

MEMORANDUM

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

FROM: Eric J. Hammack, Property Agent Supervisor
Land Management Section
Office of Real Estate Services

DATE: February 19th, 2015

SUBJECT: F#9445-1411 – Aerial Encroachment of Bowie Street by a
pedestrian bridge between West 5th Street and West 6th
Street.

Attached are the departmental comments and other information pertinent to the referenced right of way encroachment. **The proposed overhead pedestrian bridge is intended to provide emergency access to an adjacent site during severe flood events in Shoal Creek.** All affected departments and private utility franchise holders have reviewed this request and recommend approval.

The applicant has requested that this item be submitted for placement on the February 24th, 2015, **Planning Commission Agenda** for their consideration.

Staff contact: Eric Hammack at 974-7079 or landmanagement@austintexas.gov

Applicant: Joe Longaro, of Longaro & Clarke, LP.

Property Owner: Shoal Creek Walk, Ltd.

Mr. Longaro or his delegate will be present at the meeting to answer any questions regarding the project, if needed.

Eric J. Hammack, Property Agent Supervisor
Land Management Section

OFFICE OF REAL ESTATE SERVICES
Attachments

DEPARTMENT COMMENTS FOR THE
AERIAL ENCROACHMENT OF BOWIE STREET BETWEEN WEST 5TH STREET AND
WEST 6TH STREET BY AN OVERHEAD PEDESTRIAN BRIDGE

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AT&T	APPROVE
AUSTIN ENERGY	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN WATER	APPROVE
CTM – GAATN	APPROVE
CAPITAL METRO	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE
PARD	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Engineering)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Transportation)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Neighborhood Planning)	PLANNING COMMISSION
PLANNING & DEVELOPMENT REVIEW (Urban Design)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Zoning Review)	APPROVE
PUBLIC WORKS	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE
WATERSHED PROTECTION (Engineering)	APPROVE

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MEMORANDUM

Case No.: 9445-1411

Date: Nov. 6, 2014

SUBJECT: ROW ENCROACHMENT

- | | | | |
|----------------------|--------------------------------|-----------------------|---------------------------|
| () Lucy Cabading | AT&T | () Danielle Guevara | PDRD (LUR-Engineering) |
| () Melody Giambruno | Austin Energy | () Sangeeta Jain | PDRD (LUR-Transportation) |
| () Rob Spillar | Austin Transportation Director | () Mark Walters | PDRD (N'borhood Planning) |
| () Angela Baez | Austin Water | () Humberto Rey | PDRD (Urban Design) |
| () Roberto Gonzalez | Capital Metro | () Wendy Rhoades | PDRD (Zoning Review) |
| () Carlos DeMatos | CTM - GAATN | () Daren Duncan | City Engineer |
| () David Brietzke | Fire | () Eric Dusza | PWD (Sidewalks) |
| () John Schultz | Google | () Jeffrey Svadlenak | Texas Gas |
| () Luis Mata | Grande Communication | () Scott Wratten | Time Warner |
| () Marilyn Shashoua | PARD | () Katina Bohrer | WPD (Engineering) |
| () Mike Turner | Resource Recovery | | |

A request has been received for the aerial encroachment (948 sf) of street right of way by a pedestrian bridge at Bowie Street, between West 5th Street and West 6th Street (Adjacent to 835 W. 6th Street).

Please review this request and return your comments to Eric Hammack (974-7079), email address: landmanagement@austintexas.gov or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: November 21, 2014.

APPROVAL: _____ YES _____ Yes, Subj. to Reqm't _____ No

Comments: _____

Imagine Austin Comprehensive Plan - - - (CITY OF AUSTIN REVIEWERS ONLY):

Please also review the Vacation request based on the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan (page 186).

Comments: _____

Prepared by: _____

Date: _____

Reviewed by: _____

Telephone: _____

October 29, 2014

Eric Hammack
Andy Halm
City of Austin
Office of Real Estate Services
Land Management Division
505 Barton Springs Road, Suite 1350
Austin, Texas 78704

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RE: Sixth + Lamar East Block (SP-2012-0036C)
Request for Encroachment Agreement
Longaro & Clarke, LP Project #232-02-83

Dear Eric & Andy:

The Sixth + Lamar East Block site plan (City of Austin Site Development Permit Case #SP-2012-0036C) calls for alternative first responder access during flood situations via a pedestrian aerial bridge that straddles Bowie Street and connects a building on the Sixth + Lamar East Block development with the Whole Foods building (City of Austin Site Development Permit Case # SP-02-0426C).

