

**ORDINANCE NO. 20140213-023**

**AN ORDINANCE VACATING APPROXIMATELY 8,779 SQUARE FEET OF STREET RIGHT-OF-WAY IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING THE WESTERN HALF OF TILLERY STREET SOUTH OF THE INTERSECTION OF TILLERY STREET AND EAST CESAR CHAVEZ STREET TO AUSPRO ENTERPRISES, L.P.; AND VACATING APPROXIMATELY 8,573 SQUARE FEET OF STREET RIGHT-OF-WAY IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING THE EASTERN HALF OF TILLERY STREET SOUTH OF THE INTERSECTION OF TILLERY STREET AND EAST CESAR CHAVEZ STREET TO JOE M. MOORE, JR., DANIEL BALADEZ, AND ROSE BALADEZ.**

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

**PART 1.** Council approves the vacation of approximately 8,779 square feet of street right-of-way in the City of Austin, Travis County, Texas, being the western half of Tillery Street south of the intersection of Tillery Street and East Cesar Chavez Street to AusPro Enterprises, L.P., as more particularly described in Exhibit A, attached to and incorporated as part of this ordinance; and vacating approximately 8,573 square feet of street right-of-way in the City of Austin, Travis County, Texas, being the eastern half of Tillery Street south of the intersection of Tillery Street and East Cesar Chavez Street to Joe M. Moore, Jr., Daniel Baladez, and Rose Baladez, as more particularly described in Exhibit B, attached to and incorporated as part of this ordinance.

**PART 2.** A portion of the area being requested for vacation will be used for parking by the abutting landowners, and the remainder will remain in its present state and accessible to the City of Austin for any necessary utility maintenance.

**PART 3.** A drainage easement, an inundation easement, and a 15-foot public utility easement over the vacated portion is reserved from the vacation by the City over and across the area described in Exhibit A and Exhibit B.

**PART 4.** Phil Moncada of Moncada Consulting on behalf of AusPro Enterprises, L.P. has posted funds with the City in the amount of \$11,000.00, which is the appraised fair market value of the interest in the land being vacated to AusPro Enterprises, L.P., as shown on Exhibit A, and these funds will be deposited after approval of this ordinance.

**PART 5.** Phil Moncada of Moncada Consulting on behalf of Joe M. Moore, Jr., Daniel Baladez, and Rose Baladez has posted funds with the City in the amount of \$10,700.00, which is the appraised fair market value of the interest in the land being vacated to Joe M. Moore, Jr., Daniel Baladez, and Rose Baladez, as shown on Exhibit B, and these funds will be deposited after approval of this ordinance.

**PART 6.** This ordinance takes effect on February 24, 2014.

**PASSED AND APPROVED**

\_\_\_\_\_  
February 13, 2014

§  
§  
§ \_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk

**STREET VACATION**

**FIELD NOTES**

**8,779 SQUARE FEET OF LAND, MORE OR LESS, BEING THE WEST ONE-HALF (1/2) OF TILLERY STREET, AS DEDICATED ON THE MAP OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN ON FILE IN THE GENERAL LAND OFFICE, STATE OF TEXAS, BEING BOUNDED ON THE SOUTH BY THE NORTH BANK OF THE COLORADO RIVER AND BOUNDED ON THE NORTH BY THE SOUTH ROW OF EAST CESAR SHAVEZ STREET AND SHOWN AS TRACT "B" ON THE SKETCH OF THIS SURVEY ATTACHED HERETO AND MADE A PART HEREOF; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING FOR REFERENCE** at a 5/8" iron rod found on the east R.O.W. of Tillery Street on the west line of Outlot 15, Division "O", of the Government Outlots adjoining the original City of Austin, same being at the N.W. corner of that certain tract or parcel of land conveyed to Clear Channel Radio, Inc. recorded in Volume 12749, Page 374, Real Property Records, Travis County, Texas;

