

SUBDIVISION REVIEW SHEET**CASE NO.:** C8-2020-0160.0A**COMMISSION DATE:** April 27, 2021**SUBDIVISION NAME:** Sand Beach Overlook Subdivision**ADDRESS:** 1505 W 3rd Street**APPLICANT:** Steve Ogden**AGENT:** LandDev (Nick Brown)**ZONING:** LI-CO-NP**NEIGHBORHOOD PLAN:** Old West Austin**AREA:** 0.947 acres (41,251 sf)**LOTS:** 1**COUNTY:** Travis**DISTRICT:** 9**WATERSHED:** Lady Bird Lake**JURISDICTION:** Full Purpose**SIDEWALKS:** Sidewalks will be constructed on site.**VARIANCES:** A variance from LDC § 25-4-171, which requires each lot in a subdivision abut a dedicated public street.**DEPARTMENT COMMENTS:**

The request is for the approval of Sand Beach Overlook Subdivision, consisting of one lot on 0.947 acres, and a variance from LDC § 25-4-171, which requires each lot in a subdivision abut a dedicated public street. Staff supports approval of the variance; however, additional information is required for the plat. Because of this, staff recommends both items be disapproved for the reasons listed in the staff report. The applicant's variance request is attached as Exhibit D. Austin Transportation Department's (ATD) support for the variance request is attached as Exhibit E.

The plat does not comply with the criteria for approval in LDC 25-4-84(B) and staff recommends disapproval for the reasons listed in the attached comment report. An application that has been disapproved with reasons may be updated to address those reasons until the application expires. If the applicant submits an update to address the reasons for disapproval, that update will be presented to the Land Use Commission within fifteen days of submittal.

STAFF RECOMMENDATION:

Staff recommends disapproval of the plat and variance for the reasons listed in the comment report dated April 22, 2021, and attached as Exhibit C.

CASE MANAGER: Jennifer Bennett-Reumuth**PHONE:** 512-974-9002**E-mail:** jennifer.bennett-reumuth@austintexas.gov**ATTACHMENTS**

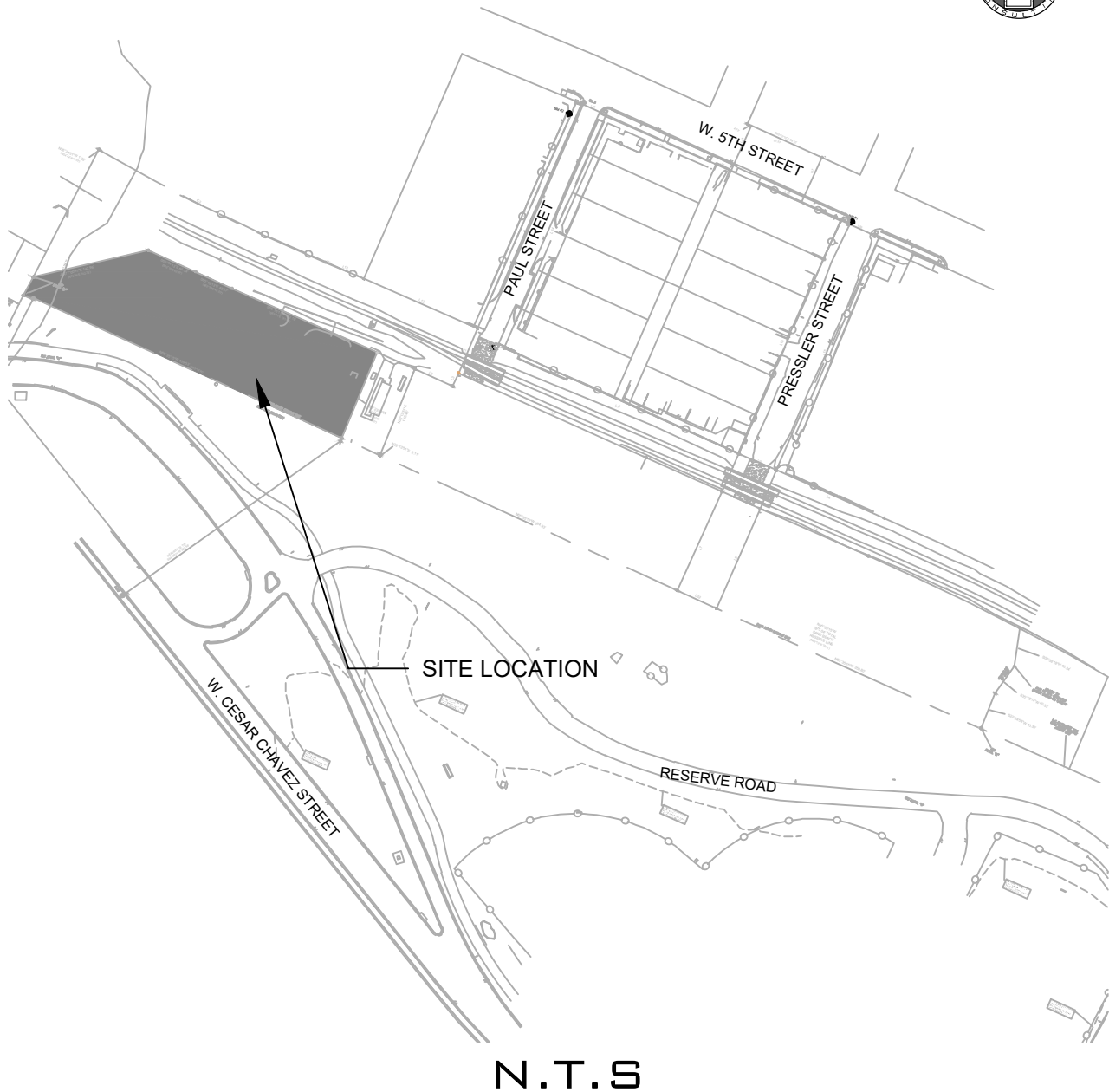
Exhibit A: Vicinity map

Exhibit B: Proposed plat

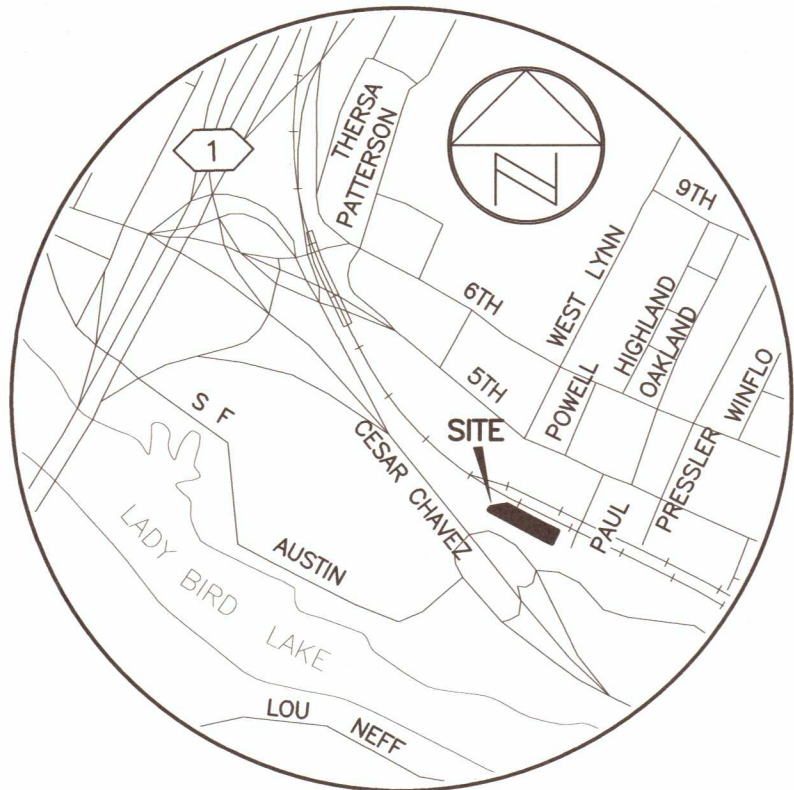
Exhibit C: Comment report dated April 22, 2021

Exhibit D: LDC § 25-4-171 variance request from applicant

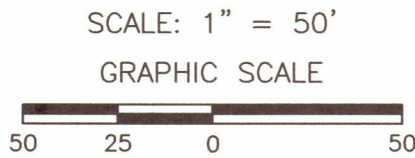
Exhibit E: ATD staff support for LDC § 25-4-171 variance request