As requested, below are our answers regarding the proposed encroachment.

1. *This is a commercial project*
2. *The area of the encroachment was dedicated by plat, Raymond Plateau Subdivision (Book 1, Page 30 of the Plat Records of Travis County, Texas), as Bowie Street right-of-way.*
3. *The proposed encroachment area was not purchased by the City.*
4. *The encroachment does not currently exist. It is proposed on SP-2012-0036C.*
5. *Yes there are existing utility lines in the proposed encroachment area, but the aerial bridge will have a minimum of 30' of clearance from the pavement as such it will allow the passage of all vehicles as well as the repair on any utilities that may be needed. There is no anticipated need to relocate utilities.*
6. *A pedestrian aerial bridge that connects the Sixth + Lamar East Block development with the Whole Foods development is required per SP-2012-0036C within the encroachment area as alternative first responder access during flood situations.*
7. *The encroachment is called for on SP-2012-0036C and a correction to it and SP-02-0426C will be processed once the encroachment agreement is finalized and approved.*
8. *Both the Sixth + Lamar East Block development and Whole Foods development are unified developments.*
9. *This is not a SMART Housing Project.*
10. *Construction is anticipated to begin February of 2015.*
11. *The Whole Foods development site plan has been constructed.*

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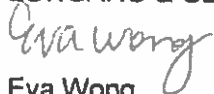
12. *The property that the Sixth + Lamar East Block development is located on is currently a parking lot. The Whole Foods development has street level parking as well as several levels of underground parking.*
13. *No, the area of encroachment is not within UT boundaries.*
14. *Yes, the area of encroachment is with Downtown boundaries.*
15. *The proposed encroachment does not support all the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan.*

The following items are included with this submission:

- Signed application
- Corporate resolution
- Application fee of \$1,000
- Original of Surveyor's metes and bounds
- Location map
- (2) CDs: PDF of Bridge Plan
- Owners' deed
- Partnership agreements
- (3) 11" x 17" copies of Bridge Plan
- Raymond Plateau Subdivision plat
- Color Aerial

A lien search certificate will be provided once preliminary approval of the permanent encroachment has been received. Please call if you have further questions or require additional information.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Eva Wong
Project Coordinator

cc: Joseph Longaro, P.E. (Longaro & Clarke, LP)
Rick Duggan (Schlosser Development)

Application for an Encroachment Agreement

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File No. 9445-1411
Department Use Only

DATE: 11-4-14
Department Use Only

I. TYPE OF ENCROACHMENT

Encroachment Type: Aerial Sub-surface Surface

List TYPE OF ENCROACHMENT to be placed on Public Property: Pedestrian bridge across/over Bome Street R.O.W. as required in SP-2012-0036C

Has encroachment been installed prior to application: Yes No

Adjoins property at the following street address: 855 W. 6th Street and 925 N. Lamar Blvd.

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: 01-0700-0919-0000, 01-0700-0913-0000, 01-0700-0816-0000, 01-0700-0816-0000
Survey & Abstract: N 5th ROW of Bome Street between W 5th St. and W 6th St.
Lot(s) N/A Block N/A Outlot N/A
Subdivision Name: Raymond Plateau Subdivision
Plat Book 1 Page Number 30 Document Number N/A
County/Records: TRANS County: Deed Real Property Official Public
NOTE: Attach three dimensional metes and bounds survey of Encroachment area.

3. RELATED CASES

Existing Site Plan: YES NO
Subdivision: Case: YES / NO
Building Permit: YES / NO
FILE NUMBERS
SP-2012-0036C, SP-02-0426C

4. APPLICANT INFORMATION

Name: Joe Longara
Firm Name: Longara & Clarke LP
Address: 3839 Bro. Cole Rd #150 City: Austin State: TX
Zip: 78746 Phone: (512) 306-0228 Fax No.: 512-306-0338
EMAIL ADDRESS: joel@longaraclarke.com (cc=www@longaraclarke.com)

5. DEVELOPER INFORMATION

Name: Rick Duggan
Firm Name: Shoal Creek Walks Lldc
Address: 405 N. Lamar Blvd. #200 City: Austin State: TX
Zip: 78703 Phone: (512) 472-7774 Fax No.: (512) 472-5774

