



## **CORRECTION M E M O R A N D U M**

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

**FROM:** Mashell Smith, Land Management Supervisor  
Office of Real Estate Services

**DATE:** December 10, 2019

**SUBJECT:** F#9941-1803 Right-of-Way Vacation 2,067 square feet W. 49<sup>th</sup> Street

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Attached is the Summary of Review Comments Report and Application Packet pertaining to the right-of-way vacation application for an approximately 2,067 square foot portion of land abutting commonly known as 1304 & 1306 W. 49<sup>th</sup> Street. The right of way is an undeveloped section of W. 49<sup>th</sup> street. The proposed vacation tract will be added to the abutting parcels and will be developed as a two-story office building approximately GSF ~~2,008~~ **8,008** square feet.

All affected departments and private utility franchise stakeholders have reviewed the application and recommend approval, subject to the following reviewers' conditions:

1. Austin Transportation Department:
  - A public sidewalk easement (SE) will be required for a portion of the Right of Way (ROW) that is being vacated. Access must be for pedestrians, scooters, and all ages, all ability bicycle traffic with ADA compliant access/pathways. Area to be approximately 887 square feet.
2. Austin Water Utility:
  - A water line easement will be retained over AWU facilities.

Public notice was sent to Brentwood Neighborhood Associations and owners within 300' of the two parcels. Objections are attached to this memo and summarized below:

**Shelly Ogle** – Objects to sidewalk being taken away and installing parallel parking.

**Stephanie Anderson** – Concerned about increased commercialization encroaching into residential neighborhood.

**Brentwood Neighborhood Association** – Do not support the street vacation for parking spaces. Want parking at rear of building. The proposed vacation is not conducive to pedestrian movement in the neighborhood.

As additional backup, I am attaching a letter from Civilitude summarizing public outreach and a letter to Civilitude discussing public outreach.

The applicant has requested that this item be submitted for placement on the **December 10, 2019 Urban Transportation Commission Agenda**.

Staff contact: Mashell Smith, Land Management Supervisor  
Office of Real Estate Services, 512-974-7079, [mashell.smith@austintexas.gov](mailto:mashell.smith@austintexas.gov)

Applicant: Nhat Ho, [nhat@civiltude.com](mailto:nhat@civiltude.com)  
Civiltude, LLC (512) 761-6161

Adjoining Land Owner: Woodrow W49 Partners, LLC

The applicant and/or 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, Application Packet and Public Notice Objections

# SUMMARY OF REVIEW COMMENTS REPORT

## F#9941-1803 STREET VACATION (2,067 SF PORTION)

### [W 49<sup>TH</sup> ST]

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## APPROVED WITH CONDITIONS

### AUSTIN WATER

Reservation of an easement (10 x 10 square foot section) to protect water meter

– *Angela Baez, Austin Water*

### TRANSPORTATION & SUBDIVISION

Reservation of an easement for sidewalk purposes ~ approximately 887 Square feet

– *Chris Yanez, CNU-A Program Manager III – Land Use Review*

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## APPROVED NO COMMENT

• AUSTIN ENERGY	• DEVELOPMENT SERVICES <u>Land Use Review Drainage Engineering</u>
• AT&T	• EMS
• AUSTIN RESOURCE RECOVERY	• WATERSHED PROTECTION DEPARTMENT
• AUSTIN TRANSPORTATION	• PLANNING & ZONING <u>Neighborhood Planning</u>
• CODE COMPLIANCE	• PLANNING & ZONING <u>Urban Design</u>
• CTM-GAATN	• PLANNING & ZONING <u>Zoning Review</u>
• FIRE	• PUBLIC WORKS <u>Sidewalks &amp; Special Projects</u>
• GOOGLE	• PUBLIC WORKS <u>Street &amp; Bridge Operations</u>
• GRANDE COMMUNICATIONS	• CHARTER/SPECTRUM COMMUNICATIONS
• CAPITAL METRO	• TEXAS GAS SERVICES
• PARKS & RECREATION DEPARTMENT	• PUBLIC WORKS <u>Urban Trails</u>
• CHARTER/SPECTRUM	• WATERSHED PROTECTION DEPARTMENT <u>Engineering</u>

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# APPLICATION

## Vasquez, Kim

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**From:** CLMD Land Management  
**Sent:** Thursday, March 08, 2018 2:00 PM  
**To:** 'CWTX\_Austin\_EL'; 'Giambruno, Melody (Melody.Giambruno@austinenergy.com)'; Fenrick, Katrina; Neal, Jenna; Baez, Angela; Quinonez, Bruna; DeMatos, Carlos; Warren, Milissa; 'Gonzalez, Roberto'; 'Daniel Pina'; 'aplatt@google.com'; 'acreel@google.com'; 'fwritter@google.com'; Chuter, Jackie; Arthur, Laura; Jain, Sangeeta; Walters, Mark; Rey, Humberto; Rhoades, Wendy; Boswell, David; Dusza, Eric; Spence, Janae; 'Barraza, Christian'; Rodriguez, Rolando; 'Kevin.Rooney@charter.com'; 'Womack, Tony A'; Ulary, Annabell; Austin, Lee; Borkar-Desai, Dipti; Martin, Anna; Kosaraju, Ravali  
**Cc:** Spillar, Rob; Sermenio, Eric; Bollich, Eric; Duncan, Daren; Turner, Mike - ARR; Sharma, Binaya  
**Subject:** F#9941-1803 Street ROW Vacation: 1304 & 1306 W. 49th St  
**Attachments:** 9941-1803 Street ROW Vacation Memo.pdf  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Due By:** Friday, April 13, 2018 1:00 PM  
**Flag Status:** Flagged

