

M E M O R A N D U M

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 16, 2017

SUBJECT: F# 9680-1605 – Aerial Encroachment of a portion of East Cesar Chavez Street Right-of-Way by a cantilevered / overhead enclosed building space near the intersection of East Cesar Chavez Street and Trinity Street.

Attached are the departmental comments and other information pertinent to the referenced right of way vacation. **The area being requested for encroachment will be used for cantilevered / overhead enclosed building space for a new Marriott Hotel.** 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 **May 23, 2017, Planning Commission Agenda** for their consideration.

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

Applicant: Richard Suttle

Property Owner: South ½ Block 8 Venture

Mr. Richard Suttle will be present at the meeting to answer any questions regarding the project, if needed.

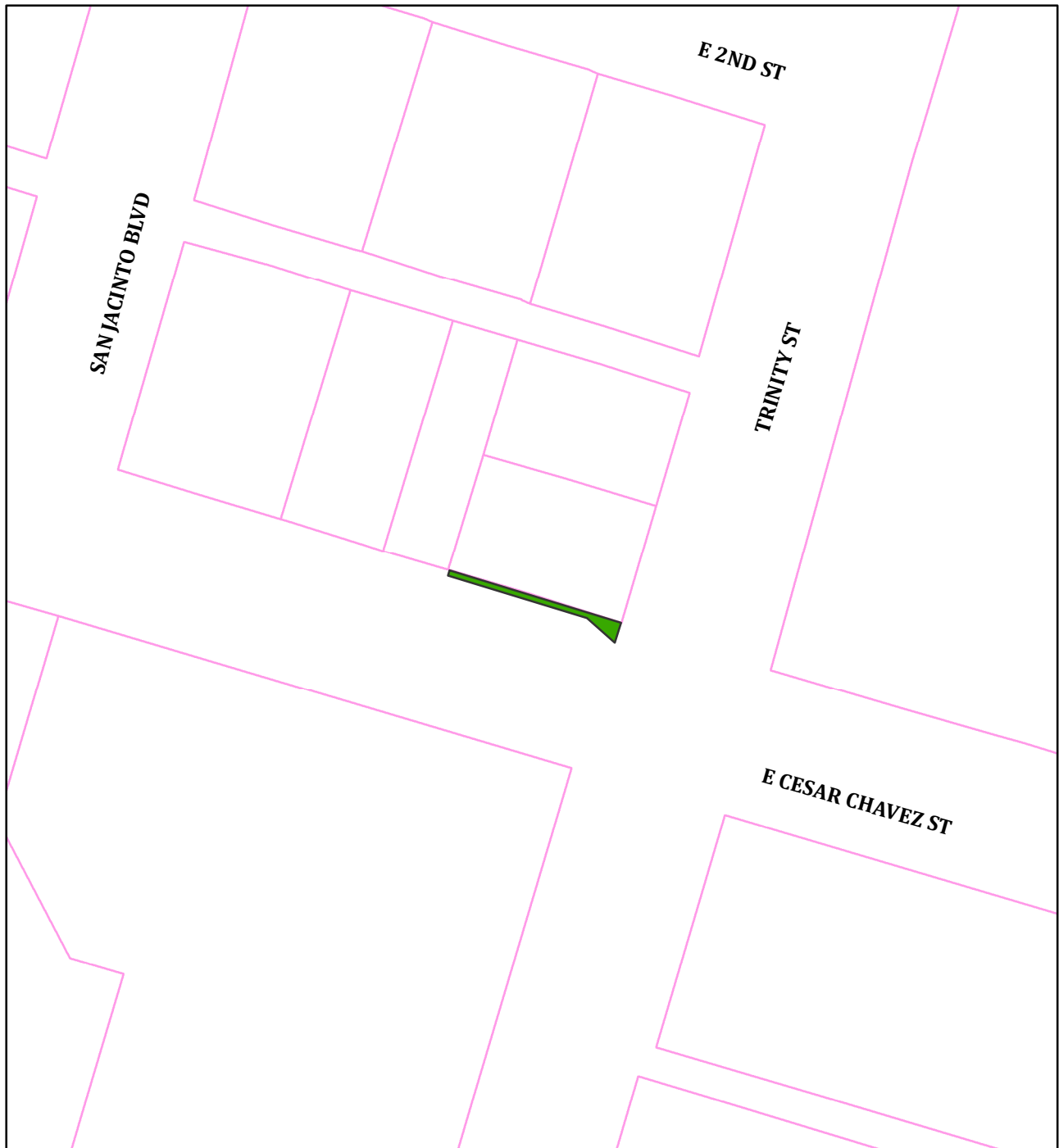
Andy Halm, Senior Property Agent
Land Management Division

OFFICE OF REAL ESTATE SERVICES

Attachments

DEPARTMENT COMMENTS FOR THE ENCROACHMENT OF A PORTION OF THE
EAST CESAR CHAVEZ STREET RIGHT OF WAY BY THE PROPOSED
CANTILEVERED / OVERHEAD ENCLOSED BUILDING SPACE.

AT&T	APPROVE
AUSTIN ENERGY	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN WATER	APPROVE
CAPITAL METRO	APPROVE
CODE COMPLIANCE	APPROVE
CTM – GAATN	APPROVE
DEVELOPMENT SERVICES (Land Use Review-Engineering)	APPROVE
DEVELOPMENT SERVICES (Land Use Review-Transportation)	APPROVE
EMS	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE
PARD	APPROVE
PLANNING & ZONING (Comprehensive Planning)	APPROVE
PLANNING & ZONING (Zoning Review)	APPROVE
PLANNING & ZONING (Urban Design)	APPROVE
PUBLIC WORKS	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE
WATERSHED PROTECTION (Engineering)	APPROVE



Proposed Right-of-Way encroachment at E Cesar Chavez St at Trinity St



City of Austin
Real Estate Services



0 75 150 Feet

 A horizontal scale bar with markings for 0, 75, and 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, 5/15/2017

MEMORANDUM

Case No.: 9680-1605

Date: May 2, 2016

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	() Nadia Barrera	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 encroachment of the **Cesar Chavez right-of-way** by cantilevered / overhead enclosed building space (Adjacent to 306-316 East Cesar Chavez Street).

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: **May 16th, 2016**.

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

Comments: _____

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

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

Comments: _____

Reviewed by: _____

Telephone: _____

Date: _____

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

LYNN ANN CARLEY, P.E.
(512) 435-2378
lcarley@abaustin.com

April 22, 2015

HAND DELIVERYEric Hammack
City of Austin
Office of Real Estate Services
505 Barton Springs Road, 7th Floor
Austin, Texas 78704

Re: 222 Square Foot Above Ground Encroachment Agreement for the Hotel at Cesar Chavez and Trinity

Dear Mr. Hammack,

Enclosed is an application for a 222 square foot above ground encroachment agreement for the proposed Hotel at Cesar Chavez and Trinity. This is one of three encroachment agreements being submitted. All three encroachments are located adjacent to Lots 1-6, Block 8, Original City of Austin subdivision, according to the map or plat of record in the General Land Office of the State of Texas. The three encroachment agreement applications are for the following:

1. 0.029 acre above ground protrusion of the building, including associated building infrastructure, located on the east side of the building adjacent to Trinity Street;
2. 0.098 acre below grade parking garage with associated utilities, site and building infrastructure; and
3. 222 square foot above ground protrusion of the building, including associated building infrastructure, located on the southeast corner of the building.

The following information is being provided to detail the reasons for the encroachment agreements.

1. These encroachments are for a commercial project.
2. The areas of encroachment were dedicated per plat.
3. The City did not purchase the area where the proposed encroachment will be located.
4. The encroachments do not currently exist. They are proposed.
5. For the two above grade encroachments, there are no utility lines in this area. For the below grade encroachment, we are currently coordinating to determine what utilities exist. However, we understand that relocation of the utility lines applies.

ARMBRUST & BROWN, PLLC

Page 2

6. The above grade encroachment areas will be protrusions of the buildings into the ROW, including associated building infrastructure. The below grade encroachment area will be a parking garage, including associated utilities, site and building infrastructure.
7. A site plan has not been submitted at this time, but will be submitted in the next few months.
8. The project will be a unified development.
9. This project is not a SMART Housing Project.
10. The project is anticipated to begin in late 2017 or early 2018.
11. The adjacent properties to this site are developed.
12. No parking facilities currently exist.
13. This project does not lie within the UT boundaries.
14. This area does lie within the Downtown boundaries.
15. The proposed encroachments support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan because:
 - a) the project is located in the downtown area, which is a Regional Center and expected to include the most density, tall buildings, and people. This location contributes to having a compact and connected Austin by putting density in appropriate locations from a land use and transportation perspective.
 - b) the project will obtain a two star rating in Austin Energy's Green Building Program, which will help to manage our water resources.
 - c) the project continues to grow Austin's economy, because it is located adjacent to the Convention Center, which promotes education systems, entrepreneurs, and local businesses. In addition, this helps to grow and invest in Austin's creative economy.
 - d) the Project will provide Great Streets sidewalks and streetscapes to promote pedestrian activity along all three of its street frontages. It should be noted that along Cesar Chavez Street, there is not sufficient width within the City's right-of-way to provide the full 18 foot width of a Great Streets' sidewalk. Therefore, approximately six to eight feet of the Applicant's property will be used for this purpose, which decreases the footprint of the building. This is a significant investment to creating a compact and connected Austin.

Upon your review of this information, please feel free to contact me if you have any questions.

Sincerely,



Lynn Ann Carley, P.E.
Senior Land Development Consultant

Enclosures

Cc: Matt Frankiewicz
Joe Isaja, P.E.

