

M E M O R A N D U M

TO: [Andrew Rivera](#), Planning Commission Coordinator
Planning and Zoning Department

FROM: Kim Vasquez, Property Agent Senior
Land Management Section
Office of Real Estate Services

DATE: July 19, 2016

SUBJECT: F#9620-1511; Vacation of a portion of an alley right-of-way
located between Paul Street and Pressler Street, south of W.
5th Street.

Attached are the departmental comments and other information pertinent to the referenced alley right-of-way vacation. The southern portion of the alley was vacated in 1946. The remaining portion is currently non-functional, it is currently used as a public utilities corridor and for surface parking. All affected departments and private utility franchise holders have reviewed this request and recommend approval, subject to retaining a public utility easement.

The applicant has requested that this item be submitted for placement on the **July 26th, 2016, Planning Commission Agenda** for their consideration.

Staff contact: Kim Vasquez at 974-9241 or landmanagement@austintexas.gov

Applicant: Reynolds M. Shelton

Property Owner: Matthews-Brothers Investment, LP and Duchy East, LLC

Mr. Shelton will be present at the meeting to answer any questions regarding the project and vacation request.

Kim Vasquez, Property Agent Senior
Land Management Section

OFFICE OF REAL ESTATE SERVICES

Attachments

DEPARTMENTAL COMMENTS FOR THE VACATION OF A PORTION OF AN ALLEY
RIGHT-OF-WAY BETWEEN PAUL ST. AND PRESSLER ST.

AT&T	APPROVE
AUSTIN ENERGY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
AUSTIN WATER	APPROVE, subject to retaining a PUE easement.
CAPITAL METRO	APPROVE
CODE COMPLIANCE	APPROVE
CTM – GAATN	APPROVE
DEVELOPMENT SERVICES (Land Use Review-Engineering)	APPROVE
DEVELOPMENT REVIEW SERVICES (Land Use Review-Transportation)	APPROVE
EMS	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE, subject to applicant required to reimburse for any required utility relocation.
PARD	APPROVE
PLANNING & ZONING (Comprehensive Planning)	APPROVE / REFER TO PC
PLANNING & ZONING (Urban Design)	APPROVE
PLANNING & ZONING (Zoning Review)	APPROVE
PUBLIC WORKS (City Engineer)	APPROVE
PUBLIC WORKS	APPROVE

(Sidewalks & Special Projects)

PUBLIC WORKS
(Urban Trails)

APPROVE, no comment

TEXAS GAS SERVICES

APPROVE

TIME WARNER

APPROVE, [subject to applicant required to reimburse for any required utility relocation.](#)

WATERSHED PROTECTION (Engineering) APPROVE

MEMORANDUM

Case No.: 9620-1511

Date: R } ^ F ^ c, 2011

SUBJECT:

STREET VACATION

() Lucy Cabading	AT&T	() Marilyn Lamensdorf	PARD
() Melody Giambruno	Austin Energy	() David Marquez	DSD (LUR-Engineering)
() Mike Turner	Austin Resource Recovery	() Sangeeta Jain	DSD (LUR-Transportation)
() Rob Spillar	Austin Transportation Director	() Mark Walters	PDRD (Comp. Planning)
() Angela Baez	Austin Water	() Humberto Rey	PDRD (Urban Design)
() Roberto Gonzalez	Capital Metro	() Wendy Rhoades	PDRD (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	() Scott Wratten	Time Warner
() Scott Cunningham	Google	() Katina Bohrer	WPD (Engineering)
() Luis Mata	Grande Communication		

A request has been received for the vacation of a portion of a north-south alley located between Paul Street and Pressler Street, immediately south of West 5th Street. The area requested for vacation is the remainder of an alley that was partially vacated in 1946.

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 20th, 2015.**

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: _____

REYNOLDS MILLER SHELTON
Attorney at Law

109 Spring Creek Trail
Spicewood, Texas 78669
830 798-1931

November 5, 2015

City of Austin
Office of Real Estate Services
505 Barton Springs Road, Suite 1350
Austin, Texas 78704

Attention: Land Management Division

Re: Application for alley vacation; Lots 1, 12, 11 & 10 Block 1, Pressler's
Subdivision of Part of Out Lot No. 1, Division "Z", City of Austin

Dear Land Management Division:

On behalf of Matthews-Barnes Brothers Investment LP ("Client"), I am filing this application to vacate a portion of a 20 foot alley. The property is located west of Lamar Boulevard and outside of the Downtown Austin Plan. The property is generally bounded to the north by West 5th Street, to the west by Paul Street, to the south by West 4th Street and to the east by Pressler Street. The Travis Central Appraisal District has assigned Geographic ID number 01-9803-0903 to the property.

