

ORDINANCE NO. 20220616-003

AN ORDINANCE VACATING APPROXIMATELY 33,682 SQUARE FEET OF RIGHT-OF-WAY TO LMC SKY MOUNTAIN HOLDINGS, LLC, BEING THAT CERTAIN 50 FOOT WIDE RIGHT-OF-WAY KNOWN AS SKY MOUNTAIN DRIVE TRAVERSING EAST FROM MOUNTAIN SHADOWS DRIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Council approves the vacation of approximately 33,682 square feet of right-of-way to LMC Sky Mountain Holdings, LLC, being that certain 50 foot wide right-of-way known as Sky Mountain Drive traversing east from Mountain Shadows Drive, described in Exhibit A, which is attached to and incorporated as part of this ordinance.

PART 2. A wastewater easement is reserved by the City over the area of the vacation described in Exhibit B, which is attached to and incorporated as part of this ordinance.

PART 3. LMC Sky Mountain Holdings, LLC has posted funds with the City in the amount of \$447,971, which is the appraised fair market value of the interests in the land being vacated, and these funds will be deposited after approval of this ordinance.

PART 4. This ordinance takes effect on June 27, 2022.

PASSED AND APPROVED

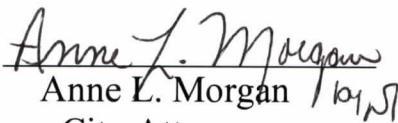
_____, June 16, 2022

§
§
§




Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Myrna Rios
City Clerk

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.7732 ACRE, (33,682 SQUARE FEET), OUT OF THE A.F. BELL SURVEY NO. 75, ABSTRACT NO. 86, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF SKY MOUNTAIN DRIVE (50' RIGHT-OF-WAY) DEDICATED IN VOLUME 25, PAGE 2 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), SAID 0.7732 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
(512) 537-2384
jward@4wardls.com
www.4wardls.com

COMMENCING at a 1/2-inch iron rod found in the north right-of-way line of said Sky Mountain Drive, being the common south corner of Lot H and Lot L of Mountain Shadows, a subdivision recorded in Volume 25, Page 2 (P.R.T.C.T.), from which a cotton gin spindle found for the southwest corner of said Lot H, being in the north right-of-way line of said Sky Mountain Drive, being in the east right-of-way line of Mountain Shadows Drive (50' right-of-way), bears, N61°52'51"W, a distance of 139.82 feet;

THENCE, with the north right-of-way line of said Sky Mountain Drive and the south line of said Lot L, S61°52'51"E, a distance of 25.00 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for the northwest corner and **POINT OF BEGINNING** hereof;

THENCE, with the north right-of-way line of said Sky Mountain Drive, in part with the south line of said Lot L, and in part with the south line of Lot P, of said Mountain Shadows the following two (2) courses and distances:

- 1) **S61°52'51"E**, at a distance of 324.92 feet passing a 1/2-inch iron rod found for the common south corner of said Lot L and said Lot P, continuing for a total distance of **523.32** feet to a 1/2-inch iron rod found for an angle point hereof, and
- 2) **S69°47'42"E**, a distance of **152.49** feet to a 1/2-inch iron rod found for the northeast corner hereof, said point being the northeast corner of the eastern terminus of said Sky Mountain Drive, being the southeast corner of said Lot P, and being in the west line of a called 39.970 acre tract ("Tract 1") conveyed to Fairfield Hill Country LP in Document No. 2020247768 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.), from which a 1/2-inch iron rod found for the northeast corner of said Lot P, for the southeast corner of Lot O, of said Mountain Shadows, being in the west line of said Fairfield Hill Country tract, bears, N28°09'33"E, a distance of 450.13 feet;

THENCE, with the eastern terminus of said Sky Mountain Drive and the west line of said Fairfield Hill Country tract, **S28°09'33"W**, a distance of **49.96** feet to a 1/2-inch iron rod found for the southeast corner hereof, said point being the southeast corner of the eastern terminus of said Sky Mountain Drive, and being the northeast corner of Lot Q of said Mountain Shadows;

THENCE, with the south right-of-way line of said Sky Mountain Drive, in part with the north line of said Lot Q, and in part with the north line of Lot M of said Mountain Shadows, the following two (2) courses and distances:


- 1) **N69°56'36"W**, a distance of **149.23** feet to a 1/2-inch iron rod found for an angle point hereof, and
- 2) **N61°52'44"W**, at a distance of 201.63 feet passing a 1/2-inch iron rod found for the common north corner of said Lot Q and said Lot M, continuing for a total distance of **526.69** feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for the southwest corner hereof, from which a 1/2-inch iron rod found in the south right-of-way line of said Sky Mountain Drive, being the northwest corner of said Lot M, also being the northeast corner of Lot 1, A Subdivision of Block I, Mountain Shadows, a subdivision recorded in Volume 26, Page 43 (P.R.T.C.T.), bears, N61°52'44"W, a distance of 25.00 feet;

THENCE, over and across said Sky Mountain Drive, **N28°14'50"E**, a distance of **49.88** feet to the **POINT OF BEGINNING** and containing 0.7732 Acre, (33,682 Sq. Ft.) of land more or less.