{W0692692.1}

Application for an Encroachment Agreement

File No. 9680-1805 DATE: 5-2-16
Department Use Only Department Use Only

1. TYPE OF ENCROACHMENT

Encroachment Type: ☒ Aerial ☐ Sub-surface ☐ Surface

List TYPE OF ENCROACHMENT to be placed on Public Property: 222 sf above ground
protusion of the building, including associated building infrastructure

Has encroachment been installed prior to application: ☒ Yes ☐ No

Adjoins property at the following street address: 306-316 E Cesar Chavez Street,
102 Trinity Street

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: 02-0502-1407 and 02-0502-1406
Survey & Abstract No. _____
Lot(s) 4-6 Block 8 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: YES / NO	_____
Subdivision: Case: YES / NO	<u>Original City of Austin</u>
Building Permit: YES / NO	_____

4. APPLICANT INFORMATION

Name: Richard T. Suttle, Jr
Firm Name: Armbrust & Brown, PLLC
Address: 100 Congress Ave, Ste 1300 City: Austin State: TX
Zip: 78701 Phone: (512) 435-2300 Fax No.: (512) 435-2360
EMAIL ADDRESS: LCARLEY@ABAUSTIN.COM; RSUTTLE@ABAUSTIN.COM

5. DEVELOPER INFORMATION

Name: Matt Frankiewicz
Firm Name: White Lodging Services Corporation
Address: 701 E 83rd Avenue City: Merrillville State: IN
Zip: 46410 Phone: (219) 472-2985 Fax No.: ()

6. LANDOWNER INFORMATION

Name: South 1/2 Block 8 Venture (as shown on Deed)
Address: 901 McCartney Drive City: Kingsland State: TX
Zip: 78639 Phone: (____) _____ Fax No.: (____) _____
Lienholder Name: _____
Lienholder Address: _____
Lienholder Phone Number: _____ Fax Number: _____
(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: Austin 20 Hotel, LLC
Address: 701 E 83rd Avenue City: Merrillville State: IN
Zip: 46410 Phone: (219) 472-2985 Fax No.: (____) _____
Contact Person: Matt Frankiewicz Phone: 219-472-2985

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

F#9680-1605

EXHIBIT "A"

CITY OF AUSTIN TO
SOUTH 1/2 BLOCK 8 VENTURE
A TEXAS GENERAL PARTNERSHIP
(AERIAL ENCROACHMENT AGREEMENT)

177 SQUARE FEET
CESAR CHAVEZ AND TRINITY
HKS, INC.

FN NO. 17-160 (MJJ)
MAY 10, 2017
JOB NO. 222010160

DESCRIPTION

OF 177 SQUARE FEET OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING A PORTION OF THE EAST CESAR CHAVEZ STREET RIGHT-OF-WAY (80' WIDE) ADJACENT TO LOTS 4-6 OF BLOCK 8 ORIGINAL CITY OF AUSTIN, AS SHOWN BY THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; SAID LOTS 4-6 CONVEYED TO SOUTH 1/2 BLOCK 8 VENTURE, A TEXAS GENERAL PARTNERSHIP BY DEED OF RECORD IN DOCUMENT NOS. 2014181564, 2014181561 AND 2014182472 ALL OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 177 SQUARE FEET OF LAND BEING LOCATED ABOVE THE PROPOSED FINISH SIDEWALK GRADE OF 463.0' (based on NAVD88) ON A LEVEL PLANE BEGINNING AT AN ELEVATION OF 487.0' (based on NAVD88) WHICH IS 24.0 FEET ABOVE THE PROPOSED FINISH SIDEWALK GRADE AND EXTENDING TO A HEIGHT OF 360.66 FEET ABOVE SAID PROPOSED FINISH SIDEWALK GRADE TO THE APPROXIMATE ELEVATION OF 823.66'; SAID 177 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod with "BURY" cap set at the intersection of the northerly right-of-way line of East Cesar Chavez Street (80' R.O.W.), with the westerly right-of-way line of Trinity Street (80' R.O.W.), being the southeasterly corner of said Lot 6;

THENCE, N73°28'36"W, leaving the westerly right-of-way line of Trinity Street, along the northerly right-of-way line of East Cesar Chavez Street, being the southerly line of said Lot 6, a distance of 32.67 feet to the **POINT OF BEGINNING** and northeasterly corner hereof;

THENCE, leaving the southerly line of said Lot 6, over and across the East Cesar Chavez Street right-of-way, for the easterly, southerly and westerly lines hereof, the following two (2) courses and distances:

- 1) S16°31'24"W, a distance of 2.89 feet to the southeasterly corner hereof;
- 2) N73°28'36"W, a distance of 61.23 feet to the southwesterly corner hereof;

FN NO. 17-160 (MJJ)
MAY 10, 2017
PAGE 2 OF 2

- 3) N16°47'56"E, a distance of 2.89 feet to a point in the northerly right-of-way line of East Cesar Chavez Street, being the southerly line of said Lot 4, for the northwesterly corner hereof, from which a 1/2 inch iron rod with "BURY" cap set at the intersection of the northerly right-of-way line of East Cesar Chavez Street, with the easterly right-of-way line of San Jacinto Boulevard (80' R.O.W.), being the southwesterly corner of Lot 1 of said Block 8 Original City of Austin of record bears, N73°28'36"W, a distance of 182.31 feet;

THENCE, S73°28'36"E, along the northerly right-of-way line of East Cesar Chavez Street, being the southerly line of said Lots 4-6, for the northerly line hereof, a distance of 61.22 feet to the **POINT OF BEGINNING**, containing an area of 177 square feet of land, more or less, within these metes and bounds.

BEARING BASIS: THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND ADDITIONALLY REFERENCED TO CITY OF AUSTIN GPS MONUMENTS.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

STANTEC, INC.
221 WEST SIXTH STREET
SUITE 600
AUSTIN, TEXAS 78701

Mark J. Jezisek 5/10/17
MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS
TBPLS # F-10194230



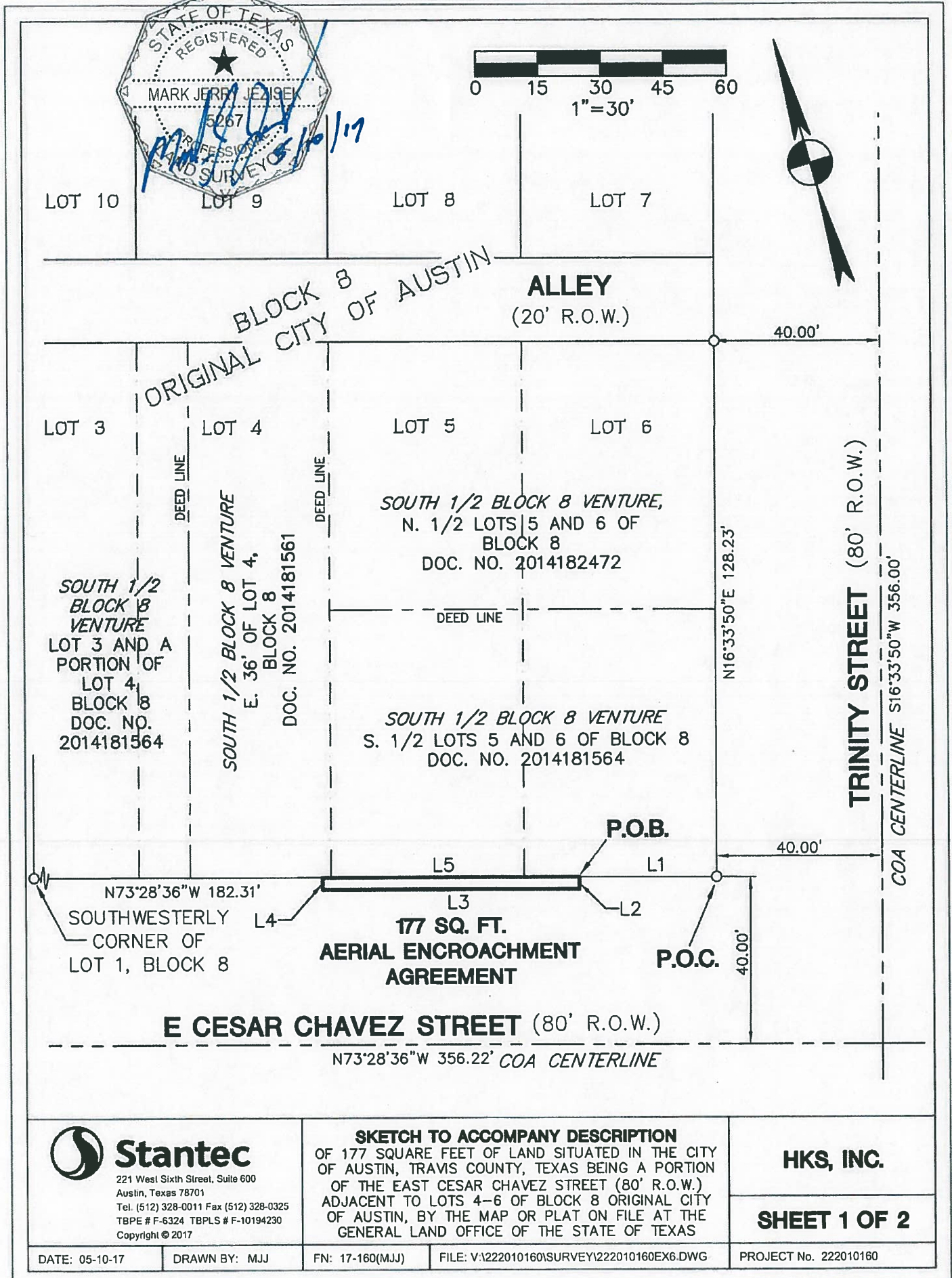
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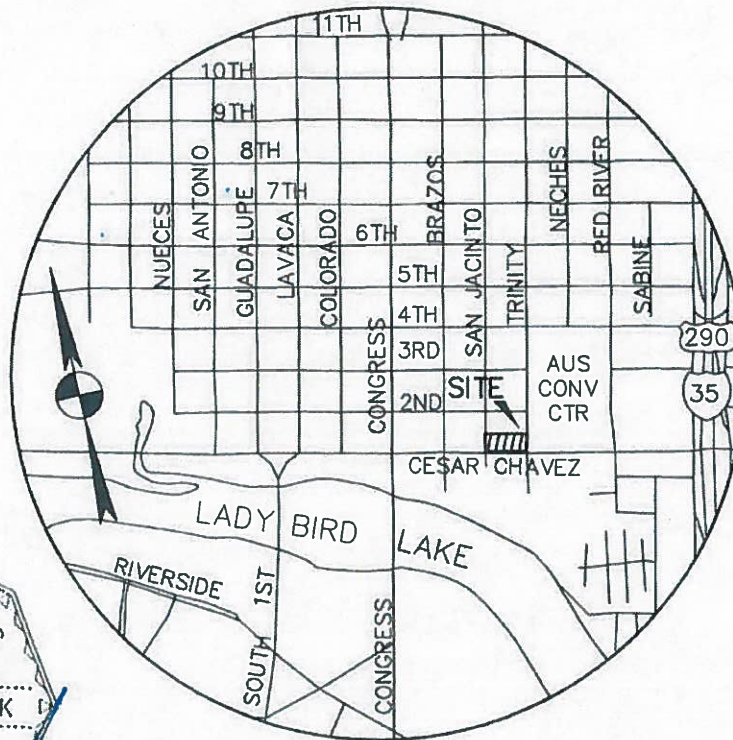
AUSTIN GRID - J22
TCAD PARCEL NOS. - 0205021406 & 0205021407

FIELD NOTES REVIEWED

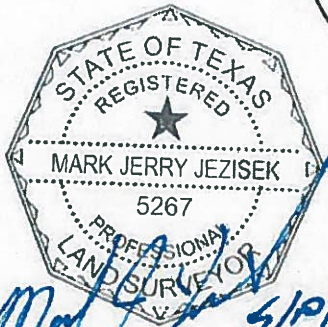
By *Jacki Daniel* Date *05.15.2017*

Engineering Support Section
Department of Public Works
and Transportation





VICINITY MAP
N.T.S.



