

MEMORANDUM

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

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

DATE: May 17, 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.

Per the April 11, 2017 Planning Commission meeting recommendation to go to the following Commissions (Downtown, Urban Transportation, and Design). The recommendations are as followed:

Planning Commission: Postponed to May 23, 2017
Downtown Commission: Recommends Approval (Recommendation is attached.)
Design Commission: Postponed to May 22, 2017
Urban Transportation Commission: Recommends Approval (Recommendation is attached.)
Design Commission Public Engagement Committee: Recommends Approval with conditions (Recommendation is attached.)

Thus far, the following conditions have been added to the recommendations:

1. No advertising or signage affixed to exterior (Downtown Comm.)
2. No smoking (Downtown Comm.)
3. Environmental Assessment regarding the impact on birds and airborne wildlife (Downtown Comm.)
4. Consider additional options to maximize capacity. (Urban Transportation Comm.)
5. Public access during train station operating hours (Design Commission Public Engagement Subcommittee)
6. Hilton shall coordinate with Convention Center to ensure public access on south side of walkway. Convention Center doors shall remain unlocked and Hilton shall welcome public access. (Design Commission Public Engagement Subcommittee)
7. Signage at street level and on walkway to welcome the public to utilize it (Design Commission Public Engagement Subcommittee)

8. Hilton shall coordinate with ATD and CapMetro to further enhance ground level pedestrian safety, including safety measures at the hotel entry directly adjacent to the tracks. (Design Commission Public Engagement Subcommittee)

The applicant has requested that this item be submitted for placement on the **May 23, 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