Greetings,

Please review the attached street right of way vacation application and respond by: **March 28, 2018**

Please send responses to: [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov)

Thank you,

**Kim Vasquez** | Property Agent Senior  
Office of Real Estate Services  
City of Austin  
505 Barton Springs Rd, Ste. 1350  
Austin, TX 78704  
512-974-9241  
[kim.vasquez@austintexas.gov](mailto:kim.vasquez@austintexas.gov)

## MEMORANDUM

Case No: 9941-1803

Date: March 8, 2018

### SUBJECT: STREET RIGHT OF WAY VACATION

( ) Lucy Cabading	AT&T	( ) Jackie Chuter	PARD
( ) Melody Giamb Bruno	Austin Energy	( ) Laura Arthur	DSD (LUR-Drainage)
( ) 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)
( ) Jenna Neal		( ) Wendy Rhoades	P&Z (Zoning Review)
( ) Bruna Quinonez	Code Compliance	( ) David Boswell	PWD (Street & Bridge)
( ) Carlos Dematos	CTM – GAATN	( ) Eric Dusza	PWD (Sidewalk & Special Proj.)
( ) Milissa Warren	EMS	( ) Janae Spence	PWD (Urban Trails Connectivity)
( ) Roberto Gonzalez	Capital Metro	( ) Christian Barraza	Texas Gas
( ) Daniel Pina	Grande Communication	( ) Rolando Rodriguez	Fire
( ) Anthony Platt	Google	( ) Kevin Rooney	Charter/Spectrum
( ) Andy Creel		( ) Tony Womack	
( ) Frederic Ritter		( ) Annabell Ulary	WPD (Engineering)

A request has been received for the **street right of way vacation of a portion of W. 49<sup>th</sup> St., consisting of 2,067 square feet**, granted by a street deed, recorded in Volume 12078, Page 17, Real Property Records of Travis County, Texas, adjacent to Lots 2 and 3, J. V. Walden Subdivision, recorded in Volume 4, Page 290, Plat Records, Travis County, Texas, locally known as 1304 & 1306 W. 49<sup>th</sup> St.

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

Email address: [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov)

Physical address: Office of Real Estate Services  
505 Barton Springs Rd., Ste. 1350  
Austin, TX 78704

**Due Date: March 28, 2018**

APPROVAL: \_\_\_\_\_ YES \_\_\_\_\_ Yes Subject to Requirement \_\_\_\_\_ No

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

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_





**CIVILITUDE**  
ENGINEERS & PLANNERS

1210 Rosewood Avenue  
Austin, Texas 78702  
Firm Registration #12469

Phone 512 761 6161  
Fax 512 761 6167  
info@civiltude.com  
www.civiltude.com

February 19th, 2018

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

Re: **Tenant Information**  
Application for Street or Alley Vacation  
1304 & 1306 W 49<sup>th</sup> Street, Austin, Texas

Dear Ms. Halm,

Civiltude, LLC presents this additional document as part of the Application for Street or Alley Vacation, submitted on behalf of **Woodrow W49 Partners LLC**.

Below you will find the contact information for tenants residing on the premises adjacent to the area to be vacated. Each tenant has either a month-to-month lease or has a lease expiring by the end of April 2018.

**1304 W 49<sup>th</sup> Street**

Jared Ferguson and Sarah Abernethy: (210) 835-4544

**1306 W 49<sup>th</sup> Street**

Wesley Wood: (903) 271-4782

**1210 W 49<sup>th</sup> Street**

Josh Gaddy: (832) 373-9925  
Richard Navarrete: (719) 200-5601  
Juan Chavez

Sincerely,

Fayez Kazi, PE, LEED AP  
President



# CIVILITUDE

ENGINEERS & PLANNERS

1210 Rosewood Avenue  
Austin, Texas 78702  
Firm Registration #12469

Phone 512 761 6161  
Fax 512 761 6167  
info@civiltude.com  
www.civiltude.com

February 20th, 2018

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

Re: **Transmittal Letter**  
Reasons for Vacation  
Application for Street or Alley Vacation  
1304 & 1306 W 49<sup>th</sup> Street, Austin, Texas

Dear Ms. Halm,

Civiltude, LLC presents to you an Application for Street or Alley Vacation, submitted on behalf of **Woodrow W49 Partners LLC**. The packet includes the Application for Street or Alley Vacation, Special Warranty Deed, landowner information, tenant information for individuals currently residing in the properties adjacent to the areas to be vacated, survey notes, and a location map.

The area to be vacated lies within City jurisdiction. A commercial development project site plan has previously been submitted for the property adjacent to the area to be vacated.