SAND BEACH OVERLOOK SUBDIVISION



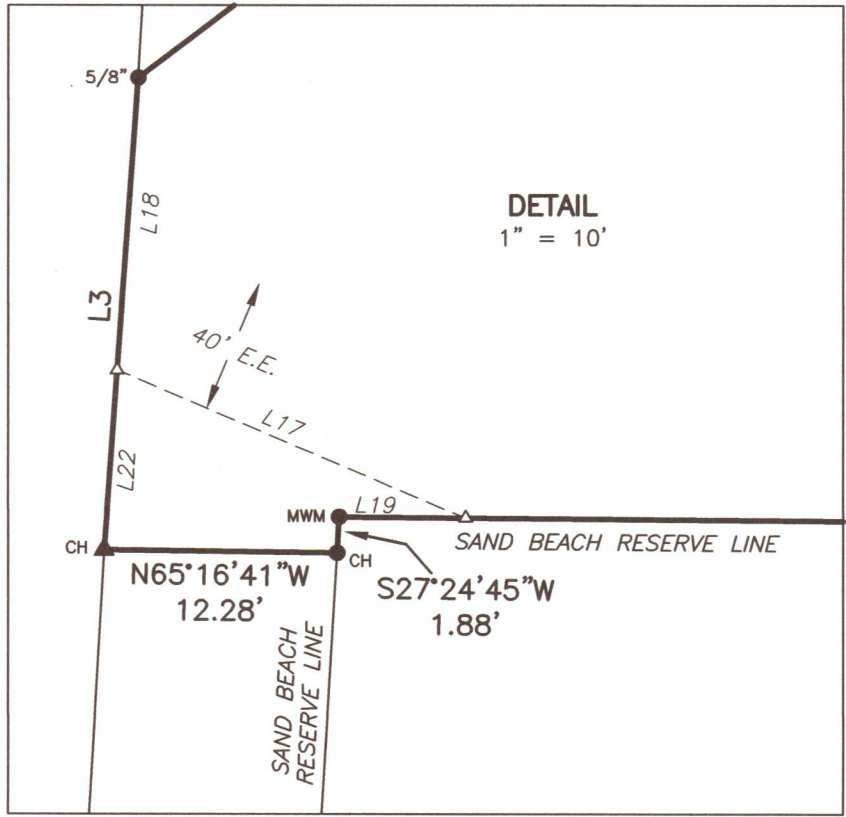
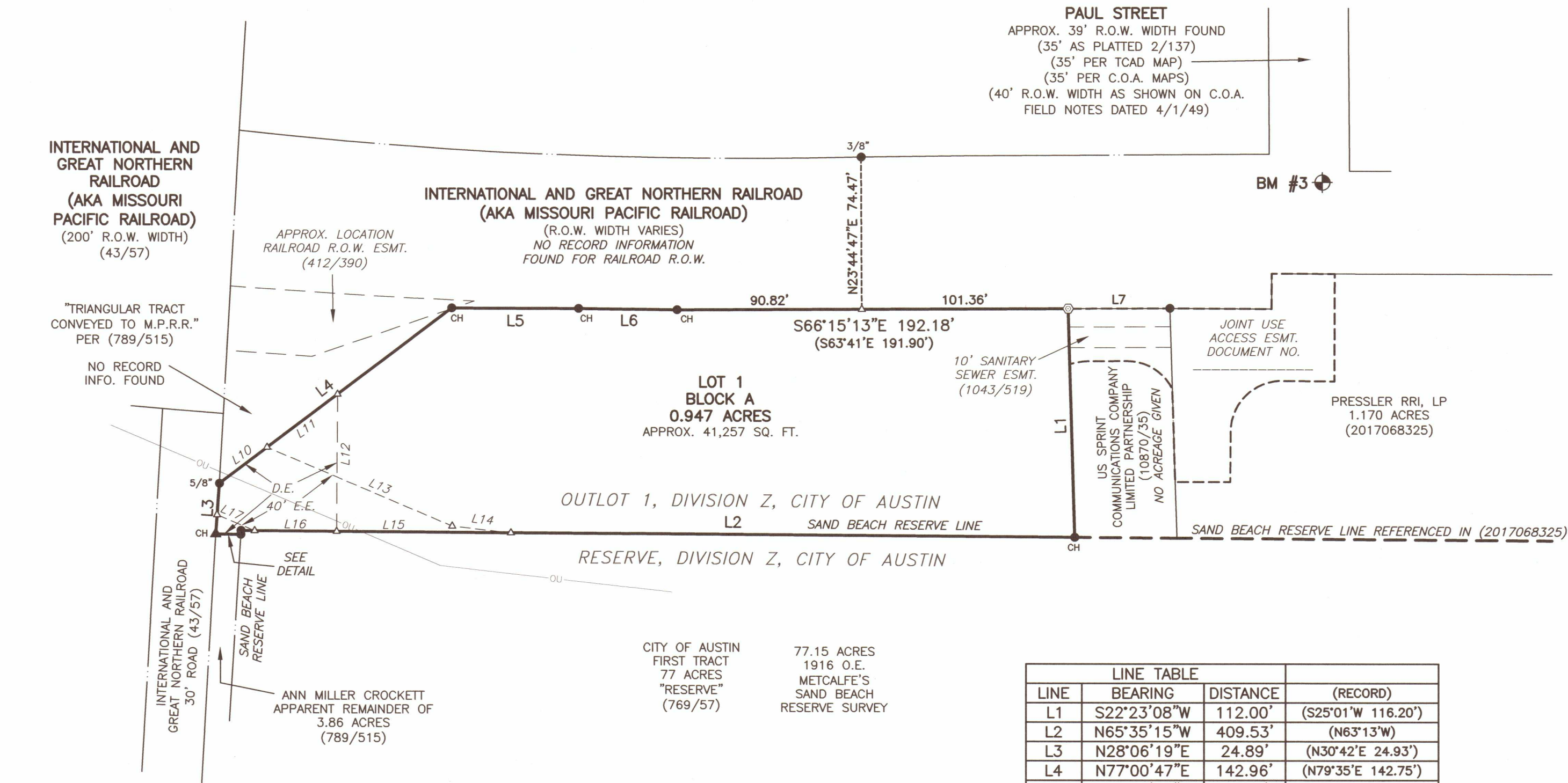
LOCATION MAP
NOT TO SCALE



LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- CH 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- MWM 5/8" REBAR WITH ALUMINUM "MWM" CAP FOUND
- ▲ CH MAG NAIL WITH "CHAPARRAL" WASHER IN CONCRETE FOUND
- ⊙ 4" CEDAR FENCE POST FOUND
- △ CALCULATED POINT
- ⊕ BENCHMARK LOCATION
- OU- OVERHEAD UTILITIES
- BM BENCHMARK
- D.E. DRAINAGE EASEMENT
- E.E. ELECTRIC EASEMENT
- R.O.W. RIGHT-OF-WAY
- () RECORD INFORMATION

PLAT APPLICATION SUBMITTAL DATE (09/16/2020)



LOT SUMMARY

TOTAL ACREAGE: 0.947 ACRES
TOTAL NUMBER OF LOTS: 1
R.O.W. TO BE DEDICATED: NONE

BENCHMARK INFORMATION:

BM #3: MAG NAIL WITH WASHER SET IN EDGE OF ASPHALT ALONG THE EAST SIDE OF PAUL STREET APPROX. 22' NORTH OF THE CENTER OF A SET OF RAILROAD TRACKS AND APPROX. 4' SOUTH OF AN ELECTRIC MANHOLE IN THE STREET.

ELEVATION = 474.91'

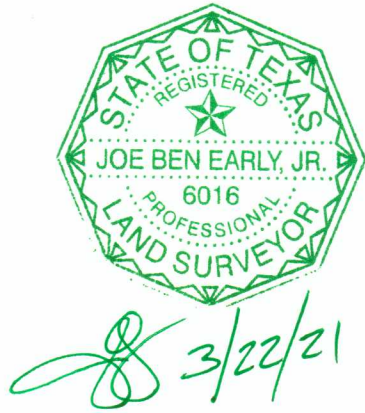
VERTICAL DATUM: NAVD 88 (GEOID 09)

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L10	N77°00'47"E	29.36'
L11	N77°00'47"E	43.37'
L12	S24°24'45"W	67.20'
L13	S43°05'25"E	98.83'
L14	S59°33'22"E	28.96'
L15	N65°35'15"W	85.66'
L16	N65°35'15"W	40.33'
L17	N43°05'25"W	19.96'
L18	N28°06'19"E	15.42'
L19	N65°35'15"W	6.67'
L22	N28°06'19"E	9.46'

LINE TABLE			
LINE	BEARING	DISTANCE	(RECORD)
L1	S22°23'08"W	112.00'	(S25°01'W 116.20')
L2	N65°35'15"W	409.53'	(N63°13'W)
L3	N28°06'19"E	24.89'	(N30°42'E 24.93')
L4	N77°00'47"E	142.96'	(N79°35'E 142.75')
L5	S65°44'13"E	62.34'	(S63°10'E 62.25')
L6	S65°12'13"E	48.27'	(S62°38'E 48.20')
L7	S66°12'47"E	50.00'	(S63°24'E 50.00')

BEARING BASIS:

THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.



C8-2020-0160.0A

EARLY
LAND SURVEYING
A LIMITED LIABILITY COMPANY

P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
TBPELS FIRM NO. 10194487

PROJECT NO.:
1005-003
DRAWING NO.:
1005-003-PL-OGDEN
PLOT DATE:
3/22/21
PLOT SCALE:
1" = 50'
DRAWN BY:
MAW & JBE
SHEET
01 OF 02

SAND BEACH OVERLOOK SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS:

THAT STEVEN D. OGDEN, BEING OWNER OF 0.974 ACRES IN OUTLOT 1, DIVISION Z OF THE CITY OF AUSTIN, IN TRAVIS COUNTY, TEXAS, CONVEYED BY DEED OF RECORD IN DOCUMENT NO. 2020136751 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 0.947 ACRES OF LAND IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT SHOWN HEREON, PURSUANT TO CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE, TO BE KNOWN AS:

SAND BEACH OVERLOOK SUBDIVISION

AND DO HEREBY DEDICATE TO THE PUBLIC, THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS THE ____ DAY OF _____, 20__ A.D.

STEVEN D. OGDEN
15333 FM 1826
AUSTI, TX 78737

STATE OF _____

COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STEVEN D. OGDEN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEALED IN MY OFFICE, THIS THE ____ DAY OF _____, 20____, AD.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME MY COMMISSION EXPIRES

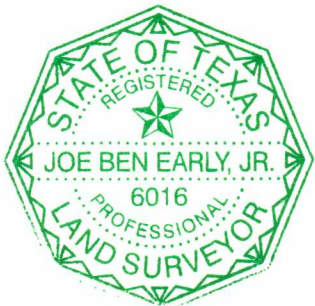
SURVEYOR'S CERTIFICATION

I, JOE BEN EARLY, JR., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEYING RELATED PORTIONS OF TITLE 25 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND WAS PREPARED FROM AN ACTUAL ON THE GROUND SURVEY OF THE PROPERTY MADE UNDER MY DIRECTION AND SUPERVISION ON THE GROUND ON MAY 20, 2020.

8 3/22/21

JOE BEN EARLY, JR., R.P.L.S. 6016

SURVEYING BY:
EARLY LAND SURVEYING, LLC
P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631



ENGINEER'S CERTIFICATION:

I, NICK BROWN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

A PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 500 YEAR FLOOD OF A WATERWAY THAT IS WITHIN THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, AS SHOWN ON MAP NO. 48453C0445K, DATED JANUARY 22, 2020, FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS.

NICK BROWN, P.E.

ENGINEERING BY:
LANDDEV CONSULTING, LLC
5508 HIGHWAY 290 WEST, STE 150
AUSTIN, TEXAS 78735
512-872-6696
TBPELS FIRM NO. F-16384

SUBDIVISION NOTES

1. NO LOT SHALL BE OCCUPIED UNTIL THE STRUCTURE IS CONNECTED TO THE CITY OF AUSTIN WATER AND WASTEWATER UTILITY SYSTEM.

2. PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY, ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.

3. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING BY PONDING OR OTHER APPROVED METHODS. ALL PROPOSED CONSTRUCTION OR SITE ALTERATION ON LOT 1, BLOCK A REQUIRE APPROVAL OF SEPARATE DEVELOPMENT PERMIT.

4. FACILITIES FOR OFF-STREET LOADING AND UNLOADING SHALL BE PROVIDED FOR ALL NON-RESIDENTIAL SITES.

5. ALL STREETS, DRAINAGE, SIDEWALKS, EROSION CONTROL AND WATER AND WASTEWATER LINES SHALL BE CONSTRUCTED AND INSTALLED TO APPLICABLE CITY OF AUSTIN STANDARDS.

