



MEMORANDUM

TO: Emily Smith, Urban Transportation Commission Coordinator
Austin Transportation Department

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

DATE: October 1, 2018

SUBJECT: F#9975-1806 Alley Vacation of E. 5th St.
(Entire 20-ft Wide Alley Traversing Block 4, M.A. Taylor Subdivision, of Outlot 4, Division A, of the Government Tract Adjoining 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:

- (1) Retain a public utility easement for AT&T, Austin Energy, Austin Water Utility, Google, and Texas Gas Service;
- (2) Retain a drainage easement for Watershed Protection Department; and
- (3) Any relocation of Grande Communications utilities within the alley will be at the owner's expense.

The applicant has requested that this item be submitted for placement on the **October 9, 2018 Urban Transportation 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, jcain@abaustin.com

Property Owner: Hall Family Properties, LLC (north ½ of alley); and
Fifth & Onion 2016, LP (south ½ of alley)

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#9975-1806 ALLEY VACATION

[BETWEEN E. 6TH ST., & E. 5TH ST., AND ONION ST., & NAVASOTA ST.]

CONDITIONAL APPROVAL COMMENTS

AT&T

ASSESSMENT: "AT&T has facilities located within the proposed alley vacation. These facilities must be relocated at the owner's expense. This is a conditional approval." – **Chris Cowen, AT&T**

Applicant Update: Property owner will provide a public utility easement

AUSTIN ENERGY

ASSESSMENT: "Denied by AE South Team. AE must continue to have truck access to maintain existing electric facilities. Any removal/relocation will be at owners/developers expense. Please contact Darren Vicknair (512-505-7636) for estimate cost." – **Christine Esparza, Austin Energy**

Applicant Update: Property owner will provide a public utility easement

AUSTIN WATER

ASSESSMENT: "Austin Water [AW] does not approve at this time the joint application request for the vacation of the entire 20-ft wide alley (5,411 SF), adjacent to Lots 1-12, Block 4, as depicted in the deed recorded in Volume W-1, Pages 391-393, Deed Records, Travis County, Texas, out of Outlot 4, Division "A", of the Government Tract Adjoining the City of Austin, Texas.

Reason Given:

There are existing/active water and wastewater facilities within the alley that will need to be relocated/removed, inspected by COA Pubic Works Inspectors, and As-Builts for the relocated/removed lines received and approved by AW Maps and Records prior to the vacation of the alley." – **Jenna Neal, Austin Water**

Applicant Update: Property owner will provide a public utility easement

GRANDE COMMUNICATIONS

ASSESSMENT: "No objections, but 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.

GOOGLE

ASSESSMENT: "Provide proposed plan to reroute Google Fiber facilities that are shown on the attached plan." – **Fredric Ritter, Google**

Applicant Update: Property owner will provide a public utility easement

TEXAS GAS SERVICE (ONE GAS)

ASSESSMENT: "Rejected. There is a 4" gas line in the existing alley. System maps attached." – **Aaron Diaz, Texas Gas Service**

Applicant Update: Property owner will provide a public utility easement

WATERSHED PROTECTION DEPARTMENT

ASSESSMENT: "WPD agrees on the right-of-way vacation as long as a drainage easement is retained for existing WPD infrastructure within the requested right-of-way vacation area." – **Jorge R. Urquidi, Watershed Protection Department**

Applicant Update: Property owner will provide a drainage easement

APPROVED COMMENTS

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

MEMORANDUM

Case No.: 9975-1806

Date: June 20, 2018

SUBJECT: STREET 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	() Eric Dusza	PWD (Sidewalk & Special Projects)
() Milissa Warren	EMS	() Janae Spence	PWD (Urban Trails Connectivity)
() Roberto Gonzalez	Capital Metro	() Aaron Diaz	Texas Gas
() Daniel Pina	Grande Communication	() Rolando Rodriguez	Fire
() Anthony Platt	Google	() Timothy White	Charter/Spectrum
() Andy Creel	Google	() Annabell Ulary	WPD (Engineering)
() Frederic Ritter	Google		

A joint application request has been received for the vacation of the entire 20-ft wide alley (5,411 SF), adjacent to Lots 1-12, Block 4, as depicted in the deed recorded in Volume W-1, Pages 391-393, Deed Records, Travis County, Texas, out of Outlot 4, Division "A", of the Government Tract Adjoining the City of Austin, Texas.