Additionally, we present the following details pertaining to the area to be vacated:

1. This is a commercial project.
2. The area to be vacated was dictated by Plat.
3. The City did not purchase the area to be vacated.
4. Both the area to be vacated and our client's property are located in the same subdivision.
5. The area to be vacated is only dedicated on paper.
6. There are no utility lines within the area to be vacated.
7. Plans for the development of the vacated area are to build parking areas for the office building.
8. A site plan has already been submitted for the project (for address 1304, 1304, and 1210 W 49th St, Austin, TX.)
9. The project is a Unified Development, as a site plan has been submitted to develop the property.
10. The project is not a S.M.A.R.T. Housing Project.
11. Construction is anticipated to begin in September 2018.
12. Current zoning of the adjacent properties: LO-MU-NP to the east and west, SF3-NP to the north.
13. Current status of the adjacent properties: the property is developed to the north and has retail and single-family uses; the property is developed to the west and has single-family use; the property is developed to the east and has personal services use
14. There currently exists residential parking in the form of residential drive-ways and individual garages.
15. The parking requirements will not increase with the expansion.



16. See response to question 15: parking requirements will not increase.
17. No agreements or easements have been executed with adjacent owners.
18. The area to be vacated does not lie within the Austin Downtown Plan and the ADP criteria is not applicable.
19. The area to be vacated does not lie within UT boundaries.
20. The proposed vacation supports the Priority Programs and policy directives detailed in the Imagine Austin Comprehensive Plan in the following ways: the project, a new office building amid a residential neighborhood, has the potential to be a space where local businesses can thrive and make themselves accessible to the residents in the surrounding areas. This project invests in the interconnectedness of Austin by placing commercial buildings in close proximity to residential spaces, making it feasible for residents to conduct business locally.

Thank you for your time and consideration.

Sincerely,



Faye Kazi, PE, LEED AP  
President

# APPLICATION FOR STREET OR ALLEY VACATION

File No. 9941-1803  
Department Use Only

DATE: 3/8/2018  
Department Use Only

## TYPE OF VACATION

Type of Vacation: Street:   ; Alley:   ; ROW x Hundred Block:     
Name of Street/Alley/ROW: West 49th Is it constructed: Yes (No)  
Property address: 1304 W 49th Street  
Purpose of vacation: Previous row dedication is unused & appears to continue to be unusable due to a lack of corresponding row along corridor

## PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 226403 and 226404  
Survey & Abstract No.:     
Lot(s): 3 & 2 Block: NA Outlot:     
Subdivision Name: I.V. Walden Subdivision  
Plat Book 4 Page Number 290 Document Number   

Neighborhood Association Name: Brentwood Neighborhood Association  
Address including zip code: BNA, 1707 Romeria, Austin, TX 78757

## RELATED CASES

	FILE NUMBERS
Existing Site Plan (circle one): <u>YES</u> / NO	<u>Sp-2017-0339C</u>
Subdivision: Case (circle one): <u>YES</u> / NO	<u>C8-1946-1785</u>
Zoning Case (circle one): <u>YES</u> / NO	<u>C14-04-0012</u>

## PROJECT NAME, if applicable:

Name of Development Project: Woodrow W 49th St Office  
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: Woodrow W49 Partners LLC (as shown on Deed)  
Address: PO BOX 5645 Phone: ( ) Fax No.: ( )  
City: Austin County: Travis State: TX Zip Code:     
Contact Person/Title: Thomas Giamboi Cell Phone: ( )  
Email Address: thomastxhy@gmail.com  
(If multiple owners are joining in this request, complete names and addresses for each must be attached.)

## APPLICANT INFORMATION

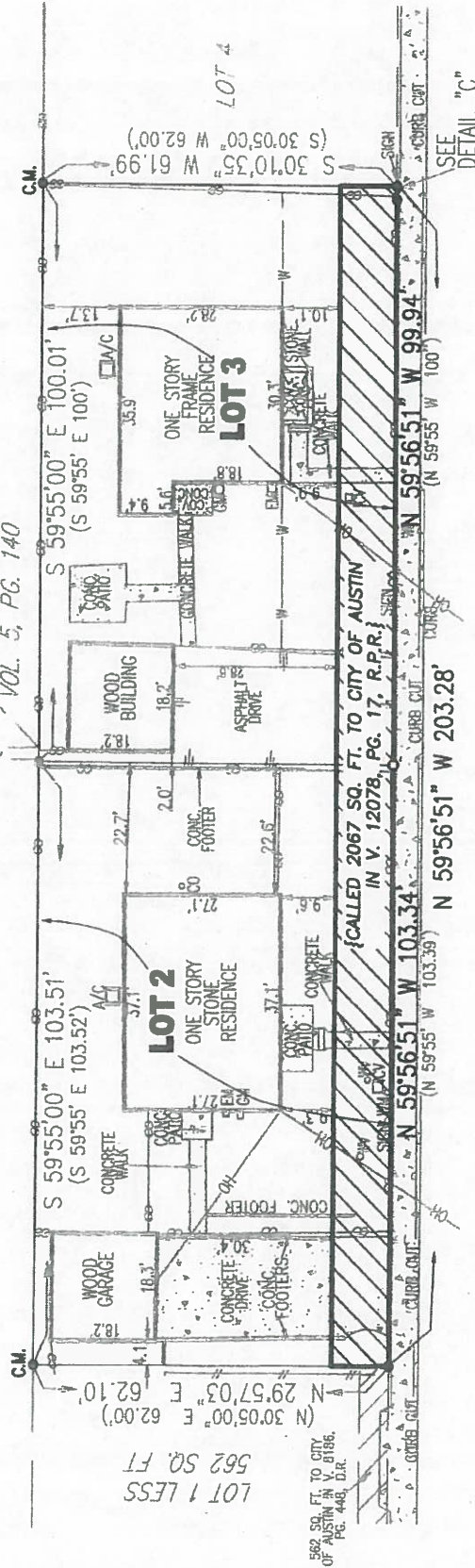
Name: Nhat Ho  
Firm Name: Civiltude, LLC  
Address: 1210 Rosewood Ave  
City: Austin State: TX Zip Code: 78702  
Office No.: (512) 761-6161 Cell No.: ( ) Fax No.: (512) 761-6167  
EMAIL ADDRESS: nhat@civiltude.com

