

## 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:** March 20, 2018

**SUBJECT:** F# 9828-1705 Surface Encroachment of a portion of Waller Street between East Cesar Chavez Street and Willow Street by existing West wall façade of the building at the intersection of East Cesar Chavez Street and Waller 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 refresh exterior brick, paint, new windows and doors.** 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 **March 27, 2018, Planning Commission Agenda** for their consideration.

Staff contact: Andy Halm at 974-7185 or [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov)

Applicant: DeLea Becker

Property Owner: Hartford Properties, LLC

Mrs. DeLea Becker will be present at the meeting to answer any questions regarding the project, if needed.

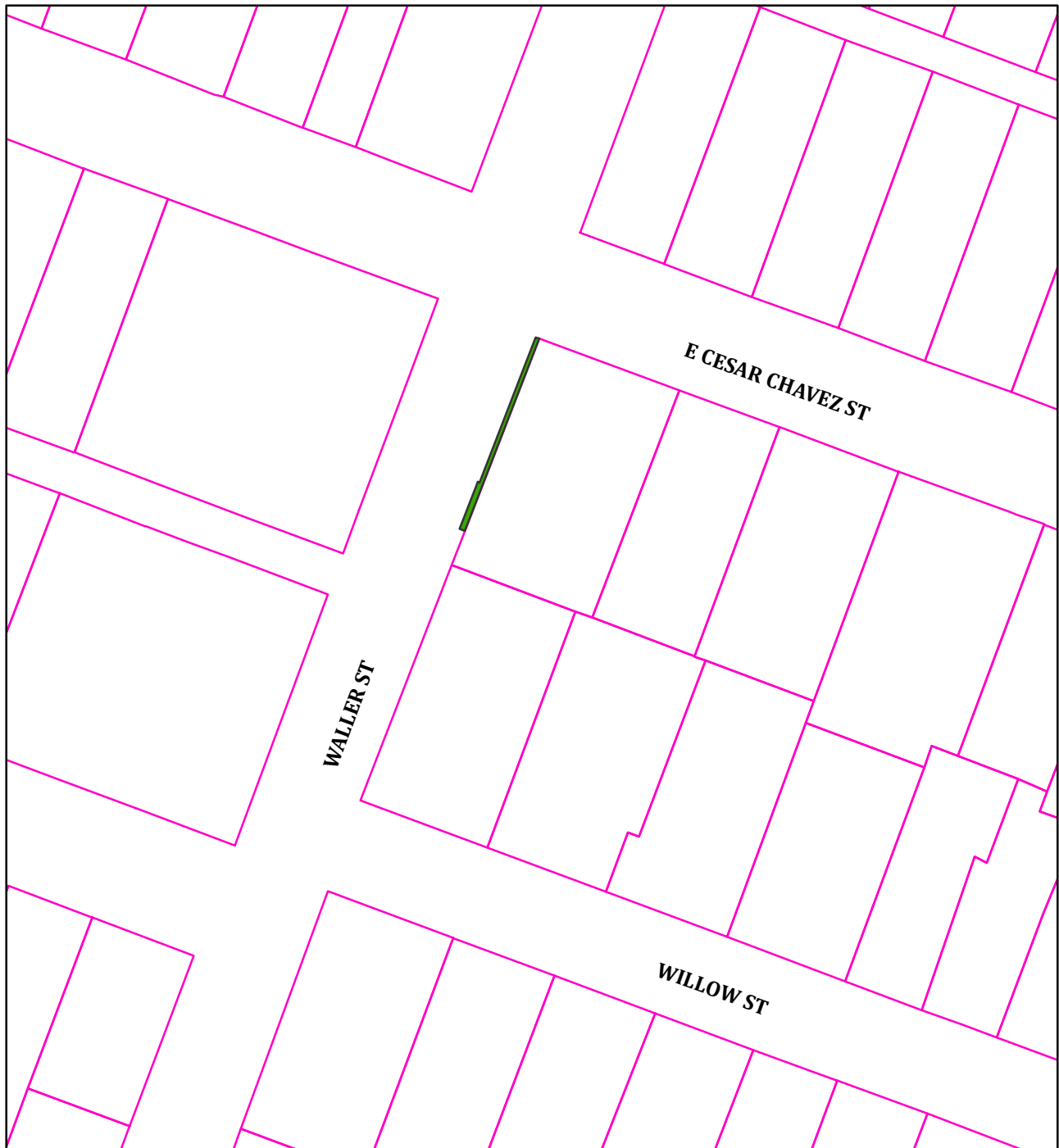
Andy Halm, Senior Property Agent  
Land Management Division

**OFFICE OF REAL ESTATE SERVICES**

Attachments

Department comments for the encroachment of a portion of the Waller Street between East Cesar Chavez Street and Willow Street by existing West wall façade of the building at the intersection of East Cesar Chavez Street and Waller Street.

