

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# 9763-1610 – Subsurface Encroachment of a portion of
San Antonio Street and West Martin Luther King Jr.
Boulevard Right-of-Way by a below ground four level parking
garage near the intersection of San Antonio Street and West
Martin Luther King Jr. Boulevard.

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 AC Autograph 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: Washoe Company

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
SAN ANTONIO STREET RIGHT OF WAY BY THE PROPOSED UNDERGROUND
FOUR LEVEL 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

MEMORANDUM

Case No.: 9763-1610
Date: October 13, 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)
() Daniel Pina	Grande Communication		

A request has been received for subsurface encroachment of below ground four level parking garage of a portion of **San Antonio Street and West Martin Luther King Jr. Boulevard** (Adjacent to 414 West Martin Luther King Jr. Boulevard).

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: **October 27, 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: _____

Application for an Encroachment Agreement

File No. 9763-1610
Department Use OnlyDATE: 10/12/16
Department Use Only

1. TYPE OF ENCROACHMENT

Encroachment Type:	<input type="checkbox"/> Aerial	<input checked="" type="checkbox"/> X	<input type="checkbox"/> Sub-surface	<input type="checkbox"/> Surface
List TYPE OF ENCROACHMENT to be placed on Public Property: <u>Below ground four level parking garage</u>				
Has encroachment been installed prior to application: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Adjoins property at the following street address: <u>414 W MLK Jr Boulevard and 1907 San Antonio Street</u>				

2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: <u>02-1201-1713-0000 and 02-1201-1714-0000</u>			
Survey & Abstract No. _____			
Lot(s) <u>35-37</u>	Block _____	Outlot <u>22</u> , Division D	
Subdivision Name: <u>Louis Horsts</u>			
Plat Book <u>Z</u>	Page Number <u>613</u>	Document Number _____	
County/Records: <u>Travis</u>		County; Deed <u>Real Property</u> - <u>Official Public</u>	
NOTE: Attach three dimensional metes and bounds survey of Encroachment area.			

3. RELATED CASES

	FILE NUMBERS
Existing Site Plan: YES / NO	<u>SP-2016-0357C</u>
Subdivision: Case: YES / NO	_____
Building Permit: YES / NO	_____

4. APPLICANT INFORMATION

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

5. DEVELOPER INFORMATION

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

6. LANDOWNER INFORMATIONName: Washoe Company (as shown on Deed)Address: P. O. Box 986 City: Reno State: NVZip: 89504-0986 Phone: (512) 478-0885 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: White Lodging Services CorporationAddress: 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#9763-1610
EXHIBIT "A"

CITY OF AUSTIN
TO WASHOE COMPANY
(SUBSURFACE ENCROACHMENT AGREEMENT)

732 SQUARE FEET
AUSTIN 19 HOTEL LLC
SUBSURFACE ENCROACHMENT AGREEMENT

FN. NO. 16-296(MJJ)
AUGUST 22, 2016
JOB NO. 222010607

DESCRIPTION

OF 732 SQUARE FEET OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE SAN ANTONIO STREET (60' R.O.W.) AND WEST MARTIN LUTHER KING JR. BOULEVARD (80' R.O.W.) RIGHTS-OF-WAY, ADJACENT TO LOTS 35, 36 AND 37 LOUIS HORST ADDITION OF OUTLOT 22, DIVISION D ORIGINAL CITY OF AUSTIN, OF RECORD IN BOOK Z, PAGE 594 AND BOOK Z, PAGE 613 BOTH OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOTS 35, 36 AND 37 HAVING BEEN CONVEYED TO WASHOE COMPANY BY DEED OF RECORD IN VOLUME 8042, PAGE 126 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 732 SQUARE FOOT TRACT OF LAND BEING LOCATED BELOW THE PROPOSED FINISH SIDEWALK GRADE OF 547.5' (based on NAVD88) ON A LEVEL PLANE TO A DEPTH OF 45.0 FEET BELOW SAID PROPOSED FINISH SIDEWALK GRADE TO THE APPROXIMATE ELEVATION OF 502.5'; SAID 732 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at the intersection of the northerly right-of-way line of West Martin Luther King Jr. Boulevard with the easterly right-of-way line of San Antonio Street, being the southwesterly corner of said Lot 37, for the southwesterly corner hereof, from which the calculated southeasterly corner of said Lot 37 bears, S73°09'54"E, a distance of 123.10 feet;