BEARING BASIS NOTE:

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH "BURY" CAP SET

P.O.B. POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

LINE TABLE

NO.	BEARING	DISTANCE
L1	N73°28'36"W	32.67'
L2	S16°31'24"W	2.89'
L3	N73°28'36"W	61.23'
L4	N16°47'56"E	2.89'
L5	S73°28'36"E	61.22'



Stantec

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel: (512) 328-0011 Fax: (512) 328-0325
TBPE # F-6324 TBPLS # F-10194230
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SKETCH TO ACCOMPANY DESCRIPTION

OF 177 SQUARE FEET OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING A PORTION OF THE EAST CESAR CHAVEZ STREET (80' R.O.W.) ADJACENT TO LOTS 4-6 OF BLOCK 8 ORIGINAL CITY OF AUSTIN, BY THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS

HKS, INC.

SHEET 2 OF 2

DATE: 05-10-17

DRAWN BY: MJJ

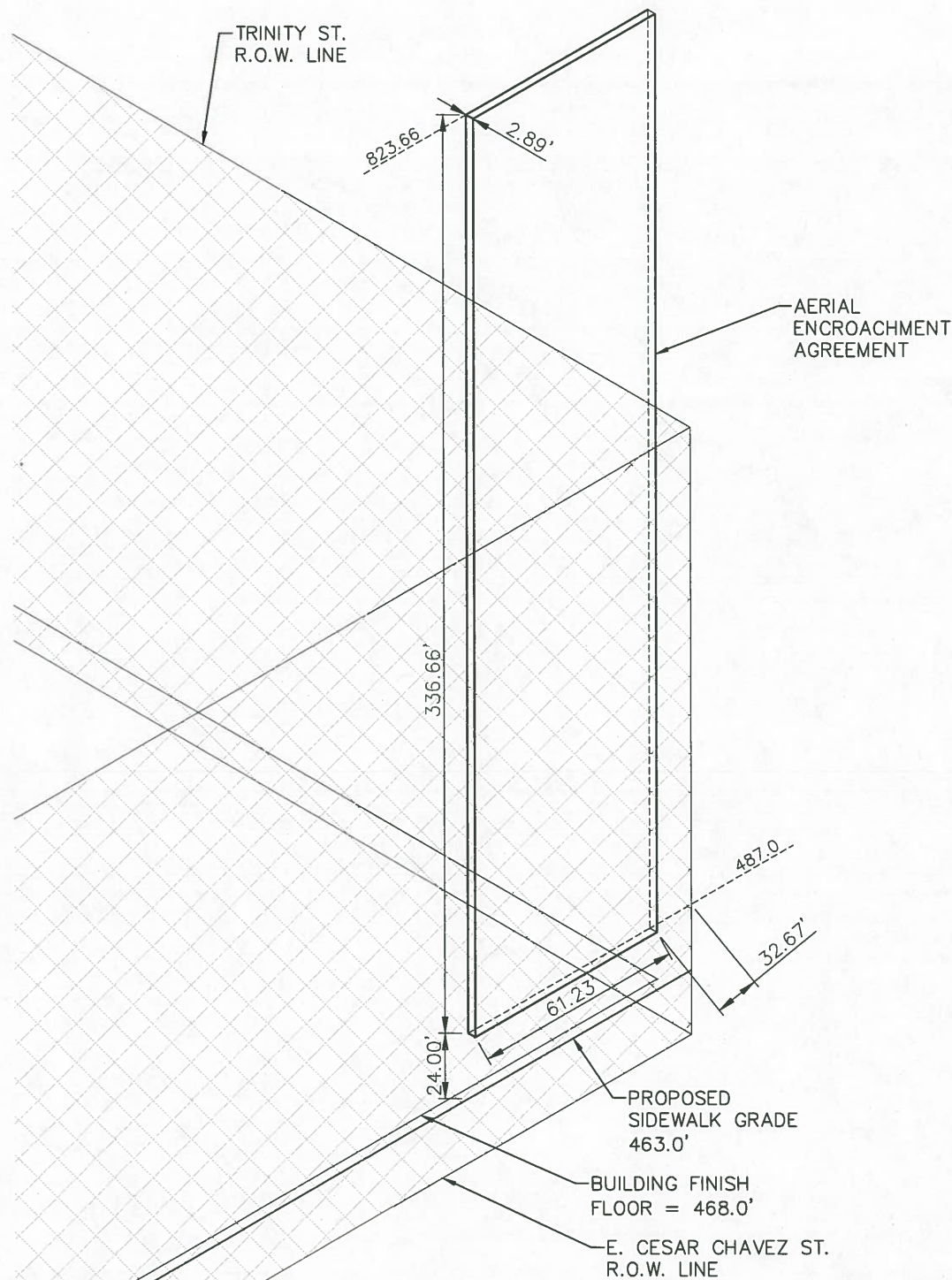
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PROJECT No. 222010160

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07.2017
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Client/Project

AUSTIN 20 HOTEL, LLC

MARRIOTT HOTEL AT CEZAR CHAVEZ

Figure No.

Title

BUILDING ENCROACHMENT



221 West Sixth Street, Suite 600

Austin, TX 78701

TBPE # F-6324 TBPLS # 10194230

www.stantec.com

F#9680-1605

EXHIBIT "A"

CITY OF AUSTIN TO
SOUTH 1/2 BLOCK 8 VENTURE
A TEXAS GENERAL PARTNERSHIP
(AERIAL ENCROACHMENT AGREEMENT)

63 SQUARE FEET
CESAR CHAVEZ AND TRINITY
HKS, INC.

FN NO. 17-159(MJJ)
MAY 10, 2017
JOB NO. 222010160

DESCRIPTION

OF 63 SQUARE FEET OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING A PORTION OF THE EAST CESAR CHAVEZ STREET RIGHT-OF-WAY (80' WIDE) ADJACENT TO LOT 6 OF BLOCK 8 ORIGINAL CITY OF AUSTIN, AS SHOWN BY THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; SAID LOT 6 CONVEYED TO SOUTH 1/2 BLOCK 8 VENTURE, A TEXAS GENERAL PARTNERSHIP BY DEED OF RECORD IN DOCUMENT NOS. 2014181564 AND 2014182472 BOTH OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 63 SQUARE FEET OF LAND BEING LOCATED ABOVE THE PROPOSED FINISH SIDEWALK GRADE OF 463.0' (based on NAVD88) ON A LEVEL PLANE BEGINNING AT AN ELEVATION OF 573.0' (based on NAVD88) WHICH IS 110.0 FEET ABOVE THE PROPOSED FINISH SIDEWALK GRADE AND EXTENDING TO A HEIGHT OF 387.75 FEET ABOVE SAID PROPOSED FINISH SIDEWALK GRADE TO THE APPROXIMATE ELEVATION OF 850.75'; SAID 63 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod with "BURY" cap set at the intersection of the northerly right-of-way line of East Cesar Chavez Street (80' R.O.W.), with the westerly right-of-way line of Trinity Street (80' R.O.W.), being the southeasterly corner of said Lot 6;

THENCE, N73°28'36"W, leaving the westerly right-of-way line of Trinity Street, along the northerly right-of-way line of East Cesar Chavez Street, being the southerly line of said Lot 6, a distance of 0.92 feet to the **POINT OF BEGINNING** and northeasterly corner hereof;

THENCE, leaving the southerly line of said Lot 6, over and across the East Cesar Chavez Street right-of-way, for the easterly and southerly lines hereof, the following two (2) courses and distances:

- 1) S16°31'24"W, a distance of 4.90 feet to the southeasterly corner hereof;

- 2) N62°37'47"W, a distance of 26.02 feet to a point in the northerly right-of-way line of East Cesar Chavez Street, being the southerly line of said Lot 6, for the northwesterly corner hereof, from which a 1/2 inch iron rod with "BURY" cap set at the intersection of the northerly right-of-way line of East Cesar Chavez Street, with the easterly right-of-way line of San Jacinto Boulevard (80' R.O.W.), being the southwesterly corner of Lot 1 of said Block 8 Original City of Austin of record bears, N73°28'36"W, a distance of 249.73 feet;

THENCE, S73°28'36"E, along the northerly right-of-way line of East Cesar Chavez Street, being the southerly line of said Lot 6 for the northerly line hereof, a distance of 25.56 feet to the **POINT OF BEGINNING**, containing an area of 63 square feet of land, more or less, within these metes and bounds.

