



MEMORANDUM

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

FROM: Kim Vasquez, Property Agent Sr., Office of Real Estate Services

DATE: August 20, 2018

SUBJECT: F#9993-1807 Alley Vacation of E. 4th St.
(Remaining 20-ft wide Alley Adjacent to Lot 4, Musgrove's Subdivision, of Outlot 8, Division O, of the Government Tract Adjoining the City of Austin)

Attached are the departmental comments and other information pertinent to the referenced alley vacation. The area being requested for vacation will be used for future development of the entire block. All affected departments and private utility franchise holders have reviewed this request and recommend approval, subject to the following conditions:

Any relocation of Grande Communications and AT&T utilities within the alley will be at the owner's expense.

The applicant has requested that this item be submitted for placement on the **August 28, 2018 Planning Commission Agenda**.

Staff contact: Kim Vasquez, 512-974-9241, kim.vasquez@austintexas.gov

Applicant: Jewels Cain, Land Development Consultant
Armbrust & Brown, PLLC, (512) 435-2318,

Property Owner: 4th & RTM, LP, a Texas limited partnership

The applicant and/or the property owner's representative will be present at the meeting to answer any questions regarding the development project and vacation request.

Attachments

SUMMARY OF REVIEW COMMENTS REPORT

F#9993-1807 ALLEY VACATION

[BETWEEN E. 4TH ST., & E. 5TH ST., STARTING FROM ROBERT T. MARTINEZ JR. ST.]

CONDITIONAL APPROVAL COMMENTS

AT&T

ASSESSMENT: "AT&T facilities appear to exist in the alley that is to be vacated. These facilities are service wire for the existing house. These wires would need to be removed at owner's expense. This is a conditional approval." – **Chris Cowen, AT&T**

Applicant Update: Property owner agrees to pay for relocation cost of AT&T facilities within the alley.

GRANDE COMMUNICATIONS

ASSESSMENT: "No objections, with conditions of full reimbursement for cost of construction, if Grande will need to relocate." – **Daniel Pina, Grande Communications**

Applicant Update: Property owner agrees to pay for relocation cost of Grande's facilities within the alley.

APPROVED COMMENTS

• AUSTIN ENERGY	• DEVELOPMENT SERVICES <u>Land Use Review (Engineering)</u>
• AUSTIN RESOURCE RECOVERY	• DEVELOPMENT SERVICES <u>Land Use Review (Transportation)</u>
• AUSTIN TRANSPORTATION	• PLANNING & ZONING <u>Neighborhood Planning</u>
• AUSTIN WATER	• PLANNING & ZONING <u>Urban Design</u>
• CODE COMPLIANCE	• PLANNING & ZONING <u>Zoning Review</u>
• CTM-GAATN	• PUBLIC WORKS <u>Sidewalks & Special Projects</u>
• EMS	• PUBLIC WORKS <u>Street & Bridge Operations</u>
• FIRE	• PUBLIC WORKS <u>Urban Trails Program</u>
• GOOGLE	• TEXAS GAS
• PARKS & RECREATION DEPARTMENT (PARD)	• CHARTER/SPECTRUM
• WATERSHED PROTECTION	

MEMORANDUM

Case No.: 9993-1807
Date: July 3, 2018

SUBJECT: ALLEY VACATION

() Lucy Cabading	AT&T	() Jackie Chuter	PARD
() Melody Giambruno	Austin Energy	() Laura Arthur	DSD (LUR-Drainage)
() Mike Turner	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)
() Jenna Neal	Austin Water	() Wendy Rhoades	P&Z (Zoning Review)
() Bruna Quinonez	Code Compliance	() David Boswell	PWD (Office of Engineering Street & Bridge)
() Carlos DeMatos	CTM – GAATN		PWD (Sidewalk & Special Projects)
() Milissa Warren	EMS	() Eric Dusza	PWD (Urban Trails Connectivity)
() Roberto Gonzalez	Capital Metro	() Janae Spence	Texas Gas
() Daniel Pina	Grande Communication	() Aaron Diaz	Fire
() Anthony Platt	Google	() Rolando Rodriguez	Charter/Spectrum
() Andy Creel	Google	() Timothy White	WPD (Engineering)
() Frederic Ritter	Google	() Annabell Ulary	

A request has been received for the **vacation of the remaining 20-ft wide alley (669 SF)**. The remaining portion of the alley is adjacent to Lot 4 as depicted in the Musgrove's Subdivision out of Outlot 8 in Division O in the City of Austin, recorded in Volume Z, Page 595, Deed Records, Travis County, Texas.