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 – with conditions, the sidewalk shall be built as approved under permit DA -2018-0035.
EMS	APPROVE
FIRE	APPROVE
GOOGLE	APPROVE
GRANDE COMMUNICATIONS	APPROVE – No objections, but with conditions of full reimbursement for cost of construction, if Grande will need to relocate.
PARD	APPROVE
PLANNING & ZONING (Comprehensive Planning)	APPROVE
PLANNING & ZONING (Zoning Review)	APPROVE
PLANNING & ZONING (Urban Design)	APPROVE
PUBLIC WORKS	APPROVE
TEXAS GAS SERVICES	APPROVE
CHARTER/SPECTRUM	APPROVE – with conditions, if aerial facilities need to be relocated, the owner/applicant/developer will be responsible for the cost.
WATERSHED PROTECTION (Engineering)	APPROVE



## Proposed Right-of-Way Surface Encroachment at Waller St at E Cesar Chavez 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, 3/19/2018

## MEMORANDUM

Case No.: 9828-1705

Date: May 2, 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	( ) Janae Ryan	PWD – Urban Trails
( ) Milissa Warren	EMS	( ) Christian Barraza	Texas Gas
( ) Rolando Rodriguez	Fire	( ) Joseph Boyle	Time Warner
( ) Scott Cunningham	Google	( ) Katina Bohrer	WPD (Engineering)
( ) Daniel Pina	Grande Communication		

A request has been received for surface encroachment of a portion of Waller Street. The encroachment is existing and consist of west wall façade of the building. The total area of encroachment is approximately 244 square feet.

Please review this request and return your comments to Andy Halm (974-7185), email address: [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov) or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: May 16, 2017.

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

Comments: \_\_\_\_\_

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

Please also review the Encroachment 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. 9728-1705  
Department Use Only

DATE: 5/2/17  
Department Use Only

### 1. TYPE OF ENCROACHMENT

Encroachment Type: ☐ Aerial ☐ Sub-surface ☒ Surface

List TYPE OF ENCROACHMENT to be placed on Public Property: EXISTING WALL

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

Adjoins property at the following street address: 1201 E. Cesar Chavez, Austin 78702

### 2. PROPERTY DESCRIPTION OF ENCROACHMENT AREA

Parcel #: 100757  
Survey & Abstract No. \_\_\_\_\_  
Lot(s) 1 and 2 Block n/a Outlot 33 and 45  
Subdivision Name: Canterbury Square  
Plat Book TRAVIS COMP Page Number 592 Document Number 92 volume 2  
County/Records: TRAVIS County: Deed Real Property ☐ Official Public ☐  
NOTE: Attach three dimensional metes and bounds survey of Encroachment area.

### 3. RELATED CASES

Existing Site Plan: YES / NO NO 0A2016-0966 FILE NUMBERS  
Subdivision: Case: YES / NO NO site plan exemption  
Building Permit: YES / NO NO

### 4. APPLICANT INFORMATION

Name: Delea Becker  
Firm Name: Beck-Reit Commercial Real Estate, LLC  
Address: 2131 Theo Drive City: Austin State: TX  
Zip: 78723 Phone: (512) 472-8033 Fax No.: (512) 472-8044  
EMAIL ADDRESS: delea@Beckreit.com

### 5. DEVELOPER INFORMATION

Name: \_\_\_\_\_  
Firm Name: n/a  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_ Fax No.: ( ) \_\_\_\_\_

**6. LANDOWNER INFORMATION**

Name:	<u>Hartford Properties, LLC</u>			(as shown on Deed)
Address:	<u>6108 Lost Horizon</u>	City:	<u>Austin</u>	State: <u>TX</u>
Zip:	<u>78759</u>	Phone:	<u>(512) 671-7711</u>	Fax No.: <u>(512) 388-7617</u>
Lienholder Name:	<u>Bill William Hamilton</u>			
Lienholder Address:	<u>8303 N. Mopac Expressway, 78759</u>			
Lienholder Phone Number:	<u>512-671-7711</u>	Fax Number:	<u>512-388-7617</u>	
(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:	<u>n/a</u>			
Address:	<u>n/a</u>	City:		State:
Zip:		Phone: ( )		Fax No.: ( )
Contact Person:		Phone:		

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



**1201 E. Cesar Chavez Encroachment Agreement - Transmittal Letter**

1. Is this a residential or commercial project? Commercial
2. How was the area of encroachment dedicated? By plat or by separate instrument?  
By Plat
3. Did the City purchase the area where the proposed encroachment would be located? (i.e., by Street Deed)- N/A
4. Does the encroachment currently exist, or is it only proposed on paper? Yes
5. Are there any utility lines within the proposed encroachment area? If yes, what are your plans for the utilities? Relocation of utility lines must be at the applicant's expense.  
- Yes, a meeting with Utility Coordination Committee will be scheduled for proper relocation. We have existing building we are looking to refresh exterior with new paint, windows and doors
6. How do you plan to develop the proposed encroachment area? Refresh exterior brick, paint, new windows and doors
7. Has a site plan been submitted on your project? If not, is the project exempt from the site plan process? - Have Site Plan Exemption - #DA2016-0966
8. Is your project a Unified Development? No
9. Is your project a S.M.A.R.T. Housing Project? No
10. When do you anticipate starting construction of the development? Fall 2017
11. What is the current status of the adjacent properties? Occupied
12. What type of parking facilities currently exist? N/A
13. Does the area of encroachment lie within UT boundaries: East of Lamar Boulevard, west of IH-35, north of Martin Luther King Boulevard, and south of 45th Street? No
14. Does the area of encroachment lie within Downtown boundaries: East of Lamar Boulevard, west of IH-35, north of Lady Bird Lake, and south of Martin Luther King Boulevard? No

15. Does the proposed encroachment support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan? If so, how?

Invest in a compact and connected Austin. – 1201 Cesar Chavez is walking distance to downtown Austin which is a Regional Center and Town Center per the Austin Growth Map in Imagine Austin. It is also walking distance to Saltillo Station which is a High Capacity Transit Stop. This area is highly walkable as more and more retail and restaurants pop up. This building is situated on a corner and a refresh will invite more businesses to open and encourage people to park and walk.

