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| M E M O R A N D U M |
|----------------------------|

TO: Andrew Rivera, Planning Commission Coordinator
Planning and Zoning Department

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

DATE: April 18th, 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 26th, 2016 Planning Commission Agenda** for their consideration.

Staff contact: Eric Hammack at 974-7079 or 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.

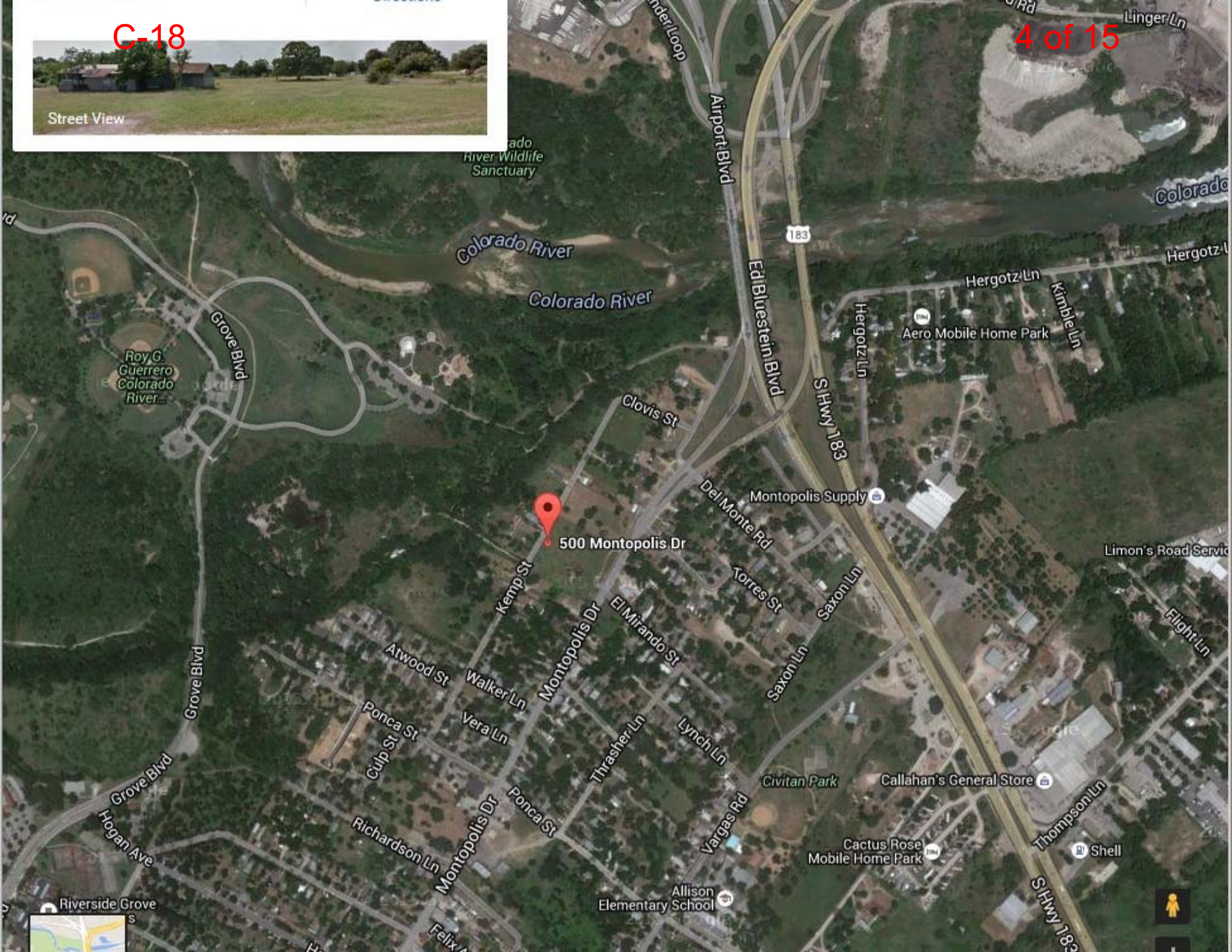
Please feel free to contact me or Anna Martin with any questions.

Sincerely,

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

C-18

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MEMORANDUM

Case No.: 9642-1601
Date: Jan. 26th, 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 or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: **February, 9th, 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

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*)

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Page 2

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.

