

## MEMORANDUM

**TO:** **Emily Smith**, Urban Transportation Commission Coordinator  
Austin Transportation Department

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

**DATE:** September 30, 2016

**SUBJECT:** F#9575-1509; Vacation of a portion of Right of Way located between southbound Highway 183 and Ponca Street, immediately south of Vargas Road. Adjacent to 500 Bastrop Hwy.

Attached are the departmental comments and other information pertinent to the referenced alley right-of-way vacation. **The area being requested for vacation will be used as part of a site re-development of the adjoining property.** All affected departments and private utility franchise holders have reviewed this request and recommend approval, **subject to area being retained as a public utility easement.**

The applicant has requested that this item be submitted for placement on the **October 11, 2016, Urban Transportation Commission Agenda** for their consideration.

Staff contact: Kim Vasquez at 974-9241 or [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov)

Applicant: James Schissler, Jones & Carter, Inc.

Property Owner: Chase Equities Inc.

Mr. Schissler or his delegate will be present at the meeting to answer any questions regarding the project and the vacation request.

Kim Vasquez, Property Agent Senior  
Land Management Section

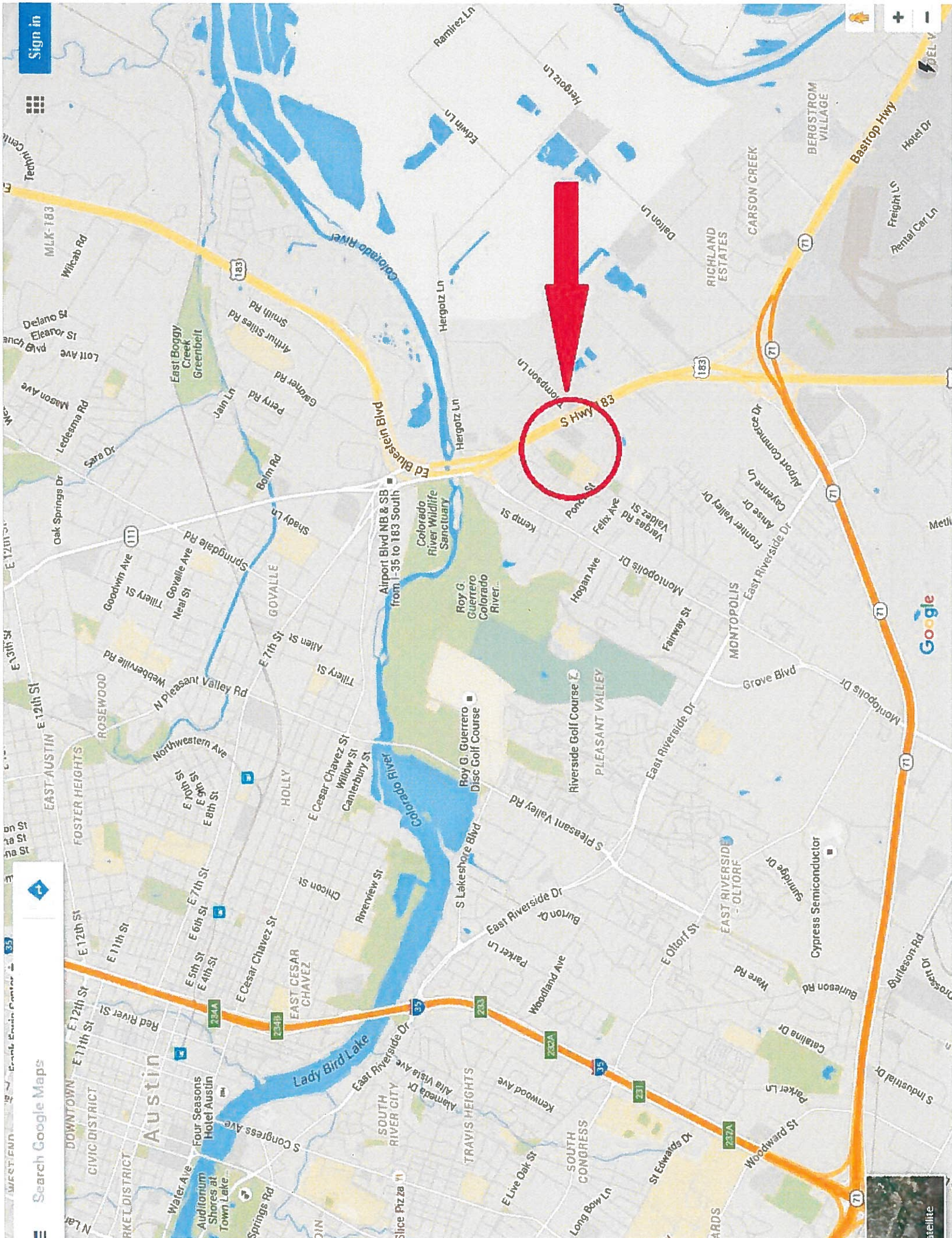
**OFFICE OF REAL ESTATE SERVICES**

Attachments

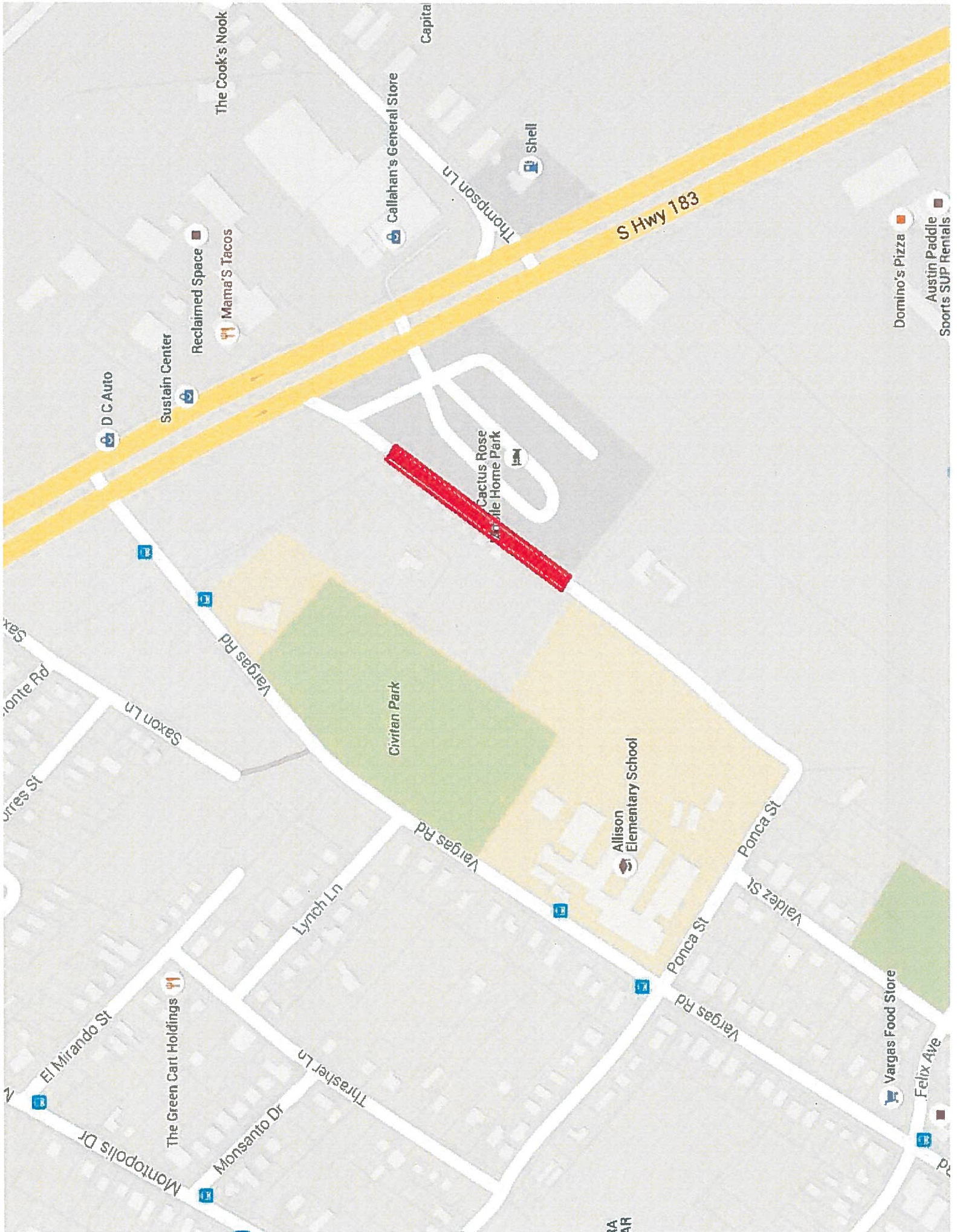
DEPARTMENT COMMENTS FOR THE VACATION OF A PORTION OF  
RIGHT-OF-WAY LOCATED BETWEEN S. HWY 183 AND PONCA STREET,  
IMMEDIATELY SOUTH OF VARGAS ROAD