Continue to grow Austin's economy by investing in our workforce, education systems, entrepreneurs, and local businesses. – 1201 Cesar is ideally located in East Austin but walking distance to downtown and new Plaza Saltillo Development. A refreshed look of the building will encourage more business to open retail and office space further accelerating growth on the East Side. For the Tenants the building safe, convenient, and located close to job centers, good schools, retail, and services.

Grow and invest in Austin's creative economy. 1201 Cesar is already home to a small Bicycle Shop – Fast Folks Cycles. It is a woman owned small business that encourages a healthy lifestyle and gets people out of their cars. This building will attract like kind business creating a synergy of small locally owned businesses. Upstairs apartments can be rented along with space downstairs aligning with Imagine Austin plan of "Investing in housing that is affordable and has work space will help to sustain and attract new creative businesses."

Develop and maintain household affordability throughout Austin. 1201 Cesar has 2 small apartments that will get an interior refresh. Due to the size they can be seen as affordable per total month rent. Located in an area of high walkability and able to walk to mass transit occupants could be car independent.

Create a Healthy Austin Program. The building location is central Austin and located near transit, pedestrian, and bicycling network which provides the buildings tenants and their customers and employees with alternatives to driving. It is located in a Walkable Community.





**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724

Fax: 512-389-0943

3500 McCall Lane

Austin, Texas 78744

EXHIBIT " \_\_\_\_\_ "

*E# 9828-1705*

**PORTION OF THE  
RIGHT-OF-WAY OF WALLER ST.  
(ENCROACHMENT AGREEMENT)**

**0.006 ACRES  
CITY OF AUSTIN,  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.006 ACRES (APPROXIMATELY 244 SQ. FT.), BEING A PORTION OF THE RIGHT-OF-WAY OF WALLER STREET (54' RIGHT-OF-WAY WIDTH), ABUTTING A PORTION OF LOT 1, CANTERBURY SQUARE SUBDIVISION, A SUBDIVISION OUT OF A PART OF OUTLOTS 33 AND 45, DIVISION "O" IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z, PAGE 592 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.006 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2" rebar with "Chaparral" cap set in the east right-of-way line of Waller Street (54' right-of-way width), being the southwest corner of said Lot 1 and also being the northwest corner of Lot 11, said Canterbury Square Subdivision;

**THENCE** North 20°30'29" East, with the east right-of-way line of Waller Street, same being the west line of Lot 1, a distance of 21.94 feet to a calculated point for the **POINT OF BEGINNING**:

**THENCE** crossing the right-of-way of Waller Street, the following three (3) courses and distances:

1. North 69°35'19" West, a distance of 2.97 feet to a calculated point;
2. North 20°24'41" East, a distance of 25.94 feet to a calculated point;
3. South 69°35'19" East, a distance of 1.00 feet to a calculated point;
4. North 20°24'41" East, a distance of 80.13 feet to a calculated point;
5. South 69°35'07" East, a distance of 2.15 feet to a calculated point at the intersection of the east right-of-way line of Waller Street and the south right-of-way line of East Cesar Chavez (60' right-of-way width) and also being the northwest corner of Lot 1;

FA 9828-1705

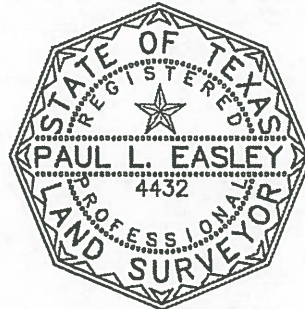
Page 2

**THENCE** South 20°30'29" West, with the east right-of-way line of Waller Street, being the west line of Lot 1, a distance of 106.07 feet to the **POINT OF BEGINNING**, containing 0.006 acres of land, more or less.

Surveyed on the ground October 27, 2014. Bearing basis is Grid azimuth for the Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 040-096-EA.

 04/05/17

Paul L. Easley  
Registered Professional Land Surveyor  
State of Texas No. 4423  
T.B.P.L.S. Firm No. 10124500

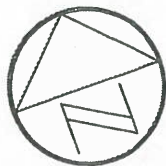


#### REFERENCES

TCAD Parcel Map #: 02-0205  
Austin Grid Map J-21

F# 9828-1705

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.006 ACRES (APPROXIMATELY 244 SQ. FT.), BEING A PORTION OF THE RIGHT-OF-WAY OF WALLER STREET 54' RIGHT-OF-WAY WIDTH, ABBUTTING A PORTION OF LOT 1, CANTERBURY SQUARE SUBDIVISION, A SUBDIVISION OUT OF A PART OF OUTLOTS 33 AND 45, DIVISION "O" IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME Z, PAGE 592 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.