The property is improved with buildings associated with an automotive collision repair business. The improvements were in existence when the Client purchased the property in July 1983. The property was zoned LI-CO-NP (Limited Industrial Service, Conditional Overlay Combining District, and Neighborhood Plan Combining District). A zoning change was recently granted to LI-PDA in zoning case C14-2015-0078.

Beginning in April 2015, the property was leased month to month tenants that use the property for surface parking. A survey of the area to be vacated is attached as Exhibit A. A copy of the recorded Subdivision Plat is attached as Exhibit B. A location map is attached as Exhibit C. The deeds vesting the property in Matthews-Barnes Brothers Investment LP are attached as Exhibits D, E, and F.

All of the alley south of lot 10 to West 4th Street was vacated by City of Austin Council resolution on March 7, 1946 and recorded in Volume 943, Page 444 of the Real Property Records of Travis County. A copy of said resolution is attached as Exhibit G. The City of Austin retained the right to place utilities in the vacated alley. The Client, in good faith, believed the entire alley was vacated when it purchased the property in 1983. At the time the Client

City of Austin
Office of Real Estate Services
November 5, 2015
Page 2

purchased the property, the improvements encroached upon the alley so as to render the alley non navigable to the traveling public. Additionally, vehicles could not reach West 4th Street as a result of said prior alley vacation. The Client desires to vacate the rest of the alley since it no longer serves the purpose of connecting two streets.

In response to the questions on page 2 of the application, the Client offers these responses:

1. The current use and zoning is non residential. For over 20 years the property has been used as an automobile body repair shop. The property is currently subject to a sale and purchase agreement and the new use will be a commercial project proposed to consist of convenience storage with approximately 3,000 square feet of ground floor commercial use.
2. The area to be vacated was platted in a subdivision of record in Volume 2, Page 137, Plat Records of Travis County, recorded December 14, 1900.
3. The City did not purchase the area to be vacated.
4. The Client's property and the alley are both located in the same subdivision.
5. The area to be vacated is currently non functioning right-of-way, since a portion of the alley (adjacent to lots 4 through 9) was vacated by City of Austin Council resolution on March 7, 1946 and recorded in Volume 943, Page 444 of the Real Property Records of Travis County.
6. The City will have the right to place public utilities in the vacated alley.
7. The property is currently developed with a concrete pad and wood decking for the adjacent building. Its future use will be parking and landscaping.
8. A new site plan has not been submitted.
9. A new site plan has not been submitted.
10. This is not a residential project.
11. Construction is anticipated to begin in 2017.
12. The zoning on the property to the east of lots 10-12 and south of lot 1 is LI-CO-NP (lots 2-6). The zoning on the property to the south of lots 10-12 was LI-CO-NP (lots 7-9). A zoning change was recently granted to LI-PDA in zoning case C14-2015-0078 for lots 7 through 9.
13. The adjacent property to the east (lots 2-6) is owned by Duchy East LLC and is currently improved with an approximate 20,000 square foot warehouse (Geographic ID number 01-0803-0909). The adjacent property to the south (lots 7-9 & Geographic ID number 01-0803-0914) is owned by the Client as a result of a subsequent purchase in 1989 and was used in conjunction with the property.
14. The parking is surface parking.
15. A new site plan has not been submitted.
16. A new site plan has not been submitted.
17. No agreements or easements have been executed with the adjacent landowner.
18. The area to be vacated is not within the Austin Downtown Plan.
19. The area to be vacated is not with UT boundaries.

City of Austin
Office of Real Estate Services
November 5, 2015
Page 3

20. Yes. Encouraging and supporting the stability and growth of local business to sustain our homegrown business community. This use also provides a buffer between West 5th Street and the Union Pacific railroad line.

Thank you for your consideration of this application.