BEARING BASIS: THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND ADDITIONALLY REFERENCED TO CITY OF AUSTIN GPS MONUMENTS.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

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SUITE 600
AUSTIN, TEXAS 78701

Mark Jezisek 5/10/17
MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS
TBPLS # F-10194230



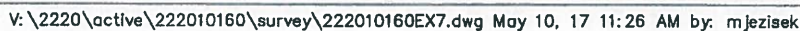
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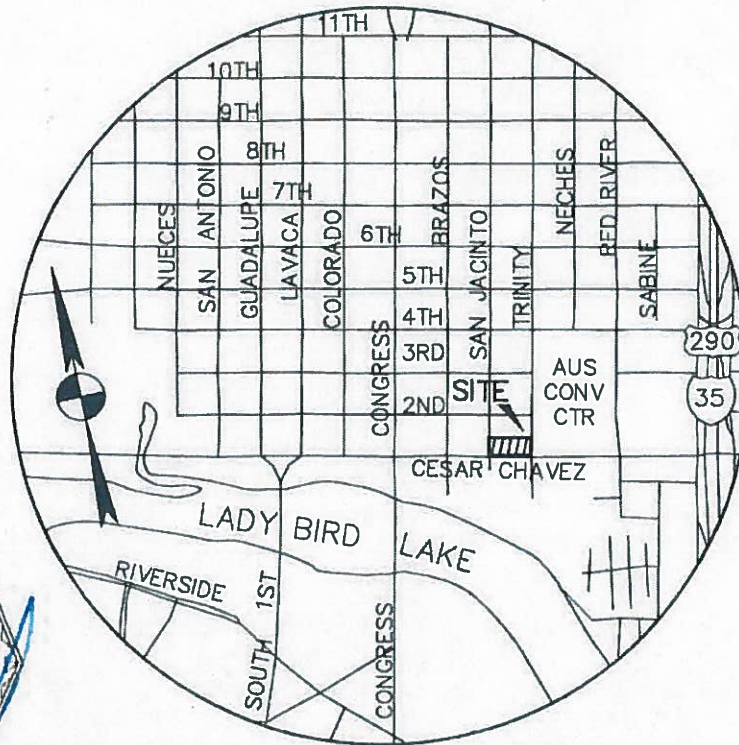
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TCAD PARCEL NOS. - 0205021406 & 0205021407

FIELD NOTES REVIEWED

By: *John D. ...* Date *05.15.2017*

Engineering Support Section
Department of Public Works
and Transportation





VICINITY MAP
N.T.S.

BEARING BASIS NOTE:

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

LINE TABLE

NO.	BEARING	DISTANCE
L1	N73°28'36"W	0.92'
L2	S16°31'24"W	4.90'
L3	N62°37'47"W	26.02'
L4	S73°28'36"E	25.56'

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH "BURY" CAP SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT



Stantec

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512) 328-0011 Fax (512) 328-0325
TBPE # F-6324 TBPLS # F-10194230
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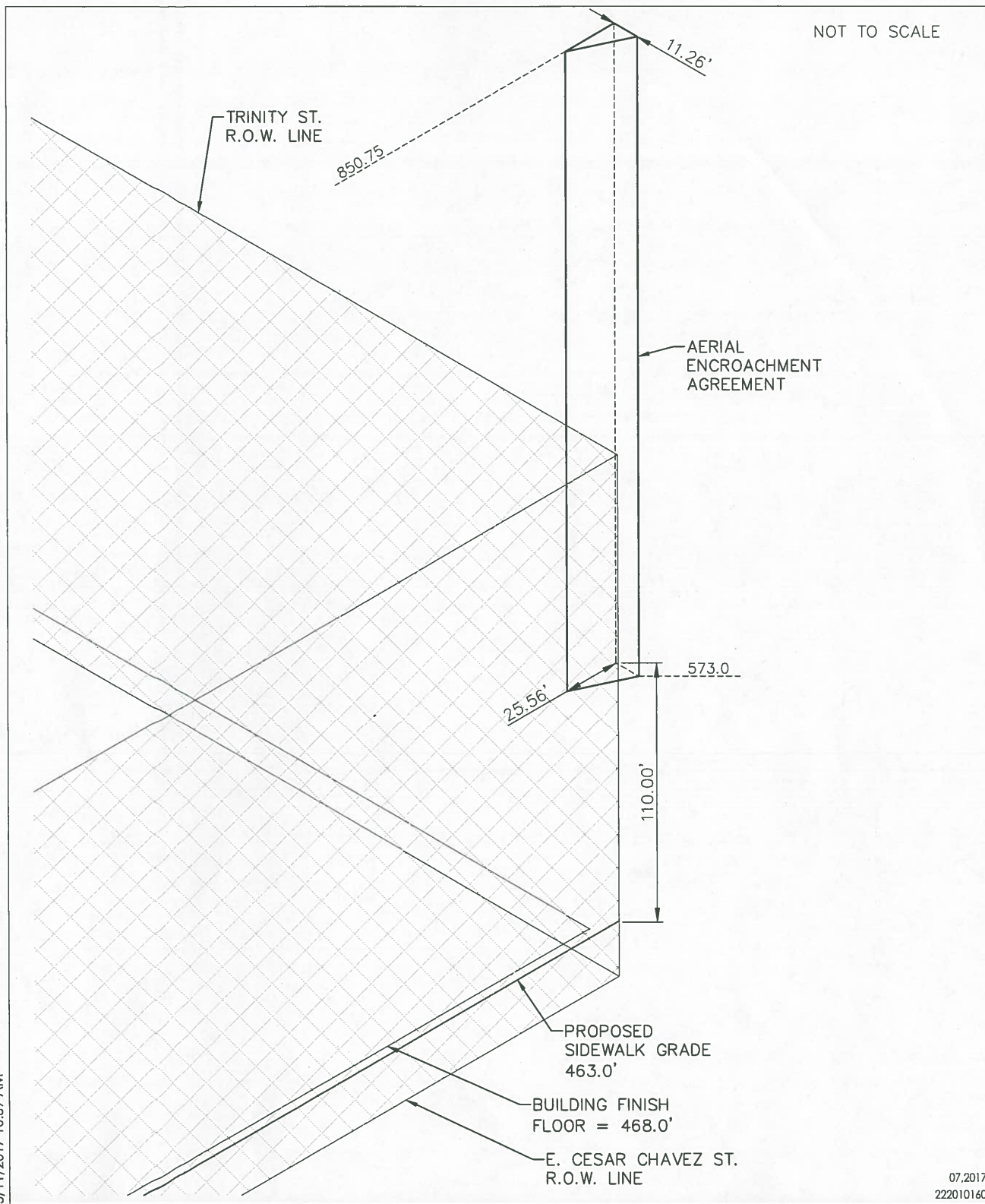
DRAWN BY: MJJ

FN: 17-159(MJJ)

FILE: V:\222010160\SURVEY\222010160EX7.DWG

PROJECT No. 222010160

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5/11/2017 10:59 AM



221 West Sixth Street, Suite 600
Austin, TX 78701
TBPE # F-6324 TBPLS # 10194230
www.stantec.com

Client/Project

AUSTIN 20 HOTEL, LLC

MARRIOTT HOTEL AT CEZAR CHAVEZ
Figure No.

Title

BUILDING ENCROACHMENT

M E M O R A N D U M

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# 9681-1605 – Subsurface Encroachment of a portion of East Cesar Chavez Street Right-of-Way by an underground parking garage near the intersection of East Cesar Chavez Street and Trinity Street.

Attached are the departmental comments and other information pertinent to the referenced right of way vacation. **The area being requested for encroachment will be used for underground parking garage for a new Marriott Hotel.** 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 **May 23, 2017, Planning Commission Agenda** for their consideration.

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

Applicant: Richard Suttle

Property Owner: South ½ Block 8 Venture

Mr. Richard Suttle will be present at the meeting to answer any questions regarding the project, if needed.

Andy Halm, Senior Property Agent
Land Management Division

OFFICE OF REAL ESTATE SERVICES

Attachments

DEPARTMENT COMMENTS FOR THE ENCROACHMENT OF A PORTION OF THE
EAST CESAR CHAVEZ STREET RIGHT OF WAY BY THE PROPOSED
UNDERGROUND PARKING GARAGE.

AT&T	APPROVE
AUSTIN ENERGY	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN WATER	APPROVE
CAPITAL METRO	APPROVE
CODE COMPLIANCE	APPROVE
CTM – GAATN	APPROVE
DEVELOPMENT SERVICES (Land Use Review-Engineering)	APPROVE
DEVELOPMENT SERVICES (Land Use Review-Transportation)	APPROVE
EMS	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE
PARD	APPROVE
PLANNING & ZONING (Comprehensive Planning)	APPROVE
PLANNING & ZONING (Zoning Review)	APPROVE
PLANNING & ZONING (Urban Design)	APPROVE
PUBLIC WORKS	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE
WATERSHED PROTECTION (Engineering)	APPROVE



2nd Proposed Right-of-Way encroachment at E Cesar Chavez St at Trinity 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, 5/15/2017

MEMORANDUM

Case No.: 9681-1605

Date: May 2, 2016

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	() Nadia Barrera	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 subsurface encroachment of the **Cesar Chavez right-of-way** by an underground parking garage (Adjacent to 306-316 East Cesar Chavez Street).

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: **May 16th, 2016**.

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

Comments: _____

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

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

Comments: _____

Reviewed by: _____

Telephone: _____

Date: _____

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

LYNN ANN CARLEY, P.E.
(512) 435-2378
lcarley@abaustin.com

April 22, 2015

HAND DELIVERYEric Hammack
City of Austin
Office of Real Estate Services
505 Barton Springs Road, 7th Floor
Austin, Texas 78704Re: 0.098 Acre Below Grade Encroachment Agreement for the Hotel at Cesar Chavez
and Trinity

Dear Mr. Hammack,

Enclosed is an application for a 0.098 acre below grade encroachment agreement for the proposed Hotel at Cesar Chavez and Trinity. This is one of three encroachment agreements being submitted. All three encroachments are located adjacent to Lots 1-6, Block 8, Original City of Austin subdivision, according to the map or plat of record in the General Land Office of the State of Texas. The three encroachment agreement applications are for the following:

1. 0.029 acre above ground protrusion of the building, including associated building infrastructure, located on the east side of the building adjacent to Trinity Street;
2. 0.098 acre below grade parking garage with associated utilities, site and building infrastructure; and
3. 222 square foot above ground protrusion of the building, including associated building infrastructure, located on the southeast corner of the building.

The following information is being provided to detail the reasons for the encroachment agreements.

1. These encroachments are for a commercial project.
2. The areas of encroachment were dedicated per plat.
3. The City did not purchase the area where the proposed encroachment will be located.
4. The encroachments do not currently exist. They are proposed.
5. For the two above grade encroachments, there are no utility lines in this area. For the below grade encroachment, we are currently coordinating to determine what utilities exist. However, we understand that relocation of the utility lines applies.