SEE ATTACHED INFORMATION.

Please review this request and return your comments to Kim Vasquez (512) 974-9241.

Email landmanagement@austintexas.gov
Mail City of Austin
Office of Real Estate Services, 13th Floor
P.O. Box 1088
Austin, TX 78767

*****Due Date: July 24, 2018**

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).

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

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

June 25, 2018

City of Austin
Office of Real Estate Services
505 Barton Springs Road, Suite 1350
Austin, Texas 78704
Attn: Land Management Division

Re: Alley Vacation Applications – North half of partial Alley running between East 4th and East 5th Streets immediately west of Robert T. Martinez Jr. St.

Dear Ms. Vasquez:

Attached is our application for vacation of the north half of a partial alley running between East 4th and East 5th Streets at Robert T. Martinez Jr. Street. The south half of the partial alley has already been vacated by Ordinance 20160804-022, attached for your convenience.

The purpose of this request is to allow for future development of the block as one project. Below are answers to the application questions.

1. Is this a residential or commercial project?

Applicant anticipates a mixed-use project.

2. How was the area to be vacated dedicated? By plat or by separate instrument?

The alley was dedicated by a plat recorded in Volume Z, Page 595.

3. Did the City purchase the area to be vacated? (i.e., by Street Deed)

No.

4. Are both the area to be vacated and your property in the same “subdivision”?

The alley to be vacated is located within one of the Outlots of the City of Austin and all properties adjacent to the alley are in the same subdivision. The properties are part of Lot 4, Outlot 8, Division O, Musgrove Subdivision, City of Austin.

5. Is the area to be vacated functional right-of-way, or is it only dedicated on paper?

Currently, the north half of the alley is unused. It is not paved or used for access.

6. Are there any utility lines within the area to be vacated? If yes, what are your plans for the utilities? Applicants should be advised that easements will be retained to protect existing utilities, even if utility relocation is proposed. Also be advised that no structures may be built on, over or under the easements without a license agreement, insurance, and annual fee.

Yes, the plan would be to dedicate easements as necessary. Upon redevelopment and abandonment of any existing utilities, those easements will need to be vacated and/or relocated.

7. How do you plan to develop the area to be vacated?

It is anticipated the project will be a mixed-use product.

8. Has a site plan been submitted on your project?

No.

9. Is your project a Unified Development?

The project is not in the design stage yet. It is anticipated the owner's contiguous properties will be replatted to a single lot or part of a Unified Development Agreement.

10. Is your project a S.M.A.R.T. Housing Project?

No.

11. When do you anticipate starting construction of the development?

The project is not in the design stage yet and a start date for construction is not available.

12. What is the current zoning on the adjacent properties?

CS-CO-MU-NP

13. What is the current status of the adjacent properties?

Adjacent properties are warehouses and a single family residence.

14. What type of parking facilities currently exist?

No surface parking exists in the alley. Street parking is available near the site.

15. Will your parking requirements increase with the expansion?

Any redevelopment would meet or exceed code requirements for parking. Although it is not yet known for certain, it is likely that redevelopment will require more parking.

16. How will the increase be handled?

Although the project is not designed, conceptually parking will be handled on site (probably mostly below grade).

17. Have any agreements or easements been executed with adjacent landowner(s) or in draft form? If yes, please include this in your letter and provide us with a copy.

No.

18. Does the area to be vacated lie within the Austin Downtown Plan (DAP)? Does it meet DAP criteria?

No.

19. Does the area to be vacated lie within UT boundaries: East of Lamar Boulevard, west of IH- 35, north of Martin Luther King Boulevard, and south of 45th Street?