Sincerely,



Reynolds Miller Shelton

File No. 9620-1511 Application for Street or Alley Vacation DATE: 11-5-15
 Department Use Only Department Use Only

TYPE OF VACATION

Type of Vacation: Street: _____; Alley: X ROW _____ Hundred Block: 1400.
 Name of Street/Alley/ROW: N/S between West 5th & West 4th Streets Is it constructed: YES
 Property address: 1407 West 5th Street
 Purpose of vacation: The Applicant desires to vacate the rest of the alley since it no longer serves the purpose of connecting two streets.

PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 01-0803-0903
 Survey & Abstract No.: Pressler's Subdivision, Part of Outlot No. 1, Division "Z"
 Lot(s): 1, 10, 11, & 12 Block: 1 Outlot: 1
 Subdivision Name: Pressler's Subdivision
 Plat Book 2 Page Number 137 Document Number 406812

Neighborhood Association Name: Central West Austin Neighborhood Plan Contact Team
 Address including zip code: 2100 Stamford Lane, Austin, TX 78703

Neighborhood Association Name: Old West Austin Neigh Plan Contact Team
 Address including zip code: 1614 W. 9th 1/2 St., Austin, TX 78703

Neighborhood Association Name: Old West Austin Neighborhood Assn.
 Address including zip code: 800 West Lynn Street, Austin, TX 78703

Neighborhood Association Name: West Austin Neighborhood Group
 Address including zip code: P.O. Box 5722, Austin, TX 78763

Neighborhood Association Name: West End Austin Alliance
 Address including zip code: 1311-A East 6th Street, Austin, TX 78702

Neighborhood Association Name: Austin Independent School District
 Address including zip code: 1111 West 6th Street Suite B-320, Austin, TX 78703

RELATED CASES

Existing Site Plan (circle one): **NO**
 Subdivision: Case (circle one): **NO**
 Zoning Case (circle one): **YES**

FILE NUMBERS

N/A
 N/A
 C14-2015-0078

PROJECT NAME, if applicable:

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

OWNER INFORMATION

Name: Matthews-Brothers Investment, LP (as shown on Deed)
 Address: 117500 Research Blvd Phone: (512) 583-3030 Fax No.: (512) 583-3039
 City: Austin County: Travis State: Texas Zip Code: 78759
 Contact Person/Title: Duke M. Covert, Manager Cell Phone: () _____
 Email Address: duke@covertcity.net
 (If multiple owners are joining in this request – complete names, addresses on each, must be attached.)

APPLICANT INFORMATION

Name: Reynolds M. Shelton, Attorney at Law

Firm Name:

Address: 109 Spring Creek Trail

City: Spicewood State: Texas

Zip Code: 78669

Office No.: (830) 798-1931 Cell No.: (512) 461-2186

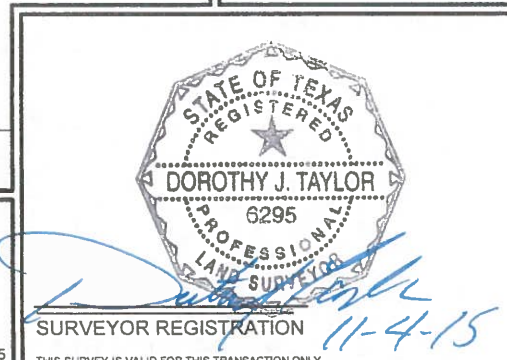
Fax No.: () _____

EMAIL ADDRESS: rmshelton@hotmail.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: _____

Applicant





FRITZ, BYRNE, HEAD & FITZPATRICK, PLLC

Attorneys at Law

May 26, 2016

City of Austin
Office of Real Estate Services
505 Barton Springs Road, Suite 1350
Austin, Texas 78704

Attention: Land Management Division

Re: Application for Alley Vacation; Lots 2 & 3 Block 1, Pressler's Subdivision of
Part of Out Lot No. 1, Division "Z", City of Austin

Dear Land Management Division:

On behalf of Duchy East, LLC, ("Client"), I am filing this application to join with a previously filed application to vacate a portion of a 20 foot alley. My Client proposes to join with the application for alley vacation filed by Matthews-Barnes Brothers Investment LP ("Matthews-Barnes") which filed its application November 5, 2015 and was assigned number F#9620-1511 by the City of Austin (COA).