AT&T	APPROVE
AUSTIN ENERGY	RETAIN AS A PUBLIC UTILITY EASEMENT
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
EMS	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE
PARD	APPROVE
PLANNING & ZONING (Comprehensive Planning)	REFER TO PLANNING COMMISSION
PLANNING & ZONING (Urban Design)	APPROVE
PLANNING & ZONING (Zoning Review)	APPROVE
PUBLIC WORKS	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE
WATERSHED PROTECTION (Eng.)	APPROVE

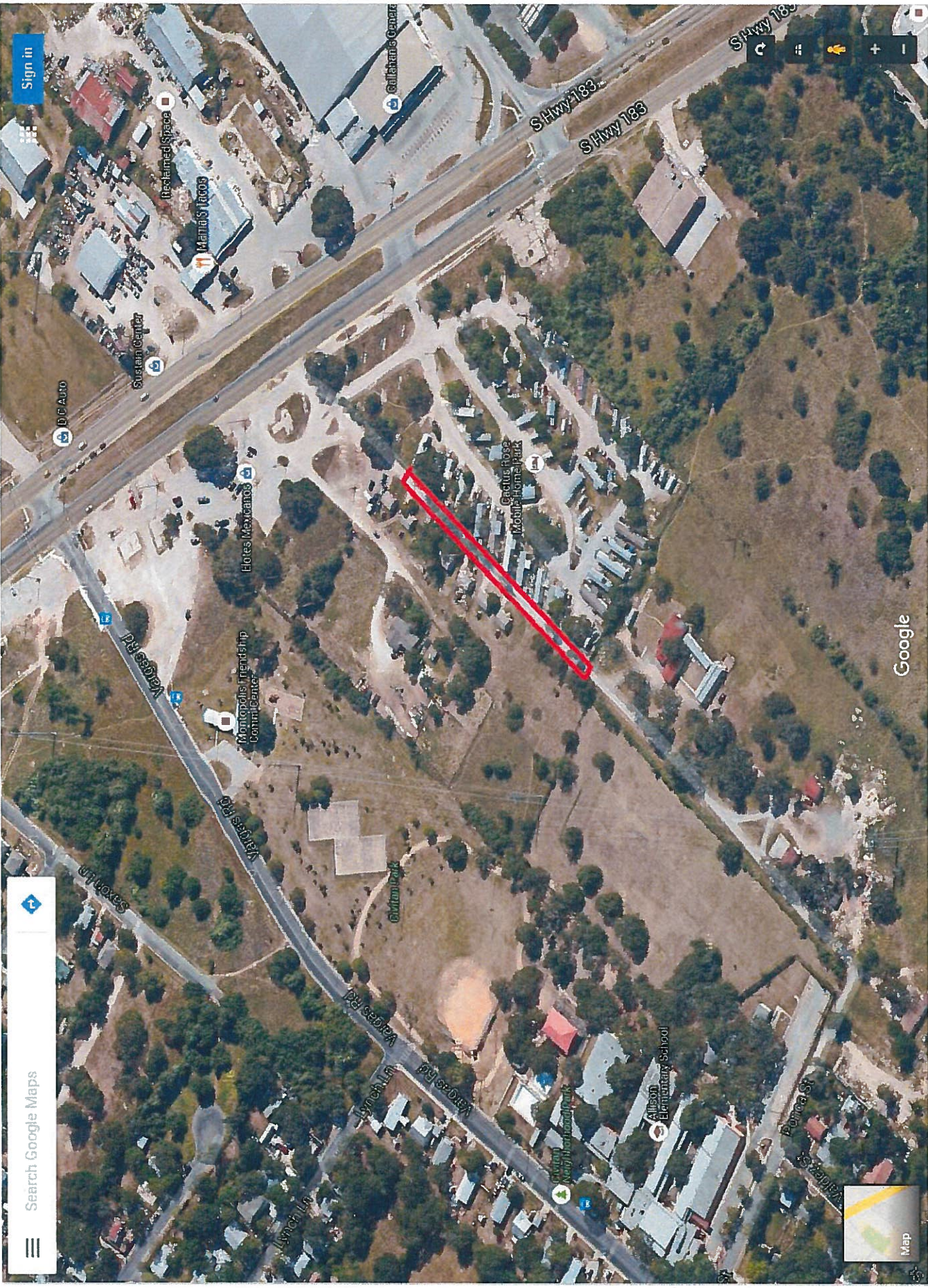














## MEMORANDUM

Case No.: 9575-1509

Date: September 8, 2015

SUBJECT: ROW VACATION

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

A request has been received for a vacation of: Part 1: a portion of a ROW dedicated by Document recorded in Vol. 2502, Pg. 69, TCDR and Part 2: a portion of a ROW dedicated by Document recorded in Vol. 2514, Pg. 151, TCDR.

Part 1 and Part 2 are out of a 12.358 acre tract, located in the Santiago Del Valle Grant, Abstract No. 24. (Adjacent to 500 Bastrop Hwy.).