**THENCE** S22°58'00"W along the east R.O.W. of Tillery Street and the west line of Outlot 15, Division "O", at 344.84 feet passing the common N.W. corner of the Painter Enterprises, Inc. tract recorded in Volume 11354, Page 923, Real Property Records, Travis County, Texas, same being the N.W. corner of Lot 9, Block 1, E. H. Deets Et Al Estate, described as "Third Tract" containing 2.5 acres recorded in Volume 589, Page 313, Deed Records, Travis County, Texas, at 617.04 feet passing the N.W. corner of that certain 1.0 acre tract of land conveyed to M.C. Moore and Lorene Moore recorded in Volume 764, Page 482, Deed Records, Travis County, Texas, at 737.04 feet passing the N.W. corner of that certain 0.46 acre tract of land conveyed to Lydia Littman recorded in Volume 846, Page 479, Deed Records, Travis County, Texas, at 782.54 feet passing a 1" pipe found as called for as a witness corner in Volume 13279, Page 813, Real Property Records, Travis County, Texas and continuing on this bearing crossing East Cesar Chavez Street for a total distance of 978.16 feet to a 1/2" iron rod set with cap stamped "WATERLOO" at the N.W. corner of that certain tract or parcel of land conveyed to Joe M. Moore Jr. recorded in Volume 12636, Page 432, Real Property Records, Travis County, Texas;

**THENCE** S22°58'00"W along the common west line of the Joe M. Moore Jr. tract and the east R.O.W. of Tillery Street for a distance of 282.58 feet to a 1/2" iron rod set with cap stamped "WATERLOO" at the S.W. corner of the Joe. M. Moore Jr. tract, same being on the north bank of the Colorado River;

**THENCE** S86°36'09"W along the north bank of the Colorado River for a distance of 33.48 feet to a point in the center of Tillery Street for the S.E. corner hereof and **POINT OF BEGINNING** of this 8,573 square feet tract of land;

**THENCE** S86°36'09"W, continuing along the north bank of the Colorado River for a distance of 33.48 feet to a 1/2" iron rod set with cap stamped "WATERLOO" at the common S.W. corner of Tillery Street and the S.E. corner of that certain tract or parcel of land conveyed to AUSPRO ENTERPRISES, L.P. recorded in Document Number 2007197932, Official Public Records, Travis County, Texas, for the S.W. corner hereof;

**REFERENCES**

TCAD Parcel No. 02-0013  
AUSTIN GRID L-21

**STREET VACATION**

**FIELD NOTES**

**THENCE** N22°58'00"E along the west line of Tillery Street and the east line of said AUSPRO ENTERPRISES, L.P. tract, at 207.38 feet passing a spindle set and in all 296.29 feet to a 1/2" iron rod set with cap stamped "WATERLOO" at the N.E. corner of the AUSPRO ENTERPRISES, L.P. tract on the curving south R.O.W. East Cesar Chavez Street for the N.W. corner hereof;

**THENCE** 30.97 feet along the arc of the curving south R.O.W. of East Cesar Chavez Street, curving to the left with a radius of 1482.54 feet and having a chord which bears S81°23'12"E for a distance of 30.97 feet to 1/2" iron rod set with cap stamped WATERLOO RPLS 4324;

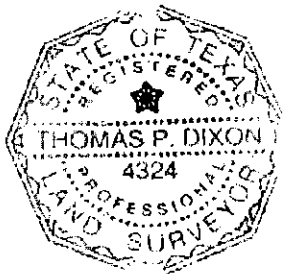
**THENCE** S22°58'00"W along the center of Tillery Street, at 88.92 feet passing a spindle set and in all 289.10 feet to the **POINT OF BEGINNING** of this 8,779 square feet tract of land being the west one-half (1/2) of Tillery Street.

**BEARING BASE: SURVEY OF E.H. DEETS ET AL ESTATE, FROM TILLERY STREET TO SPRINGDALE ROAD AS SURVEYED BY THE TRAVIS COUNTY SURVEYOR IN 1939 AND FILED FOR RECORD IN THE CITY OF AUSTIN RIGHT-OF-WAY DEPARTMENT**

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.