My Client's property is located adjacent to that of Matthews Barnes and is west of Lamar Boulevard and outside of the Downtown Austin Plan. The property is generally bounded to the north by West 5th Street, to the west by the subject 20 foot wide alley, to the south by West 4th Street and to the east by Pressler Street. The Travis Central Appraisal District has assigned ID number 01-0803-0909 to the property. When Matthews-Barnes filed its application, the COA would not approve the application unless the remainder of the alley was being vacated. Matthews-Barnes requested that my Client join in their application for alley vacation and my Client has agreed. By filing this application, my Client wishes to join with Matthews-Barnes in its application for vacation of the alley.

My Client's property is improved with buildings associated with retail sales. The improvements were in existence when the Client acquired the property in March 2013. The property is zoned LI-CO-NP (Limited Industrial Service, Conditional Overlay Combing District, and Neighborhood Plan Combining District).

Value Driven . . . Client Oriented



221 WEST SIXTH STREET SUITE 960 AUSTIN TX 78701 (512) 476-2020 FAX: (512) 477-5267 WWW.FBHF.COM

A survey of the area to be vacated is attached as **Exhibit A**. A copy of the recorded Subdivision Plat is attached as **Exhibit B**. A location map is attached as **Exhibit C**. The deed vesting the property in Duchy East, LLC is attached as **Exhibit D**.

All of the alley south of lot 3 to West 4th Street was vacated by City of Austin Council resolution on March 7, 1946 and recorded in Volume 943, Page 444 of the Real Property Records of Travis County. A copy of said resolution is attached as **Exhibit E**. The City of Austin retained the right to place utilities in the vacated alley. Vehicles cannot reach West 4th Street as a result of said prior alley vacation. The Client desires to vacate the rest of the alley since it no longer serves the purpose of connecting two streets.

The property is leased to SO-FIT, LLC under a ten year lease executed effective May 20, 2013 which has renewal options. A portion of the property is sublet to Rogue Equipment, LLC and to Ted Spears, MD, PA dba Sports Performance International. A list of such tenants is attached as **Exhibit F**.

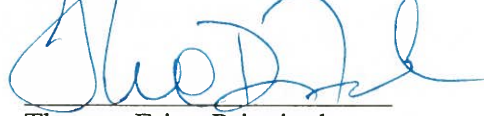
In response to the questions on page 2 of the application, the Client offers these responses:

1. The current use and zoning is non residential.
2. The area to be vacated was platted in a subdivision of record in Volume 2, Page 137, Plat Records of Travis County, recorded December 14, 1900.
3. The City did not purchase the area to be vacated.
4. The Client's property and the alley are both located in the same subdivision.
5. The area to be vacated is currently non-functioning right-of-way, since the southern portion of the alley (adjacent to lots 4 through 9) was vacated by City of Austin Council resolution on March 7, 1946 and recorded in Volume 943, Page 444 of the Real Property Records of Travis County.
6. The City will have the continued right to place public utilities in the vacated alley.
7. The Client has no current development plans for the alley. The Client wishes to join in the application of Matthews-Barnes to vacate the alley, which application was filed November 5, 2015 and was assigned number F#9620-1511 by the City of Austin (COA).
8. A new site plan has not been submitted.
9. A new site plan has not been submitted.
10. This is not a residential project.
11. There are no current plans to change the current use of the property.
12. The zoning on the property to the west of lots 2 and 3 is LI-PDA (zoning case C14-2015-0078 for lots 7 through 12). Lot 1, to the north of Lot 2, is LI-CO-NP.
13. The adjacent property to the west (lots 7-12) is owned by Matthews-Barnes Brothers Investment LP and is currently improved with buildings associated with an automotive collision repair business.
14. The parking is surface parking.
15. A new site plan has not been submitted.
16. A new site plan has not been submitted.
17. No agreements or easements have been executed with the adjacent landowner other than the agreement to join in the vacation of the alley.
18. The area to be vacated is not within the Austin Downtown Plan.

19. The area to be vacated in not with UT boundaries.
20. Yes. Encouraging and supporting the stability and growth of local business to sustain our homegrown business community. This use also provides a buffer between West 5th Street and the Union Pacific railroad line which runs east/west to the immediate south of the property.