THENCE, leaving the southwesterly corner of said Lot 37, over and across West Martin Luther King Jr. Boulevard and San Antonio Street rights-of-way, for the southerly, westerly and northerly lines hereof, the following three (3) courses and distances:

- 1) N86°30'49"W, a distance of 3.00 feet to the southwesterly corner hereof;
- 2) N03°29'11"E, a distance of 243.93 feet to the northwesterly corner hereof;
- 3) S86°30'49"E, a distance of 3.00 feet to a 1/2 inch iron rod found in the easterly right-of-way line of San Antonio Street, being the northwesterly corner of said Lot 35, for the northeasterly corner hereof;

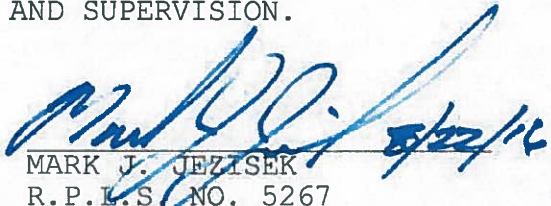
FN NO. 16-296(MJJ)
AUGUST 22, 2016
PAGE 2 OF 2

THENCE, S03°29'11"W, along the easterly right-of-way line of San Antonio Street, being the westerly line of said Lots 35-37, for the easterly line hereof, a distance of 243.93 feet to the **POINT OF BEGINNING**, containing an area of 732 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.

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 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

TCAD NO. 0212011713

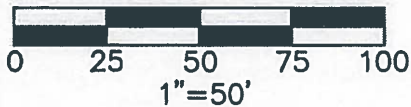
FIELD NOTES REVIEWED

By: Jacki D. LRL Date 03.06.2017

Engineering Support Section
Department of Public Works
and Transportation

LEGEND

- 1/2" IRON ROD FOUND
- △ CALCULATED CORNER
- P.O.B. POINT OF BEGINNING



S86°30'49"E 3.00'

LOT 34

LOT 42

S86°18'31"E 119.78'

LOT 35

LOT 41

**732 SQ. FT.
SUBSURFACE
ENCROACHMENT
AGREEMENT**

LOT 23

LOT 40

LOT 36

WASHOE COMPANY
VOL. 8042, PG. 126

LOT 37

LOT 39

LOUIS HORST ADDITION OF
OUTLOT 22 DIVISION D
ORIGINAL CITY OF AUSTIN
BK. Z, PG. 594
BK. Z, PG. 613

LOT 22

LOT 38

N03°29'11"E 243.93'

S03°29'11"W 243.93'

N03°29'11"E 271.93'

20' ALLEY

3.0'

N86°30'49"W 3.00'

P.O.B.

S73°09'54"E 123.10'

S73°09'54"E 143.66'

PUNCH HOLE
FOUND

WEST MARTIN LUTHER KING JR. BOULEVARD
(80' R.O.W.)



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 732 SQUARE FEET OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE SAN ANTONIO STREET (60' R.O.W.) AND WEST MARTIN LUTHER KING JR. BOULEVARD (80' R.O.W.) RIGHTS-OF-WAY, ADJACENT TO LOTS 35, 36 AND 37 LOUIS HORST ADDITION OF OUTLOT 22, DIVISION D ORIGINAL CITY OF AUSTIN OF RECORD IN BK. Z, PG. 594 AND BK. Z, PG. 613 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

