

## MEMORANDUM

**TO:** Joana Perez, Urban Transportation Commission Coordinator  
Austin Transportation Department

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

**DATE:** March 29, 2016

**SUBJECT:** F#9642-1601 - Vacation of a portion of unconstructed right-of-way located at 500 Montopolis Drive, between Montopolis Drive and Kemp Street.

Attached are the departmental comments and other information pertinent to the referenced right of way vacation. **The area being requested for vacation will be used for property development.** All affected departments and private utility franchise holders have reviewed this request and recommend approval, subject to any dedication of a new right-of-way alignment through the property.

The applicant has requested that this item be submitted for placement on the **April 12<sup>th</sup>, 2016 Urban Transportation Commission Agenda** for their consideration.

Staff contact: Eric Hammack at 974-7079 or [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov)

Applicant: Amanda Swor, of the Drenner Group, PC

Property Owner: KEEP Investment Group, LLC

Ms. Swor or her delegate will be present at the meeting to answer any questions regarding the project and vacation request.

Eric Hammack, Real Estate Supervisor  
Land Management Division

**OFFICE OF REAL ESTATE SERVICES**

Attachments

DEPARTMENT COMMENTS FOR THE VACATION OF A PORTION  
OF UNCONSTRUCTED RIGHT OF WAY LOCATED AT 500 MONTOPOLIS DRIVE

AT&T	APPROVE
AUSTIN ENERGY	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN WATER	APPROVE
CAPITAL METRO	APPROVE
CODE COMPLIANCE	APPROVE
CTM – GAATN	APPROVE
DEVELOPMENT SERVICES (Land Use Review-Engineering)	APPROVE
DEVELOPMENT SERVICES (Land Use Review-Transportation)	APPROVE – subject to dedication of new right-of-way alignment as proposed by applicant.
EMS	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE
PARD	APPROVE
PLANNING & ZONING (Comprehensive Planning)	APPROVE / PLANNING COMMISSION
PLANNING & ZONING (Zoning Review)	APPROVE
PLANNING & ZONING (Urban Design)	APPROVE
PUBLIC WORKS	APPROVE – dedication of new right-of-way must be concurrent with or precedent to conveyance of existing right-of-way
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE
WATERSHED PROTECTION (Engineering)	APPROVE



November 9, 2015

Eric Hammack  
Real Estate Supervisor  
Land Management Section  
Office of Real Estate Services  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

**RE: 500 Montopolis Right-of-Way**

Dear Eric:

This letter is regarding an existing City of Austin right-of-way (ROW) reserve/access easement at 500 Montopolis Drive. The existing ROW reserve at this location is no longer functional as a future roadway extension of Grove Boulevard to Montopolis Drive, as was originally envisioned. ATD staff has been discussing with the property owner a preferred alignment that would provide a more desirable connection suitable to the neighboring properties. The owner is willing to dedicate the ROW for this preferred alignment. ATD supports this ROW 'exchange'. However, it is noted that if the appraised value of the vacated ROW exceeds that of the dedicated ROW, then the property owner will remain obligated to compensate the City for the balance.

Please feel free to contact me or Anna Martin with any questions.

Sincerely,

Gordon Derr, P.E.  
Assistant Director  
Austin Transportation Department







## MEMORANDUM

Case No.: 9642-1601

Date: Jan. 26<sup>th</sup>, 2016

SUBJECT:

### STREET VACATION

( ) Lucy Cabading	AT&T	( ) Marilyn Lamensdorf	PARD
( ) Melody Giambruno	Austin Energy	( ) David Marquez	DSD (LUR-Engineering)
( ) Katrina Fenrick	Austin Resource Recovery	( ) Sangeeta Jain	DSD (LUR-Transportation)
( ) Rob Spillar	Austin Transportation Director	( ) Mark Walters	P&Z (Comp. Planning)
( ) Angela Baez	Austin Water	( ) Humberto Rey	P&Z (Urban Design)
( ) Roberto Gonzalez	Capital Metro	( ) Wendy Rhoades	P&Z (Zoning Review)
( ) Bruna Quinonez	Code Compliance	( ) David Boswell	PWD – Office of City Eng'r
( ) Carlos Dematos	CTM – GAATN	( ) Nadia Barrera	PWD (connectivity)
( ) Milissa Warren	EMS	( ) Christian Barraza	Texas Gas
( ) Frank Alvarez	Fire	( ) Joseph Boyle	Time Warner
( ) Scott Cunningham	Google	( ) Katina Bohrer	WPD (Engineering)
( ) Luis Mata	Grande Communication		

A request has been received for the vacation of [an unconstructed portion of right-of-way](#) dedicated to the City of Austin by Deed recorded in Volume 10395, Page 412, Travis County Real Property Records (Located at 500 Montopolis Dr.)