Thank you for your consideration of this application.

Sincerely,



Thomas Fritz, Principal

CC: Ben Schotz
Reynolds Shelton

Application for Street or Alley Vacation

File No. _____
Department Use OnlyDATE: _____
Department Use Only**TYPE OF VACATION**

Type of Vacation: Street: _____; Alley: X; ROW _____ Hundred Block: _____
 Name of Street/Alley/ROW: N/S between West 5th & West 4th Streets Is it constructed: YES
 Property address: 410 Pressler Street
 Purpose of vacation: The Applicant desires to vacate the rest of the alley since it no longer serves the purpose of connecting two streets

PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 01-0803-0909
 Survey & Abstract No.: Pressler's Subdivision, Part of Outlot No. 1, Division "Z"
 Lot(s): 2 and 3 Block: 1 Outlot: 1
 Subdivision Name: Pressler's Subdivision
 Plat Book 2 Page Number 137 Document Number 406812

Neighborhood Association Name: Central West Austin Neighborhood Plan Contact Team
 Address including zip code: 2100 Stamford Lane, Austin, TX 78703

Neighborhood Association Name: Old West Austin Neigh Plan Contact Team
 Address including zip code: 1614 W. 9th ½ St., Austin, TX 78703

Neighborhood Association Name: Old West Austin Neighborhood Assn.
 Address including zip code: 800 West Lynn Street, Austin, TX 78703

Neighborhood Association Name: West Austin Neighborhood Group
 Address including zip code: P.O. Box 5722, Austin, TX 78763

Neighborhood Association Name: West End Austin Alliance
 Address including zip code: 1311-A East 6th Street, Austin, TX 78702

Neighborhood Association Name: Austin Independent School District
 Address including zip code: 1111 West 6th Street Suite B-320, Austin, TX 78703

RELATED CASES

Existing Site Plan (circle one): NO
 Subdivision: Case (circle one): NO
 Zoning Case (circle one): NO

FILE NUMBERS

N/A
 N/A
 N/A

PROJECT NAME, if applicable:

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

OWNER INFORMATION

Name: DUCHY EAST, LLC
 Address: 1711 San Gabriel Phone: (512) 476-5913 Fax No.: (512) 828-6297
 City: Austin County: Travis State: Texas Zip Code: 78701
 Contact Person/Title: Ben Schotz, Manager Cell Phone: (512) 470-2885
 Email Address: schotz@gmail.com
 (If multiple owners are joining in this request – complete names, addresses on each, must be attached.)

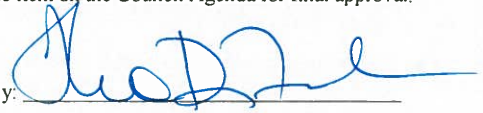
APPLICANT INFORMATION

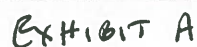
Name: Thomas D. Fritz
Firm Name: Fritz, Byrne, Head & Fitzpatrick, PLLC
Address: 221 W. 6th Street, Suite 960
City: Austin State: Texas Zip Code: 78701
Office No.: (512) 476-2020 Cell No.: (512) _____ Fax No.: (512) 477-5267

EMAIL ADDRESS: tfritz@fbhf.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: _____





[illegible]

*This Map was sent President Subdivision of New York & New Jersey
City of Clinton, and covers land owned by us.
The Streets and Allys are in a good condition and subject for public use.*

RESSLER'S SUBDIVISION OF PART OF OUT LOT No. 10 DIV. 2.

CITY OF AUSTIN

Filed Dec. 5 '1900 at 2 P.M.
Recorded Dec. 19 '1900 at 11 A.M.

943-444

heretofore been paid off is hereby released insofar as such payments are concerned only.

And the Grantor hereby bargains, sells and conveys, unto the said Vernon Mutual Life and Accident Association, all of the right, title and interest now owned or held by Grantor in and to said land and the improvements and to said note and the lien securing it.

