

MEMORANDUM

TO: Andrew Rivera, Planning Commission Coordinator
Planning and Development Review Department

FROM: Andy Halm, Senior Property Agent
Land Management Section
Office of Real Estate Services

DATE: April 4, 2017

SUBJECT: F#9784-1612 – Aerial Encroachment of a portion of East 4th Street by a pedestrian bridge near the intersection of East 4th Street and Neches Street.

Attached are the departmental comments and other information pertinent to the referenced right of way encroachment. **The area being requested for encroachment will be used for an overhead pedestrian bridge to connect the existing Hilton Hotel and the Convention Center.** All affected departments and private utility franchise holders have reviewed this request and recommend approval.

The applicant has requested that this item be submitted for placement on the **April 11, 2017, Planning Commission Agenda** for their consideration.

Staff contact: Andy Halm at 974-7185 or landmanagement@austintexas.gov

Applicant: Nikelle Meade

Property Owner: Austin Convention Enterprise, Inc.

Ms. Meade will be present at the meeting to answer any questions regarding the project, if needed.

Andy Halm, Senior Property Agent
Land Management Section

OFFICE OF REAL ESTATE SERVICES
Attachments

DEPARTMENT COMMENTS FOR THE
AERIAL ENCROACHMENT OF EAST 4TH STREET BY A PEDESTRIAN BRIDGE NEAR
THE INTERSECTION OF EAST 4TH STREET AND NECHES STREET

AT&T APPROVE

AUSTIN ENERGY APPROVE

AUSTIN TRANSPORTATION APPROVE

AUSTIN RESOURCE RECOVERY APPROVE

AUSTIN WATER APPROVE

CAPITAL METRO APPROVE – Subject to:

1. Work above or adjacent to the railroad tracks – must be coordinated with CMTA’s Real Estate Dept. for proper permitting and safety training (all contractors/employees who will conduct work within the ROW)
 - a. See <https://www.capmetro.org/railrow/> and contact Shannon Gray (512) 369-7735 for more information.
 - b. ROW permit fees may be waived by CMTA.
2. Work above or within 25’ of centerline of the railroad tracks - must be coordinated with the CMTA Rail Department to schedule all railroad safety personnel (“Engineer in Charge” -EIC).
 - a. See <https://www.capmetro.org/railrow/> and contact Shannon Gray (512) 369-7735 for more information.
 - b. CMTA may require the applicant to pay for all costs of the EIC.
3. Rail Service Interruption – CMTA has agreed to shutdown commuter train service for a maximum 2-day period (Saturday/Sunday only) for the applicant’s work. A 3-day shutdown (Saturday/Sunday/Monday) is permissible only when the Monday occurs on a holiday (Memorial Day weekend or Labor Day weekend). Under no circumstances does Capital Metro approve of interrupting rail service where it would impact a regular weekday.
 - a. CMTA requires a 30 day notice to prepare for service interruption.
 - b. CMTA may require the applicant to pay for the costs of a “bus-bridge” or other passenger mitigation needed during service shutdown.
4. Prior to construction, please provide an updated construction schedule and further coordination with CMTA staff.
5. Prior to construction, please provide plans and information regarding protection of train platform, track work, railroad infrastructure, and protection of sidewalks which access the train station. Passengers, pedestrians, trains, etc. must be protected from construction activities and overhead debris while the station is in operation.
6. All Capital Metro infrastructure that is disturbed by the applicant during construction must be restored to existing conditions before train service is returned.