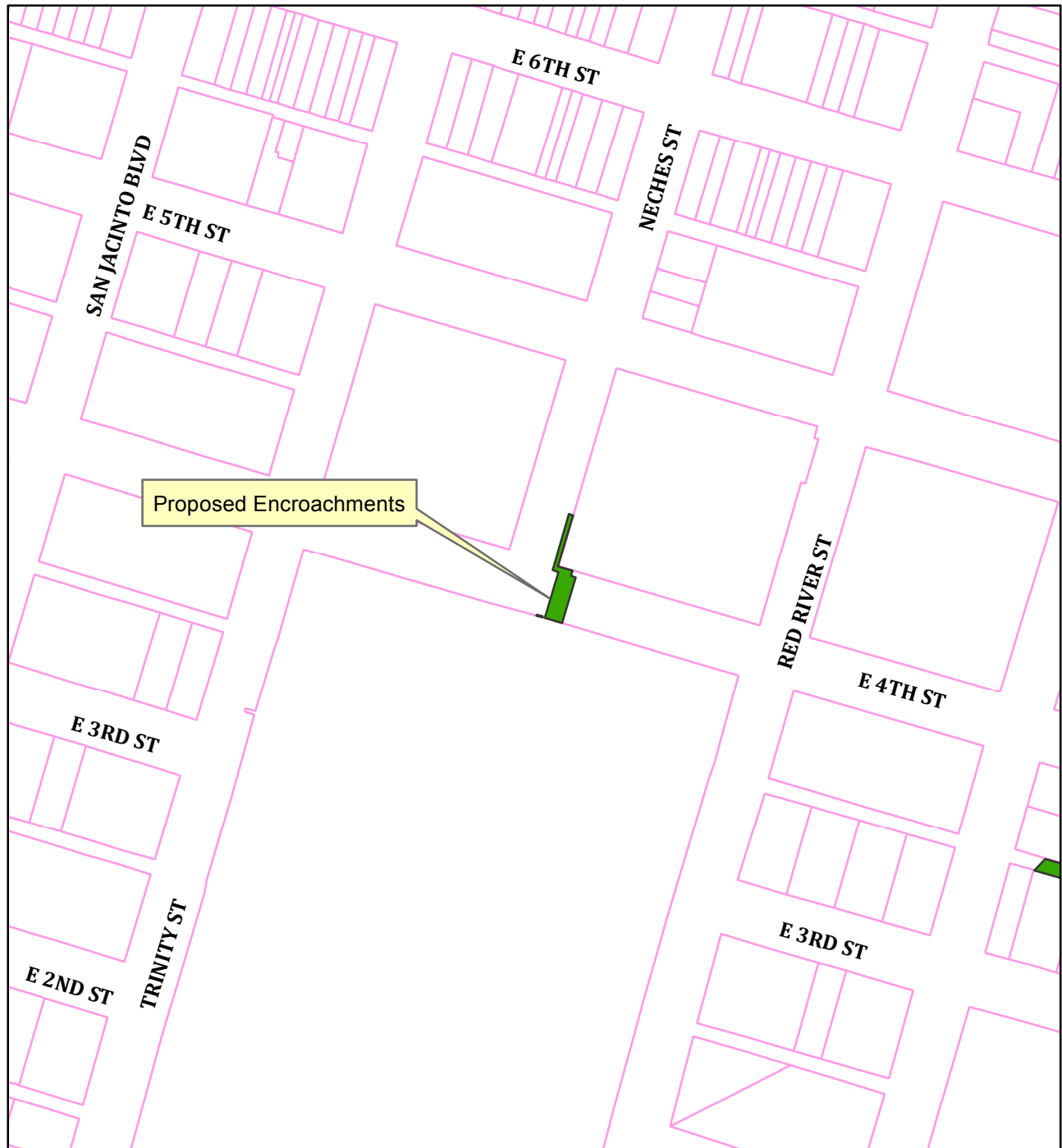
FIRE APPROVE

GOOGLE APPROVE

GRANDE COMMUNICATIONS APPROVE

PARD APPROVE

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 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: _____