No.

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

This proposed alley vacation supports the Priority Programs in the areas of Compact and Connected and also for Workforce. The redevelopment will increase density close to downtown with urban transit options, such as train, bus and bike way.

Thank you in advance for your time and consideration of this application. If you have any questions or need additional information, please do not hesitate to contact me at (512) 435-2318.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jewels Cain". The signature is fluid and cursive, with the first name "Jewels" written in a larger, more prominent script than the last name "Cain".

Jewels Cain
Land Development Consultant

cc: Barrett Lepore, Riverside Resources
Michael Whellan, Armbrust & Brown PLLC

APPLICATION FOR STREET OR ALLEY VACATION

File No. 9993-1807
Department Use OnlyDATE: 7/03/18
Department Use Only

TYPE OF VACATION

Type of Vacation: Street: _____; Alley: X; ROW _____ Hundred Block: 400
 Name of Street/Alley/ROW: North half of partial alley between E. 4th & 5th St., west of Robert T. Martinez Jr. St. Is it constructed: Yes ☐ No ☒
 Property address: adjacent to 2033 E. 5th Street (north half of former alley west of Robert Martinez)
 Purpose of vacation: Allow for future development.

PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 0203090807
 Survey & Abstract No.: N/A
 Lot(s): 4 Block: _____ Outlot: Division O, Musgrove Subdivision
 Subdivision Name: Outlot No. 8
 Plat Book Z Page Number 595 Document Number N/A

Neighborhood Association Name: Holly
 Address including zip code: 2033 E. 5th Street, Austin, TX 78702

RELATED CASES

	FILE NUMBERS
Existing Site Plan (circle one): YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<u>N/A</u>
Subdivision: Case (circle one): YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<u>Book Z, Page 595</u>
Zoning Case (circle one): YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<u>C14-2001-0166</u>

PROJECT NAME, if applicable:

Name of Development Project: 4th & Robert T. Martinez
 Is this a S.M.A.R.T. Housing Project (circle one): YES ☐ NO ☒
 Is this within the Downtown Austin Plan Boundaries (circle one): YES ☐ NO ☒