6. NO BUILDINGS, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS ARE PERMITTED IN DRAINAGE EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.

7. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.

8. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.

9. THE WATER AND WASTEWATER UTILITY SYSTEM SERVING THIS SUBDIVISION MUST BE IN ACCORDANCE WITH THE CITY OF AUSTIN UTILITY DESIGN CRITERIA. THE WATER AND WASTEWATER UTILITY PLAN MUST BE REVIEWED AND APPROVED BY THE AUSTIN WATER UTILITY. ALL WATER AND WASTEWATER CONSTRUCTION MUST BE INSPECTED BY THE CITY OF AUSTIN. THE LANDOWNER MUST PAY THE CITY INSPECTION FEE WITH THE UTILITY CONSTRUCTION.

10. BUILDING SETBACK LINES SHALL BE IN CONFORMANCE WITH ADOPTED CITY OF AUSTIN ZONING REGULATIONS GOVERNING THIS PROPERTY.

11. AUSTIN ENERGY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. AUSTIN ENERGY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

12. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE AUSTIN ENERGY WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING, AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

13. THE OWNER SHALL BE RESPONSIBLE FOR ANY INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION, AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY INITIAL TREE PRUNING AND TREE REMOVAL THAT IS WITHIN TEN FEET OF THE CENTERLINE OF ANY PROPOSED OVERHEAD ELECTRICAL FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THE OWNER SHALL ALSO INCLUDE AUSTIN ENERGY'S WORK WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.

14. THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR MAINTAINING CLEARANCES REQUIRED BY THE NATIONAL ELECTRIC SAFETY CODE, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS, CITY OF AUSTIN RULES AND REGULATIONS AND TEXAS STATE LAWS PERTAINING TO CLEARANCES WHEN WORKING IN CLOSE PROXIMITY TO OVERHEAD POWER LINES AND EQUIPMENT. AUSTIN ENERGY WILL NOT RENDER ELECTRIC SERVICE UNLESS REQUIRED CLEARANCES ARE MAINTAINED. ALL COSTS INCURRED BECAUSE OF FAILURE TO COMPLY WITH THE REQUIRED CLEARANCES WILL BE CHARGED TO THE OWNER.

15. EROSION SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, PURSUANT TO THE LAND DEVELOPMENT CODE AND THE ENVIRONMENTAL CRITERIA MANUAL.

16. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR THE CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATTING MAY BE REQUIRED, AT THE OWNERS SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH APPLICABLE CODES AND REQUIREMENTS.

17. THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAT ARE FOR THE PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE, DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND APPURTENANCES. NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN AND TRAVIS COUNTY TEXAS.

18. BY APPROVING THIS PLAT, THE CITY OF AUSTIN ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS, AND/OR CERTIFICATES OF OCCUPANCY.

19. WATER QUALITY CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT PURSUANT TO THE LAND DEVELOPMENT CODE.

20. OWNER MAY NOT PLACE, ERECT, CONSTRUCT OR MAINTAIN THE FOLLOWING WITHIN THE ELECTRIC TRANSMISSION EASEMENT:
ANY PERMANENT STRUCTURES, INCLUDING, BUT NOT LIMITED TO HABITABLE STRUCTURES SUCH AS HOMES, MOBILE HOMES, GARAGES, OR OFFICES.
ANY STRUCTURE OF ANY KIND, IN SUCH PROXIMITY TO THE ELECTRIC TRANSMISSION OR DISTRIBUTION LINES, POLES, STRUCTURES, TOWERS, OR APPURTENANT FACILITIES AS WOULD CONSTITUTE A VIOLATION OF THE NATIONAL ELECTRIC SAFETY CODE IN EFFECT AT THE TIME THE STRUCTURE IS ERECTED, NOR
ANY STRUCTURES, INCLUDING BUT NOT LIMITED TO, FENCES, STORAGE SHEDS, DRAINAGE, FILTRATION OR DETENTION PONDS WHICH WOULD IMPAIR AUSTIN ENERGY'S ACCESS TO THE TRANSMISSION EASEMENTS OR ITS LINES, POLES, STRUCTURES, TOWERS OR APPURTENANT FACILITIES IN THE EASEMENTS, ITS LINES, POLES, STRUCTURES, TOWERS OR APPURTENANT FACILITIES IN THE EASEMENTS.

21. THIS SITE IS SUBJECT TO THE CITY OF AUSTIN'S VOID AND WATER FLOW MITIGATION RULE.

22. WATERWAY SETBACKS AS DEFINED BY THE LAND DEVELOPMENT CODE MAY BE LOCATED ON THIS PROPERTY. DEVELOPMENT IS LIMITED WITHIN WATERWAY SETBACKS.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE _____ OF THE CITY OF AUSTIN, TEXAS, ON THIS, THE ____ DAY OF _____ 20____.

CHAIR

SECRETARY

THIS SUBDIVISION IS LOCATED WITHIN THE FULL-PURPOSE JURISDICTION OF THE CITY OF AUSTIN, TEXAS, ON THIS THE ____ DAY OF _____, 20____, A.D.

APPROVED, ACCEPTED AND AUTHORIZED FOR RECORD BY THE DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT, CITY OF AUSTIN, COUNTY OF TRAVIS, THIS THE ____ DAY OF _____, 20____, AD.

DENISE LUCAS, DIRECTOR
DEVELOPMENT SERVICES DEPARTMENT

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOIR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE

ON THE ____ DAY OF _____ A.D. 20____ AT ____ O'CLOCK ____ M., AND DULY

RECORDED ON THE ____ DAY OF _____, A.D. 20____ AT ____ O'CLOCK ____ M., IN SAID

COUNTY AND STATE, IN DOCUMENT NUMBER _____ OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE ____ DAY OF _____, 20____ A.D.

DANA DEBEAUVOIR, COUNTY CLERK, TRAVIS COUNTY, TEXAS

BY _____
DEPUTY

EARLY
LAND SURVEYING
A LIMITED LIABILITY COMPANY

P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
TBPELS FIRM NO. 10194487

PROJECT NO.:
1005-003

DRAWING NO.:
1005-003-PL-OGDEN

PLOT DATE:
3/22/21

PLOT SCALE:
1" = 50'

DRAWN BY:
MAW & JBE

SHEET
02 OF 02

CITY OF AUSTIN –DEVELOPMENT SERVICES DEPARTMENT
SUBDIVISION APPLICATION – MASTER COMMENT REPORT



CASE NUMBER: C8-2020-0160.0A
UPDATE: U0
CASE MANAGER: Jennifer Bennett-Reumuth PHONE #: 512-974-9002

PROJECT NAME: Sand Beach Overlook Subdivision
LOCATION: 1505 W 3RD ST

SUBMITTAL DATE: March 29, 2021
FINAL REPORT DATE: April 22, 2021

STAFF REPORT:

This report includes all staff comments received to date concerning your most recent subdivision application submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated submittal. The subdivision application will be approved when all requirements from each review discipline have been addressed. If you have any questions, concerns or if you require additional information about this report, please contact your case manager at the phone number listed above or by using the contact information listed for each reviewer in this report.

Any change to the plan/plat shall not cause noncompliance with any applicable code or criteria. In addition, any change to the plat may trigger new comments.

UPDATE DEADLINE INFORMATION (LDC 25-4-56; 25-4-82):

All comments must be addressed by filing an updated submittal prior to the update deadline of **June 28, 2021 (all deadlines have been extended by mayoral order to December 31, 2021)**. Otherwise, the application will expire. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

Extension of Review Period, Extension of Update Deadline and Tolling of Application Period do not apply to applications for preliminary plan, plat or subdivision construction plans (LDC 25-1-88; 25-1-89; 25-1-90).

UPDATE SUBMITTAL INSTRUCTIONS (LDC 25-1-83):

1. Applicants must make an appointment with Intake Staff (974-1770) in order to submit an update.
2. Your update must include the following items:
 - a. This report
 - b. The revised plat/plan in pdf format
 - c. A letter that addresses each comment in the master comment report
3. Updates must be submitted on an approved submittal date, between the hours of 8:30 am and 4:00 pm. Refer to the submittal calendar for a list of approved submittal dates.

REVIEWERS:

Planner 1: Cindy Edmond
ATD Engineering: Bryan Golden
PARD / Planning & Design: Scott Grantham
Drainage Engineering: Jay Baker
Hydro Geologist: Eric Brown
Subdivision: Jennifer Bennett-Reumuth
Water Quality: Jay Baker

Site Plan Plumbing - Cory Harmon - 512-974-2882

APPROVED

The proposed final plat (C8-2020-0160.0APA) is approved from a plumbing code perspective.

Electric Review - Andrea Katz - 512-322-6957

Approved

911 Addressing Review - Jorge Perdomo - 512-974-1620

AD1: This plat review is cleared; however, any changes to street names, street name labels, or street layouts will require a new review.

§25-4-155

ATD Engineering Review - Bryan Golden - 512-974-2426

ATD 1. ATD recommends approval for a commission granted variance request from LDC 25-4-171.
Please note that a variance review fee has been assessed.

Drainage Engineering Review - Jay Baker - 512-974-2636

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DATE: 4/17/21

ORIGINAL COMMENTS

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

GENERAL COMMENTS

DE 1. Engineer's seal, signature and date required [LDC 25-7-62].

FLOODPLAIN

DE 2. GIS indicates that this plat is in the 500 year floodplain. Update the report accordingly.

ENGINEER'S REPORT

DE 3. There is an off-site drainage area that is being conveyed through the subdivision from the north. Update the report to address this and provide additional hydrologic/hydraulic analysis with delineation of the 100 year WSEL to demonstrate that the proposed drainage easement will contain the 100 yr WSEL.

DE 4. This plat is in the Erosion Hazard Zone(EHZ) Boundary. Update the report to provide an EHZ analysis.

PLAT NOTES

DE 5. Update notes #5 and 7 to not be redundant an to be gender neutral.

DE 6. Group notes #5, 7 and 8 together since they all pertain to drainage easements.