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


Date

TCAD Map Nos. 0204040308
Austin Grid: J-22

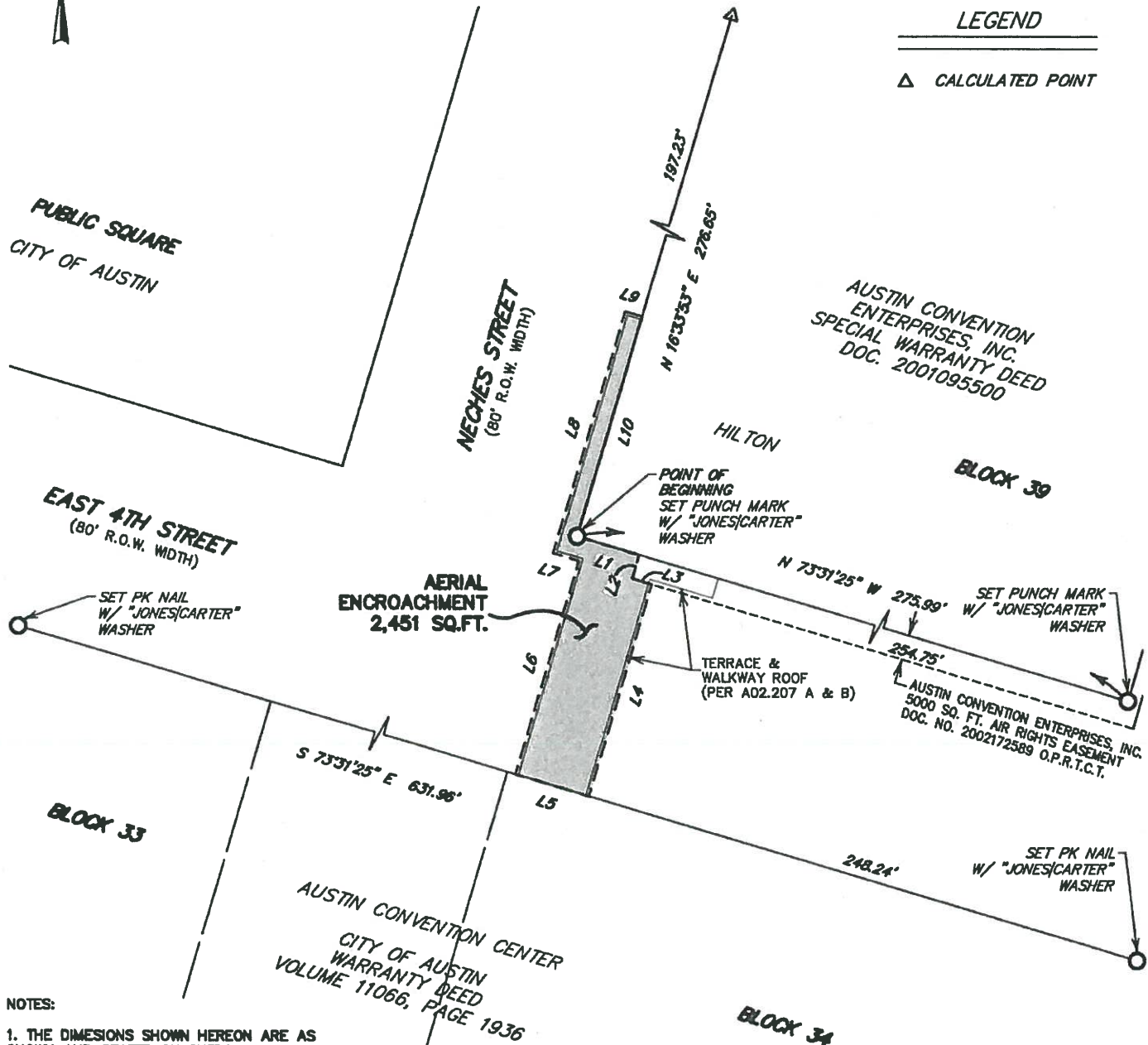


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SCALE 1" = 50'

LEGEND

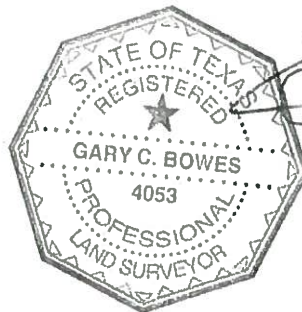
△ CALCULATED POINT



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