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: [Signature]  
Landowner/Applicant

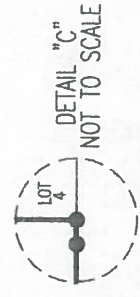
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

GIRLING CHILDREN PARTNERSHIP--  
DOC. NO. 2007220157, O.P.R.  
11586 SQ. FT.



BEARING BASIS C.M. TO C.M.  
S 59°55'00" E 203.52' (203.52')

WEST 49TH ST  
R.O.W. VARIES



FROM A 1/2" REBAR FOUND AT THE  
PROPERTY CORNER, ANOTHER 1/2" REBAR  
FOUND BEARS N 61°02'38" W 2.36'.

DATE 02/13/18

MICHAEL LANCASTER, RPLS. 5529

## LEGEND

- 1/2" REBAR FOUND
- CAPPED 1/2" REBAR SET
- CALCULATED POINT
- BOLT FOUND
- 600 NAIL FOUND
- BUILDING LINE
- PUBLIC UTILITY EASEMENT
- DRAINAGE EASEMENT
- PER PLAT V. 4, PG. 280
- PER V. 12078, PG. 17
- CONTROL MONUMENT
- RIGHT OF WAY
- C.M.
- R.O.W.
- P.O.B.

JOB #: B0118718_TA	
DATE: 02/13/18	
SCALE: 1" = 30'	
FIELD WORK BY	LOUIS
CALC'D BY	JUAN
DRAFTED BY	JOSE
CHECKED BY	ML
DATE	11/18/16
DATE	11/14/16
DATE	11/14/16

**B & G SURVEYING, LLC**  
FIRM REGISTRATION NO. 100363-00  
[WWW.BANDGSURVEY.COM](http://WWW.BANDGSURVEY.COM)  
1404 West North Loop Blvd.  
Austin, Texas 78756  
Office 512\*458-6969







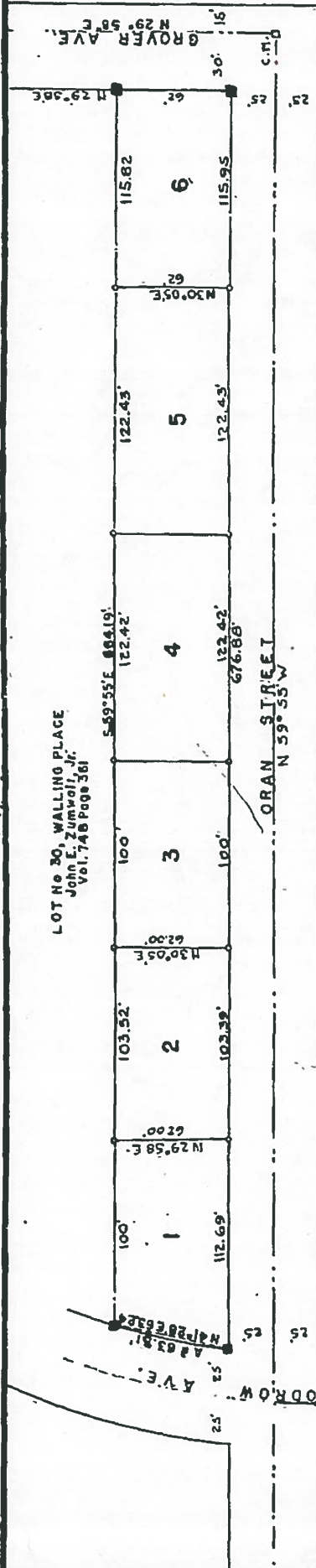
## LOCATION MAP

GRID: J26  
MAPSCO: 555K



SCALE: 600'

LOT No 30, WALLING PLACE  
John E. Zumwalt, Jr.  
Vol. 748 Page 361



Curve Data

Curve	Data
1	24° 36' 9.39"
T	87.40' 31.78'
R	400.83' 378.83'
LC	170.78' 632.4'
A	172.10' 633.1'

• Iron rod set  
 □ CM found  
 ■ CM set

Scale 1" = 50'

STATE OF TEXAS  
COUNTY OF TRAVIS  
KNOW ALL MEN BY THESE PRESENTS THAT J. V. WALDEN, owner of part of Lot No 30, on record in Plat 83, PGM for WALLING PLACE Subdivision out of the GEORGE H. SPEAR LEAGUE in Travis County, Texas, as conveyed to J. V. Walden in deed of record in Travis County, Texas in Vol 610 Page 217 of the Deed Records of said County, Texas, by Ted Wendland, do hereby accept this plat and map as my subdivision of said tract, said subdivision to be known as "J. V. WALDEN SUBDIVISION", and I have dedicated and do hereby dedicate to the public all streets shown hereon as far as my interests may appear.  
Witness my hand on this, the 21 day of Aug, A.D. 1946.