Please review this request and return your comments to Eric Hammack (974-7079), email address: [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov) or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: **February, 9<sup>th</sup>, 2016.**

APPROVAL: \_\_\_\_\_ YES \_\_\_\_\_ Yes, Subj. to Req'm'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: \_\_\_\_\_

\_\_\_\_\_

Reviewed by: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

# DRENNER GROUP

direct dial: (512) 807-2904  
[aswor@drennergroupp.com](mailto:aswor@drennergroupp.com)

January 25, 2016

Mr. Eric Hammack  
Office of Real Estate Services  
City of Austin  
505 Barton Springs Road, Suite 1350  
Austin, TX 78704

Via Hand Delivery

Re: Street Vacation - for a 0.736 acre portion of public right-of-way located at 500 Montopolis Drive, Austin, Texas 78741 (the "Property").

Dear Mr. Hammack:

As representatives of the owner of the above stated Property, we respectfully submit the enclosed street vacation application package for the site located at 500 Montopolis Drive. The requested vacation is for a 0.736 acre portion of public right-of-way. The street was dedicated via a warranty deed recorded in Book 10395, Page 412 of the Travis County Official Public Records. A copy of this deed is included for your records.

The existing right-of-way runs through the property and gets larger on the western end of the property. The existing configuration anticipated the development as Grove Boulevard as a primary access point to Montopolis Drive. Because of floodplain issues and other development constraints this is no longer the development plan. As such, the property owners are proposing the release and rededication of the right-of-way. The rededication of right-of-way is not required for development of the property. The relocation will serve as a preferred alignment for the Austin Transportation Department and will allow for a more desirable connection. Please see enclosed letter from the Austin Transportation Department.

Per the application requirements, please see the enclosed attachment "A" for the vacation detail.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor

cc: Gordon Derr, Austin Transportation Department  
Anna Martin, Austin Transportation Department  
Austin Stowell, Keep Investment Group, LLC (*via electronic delivery*)

Attachment "A"

1. Is this a residential or commercial project?

**Residential**

2. How was the area to be vacated dedicated? By plat or by separate instrument?

**The street was dedicated via a warranty deed recorded in Book 10395, Page 412 of the Travis County Official Public Records.**

3. Did the City purchase the area to be vacated? ie: Street Deed?

**Yes, it was dedicated by a street deed.**

4. Are both the area to be vacated and your property in the same "subdivision"? (They must both be in the same subdivision to be eligible.)

**The property and deed area are currently unsubdivided.**

5. Is the area to be vacated functional right-of-way, or is it only dedicated on paper?

**The right-of-way is paper only.**

6. Are there any utilities lines within the area to be vacated? If yes, what are your plans for the utilities? Applicants should be advised that easements will be retained to protect existing utilities, even if utility relocation is proposed. Also be advised that no structures may be built on, over or under the easements without a license agreement, insurance, and annual fee.

**No.**

7. How do you plan to develop the area to be vacated?

**The vacated right-of-way will be reconfigured to better address the needs of the City of Austin.**

8. Has a Site Plan been submitted on your project?

**No**

9. Is your project a Unified Development?

**No.**

10. Is your project a S.M.A.R.T. Housing Project?

**No.**

11. When do you anticipate starting construction of the development?

**Once approvals have been obtained, development is anticipated to begin in 2016.**

12. What is the current zoning on the adjacent properties?

**The current zoning is SF-3-NP.**

13. What is the current status of the adjacent properties?

**The property is adjacent to a vacant building.**

14. What type of parking facilities currently exist?

**No parking exists.**

15. Will your parking requirements increase with the expansion?

**No further parking requirements will result with the new construction.**

16. How will the increase be handled?

**N/A**

17. Have any agreements or easements been executed with adjacent landowner(s) or in draft form? If yes, please include this in your letter and provide us with a copy.