CTM – GAATN APPROVE

FIRE APPROVE

GOOGLE APPROVE

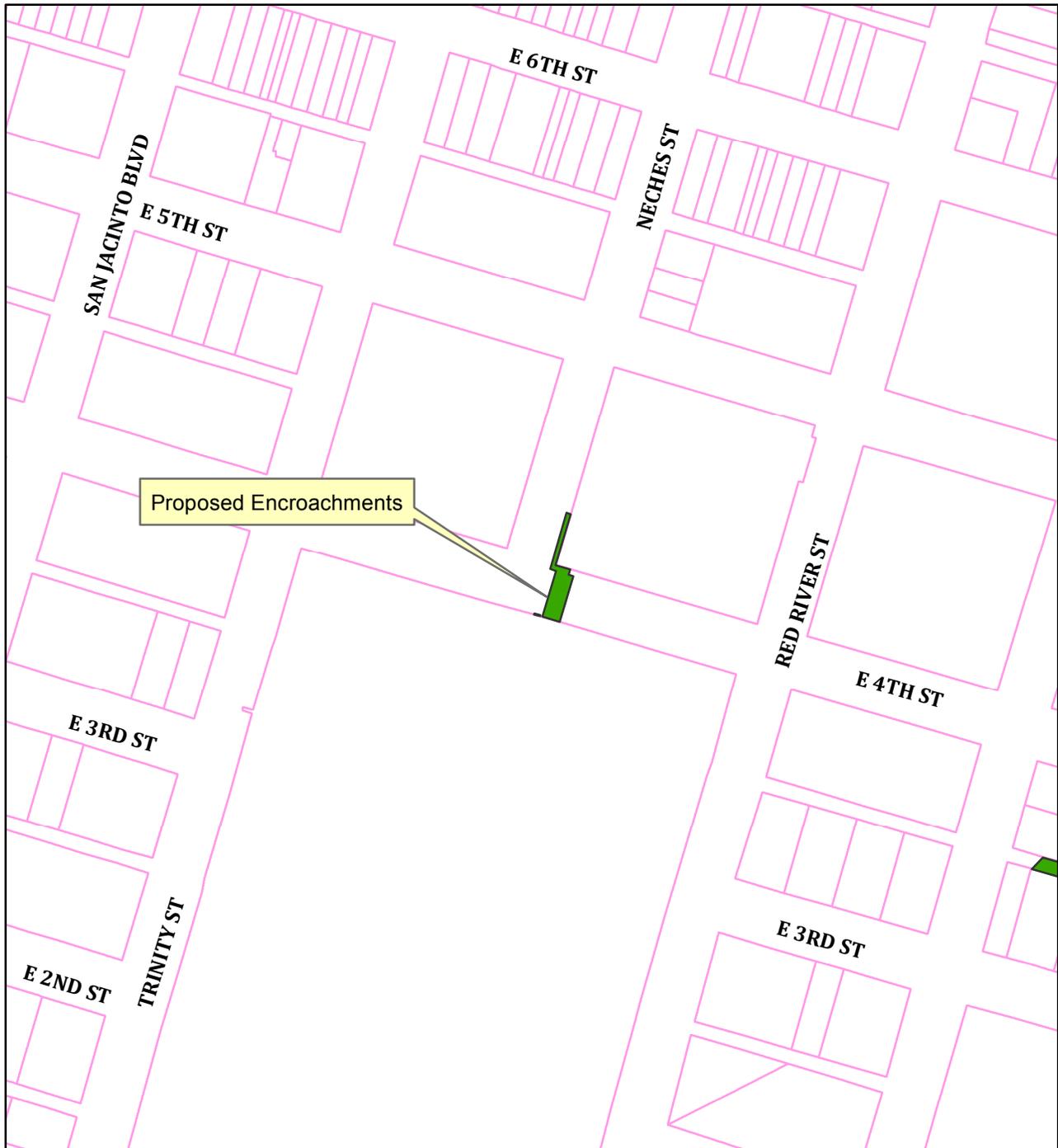
GRANDE COMMUNICATIONS APPROVE

PARD APPROVE

Item C-18

3 of 20

PLANNING & DEVELOPMENT REVIEW (Land Use Review-Engineering)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Transportation)	APPROVE
Planning & Development Review (Urban Design)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Zoning Review)	APPROVE
PUBLIC WORKS	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE – Subject to: Use caution around existing underground facilities.
WATERSHED PROTECTION (Engineering)	APPROVE



Proposed Right-of-Way Encroachments at E 4th St at Neches St



City of Austin
Real Estate Services



0 75 150
Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Office of Real Estate Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by CBoas, 3/23/2017

MEMORANDUM

Case No.: 9784-1612-1
Date: January 20, 2017

SUBJECT: ENCROACHMENT OF STREET RIGHT OF WAY

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| () Lucy Cabading | AT&T | () Jackie Chuter | 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 |
| () Carlo DeMatos | CTM – GAATN | () Chad Crager | PWD – Urban Trails |
| () 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 aerial and subsurface encroachment of the **East 4th Street right-of-way** by aerial walkway bridge (Adjacent to 400 ½ Neches Street).

Note: Added subsurface pier with a cap footing at sidewalk grade level. This is on the south side of East 4th Street.

Please review this request and return your comments to Andy Halm (974-7185), email address: landmanagement@austintexas.gov or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: **January 27, 2017.**

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

Comments: _____

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

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

Comments: _____

Reviewed by: _____

Telephone: _____

Date: _____

Application for an Encroachment Agreement

File No. 9784-1612
Department Use Only

DATE: 12/6/16
Department Use Only

1. TYPE OF ENCROACHMENT

Encroachment Type: Aerial Sub-surface Surface

List TYPE OF ENCROACHMENT to be placed on Public Property: Aerial walkway bridge from the Austin Hilton to the Convention Center and subsurface pier with a cap footing at sidewalk grade level.

Has encroachment been installed prior to application: Yes No

Adjoins property at the following street address: 400-1/2 Neches Street

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: See attached.

Survey & Abstract No. Samuel Goocher Survey, Abstract No. 316

Lot(s) _____ Block _____ Outlot _____

Subdivision Name: Original City of Austin

Plat Book _____ Page Number _____ Document Number _____

County/Records: Travis County; Deed Real Property Official Public

NOTE: Attach three dimensional metes and bounds survey of Encroachment area.