Please review this request and return your comments to Betty Nguyen (974-7196), 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: **September 22, 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: \_\_\_\_\_

Application for Street or Alley Vacation  
File No. 9575-1509 DATE: 9/8/15  
Department Use Only Department Use Only

#### TYPE OF VACATION

Type of Vacation: Street: \_\_\_\_\_; Alley: \_\_\_\_\_; ROW x Hundred Block: \_\_\_\_\_  
Name of Street/Alley/ROW: Private driveway Is it constructed: Yes (No)  
Property address: 500 Bastrop Hwy  
Purpose of vacation: To allow redevelopment of site from mobile home park to garden apartments.

#### PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 03061803120000  
Survey & Abstract No.: Delvalle survey Abstract 24  
Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ ~~Owner:~~ DENIED BY: VOL. 2514, PG. 151 and Vol. 2502  
Subdivision Name: \_\_\_\_\_  
Plat Book \_\_\_\_\_ Page Number \_\_\_\_\_ Document Number 2013010305  
Pg 69

Neighborhood Association Name: Montopolis Community Alliance  
Address including zip code: 6410 Ponca Street, Austin, TX 78741

#### RELATED CASES

	FILE NUMBERS
Existing Site Plan (circle one): <u>YES</u> / NO	_____
Subdivision: Case (circle one): <u>YES</u> / NO	_____
Zoning Case (circle one): <u>YES</u> / <del>NO</del>	_____

#### PROJECT NAME, if applicable:

Name of Development Project: Lenox Oaks  
Is this a S.M.A.R.T. Housing Project (circle one): YES / NO

#### OWNER INFORMATION

Name: Chase Equities Inc. (as shown on Deed)  
Address: 3839 Bee Cave Road, Suite 200 Phone: (512) \_\_\_\_\_ Fax No.: ( ) \_\_\_\_\_  
City: Austin County: Travis State: TX Zip Code: 78746  
Contact Person/Title: Jimmy Nassour Cell Phone: (512) 474-2900  
Email Address: \_\_\_\_\_  
(If multiple owners are joining in this request – complete names, addresses on each, must be attached.)

#### APPLICANT INFORMATION

Name: James M. Schissler, P.E.  
Firm Name: Jones & Carter, Inc.  
Address: 1701 Directors Blvd. Suite 400  
City: Austin State: TX Zip Code: 78744  
Office No.: (512) 441-9493 Cell No.: (512) 496-6481 Fax No.: (512) 445-2286  
EMAIL ADDRESS: JSchissler@jonescarter.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: James M. Schissler  
Landowner/Applicant



JONES | CARTER

August 31, 2015

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

1701 Directors Boulevard  
Suite 400  
Austin, Texas 78744-1024  
Tel: 512.441.9493  
Fax: 512.445.2286  
www.jonescarter.com

Re: Easement Release for Right-of-way Vacation Application  
500 Bastrop Hwy  
Austin, TX

Dear Mr. Hammack:

On behalf of our client, Oden Hughes, LLC, Jones & Carter, Inc. is requesting the release of two easement documents that contains language granting a right-of-way to the public. The easements were granted as separate instruments prior to the tract being annexed into the City of Austin. The tract has never been platted and the owner has been paying taxes on the property. From site conditions, it appears the easement was initiated to provide access to adjoining properties on the flag portion of the tract when adjoining properties were sold. The easement recorded in Vol. 4502, Pg. 69 was the initial easement, then Vol. 4512, Pg. 151 was also recorded to extend the easement further into the flag portion of the tract. The tract was never platted and the land contained within the easement was never paved; the only improvement appears to be gravel base material to allow access to the residence on this tract and to the adjoining property which contains several small cottages.

The tract is currently zoned CS-CO-NP and will be rezoned to allow a mixed use development when the property is redeveloped. A Site Development Permit application has not been submitted since the first step in the entitlement process is to rezone the property. Once rezoned to allow the multi-family use, and either a legal lot determination or a subdivision is processed, a Site Development Permit for the property will be submitted. The project will not include SMART housing. The start of construction is anticipated to be March, 2016. The property to the north contains several small rental cottages and the property to the south is a mobile home park. Parking is currently surface parking. The ownership of the tract and the adjacent properties is set up as three separate legal entities but the same person is the signatory authority. Since only an easement was granted prior to annexation by the City of Austin, no government body provided any improvements or maintenance of the easement, the owners have paid taxes on the land, the City of Austin does not have any vested interest in the easement for which financial remuneration should be required.

We appreciate your consideration of this easement vacation request. If you have any questions or require additional information, please contact me at (512) 441-9493.