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 11, 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 15, 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 - Alley running between Onion and Navasota Streets
between East 5th and East 6th Streets.

Dear Ms. Vasquez:

Attached are two applications for vacation of the alley running between Onion and Navasota Streets between East 5th and East 6th Streets. Two applications were required because there are two owners of the adjacent alley:

North Side of Alley: Hall Family Properties, LLC
South Side of Alley: Fifth & Onion 2016, LP

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 commercial project.

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

The alley was dedicated by a separate instrument recorded in Volume W, Page 391-393.

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 Block 4, Outlot 4, Division A, City of Austin.

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

Currently, the alley is covered in grass and contains dumpsters and electric poles that stop midway through the alley. The alley is also on a slope and makes it an unused area. Due to the visible dumpsters at the street it is unsightly. 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 the 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 whole block 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?

Transit Oriented Development – Neighborhood Plan (TOD-NP)

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

Adjacent properties are restaurants and warehouses.

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,



Jewels Cain
Land Development Consultant

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

APPLICATION FOR STREET OR ALLEY VACATION

File No. 9975-1806 (PART 1 of 2) DATE: 6/20/18
 Department Use Only Department Use Only

TYPE OF VACATION

Type of Vacation: Street: _____; Alley: X; ROW _____ Hundred Block: 500
 Name of Street/Alley/ROW: Alley between Navasota and Onion St between East 6th & 6th Streets
 Property address: 1403, 1405, 1409 E. 6th Street
 Purpose of vacation: Allow for future development.

PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 0204061501, 0204061502, 0204061510
 Survey & Abstract No.: N/A
 Lot(s): 1-6 Block: 4 Outlot: 4 Division A
 Subdivision Name: Outlot No. 4
 Plat Book W Page Number 391-393 Document Number N/A

Neighborhood Association Name: East Cesar Chavez
 Address including zip code: 1403, 1405, 1409 E. 6th Street Austin, TX 78702

RELATED CASES

	FILE NUMBERS
Existing Site Plan (circle one): YES / <u>NO</u>	<u>N/A</u>
Subdivision: Case (circle one): <u>YES</u> / NO	<u>Book W, Page 391-393</u>
Zoning Case (circle one): <u>YES</u> / NO	<u>C14-2008-0029</u>

PROJECT NAME, if applicable:

Name of Development Project: 6th & Onion
 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: Hall Family Properties, LLC (as shown on Deed)
 Address: P.O. Box 2005 Phone: (512) 646-6220 Fax No.: ()
 City: Austin County: Travis State: TX Zip Code: 78768
 Contact Person/Title: Franklin Hall, Managing Member Cell Phone: ()
 Email Address: fhall@lonestarmeats.com
 (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

APPLICATION FOR STREET OR ALLEY VACATION

File No. 9975-1806 (Part 2 of 2) DATE: 6/20/18
 Department Use Only Department Use Only

TYPE OF VACATION

Type of Vacation: Street: _____; Alley: X; ROW _____ Hundred Block: 500
 Name of Street/Alley/ROW: Alley between Navasota & Onion East & 5th & 6th Is it constructed: Yes ☐ No ☒
 Property address: 501 Navasota St., 502 Onion St., 1402, 1406, 1410 E. 5th St.
 Purpose of vacation: Allow for future development.

PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 0204061508, 0204061507, 0204061506, 0204061505, 0204061509,
 Survey & Abstract No.: N/A
 Lot(s): 7-12 Block: 4 Outlot: 4 Division A
 Subdivision Name: Outlot No. 4
 Plat Book W Page Number 391-393 Document Number N/A

Neighborhood Association Name: East Cesar Chavez
 Address including zip code: 501 Navasota St., 502 Onion St., 1402, 1406, 1410 E. 5th St., 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 W, Page 391-393</u>
Zoning Case (circle one): YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<u>C14-2008-0029</u>

PROJECT NAME, if applicable:

Name of Development Project: 6th & Onion
 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: Fifth & Onion 2016, LP (as shown on Deed)
 Address: 100 Congress Avenue, Suite 1450 Phone: () _____ Fax No.: () _____
 City: Austin County: Travis State: TX Zip Code: 78701
 Contact Person/Title: Barrett Lepore (on behalf of general partner) Cell Phone: () _____
 Email Address: blepore@riversideresources.com
 (If multiple owners are joining in this request, complete names and addresses for each must be attached.)