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

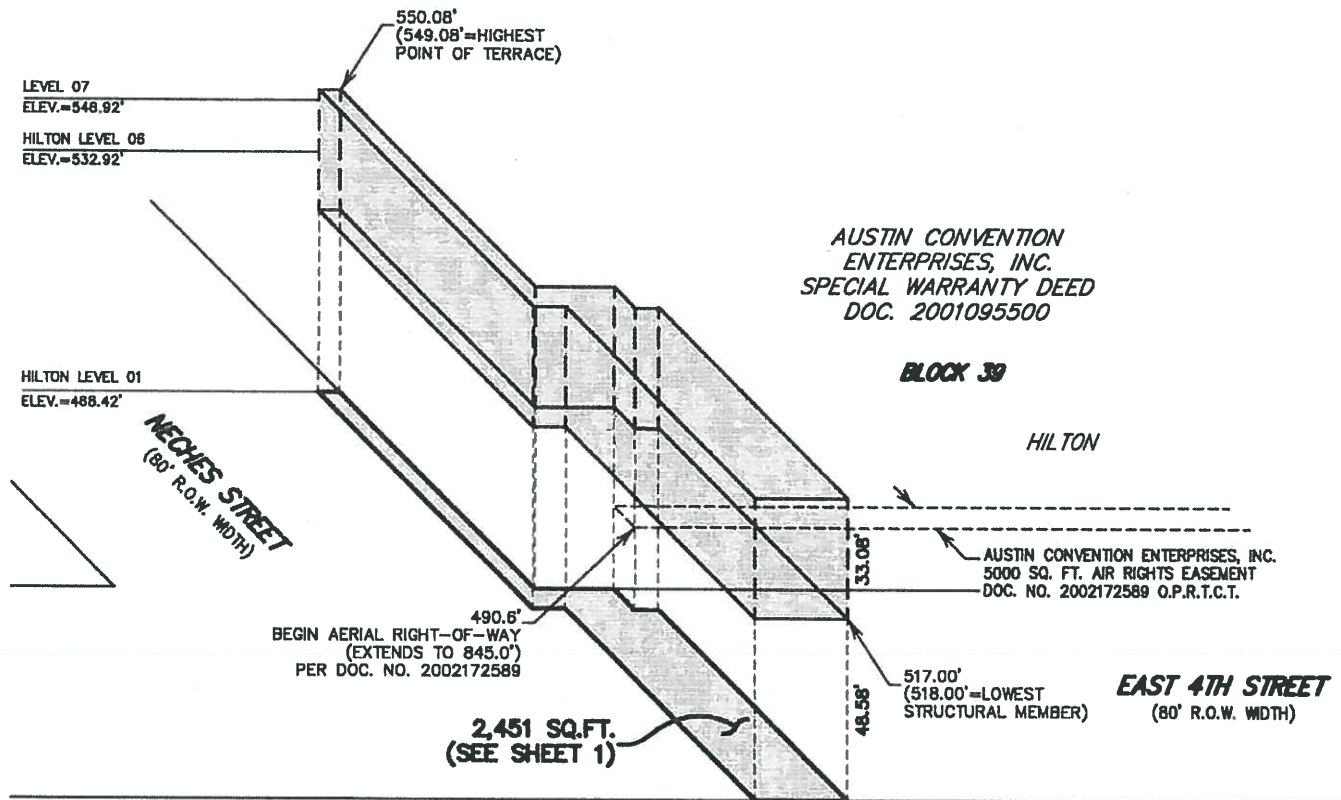
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 73°31'25" E	21.24'
L2	S 16°28'35" W	8.00'
L3	S 73°31'25" E	6.59'
L4	S 16°37'17" W	72.00'
L5	N 73°31'25" W	25.00'
L6	N 16°37'17" E	72.46'
L7	N 73°22'43" W	8.76'
L8	N 16°37'17" E	82.06'
L9	S 73°22'43" E	5.84'
L10	S 16°33'53" W	74.53'