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6. LANDOWNER INFORMATION

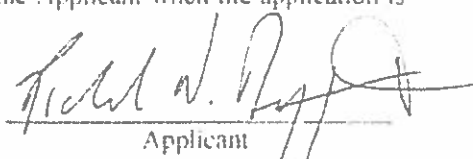
(Sixth+ Lamar East Block Tract)

Name: Shoal Creek Walk, Ltd. (as shown on Deed)
Address: 405 N. Lamar Blvd. #200 City: Austin State: TX
Zip: 78703 Phone: (512) 472-7774 Fax No.: (512) 472 5774
Lienholder Name: N/A
Lienholder Address: _____
Lienholder Phone Number: _____ Fax Number: _____
(If multiple owners are joining in this request - complete names, addresses on each, must be attached.)

7. LICENSEE INFORMATION, if other than Landowner (Tenant)

Name: Shoal Creek Walk, Ltd.
Address: 405 N. Lamar Blvd. #200 City: Austin State: TX
Zip: 78703 Phone: (512) 472-7774 Fax No.: (512) 472 5774
Contact Person: Rick Duggan Phone: (512) 472-7774

I the undersigned Applicant declare that the information provided in this application is true and correct. I have read and understand that the processing of this Application will be handled in accordance with the Procedure for Requesting an Encroachment Agreement and that no action on processing will be taken without payment of the non-refundable processing fee. I understand that acceptance of this application and fee in no way obligates the City to enter into an Encroachment Agreement. I understand that the value of the Right-of-Way, if allowed to be encroached, will be determined by the City of Austin, Real Estate Services Division, a certified check will be required before scheduling an agenda item for Council review and Certificate of Insurance must be presented before an agreement, if approved, is executed. It is further understood that the City is not responsible for any cost or inconvenience incurred by the Applicant when the application is not approved.

Signed By: 
Applicant

- Please check the appropriate box.
- Landowner
 - Tenant
 - Agent for Landowner
 - Agent for Tenant

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6. LANDOWNER INFORMATION (Whole Foods Tract)

Name: LSA/WF Project, Ltd. (as shown on Deed)

Address: 601 N. Lamar Blvd. #301 City: Austin State: TX

Zip: 78703 Phone: () Fax No.: ()

Lienholder Name: John Hancock Real Estate Finance, Inc.

Lienholder Address: John Hancock Tower, T-56, 200 Clarendon Street
Boston, MA 02116

Lienholder Phone Number: Fax Number:

(If multiple owners are joining in this request - complete names, addresses on each, must be attached.)

7. LICENSEE INFORMATION, if other than Landowner (Tenant)

Name: SHOAL CREEK WALK, Ltd.

Address: 405 N. Lamar Blvd. #200 City: Austin State: TX

Zip: 78703 Phone: (512) 472-7774 Fax No.: (512) 472-5774

Contact Person: Rick Duggan Phone: (512) 472-7774

I the undersigned Applicant declare that the information provided in this application is true and correct. I have read and understand that the processing of this Application will be handled in accordance with the Procedure for Requesting an Encroachment Agreement and that no action on processing will be taken without payment of the non-refundable processing fee. I understand that acceptance of this application and fee in no way obligates the City to enter into an Encroachment Agreement. I understand that the value of the Right-of-Way, if allowed to be encroached, will be determined by the City of Austin, Real Estate Services Division, a certified check will be required before scheduling an agenda item for Council review and Certificate of Insurance must be presented before an agreement, if approved, is executed. It is further understood that the City is not responsible for any cost or inconvenience incurred by the Applicant when the application is not approved.