3. RELATED CASES

	FILE NUMBERS
Existing Site Plan: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	<u>SP-2016-0399C</u>
Subdivision: Case: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	_____
Building Permit: YES / <input checked="" type="checkbox"/> NO	_____

4. APPLICANT INFORMATION

Name: Nikelle S. Meade

Firm Name: Husch Blackwell LLP

Address: 111 Congress Ave., Suite 1400 City: Austin State: Texas

Zip: 78701 Phone: (512) 472-5456 Fax No.: (512) 479-1101

EMAIL ADDRESS: nikelle.meade@huschblackwell.com

5. DEVELOPER INFORMATION

Name: John Roberts

Firm Name: Austin Convention Enterprises, Inc.

Address: 4412 Glenwick Lane City: Dallas State: Texas

Zip: 75205 Phone: (512) 404-4040 E-mail: johnroberts0816@gmail.com
Fax No.: (-----) cell: 214-505-4927

6. LANDOWNER INFORMATION

Name: Austin Convention Enterprises, Inc. (as shown on Deed)

Address: P.O. Box 1088 City: Austin State: Texas

Zip: 78767 Phone: (512) 404-4040 Fax No.: ()

Lienholder Name: U.S. Bank Trust National Association

Lienholder Address: Attn: Dan Sheff, 60 Livingston Avenue, St. Paul, Minnesota 55107

Lienholder Phone Number: (651) 466-6184 Fax Number: E-mail: dan.sheff@usbank.com

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

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

Name: N/A

Address: N/A City: N/A State: N/A

Zip: N/A Phone: () N/A Fax No.: () N/A

Contact Person: N/A Phone: N/A

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

Signed By: 
Applicant

Please check the appropriate box.

- Landowner
- Tenant
- Agent for Landowner
- Agent for Tenant

HUSCH BLACKWELL

111 Congress Avenue, Suite 1400
Austin, Texas 78701
512.472.5456

Nikelle S. Meade
Partner
512.479.1147 direct
512.226.7373 direct fax
nikelle.meade@huschblackwell.com

October 4, 2016

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

Attention: Kim Vasquez
~~Office of Real Estate Services~~

Andy Halm

Re: Encroachment Agreement Application
Hilton Austin Convention Center Pedestrian Bridge E 4th Street

Dear Kim:

On behalf of our client, Austin Convention Enterprises, Inc., we are pleased to submit the enclosed Encroachment Agreement Application for the above referenced project. Please note that the site plan has gone through a completeness check; however, the case number is not available yet.

The following responses are to the questions set forth in the Encroachment Agreement Application:

1. Is this a residential or commercial project? **Commercial.**
2. How was the area of encroachment dedicated? By plat or by separate instrument? **Plat; Original City of Austin.**
3. Did the City purchase the area where the proposed encroachment would be located? (i.e., by Street Deed) **No.**
4. Does the encroachment currently exist, or is it only proposed on paper? **Proposed.**
5. Are there any utility lines within the proposed encroachment area? If yes, what are your plans for the utilities? Relocation of utility lines must be at the applicant's expense. **No; bridge is located above street utilities.**
6. How do you plan to develop the proposed encroachment area? **Pursuant to a Site Plan.**

City of Austin
October 4, 2016
Page 2

7. Has a site plan been submitted on your project? If not, is the project exempt from the site plan process? ***Site plan has gone through completeness check.***
8. Is your project a Unified Development? ***No.***
9. Is your project a S.M.A.R.T. Housing Project? ***No.***
10. When do you anticipate starting construction of the development? ***12/1/16.***
11. What is the current status of the adjacent properties?
 - (a) ***Convention Center: Owned by City of Austin.***
 - (b) ***Hilton: Owned by Austin Convention Enterprises, Inc.***
12. What type of parking facilities currently exist? ***Parking garages.***
13. Does the area of encroachment lie within UT boundaries: East of Lamar Boulevard, west of IH-35, north of Martin Luther King Boulevard, and south of 45th Street? ***No.***
14. Does the area of encroachment lie within Downtown boundaries: East of Lamar Boulevard, west of IH-35, north of Lady Bird Lake, and south of Martin Luther King Boulevard? ***Yes.***
15. Does the proposed encroachment support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan? If so, how? ***Yes. The proposed encroachment supports the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan by:***
 - (a) ***Investing in a compact and connected Austin by providing an aerial walkway bridge between two buildings to alleviate some of the pedestrian traffic along 4th Street, allowing for more efficient transit of the remaining pedestrian, bicycle, public transportation, rail and vehicular traffic;***
 - (b) ***Growing and investing in Austin's creative economy by providing an attractive, modern and safe means of moving pedestrian traffic between businesses; and***
 - (c) ***Adding to the beauty of Austin as a vibrant, creative, compact, mobile and connected city.***

City of Austin
October 4, 2016
Page 3

Thank you for your consideration of this application and please let us know if you require any further information.