Environmental Review - Hank Marley - 512-974-2067

No EV Review comments – Hank Marley 4/20/2021

Flood Plain Review - Katina Bohrer - 512-974-3558

Reviewer notes: site is located at far west part of W 3rd St (i.e. railroad tracks). Lot is adjacent to an unstudied tributary to Lady Bird Lake which has more than 64 acres of drainage to it. Concurrent Site Plan: SP-2020-0362C (Name: 300 & 301 Pressler AND 1505 W 3rd St). All floodplain related items will be reviewed with the site plan; be aware that Plat will not be able to be recorded until floodplain location has been determined and appropriate easement has been dedicated by separate instrument or is shown to be dedicated with the plat. **Floodplain modeling was reviewed and approved 2/4/2020 as part of the site plan review.**

NOTE TO FLOODPLAIN REVIEWER and APPLICANT: applicant's engineer has requested and been granted the ability to determine the location of the floodplain and subsequently the required easement via the site plan application. At Platting process, if the floodplain extents and subsequent easement have still not been determined, the plat will not be in compliance with LDC 25-7-33 & 152 nor will it be compliant with DCM 1.2.6 and therefore will not be able to be approved and released until the correct floodplain/easement has been determined and delineated.

UPDATE 3/16/2020 – Applicant has provided floodplain modeling which has been reviewed and approved. Easement shown on this plat contains the fully developed Atlas 14 floodplain on the site. See email from Katina Bohrer to Ryan McKay and Nick Brown dated 2/4/2020, titled “Re: Pressler – floodplain” (saved in WPD network drive)

Hydro Geologist Review - Eric Brown - Eric.Brown@austintexas.gov

If an update is rejected, reviewers are not able to clear comments based on phone calls, emails, or meetings, but must receive formal updates.

HG1U_0 Please add a note stating “This project is located within the Edwards Aquifer Recharge Zone as defined by The City of Austin Land Development Code 25.8-2 (D)(5).”

PARD / Planning & Design Review - Scott Grantham - 512-974-9457

PR1. Per the application, this appears to be a Commercial-only subdivision, with no residential units or hotel rooms. Please confirm.

PR2. Please confirm that there is no proposed vehicular access through parkland.

Subdivision Review - Jennifer Bennett-Reumuth - 512-974-9002

SR 1. The administrative waiver from LDC § 25-4-34, Original Tract Requirement has been approved. Please pay the fee associated with this.

SR 2. This property does not have frontage to a public road. Per LDC § 25-4-171, each lot in a subdivision must abut a dedicated public street. Applicant is seeking a variance from this requirement.

Transportation Planning - Martin Laws - 512-974-6351

TR1. Transportation planning has no comments. Approved

AW Utility Development Services - Bradley Barron - 512-972-0078

AW1. Per Utility Criteria Manual Section 2, §15-9, §25-4, §25-5, §25-9, and the Uniform Plumbing Code: The landowner intends to serve each lot with City of Austin water and wastewater utilities. Each lot must have a separate water and wastewater utility connection and no existing or proposed plumbing may cross lot lines. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments to serve each lot.

FYI. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Water Quality Review - Jay Baker - 512-974-2636

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DATE: 4/17/21

ORIGINAL COMMENTS

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

LANDFILL

WQ 1. Provide landfill certification [LDC 25-1-83.]

End of report

HUSCH BLACKWELL

111 Congress Avenue, Suite 1400
Austin, TX 78701

Alecia M. Mosadomi

Attorney

Direct: 512.479.1143

Fax: 512.479.1101

alecia.mosadomi@huschblackwell.com

February 4, 2021

VIA E-MAIL (Martin.Laws@austintexas.gov)

Martin Laws

Senior Planner

Development Services Department

Land Development Planning & Engineering Division

6310 Wilhelmina Delco Dr.

Austin, Texas 78752

Re: Sand Beach Overlook Subdivision (C8-2020-0160.0APA) of 1505 W. 3rd Street,
Austin, TX (the “**Property**”); Request for Variance from Public Roadway
Frontage Requirement

Dear Martin:

The owner of the Property (the “**Owner**”) is seeking a variance from §25-4-171 of the Land Development Code, which requires that the Property abut a dedicated public street. Owner is seeking a variance to this requirement because Owner will provide an alternative means of access to the Property in lieu of providing public roadway frontage. Much of the apparent roadway fronting the Property (3rd Street) was purchased for right of way that was never constructed and now appears to be encumbered with Union Pacific Railroad (fka International and Great Northern Railroad) easements. As a result, Owner has entered into a joint use access agreement with the neighboring property owners (enforceable by the City), which will provide direct access from the Property to the nearest public road (Paul Street). A copy of the agreement is attached here. *We are waiting to receive Sprint’s signature in the mail.

Per § 5.1.0 of the Transportation Criteria Manual (“**TCM**”), driveways are intended to assure that access is provided to abutting private property with a minimum of interference with the free and safe movement of vehicular and pedestrian traffic and to prevent traffic congestion arising from vehicular entry to or exit from abutting private property. We believe such a variance is reasonable, will have no detrimental impact to the City or surrounding uses, and will leave the site with comparable access to a public road that furthers the objectives set forth in the TCM.

Thank you for considering this variance request and please let me know if you have any questions or require anything further.

HUSCH BLACKWELL

February 4, 2021
Page 2

Kindest regards,

A handwritten signature in black ink, appearing to read "Alecia Mosadomi".

Alecia M. Mosadomi

Encl.: Joint Use Access Area Sketch and Joint Use Access Easement

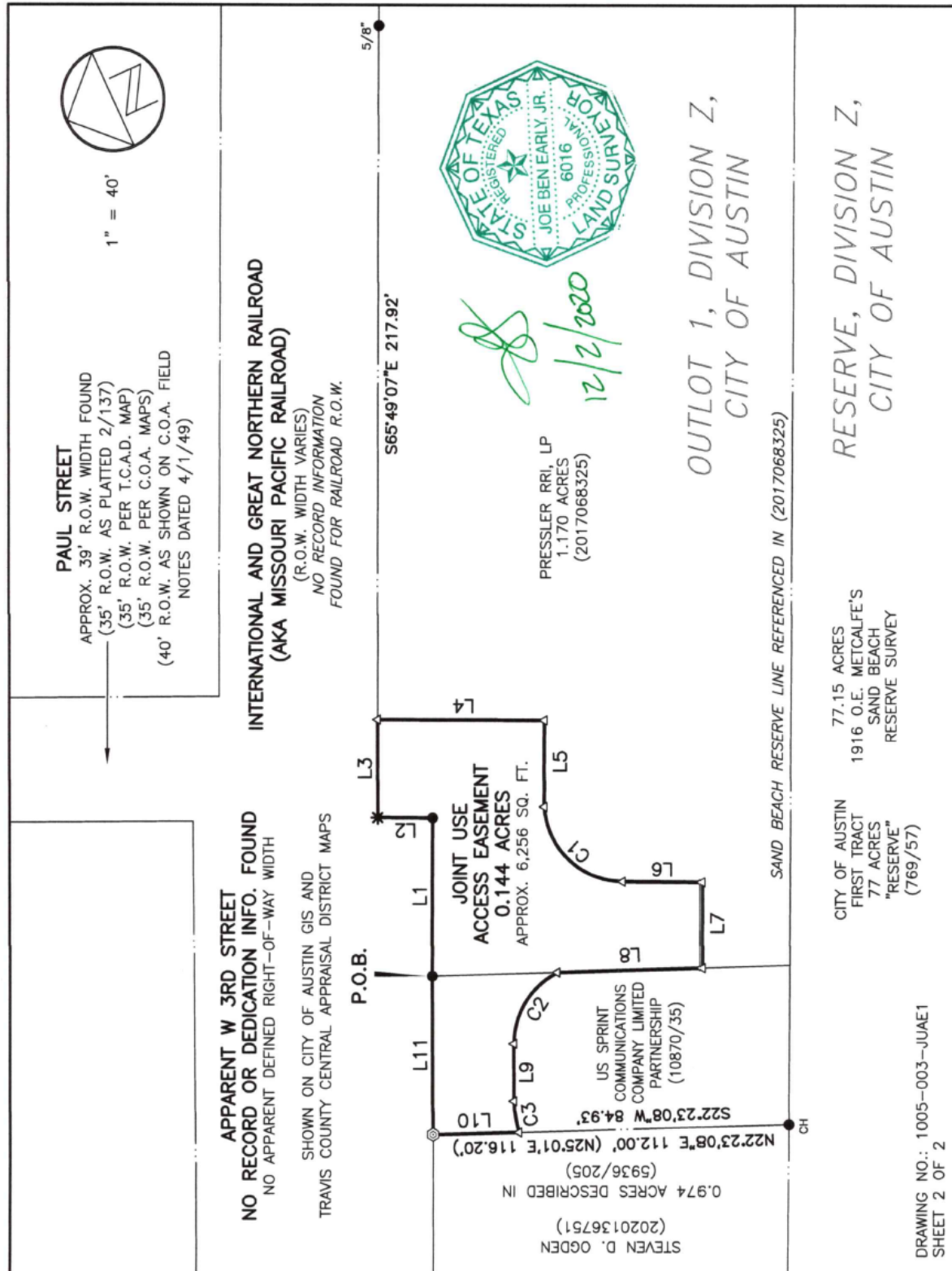
cc: Jennifer.Bennett-Reumuth@austintexas.gov

HUSCH BLACKWELL

February 4, 2021

Page 3

SKETCH OF JOINT USE ACCESS AREA



NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

JOINT USE ACCESS EASEMENT

Date: _____, 2021

Owner 1: **Pressler RRI, LP**, a Texas limited partnership

Owner 1's

Mailing Address: 100 Congress Avenue, Suite 1450
Austin, Travis County, Texas 78701-4072

Owner 2: **Sprint Communications Company L.P.**, a Delaware limited partnership, f/k/a US Sprint Communications Company Limited Partnership

Owner 2's

Mailing Address: T-Mobile USA, Inc.
12920 SE 38th Street
King County, Bellevue, WA 98006
Attn: _____

With a copy to: T-Mobile USA, Inc.
12920 SE 38th Street
King County, Bellevue, WA 98006
Attn: Managing Attorney, Real Estate

Owner 3: **Steven D. Ogden**

Owner 3's

Mailing Address: 2604 Bridle Path
Austin, Travis County, Texas 78703-3214

Property: (All of the following tracts)

Tract One: Being all of that certain tract or parcel of land containing 1.170, more or less, situated in Outlot(s) 1, Division Z of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to the Plat on file at the General Land Office of the State of Texas, said tract

being more particularly described by metes and bounds shown on **Exhibit A** attached hereto and made a part hereof, and which received legal lot status in City of Austin Case No. C8I-03-0085, No. C8I-03-0084 and No. C8I-2016-0235, attached and incorporated herein as **Exhibit B**.

Tract Two: Being all of that certain tract or parcel of land being out of and a part of Outlot(s) 1, Division Z of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to the Plat on file at the General Land Office of the State of Texas, said tract being more particularly described by metes and bounds shown on **Exhibit C** attached hereto and made a part hereof, and which received legal lot status in City of Austin Case No. C8I-2020-0101, attached and incorporated herein as **Exhibit D**.