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.



NOTE:

ELEVATIONS SHOWN HEREON ARE PER SKETCHES
SK04SUR-ELE & SK05SUR-ELE, DATED 08.01.2018
PROVIDED BY GENSLER.

VERTICAL DATUM: NAVD 88

AUSTIN CONVENTION CENTER

BLOCK 34

CITY OF AUSTIN
WARRANTY DEED
VOLUME 11066, PAGE 1936

SHEET 3 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

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

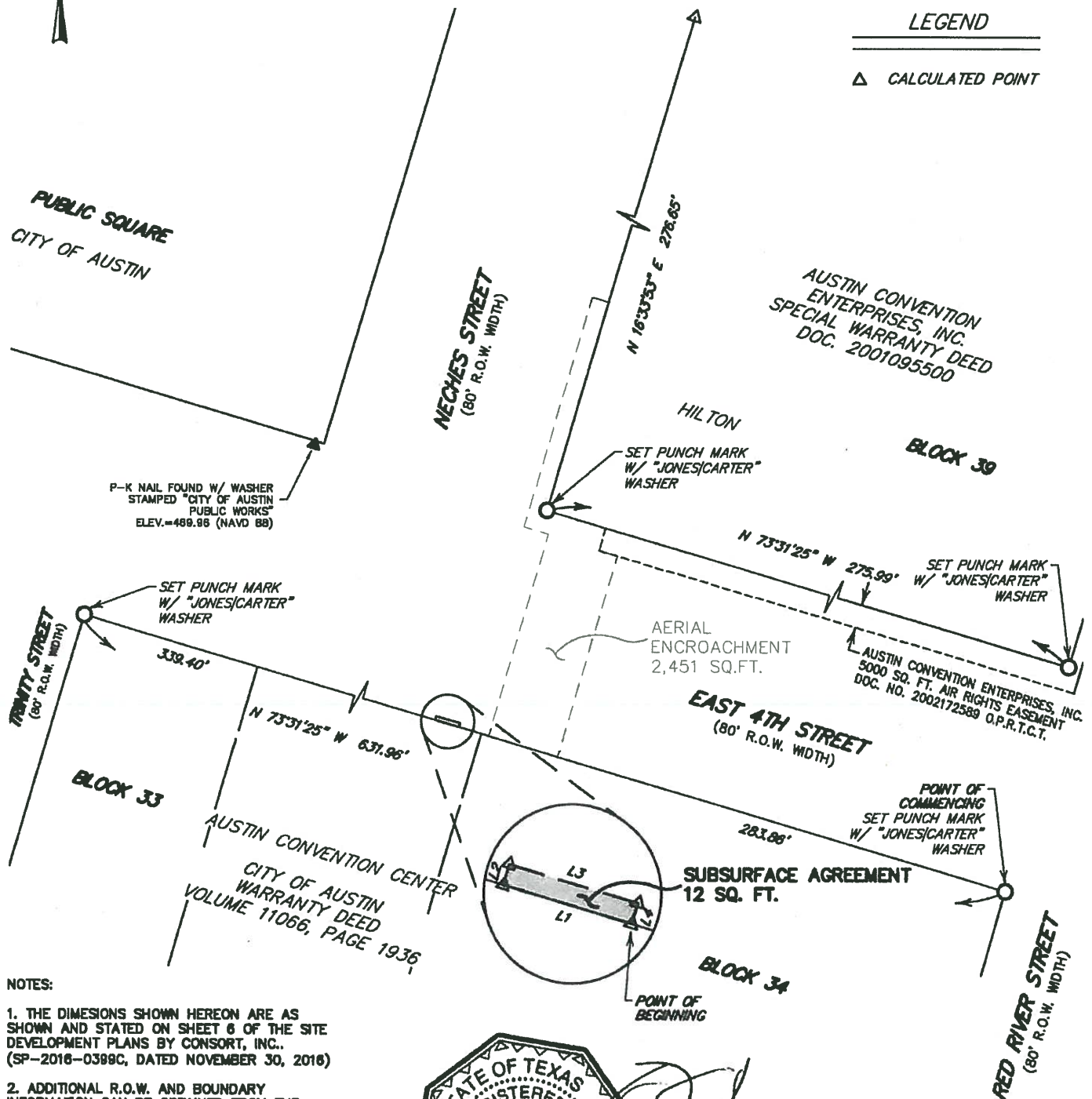


SKETCH TO ACCOMPANY LEGAL DESCRIPTION

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.

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'