J. V. Walden

STATE OF TEXAS  
COUNTY OF TRAVIS  
BEFORE ME, a Notary Public in and for Travis County, Texas, on this day personally appeared J. V. Walden, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.  
Given under my hand and seal of office this, the 21 day of Aug, A.D. 1946.

(SEAL)  
Elmer Pruitt  
Notary Public in and for Travis County, Texas.

APPROVED FOR ACCEPTANCE  
Date 10/2/46 J. E. McDaniel  
J. E. McDaniel, Director of Public Works.

APPROVED BY THE CITY PLANNING COMMISSION  
Date 10-2-46 W. H. Linder  
Chairman  
Date 10-2-46 Walter Gutierrez  
Secretary

J. V. WALDEN SUBDIVISION

FILED FOR RECORD  
At 2:30 o'clock P. M. on the 2 day of Oct, A.D. 1946.  
Emilie Limberg  
Miss Emilie Limberg, Clerk, County Court of Travis County, Texas.  
By Elmer Pruitt  
Deputy

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, Miss Emilie Limberg, Clerk of the County Court within and for the County and state aforesaid, do hereby certify that the within foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 2 day of Oct, A.D. 1946 at 2:30 o'clock P. M. and duly recorded on the 2 day of Oct, A.D. 1946 at 2:30 o'clock P. M. in the Plat Records of said County in Plat Book 4 Page 290.  
Witness my hand and Seal of the County Court of said County the date last written above.

Emilie Limberg  
Miss Emilie Limberg, Clerk, County Court of Travis County, Texas.  
By Elmer Pruitt  
Deputy (SEAL)

Date 8/2/46 Samuel C. Keller  
Registered Professional Engineer

SEAL

## Travis CAD

**Property Search Results > 226403 WOODROW W49 PARTNERS LLC for Year 2018**

Tax Year: 2018 - Values not available

## Property

## Account

Property ID:	226403	Legal Description:	LOT 3 LESS S 10' WALDEN J V SUBD
Geographic ID:	0226040427	Zoning:	LO
Type:	Real	Agent Code:	ID:1486449
Property Use Code:			
Property Use Description:			

## Location

Address:	1304 W 49 ST TX 78756	Map ID:	022601
Neighborhood:	BRENTWOOD		
Neighborhood CD:	Y2000		

## Owner

Name:	WOODROW W49 PARTNERS LLC	Owner ID:	1733636
Mailing Address:	PO BOX 5645 AUSTIN, TX 78763	% Ownership:	100.000000000000%

## Exemptions:

## Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

## Taxing Jurisdiction

Owner: WOODROW W49 PARTNERS LLC  
 % Ownership: 100.000000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	N/A	N/A	N/A	N/A
02	CITY OF AUSTIN	N/A	N/A	N/A	N/A
03	TRAVIS COUNTY	N/A	N/A	N/A	N/A
0A	TRAVIS CENTRAL APP DIST	N/A	N/A	N/A	N/A



## Travis CAD

**Property Search Results > 226404 WOODROW W49 PARTNERS LLC for Year 2018**

Tax Year: 2018 - Values not available

## Property

**Account**

Property ID:	226404	Legal Description:	LOT 2 * LESS S 10' WALDEN J V SUBD
Geographic ID:	0226040428	Zoning:	LO
Type:	Real	Agent Code:	ID:1486449
Property Use Code:			
Property Use Description:			

**Location**

Address:	1306 W 49 ST TX 78756	Map ID:	022601
Neighborhood:	BRENTWOOD		
Neighborhood CD:	Y2000		

**Owner**

Name:	WOODROW W49 PARTNERS LLC	Owner ID:	1733636
Mailing Address:	PO BOX 5645 AUSTIN, TX 78763	% Ownership:	100.0000000000%

## Exemptions:

## Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

## Taxing Jurisdiction

Owner: WOODROW W49 PARTNERS LLC  
 % Ownership: 100.0000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	N/A	N/A	N/A	N/A
02	CITY OF AUSTIN	N/A	N/A	N/A	N/A
03	TRAVIS COUNTY	N/A	N/A	N/A	N/A
0A	TRAVIS CENTRAL APP DIST	N/A	N/A	N/A	N/A

# **PUBLIC NOTICE OBJECTIONS**

## Smith, Mashell

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**From:** Shelly Ogle <shellyogle2@gmail.com>  
**Sent:** Thursday, April 12, 2018 4:06 PM  
**To:** CLMD Land Management  
**Subject:** RE: Ogle: Objection to 1304/1306 West 49th snatching of public sidewalk

I will, Kim. Thanks much!

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**From:** CLMD Land Management [mailto:LandManagement@austintexas.gov]  
**Sent:** Thursday, April 12, 2018 4:05 PM  
**To:** Shelly Ogle  
**Subject:** RE: Ogle: Objection to 1304/1306 West 49th snatching of public sidewalk

Please certainly let me know if you don't hear back within the next few weeks.