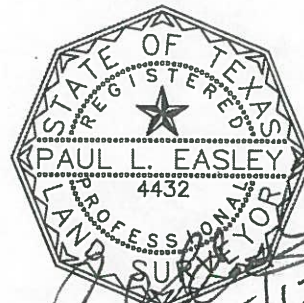
1" = 20'

EAST CESAR CHAVEZ  
(60' R.O.W. WIDTH)

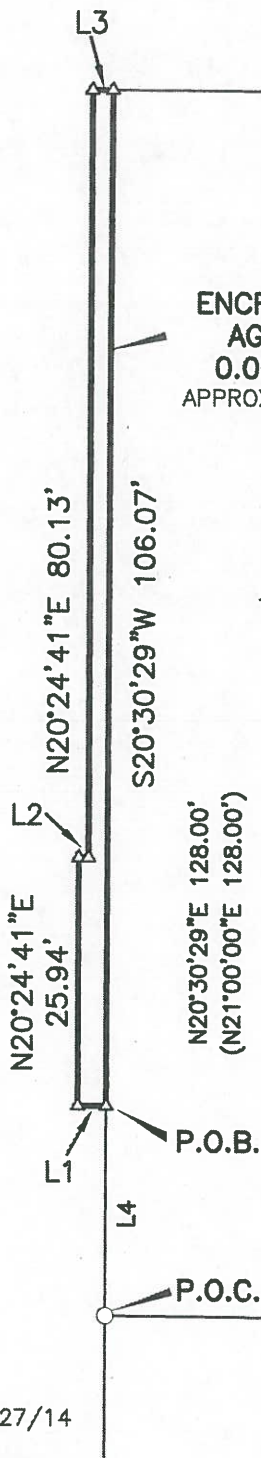
ENCROACHMENT  
AGREEMENT  
0.006 ACRES  
APPROX. 244 SQ. FT.

LOT 1 AND THE  
WEST 15' OF LOT 2  
CANTEBURY SQUARE  
(Z/592)  
TCAD PROPERTY ID #:  
188757

HARTFORD  
PROPERTIES LLC  
(2014037617)



WALLER STREET  
(54' R.O.W. WIDTH)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N69°35'19"W	2.97'
L2	S69°35'19"E	1.00'
L3	S69°35'07"E	2.15'
L4	N20°30'29"E	21.94'

LEGEND

- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- △ CALCULATED POINT
- ( ) RECORD INFORMATION

DATE OF SURVEY: 10/27/14  
PLOT DATE: 04/05/17  
DRAWING NO.: 040-096-EA  
PROJECT NO.: 040-096  
T.B.P.L.S. FIRM NO. 10124500  
DRAWN BY: JDB  
SHEET 1 OF 2

LOT 11  
CANTERBURY  
SQUARE  
(Z/592)

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS)

ATTACHMENTS: METES AND BOUNDS  
DESCRIPTION 040-096-EA

**Chaparral**



**ENCROACHMENT DETAIL**  
**NOT TO SCALE**

### BENCHMARK INFORMATION:

B.M. #1: SQUARE CUT ON THE TOP OF A CONCRETE CURB RETURN ALONG THE NORTH RIGHT OF WAY LINE OF EAST CESAR CHAVEZ STREET (50' RIGHT OF WAY WIDTH), APPROXIMATELY 145' EAST OF THE EAST RIGHT OF WAY LINE OF WALLER STREET (50' RIGHT OF WAY WIDTH).

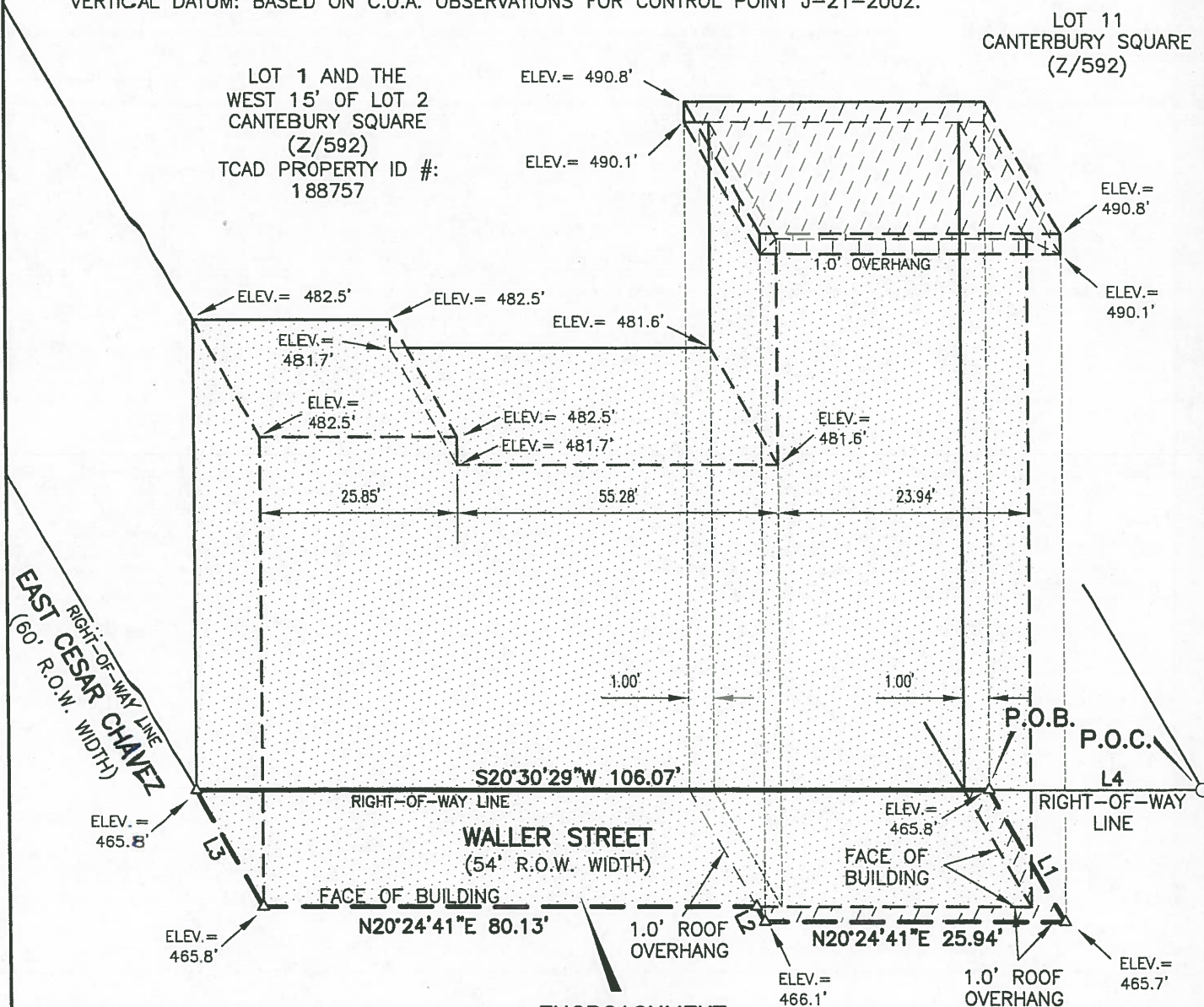
ELEVATION = 465.23'