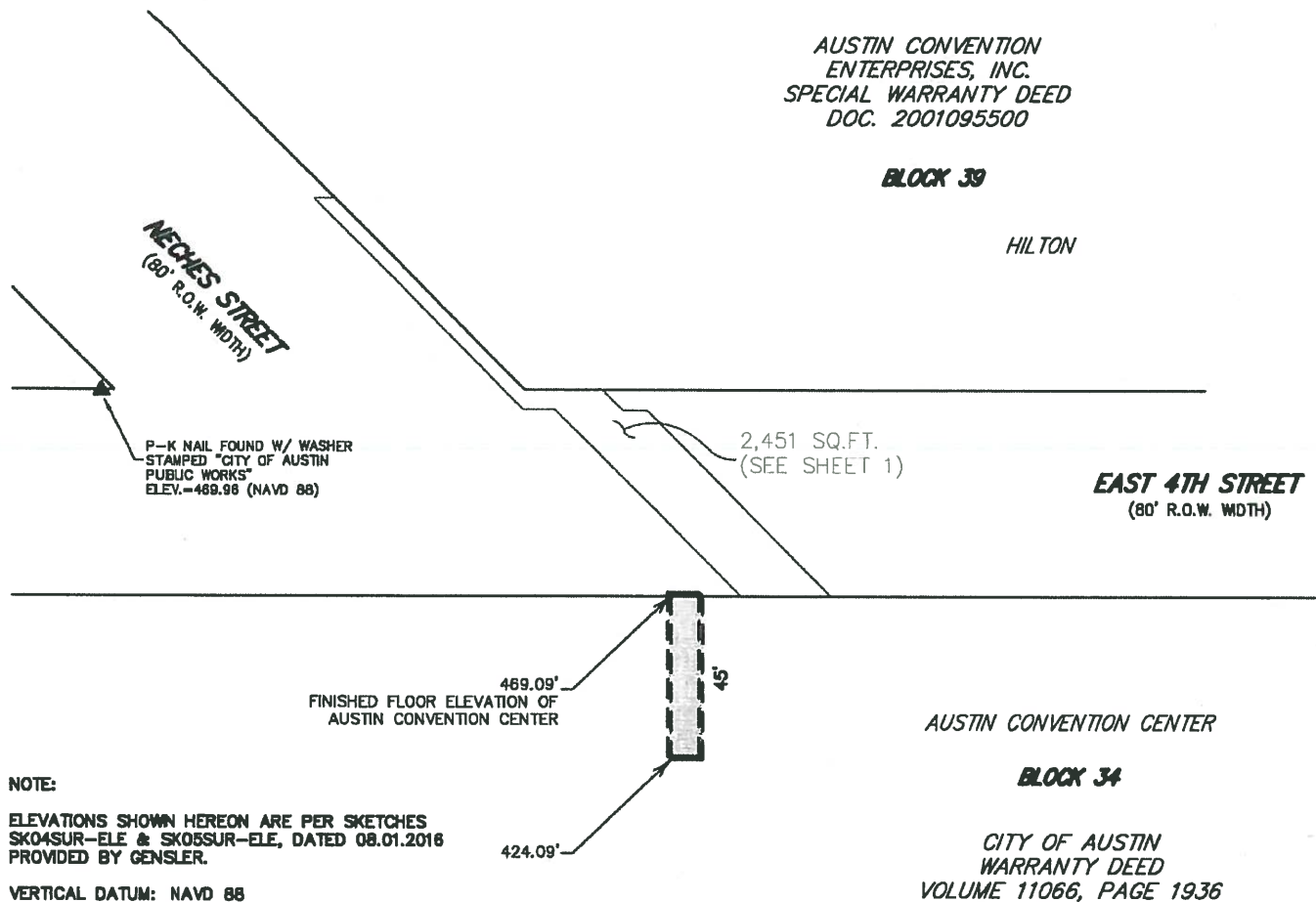


[Signature]
1/10/2017

SHEET 1 OF 2

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 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: X YES YES Subject to Reqm'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

Meade, Nikelle

From: Smith, Emily <emily.smith@austintexas.gov>
Sent: Wednesday, May 10, 2017 1:01 PM
To: King, Micah; Meade, Nikelle; Halm, Andy; Smith, Mashell; Koerth, Nichole; Mulholland, Katie; Rivera, Andrew
Cc: Dale, Jim
Subject: RE: 4th Street ped bridge item at Urban Transportation Commission

Hi everyone, the video of the UTC meeting last night can now be found [here](#).

The Design Commission, Planning Commission and ultimately City Council should know when they take this item up that on Tuesday, May 9 the Urban Transportation Commission approved a motion to recommend that Council approve the encroachment between the Convention Center and the Hilton Hotel and consider additional options to maximize capacity. The motion passed on Commissioner Johnson motion, Commission Weatherby second on a 7-0-2 vote with Commissioners Hennessey and Davis abstaining, and Commissioner Hosek absent.

Please let me know if you have any questions moving forward.

Thanks!

Emily Smith

Committee Coordinator
Austin Transportation Department
512.974.2358 | Emily.Smith@austintexas.gov

Keep up with the latest ATD news!



From: Smith, Emily
Sent: Tuesday, May 09, 2017 9:59 PM
To: 'Micah.King@huschblackwell.com'; 'Nikelle.Meade@huschblackwell.com'; Halm, Andy
Cc: Smith, Mashell; Dale, Jim
Subject: RE: Hold for 4th Street ped bridge item at Urban Transportation Commission

Hi everyone, just confirming that at tonight's meeting the UTC approved a motion recommending that Council approve the encroachment 7-0-2 (with Commissioners Hennessey and Davis abstaining, and Commissioner Hosek absent.)

I will need to re-watch the ATXN video to get you the exact language of the motion, but will share that with you ASAP.

Thanks for taking the time to present to the UTC, and for your patience with your item being pushed back!

Emily Smith

Committee Coordinator
Austin Transportation Department
512.974.2358 | Emily.Smith@austintexas.gov

Keep up with the latest ATD news!

[<< OLE Object: Picture \(Device Independent Bitmap\) >>](#) [<< OLE Object: Picture \(Device Independent Bitmap\) >>](#) [<< OLE Object: Picture \(Device Independent Bitmap\) >>](#)

-----Original Appointment-----

From: Smith, Emily

Sent: Monday, May 01, 2017 3:02 PM

To: Smith, Emily; Micah.King@huschblackwell.com; Nikelle.Meade@huschblackwell.com; Halm, Andy

Cc: Smith, Mashell

Subject: Hold for 4th Street ped bridge item at Urban Transportation Commission

When: Tuesday, May 09, 2017 6:00 PM-7:30 PM (UTC-06:00) Central Time (US & Canada).