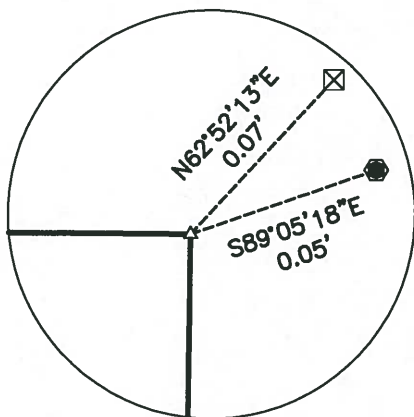
APPLICANT INFORMATION

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

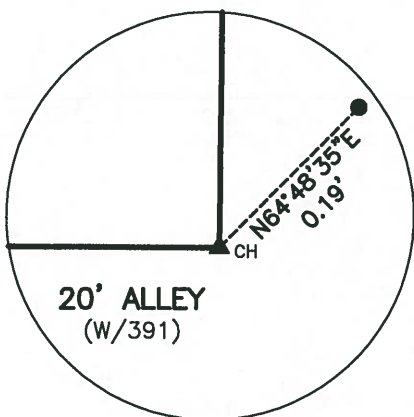
The undersigned Landowner/Applicant understands: 1) This application will be handled in accordance with standard City policies and procedures. 2) No action will be taken without (a) payment of the nonrefundable application fee, or (b) necessary documentation. 3) The application and fee in no way obligate 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

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.124 ACRES (APPROXIMATELY 5,411 SQ. FT.), BEING ALL OF A 20 FOOT WIDE ALLEY, ADJACENT TO LOTS 1-12, BLOCK 4, SUBDIVISION OF OUTLOT 4, DIVISION "A", ALSO KNOW AS M.A. TAYLOR SUBDIVISION OF OUTLOT 4, DIVISION "A", A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME W, PAGES 391-393 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.



DETAIL A
(NOT TO SCALE)



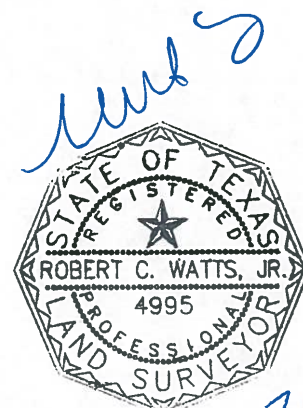
DETAIL B
NOT TO SCALE

LEGEND

- ⊙ CENTER LINE MONUMENT FOUND IN METAL CANISTER
- 1/2" REBAR FOUND (OR AS NOTED)
- ^{CH} 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- ▲ MAG NAIL WITH "CHAPARRAL" WASHER FOUND
- ⊠ "X" IN CONCRETE FOUND
- PUNCH HOLE FOUND
- △ CALCULATED POINT
- () RECORD INFORMATION

LINE TABLE

LINE	BEARING	DISTANCE
L1	S69°42'36"E	270.54'
L2	S20°39'24"W	20.00'
L3	N69°42'36"W	270.54'
L4	N20°39'24"E	20.00'

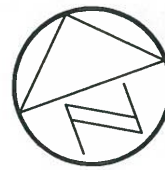


BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1217-001-REL1

Chaparral

DATE OF SURVEY: 02/06/17
PLOT DATE: 06/13/18
DRAWING NO.: 1217-001-REL1
PROJECT NO.: 1217-001
T.B.P.L.S. FIRM NO. 10124500
DRAWN BY: DWG
SHEET 1 OF 2



1" = 50'

N69°39'36"W
340.99'

EAST 6TH STREET
(60' R.O.W. WIDTH)

CITY OF AUSTIN BASE LINE
(F.B. UNKNOWN, PG. 58)

SEE
DETAIL A

S69°39'36"E 325.54'

NAVASOTA STREET
(50' R.O.W. WIDTH)

N20°39'24"E 135.29'
(140') (MONUMENTED AS 135')

P.O.B.