VERTICAL DATUM: BASED ON C.O.A. OBSERVATIONS FOR CONTROL POINT J-21-2002.

B.M. #2: COTTON GIN SPINDLE SET IN THE NORTH SIDE OF A MULTI-STEM MULBERRY TREE, TAG #13558, ALONG THE REAR FENCE LINE OF THE SUBJECT TRACT, APPROXIMATELY 31' WEST OF THE SOUTHEAST FENCE CORNER.

ELEVATION = 467.98'

VERTICAL DATUM: BASED ON C.O.A. OBSERVATIONS FOR CONTROL POINT J-21-2002.

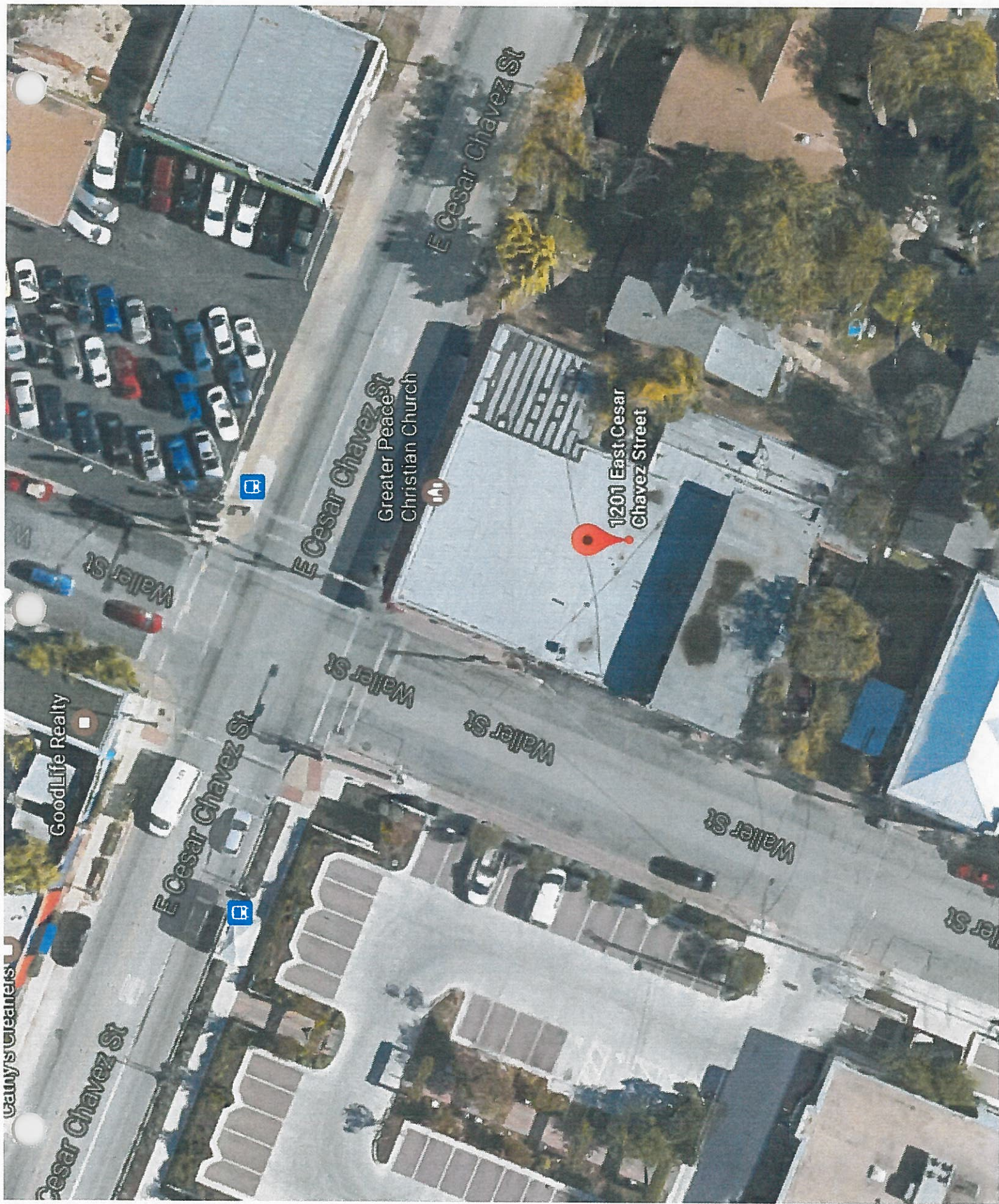


DATE OF SURVEY: 10/27/14  
PLOT DATE: 04/05/17  
DRAWING NO.: 040-096-EA1  
PROJECT NO.: 040-096  
T.B.P.L.S. FIRM NO. 10124500  
DRAWN BY: PLE  
SHEET 2 OF 2