Thomas P. Dixon R.P.L.S. 4324



*Reviewed: 02-17-11  
Annela Jones*

**REFERENCES**

TCAD Parcel No. 02-0013  
AUSTIN GRID L-21

## COURSE AND DISTANCE CALLS

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	1482.54'	30.97'	30.97'	S 81°23'12" E
C2	1482.54'	31.14'	31.14'	S 82°35'12" E
C3	1482.54'	127.94'	127.90'	N 78°02'23" W
C4	1482.54'	165.46'	165.38'	N 72°30'01" W
C5	1482.54'	55.96'	55.96'	N 68°07'00" W

LINE	DIRECTION	DISTANCE
L1	S 22°58'00" W	195.62'
L2	S 22°58'00" W	282.58'
L3	S 86°36'09" W	33.48'
L4	S 86°36'09" W	33.48'
L5	N 22°58'00" E	296.29'
L6	S 22°58'00" W	289.10'
L7	S 84°07'00" E	65.60'
L8	S 87°53'00" E	59.40'
L9	S 13°09'19" W	50.00'
L10	S 22°50'25" W	229.59'
L11	S 86°10'18" E	134.68'
L12	S 86°36'09" W	137.32'
L13	N 22°32'02" E	332.87'
L14	N 67°02'00" W	132.35'
L15	S 22°55'00" W	59.41'
L16	S 89°46'34" E	84.90'
L17	N 83°14'17" E	57.70'

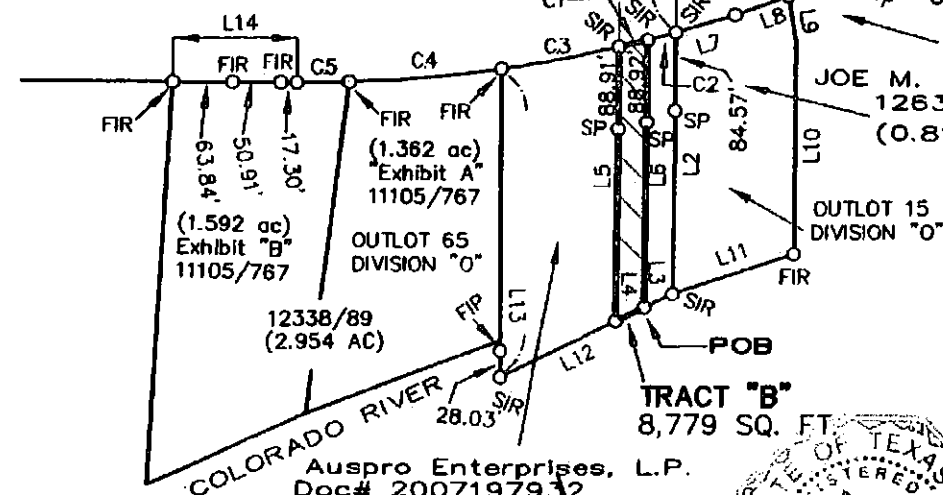
## LEGEND

SET SPINDLE SP  
FOUND 1/2" IRON ROD FIR  
SET 1/2" IRON ROD  
WITH CAP "WATERLOO" SIR  
POINT OF BEGINNING POB

E. 2ND ST.

LOT 1  
J.B.P. ADDITION  
BK 83/PG 1900  
(OLD HWY 71)  
EAST CESAR  
CHAVEZ ST.

LOT 2  
J.B.P. ADDITION



BEARING BASE:  
SURVEY OF E.H. DEETS ET AL  
ESTATE, FROM TILLERY STREET TO  
SPRINGDALE ROAD AS SURVEYED  
BY THE TRAVIS COUNTY SURVEYOR  
IN 1939 AND FILED FOR RECORD  
IN THE CITY OF AUSTIN RIGHT-OF-  
WAY DEPARTMENT

Auspro Enterprises, L.P.  
Doc# 2007197932

THOMAS DIXON RPLS 4324  
WATERLOO SURVEYORS INC.  
1005 E. ST. ELMO ST.  
AUSTIN, TEXAS 78745 Phone: 512-481-9602

SKETCH TO ACCOMPANY FIELD NOTES  
STREET VACATION  
EXHIBIT "A"