Sincerely,



Nikelle S. Meade

Enclosures

EXHIBIT " _____ "

F# 9784 - 1612
(Aerial Encroachment)
Blocks 34 and 39, ORIGINAL CITY OF AUSTIN

LEGAL DESCRIPTION

BEING a 2,451 square foot tract of land situated in the Samuel Goocher Survey, Abstract No. 316, City of Austin, Travis County, Texas, and being a portion of the East 4th Street and Neches Street rights-of-way adjacent to Blocks 34 and 39, Original City of Austin, Texas, according to the map on file at the General Land Office of the State of Texas; said 2,451 square foot tract of land being more particularly described as follows with bearings referenced to the Texas Coordinate System of 1983, Central Zone and as shown on the attached sketch:

BEGINNING at a Punch Mark set with "JONES|CARTER" washer at the intersection of the northerly right-of-way line of East 4th Street (80 foot wide right-of-way) with the easterly right-of-way of Neches Street (80 foot wide right-of-way), for the southwest corner of said Block 39, Original City of Austin;

THENCE with the northerly right-of-way line of said East 4th Street, same being the southerly line of said Block 39, South 73°31'25" East a distance of 21.24 feet to a point for corner of the herein described tract from which a Punch Mark set with "JONES|CARTER" washer for the southeast corner of said Block 39 bears South 73°31'25" East a distance of 254.75;

THENCE departing the southerly line of said Block 39, over and across the right-of-way of said East 4th Street, the following three courses and distances:

1. South 16°28'35" West a distance of 8.00 feet to a point;
2. South 73°31'25" East a distance of 6.59 feet to a point;
3. South 16°37'17" West a distance of 72.00 feet to a point on the southerly right-of-way line of said East 4th Street, same being the northerly line of said Block 34;

THENCE with the southerly right-of-way line of said East 4th Street and the northerly line of said Block 34, North 73°31'25" West a distance of 25.00 feet to a point;

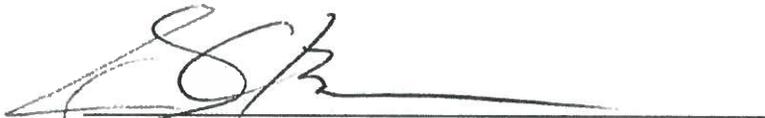
THENCE departing the southerly right-of-way line of said East 4th Street and the northerly line of said Block 34, over and across the rights-of-way of said East 4th Street and Neches Street the following four courses and distances:

1. North 16°37'17" East a distance of 72.46 feet to a point;
2. North 73°22'43" West a distance of 8.76 feet to a point;
3. North 16°37'17" East a distance of 82.06 feet to a point;

4. South 73°22'43" East a distance of 5.84 feet to a point on the easterly right-of-way line of said Neches Street, same being the westerly line of said Block 39;

THENCE with the easterly right-of-way line of said Neches Street, South 16°33'53" West a distance of 74.53 feet to the POINT OF BEGINNING and CONTAINING an area of 2,451 square feet of land.

I HEREBY CERTIFY that these notes were prepared by JONES|CARTER from a survey made on the ground on October 19, 2015 and are true and correct to the best of my knowledge.