**No agreements or easements are required with adjacent landowners.**



18. Does the area to be vacated lie within the Austin Downtown Plan (DAP)? Does it meet DAP criteria?

**The property does not lie within the boundaries of the Downtown Austin Plan.**

19. Does the area to be vacated lie within UT boundaries: E. of Lamar, W. of I-35, N. of Martin Luther King and S. of 45th Street?

**No.**

20. Does the proposed vacation support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan? If so, how?

**Yes, the applicant is proposing to relocate the right-of-way in a manner that supports the goals of a compact and connected city.**

# APPLICATION FOR STREET OR ALLEY VACATION

File No. 9642-1601  
Department Use Only

DATE: 1-26-16  
Department Use Only

## TYPE OF VACATION

Type of Vacation: Street: \_\_\_\_\_; Alley: \_\_\_\_\_; ROW ☒ Hundred Block: \_\_\_\_\_  
Name of Street/Alley/ROW: Grove Boulevard Is it constructed: Yes ☒  
Property address: 500 Montopolis Drive  
Purpose of vacation: Realignment of Right-of-Way

## PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 0303170204  
Survey & Abstract No.: Abstract 24 Del Valle South Acre 1.027  
Lot(s): N/A Block: N/A Outlot: N/A  
Subdivision Name: N/A  
Plat Book N/A Page Number N/A Document Number N/A

Neighborhood Association Name: Montopolis Neighborhood Association  
Address including zip code: Meetings held at 1200 Montopolis Drive 78741

## RELATED CASES

Existing Site Plan (circle one): YES / <input checked="" type="checkbox"/> NO	FILE NUMBERS
Subdivision: Case (circle one): YES / <input checked="" type="checkbox"/> NO	<u>N/A</u>
Zoning Case (circle one): <input checked="" type="checkbox"/> YES / NO	<u>N/A</u>
	<u>C14-01-0060 (Neighborhood Plan)</u>

## PROJECT NAME, if applicable:

Name of Development Project: \_\_\_\_\_  
Is this a S.M.A.R.T. Housing Project (circle one): YES / ☒ NO  
Is this within the Downtown Austin Plan Boundaries (circle one): YES / ☒ NO

## OWNER INFORMATION

Name: KEEP Investment Group LLC (as shown on Deed)  
Address: 905 Nueces Street Phone: ( ) \_\_\_\_\_ Fax No.: (512) 590-8709  
City: Austin County: Travis State: TX Zip Code: 78701  
Contact Person/Title: Austin Stowell / Owner Cell Phone: (512) 294-8468  
Email Address: Austin@keeprealestate.com  
(If multiple owners are joining in this request, complete names and addresses for each must be attached.)

## APPLICANT INFORMATION

Name: Amanda Swor  
Firm Name: Drenner Group  
Address: 200 Lee Barton Drive, Suite 100  
City: Austin State: TX Zip Code: 78704  
Office No.: (512) 807-2904 Cell No.: ( ) \_\_\_\_\_ Fax No.: (512) 807-2917  
EMAIL ADDRESS: aswor@drennergroupp.com