OWNER INFORMATION

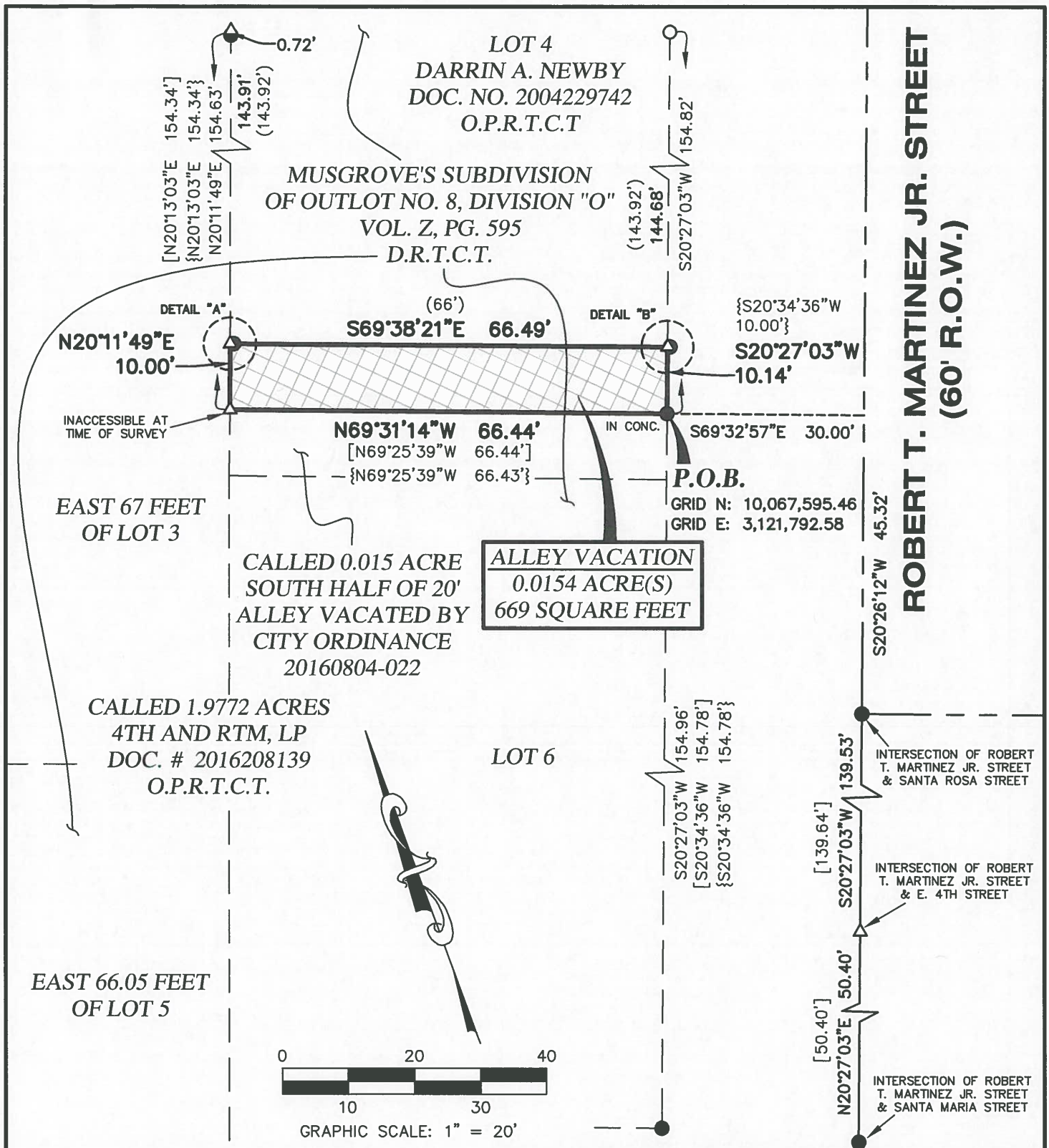
Name: Darrin A. Newby (as shown on Deed)
 Address: PO Box 6915 Phone: (512) 940-6618 Fax No.: (____)
 City: Austin County: Travis State: TX Zip Code: 78762
 Contact Person/Title: Darrin A. Newby Cell Phone: (____)
 Email Address: _____
 (If multiple owners are joining in this request, complete names and addresses for each must be attached.)

APPLICANT INFORMATION

Name: Jewels Cain
 Firm Name: Armbrust & Brown PLLC
 Address: 100 Congress Ave., Suite 1300
 City: Austin State: TX Zip Code: 78701
 Office No.: (512) 435-2318 Cell No.: (____) Fax No.: (____)
 EMAIL ADDRESS: jcain@abaustin.com

The undersigned Landowner/Applicant understands: 1) This application will be handled in accordance with standard City policies and procedures. 2) No action will be taken without (a) payment of the nonrefundable application fee, or (b) necessary documentation. 3) The application and fee in no way obligate the City to vacate the subject area. 4) **All documents** related to this transaction and a **certified check** for the appraised value must be delivered to the City of Austin **prior** to placing the item on the Council Agenda for final approval.