Gary C. Bowes
Registered Professional Land Surveyor No. 4053

1/9/2017
Date

TCAD Map Nos. 0204040308
Austin Grid: J-22



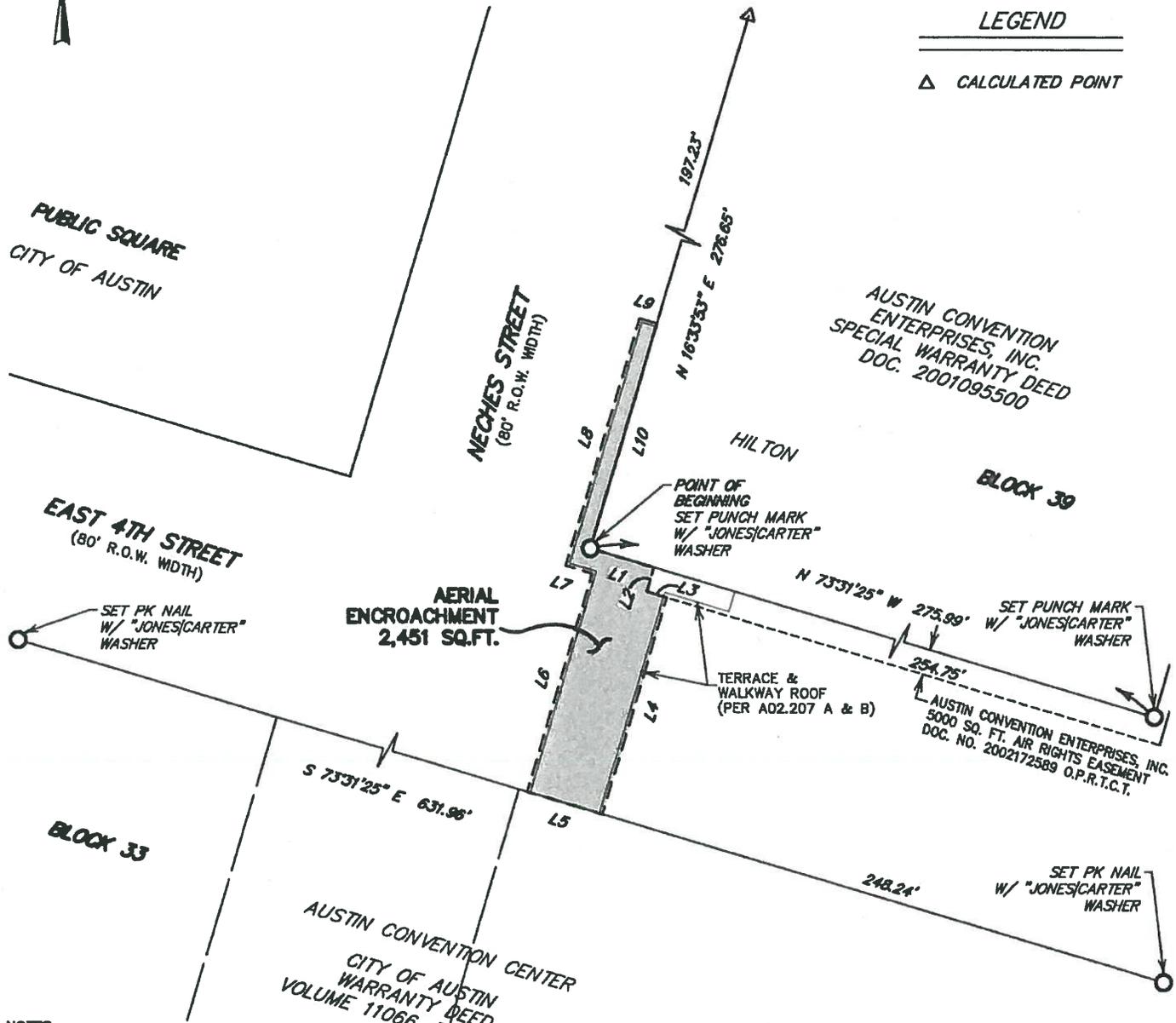
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SCALE 1" = 50'



LEGEND

△ CALCULATED POINT



NOTES:

1. THE DIMENSIONS SHOWN HEREON ARE AS SHOWN AND STATED ON SHEET A02.207 A & B OF THE ARCHITECTURAL SITE DEVELOPMENT PLANS BY GENSLER.
(PROJECT NUMBER 25.1180.000 DATED FEBRUARY 22, 2016)

2. ADDITIONAL R.O.W. AND BOUNDARY INFORMATION CAN BE OBTAINED FROM THE CITY OF AUSTIN PUBLIC WORKS DEPARTMENT SURVEY GROUP. REFERENCE: AUSTIN CONVENTION CENTER BOUNDARY DRAWING.



[Signature]
1/9/2017

SHEET 1 OF 3

J|C JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 10046101
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 • 512.441.9493