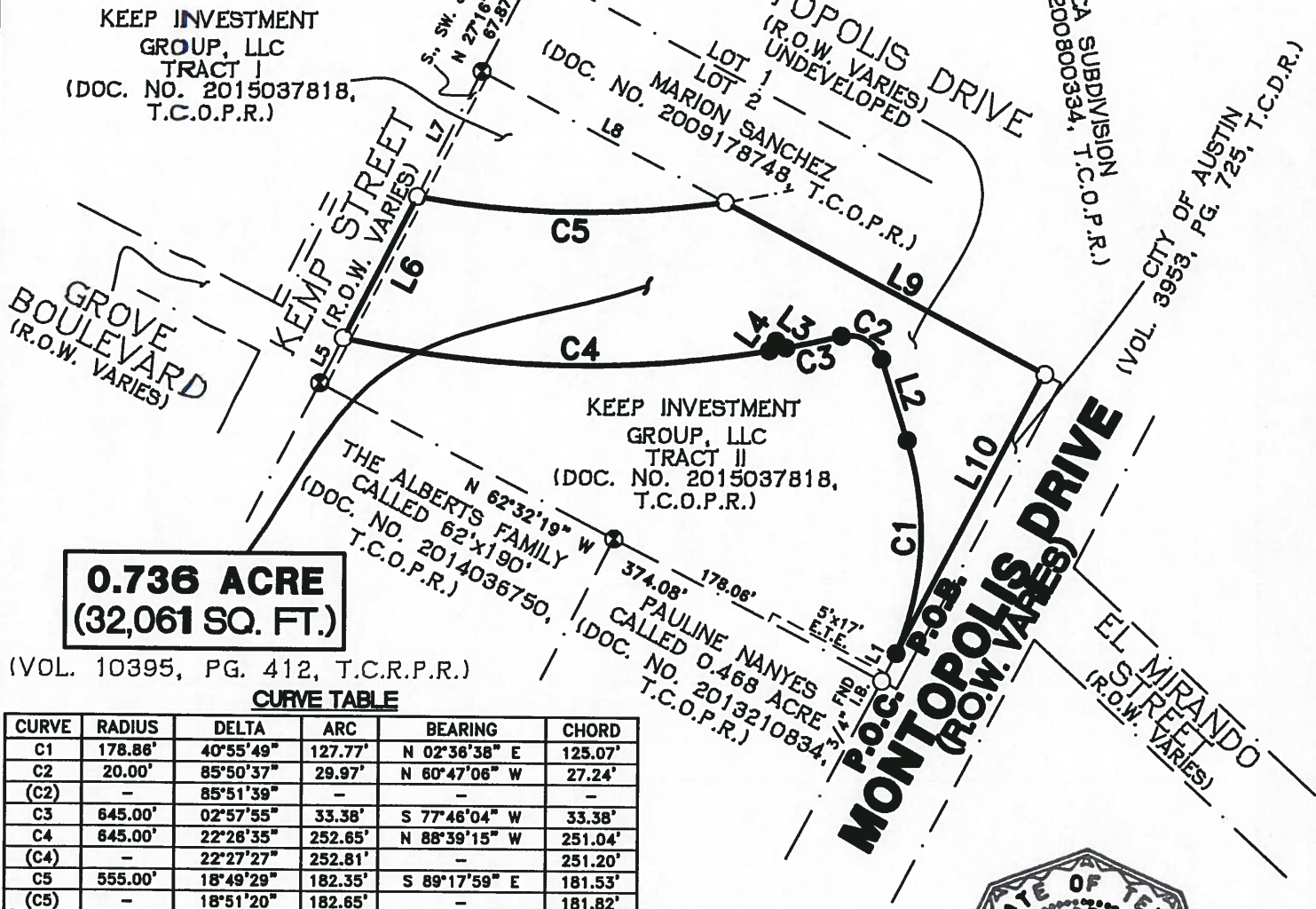
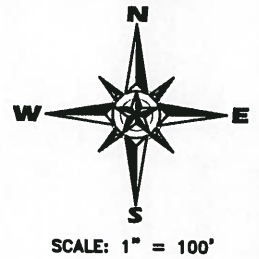
The undersigned Landowner/Applicant understands: 1) This application will be handled in accordance with standard City policies and procedures. 2) No action will be taken without (a) payment of the nonrefundable application fee, or (b) necessary documentation. 3) The application and fee in no way obligate the City to vacate the subject area. 4) All documents related to this transaction and a **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: Amanda Swor  
Landowner/Applicant

EXHIBIT FOR VACATION OF 0.736 ACRE (32,061 SQ. FT.) BEING A VARIABLE WIDTH UNDEVELOPED RIGHT-OF-WAY TO THE CITY OF AUSTIN BEING KNOWN AS MONTOPOLIS DRIVE, RECORDED IN VOLUME 10395, PAGE 412, T.C.R.P.R., TRAVIS COUNTY, TEXAS.

## LEGEND

- P.O.B. - POINT OF BEGINNING  
P.O.C. - POINT OF BEGINNING  
( ) - RECORD INFORMATION  
S, SW. & P.U.E. - STREET, SIDEWALK & PUBLIC UTILITY EASEMENT  
E.T.E. - ELECTRIC/TELEPHONE EASEMENT  
⊗ - FOUND CAPPED 1/2" IRON ROD  
● - FOUND 1/2" IRON ROD  
○ - SET 1/2" IRON ROD CAPPED  
"WSA" UNLESS OTHERWISE NOTED