Tract Three: Being the 0.974 of Outlot(s) 1, Division Z of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to the Plat on file at the General Land Office of the State of Texas, said tract being more particularly described by metes and bounds shown on **Exhibit E** attached hereto and made a part hereof.

Each owner declares that the Property must be held, sold, and conveyed subject to the following easements and restrictions to assure access to and from the Property for pedestrian and vehicular traffic.

DEFINITIONS

- 1.01 "Owner" or "Owners" means the record owner, whether one or more persons or entities, his, her or its heirs, successors and assigns, of any right, title, or interest in or to the Property or any part thereof.
- 1.02 "Tract" or "Tracts" means the real property, or a part of the real property, defined above as "Property."
- 1.03 "Access Tract" means the 6,256 square feet of land located on Tract One and Tract Two and described in metes and bounds and accompanying sketch attached and incorporated as **Exhibit F**.
- 1.04 "Improvements" means all driveway; curb and gutter, if any; drainage, if any; and all other access related improvements installed within the Access Tract.

RESERVATION OF EASEMENTS

2.01 The Access Tract is reserved for the nonexclusive right for vehicular and pedestrian ingress and egress for all of the Owners of Tract One, Tract Two, and Tract Three, and their respective heirs, successors, assigns, tenants, employees, and invitees:

- (1) to and from the adjacent right-of-way (Paul Street);
- (2) across common boundaries across, between, and among the Tracts.

EACH OWNER MAINTAINS

3.01 Each Owner must maintain its Tract to allow continuous free vehicular and pedestrian ingress and egress as set out in Section 2.01.

Owner 1 shall maintain the Access Tract, and all Improvements, to allow continuous free vehicular and pedestrian ingress and egress as set out in Section 2.01.

ENFORCEMENT

4.01 Any Owner or the City of Austin may enforce, by any proceeding at law or in equity, including specific performance, the easements and restrictions imposed by this Joint Use Access Easement. Failure to enforce any easement or restriction created in this Joint Use Access Easement does not waive the future right to do so.

MODIFICATION OR TERMINATION

5.01 This Joint Use Access Easement may be modified, amended, or terminated upon the filing of a written modification, amendment, or termination document in the real property records of the Texas county in which the Property is located, executed, acknowledged, and approved by (a) the Director of the Development Services Department of the City of Austin, or successor department, (b) all of the Owners of the Property at the time of such modification, amendment, or termination and (c) any mortgagees holding first lien security interests on any portion of the Property.

CONFORMITY WITH ALL APPLICABLE LAWS

6.01 Nothing in this Joint Use Access Easement will be construed as requiring or permitting any person or entity to perform any act or omission that violates any local, state or federal law, regulation or requirement in effect at the time the act or omission would occur. Provisions in this agreement which may require or permit such a violation will yield to the law, regulation or requirement.

OBLIGATIONS TO RUN WITH THE LAND

- 7.01 The obligations of each Owner created in this Joint Use Access Easement run with the land defined as the Property.

SEVERABILITY

- 8.01 If any part, or the application of, this Joint Use Access Easement is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this Joint Use Access Easement are not affected thereby. All provisions of this Joint Use Access Easement are severable to maintain in full force and effect the remaining provisions of this Joint Use Access Easement.

NON-MERGER

- 9.01 This Joint Use Access Easement shall not be subject to the doctrine of merger, even though the underlying fee ownership of the Property, or any parts thereof, is vested in one party or entity.

(Remainder of page intentionally left blank)

Executed by **Owner 1** on February 9, 2021.

OWNER 1

**PRESSLER RRI, LP,
A TEXAS LIMITED PARTNERSHIP**

By: Pressler RRI GP, LP
a Texas limited partnership
its general partner

By: Pressler RRI Master GP, LLC
a Texas limited liability company
its general partner

By: [Signature]
Name: Jeremy Smith
Title: Manager

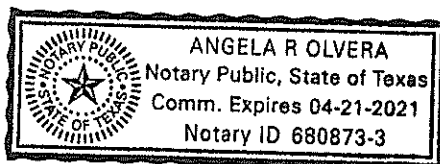
STATE OF TEXAS §
COUNTY OF TRAVIS §

Before me, the undersigned notary, on this day personally appeared Jeremy Smith, Manager of Pressler RRI Master GP, LLC, a Texas limited liability company, general partner of Pressler RRI GP, LP, a Texas limited partnership, general partner of Pressler RRI, LP, a Texas limited partnership, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on 2/9/2021.

[Seal]

[Signature]
Notary Public, State of Texas



Executed by **Owner 2** on _____, 20__.

OWNER 2

**SPRINT COMMUNICATIONS COMPANY L.P.,
A DELAWARE LIMITED PARTNERSHIP,
F/K/A US SPRINT COMMUNICATIONS**

By: _____
Name James Farris
Title: Manager, Real Estate

**STATE OF KANSAS §
COUNTY OF JOHNSON §**

Before me, the undersigned notary, on this day personally appeared James Farris, Manager, Real Estate of Sprint Communications Company L.P., a Delaware limited partnership, f/k/a US Sprint Communications Company Limited Partnership, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____.

[Seal]

Notary Public, State of _____

Executed by **Owner 3** on 2/11, 2021

OWNER 3

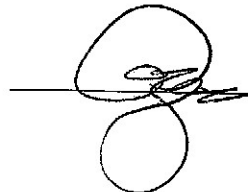

STEVEN D. OGDEN

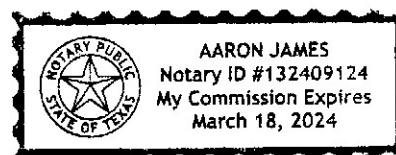
STATE OF TEXAS §
COUNTY OF Texas §

Before me, the undersigned notary, on this day personally appeared Steven D. Ogden known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument for the purposes and consideration expressed in the instrument

Given under my hand and seal of office on February 11th 2021.

[Seal]


Notary Public, State of Texas



APPROVED AS TO FORM:
CITY OF AUSTIN, TEXAS
LAW DEPARTMENT

REVIEWED:
CITY OF AUSTIN, TEXAS
DEVELOPMENT SERVICES DEPARTMENT

By: _____
Name: _____
Title: Assistant City Attorney

By: _____
Name: _____
Title: _____

Exhibit A



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

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**1.170 ACRES
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 1.170 ACRES (APPROXIMATELY 50,963 SQUARE FEET) IN OUTLOT 1, DIVISION "Z" OF ORIGINAL CITY OF AUSTIN, TEXAS, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 1.170 ACRE TRACT CONVEYED TO PRESSLER RRI, LP, IN A SPECIAL WARRANTY DEED EXECUTED APRIL 19, 2017 AND RECORDED IN DOCUMENT NO. 2017068325 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.170 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with "Terra Firma" cap found at the intersection of the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad) (right-of-way width varies) and the northwest right-of-way line of Pressler Street (right-of-way width varies), being the easternmost corner of the said 1.170 acre tract, from which a 1/2" rebar found at the intersection of the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad) and the southeast right-of-way line of Pressler Street, being the northernmost corner of a 1.072 acre tract described in Document No. 2017068325 of the Official Public Records of Travis County, Texas, bears South 66°06'29" East, a distance of 51.04 feet;

THENCE South 24°18'01" West with the northwest right-of-way line of Pressler Street and the southeast line of the said 1.170 acre tract, a distance of 131.28 feet to a 1/2" rebar with "Chaparral" cap set for the southernmost corner of the said 1.170 acre tract, being on the northeast line of a 77 acre tract called the "Reserve" Tract in Division Z of The City Of Austin (aka Sand Beach Reserve) and conveyed to the City Of Austin in Volume 769, Page 57 of the Deed Records of Travis County, Texas, from which a cotton spindle found in the base of a chinaberry tree for an angle point in the northeast line of the Sand Beach Reserve, bears South 65°35'15" East, a distance of 1020.26 feet and a 1/2" rebar with "Terra Firma" cap found, bears South 24°18'01" West, a distance of 3.35 feet;

THENCE North 65°35'15" West with the southwest line of the said 1.170 acre tract and the northeast line of the Sand Beach Reserve, a distance of 394.93 feet to a 1/2" rebar with "Chaparral" cap set for the westernmost corner of the said 1.170 acre tract, from which a 1/2" rebar with "MWM" aluminum cap found for the northernmost corner of the Sand Beach Reserve, bears North 65°35'15" West, a distance of 459.85 feet;

THENCE with the northwest line of the said 1.170 acre tract and the southeast line of a tract of land (no acreage given) described in Volume 10870, Page 35 of the Real

Page 2

Property Records of Travis County, Texas, the following two (2) courses and distances:

1. North 22°13'51" East, a distance of 2.11 feet to a 1/2" rebar found
2. North 22°13'51" East, a distance of 110.45 feet to a 1/2" rebar found in the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad), being a northern corner of the said 1.170 acre tract, being also the easternmost corner of the tract of land (no acreage given) described in Volume 10870, Page 35 of the Real Property Records of Travis County, Texas, from which an old 6" diameter cedar fence post found in the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad), being the northernmost corner of the tract of land (no acreage given) described in Volume 10870, Page 35 of the Real Property Records of Travis County, Texas, bears North 66°12'47" West, a distance of 50.00 feet;


THENCE with the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad) and the northeast line of the said 1.170 acre tract, the following four (4) courses and distances:

1. South 65°41'13" East, a distance of 49.91 feet to a 1/2" rebar found
2. North 24°17'27" East, a distance of 17.29 feet to a cotton spindle found
3. South 65°49'07" East, a distance of 248.89 feet to a 5/8" rebar found
4. South 65°50'01" East, a distance of 100.20 feet to the **POINT OF BEGINNING**, containing 1.170 acres of land, more or less.

Surveyed on the ground on February 8, 2017.