11501R2

BEGINNING FOR REFERENCE  
FOUND 5/8" IRON ROD

THEODORE R. JAIME, JR.  
4138/1460  
(A) (0.25 AC)

JAMES A. GOMEZ  
13279/813  
(B) (0.16 AC)

TRINIDAD AMARO  
10659/444  
(C) TRACT 5  
140X60

HECTOR BARRIOS AND  
SANDRA SANDOVAL  
DOC#2000107171  
60X140  
(D) (0.1928 AC)

PAINTER ENTERPRISES, INC.  
11354/923  
(3.124 AC)

LOT 9 BLOCK 1  
E.H. DEETS ET AL ESTATE  
(2.50 ACRES)  
589/313

M.C. MOORE  
LORENE MOORE  
764/482 (1.0 AC)

LYDIA LITTMAN  
846/479  
(0.46 ACRE)

REMAINDER OF  
CITY OF AUSTIN  
2470/118  
2470/120  
PUBLIC ROW

Jorge Espinoza  
12178/2444  
665/478

JOE M. MOORE JR.  
12636/432  
(0.813 ac.)

OUTLOT 15  
DIVISION "O"

## LEGAL DESCRIPTION:

8,779 SQUARE FEET OF LAND,  
MORE OR LESS, BEING THE WEST  
ONE-HALF (1/2) OF TILLERY  
STREET, AS DEDICATED ON THE  
MAP OF THE GOVERNMENT OUTLOTS  
ADJOINING THE ORIGINAL CITY OF  
AUSTIN ON FILE IN THE GENERAL  
LAND OFFICE, STATE OF TEXAS,  
BEING BOUNDED ON THE SOUTH  
BY THE NORTH BANK OF THE  
COLORADO RIVER AND BOUNDED  
ON THE NORTH BY THE SOUTH  
ROW OF EAST CESAR SHAVEZ  
STREET AND SHOWN HEREON  
AS TRACT "B".

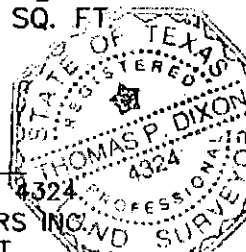


EXHIBIT B

11501R1

Page 1 of 2

CITY OF AUSTIN  
TO  
JOE M. MOORE JR.

**STREET VACATION  
FIELD NOTES**

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**THENCE** S86°36'09"W along the north bank of the Colorado River for a distance of 33.48 feet to a point in the center of Tillery Street for the S.W. corner hereof;

**THENCE** N22°58'00"E along the center of Tillery Street, at 200.18 feet passing a spindle set and in all 289.10 feet to a 1/2" iron rod set with cap stamped "WATERLOO" on the curving south R.O.W. East Cesar Chavez Street for the N.W. corner hereof;

**THENCE** 31.14 feet along the arc of the curving south R.O.W. of East Cesar Chavez Street, curving to the left with a radius of 1482.54 feet and having a chord which bears S82°35'12"E for a distance of 31.14 feet to the **PLACE OF BEGINNING** of this 8,573 square feet tract of land being the east one-half (1/2) of Tillery Street.

**REFERENCES**

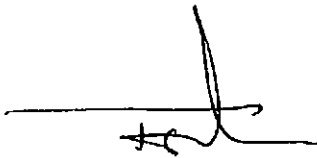
TCAD Parcel No. 02-0013  
AUSTIN GRID L-21

**STREET VACATION**

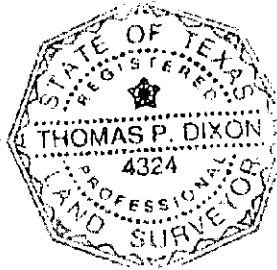
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*Reviewed 02-17-11*  
*Amelia Jones*

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JOE M. MOORE JR.  
12636/432  
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OUTLOT 15  
DIVISION "O"

TRACT "A"  
8,573 SQ. FT.

TRACT "B"  
8,779 SQ. FT.

LEGAL DESCRIPTION:  
8,573 SQUARE FEET OF LAND,  
MORE OR LESS, BEING THE EAST  
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STREET, AS DEDICATED ON THE  
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