ARMBRUST & BROWN, PLLC

Page 2

6. The above grade encroachment areas will be protrusions of the buildings into the ROW, including associated building infrastructure. The below grade encroachment area will be a parking garage, including associated utilities, site and building infrastructure.
7. A site plan has not been submitted at this time, but will be submitted in the next few months.
8. The project will be a unified development.
9. This project is not a SMART Housing Project.
10. The project is anticipated to begin in late 2017 or early 2018.
11. The adjacent properties to this site are developed.
12. No parking facilities currently exist.
13. This project does not lie within the UT boundaries.
14. This area does lie within the Downtown boundaries.
15. The proposed encroachments support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan because:
 - a) the project is located in the downtown area, which is a Regional Center and expected to include the most density, tall buildings, and people. This location contributes to having a compact and connected Austin by putting density in appropriate locations from a land use and transportation perspective.
 - b) the project will obtain a two star rating in Austin Energy's Green Building Program, which will help to manage our water resources.
 - c) the project continues to grow Austin's economy, because it is located adjacent to the Convention Center, which promotes education systems, entrepreneurs, and local businesses. In addition, this helps to grow and invest in Austin's creative economy.
 - d) the Project will provide Great Streets sidewalks and streetscapes to promote pedestrian activity along all three of its street frontages. It should be noted that along Cesar Chavez Street, there is not sufficient width within the City's right-of-way to provide the full 18 foot width of a Great Streets' sidewalk. Therefore, approximately six to eight feet of the Applicant's property will be used for this purpose, which decreases the footprint of the building. This is a significant investment to creating a compact and connected Austin.

Upon your review of this information, please feel free to contact me if you have any questions.

Sincerely,



Lynn Ann Carley, P.E.
Senior Land Development Consultant

Enclosures

Cc: Matt Frankiewicz
Joe Isaja, P.E.

{W0692691.1}

Application for an Encroachment Agreement

File No. 9681-1605 DATE: 5-2-16
 Department Use Only Department Use Only

1. TYPE OF ENCROACHMENT

Encroachment Type: ☐ Aerial ☒ Sub-surface ☐ Surface

List TYPE OF ENCROACHMENT to be placed on Public Property: 0.098 acre below grade parking garage with associated utilities, site and building infrastructure

Has encroachment been installed prior to application: ~~Yes~~ - No

Adjoins property at the following street address: 302-316 E Cesar Chavez Street,
101 San Jacinto Boulevard, 102 Trinity Street

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: 02-0502-1411, 02-0502-1408, 02-0502-1407, and 02-0502-1406

Survey & Abstract No. _____

Lot(s) 1-6 Block 8 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: YES / NO	_____
Subdivision: Case: YES / NO	<u>Original City of Austin</u>
Building Permit: YES / NO	_____

4. APPLICANT INFORMATION

Name: Richard T. Suttle, Jr

Firm Name: Armbrust & Brown, PLLC

Address: 100 Congress Ave, Ste 1300 City: Austin State: TX

Zip: 78701 Phone: (512) 435-2300 Fax No.: (512) 435-2360

EMAIL ADDRESS: LCARLEY@ABAUSTIN.COM; RSUTTLE@ABAUSTIN.COM

5. DEVELOPER INFORMATION

Name: Matt Frankiewicz

Firm Name: White Lodging Services Corporation

Address: 701 E 83rd Avenue City: Merrillville State: IN

Zip: 46410 Phone: (219) 472-2985 Fax No.: ()

6. LANDOWNER INFORMATIONName: South 1/2 Block 8 Venture (as shown on Deed)Address: 901 McCartney Drive City: Kingsland State: TXZip: 78639 Phone: () Fax No.: ()

Lienholder Name: _____

Lienholder Address: _____

Lienholder Phone Number: _____ Fax Number: _____

(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: Austin 20 Hotel, LLCAddress: 701 E 83rd Avenue City: Merrillville State: INZip: 46410 Phone: (219) 472-2985 Fax No.: ()Contact Person: Matt Frankiewicz Phone: 219-472-2985

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

F#9681-1605

EXHIBIT "A"

CITY OF AUSTIN TO
SOUTH 1/2 BLOCK 8 VENTURE
A TEXAS GENERAL PARTNERSHIP
(SUBSURFACE ENCROACHMENT AGREEMENT)

0.063 ACRE
CESAR CHAVEZ AND TRINITY
HKS, INC.

FN NO. 16-302(DLB)
AUGUST 23, 2016
JOB NO. 222020160

DESCRIPTION

OF 0.063 ACRE OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS BEING A PORTION OF THE EAST CESAR CHAVEZ STREET RIGHT-OF-WAY (80' WIDE) ADJACENT TO LOTS 1-6 OF BLOCK 8 ORIGINAL CITY OF AUSTIN AS SHOWN BY THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; SAID LOTS 1-6 CONVEYED TO SOUTH 1/2 BLOCK 8 VENTURE, A TEXAS GENERAL PARTNERSHIP BY DEEDS OF RECORD IN DOCUMENT NOS. 2014181564, 2014181561, AND 2014182472 ALL OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.063 ACRE TRACT OF LAND BEING LOCATED BELOW THE PROPOSED FINISH SIDEWALK GRADE OF 463.0' (based on NAVD88) ON A LEVEL PLANE BEGINNING AT AN ELEVATION OF 455.0' (based on NAVD88) WHICH IS 8.0 FEET BELOW THE PROPOSED FINISH SIDEWALK GRADE AND EXTENDING TO A DEPTH OF 43.0 FEET BELOW SAID PROPOSED FINISH SIDEWALK GRADE TO THE APPROXIMATE ELEVATION OF 420.0'; SAID 0.063 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod with "BURY" cap set at the intersection of the northerly right-of-way line of East Cesar Chavez Street (80' R.O.W.), with the westerly right-of-way line of Trinity Street (80' R.O.W.), being the southeasterly corner of said Lot 6;

THENCE, leaving the southerly line of said Lot 6, over and across the East Cesar Chavez Street right-of-way, for the easterly, southerly, and westerly lines hereof, the following three (3) courses and distances:

- 1) S16°31'24"W, a distance of 10.00 feet to the southeasterly corner hereof;
- 2) N73°28'36"W, a distance of 276.20 feet to the southwesterly corner hereof;
- 3) N16°31'24"E, a distance of 10.00 feet to a 1/2 inch iron rod with "BURY" cap set at the southwesterly corner of said Lot 1, for the northwesterly corner hereof;


FN NO. 16-302(DLB)
AUGUST 23, 2016
PAGE 2 OF 2

THENCE, S73°28'36"E, along the northerly right-of-way line of East Cesar Chavez Street, being the southerly lines of said Lots 1-6, for the northerly line hereof, a distance of 276.20 feet to the **POINT OF BEGINNING**, containing an area of 0.063 acres or (2,762 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS: THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND ADDITIONALLY REFERENCED TO CITY OF AUSTIN GPS MONUMENTS.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

STANTEC CONSULTING
SERVICES INC.
221 WEST SIXTH ST.
SUITE 600
AUSTIN, TEXAS 78701


MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS
TBPLS # F-10194230
mark.jezisek@stantec.com



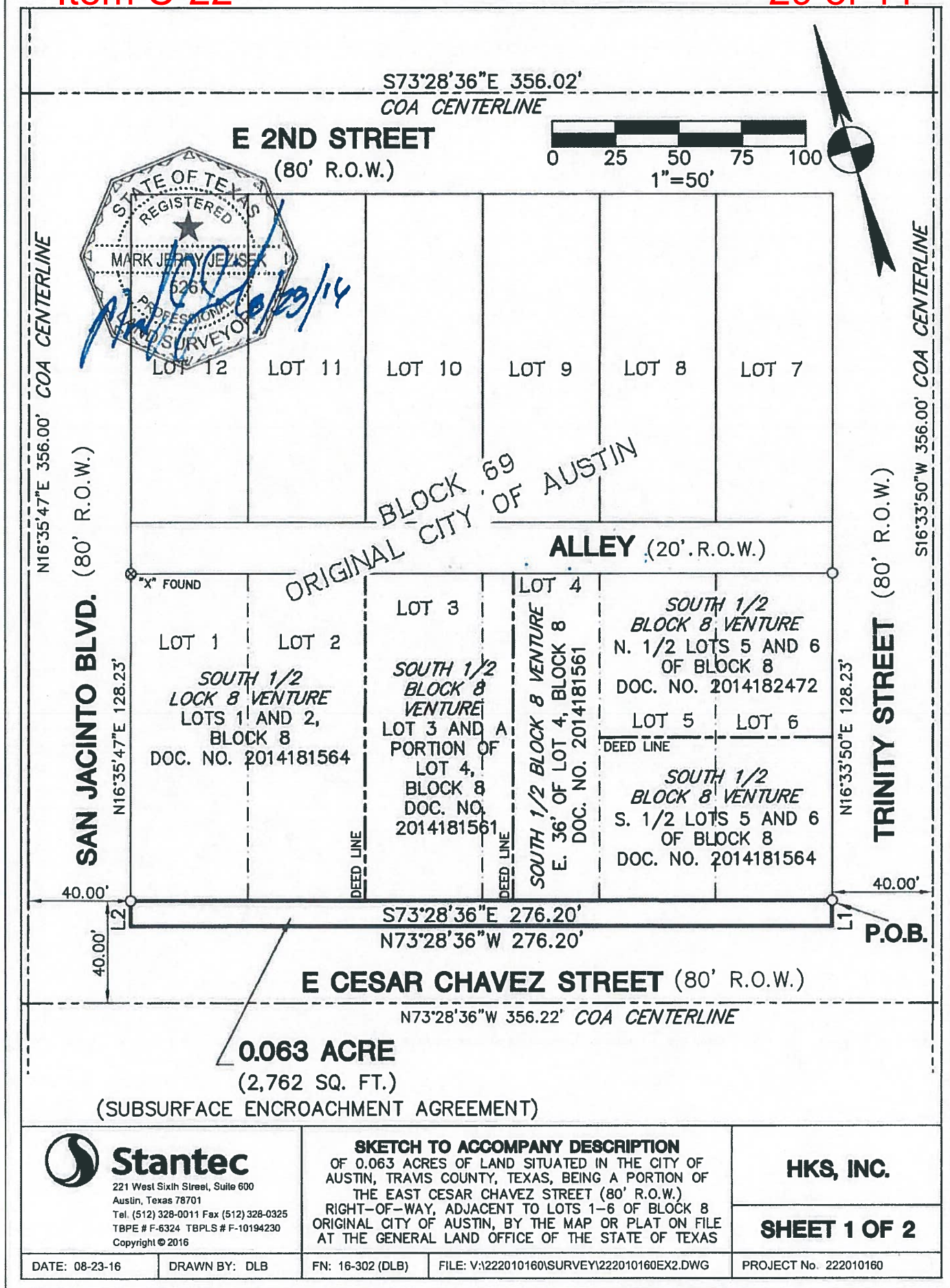
REFERENCES

AUSTIN GRID - J22
TCAD PARCEL NOS. - 0205021411, 0205021408,
0205021407, and 0205021406

FIELD NOTES REVIEWED

By Jack T. Dill Date 03-06-2017

Engineering Support Section
Department of Public Works
and Transportation



Stantec

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512) 328-0011 Fax (512) 328-0325
TBPE # F-6324 TBPLS # F-10194230
Copyright © 2016

SKETCH TO ACCOMPANY DESCRIPTION

OF 0.063 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE EAST CESAR CHAVEZ STREET (80' R.O.W.) RIGHT-OF-WAY, ADJACENT TO LOTS 1-6 OF BLOCK 8 ORIGINAL CITY OF AUSTIN, BY THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS

HKS, INC.