**AUSTIN 19
HOTEL LLC**

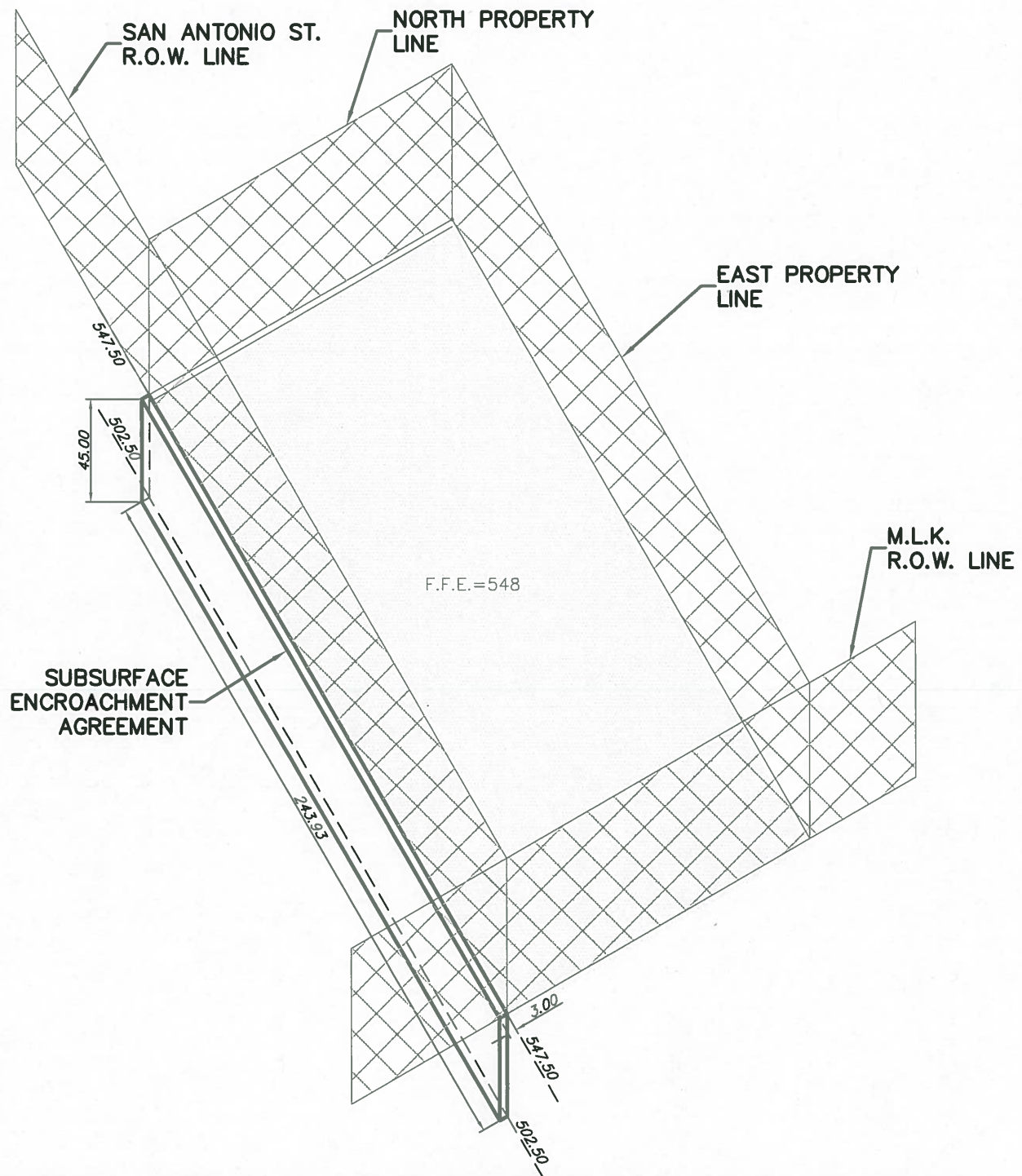
DATE: 08-22-16

DRAWN BY: M.J.J.

FN: 16-296(MJJ)

FILE: V:\2220\ACTIVE\222010607\SURVEY\222010607EX1.DWG

PROJECT No. 222010607



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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AC - AUTOGRAPH HOTEL
414 W MARTIN LUTHER KING JR. BLVD

AUSTIN 19 HOTEL. LLC

ENCROACHMENT
EASEMENT

DATE: 1-30-2017

SCALE: 1"=40'

DRAWN BY: RWM

FILE: V:\2222010607\civil\cad\CD Exhibits\UDA

PROJECT No. 222010607

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

September 28, 2016

HAND DELIVERYAndy Halm
City of Austin
Office of Real Estate Services
505 Barton Springs Road, 13th Floor
Austin, Texas 78704Re: Below Ground Encroachment Agreement for AC – Autograph Hotel at 414 West
Martin Luther King, Jr Boulevard

Dear Mr. Halm,

Enclosed is an application for a below ground encroachment agreement for the proposed AC –
Autograph Hotel at 414 West Martin Luther King, Jr Boulevard.The following information is being provided to detail the reasons for the encroachment
agreement.