Thank you,  
Kim

**Kim Vasquez, Property Agent Senior**  
**Land Management**



**Office of Real Estate Services**  
505 Barton Springs Rd, Ste. 1350  
Austin, TX 78704  
Direct: 512-974-9241  
[kim.vasquez@austintexas.gov](mailto:kim.vasquez@austintexas.gov)

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**From:** Shelly Ogle [mailto:shellyogle2@gmail.com]  
**Sent:** Thursday, April 12, 2018 3:57 PM  
**To:** CLMD Land Management <LandManagement@austintexas.gov>  
**Subject:** RE: Ogle: Objection to 1304/1306 West 49th snatching of public sidewalk

Thanks very much, Kim. I'll be back in touch with you in case I hear nothing from them.

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**From:** CLMD Land Management [<mailto:LandManagement@austintexas.gov>]  
**Sent:** Thursday, April 12, 2018 3:56 PM  
**To:** Shelly Ogle  
**Subject:** RE: Ogle: Objection to 1304/1306 West 49th snatching of public sidewalk

Thank you, Ms. Ogle.

I have forwarded your objection to the applicant for them to reach out to you to address your concerns.

Thank you,  
Kim

Kim Vasquez, Property Agent Senior  
Land Management



Office of Real Estate Services  
505 Barton Springs Rd, Ste. 1350  
Austin, TX 78704  
Direct: 512-974-9241  
[kim.vasquez@austintexas.gov](mailto:kim.vasquez@austintexas.gov)

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**From:** Shelly Ogle [<mailto:shellyogle2@gmail.com>]  
**Sent:** Thursday, April 12, 2018 2:57 PM  
**To:** CLMD Land Management <[LandManagement@austintexas.gov](mailto:LandManagement@austintexas.gov)>  
**Subject:** FW: Ogle: Objection to 1304/1306 West 49th snatching of public sidewalk  
**Importance:** High

Let's get the address right...:

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**From:** Shelly Ogle [<mailto:shellyogle2@gmail.com>]  
**Sent:** Thursday, April 12, 2018 2:55 PM  
**To:** [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov)  
**Subject:** Ogle: Objection to 1304/1306 West 49th snatching of public sidewalk  
**Importance:** High

Per call just finished with Kim Vasquez, I am e-mailing you to object to the property changes wanted by the developers of 1304 and 1306 West 49th Street.

Specifically, I object to their taking away the public sidewalk. I use that to get to the bus. Don't give it away!

Also, I object to their apparent plan to install parallel parking alongside the street or alongside the sidewalk, if indeed the sidewalk is meant to remain intact, altho the maps provided by the City show no sidewalk at all. Parallel parking there will result in the entire frontage of both lots opening into the curb like one big, long, wide mouth of a driveway, which presents a life-threatening danger to pedestrians.

Just make sure there's a sidewalk. Make it wider, even, to make up for the developers' newly imposing presence. And make sure there's no single huge driveway.

And stop using stupid words like "street vacation" when you're talking about giving up public property to private developers. "Street vacation" sounds like you're inviting us all to a happy, fun block party! Your letters need to be more explanatory; as written now, with jargon and inadequate maps, they clearly favor developers over residents.

Thanks.

Shelly Ogle  
4905 Lynndale Drive  
Austin, TX 78756



## Smith, Mashell

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**From:** Vasquez, Kim  
**Sent:** Thursday, April 12, 2018 9:33 AM  
**To:** Anderson, Stephanie  
**Subject:** RE: Objection to Street Vacation - 1304 & 1306 W 49th Street  
**Attachments:** Public Notice Letter Final 3.28.18.pdf

Thank you, Ms. Anderson. I will forward your objection to the applicant for them to reach out to you to discuss your concerns.

Attached is a copy of the revised public notice letter with the corrected parcel ID map.

Thank you,  
Kim

**Kim Vasquez, Property Agent Senior**  
**Office of Real Estate Services**  
Land Management  
505 Barton Springs Rd, Ste 1350  
Austin, TX 78704  
Direct: 512-974-9241  
[kim.vasquez@austintexas.gov](mailto:kim.vasquez@austintexas.gov)

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**From:** Anderson, Stephanie [mailto:stephanie.anderson@austin.utexas.edu]  
**Sent:** Thursday, April 12, 2018 7:10 AM  
**To:** CLMD Land Management <LandManagement@austintexas.gov>  
**Subject:** Objection to Street Vacation - 1304 & 1306 W 49th Street

April 11, 2018

Kim Vasquez  
Property Agent Senior  
City of Austin Real Estate Services  
Land Management  
505 Barton Springs Road, Ste 1350  
Austin, TX 78704

Dear Ms. Vasquez,

I am writing to voice my objections to the proposal for Street Vacation requested by Civiltude Engineers and Planners on behalf of Woodrow W49 Partners for the 2,067 square foot portion of W 49<sup>th</sup> Street adjacent to 1304 & 1306 W 49<sup>th</sup> Street, Subdivision Lots 2 & 3, J. V. Walden Subdivision in order to construct parking spaces.

I own the property and live at 4907 Lynndale Drive and am concerned about the increased commercialization encroaching into our residential neighborhood. That portion of 49<sup>th</sup> Street is still made up of small single family residential buildings that reflect the residential feel of the neighborhood. In addition, I am concerned that the proposed parking spaces conflict with the only sidewalk along 49<sup>th</sup> Street in that block, a sidewalk that is frequently used by the

residents of the School of the Blind and Visually Disabled, located nearby, as well as by numerous employees of the nearby state agencies, creating a potential safety hazard for pedestrians.