**CURVE TABLE**

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	178.86'	40°55'49"	127.77'	N 02°36'38" E	125.07'
C2	20.00'	85°50'37"	29.97'	N 60°47'06" W	27.24'
(C2)	-	85°51'39"	-	-	-
C3	645.00'	02°57'55"	33.38'	S 77°46'04" W	33.38'
C4	645.00'	22°26'35"	252.65'	N 88°39'15" W	251.04'
(C4)	-	22°27'27"	252.81'	-	251.20'
C5	555.00'	18°49'29"	182.35'	S 89°17'59" E	181.53'
(C5)	-	18°51'20"	182.65'	-	181.82'

**LINE TABLE**

LINE	DISTANCE	BEARING
L1	18.23'	N 27°34'48" E
L2	50.00'	N 17°51'17" W
L3	6.97'	N 55°25'06" W
L4	6.95'	S 34°34'54" W
L5	29.86'	S 27°16'43" W
L6	93.58'	N 27°16'43" E
(L6)	93.61'	-
L7	82.63'	N 27°16'43" E
L8	182.35'	S 62°13'28" E
L9	212.81'	S 62°13'28" E
(L9)	214.43'	-
L10	185.77'	S 27°34'48" W

NOTES: ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATES, CENTRAL ZONE 4203.



**Windrose Land Services Austin**

4120 Commercial Center Dr.  
Suite 300

Austin, Texas 78744

TEL (512) 326-2100 FAX (512) 326-2770

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MICHAEL TURNER  
TEXAS R.P.L.S. NO. 6441

DATE

DRAWN BY: MDL  
DATE: 12/07/15

JOB NO. 30425-ROW  
SHEET 1 OF 3



WARRANTY DEED

9.00  
4 27 3711

Date: August 28, 1987

3:11 PM 1978

9.00 INDX  
2 1 08/31/87  
-99-DOCS  
17.32-CHK

Grantor: ROSS R. WILLHOITE, Trustee for Montopolis Church  
of Christ, and DAVID E. WILLHOITE, Individually  
and as Trustee for Montopolis Church of Christ

Grantor's Mailing Address: 255 Bastrop Hwy., Austin, Texas 78741

Grantee: CITY OF AUSTIN, a municipal corporation, situated  
in the Counties of Travis, Williamson and Hays,  
State of Texas

Grantee's Mailing Address:

P. O. Box 1088, Austin, Texas 78767-1088, Atten: Real Estate  
Division

Consideration: Cash and other good and valuable consideration

Property (including any improvements):

All that certain tract, piece or parcel of  
land, lying and being situated in the County of  
Travis, State of Texas, described in Exhibit  
"A" attached hereto and made apart hereof for  
all purposes, to which reference is here made  
for a more particular description of said  
property.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made, delivered and accepted  
subject to the payment of ad valorem taxes  
assessed against the property conveyed for the  
current year, all restrictions, covenants, any  
outstanding royalty and mineral reservations,  
conditions and easements of record affecting  
said property, and any and all zoning laws,  
regulations and ordinances of municipal and/or  
other governmental authorities affecting said  
property.

Grantor, for the consideration and subject to the reservations from  
and exceptions to conveyance and warranty, grants, sells, and conveys  
to Grantee the property, together with all and singular the rights  
and appurtenances thereto in any wise belonging, to have and hold it  
to Grantee, Grantee's heirs, executors, administrators, successors,  
or assigns forever. Grantor binds Grantor and Grantor's heirs,  
executors, administrators, and successors to warrant and forever  
defend all and singular the property to Grantee and Grantee's heirs,  
executors, administrators, successors, and assigns against every  
person whosoever lawfully claiming or to claim the same or any part  
thereof, except as to the reservations from and exceptions to  
conveyance and warranty.



Montopolis Church of Christ  
to  
The City of Austin  
(For Street Purposes)  
(Grove Boulevard)

## FIELD NOTES

DESCRIPTION OF 0.740 OF AN ACRE, MORE OR LESS, OF LAND AREA IN THE SANTIAGO DEL VALLE GRANT IN AUSTIN, TRAVIS COUNTY, TEXAS BEING A PORTION OF THAT 1.82 ACRE TRACT OF LAND CONVEYED IN A DEED FROM DAVID E. WILLHOITE TO MONTOPOLIS CHURCH OF CHRIST DATED DECEMBER 26, 1968 AND RECORDED IN VOLUME 3604 PAGE 1243 OF THE TRAVIS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar set on the existing northwest line of Montopolis Drive, for easterly corner of the aforementioned Montopolis Church of Christ tract, and for the southerly corner of that 0.2 of an acre tract of land retained in a deed from St. Edwards Baptist Church to dated March 12, 1935 and recorded in Volume 520 Page 380 of the Travis County Deed Records, for the easterly corner of the hereon described tract of land;