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Page 3

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 OnlyDATE: 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

| | FILE NUMBERS |
|---|--|
| Existing Site Plan (circle one): YES / <input checked="" type="checkbox"/> NO | <u>N/A</u> |
| 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>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

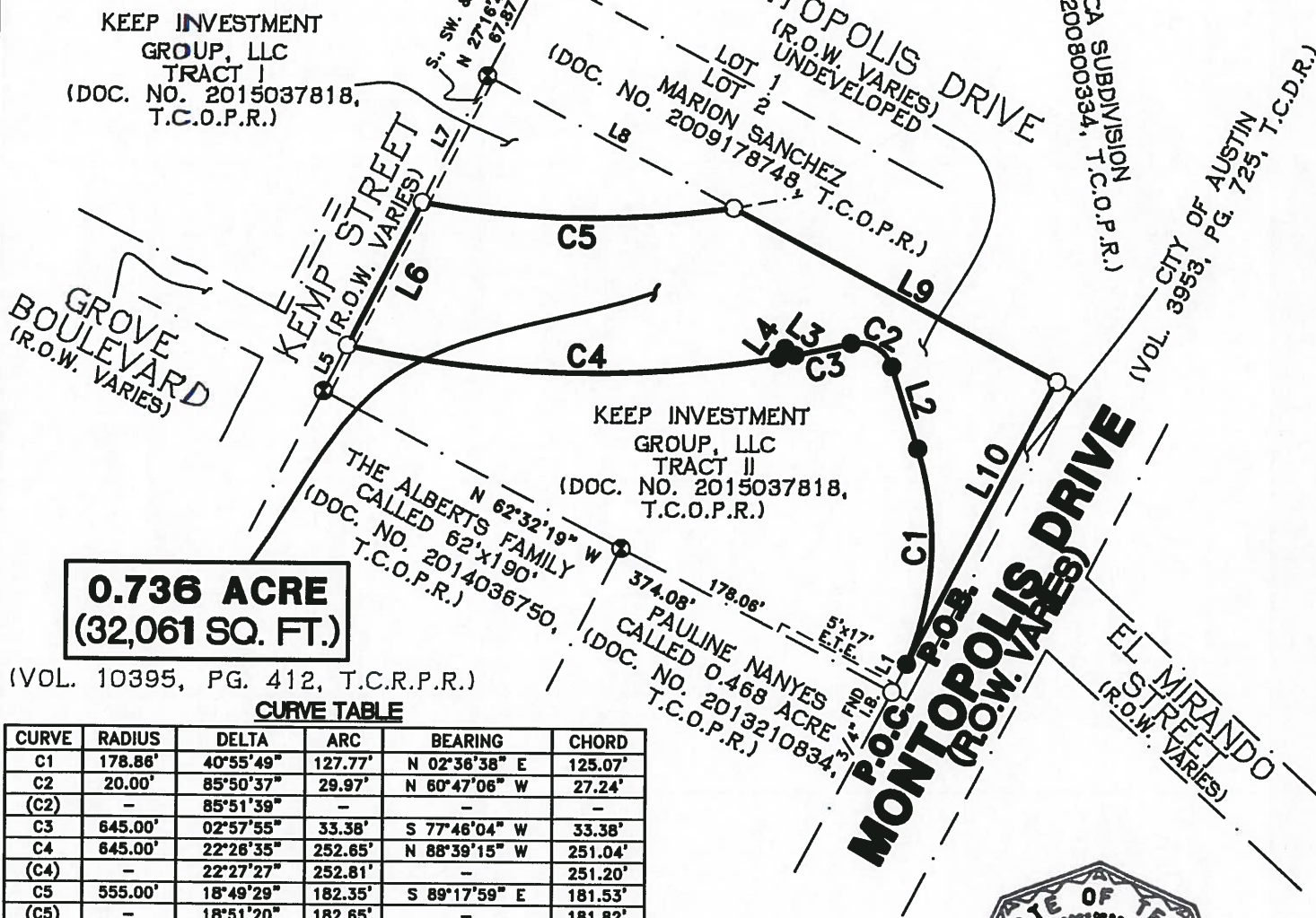
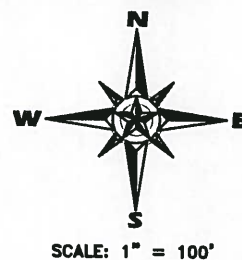
C-18

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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
"WLSA" UNLESS OTHERWISE NOTED



(VOL. 10395, PG. 412, T.C.R.P.R.)

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.

EXHIBIT "A"

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;

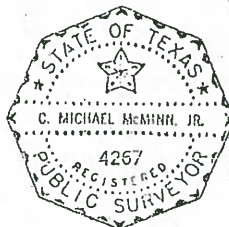
THENCE leaving Montopolis Drive and crossing the Montopolis Church of Christ tract the following seven courses;

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 McMinn, Jr.
C. Michael McMinn, 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

1d4/0.740



FILED

1987 AUG 31 PM 2:20

COUNTY CLERK
TRAVIS COUNTY, TEXAS

OK William O. Schramm 5-13-87 00395 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
 Mapsco: 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

Map Disclaimer: This tax 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 this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.