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: Survey Drawing No. 747-002-PRESSLER TRACTS


Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016
T.B.P.L.S. Firm No. 10124500

Date

10/5/17

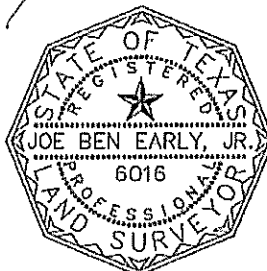


Exhibit B



City of Austin
Watershed Protections & Development Review

LAND STATUS DETERMINATION
1987 RULE PLATTING EXCEPTION

04/23/2003

File Number: C8I-03-0085

Address: 1501 W 3RD ST

Tax Parcel ID: 0107030106

Map Date: 07/05/2002

The Watershed Protections & Development Review has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being 0.124 acres of land out of Outlot 1, Division "Z" in the current deed, recorded on 11/02/1995, in Volume 12557, Page 1885, Travis County Deed Records. This parcel existed in its current configuration on August 31, 1987, as evidenced by the official 1978 tax plat map published by the Travis Central Appraisal District. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on August 31, 1987, as evidenced by wastewater service on 07/17/1951. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: 
HECTOR AVILA
Director (or representative)
Watershed Protections & Development Review



City of Austin
Watershed Protections & Development Review

LAND STATUS DETERMINATION
LEGAL TRACT PLATTING EXCEPTION

04/22/2003

File Number: C8I-03-0084

Address: 1409 W 3RD ST

Tax Parcel I.D.: 0107030107

Map Date: 07/05/2002

The Watershed Protections & Development Review has determined that this property as described in the attached description and map:

Is a **LEGAL TRACT** consisting of being 1.06 acres of land out of Outlot 1 Division Z, created prior to 03/14/1946 (Grandfather Date) as evidenced by deed recorded in Volume 264, Page 180 of the Travis County Deed Records on 01/30/1914 being the same property as currently described in deed recorded in Document #2003085265 of the Travis County Deed Records on 04/17/2003, and is eligible to receive utility service.

Additional Notes/Conditions:

This letter is grandfathering one tract only, Travis Central Appraisal District show it as two tract but the corrected deed created one tract only to reflect the 1914 deed.

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: 
HECTOR AVILA
Director (or representative)
Watershed Protections & Development Review



City of Austin
Development Services Department
Land Status Determination
1995 Rule Platting Exception

September 22, 2016

File Number: C8I-2016-0235

Address: 300 PRESSLER ST

Tax Parcel I.D. #0107030108

Tax Map Date: 06/25/2013

The Development Services Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **Tract 3: a 0.309 acre tract of land out of a portion of Outlot 1, Division "Z" of the Government Outlots of the City of Austin in Travis County, Texas** in the current deed, recorded on **Apr 02, 2014**, in Document #2014046610, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by an old tax plat map recorded on **Nov 01, 1993**, in Travis County Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by other service on **Sep 28, 1946**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By:

A handwritten signature in cursive script that reads "Michelle Casillas".

Michelle Casillas, Representative of the Director
Development Services Department

Exhibit C**EARLY LAND SURVEYING, LLC**

P.O. Box 92588
Austin, TX 78709
512-202-8631
earlysurveying.com
TBPLS Firm No. 10194487

**0.129 ACRES
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.129 ACRES (APPROXIMATELY 5,629 SQ. FT.), BEING A PORTION OF A TRACT CONVEYED TO US SPRINT COMMUNICATIONS COMPANY BY A QUIT CLAIM DEED RECORDED IN VOLUME 10870, PAGE 35, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.129 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an old 4" diameter cedar fence post found in the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad) (right-of-way width varies), same being the southwest line of apparent W. 3rd Street (no record or dedication information found) (no apparent defined right-of-way width) (shown on City of Austin GIS and Travis County Central Appraisal District maps), being the northernmost corner of the said Sprint tract, being also the easternmost corner of a 0.974 acre tract described in Volume 5936, Page 205 of the Deed Records of Travis County, Texas;

THENCE South 66°12'47" East with the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad), same being the southwest line of apparent W. 3rd Street and the northeast line of the said Sprint tract, a distance of 50.00 feet to a 1/2" rebar found for the easternmost corner of the said Sprint tract, being the northernmost corner of a 1.170 acre tract described in Document No. 2017068325 of the Official Public Records of Travis County, Texas;

THENCE with the southeast line of the said Sprint tract and the northwest line of the said 1.170 acre tract, the following two (2) courses and distances:

1. South 22°13'51" West, a distance of 110.45 feet to a 5/8" rebar found;
2. South 22°13'51" West, a distance of 2.11 feet to a 1/2" rebar with "Chaparral Boundary" cap found for the westernmost corner of the said 1.170 acre tract, being in the northeast line of a 77 acre tract called the "Reserve" Tract in Division Z of The City Of Austin (aka Sand Beach Reserve) and conveyed to the City of Austin in Volume 769, Page 57 of the Deed Records of Travis County, Texas;

THENCE North 65°35'15" West with the northeast line of the Sand Beach Reserve, a distance of 50.32 feet to a 1/2" rebar with "Chaparral Boundary" cap found, from which a 5/8" rebar found, bears South 22°23'08" West, a distance of 4.09 feet and a 5/8" rebar with "MWM" aluminum cap found for the northernmost corner of the Sand Beach Reserve, bears North 65°35'15" West, a distance of 409.53 feet;

THENCE North 22°23'08" East with the northwest line of the said Sprint tract and the southeast line of the said 0.974 acre tract, a distance of 112.00 feet to the **POINT OF BEGINNING**, containing 0.129 acres of land, more or less.

Surveyed on the ground on April 29, 2020.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1005-003-SPRINT



Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016

5/28/2020

Date

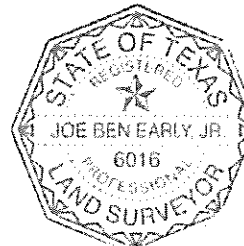


Exhibit D

**Development Services Department
Land Status Determination
Legal Tract Platting Exception
Certification**

June 04, 2020

File Number: **C8I-2020-0101**

Address: **1503 W 3RD ST**

Tax Parcel I.D.# **0107030105** Tax Map Date: **06/04/2020**

The Development Services Department has determined that the property described below and as shown on the attached tax map:

Is a **LEGAL TRACT** consisting of **Out of and a part of Outlot 1, Division Z of the Government Outlots of the City of Austin** according to the map or plat of said Subdivision recorded in the General Land Office of the State of Texas, being all of that certain tract conveyed to **Pete M Morales, et. al. by Deed** recorded in **Volume 4587, Page 664** of the Deed Records of Travis County, Texas, created prior to **Mar 14, 1946 (Grandfather Date)** as evidenced by deed recorded in **Volume 138, Page 400** of the Travis County Deed Records on **Aug 17, 1897** being the same property as currently described in deed recorded in **Volume 10870, Page 35** of the Travis County Deed Records on **Feb 07, 1989** and is eligible to receive utility service.

Additional Notes/Conditions:
NONE

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.


By: 
**Viktor Auzenne, Representative of the Director
Development Services Department**

Exhibit E**EARLY LAND SURVEYING, LLC**

P.O. Box 92588
Austin, TX 78709
512-202-8631
TBPLS Firm No. 10194487

**0.947 ACRES
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.947 ACRES (APPROXIMATELY 41,257 SQ. FT.) IN OUTLOT 1, DIVISION Z OF THE CITY OF AUSTIN, BEING ALL OF A 0.974 ACRE TRACT CONVEYED TO OGDEN RENTALS L.P., IN A SPECIAL WARRANTY DEED DATED APRIL 18, 2013 AND RECORDED IN DOCUMENT NO. 2013072801 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.974 ACRES BEING DESCRIBED IN VOLUME 5936, PAGE 205 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.947 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an old 4" diameter cedar fence post found in the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad) (right-of-way width varies), same being the southwest line of apparent W. 3rd Street (no record or dedication information found) (no apparent defined right-of-way width) (shown on City of Austin GIS and Travis County Central Appraisal District maps), being the easternmost corner of the said 0.974 acre tract, being also the northernmost corner of a tract of land (no acreage given) described in Volume 10870, Page 35 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found in the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad), being the easternmost corner of the tract of land described in Volume 10870, Page 35 of the Real Property Records of Travis County, Texas, bears South 66°12'47" East, a distance of 50.00 feet;

THENCE South 22°23'08" West with the southeast line of the said 0.974 acre tract and the northwest line of the tract of land described in Volume 10870, Page 35 of the Real Property Records of Travis County, Texas, a distance of 112.00 feet to a 1/2" rebar with "Chaparral" cap found on the northeast line of a 77 acre tract called the "Reserve" Tract in Division Z of The City Of Austin (aka Sand Beach Reserve) and conveyed to the City of Austin in Volume 769, Page 57 of the Deed Records of Travis County, Texas, also referenced in Document No. 2017068325 of the Official Public Records of Travis County, Texas, from which a 5/8" rebar found for the southernmost corner of the said 0.974 acre tract, bears South 22°23'08" West, a distance of 4.09 feet;

THENCE North 65°35'15" West with the northeast line of the Sand Beach Reserve and crossing the said 0.974 acre tract, a distance of 409.53 feet to a 5/8" rebar with "MWM" aluminum cap found for the northernmost corner of the Sand Beach Reserve;

THENCE South 27°24'45" West with the northwest line of the Sand Beach Reserve and crossing the said 0.974 acre tract, a distance of 1.88 feet 1/2" rebar with "Chaparral" cap found on the southwest line of the said 0.974 acre tract, from which a 60d nail found on the southwest line of the said 0.974 acre tract, bears South 65°16'41" East, a distance of 0.54 feet;

THENCE North 65°16'41" West with the southwest line of the said 0.974 acre tract, a distance of 12.28 feet to a mag nail with "Chaparral" washer found for the westernmost corner of the said 0.974 acre tract;

THENCE with the northwest line of the said 0.974 acre tract, the following two (2) courses and distances:

1. North 28°06'19" East, a distance of 24.89 feet to a 5/8" rebar found;
2. North 77°00'47" East, a distance of 142.96 feet to a 1/2" rebar with "Chaparral" cap found in the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad), being the northernmost corner of the said 0.974 acre tract;

THENCE with the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad) and the northeast line of the said 0.974 acre tract, the following three (3) courses and distances:

1. South 65°44'13" East, a distance of 62.34 feet to a 1/2" rebar with "Chaparral" cap found;
2. South 65°12'13" East, a distance of 48.27 feet to a 1/2" rebar with "Chaparral" cap found;
3. South 66°15'13" East, a distance of 192.18 feet to the **POINT OF BEGINNING**, containing 0.947 acres of land, more or less.