N20°39'24"E 348.62'

FIFTH & ONION
2016, LP
(2016213206)

HALL FAMILY
PROPERTIES, LLC
(2012069257)

R.O.W. VACATION
0.124 ACRES
APPROX. 5,411 SQ. FT.

20' ALLEY (W/391)

FIFTH & ONION
2016, LP
(2016213205)

BLOCK 4
OUTLOT 4, DIVISION "A"
(W/391)

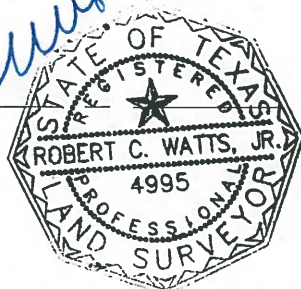
N20°39'24"E 135.05'
(140') (MONUMENTED AS 135')

SEE
DETAIL B

S20°39'24"W 348.05'

ONION STREET
(60' R.O.W. WIDTH)

S20°39'24"W 135.05'
(140') (MONUMENTED AS 135')



N69°45'36"W 325.54'

EAST 5TH STREET
(80' R.O.W. WIDTH)

CITY OF AUSTIN BASE LINE
(F.B. UNKNOWN, PG. 58)

Chaparral

the title of Acres, which may have been lawfully purchased by the said John and his wife Betty A. Smith, from J. S. Beloit, in witness of which my hand and seal are hereunto set, on the 23rd day of April, 1852.

Witness my hand and seal, this 23rd day of April, 1852. J. S. Beloit, Clerk of the County of Jones, State of Iowa. Before me, the undersigned, a Justice of the Peace, County of Jones, State of Iowa, personally appeared J. S. Beloit, of the County of Jones, State of Iowa, who acknowledged that he signed, sealed and delivered the above and attached deed, dated 23rd day of April, 1852, for all the above purposes and considerations therein stated. In testimony whereof I hereunto set my hand and seal, and the seal of my office, this 23rd day of April, 1852, James H. Smith, Justice of the Peace, County of Jones, State of Iowa. Before me, the undersigned authority, on the day County of Jones, State of Iowa, personally appeared J. S. Beloit, and Betty A. Smith, his wife, to me with known to be the individuals described in and who executed the above and attached deed, dated 23rd day of April, 1852, and they acknowledged to me that they had executed the same for all the above purposes and considerations therein stated, and the said Betty A. Smith, wife of the said J. S. Beloit, having been examined by me privately and apart from her said husband, and having the said deed fully explained to her, she, the said Betty A. Smith, declared and acknowledged to me that she had willingly signed and delivered the same, and declared the same to be her deed, and that she wished not to retract it. In testimony whereof I hereunto set my hand and seal, and the seal of my office, this 23rd day of April, 1852, James H. Smith, Justice of the Peace, County of Jones, State of Iowa. Subscribed April 25th 1852, at 2 P.M. and duly verified May 2nd, 1852, at 4 P.M. J. S. Beloit, Clerk. J. H. Smith, J. P.

John A. Brown Sheriff of the County of Jones, State of Iowa. I hereby certify that the within and attached deed, dated 23rd day of April, 1852, for and in consideration of the sum of one dollar to me in hand paid, the receipt whereof is hereby acknowledged, and for the further consideration therein mentioned, I have this day, and do by this present, signed, sealed, and delivered, and cause to be signed, sealed, and delivered, in and to the following described real estate, situated in the County of Jones and State of Iowa, and known as Lot No. 17, more or less, in Section No. 16 of the North town tract, and some part of T. 14, corner more or less, together with all and singular the right, title, claim, interest, and appurtenances to the same in anywise so have and to hold with her for said John A. Brown, his heirs and assigns. And I do hereby warrant, the title to said John A. Brown, his heirs and assigns to have described premises forever, against the claim or claims of any and all persons whomsoever, but this conveyance is made for a specific purpose, to-wit: I have this day made, executed and delivered, my certain power, my seal, as witness, to the said John A. Brown, of the following tenor and effect, to-wit:

W-1