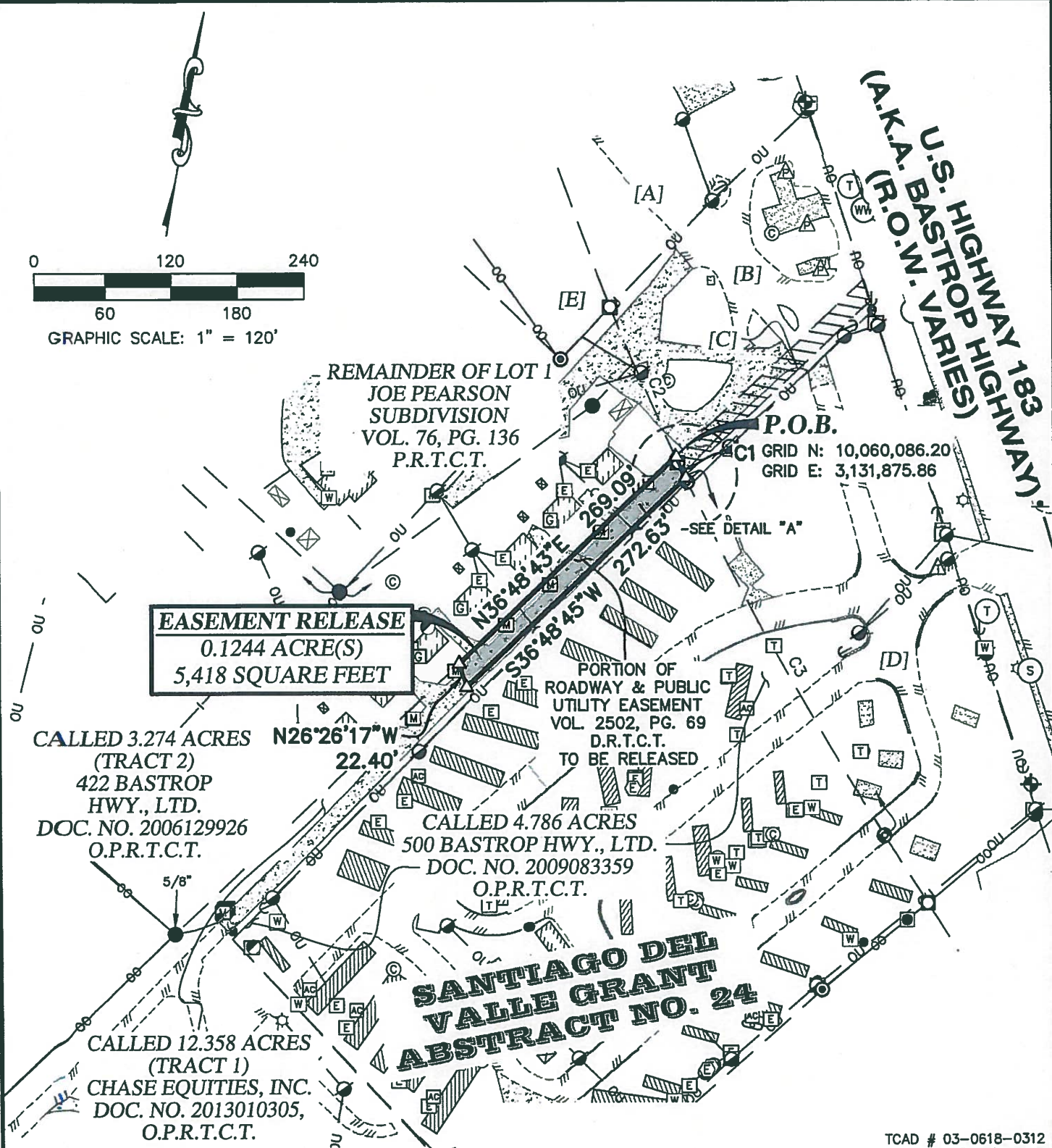
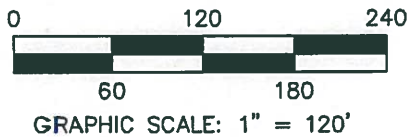
Sincerely,

  
James M. Schissler, P.E.