Surveyed on the ground on May 20, 2020

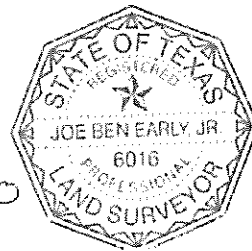
Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1005-003-OGDEN

Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016
TBPLS Firm No. 10194487

Date

[Signature]
5/22/2020



EARLY LAND SURVEYING, LLC

P.O. Box 92588, Austin, TX 78709

512-202-8631

earllysurveying.com

TBPELS Firm No. 10194487

EXHIBIT " **F** "**PORTION OF SPRINT COMMUNICATIONS COMPANY TRACT
AND PRESSLER RRI, LP 1.170 ACRE TRACT
(JOINT USE ACCESS EASEMENT)****0.144 ACRES
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.144 ACRES (APPROXIMATELY 6,256 SQ. FT.) IN OUTLOT 1, DIVISION Z, OF THE CITY OF AUSTIN, BEING A PORTION OF A TRACT CONVEYED TO US SPRINT COMMUNICATIONS COMPANY BY A QUIT CLAIM DEED RECORDED IN VOLUME 10870, PAGE 35 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND A PORTION OF A 1.170 ACRE TRACT CONVEYED TO PRESSLER RRI, LP, IN A SPECIAL WARRANTY DEED EXECUTED APRIL 19, 2017 AND RECORDED IN DOCUMENT NO. 2017068325 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.144 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad) (right-of-way width varies), same being the southwest line of apparent W. 3rd Street (no record or dedication information found) (no apparent defined right-of-way width) (shown on City of Austin GIS and Travis County Central Appraisal District maps), being the easternmost corner of the said Sprint tract, being also the northernmost corner of the said 1.170 acre tract;

THENCE with the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad), same being the southwest line of apparent W. 3rd Street and the northeast line of the said 1.170 acre tract, the following three (3) courses and distances:

1. South 65°41'13" East, a distance of 49.91 feet to a 1/2" rebar found;
2. North 24°17'27" East, a distance of 17.29 feet to a cotton spindle found;
3. South 65°49'07" East, a distance of 30.98 feet to a calculated point, from which a

Page 2

5/8" rebar found in the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad) and the northeast line of the said 1.170 acre tract, bears South 65°49'07" East, a distance of 217.92 feet;

THENCE crossing the said 1.170 acre tract, the following five (5) courses and distances:

1. South 24°10'53" West, a distance of 52.58 feet to a calculated point;
2. North 65°35'16" West, a distance of 27.42 feet to a calculated point;
3. With a curve to the left, having a radius of 25.02 feet, an arc length of 37.63 feet, a delta angle of 86°09'59", and a chord which bears South 67°32'36" West, a distance of 34.18 feet to a calculated point;
4. South 24°27'37" West, a distance of 24.68 feet to a calculated point;
5. North 65°59'06" West, a distance of 27.01 feet to a calculated point in the northwest line of the said 1.170 acre tract and the southeast line of the said Sprint tract;

THENCE North 22°13'51" East with the northwest line of the said 1.170 acre tract and the southeast line of the said Sprint tract, a distance of 45.50 feet to a calculated point;

THENCE crossing the said Sprint tract, the following three (3) courses and distances:

1. With a curve to the left, having a radius of 25.00 feet, an arc length of 27.66 feet, a delta angle of 63°23'57", and a chord which bears North 34°29'32" West, a distance of 26.27 feet to a calculated point;
2. North 66°11'30" West, a distance of 18.23 feet to a calculated point;
3. With a curve to the left, having a radius of 34.00 feet, an arc length of 9.97 feet, a delta angle of 16°48'09", and a chord which bears North 74°35'35" West, a distance of 9.94 feet to a calculated point in the northwest line of the said Sprint tract, being in the southeast line of a 0.974 acre tract described in Volume 5936, Page 205 of the Deed Records of Travis County, Texas, from which a 1/2" rebar with "Chaparral Boundary" cap found for the westernmost corner of the said Sprint tract, being the southernmost corner of the said 0.974 acre tract, being also in the northeast the northeast line of a 77 acre tract called the "Reserve" Tract in Division Z of The City Of Austin (aka Sand Beach Reserve) and conveyed to the City of Austin in Volume 769, Page 57 of the Deed Records of Travis County, Texas, bears South 22°23'08" West, a distance of 84.93 feet;

Page 3

THENCE North 22°23'08" East with the northwest line of the said Sprint tract and the southeast line of the said 0.974 acre tract, a distance of 27.07 feet an old 4" diameter cedar fence post found in the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad), same being the southwest line of apparent W. 3rd Street, being the northernmost corner of the Sprint tract, being also the easternmost corner of the said 0.974 acre tract;

THENCE South 66°12'47" East with the southwest right-of-way line of the International and Great Northern Railroad (aka Missouri Pacific Railroad), same being the southwest line of apparent W. 3rd Street and the northeast line of the said Sprint tract, a distance of 50.00 feet to the **POINT OF BEGINNING**, containing 0.144 acres of land, more or less.

Surveyed on the ground on April 29, 2020.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

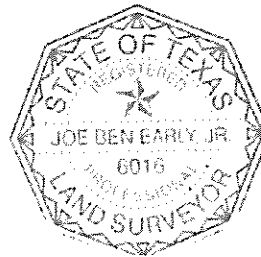
Attachments: Survey Drawing No. 1005-003-JUAE1



Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016

12/2/2020

Date

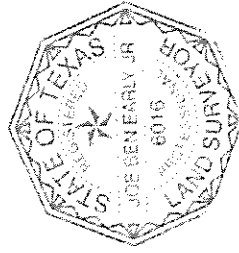


REFERENCES

TCAD Property ID 105443, 105444 and 105445
Austin Grid Map H22

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.144 ACRES (APPROXIMATELY 6,256 SQ. FT.) IN OUTLOT 1, DIVISION Z, OF THE CITY OF AUSTIN, BEING A PORTION OF A TRACT CONVEYED TO US SPRINT COMMUNICATIONS COMPANY BY A QUIT CLAIM DEED RECORDED IN VOLUME 10870, PAGE 35 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND A PORTION OF A 1.170 ACRE TRACT CONVEYED TO PRESSLER RRI, LP, IN A SPECIAL WARRANTY DEED EXECUTED APRIL 19, 2017 AND RECORDED IN DOCUMENT NO. 2017068325 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

CURVE TABLE				
CURVE	RADIUS	DELTA	ARC	CHORD
C1	25.02'	86°09'59"	37.63'	S67°32'36"W 34.18'
C2	25.00'	63°23'57"	27.66'	N34°29'32"W 26.27'
C3	34.00'	16°48'09"	9.97'	N74°35'35"W 9.94'



LINE TABLE			(RECORD)
LINE	BEARING	DISTANCE	
L1	S65°41'13"E	49.91'	
L2	N24°17'27"E	17.29'	
L3	S65°49'07"E	30.98'	
L4	S24°10'53"W	52.58'	
L5	N65°35'16"W	27.42'	
L6	S24°27'37"W	24.68'	
L7	N65°59'06"W	27.01'	
L8	N22°13'51"E	45.50'	
L9	N66°11'30"W	18.23'	
L10	N22°23'08"E	27.07'	
L11	S66°12'47"E	50.00'	(S63°24'E 50.00')

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- CH ● 1/2" REBAR WITH "CHAPARRAL BOUNDARY" CAP FOUND
- * COTTON SPINDLE FOUND
- △ CALCULATED POINT
- ⊙ 4" CEDAR FENCE POST FOUND
- () RECORD INFORMATION

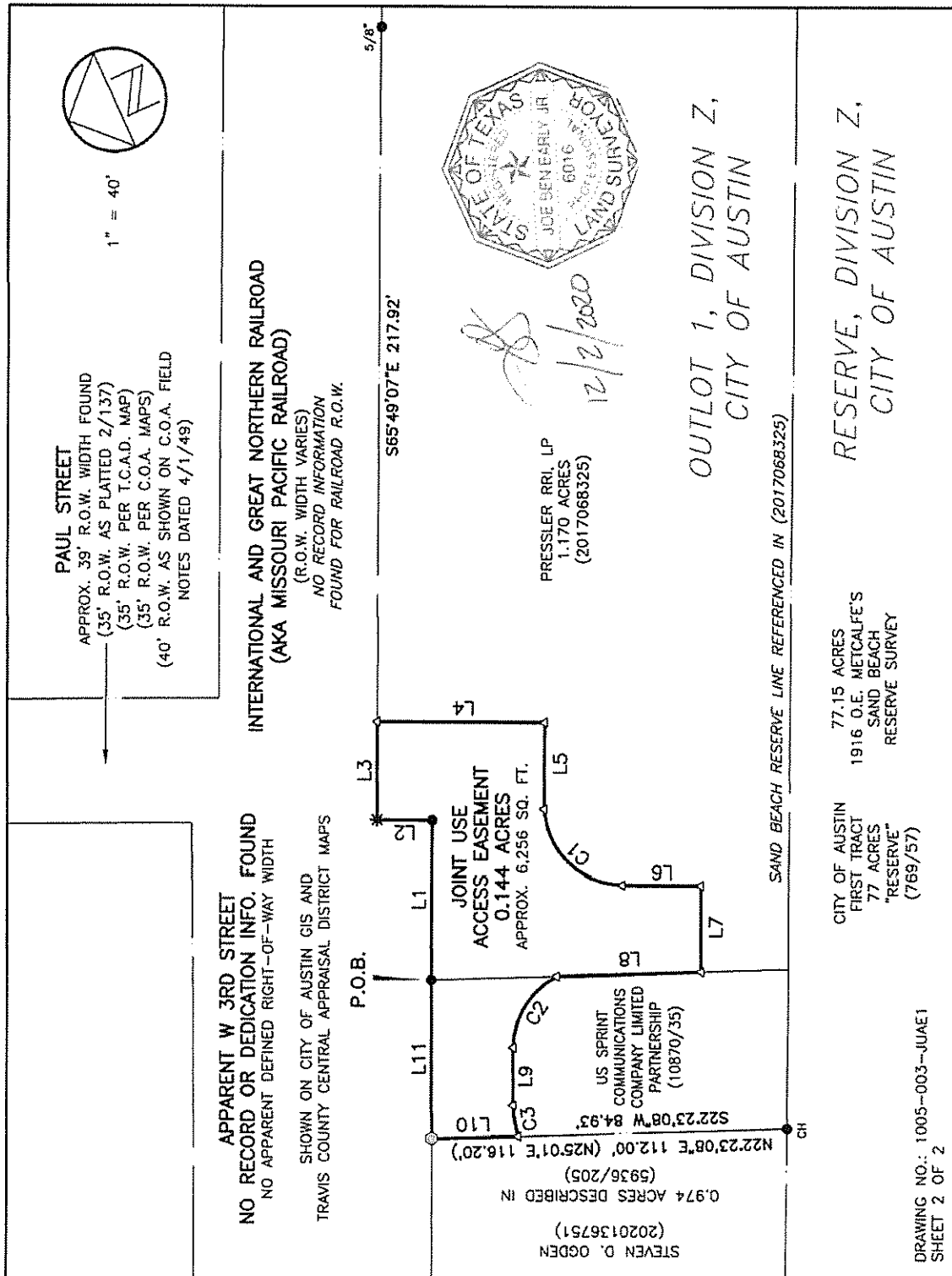
BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1005-003-JUAE1

EARLY LAND SURVEYING, LLC

P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
FIRM NO. 10194487

DATE OF SURVEY: 4/29/20
PLOT DATE: 12/2/20
DRAWING NO.: 1005-003-JUAE1
DRAWN BY: JBE
SHEET 1 OF 2



AFFIDAVIT OF NO LIENS

[OWNERSHIP TYPE - ENTITY]

Date: February 9, 2021

Affiant: Jeremy Smitheal

Affiant Title: Manager of Pressler RRI Master GP, LLC, a Texas limited liability company, general partner of Pressler RRI GP, LP, a Texas limited partnership, general partner of Pressler RRI, LP, a Texas limited partnership

Owner: The person or entity in the Grant Document that is the holder of title to the Property.