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

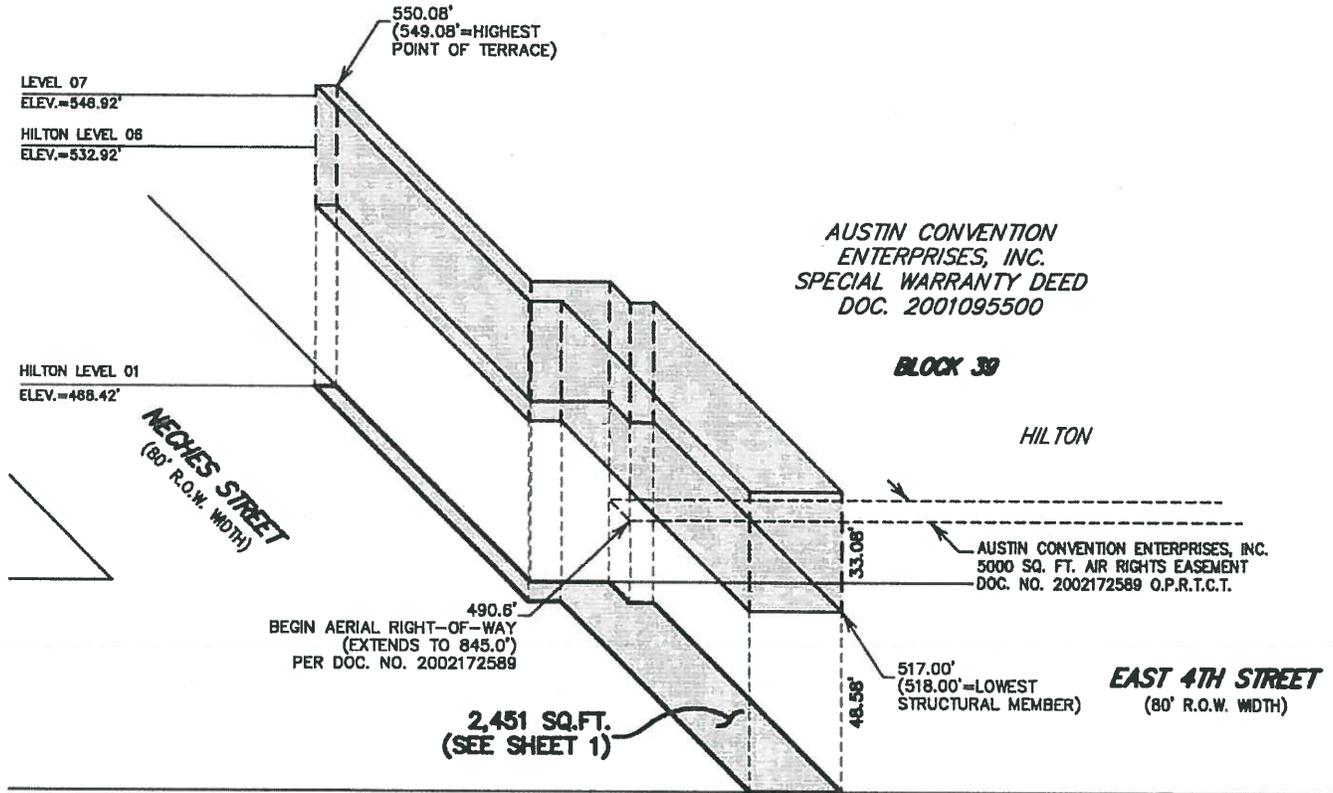
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 73°31'25" E	21.24'
L2	S 16°28'35" W	8.00'
L3	S 73°31'25" E	6.59'
L4	S 16°37'17" W	72.00'
L5	N 73°31'25" W	25.00'
L6	N 16°37'17" E	72.46'
L7	N 73°22'43" W	8.76'
L8	N 16°37'17" E	82.06'
L9	S 73°22'43" E	5.84'
L10	S 16°33'53" W	74.53'

SHEET 2 OF 3

**JONES | CARTER**

Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 10046101
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 • 512.441.9493

SKETCH TO ACCOMPANY LEGAL DESCRIPTION N.T.S.



AUSTIN CONVENTION CENTER

BLOCK 34

CITY OF AUSTIN
WARRANTY DEED
VOLUME 11066, PAGE 1936

NOTE:

ELEVATIONS SHOWN HEREON ARE PER SKETCHES
SK04SUR-ELE & SK05SUR-ELE, DATED 08.01.2016
PROVIDED BY GENSLER.

VERTICAL DATUM: NAVD 88

SHEET 3 OF 3

J/C JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 10046101
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 • 512.441.9493

EXHIBIT "____"

F# 9784 - 1612
(Subsurface Agreement)
Block 34, ORIGINAL CITY OF AUSTIN

LEGAL DESCRIPTION

BEING a 12 square foot tract of land situated in the Samuel Goocher Survey, Abstract No. 316, City of Austin, Travis County, Texas, and being a portion of the East 4th Street right-of-way adjacent to the vacated right-of-way of Neches Street, Original City of Austin, Texas, according to the map on file at the General Land Office of the State of Texas; said 12 square foot tract of land being more particularly described as follows with bearings referenced to the Texas Coordinate System of 1983, Central Zone and as shown on the attached sketch:

COMMENCING at a Punch Mark set with "JONES|CARTER" washer at the intersection of the southerly right-of-way line of East 4th Street (80 foot wide right-of-way) with the westerly right-of-way of Red River Street (80 foot wide right-of-way), for the northeast corner of said Block 34, Original City of Austin;

THENCE with the southerly right-of-way line of said East 4th Street, same being the northerly line of said Block 34, North 73°31'25" West a distance of 283.86 feet to a point for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE continuing with the southerly right-of-way line of said East 4th Street, North 73°31'25" West a distance of 8.70 feet to the southwest corner of the herein described tract, from which a Punch Mark set with "JONES|CARTER" washer at the intersection of the southerly right-of-way of said East 4th Street with the easterly right-of-way of Trinity Street (80 foot wide right-of-way) bears North 73°31'25" West a distance of 339.40 feet;

THENCE departing the southerly right-of-way line of said East 4th Street, over and across the right-of-way of said East 4th Street, the following courses and distances:

1. North 16°38'48" West a distance of 1.40 feet to a point;
2. South 73°31'25" East a distance of 8.70 feet to a point;

3. South 16°38'48" West a distance of 1.40 feet to the POINT OF BEGINNING and CONTAINING an area of 12 square feet of land.

I HEREBY CERTIFY that these notes were prepared by JONES|CARTER from a survey made on the ground on January 9, 2017 and are true and correct to the best of my knowledge.