1. The encroachment is for a commercial project.
2. The area of encroachment was dedicated per plat.
3. The City did not purchase the area where the proposed encroachment will be located.
4. The encroachment does not currently exist. They are proposed.
5. We are currently coordinating to determine what utilities exist. However, we understand that relocation of the utility lines applies.
6. The below grade encroachment area will be a parking garage, including associated utilities, site and building infrastructure.
7. A site plan has been submitted at this time under case number SP-2016-0357C.
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. Currently, there is a surface parking lot to serve the existing restaurant use.
13. Yes, this project lies within the UT boundaries.
14. This area does not 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:

{W0711476.1}

ARMBRUST & BROWN, PLLC

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- a) the project is located in the UT area. 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 continues to grow Austin's economy, because it is located adjacent to the UT, which promotes educational systems, entrepreneurs, and local businesses. In addition, this helps to grow and invest in Austin's economy.
- c) the Project will provide sidewalks and streetscapes to promote pedestrian activity along its street frontages

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

Sincerely,

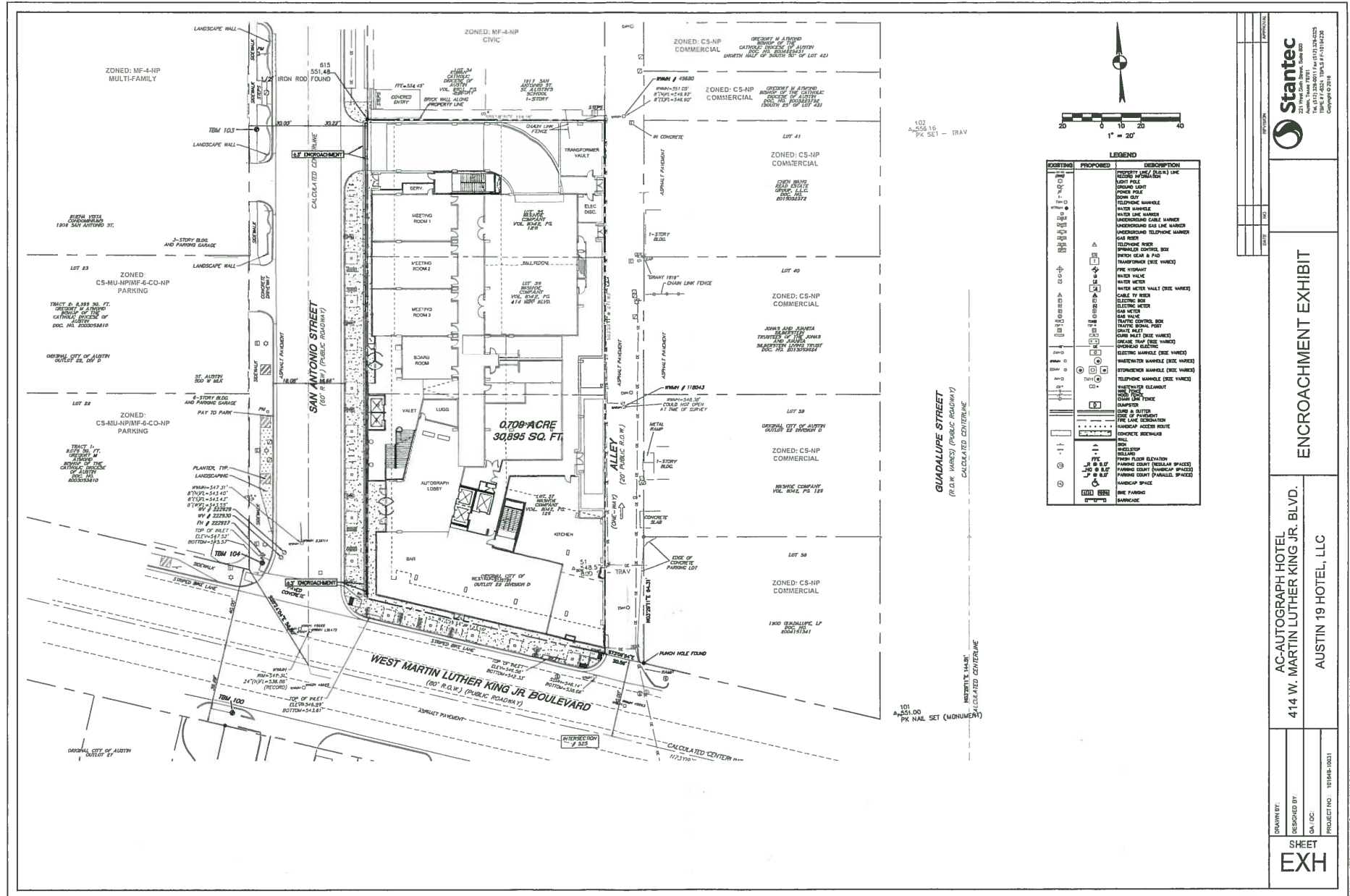


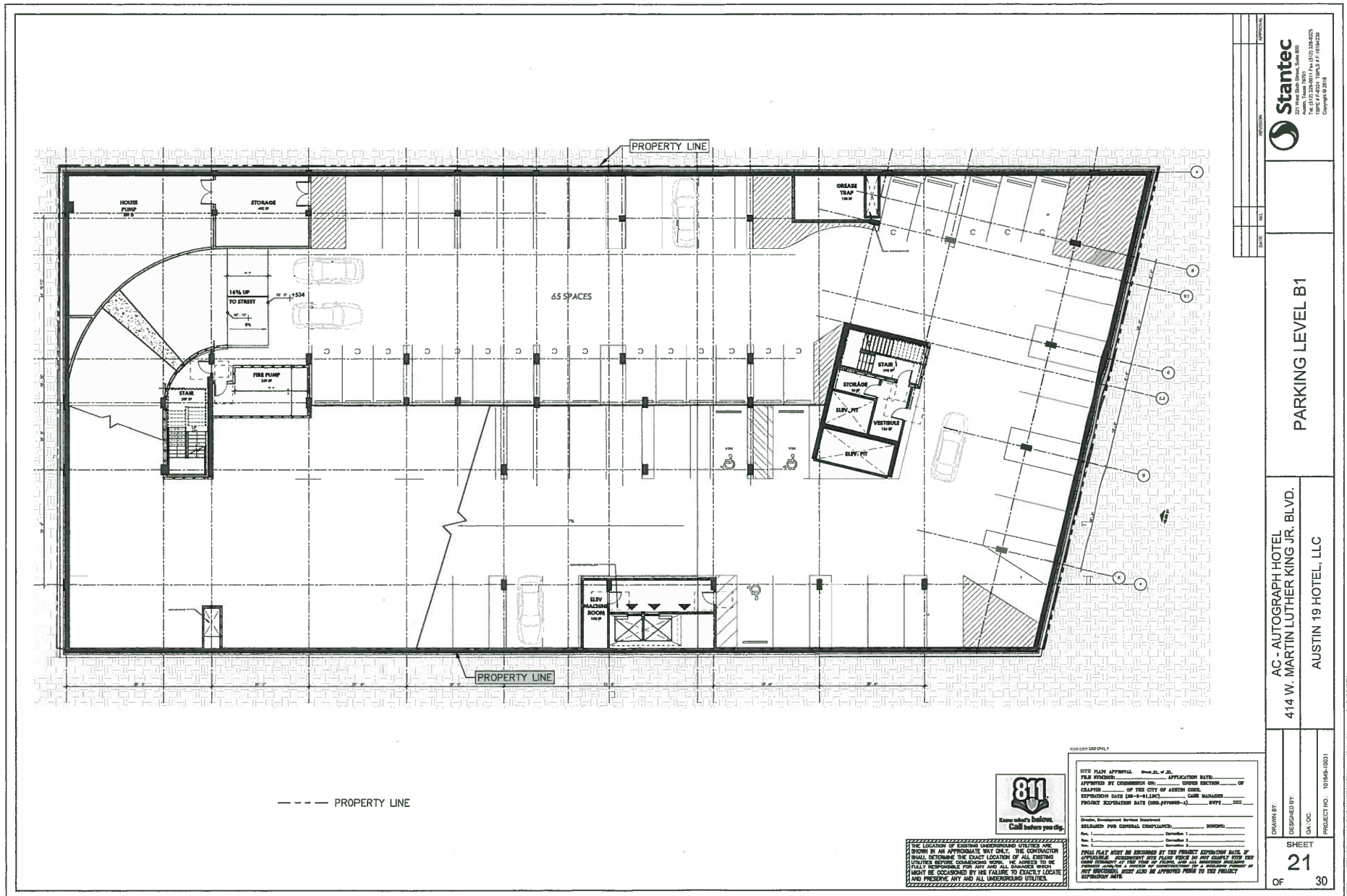
Lynn Ann Carley, P.E.