THENCE leaving the PLACE OF BEGINNING and the aforementioned St. Edwards Baptist Church tract with the existing northwest line of Montopolis Drive S31° 01' 52"W 185.70 feet to a 1/2" rebar set for the southerly corner of the herein described tract of land;

THENCE leaving Montopolis Drive and crossing the Montopolis Church of Christ tract the following seven courses;

1. With the left breaking curve having the following characteristics: Central angle = 40° 55' 49"; radius length = 178.86 feet; arc length = 127.77 feet; tangent length = 66.75 feet; and a chord which bears N05° 29' 43"E 125.07 feet to a 1/2" rebar set;
2. N14° 58' 12"W 50.00 feet to a 1/2" rebar set at the beginning of a left breaking curve;
3. With said left breaking curve having the following characteristics: Central angle = 85° 51' 39"; radius length = 20.00 feet; arc length = 29.97 feet; tangent length = 18.61 feet; and a chord which bears N57° 54' 01"W 27.24 feet to a 1/2" rebar set at a point of reverse curvature;
4. With a right breaking curve having the following characteristics: Central angle = 02° 57' 55"; radius length = 645.00 feet; arc length = 33.38 feet; tangent length = 16.70 feet; and a chord which bears S 80° 39' 09" W 33.38 feet to a 1/2" rebar set;
5. N 52° 32' 01"W 6.97 feet to a 1/2" rebar set;
6. S37° 27' 59"W 6.95 feet to a 1/2" rebar set on a right breaking curve;
7. With a right breaking curve having the following characteristics: Central angle = 22° 27' 27"; radius length = 645.00 feet; arc length = 252.81 feet; tangent length = 128.05 feet; and a chord which bears N 85° 45' 44"W 251.20 feet to a 1/2" rebar set in the existing southeast line of Kemp Street for the westerly corner of the herein described tract of land;

THENCE with the existing southeast line of Kemp Street N30° 14' 43"E 93.61 feet to a 1/2" rebar set for the northwest corner of the herein described tract of land;

THENCE leaving Kemp Street and crossing the Montopolis Church of Christ tract with a left breaking curve having the following characteristics: Central angle =  $18^{\circ} 51' 20''$ ; radius length = 555.00 feet; arc length = 182.65 feet; tangent length = 92.16 feet; and a chord which bears  $S86^{\circ} 25' 39'' E$  181.82 feet to a 1/2" rebar set in the common line of the aforereferenced St. Edwards Baptist Church tract and the Montopolis Church of Christ tract;

THENCE with the common line of the Montopolis Church of Christ tract and the St. Edwards Baptist Church tract  $S59^{\circ} 16' 28'' E$  214.43 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds 0.740 of an acre, more or less, or land area as described from record information and measurements made on the ground during March and April 1986 by MESA Surveying of Austin, Texas.



Victor M. Zepeda, Inc. d/b/a  
MESA Surveying

*C. Michael McMinin, Jr.*  
C. Michael McMinin, Jr.  
Registered Public Surveyor #4267

Revised April 21, 1986

Client: City of Austin  
Date: April 8, 1986  
County: Travis, Texas  
Survey: Santiago Del Valle  
CIP No: 627-816  
MESA Project # M052-068-2-C

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time stamped herein by me, and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas, c.