Signed By: Jewels Cain
 Landowner/Applicant

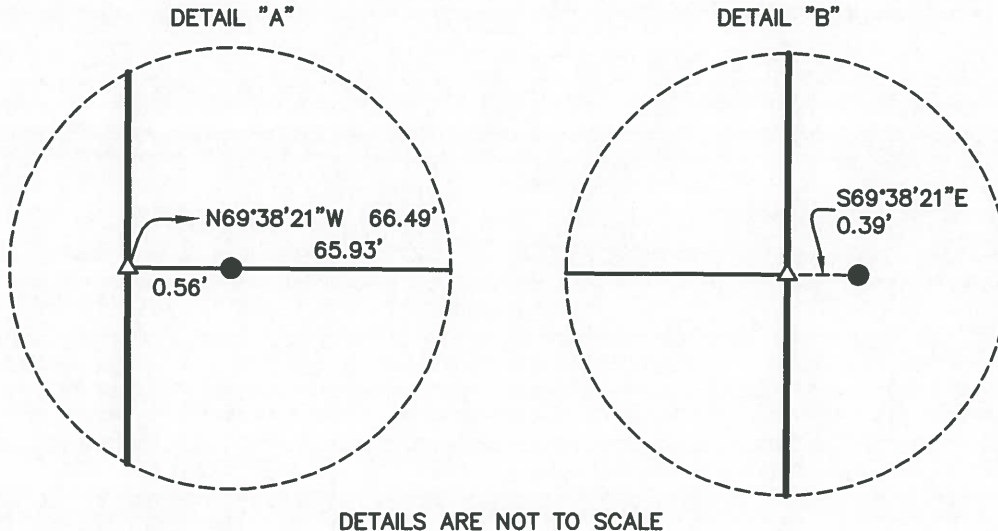


0.0154 ACRE
ALLEY VACATION
City of Austin,
Travis County, Texas



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	5/24/2018
Project:	00722
Scale:	1" = 20'
Reviewer:	EJD
Tech:	BAP
Field Crew:	SV/JR
Survey Date:	MAY, 2018
Sheet:	1 OF 2



1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000057855537.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.



Eric J. Dannheim

5/24/2018

LEGEND

	PROPOSED EASEMENT LINE
	EXISTING PROPERTY LINES
	1/2" IRON ROD WITH "4WARD BOUNDARY" CAP SET
	1/2" IRON ROD FOUND (UNLESS NOTED)
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
VOL./PG.	VOLUME, PAGE
DOC. #	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER DEED VOL. Z PG. 595
[.....]	RECORD INFORMATION PER DEED DOC. NO. 2016208139
{.....}	RECORD INFORMATION PER CITY ORDINANCE NO. 20160804-022