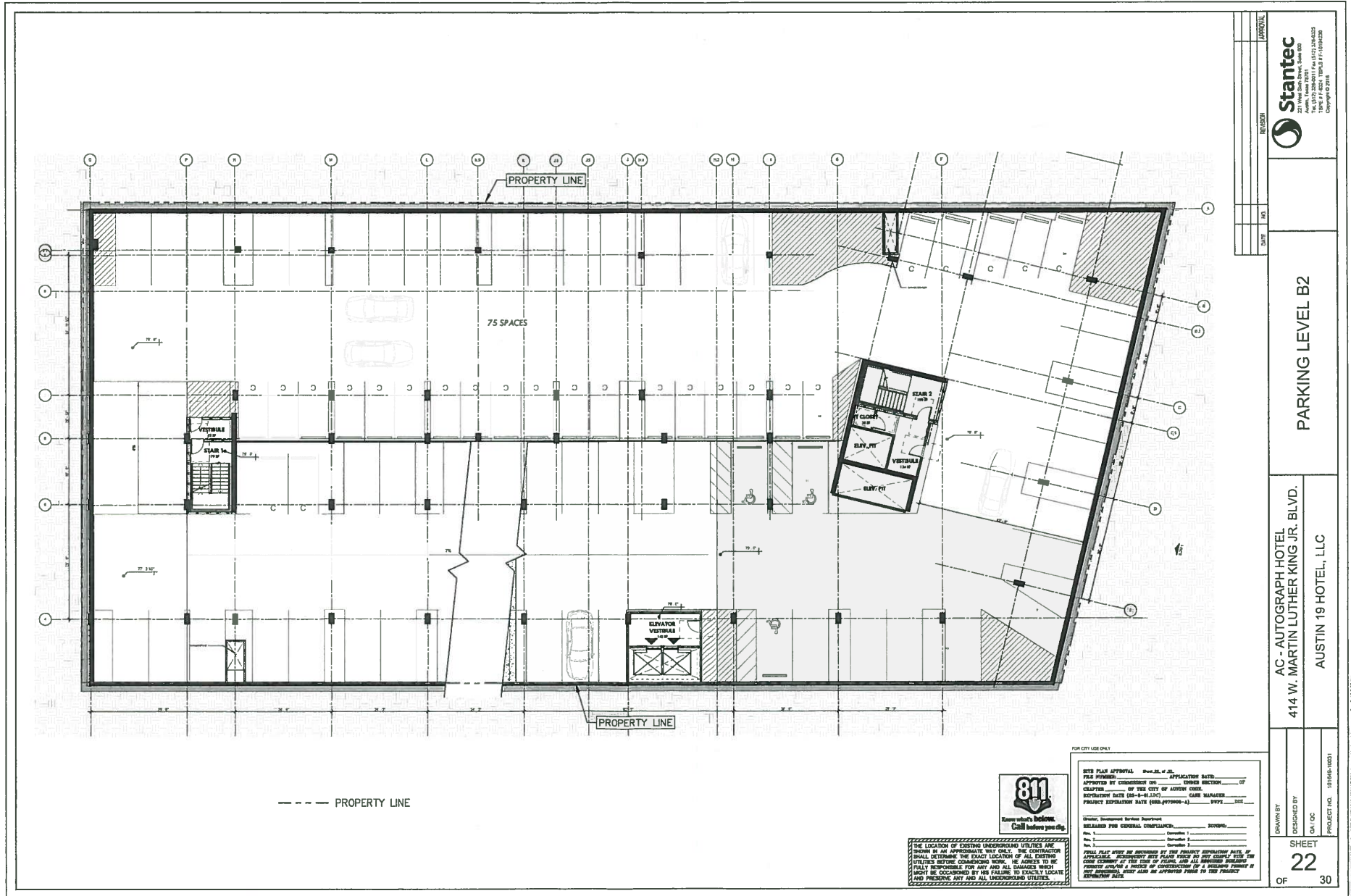
Senior Land Development Consultant

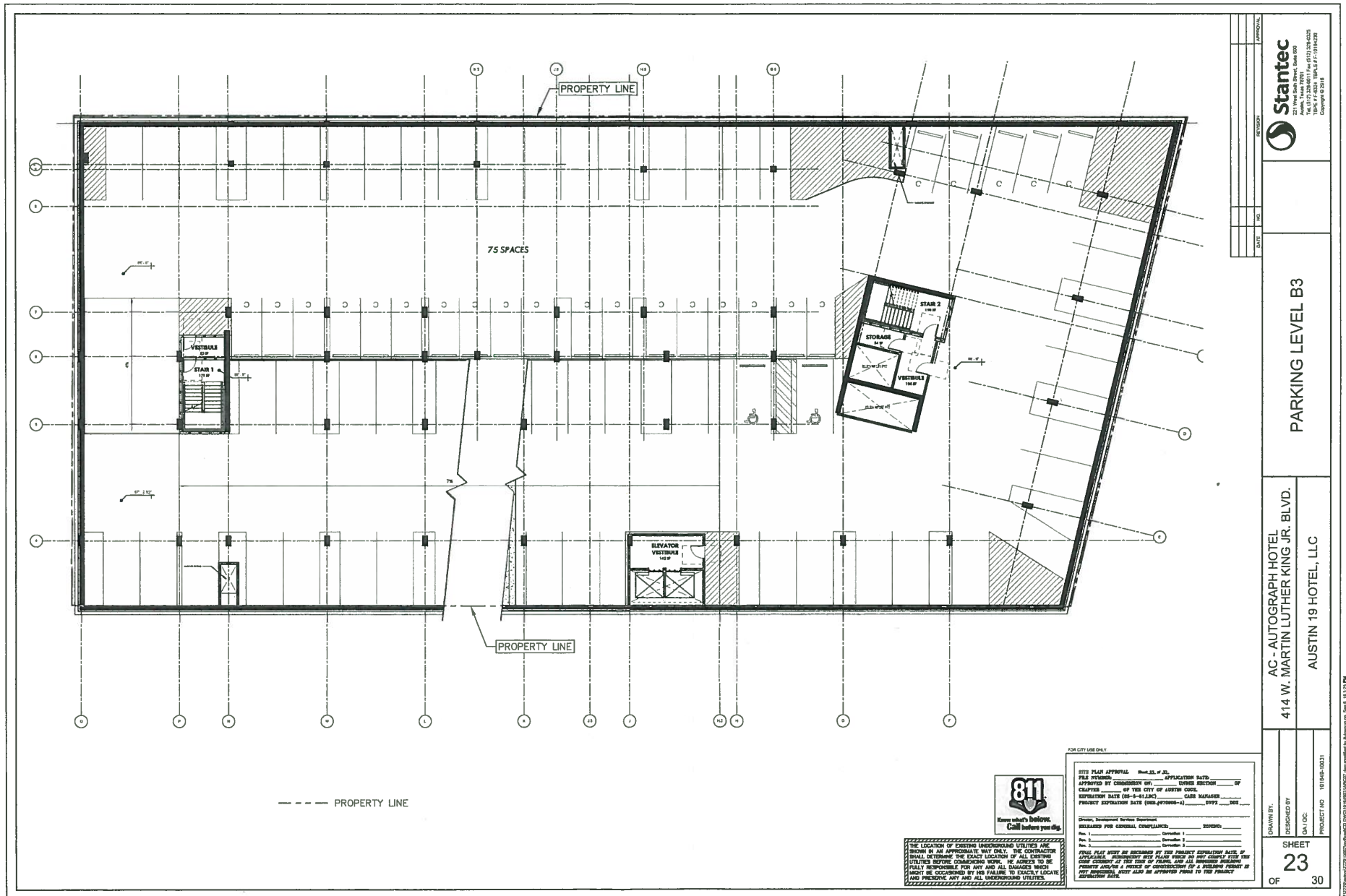
Enclosures

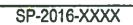
Cc: Matt Frankiewicz
Joe Isaja, P.E.
Richard T. Suttle, Jr.