JMS/arh

J:\Projects\A818\002\general\letters\ROW Vacation Letter.doc





**PARTIAL RELEASE OF  
ROADWAY & PUBLIC  
UTILITY EASEMENT  
City of Austin,  
Travis County, Texas**



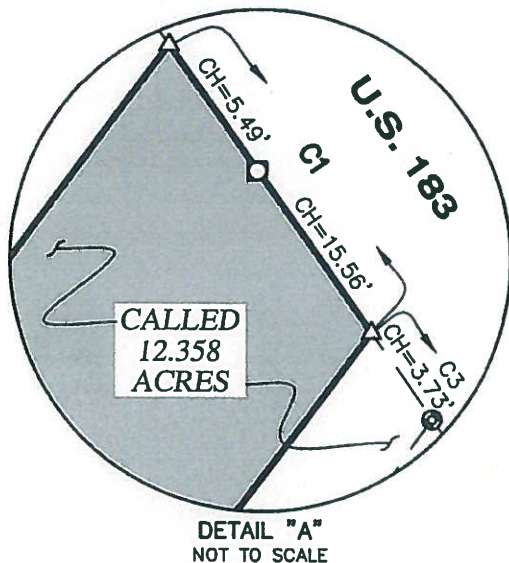
PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 537-2384  
TBPLS FIRM #10174300

TCAD # 03-0618-0312  
COA GRID # L-19

Date:	8/31/2015
Project:	00408
Scale:	1" = 120'
Reviewer:	JSW
Tech:	SJH
Field Crew:	TF/HT
Survey Date:	MAY 2015
Sheet:	1 OF 2

## LEGEND

—	PROPOSED EASEMENT LINE	⊙	TXDOT TYPE II BRASS DISC FOUND
- - -	EXISTING PROPERTY LINES	△	CALCULATED POINT
- - -	EXISTING EASEMENTS	DOC. NO.	DOCUMENT NUMBER
○	1/2" IRON ROD WITH "WARD-5811" CAP SET	VOL./PG.	VOLUME, PAGE
●	1/2" IRON ROD FOUND (UNLESS NOTED)	P.O.B.	POINT OF BEGINNING
⊙	1/2" IRON PIPE FOUND (UNLESS NOTED)	O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
■	IRON ROD WITH "2780" CAP FOUND (UNLESS NOTED)	D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS



CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
C1	21.05'	2,879.79'	0°25'08"	S35°03'52"E	21.05'
C2	146.91'	2,879.79'	2°55'22"	N33°24'32"W	146.89'
C3	365.88'	2,879.79'	7°16'46"	S38°55'46"E	365.63'

### NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE (4203), NAD83 (CORS), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000052263497.

2. SEE ATTACHED METES AND BOUNDS DESCRIPTION.

**PARTIAL RELEASE OF  
ROADWAY & PUBLIC  
UTILITY EASEMENT  
City of Austin,  
Travis County, Texas**



PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 537-2384  
TBPLS FIRM #10174300

8/31/2015

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Sheet:	2 OF 2



# LEGEND

	EASEMENT LINE
	EXISTING PROPERTY LINES
	EXISTING EASEMENTS
DOC. NO.	DOCUMENT NUMBER
VOL. /PG.	VOLUME, PAGE
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS



GRAPHIC SCALE: 1" = 120'

**SANTIAGO DEL  
VALLE GRANT  
ABSTRACT NO. 24**

CALLED 0.343 ACRE  
(PARCEL 30)  
STATE OF TEXAS  
DOC. NO. 2002107903  
O.P.R.T.C.T.

**(A.K.A. BASTROP HIGHWAY)  
U.S. HIGHWAY 183  
(R.O.W. VARIES)**

CALLER 1.794 ACRE  
(PARCEL 29)  
STATE OF TEXAS  
DOC. NO. 2002160414  
O.P.R.T.C.T.

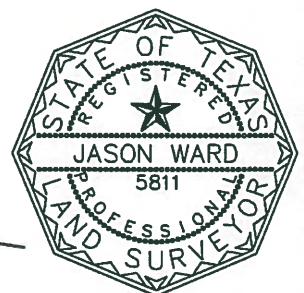
CALLER 3.274 ACRES  
(TRACT 2)  
422 BASTROP HWY., LTD.  
DOC. NO. 2006129926  
O.P.R.T.C.T.

FULL RELEASE OF  
ROADWAY & PUBLIC  
UTILITY EASEMENT  
VOL. 2514, PG. 151  
D.R.T.C.T.

CALLER 4.786 ACRES  
500 BASTROP HWY., LTD.  
DOC. NO. 2009083359  
O.P.R.T.C.T.

[A]  
CALLER 0.098 ACRE  
(PARCEL 28)  
STATE OF TEXAS  
DOC. NO. 2001204400  
O.P.R.T.C.T.

CALLER 12.358 ACRES  
(TRACT 1)  
CHASE EQUITIES, INC.  
DOC. NO. 2013010305,  
O.P.R.T.C.T.  
DESCRIBED IN  
VOL. 11176, PG. 455  
R.P.R.T.C.T.