Signed By: [Signature]
Applicant

- Please check the appropriate box.
- Landowner
 - Tenant
 - Agent for Landowner
 - Agent for Tenant

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Lots 1, 2, and the remainder of Lot 3, Block 5 of Raymond Plateau Subdivision, Outlot 11, Division Z of the City of Austin, Texas, Recorded in Vol V, Pg 401 Deed Records of Travis County, Texas and Bk 1, Pg 30, Plat Records of Travis County, Texas; Same being Lots 1-6, 9, and a portion of Lot 7, Resubdivision of Original Lots No. One and Two in Block 5, Outlot 11, Division Z of the City of Austin, Texas and a 4,940 S.F. of land, being a portion of the Bowie Street R.O.W., having been dedicated by the plat of Raymond Plateau Subdivision, recorded in Bk 1, Pg 30 Plat Records of Travis County, Texas and described in Quitclaim Deed Doc. #2007095479 Official Public Records of Travis County, Texas

F#EA _____

EXHIBIT " "
DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION
WHOLE FOODS/SHOAL CREEK WALK BRIDGE - ENCROACHMENT AGREEMENT
IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

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W. 6TH STREET
 (80' PUBLIC RIGHT-OF-WAY
 PER CITY FIELDNOTES - DEDICATION UNKNOWN)

R.O.W. LINE

R.O.W. LINE



SCALE: 1"=100'

CALLLED 4.108 ACRES
 LSA/WF PROJECT, LTD.
 DOC. #2005151717
 O.P.R.T.C.T.

BLOCK 1

RAYMOND PLATEAU SUBDIVISION,
OF THE CITY OF AUSTIN, TEXAS.
 RECORDED IN BK. 1, PG. 30,
 P.R.T.C.T.

WHOLE FOODS/SHOAL CREEK
 WALK BRIDGE - ENCROACHMENT AGREEMENT
 (948 SQ. FT.)

LEGEND

- - 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "WALLACE GROUP" (UNLESS OTHERWISE NOTED)

O.P.R.T.C.T. - OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

P.R.T.C.T. - PLAT RECORDS OF TRAVIS COUNTY, TEXAS

REFERENCES:
 MAPSCO GRID: 584V
 AUSTIN GRID: H-22
 TCAD MAP: 1-0700

CUT "X" IN
 BRICK PAVERS
 FOUND

W. 5TH STREET
 (80' PUBLIC RIGHT-OF-WAY)

FIELD NOTE
 COMMENCING
 POINT

BOWIE STREET
 (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

FIELD NOTE
 POINT OF
 BEGINNING

CALLLED 4,940 SQUARE FEET
 VACATED RIGHT-OF-WAY
 TO SHOAL CREEK WALK, L.P.
 DOC. #2014037058
 O.P.R.T.C.T.

CALLLED 2.600 ACRES
 SHOAL CREEK WALK, LTD.
 DOC. #2005151718
 O.P.R.T.C.T.

BLOCK 5

RAYMOND PLATEAU SUBDIVISION,
OF THE CITY OF AUSTIN, TEXAS.
 RECORDED IN BK. 1, PG. 30,
 P.R.T.C.T.

BARTON CREEK PEDESTRIAN BRIDGE
 (LARGE YIELD CORRODER)

SHOAL CREEK

GENERAL NOTES:

- 1.) BE IT KNOWN THAT THE SURVEYOR HAS NOT PERFORMED AN ABSTRACT AND HAS NOT BEEN FURNISHED A CURRENT TITLE COMMITMENT, THEREFORE EASEMENTS OR OTHER RIGHTS AFFECTING THE TRACT MAY NOT BE SHOWN.
- 2.) THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
- 3.) BEARINGS SHOWN HEREON ARE REFERENCED TO THE EASTERLY RIGHT-OF-WAY LINE OF LAMAR BOULEVARD BETWEEN WEST 5TH AND 6TH STREETS AS SHOWN ON JULY 1998 ACCUSURVE SURVEY HAVING A CALLED BEARING OF N 24°57'00" E WHICH WAS BASED ON THE MONUMENTED CENTERLINE OF LAMAR BOULEVARD (800 NAIL IN EXPANSION JOINT OF CONCRETE SIDEWALK FOUND TO 1/2-INCH IRON ROD WITH ACCUSURVE CAP FOUND).



The Wallace Group, Inc.

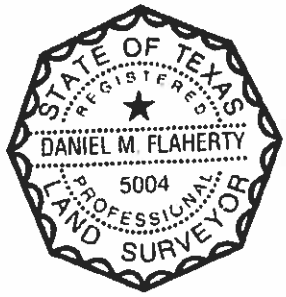
One Chisholm Trail, Suite 130, Round Rock, Texas 78681 (512) 248-0065

Engineers ■ Architects ■ Planners ■ Surveyors

Waco * Killeen * Dallas * Round Rock

TBPE F-54

TBPLS 10051701



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS. THIS THE 24TH DAY OF OCTOBER, 2014.