**ENCROACHMENT  
AGREEMENT  
0.006 ACRES  
APPROX. 244 SQ. FT.**

Chaparral







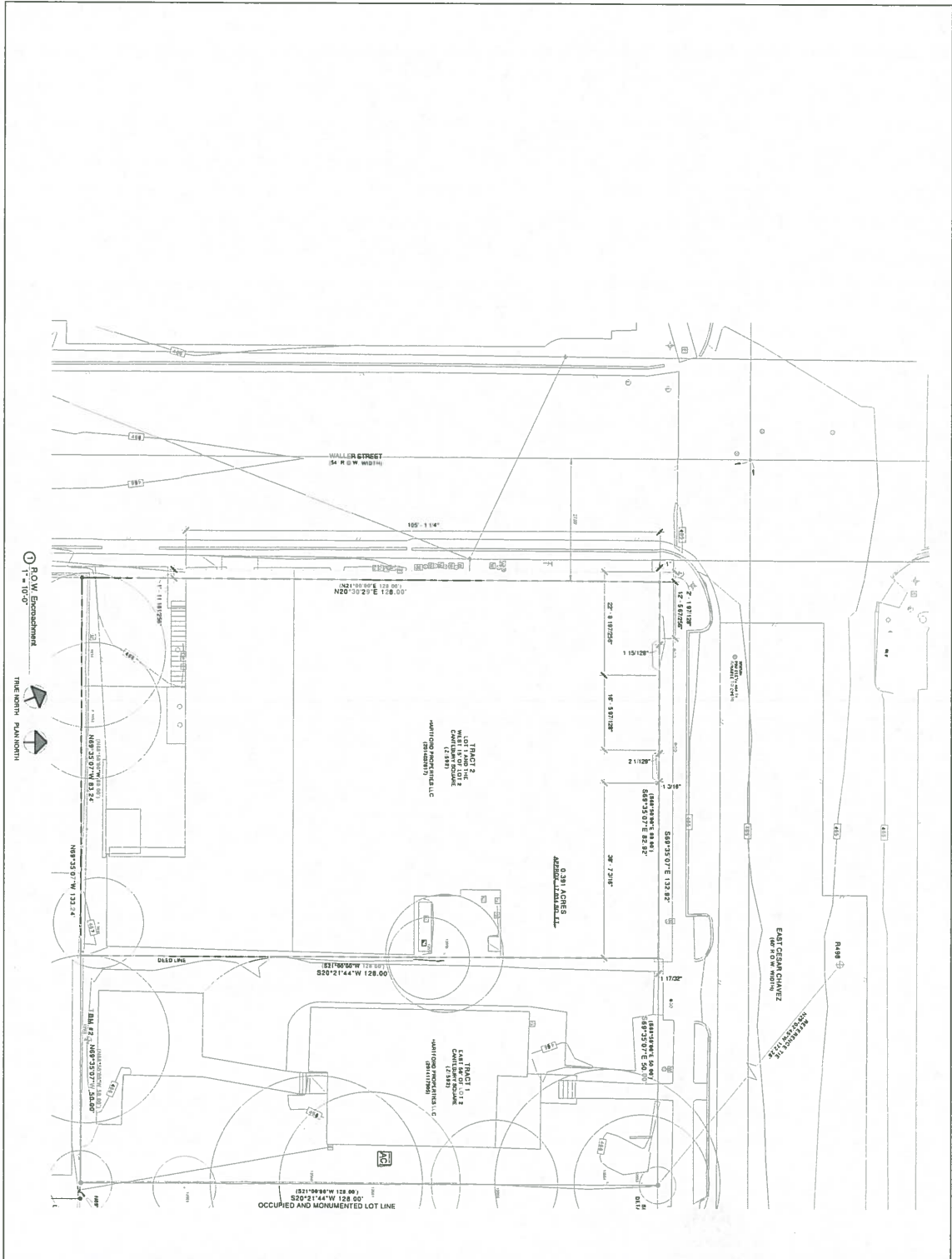












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03.31.2017