Grant Document: The document to which this Affidavit of No Liens is attached and referred to.

Property: The property identified in the Grant Document that is the subject of the Grant Document.

Affiant on oath swears or affirms that the following statements are true and are within the personal knowledge of Affiant:

My name is set forth above as Affiant. In my capacity listed above as Affiant Title, I am authorized by the Owner to make this affidavit. I am above the age of eighteen years, have never been convicted of a felony or a crime of moral turpitude, am of sound mind and am fully qualified to make this affidavit. I have personal knowledge of the facts contained in this affidavit in my capacity with the Owner that holds title to the Property, I have recently reviewed the Owner's records of ownership concerning the Property, and on the basis of this personal knowledge, after diligent inquiry, as of the date of this affidavit, I attest that:

1. Owner holds title to the Property;
2. there is no lien not subordinated to the Grant Document held by any person, including any bank or similar financial institution, against the Property;
3. there is no lease not subordinated to the Grant Document entered into with any person with respect to the Property;
4. all labor, services, and materials (the "**Labor and Materials**") provided to the Property for improvements, fixtures, and furnishings, or otherwise, at

the instance and request of Owner, have been paid in full and no liens with respect to the Labor and Materials have been filed or exist with respect to the Property;

5. there are no actions, proceedings, judgments, bankruptcies, liens not subordinated to the Grant Document, or executions filed or pending against the Owner that would affect the Property; and
6. the Owner is not a debtor in bankruptcy.

Executed effective the Date first above stated.

**PRESSLER RRI, LP,
A TEXAS LIMITED PARTNERSHIP**

By: Pressler RRI GP, LP
a Texas limited partnership
its general partner

By: Pressler RRI Master GP, LLC
a Texas limited liability company
its general partner

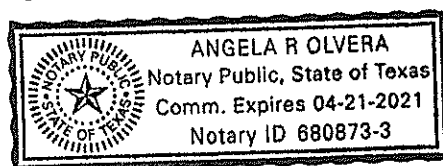
By: *Jeremy Smith*
Name: *Jeremy Smith*
Title: Manager

STATE OF TEXAS §
COUNTY OF *TARRANT* §

Before me, the undersigned notary, on this day personally appeared *Jeremy Smith*, manager of Pressler RRI Master GP, LLC, a Texas limited liability company, general partner of Pressler RRI GP, LP, a Texas limited partnership, general partner of Pressler RRI, LP, a Texas limited partnership, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on *2/9/2021*.

[Seal]



Angela R. Olvera
Notary Public, State of Texas

City Reviewer Initials

AFFIDAVIT OF NO LIENS

[OWNERSHIP TYPE - ENTITY]

Date: _____, 2021

Affiant: **James Farris**

Affiant Title: Manager, Real Estate of Sprint Communications Company
L.P., a Delaware limited partnership, f/k/a US Sprint
Communications Company Limited Partnership

Owner: The person or entity in the Grant Document that is the holder of title to the Property.

Grant Document: The document to which this Affidavit of No Liens is attached and referred to.

Property: The property identified in the Grant Document that is the subject of the Grant Document.

Affiant on oath swears or affirms that the following statements are true and are within the personal knowledge of Affiant:

My name is set forth above as Affiant. In my capacity listed above as Affiant Title, I am authorized by the Owner to make this affidavit. I am above the age of eighteen years, have never been convicted of a felony or a crime of moral turpitude, am of sound mind and am fully qualified to make this affidavit. I have personal knowledge of the facts contained in this affidavit in my capacity with the Owner that holds title to the Property, I have recently reviewed the Owner's records of ownership concerning the Property, and on the basis of this personal knowledge, after diligent inquiry, as of the date of this affidavit, I attest that:

1. Owner holds title to the Property;
2. there is no lien not subordinated to the Grant Document held by any person, including any bank or similar financial institution, against the Property;
3. there is no lease not subordinated to the Grant Document entered into with any person with respect to the Property;
4. all labor, services, and materials (the "**Labor and Materials**") provided to the Property for improvements, fixtures, and furnishings, or otherwise, at the instance and request of Owner, have been paid in full and no liens with respect to the Labor and Materials have been filed or exist with respect to the Property;

5. there are no actions, proceedings, judgments, bankruptcies, liens not subordinated to the Grant Document, or executions filed or pending against the Owner that would affect the Property; and
6. the Owner is not a debtor in bankruptcy.

Executed effective the Date first above stated.

**SPRINT COMMUNICATIONS COMPANY L.P.,
A DELAWARE LIMITED PARTNERSHIP,
F/K/A US SPRINT COMMUNICATIONS
COMPANY LIMITED PARTNERSHIP**

By: _____
Name: James Farris
Title: Manager, Real Estate

**STATE OF KANSAS §
COUNTY OF JOHNSON §**

Before me, the undersigned notary, on this day personally appeared James Farris, Manager, Real Estate of Sprint Communications Company L.P., a Delaware limited partnership, f/k/a US Sprint Communications Company Limited Partnership, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____.

[Seal]

Notary Public, State of _____

AFFIDAVIT OF NO LIENS
[OWNERSHIP TYPE - INDIVIDUAL]

Date:

2/11, 2021

Affiant:

Steven D. Ogden

Grant Document:

The document to which this Affidavit of No Liens is attached and referred to.

Property:


The property identified in the Grant Document that is the subject of the Grant Document.

Affiant on oath swears or affirms that the following statements are true and are within the personal knowledge of Affiant:

My name is set forth above as Affiant. I am making this affidavit on my behalf. I am above the age of eighteen years, have never been convicted of a felony or a crime of moral turpitude, am of sound mind and am fully qualified to make this affidavit. I have personal knowledge of the facts contained in this affidavit as holder of title to the Property, I have recently reviewed the records of ownership concerning the Property, and on the basis of this personal knowledge, after diligent inquiry, as of the date of this affidavit, I attest that:

1. I hold title to the Property;
2. there is no lien not subordinated to the Grant Document held by any person, including any bank or similar financial institution, against the Property;
3. there is no lease not subordinated to the Grant Document entered into with any person with respect to the Property;
4. all labor, services, and materials (the "**Labor and Materials**") provided to the Property for improvements, fixtures, and furnishings, or otherwise, at my instance and request, have been paid in full and no liens with respect to the Labor and Materials have been filed or exist with respect to the Property;
5. there are no actions, proceedings, judgments, bankruptcies, liens not subordinated to the Grant Document, or executions filed or pending against me that would affect the Property; and
6. I am not a debtor in bankruptcy.

Executed effective the Date first above stated.

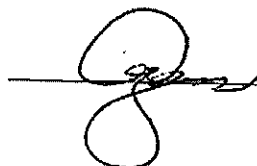

STEVEN D. OGDEN

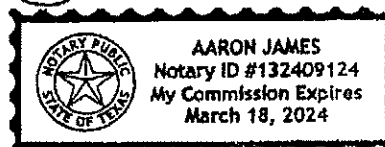
STATE OF TEXAS §
COUNTY OF Texas §

Before me, the undersigned notary, on this day personally appeared Steven D. Ogden known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on February 11th 2021.

[Seal]


Notary Public, State of Texas



AFTER RECORDING, PLEASE RETURN TO:

City of Austin
Development Services Department
P.O. Box 1088
Austin, Texas 78767

PROJECT INFORMATION:

Project Name:	300 & 301 Pressler and 1505 W. 3rd Street
Project Case Manager:	Jeremy Siltala
Site Plan No.:	SP-2020-0362C



MEMORANDUM

TO: Members of the Planning Commission
CC: Jennifer Bennett-Reumuth, Case Manager, DSD
FROM: Bryan Golden, Program Manager (Central), Austin Transportation Department
DATE: April 20, 2021
SUBJECT: Sand Beach Overlook Subdivision (C8-2020-0160.0A)
Variance of Title 25, Section 24-4-171

RECOMMENDATION: Approval

The applicant for the above referenced subdivision is requesting a variance to Title 25 of the Land Development Code (LDC) Section 25-4-171 which requires each lot in a subdivision abut a dedicated public street.

Per LDC 25-4-171, (A) Each lot in a subdivision shall abut a dedicated public street.(B) Chapter 25-6, Article 6 (Access to Major Roadways And In Certain Watersheds) governs access to a lot:(1)on a roadway designated as a major arterial, freeway, parkway, or expressway in the transportation plan or in a roadway plan approved by the appropriate county; or(2)on a Hill Country Roadway.

In consideration of this request;

(A)The Land Use Commission shall grant a variance from a requirement of Article 3 if the Land Use Commission determines that enforcement of the requirement will make subdivision of a tract of land impractical and deny the owner all reasonable use of the land.

The proposed tract is located within the City of Austin's full purpose jurisdiction along the south side of the Missouri Pacific Railroad and east of the terminus of Paul Street. The tract is comprised of one commercial lot on .947 acres. A site plan for a mixed-commercial development at this location is currently under review by City of Austin staff.

Staff recommends approval of the variance for the following reasons:

- The proposed Joint Use Access Easement with two adjacent tracts will provide access to a public roadway (Paul Street) for Lot 1.
- The site has operated historically without public roadway frontage.
- Alternative access is not viable due to existing parkland to the south and railroad encumbrances along the northern boundary of the property.
- Paul Street is a low volume Level 1 street and it is anticipated that it will be able to accommodate additional trips generated by development of these lots.
- Denial of this variance request may place an undue hardship on the subject commercial property as it may be rendered undevelopable and would require a redesign of the site.

- ATD Transportation Development Services staff has not received any expressed concerns from the neighborhood group nor any opposition to the applicant's request for this variance.

If you should have any questions or require additional information, please feel free to contact me at (512) 974-2426

Respectfully,

Bryan Golden
Program Manager, Transportation Development Services
Austin Transportation Department