8/5/2015

TCAD # 03-0618-0312  
COA GRID # L-19

**FULL RELEASE OF  
ROADWAY & PUBLIC  
UTILITY EASEMENT  
City of Austin,  
Travis County, Texas**

**4WARD**  
Land Surveying  
A Limited Liability Company

PO Box 90876, Austin Texas 78709  
WWW.4WARDLS.COM (512) 537-2384  
TBPLS FIRM #10174300

Date:	8/5/2015
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Survey Date:	MAY 2015
Sheet:	1 OF 1

-1-000-000 • 1.50

THE STATE OF TEXAS )

COUNTY OF TRAVIS )

For and in consideration of the benefits to be derived by us and subject to the terms, conditions, recitals and stipulations hereinafter set out, Grantors, JOSEPH C. PEARSON and wife, CLARA E. PEARSON, of Travis County, Texas, do hereby give and grant to the public an easement over and across the tract of land hereinafter described, for the construction, use and maintenance of a road and right of way, together with the right to construct, operate and maintain any and all public utilities and other appurtenances thereto as may be necessary or incidental in the construction, operation and maintenance of such roadway and public utilities, said tract of land being located in Travis County, Texas, and particularly described as follows, to-wit:

A tract of land out of the Santiago Del Valle Grant in Travis County, Texas, being a portion of a tract conveyed by V. E. Taylor, and wife, to Joseph C. Pearson, et al, by deed recorded in Vol. 643, Page 545, of the Deed Records of Travis County, Texas, more particularly described by metes and bounds as follows: BEGINNING for reference, at the iron stake at the reentrant corner of the said Pearson tract at the southeast corner of a tract heretofore conveyed to the County of Travis for school purposes; THENCE S 37° 04' W 185.7 feet and N 25° 17' E 157.72 to an iron stake in the west line of an undedicated road; for the beginning point of this tract; THENCE N 37° 58' E 498.3 feet along the west line of said road to an iron stake in the south line of State Highway 29; THENCE N 25° 17' W 22.4 feet along the south line of State Highway No. 20 to a point; THENCE S 37° 58' W 498.3 feet to a point; THENCE S 25° 17' E 22.4 feet to the Place of Beginning.

WITNESS OUR HANDS this 27th day of July, A. D. 1962.

Joseph C. Pearson  
JOSEPH C. PEARSON

Clara E. Pearson  
CLARA E. PEARSON



THE STATE OF TEXAS }  
COUNTY OF TRAVIS }

BEFORE ME, the undersigned authority, on this day

personally appeared JOSEPH C. PEARSON and wife, CLARA E. PEARSON  
known to me to be the persons whose name(s) are subscribed to the foregoing  
instrument, and acknowledged to me that they executed the same for the  
purposes and consideration therein expressed, and the said

CLARA E. PEARSON wife of JOSEPH C. PEARSON  
having been examined by me privily and apart from her husband and having the  
same fully explained to her by me, she, the said CLARA E. PEARSON  
acknowledged such instrument to be her act and deed and declared that she had  
willingly signed the same for the purposes and consideration therein expressed  
and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 27th day of July,  
A. D. 1962.

[Signature]  
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

Filed Aug 1 1962 at 8:00 A.M.  
Recorded Aug 3 1962 at 10:10 A.M.

THE STATE OF TEXAS }  
County of Travis }

I, MISS EMILIE LIMBERG, Clerk of the County Court

within and for the County and State aforesaid, do hereby certify that the within and  
foregoing Instrument of Writing, with its Certificate of Authentication, was filed for  
record in my office on the 1 day of Aug A.D. 1962 at 8:00  
o'clock A.M., and duly recorded on the 3 day of Aug A.D. 1962 at  
10:30 o'clock A.M., in the DEED Records of said County,  
in Book No. 2502, Pages 69 to 70 inclusive.  
WITNESS MY HAND and seal of the said County Court of said County, the date last aforesaid written.

[Signature]  
Deputy.

MISS EMILIE LIMBERG  
Clerk County Court, Travis County, Texas

THE STATE OF TEXAS ) SEP 17-62 3336 \* 125

COUNTY OF TRAVIS )

For and in consideration of the benefits to be derived by us and subject to the terms, conditions, recitals and stipulations hereinafter set out, Grantors JOSEPH C. PEARSON and wife, CLARA E. PEARSON, of Travis County, Texas, do hereby give and grant to the public an easement over and across the tract of land hereinafter described, for the construction, use and maintenance of a road and right of way, together with the right to construct, operate and maintain any and all public utilities and other appurtenances thereto as may be necessary or incidental in the construction, operation and maintenance of such roadway and public utilities, said tract of land being located in Travis County, Texas, and particularly described as follows, to-wit:

A tract of land out of the Santiago Del Valle Grant in Travis County, Texas, being a portion of that tract conveyed by V. E. Taylor and wife to Joseph C. Pearson, et al., by deed recorded in Vol. 643, Page 545, of the Deed Records of Travis County, Texas, more particularly described by metes and bounds as follows:

BEGINNING, for reference, at an iron stake at a reentrant corner of the said Pearson Tract and at the south corner of a tract heretofore conveyed to Travis County for school purposes;

THENCE S 37° 04' W 185.7 feet and S 25° 17' E 157.72 feet to an iron stake at the northeast corner of this tract;

THENCE S 37° 58' W 168 feet along the east line of Tracts Nos. 7, 8 and 9 to an iron stake;

THENCE N 25° 17' W 22.4 feet to a point;

THENCE N 37° 58' E 168 feet to a point;

THENCE S 25° 17' E 22.4 feet to the place of beginning.

WITNESS OUR HANDS this 14th day of September, A. D. 1962.

Joseph C. Pearson  
JOSEPH C. PEARSON

Clara E. Pearson  
CLARA E. PEARSON



THE STATE OF TEXAS )  
COUNTY OF TRAVIS ) BEFORE ME, the undersigned authority, on this day  
personally appeared JOSEPH C. PEARSON and wife, CLARA E. PEARSON,  
known to me to be the persons whose name(s) are subscribed to the foregoing  
instrument, and acknowledged to me that they executed the same for the  
purposes and consideration therein expressed, and the said

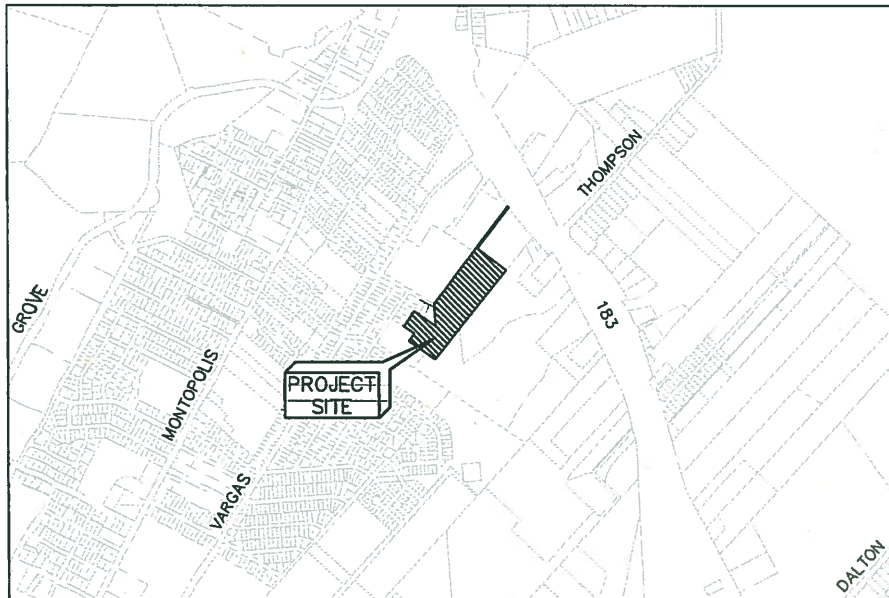
CLARA E. PEARSON, wife of JOSEPH C. PEARSON,  
having been examined by me privily and apart from her husband and having the  
same fully explained to her by me, she, the said CLARA E. PEARSON,  
acknowledged such instrument to be her act and deed and declared that she had  
willingly signed the same for the purposes and consideration therein expressed  
and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of September,  
A. D. 1962.

*[Signature]*  
NOTARY PUBLIC, TRAVIS COUNTY, TEXAS

Filed 14 Sept 1962 at 2:51 M.  
Recorded 14 Sept 1962 at 2:51 M.

THE STATE OF TEXAS )  
COUNTY OF TRAVIS ) I MISS EMILIE LINBERG, Clerk of the County Court  
do hereby certify that the within and  
for the County of Travis, Texas, was filed for  
recording on the 14th day of September, A.D. 1962, at  
o'clock 2 and by Miss Emilie Linberg of Travis County, Texas  
in Book 15, Page 2 of the 15th Volume of said County  
Records, and that the same is a true and correct copy of the original  
as the same appears from the records of said County Court.  
MISS EMILIE LINBERG  
Clerk County Court, Travis County, Texas



183 & VALDEZ

## VICINITY MAP

**JC JONES & CARTER, INC.**  
**ENGINEERS • PLANNERS • SURVEYORS**  
Texas Board of Professional Engineers Registration No. F-439  
 1701 Directors Blvd., Suite 400 Austin, Texas 78744 (512) 441-9493

SCALE: 1" = 2000'  
 DATE: 9/1/2015  
 JOB NO: A818-0002