SHEET 1 OF 2

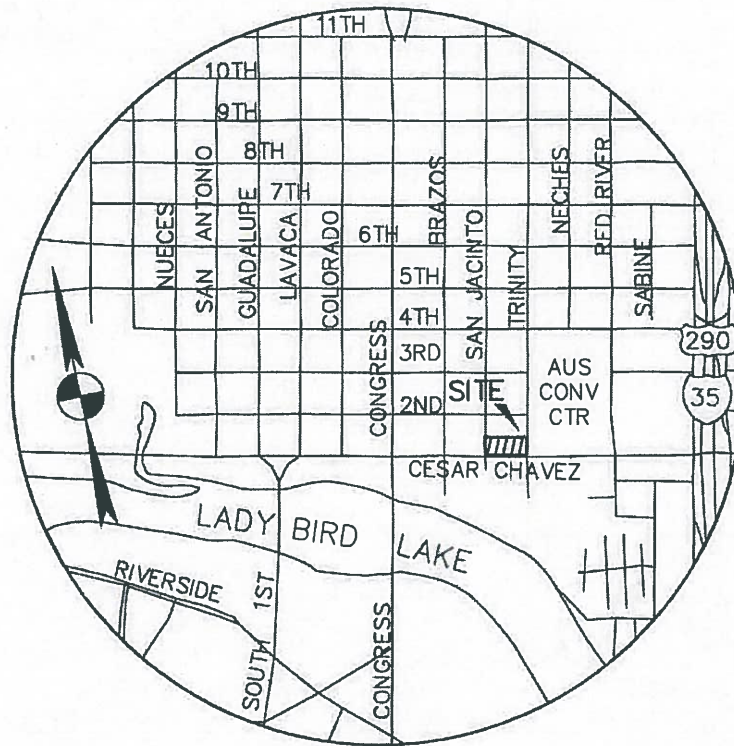
DATE: 08-23-16

DRAWN BY: DLB

FN: 16-302 (DLB)

FILE: V:\222010160\SURVEY\222010160EX2.DWG

PROJECT No. 222010160



VICINITY MAP
N.T.S.

BEARING BASIS NOTE:

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.



LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH "BURY" CAP SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

LINE TABLE

NO.	BEARING	DISTANCE
L1	S16°31'24"W	10.00'
L2	N16°31'24"E	10.00'



Stantec

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512) 328-0011 Fax (512) 328-0325
TBPE # F-6324 TBPLS # F-10194230
Copyright © 2016

SKETCH TO ACCOMPANY DESCRIPTION

OF 0.063 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE EAST CESAR CHAVEZ STREET (80' R.O.W.) RIGHT-OF-WAY, ADJACENT TO LOTS 1-6 OF BLOCK 8 ORIGINAL CITY OF AUSTIN, BY THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS

HKS, INC.

SHEET 2 OF 2

DATE: 08-23-16

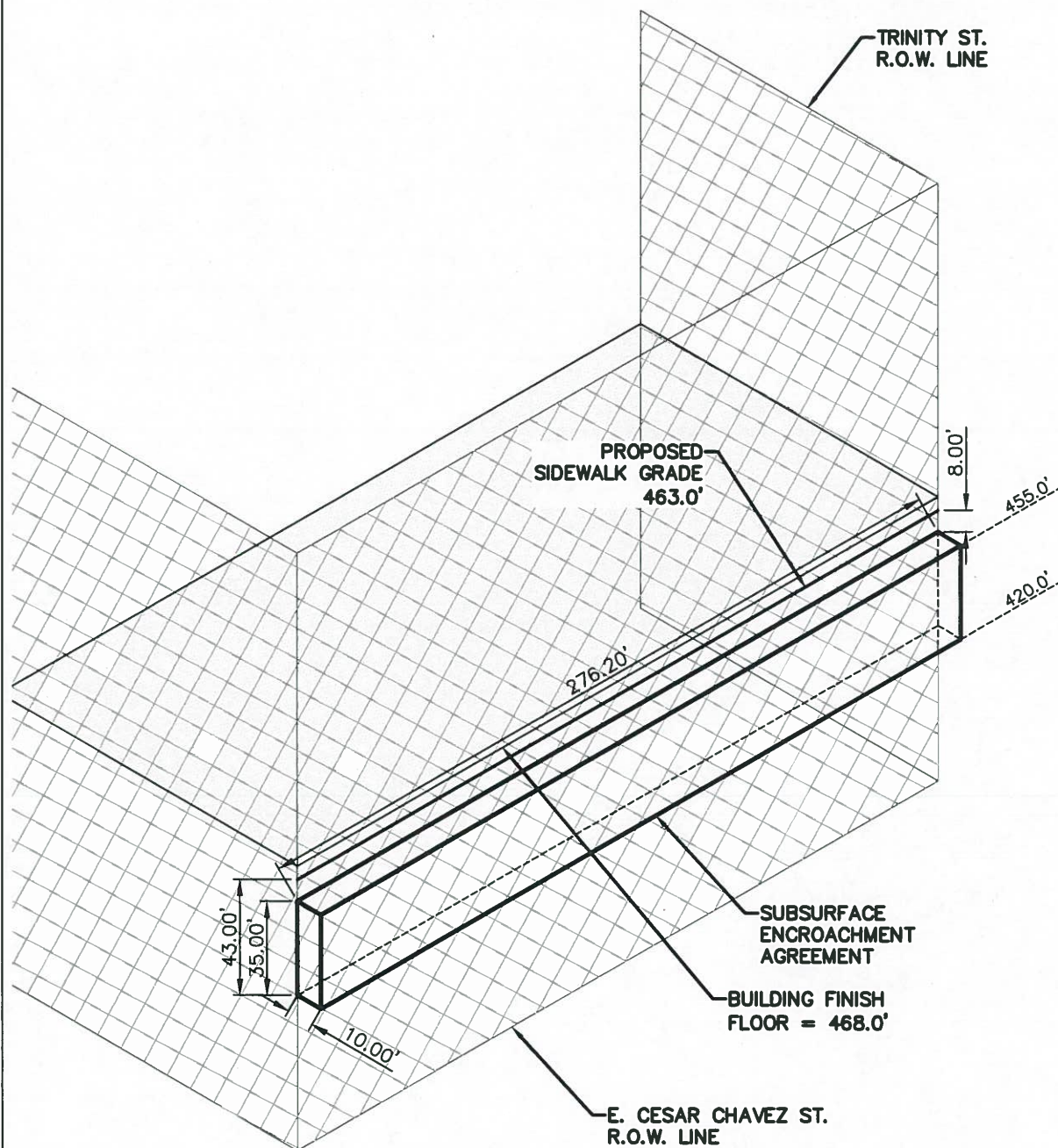
DRAWN BY: DLB

FN: 16-302 (DLB)

FILE: V:\2220\10160\SURVEY\222010160EX2.DWG

PROJECT No. 222010160

V:\2220\ACTIVE\222010160\CIVIL\CAD\CD EXHIBITS\CESAR CHAVEZ ENCROACHMENT\ENCROACHMENTEXHIBIT 3.DWG
3/3/2017 12:24 PM



07.2017
222010160



221 West Sixth Street, Suite 600
Austin, TX 78701
TBPE # F-6324 TBPLS # 10194230
www.stantec.com

Client/Project

AUSTIN 20 HOTEL, LLC

MARRIOTT HOTEL AT CEZAR CHAVEZ

Figure No.

Title

BUILDING ENCROACHMENT

M E M O R A N D U M

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# 9682-1605 – Aerial Encroachment of a portion of Trinity Street Right-of-Way by a cantilevered / overhead enclosed building space near the intersection of East Cesar Chavez Street and Trinity Street.

Attached are the departmental comments and other information pertinent to the referenced right of way vacation. **The area being requested for encroachment will be used for cantilevered / overhead enclosed building space for a new Marriott Hotel.** 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 **May 23, 2017, Planning Commission Agenda** for their consideration.

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

Applicant: Richard Suttle

Property Owner: South ½ Block 8 Venture

Mr. Richard Suttle will be present at the meeting to answer any questions regarding the project, if needed.

Andy Halm, Senior Property Agent
Land Management Division

OFFICE OF REAL ESTATE SERVICES

Attachments

DEPARTMENT COMMENTS FOR THE ENCROACHMENT OF A PORTION OF THE
TRINITY STREET RIGHT OF WAY BY THE PROPOSED CANTILEVERED /
OVERHEAD ENCLOSED BUILDING SPACE.