Where: City Hall, Boards and Commission, Room 1101

This item will now be taken up second, so you may need to plan to stay a little later. Apologies for any inconvenience! Please see final agenda attached:

<< File: UTC 05-09-17 Agenda.pdf >> << File: Item 3A - Aerial Encroachment of a portion of East 4th Street - Memo Packet.pdf >>

<https://www.austintexas.gov/utc>

Hi everyone, I will post the final agenda and backup for this meeting [here](#) this Friday. **Please let me know ASAP if there is anything besides the attached memo packet that the UTC members ought to review in advance of their meeting.**

Otherwise, just let me know if you have any questions or need any additional info from me!

Thanks,

Emily Smith

Committee Coordinator

Austin Transportation Department

512.974.2358 | Emily.Smith@austintexas.gov

Keep up with the latest ATD news!

[<< OLE Object: Picture \(Device Independent Bitmap\) >>](#) [<< OLE Object: Picture \(Device Independent Bitmap\) >>](#) [<< OLE Object: Picture \(Device Independent Bitmap\) >>](#)

Date: May 16, 2017

To: Austin Design Commission

From: Public Engagement Working Group

Re: Working Group recommendation for 4th Street Skybridge

Working Group Meeting date: May 12, 2017

Applicant: Nikelle Meade, Husch Blackwell LLP

The Design Commission (DC) does not generally recommend approval of skybridges in Austin, Texas, given that these elevated structures do not further the intent of the City's adopted Urban Design Guidelines (UDG). The UDGs suggest a focus on structural and technological solutions to pedestrian travel that improve and enhance the **ground level streetscape** and do not restrict or appear to restrict public access and enjoyment in the public realm.

For this specific project, the DC recommends conditional approval of the Encroachment Agreement to construct a publicly accessible skybridge between the Hilton Hotel and Austin Convention Center on 4th Street. Austin Transportation Department and Capital Metro representatives have stated that this structure offers substantial pedestrian safety for convention center users and the public to cross 4th Street given heavy current and future pedestrian traffic associated with the Convention Center and planned expansion of the Downtown Metrorail Station between Red River and Trinity Street.

The DC recommends the Encroachment Agreement include the following conditions for approval:

- 1) The skybridge shall allow for public access during the hours during which Capital Metro is running trains.
- 2) The Hilton shall coordinate with the Convention Center to ensure a public access point for the south side of the skybridge. Convention Center doors shall be unlocked for pedestrian access and the Hilton lobby and employees shall welcome public access to the bridge on the north.
- 3) Signage shall be provided at street level and on the skybridge to welcome the public to utilize the structure.
- 4) The Hilton shall coordinate with ATD and Capital Metro to further enhance ground level pedestrian safety, including adding safety measures at the hotel entry directly adjacent to the tracks.

Respectfully,

Public Engagement Working Group of the Design Commission

**DOWNTOWN COMMISSION RECOMMENDATION 20170419-005**

Date: April 19, 2017

Subject: Aerial Encroachment of a portion of East 4th Street by a pedestrian bridge near the intersection of East 4th Street and Neches Street

Motioned By: Commissioner Timothy Moore

Seconded By: Commissioner Chris Kanipe

Recommendation

Approve the Hilton Convention Center Hotel Pedestrian Skyway with the following three requirements:

- No advertising or signage affixed to the exterior of the pedestrian skyway
- No smoking allowed on the pedestrian skyway
- An environmental assessment conducted on the effect of the pedestrian skyway design on birds or other airborne wildlife.

Vote **8-0**

For: Chair Joel Sher, Vice Chair Sunshine Mathon, Commissioner David Gomez, Commissioner Andrew Harrison, Commissioner Chris Kanipe, Commissioner Christopher Lehman, Commissioner Timothy Moore and Commissioner Wendy Dunnam Tita

Against: None

Abstain: None

Absent: Commissioner Jennifer Bristol and Commissioner Sam Sargent

Attest: Mona Sanchez, Liaison