AUG 31 1987



*Anna S. Schramm*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

1d4/0.740

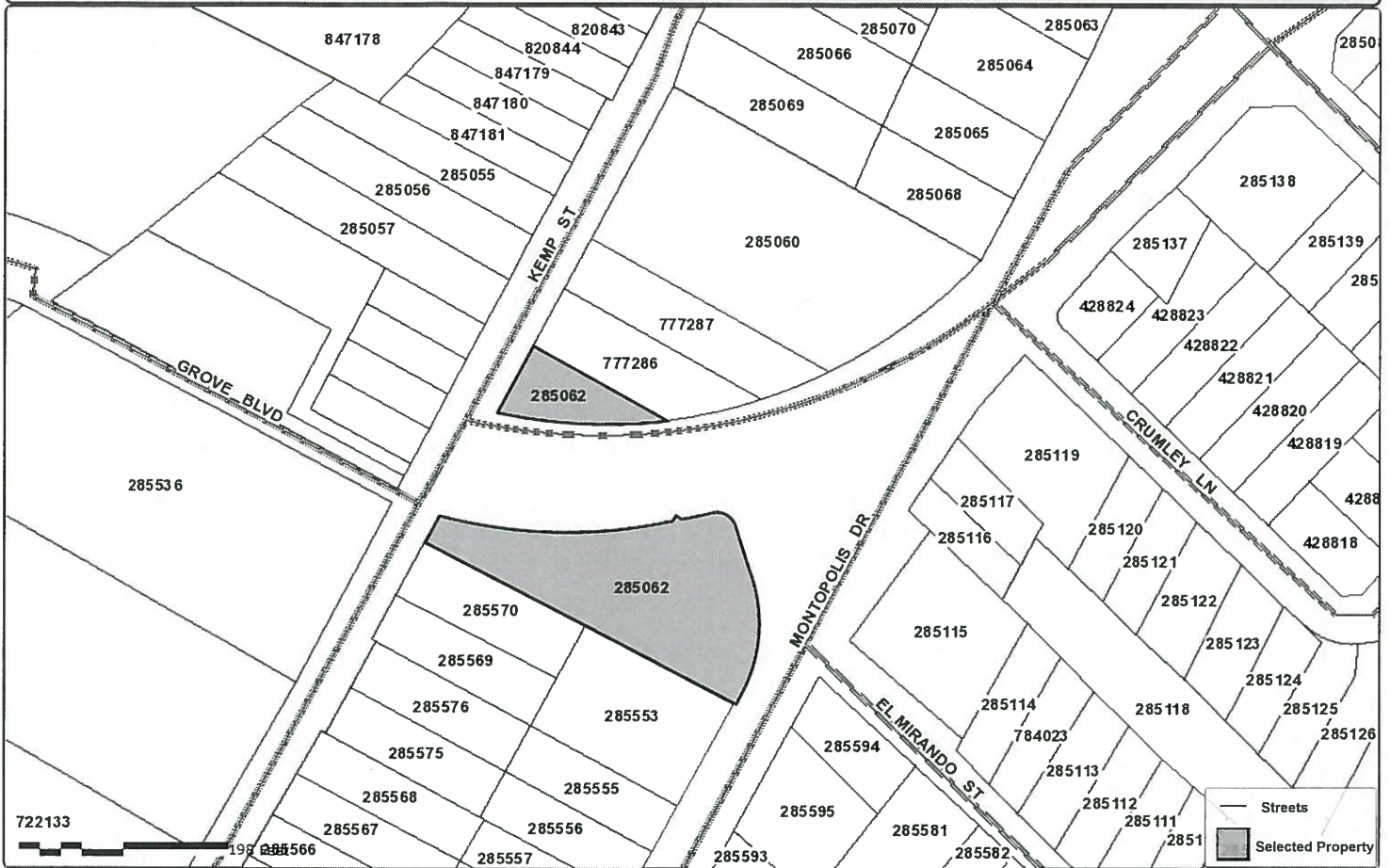
FILED

1987 AUG 31 PM 2:20

COUNTY CLERK  
TRAVIS COUNTY, TEXAS

OK William O. Schramm 5-13-87 00895 0415

## Travis CAD - Map of Property ID 285062 for Year 2015



### Property Details

#### Account

Property ID: 285062  
Geo ID: 0303170204  
Type: Real  
Legal Description: ABS 24 DELVALLE S ACR 1.027 (PRORATE 3/13/15 - 12/31/15)

#### Location

Situs Address: 500 MONTOPOLIS DR TX  
Neighborhood: EXEMPT COMMERCIAL PPTY  
Mapsc0: 616P  
Jurisdictions: 03, 02, 0A, 2J, 01, 68

#### Owner

Owner Name: KEEP INVESTMENT GROUP LLC  
Mailing Address: , 905 NUECES ST, AUSTIN, TX 78701

#### Property

Appraised Value: \$176,339.00

<http://propaccess.traviscad.org/Map/View/Map/1/285062/2015>

powered by:  
**PropertyACCESS**  
www.trueautomation.com

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