AT&T	APPROVE
AUSTIN ENERGY	APPROVE
AUSTIN RESOURCE RECOVERY	APPROVE
AUSTIN TRANSPORTATION	APPROVE
AUSTIN WATER	APPROVE
CAPITAL METRO	APPROVE
CODE COMPLIANCE	APPROVE
CTM – GAATN	APPROVE
DEVELOPMENT SERVICES (Land Use Review-Engineering)	APPROVE
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EMS	APPROVE
FIRE	APPROVE
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PLANNING & ZONING (Comprehensive Planning)	APPROVE
PLANNING & ZONING (Zoning Review)	APPROVE
PLANNING & ZONING (Urban Design)	APPROVE
PUBLIC WORKS	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	APPROVE
WATERSHED PROTECTION (Engineering)	APPROVE



3rd Proposed Right-of-Way encroachment at E Cesar Chavez St at Trinity 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, 5/15/2017

MEMORANDUM

Case No.: 9682-1605

Date: May 2, 2016

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)
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() Roberto Gonzalez	Capital Metro	() Wendy Rhoades	P&Z (Zoning Review)
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() 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 encroachment of the **Trinity Street right-of-way** by cantilevered / overhead enclosed building space (Adjacent to 102 Trinity Street).

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: **May 16th, 2016**.

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

Comments: _____

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

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

Comments: _____

Reviewed by: _____

Telephone: _____

Date: _____

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

LYNN ANN CARLEY, P.E.
(512) 435-2378
lcarley@abaustin.com

April 22, 2015

HAND DELIVERYEric Hammack
City of Austin
Office of Real Estate Services
505 Barton Springs Road, 7th Floor
Austin, Texas 78704Re: 0.029 Acre Above Ground Encroachment Agreement for the Hotel at Cesar
Chavez and Trinity

Dear Mr. Hammack,

Enclosed is an application for a 0.029 acre above ground encroachment agreement for the proposed Hotel at Cesar Chavez and Trinity. This is one of three encroachment agreements being submitted. All three encroachments are located adjacent to Lots 1-6, Block 8, Original City of Austin subdivision, according to the map or plat of record in the General Land Office of the State of Texas. The three encroachment agreement applications are for the following:

1. 0.029 acre above ground protrusion of the building, including associated building infrastructure, located on the east side of the building adjacent to Trinity Street;
2. 0.098 acre below grade parking garage with associated utilities, site and building infrastructure; and
3. 222 square foot above ground protrusion of the building, including associated building infrastructure, located on the southeast corner of the building.

The following information is being provided to detail the reasons for the encroachment agreements.

1. These encroachments are for a commercial project.
2. The areas of encroachment were dedicated per plat.
3. The City did not purchase the area where the proposed encroachment will be located.
4. The encroachments do not currently exist. They are proposed.
5. For the two above grade encroachments, there are no utility lines in this area. For the below grade encroachment, we are currently coordinating to determine what utilities exist. However, we understand that relocation of the utility lines applies.

ARMBRUST & BROWN, PLLC

Page 2

6. The above grade encroachment areas will be protrusions of the buildings into the ROW, including associated building infrastructure. The below grade encroachment area will be a parking garage, including associated utilities, site and building infrastructure.
7. A site plan has not been submitted at this time, but will be submitted in the next few months.
8. The project will be a unified development.
9. This project is not a SMART Housing Project.
10. The project is anticipated to begin in late 2017 or early 2018.
11. The adjacent properties to this site are developed.
12. No parking facilities currently exist.
13. This project does not lie within the UT boundaries.
14. This area does lie within the Downtown boundaries.
15. The proposed encroachments support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan because:
 - a) the project is located in the downtown area, which is a Regional Center and expected to include the most density, tall buildings, and people. This location contributes to having a compact and connected Austin by putting density in appropriate locations from a land use and transportation perspective.
 - b) the project will obtain a two star rating in Austin Energy's Green Building Program, which will help to manage our water resources.
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 - d) the Project will provide Great Streets sidewalks and streetscapes to promote pedestrian activity along all three of its street frontages. It should be noted that along Cesar Chavez Street, there is not sufficient width within the City's right-of-way to provide the full 18 foot width of a Great Streets' sidewalk. Therefore, approximately six to eight feet of the Applicant's property will be used for this purpose, which decreases the footprint of the building. This is a significant investment to creating a compact and connected Austin.

Upon your review of this information, please feel free to contact me if you have any questions.

Sincerely,



Lynn Ann Carley, P.E.
Senior Land Development Consultant

Enclosures

Cc: Matt Frankiewicz
Joe Isaja, P.E.

{W0686480.1}

Application for an Encroachment Agreement

File No. 9682-1605 DATE: 5-2-16
Department Use Only Department Use Only

1. TYPE OF ENCROACHMENT

Encroachment Type: ☒ Aerial ☐ Sub-surface ☐ Surface

List TYPE OF ENCROACHMENT to be placed on Public Property: 0.029 acre above ground protrusion of the building, including associated building infrastructure

Has encroachment been installed prior to application: ~~Yes~~- No

Adjoins property at the following street address: 316 E Cesar Chavez Street, 102 Trinity Street

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: 02-0502-1405 and 02-0502-1406

Survey & Abstract No. _____

Lot(s) 5-6 Block 8 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: YES / NO	_____
Subdivision: Case: YES / NO	<u>Original City of Austin</u>
Building Permit: YES / NO	_____

4. APPLICANT INFORMATION

Name: Richard T. Suttle, Jr

Firm Name: Armbrust & Brown, PLLC

Address: 100 Congress Ave, Ste 1300 City: Austin State: TX

Zip: 78701 Phone: (512) 435-2300 Fax No.: (512) 435-2360

EMAIL ADDRESS: LCARLEY@ABAUSTIN.COM; RSUTTLE@ABAUSTIN.COM

5. DEVELOPER INFORMATION

Name: Matt Frankiewicz

Firm Name: White Lodging Services Corporation

Address: 701 E 83rd Avenue City: Merrillville State: IN

Zip: 46410 Phone: (219) 472-2985 Fax No.: ()

6. LANDOWNER INFORMATION

Name: South 1/2 Block 8 Venture (as shown on Deed)
Address: 901 McCartney Drive City: Kingsland State: TX
Zip: 78639 Phone: () Fax No.: ()
Lienholder Name: _____
Lienholder Address: _____
Lienholder Phone Number: _____ Fax Number: _____
(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: Austin 20 Hotel, LLC
Address: 701 E 83rd Avenue City: Merrillville State: IN
Zip: 46410 Phone: (219) 472-2985 Fax No.: ()
Contact Person: Matt Franklewicz Phone: 219-472-2985

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

F#9682-1605

EXHIBIT "A"

CITY OF AUSTIN TO
SOUTH 1/2 BLOCK 8 VENTURE
A TEXAS GENERAL PARTNERSHIP
(AERIAL ENCROACHMENT AGREEMENT)

0.029 ACRE
CESAR CHAVEZ AND TRINITY
HKS, INC.

FN NO. 16-034 (MJR)
JANUARY 29, 2016
BURY NO. R0101649-10030

DESCRIPTION

OF 0.029 ACRE OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE TRINITY STREET RIGHT-OF-WAY (80' WIDE) ADJACENT TO LOT 6 OF BLOCK 8 ORIGINAL CITY OF AUSTIN, AS SHOWN BY THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; SAID LOT 6 CONVEYED TO SOUTH 1/2 BLOCK 8 VENTURE, A TEXAS GENERAL PARTNERSHIP BY DEEDS OF RECORD IN DOCUMENT NOS. 2014181564 AND 2014182472 BOTH OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.029 ACRE TRACT OF LAND BEING LOCATED ABOVE THE PROPOSED FINISH SIDEWALK GRADE OF 463.0' (based on NAVD88) ON A LEVEL PLANE BEGINNING AT AN ELEVATION OF 497.5' (based on NAVD88) WHICH IS 34.5 FEET ABOVE THE PROPOSED FINISH SIDEWALK GRADE AND EXTENDING TO A HEIGHT OF 120.5 FEET ABOVE SAID PROPOSED FINISH SIDEWALK GRADE TO THE APPROXIMATE ELEVATION OF 583.5'; SAID 0.029 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2 inch iron rod with "BURY" cap set at the intersection of the northerly right-of-way line of East Cesar Chavez Street (80' R.O.W.), with the westerly right-of-way line of Trinity Street (80' R.O.W.), being the southeasterly corner of said Lot 6;

THENCE, N16°33'50"E, leaving the northerly right-of-way line of East Cesar Chavez Street, along the westerly right-of-way line of Trinity Street, being the easterly line of said Lot 6, a distance of 22.30 feet to the **POINT OF BEGINNING** and southwesterly corner hereof;

THENCE, N16°33'50"E, continuing along the westerly right-of-way line of Trinity Street, being the easterly line of said Lot 6 for the westerly line hereof, a distance of 105.83 feet to the northwesterly corner hereof, from which a 1/2 inch iron rod with "BURY" cap set at the northeasterly corner of said Lot 6, being the southeasterly corner of a 20 foot Alley bears N16°33'50"E, a distance of 0.09 feet;

FN NO. 16-034 (MJR)
JANUARY 29, 2016
PAGE 2 OF 2


THENCE, leaving the easterly line of said Lot 6, over and across the Trinity Street right-of-way, for the northerly, easterly, and southerly lines hereof, the following three (3) courses and distances:

- 1) S73°28'36"E, a distance of 11.86 feet to the northeasterly corner hereof;
- 2) S16°31'24"W, a distance of 105.83 feet to the southeasterly corner hereof;
- 3) N73°28'36"W, a distance of 11.93 feet to the **POINT OF BEGINNING**, containing an area of 0.029 acres (or 1,259 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS: THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK AND ADDITIONALLY REFERENCED TO CITY OF AUSTIN GPS MONUMENTS.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY-AUS, INC.
221 WEST SIXTH STREET
SUITE 600
AUSTIN, TEXAS 78701


MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS
TBPLS # F-10107500



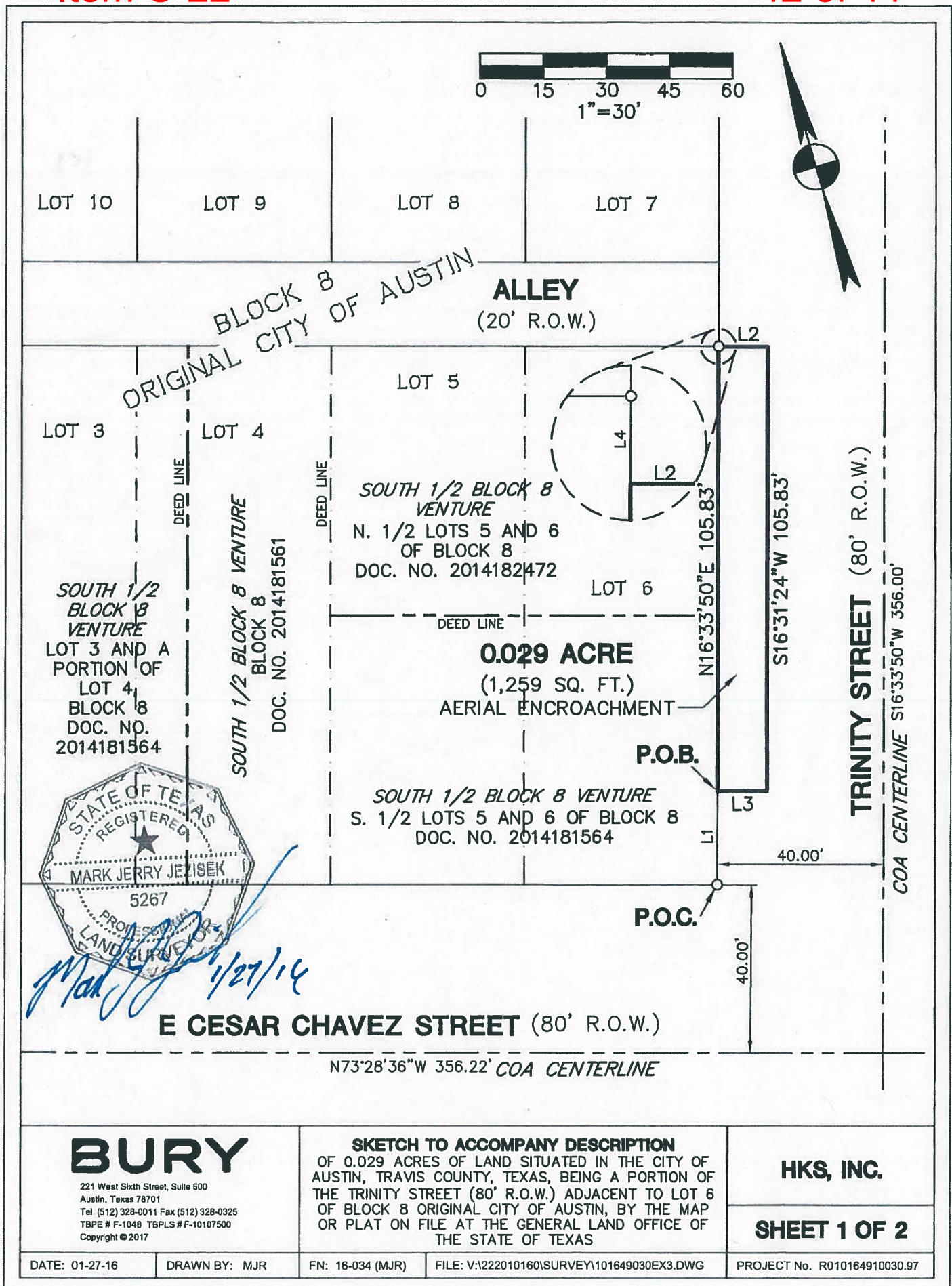
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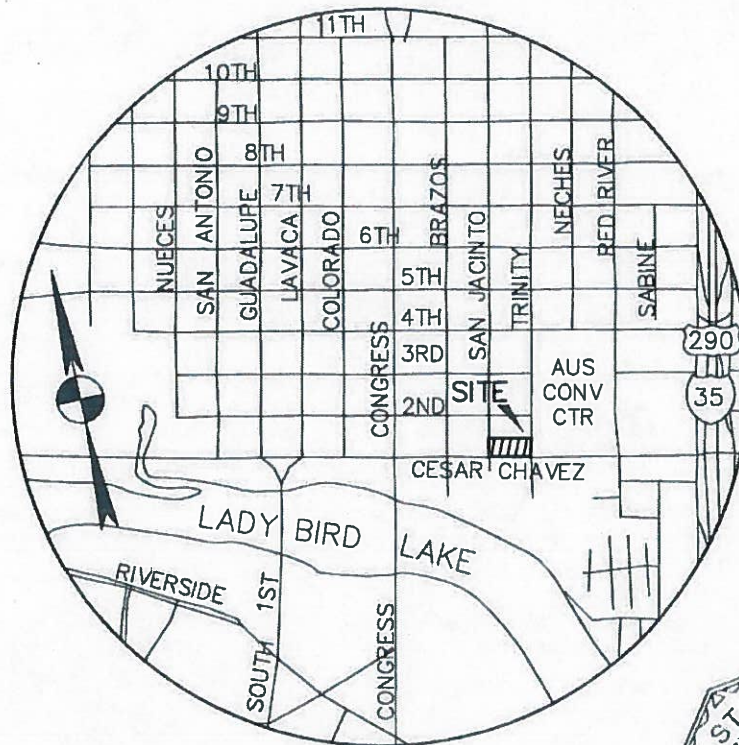
AUSTIN GRID - J22
TCAD PARCEL NOS. - 0205021405 & 0205021406

FIELD NOTES REVIEWED

By  Date 03.12.2017

Engineering Support Section
Department of Public Works
and Transportation





VICINITY MAP
N.T.S.



BEARING BASIS NOTE:

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N16°33'50"E	22.30'
L2	S73°28'36"E	11.86'
L3	N73°28'36"W	11.93'
L4	N16°33'50"E	0.09'

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH "BURY" CAP SET

P.O.B. POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

BURY

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel (512) 328-0011 Fax (512) 328-0325
TBPE # F-1048 TBPLS # F-10107500
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SKETCH TO ACCOMPANY DESCRIPTION

OF 0.029 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE TRINITY STREET (80' R.O.W.) ADJACENT TO LOT 6 OF BLOCK 8 ORIGINAL CITY OF AUSTIN, BY THE MAP OR PLAT ON FILE AT THE GENERAL LAND OFFICE OF THE STATE OF TEXAS

HKS, INC.

SHEET 2 OF 2

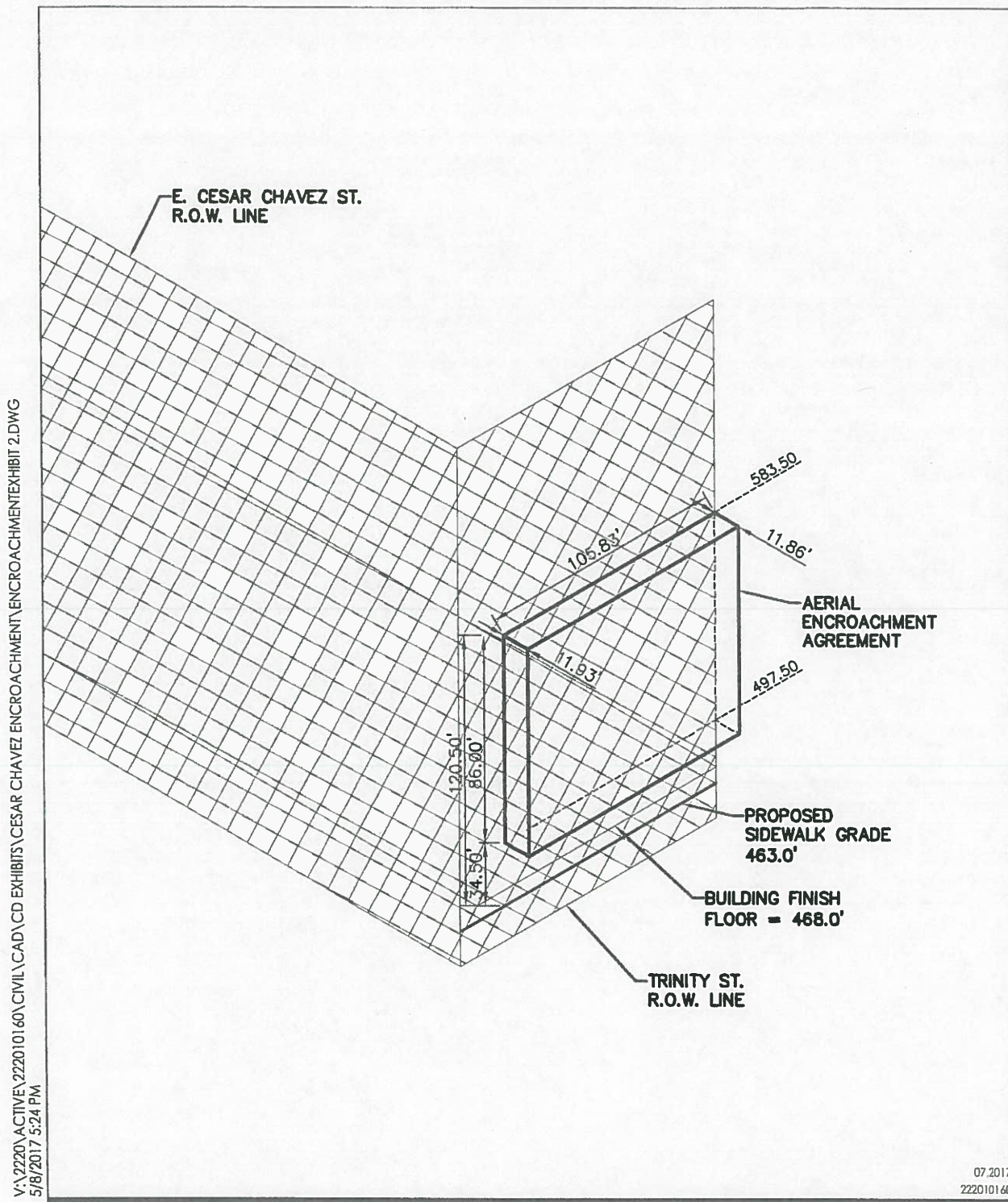
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DRAWN BY: MJR

FN: 16-034 (MJR)

FILE: V:\222010160\SURVEY\101649030EX3.DWG

PROJECT No. R010164910030.97



221 West Sixth Street, Suite 600
Austin, TX 78701
TBPE # F-6324 TBPLS # 10194230
www.stantec.com

Client/Project

AUSTIN 20 HOTEL, LLC

MARRIOTT HOTEL AT CESAR CHAVEZ

Figure No

Title

BUILDING ENCROACHMENT