TO HAVE AND TO HOLD unto the said Vernon Mutual Life and Accident Association, Vernon, Texas, its successors and assigns, the balance due and owing of Twelve Thousand Five Hundred and no/100 (\$12,500) Dollars on the above described note, together with all and singular, the contract lien and vendor's lien which the Grantor has by virtue of being the legal owner and holder of said note and lien securing same, hereby covenanting that all payments, offsets and credits to which said note is entitled, do appear on the back thereof and Vernon Mutual Life and Accident Association, its successors and assigns, is hereby authorized to release said lien upon payment of the indebtedness hereby transferred and assigned.

Witness my hand this the 13th day of December, 1948.

Edward C. Cronin

The State of Texas,,
County of Travis.

Before me, the undersigned authority, on this day personally appeared Edward C. Cronin, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 13th day of December, 1948.

Ray Gurley

Notary Public in and for Travis County, Texas.

(Notary Seal)

Filed for Record Dec. 14, 1948 at 4:00 P.M.--- Recorded Dec. 15, 1948 at 9:05 A.M.---

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RESOLUTION

WHEREAS, in book 2, page 137, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Pressler's Subdivision, a subdivision of a portion of Outlot 1, Division 2, of the Government Outlots within the City of Austin, Travis County, Texas; and,

WHEREAS, upon said map or plat there appears various streets and alleys, one of which alleys herein referred to is 20 feet in width and traverses Block 1, of Said Pressler's Subdivision, and being the alley one-half block West of and parallel to Pressler Street, and extending from West 4th Street, to West 5th Street; and,

WHEREAS, the owners of all the property abutting said alley from a point 153.9 feet south of the South line of West 5th Street, south to West 4th Street, have requested the City Council of the City of Austin to close the above described portion of said alley; and

WHEREAS, said request has been reviewed and considered by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That that portion of the alley in Block 1, of Pressler's Subdivision lying between a point 153.9 feet south of the south line of West 5th Street, and the north line of West 4th Street be, and the same is hereby permanently closed and vacated except the City of Austin hereby retained the right to construct, maintain, operate and control all public

utilities in, upon and across the above described portion of said alley.

ADOPTED: March 7, 1946.

APPROVED: March 7, 1946.

ATTEST:

Helen K. Busche

City Clerk

The State of Texas,

County of Travis.

TOM MILLER

M a y o r

I, Hallie McKellar, City Clerk of the City of Austin, Texas, hereby certify that the foregoing and attached resolution is a true and correct copy of a resolution passed by the City Council of said City, on March 7, 1946, as same appears of record in Minute Book No. 23, at page 257, of the Minutes of said City Council; a quorum being present and voting for the adoption of the resolution.

Witness my hand and seal of office at Austin, Texas, this 14th day of December, A. D. 1948.

Hallie McKellar

City Clerk, City of Austin, Texas.

(Seal)

The State of Texas,

County of Travis.

Before me, the undersigned authority, a Notary Public in and for the County of Travis, and State of Texas, on this day personally appeared Hallie McKellar, City Clerk of the City of Austin, Texas, known to me to be the person whose name is subscribed to the foregoing instrument; and she acknowledged to me that she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office at Austin, Texas, this 14th day of December, A. D. 1948.

Elsie Woolley

Notary Public, Travis County, Texas.

(Notary Seal)

Filed for Record Dec. 14, 1948 at 4:00 P.M.--- Recorded Dec. 15, 1948 at 9:00 A.M.----

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APPLICATION TO PROBATE WILL **no 23, 200**

IN RE ESTATE OF HENRY T. MATTHEWS, ^{de} IN THE COUNTY COURT, BEXAR COUNTY,
DECEASED. _{th} T E X A S.
TO THE HONORABLE COUNTY COURT IN AND FOR SAID COUNTY:

I. Now comes your petitioner, Ida Mai Matthews, and states that Henry T. Matthews is dead; that he died on or about the 30th day of March, A. D. 1935, that said deceased, at the time of his death, was a resident of the County of Bexar, in the State of Texas.

II. That at the time of his death the said Henry T. Matthews was seized and possessed of real and personal property situated in Bexar County, Texas, and left a written will, duly executed and herewith filed, in which your petitioner was appointed independent executrix without bond.

III. That your petitioner is not disqualified by law from accepting letters testamentary.

Wherefore, your petitioner prays the Court that citation be issued to all parties interested in said estate, as required by law, and that said will be admitted to probate.