Gary C. Bowes
Registered Professional Land Surveyor No. 4053

1/10/2017
Date

TCAD Map Nos. 0204040308
Austin Grid: J-22



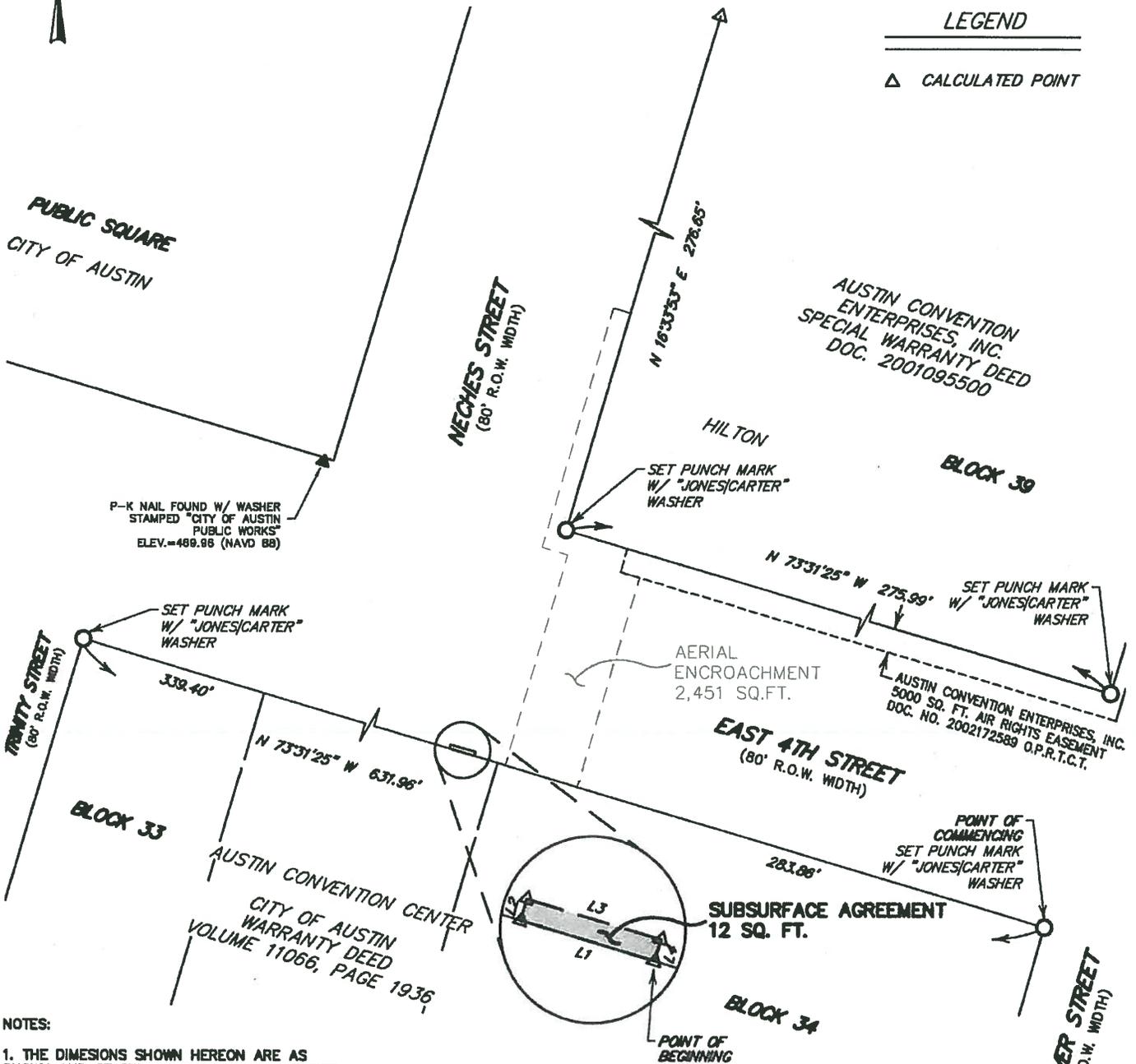
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SCALE 1" = 50'



LEGEND

△ CALCULATED POINT



NOTES:

1. THE DIMENSIONS SHOWN HEREON ARE AS SHOWN AND STATED ON SHEET 6 OF THE SITE DEVELOPMENT PLANS BY CONSORT, INC., (SP-2016-0399C, DATED NOVEMBER 30, 2016)
2. ADDITIONAL R.O.W. AND BOUNDARY INFORMATION CAN BE OBTAINED FROM THE CITY OF AUSTIN PUBLIC WORKS DEPARTMENT SURVEY GROUP. REFERENCE: AUSTIN CONVENTION CENTER BOUNDARY DRAWING.



