISKILL STREET AND  
RIVER STREET.

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AT&T	RETAIN AS A PUBLIC UTILITY EASEMENT
AUSTIN ENERGY	RETAIN AS A PUBLIC UTILITY EASEMENT
AUSTIN TRANSPORTATION DIRECTOR	APPROVE
AUSTIN WATER	RETAIN AS A PUBLIC UTILITY EASEMENT
CODE COMPLIANCE	APPROVE
CTM – GAATN	RETAIN AS A PUBLIC UTILITY EASEMENT
EMS	APPROVE
FIRE	APPROVE
GRANDE COMMUNICATIONS	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Engineering)	RETAIN AS A DRAINAGE EASEMENT
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Transportation)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Neighborhood Planning)	REFER TO PLANNING COMMISSION
PLANNING & DEVELOPMENT REVIEW (Urban Design)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Zoning Review)	APPROVE
PUBLIC WORKS DIRECTOR	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	RETAIN AS A PUBLIC UTILITY EASEMENT
WATERSHED PROTECTION (Engineering)	RETAIN AS A DRAINAGE EASEMENT



METCALFE WOLFF  
STUART & WILLIAMS, LLP

DANAE R. FALVO  
Senior Development Planner

(512) 404-2248  
dfalvo@mwswtexas.com

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November 26, 2012

Ms. Jennifer Grant  
Property Agent  
City of Austin  
Office of Real Estate Services  
505 Barton Springs Road, Floor 13  
Austin, Texas 78704

Re: Request for Alley Vacation; Alley adjacent to 705 and 709 Driskill Street, 95 to 89 Rainey Street, and 90 to 94 Interstate Highway 35 (the "Property")

Ms. Grant:

As representatives of the prospective buyer of the Property referenced above, we respectfully submit the attached Application for Alley Vacation. A city-zoning map highlighting the proposed project area as well as the alley to be vacated is enclosed.

The area to be vacated and the adjacent properties are part of the Driskill & Rainey Subdivision (attached). As shown on the attached zoning map, the properties adjacent to the alley are currently zoned Central Business District (CBD). However, the property is not located within the CBD boundaries. The alley is currently open from Driskill Street to River Street and is in disrepair. The adjacent properties are developed with houses which have been converted for commercial uses. Preliminary research shows underground and overhead utilities are located within the alley. Once vacated, the utilities will be relocated and/or abandoned as appropriate.

An 8-story vertical mixed use development with structured parking is proposed for the alley and adjacent properties. The proposed project will not be a S.M.A.R.T. Housing project. A site plan has not yet been submitted for the proposed development. All parking and traffic related matters will be addressed during the site plan review.

We have been working closely with the Rainey Neighbors Association on the proposed project. The Association is in full support of the proposed development. If you have any questions about the request or need additional information about the proposed project, please feel free to contact us.

Very Respectfully,

Danae R. Falvo

Enclosure

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File No. 9141-1211 Application for Street or Alley Vacation  
Department Use Only DATE: 11-28-12  
Department Use Only

**TYPE OF VACATION**

Type of Vacation: Street:     , Alley: X; ROW      Hundred Block:       
Name of Street/Alley/ROW: See attached field notes Is it constructed: (Yes) No  
Property address: 705 & 709 DRISKILL; 95-89 RAINY; 90-94 1435  
Purpose of vacation: PROPOSED DEVELOPMENT

**PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED**

Parcel #: SEE ATTACHED  
Survey & Abstract No.: N/A  
Lot(s): See below Block: 2 Outlot: -  
Subdivision Name: DRISKILL & RAINY  
Plat Book 1 Page Number 22 Document Number -  
LOTS: 1-4, W 37.8 Ft of Lot 5, E 46.73 Ft of Lot 6, 7-9, and N 8 Ft of Lot 10  
Neighborhood Association Name: RAINEY NEIGHBORS ASSOCIATION  
Address including zip code: 603 DAVIS STREET #1406 AUSTIN 78701

**RELATED CASES**

Existing Site Plan (circle one): YES (NO)  
Subdivision Case (circle one): YES (NO)  
Zoning Case (circle one): YES (NO)  
**FILE NUMBERS**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROJECT NAME, if applicable:**

Name of Development Project: Millennium Rainey Street  
Is this a S.M.A.R.T. Housing Project (circle one): YES (NO)

**OWNER INFORMATION SEE ATTACHED**

Name: Austin Rainey St DR/PLLC (as shown on Deed)  
Address: 341 Richmond Ave. Ste 2000 Phone: ( ) Fax No.: ( )  
City: Houston County:      State: TX Zip Code: 77046  
Contact Person/Title:      Cell Phone: ( )  
Email Address:       
(If multiple owners are joining in this request - complete names, addresses on each, must be attached.)

**APPLICANT INFORMATION**

Name: DANAE R. FALVO  
Firm Name: METCALFE WOLFE STUART & WILLIAMS  
Address: 301 CONGRESS SUITE 1200 AUSTIN  
City: AUSTIN State: TX Zip Code: 78701  
Office No.: (512) 404 2248 Cell No.: (512) 529 5633 Fax No.: (512) 404 2244  
EMAIL ADDRESS: dfalvo@mwsutexas.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 **certified 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: Danae R Falvo  
Landowner/Applicant