I received the original Public Notice certified letter dated March 23. When I spoke with you on the phone on March 28, 2018, you said you would be resending the letter because an incorrect map had been attached. Due to a family medical emergency, I have been unable to get to the post office to receive and sign for the corrected certified letter.

Thank you for your consideration.

Sincerely,  
Stephanie Anderson  
4907 Lynndale Drive  
Austin, TX 78756  
512-496-4152



## Smith, Mashell

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**From:** brentwood austin <brentwood.austin@gmail.com>  
**Sent:** Friday, April 6, 2018 10:44 PM  
**To:** CLMD Land Management; Pool, Leslie; bill.spiesman@yahoo.com;  
mcabarney@gmail.com  
**Subject:** Street Vacation, 49th Street, File Number: 9941-1803

The Brentwood Neighborhood Association does not support the partial street vacation at 1304 and 1306 W. 49th Street requested by Woodrow W 49th Street Partners LLC.

The owner previously requested a compatibility standard variance for the rear of the property ( that they were granted) so that all of the parking would be behind the building. We do not support this street vacation for parking spaces. They already received the compatibility waiver for rear parking and the proposed vacation is not conducive to pedestrian movement in the neighborhood.

Bill Spiesman  
512 739-0847  
President of Brentwood Neighborhood Association

## Smith, Mashell

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**From:** Pool, Leslie  
**Sent:** Saturday, April 7, 2018 10:09 AM  
**To:** brentwood austin  
**Cc:** CLMD Land Management; bill.spiesman@yahoo.com; mcabarney@gmail.com; Brinsmade, Louisa  
**Subject:** Re: Street Vacation, 49th Street, File Number: 9941-1803

Bill, thanks for providing Brentwood NA's input opposing the street vacation. I've included Louisa in this note so she can be on the lookout for the case.

Best,

Leslie

Leslie Pool  
Council Member, District 7  
Austin City Council  
512.978.2107

On Apr 6, 2018, at 10:44 PM, brentwood austin <brentwood.austin@gmail.com> wrote:

The Brentwood Neighborhood Association does not support the partial street vacation at 1304 and 1306 W. 49th Street requested by Woodrow W 49th Street Partners LLC.

The owner previously requested a compatibility standard variance for the rear of the property ( that they were granted) so that all of the parking would be behind the building. We do not support this street vacation for parking spaces. They already received the compatibility waiver for rear parking and the proposed vacation is not conducive to pedestrian movement in the neighborhood.

Bill Spiesman  
512 739-0847  
President of Brentwood Neighborhood Association



**CIVILITUDE**  
ENGINEERS & PLANNERS

5110 Lancaster Court  
Austin, Texas 78723  
Firm Registration #12469  
Phone 512 761 6161  
Fax 512 761 6167  
hello@civiltude.com  
www.civiltude.com

January 4, 2019

Andy Halm, Senior Property Agent  
Office of Real Estate Services  
505 Barton Springs Road, Suite 1350  
Austin, TX 78704

Re: **Public ROW Partial Vacation – Summary of Neighborhood Engagement**  
1304 & 1306 W 49<sup>th</sup> Street, Austin, Texas

Dear Mr. Halm:

This letter is to summarize our team's effort in engaging the Brentwood Neighborhood. Although we did not receive their support, we believe we had provided our best effort and are seeking staff's support in moving the case forward to Commissions' hearing. Below are more details of the engagement.

The items were discussed by the Brentwood Neighborhood Associations on three occasions:

1. October 3<sup>rd</sup>, 2018:
  - a. Attendees: Glen Coleman (lobbyist representing the project), BNA's Steering Committee and several neighborhood members
  - b. Discussions:
    - Overview of the public ROW to be vacated / purchased back by the project from the City.
    - History of how the ROW was dedicated (via plat).
    - What the vacated ROW to be used for (additional parking on site).
  - c. Decision/Next step: No decision was taken. The neighborhood wanted more details on how exactly would the vacated area be used for the parking.
2. November 7<sup>th</sup>, 2018:
  - a. Attendees: Nhat Ho (project civil engineer), Glen Coleman (lobbyist representing the project), BNA's Steering Committee and several neighborhood members
  - b. Discussions:
    - Project team present drawings that illustrate additional parking spaces to be proposed if ROW vacation is granted by Council. We stressed that only fullsize parking spaces would be proposed (no compact) which was a concern that the neighborhood had expressed. Several members of the neighborhood acknowledged that the proposed additional parking would reduce parking demand on the public street which is desirable.
    - The project team also showed that even with new parking spaces added, the site still met impervious cover limit and will provide all required water quality and detention's requirements.
    - Some neighbors expressed concern related to "loss of green space", potential loss of sidewalk and trees. We clarified that the two mid-size Chinese tallow trees affected by proposed parking would be mitigated by planting new trees per City's requirements. The existing sidewalk will remain in place and improved to meet ADA crossings at driveways. Furthermore site lighting and benches

are being proposed along the existing sidewalk to activate the pedestrian path and improve safety at night.

c. Decision/Next step:

- No decision was taken at the meeting.
- The project team followed up with after the meeting to offer potentially eliminating one of the proposed parking spaces to save the tree.