**1201 E. Cesar Chavez**

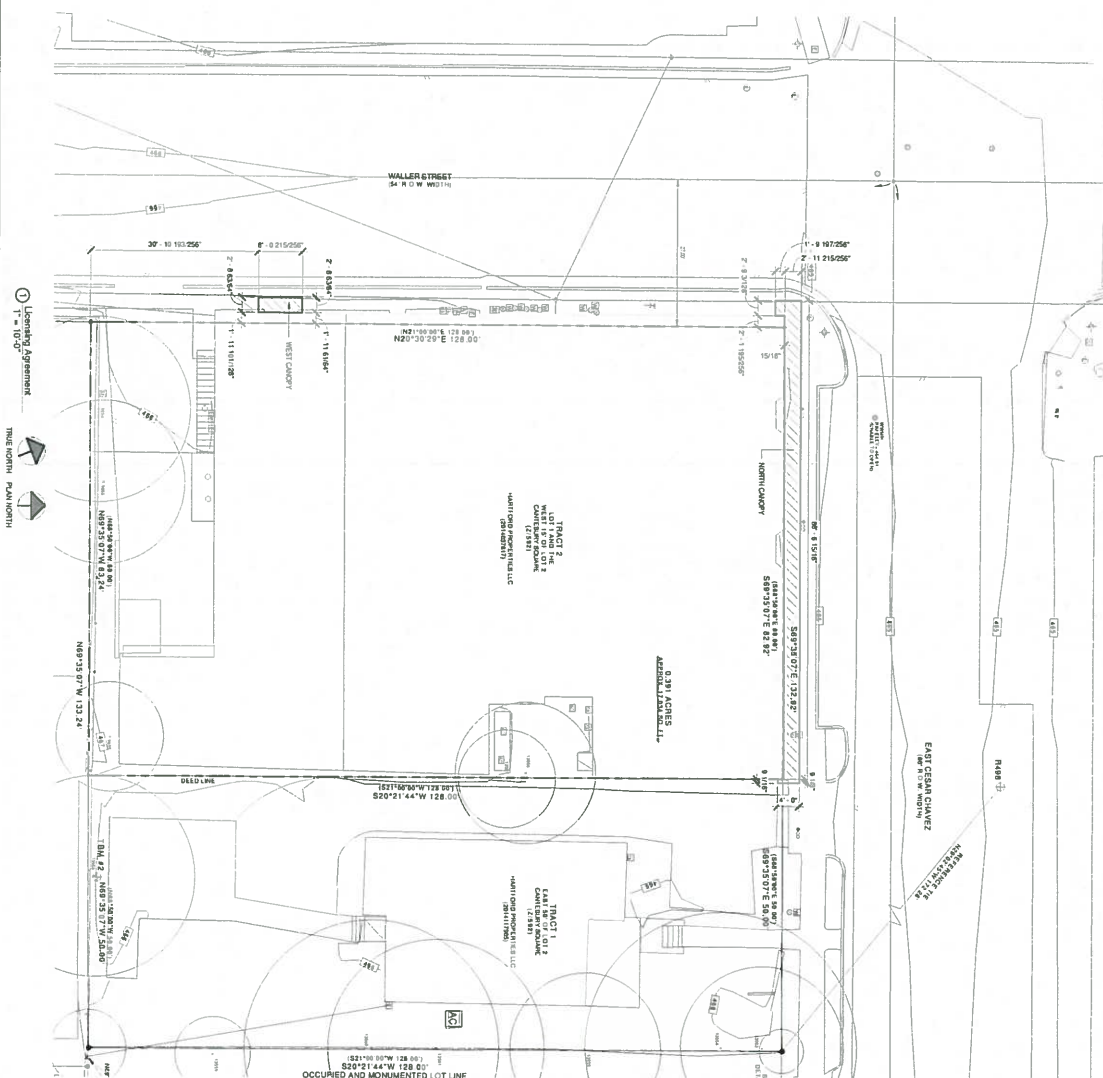
HARTFORD PROPERTIES, LLC  
1201 & 1205 E. CESAR CHAVEZ | AUSTIN, TEXAS

Set Issued:    Date Issued:

Sheet Name:  
ROW Encroachment  
Diagrams

Sheet Number:  
**A1.0**





1201 E. Cesar Chavez

HARTFORD PROPERTIES, LLC  
1201 & 1205 E. CESAR CHAVEZ | AUSTIN,  
TEXAS

03/14/17

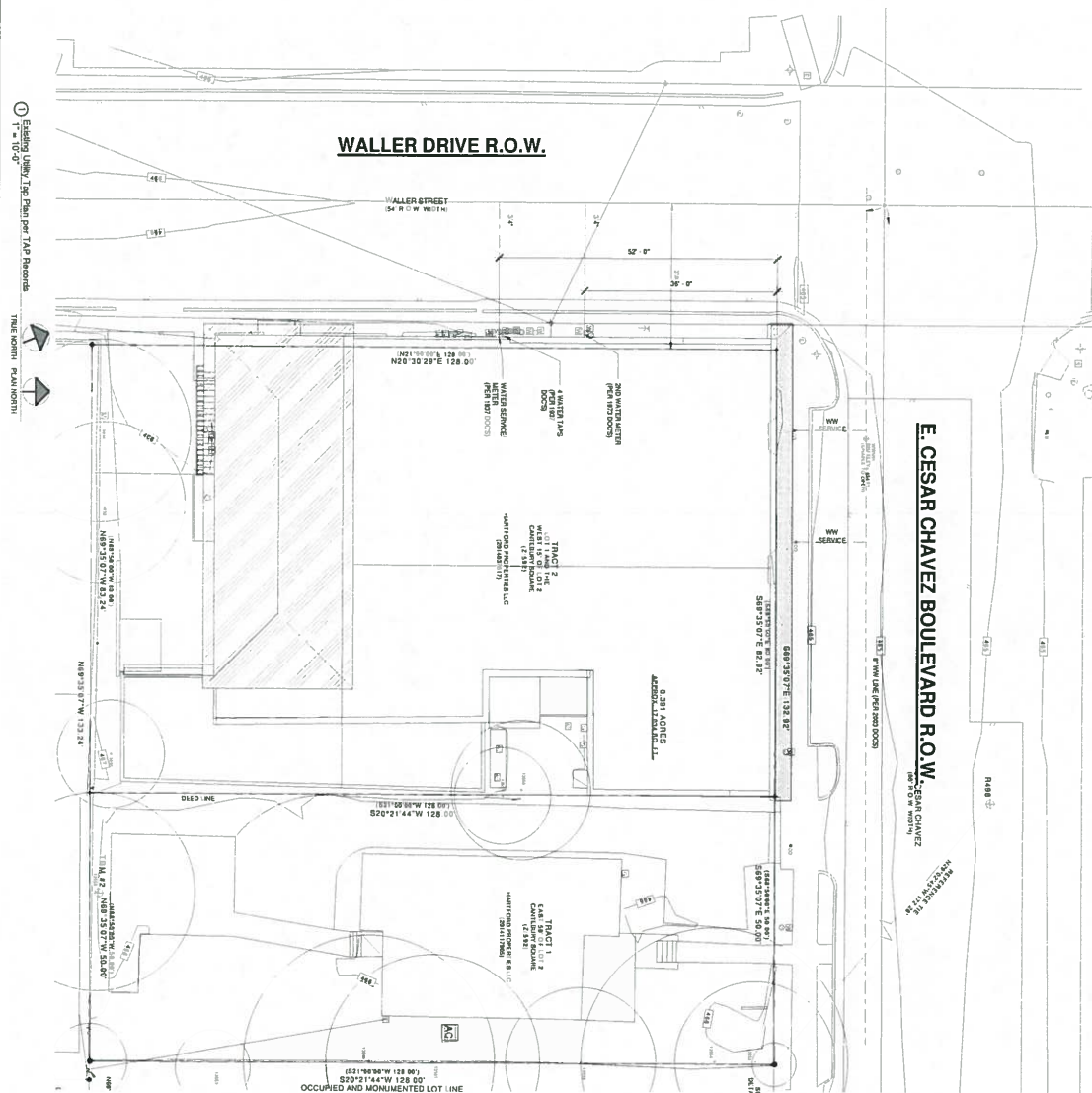


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Sheet Name:	licensing Agreement Diagrams
Sheet Number:	

# A1.1









# NEW PLAN of CANTERBURY SQUARE.

ROAD FROM ARSENAL BY STAVELEY'S PLACE.

3701	2	3	4	5	6	7	8	9	10
65ft	65ft	65ft	65ft	65ft	65ft	65ft	65ft	65ft	65ft
3711	12	13	14	15	16	17	18	19	20

SCHOOL STREET.

3721	22	23	23½	24	25	26	27	28	29	30
		40ft	40ft	40ft	50ft			60ft	60ft	
3731	32	33	33½	34	35	36	37	38	39	40

MARKET ST.

3741	42	43	44	45	46	47	48	49	50	51	52	53
50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft	50ft
3754	55	56	57	58	59	60	61	62	63	64	65	66

GARDEN ST.

45			3767	3775
			65	75
			66	76
			67	77
			68	78
			69	79
			70	80
			71	81
			72	82
			73	83
			74	84
			75	85

Lot 22.

being 1/2 of 42 1/2 ft. and containing  
Residence and other buildings.



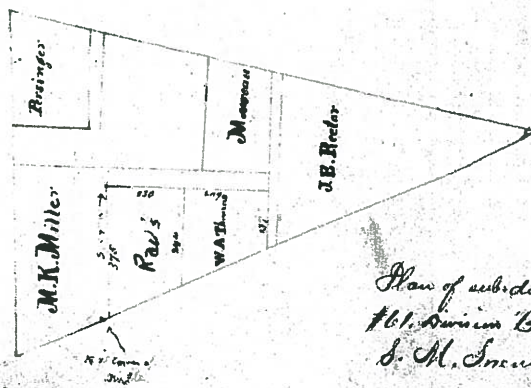
RE.

As Revised & Enlarged, this 9th day of December, A.D. 1874  
 In this plan Lots numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,  
 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 37 and 40, having been  
 me, remain unchanged; and as they appear in Record of  
 book S. pages 473 and 474, as per original plan.

The rest of this plan being property now belonging to myself  
 Revision of, and Addition to, said original plan. And this plan  
 of Eighty three lots, of sizes as therein marked; and of four  
 which appears, embraces all of "Lots D: 33 & 45". Divided  
 Government Tract (originally) adjoining the City of Austin;  
 correct map of the same.

The State of Texas }  
 Travis County } I hereby certify that the foregoing and  
 statement is true and correct, and that the annexed plan is  
 sworn to and subscribed before me this the 8th day of Decem

B. T. Fuhrman, Notary Public Travis County,  
 Filed Dec. 10th 1874 at 10:30 A.M. Recorded Dec. 15th 1874



Plan of subdivision of that  
 #61. Division "B" bought by  
 S. M. Imeson.