SURVEYED: 10-18-2014

Daniel M. Flaherty
 DANIEL M. FLAHERTY, RPLS NO. 5004

3 OF 4



SCALE

PLAT NO. A-4745

DRAFT DATE 10-24-2014

DRAWN BY TAB

WORK ORDER NO. 23327

FIELDBOOK/P.G. 202/9

TAB # A-4745

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DIGITAL FILE

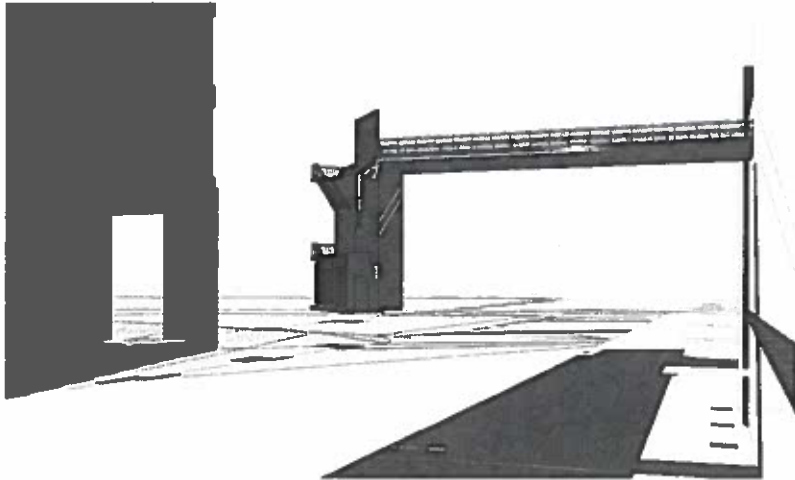
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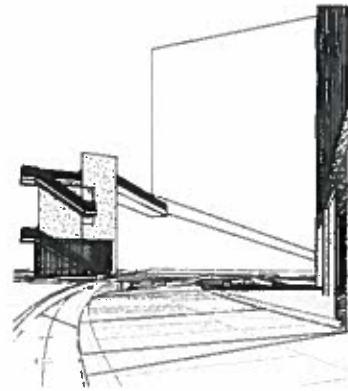
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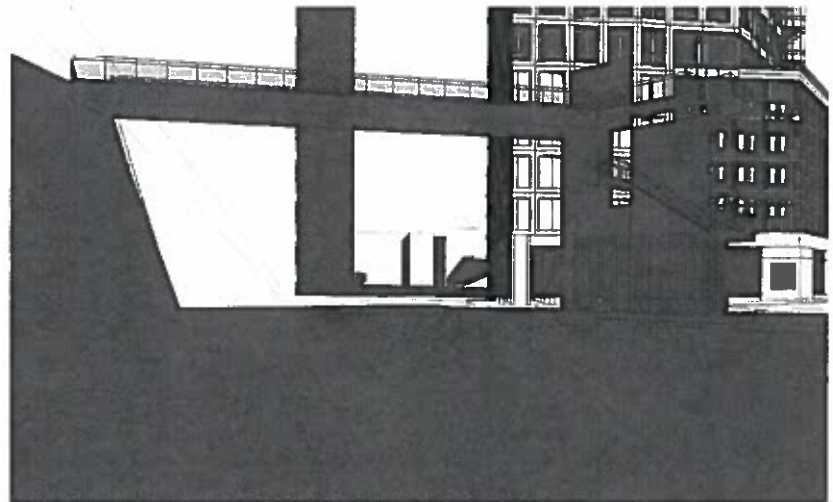
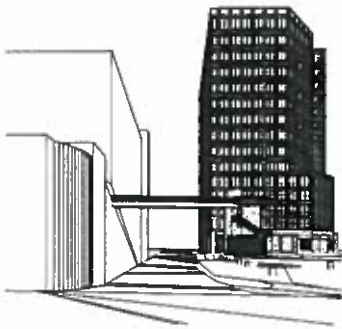
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PEDESTRIAN BRIDGE VIEW FROM NORTH WHOLE FOODS SIDEWALK



PEDESTRIAN BRIDGE VIEW FROM SOUTH SIDEWALK



HKS

Nelson\Akkerman

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SHOAL CREEK WALK
AUSTIN, TEXAS