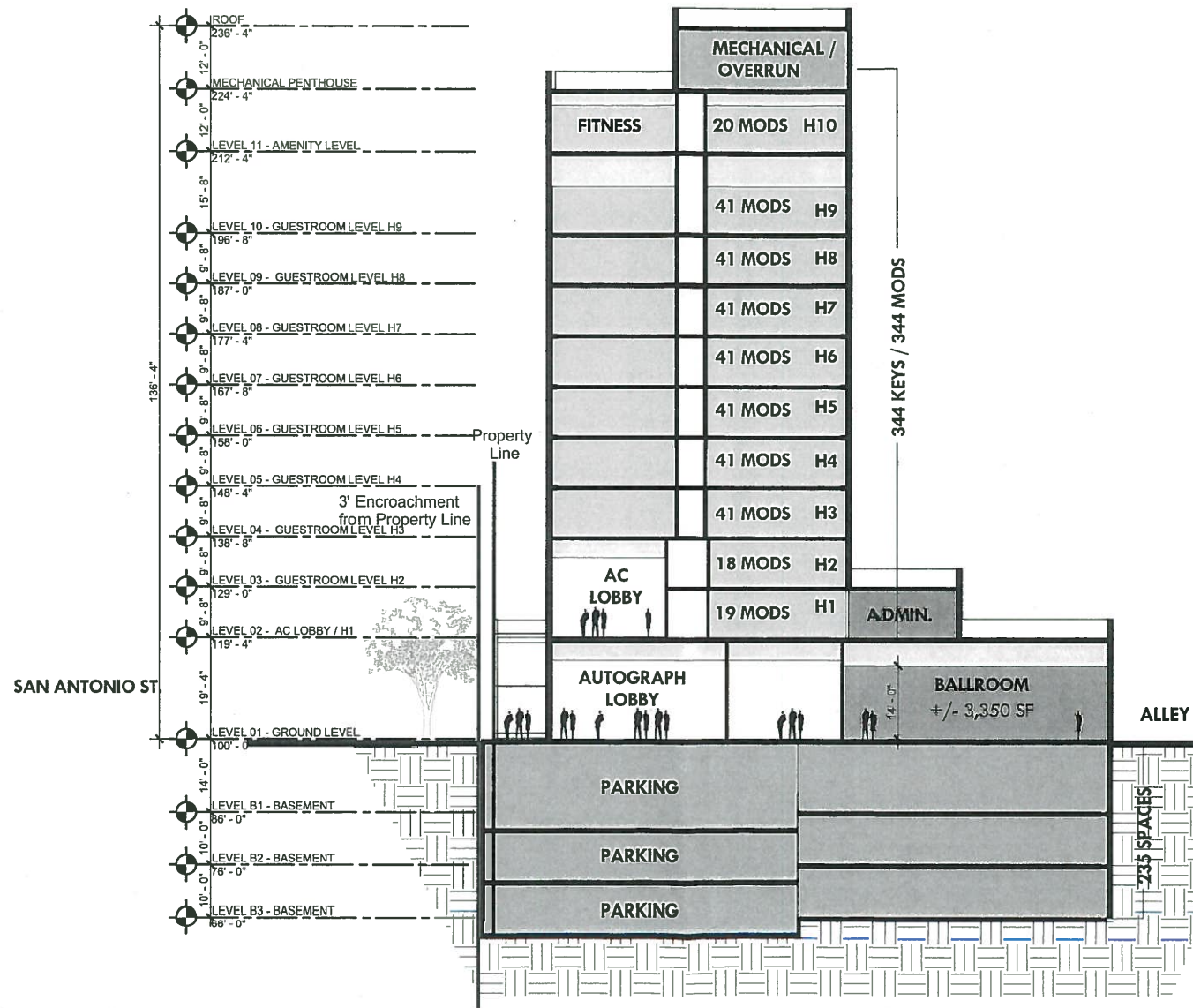


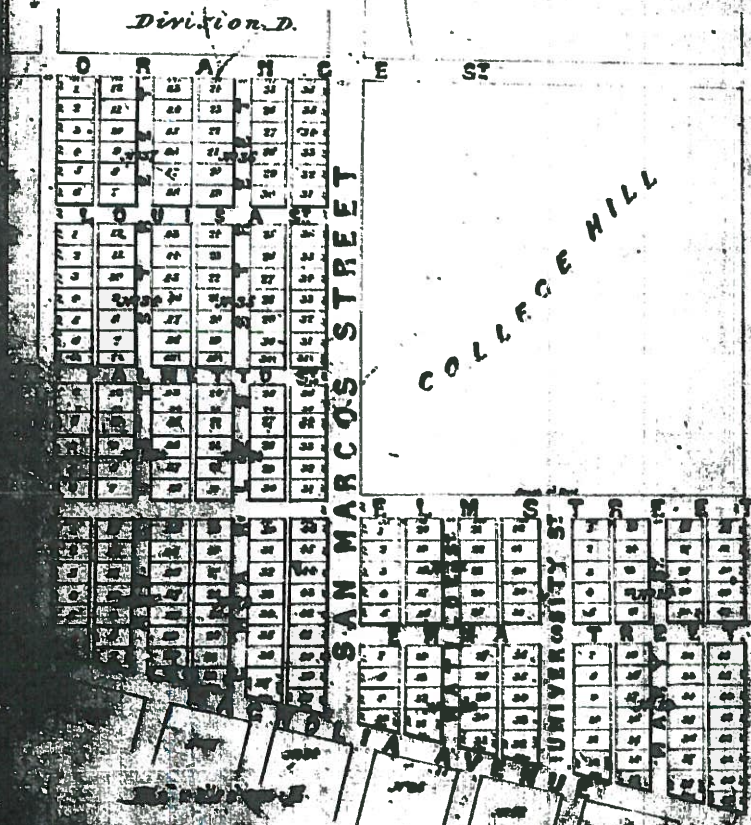






Autograph/ AC Hotel





LOCATION MAP