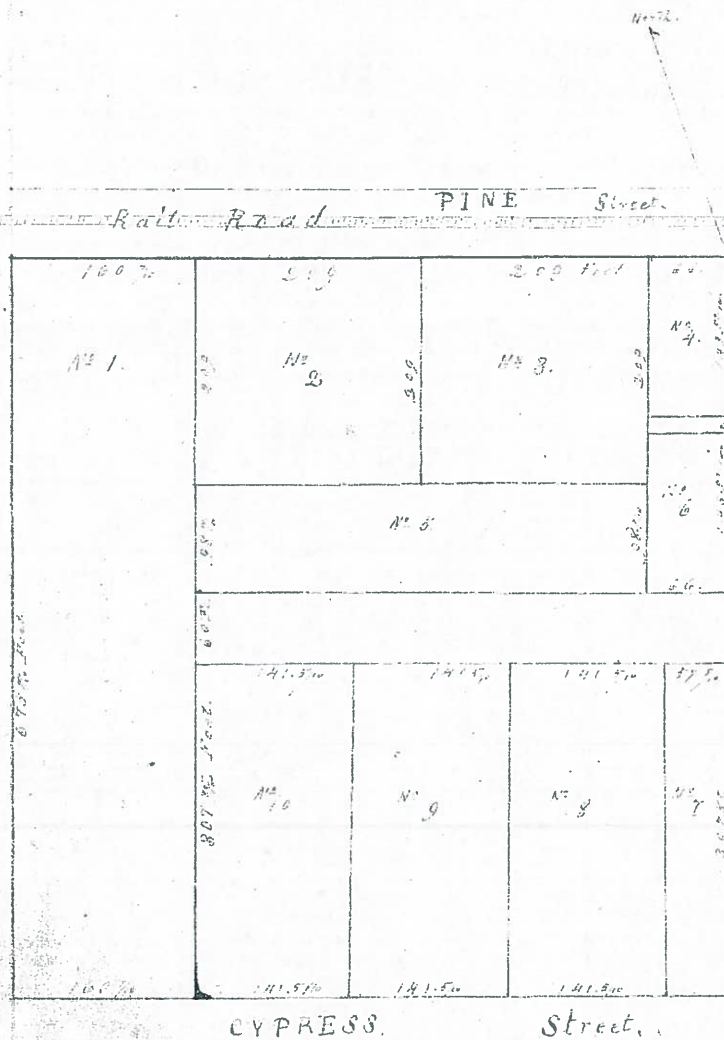
TCAD MAP #: 20309
COA GRID #: K21

**0.0154 ACRE
ALLEY VACATION
City of Austin,
Travis County, Texas**



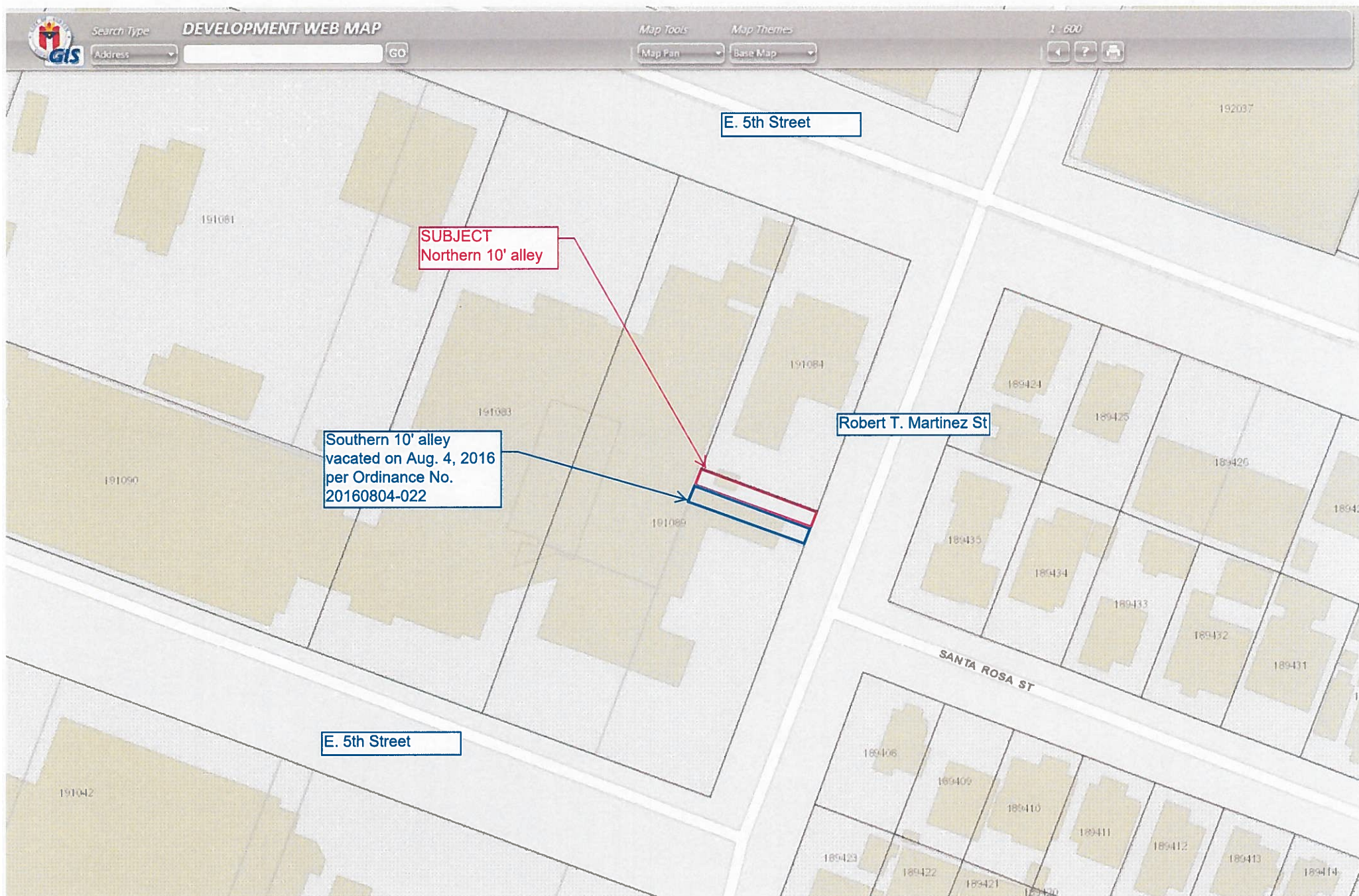
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Sheet:	2 OF 2