3. December 5<sup>th</sup>, 2018:

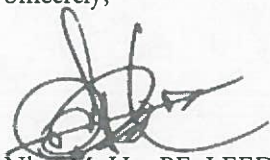
- a. Attendees: project team offered to attend but was asked not to.
- b. Decision: the Steering Committee informed that a vote was taken to not support the vacation request.

We are seeking staff's recommendation for the vacation on the basis that **the request provides public benefits** as follow:

- The requested area is relatively small 2,067 SF (only 10' deep) which would not affect how the current street and sidewalk would function.
- This area appears to be dedicated to the City via plat in the '70 but no improvement has been proposed on it. If granted, the area will allow onsite parking that reduces parking demand along public street that the neighborhood had expressed desire to reduce.
- While we acknowledge that there is reduction of green space, it is within the allowable limit of zoning and will be mitigated by the proposed trees and water quality treatment per code. Furthermore, proposed lighting and benches will improve safety and activate pedestrian usage of the sidewalk which is not desirable in current conditions.

Please don't hesitate to reach out if additional is needed to support our request.

Sincerely,



Nhat M. Ho, PE, LEED GA  
Vice President



December 7, 2018

Nhat Ho, PE LEED GA  
Civilitude  
5110 Lancaster Court  
Austin, Texas 78723

Re: F#9941-1803 Street ROW Vacation: 1304 & 1306 W. 49th St  
Review of Brentwood community conversations

Hello Nhat;

I wanted to update you on conversations with the Brentwood Neighborhood and the Brentwood Neighborhood Steering Team.

To review, last year I was asked by your client to assist with conversations surrounding a parking variance of a project on W. 49<sup>th</sup> Street. The neighborhood subsequently voted to support your request for a compatibility waiver to enhance parking on the site. Planning Commission followed suite later that month.

Early this autumn we returned to the Brentwood Neighborhood Association to request their support for the vacation by the City of Austin of an easement which would allow an estimated 9 additional spaces to serve your site and the neighborhood.

I met with the Brentwood team on **October 3<sup>rd</sup>**, see notes below.  
We discussed the ask, but the group had more questions, and asked for a more detailed presentation.

A second meeting, you were attendance as well, took place on **November 7<sup>th</sup>**. To review, you showed them a more detailed site plan showing the exact parking spaces requested. Again, no vote was taken; there were some concerns voiced about "loss of green space" and full sized vs. compact parking spaces.

Later that month we decided to respond to these concerns. We examined the site and decided to give up one of the requested parking spaces in order to preserve a mid-size Chinese Tallow located near the street side of the project. Last week I submitted this offer to the Brentwood Steering Committee. One of their members related that I need not attend as he would relay my offer to the team.

On **December 5<sup>th</sup>** the team declined our offer and voted not to support the vacation of the easement.

Nhat it is my recommendation at this time that you move forward and request that staff place the vacation item on the Austin Planning Commission agenda.

Your request is reasonable, parking is needed, the easement is useless to The City and generates no tax revenue and - you have been at great pains to engage the community on this minor item. I do recommend keeping the offer to preserve the Chinese Tallow. Although not an ideal specie, it is a good source of shade on the site and reflects your good will to work with the stakeholders.

With the preservation of the tree intact, this ask is entirely beneficial to The City and I recommend you daylight the item where it can be voted on by Commission and Council. Please let me know if you would like me involved with staff and Commission conversations moving forward.

With Warmest Wishes for the Season,

Glen Coleman  
[glen@southllano.com](mailto:glen@southllano.com)  
512 407-9357

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South Llano Strategies P.O. Box 49444 Austin, Texas 78765 [www.southllano.com](http://www.southllano.com)

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Hi Nhat,

*A quick summary of my notes from October 3rd.*

*Brentwood NA re 49th Street Easement*

*Wednesday October 3, 7pm at Lion's club on Justin Lane*

*Printed material 24 x 12 blow up of Approved Site Plan showing strip to be vacated*

*Was second on agenda, but got to speak first.*

*Did not stay for Prop A presentation by CM Pool and her aide but heard they nailed it*



13 in attendance, group had questions about where \*exactly\* on site plan the new parking spaces would be. I did not provide this level of detail at the meeting but agreed to send them a mark up. They also indicated they had a few other questions and would send me an email with them. I have followed up, but not received the other questions yet.

No vote was taken either way and the group was noncommittal.

\*\*\*\*\*

Don  
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Thu, Nov 15, 4:25  
PM

I'm certainly in favor of maintaining or providing new opportunities for trees and other green space.



Glen  
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Co  
le  
ma  
n

Tue, Dec 4,  
3:46 PM (3  
days ago)

Don & Team, Let's do that then. I will ask Nhat to resubmit, giving up a space and preserving that tree. Would you like us to return to



Don  
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Tue, Dec 4,  
4:02 PM (3  
days ago)

Glen, This is not my call, but will be a decision by the entire Steering Committee (we are meeting tonight to discuss this and other busi

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Glen,

*The Steering Committee met last night and voted to oppose the ROW vacation. I think that the consensus was that the loss of additional green space outweighed the potential of slip-over traffic onto neighborhood streets. Let me know if you have additional questions.*

*Thanks,*

*Don Leighton-Burwell*