# MAP TO ACCOMPANY FIELD NOTES

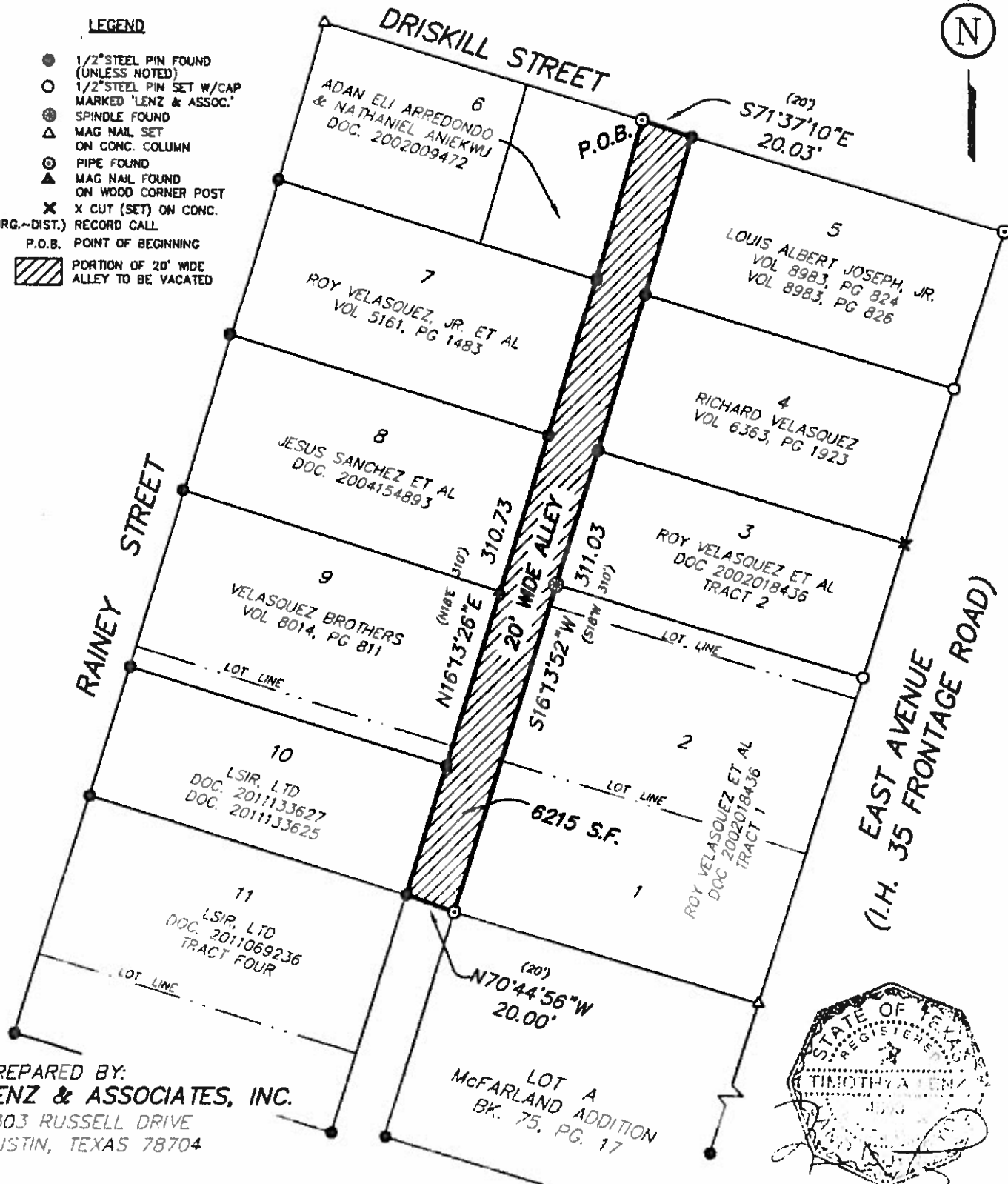
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PORTION OF A 20 FOOT WIDE ALLEY  
BLOCK 2, DRISKILL'S AND RAINEY'S SUBDIVISION OF PART OF OUTLOTS 72 AND 73,  
DIVISION E, AUSTIN, TEXAS, KNOWN AS "SOUTH EAST END", BOOK 1, PAGE 22,  
PLAT RECORDS OF TRAVIS COUNTY, TEXAS



## LEGEND

- 1/2" STEEL PIN FOUND (UNLESS NOTED)
- 1/2" STEEL PIN SET W/CAP MARKED 'LENZ & ASSOC.'
- ⊙ SPINDLE FOUND
- △ MAG NAIL SET ON CONC. COLUMN
- ⊙ PIPE FOUND
- ▲ MAG NAIL FOUND ON WOOD CORNER POST
- ✕ X CUT (SET) ON CONC.
- (BRG.-DIST.) RECORD CALL
- P.O.B. POINT OF BEGINNING
- PORTION OF 20' WIDE ALLEY TO BE VACATED



PREPARED BY:  
**LENZ & ASSOCIATES, INC.**  
4303 RUSSELL DRIVE  
AUSTIN, TEXAS 78704



2-27-12

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## Travis CAD - Map of Property ID 190901 for Year 2013



### Property Details

#### Account

Property ID: 190901  
Geo ID: 0203031020  
Type: Real

Legal Description: E 46.73FT OF LOT 6 BLK 2 OLT 72-73 DIV E DRISKILL & RAINY SUBD

#### Location

Situs Address: 705 DRISKILL ST TX 78701  
Neighborhood: #CBD  
Mapsc: 615B  
Jurisdictions: 0A, 01, 02, 03, 2J, 68, 3L

#### Owner

Owner Name: AUSTIN RAINY ST D/E/P LLC  
Mailing Address: , 3411 RICHMOND AVE STE 200, HOUSTON, TX 77046-3412

#### Property

Appraised Value: \$350,474.00

<http://propaccess.traviscad.org/Map/View/Map/1/190901/2013>

PropertyACCESS

Map Disclaimer: This map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of the information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.