Plan of Subdivision of out lot N^o 8.
in Division O in the City of Austin.
Surveyed January 3^d. A.D. 1873. A.W. Ford.
For Mr. Musgrave





Item C-10

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Travis CAD

Property Search Results > 191084 NEWBY DARRIN A for Year 2018

Tax Year: 2018

Property

Account

Property ID:	191084	Legal Description:	LOT 4 OLT 8 DIV O MUSGROVE SUBD
Geographic ID:	0203090807	Zoning:	LI
Type:	Real	Agent Code:	ID:1530337
Property Use Code:			
Property Use Description:			

Protest

Protest Status:
 Informal Date:
 Formal Date:

Location

Address:	2033 E 5 ST TX 78702	Map ID:	020201
Neighborhood:	CORE		
Neighborhood CD:	E1000		

Owner

Name:	NEWBY DARRIN A	Owner ID:	1268875
Mailing Address:	PO BOX 6915 AUSTIN , TX 78762-6915	% Ownership:	100.000000000000%
		Exemptions:	HS

Values

(+) Improvement Homesite Value:	+	\$297,604	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$229,500	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$527,104	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$527,104	
(-) HS Cap:	-	\$74,035	
<hr/>			
(=) Assessed Value:	=	\$453,069	

Taxing Jurisdiction

Owner: NEWBY DARRIN A
 % Ownership: 100.000000000000%
 Total Value: \$527,104

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	
01	AUSTIN ISD	1.192000	\$527,104	\$428,069	\$5,102.58	
02	CITY OF AUSTIN	0.444800	\$527,104	\$416,823	\$1,854.03	
03	TRAVIS COUNTY	0.369000	\$527,104	\$362,455	\$1,337.46	
0A	TRAVIS CENTRAL APP DIST	0.000000	\$527,104	\$453,069	\$0.00	
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.107385	\$527,104	\$362,455	\$389.23	

Item C-10

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68	AUSTIN COMM COLL DIST	0.100800	\$527,104	\$448,069	\$451.65	
HPR1	HOMESTEAD PRESERVATION REINVESTMENT ZONE 1	0.000000	\$527,104	\$453,069	\$0.00	
Total Tax Rate:		2.213985				
				Taxes w/Current Exemptions:	\$9,134.95	
				Taxes w/o Exemptions:	\$10,030.88	

Improvement / Building

Improvement #1: 1 FAM DWELLING State Code: A1 Living Area: 1779.0 sqft Value: \$297,604

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
1ST	1st Floor	WV - 4+		2007	1779.0
011	PORCH OPEN 1ST F	* - 4+		2007	300.0
041	GARAGE ATT 1ST F	WV - 4+		2007	748.0
251	BATHROOM	*		2007	2.0
095	HVAC RESIDENTIAL	*		2007	1779.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.2181	9499.00	0.00	0.00	\$229,500	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2018	\$297,604	\$229,500	0	527,104	\$74,035	\$453,069
2017	\$322,625	\$210,375	0	533,000	\$121,119	\$411,881
2016	\$493,845	\$153,000	0	646,845	\$272,408	\$374,437
2015	\$305,167	\$153,000	0	458,167	\$117,770	\$340,397
2014	\$277,927	\$126,225	0	404,152	\$94,700	\$309,452
2013	\$197,170	\$84,150	0	281,320	\$0	\$281,320

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	8/31/2004	WD	WARRANTY DEED	NEWBY LILLIE MAE	NEWBY DARRIN A			2004229742TR
2	11/2/1992	MS	MISCELLANEOUS	COLLINS LYDIA ESTATE	NEWBY LILLIE MAE	00000	00000	
3	10/31/1990	MS	MISCELLANEOUS	NEWBY LILLIE MAE	NEWBY LILLIE MAE	11846	00089	

Questions Please Call (512) 834-9317

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