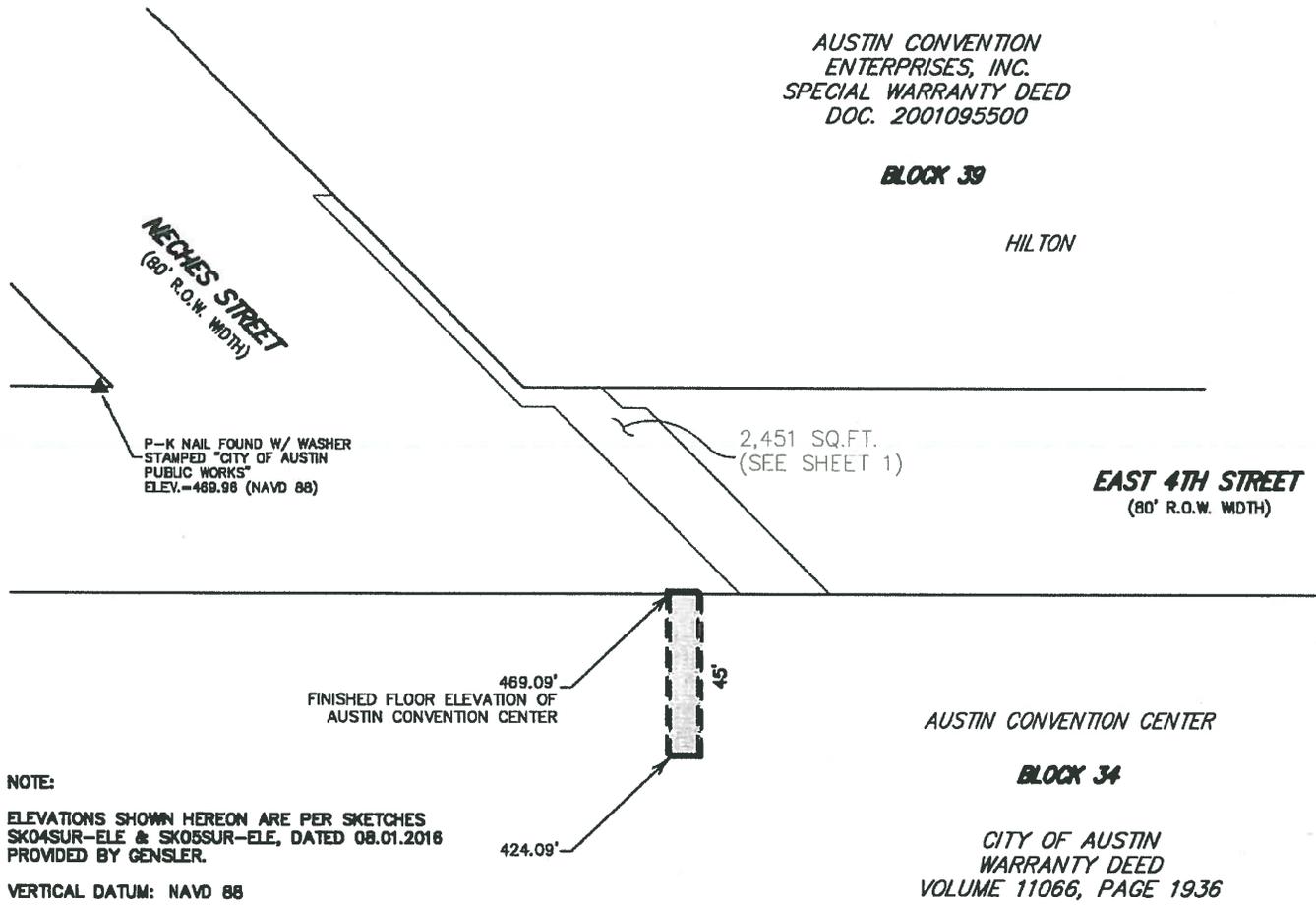
[Signature]
1/10/2017

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 73°31'25" W	8.70'
L2	N 16°38'48" E	1.40'
L3	S 73°31'25" E	8.70'
L4	S 16°38'48" W	1.40'

SHEET 1 OF 2

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 10046101
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 • 512.441.9493

SKETCH TO ACCOMPANY LEGAL DESCRIPTION N.T.S.



SHEET 2 OF 2



JONES | CARTER

Texas Board of Professional Engineers Registration No. F-439
Texas Board of Professional Land Surveying Registration No. 10046101
1701 Directors Boulevard, Suite 400 • Austin, Texas 78744 • 512.441.9493

**MEMORANDUM**

TO: Anna Lee Hoge, RLA, LEEP AP, ASLA
Consort, Inc.

FROM: Ben Sanders, EIT
Public Works – Quality Management Division (QMD)

DATE: December 20, 2016

SUBJECT: Overhead Pedestrian Walkway (SP-2016-0399C) – Structural Review

ACCEPTANCE: YES YES Subject to Req'm't NO

Engineering Technical Services (ETS) has completed a review of the plans for the referenced project. The following is offered in response to your request for review of the plans for the subject project. The comments below are the result of a review of the information provided:

QMD has no additional comments and the plans are accepted.

If you have any questions or comments, please contact either Karim Helmi at (512)974-6539 or myself at (512) 974-9161.

Sincerely,

Ben Sanders, EIT
Public Works Department
Quality Management Division