Notes:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000081372178. See attached sketch (reference drawing: 00930_Sky Mountain Dr ROW Vacation.dwg.)

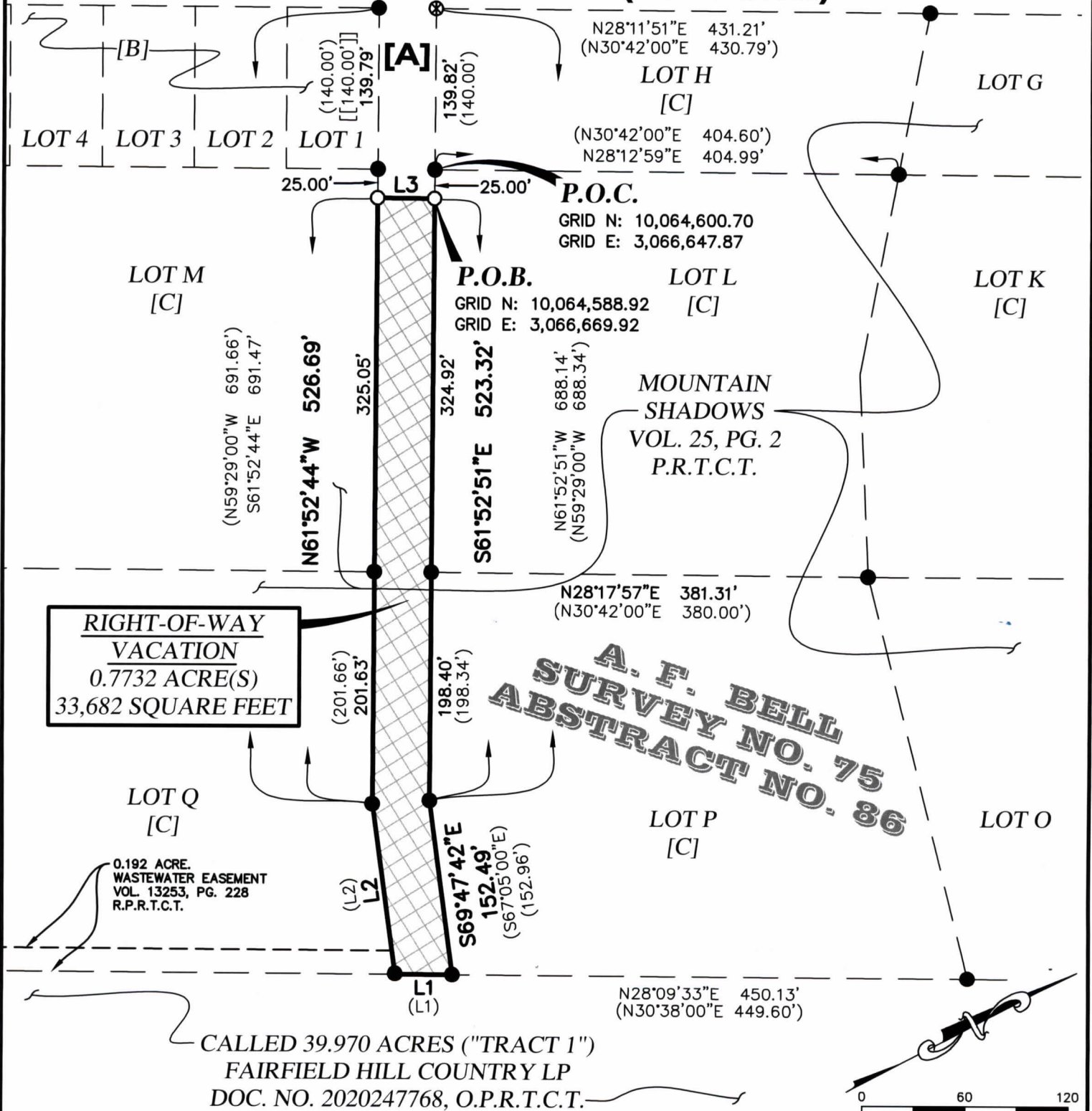
COA GRID #B21


5/25/2021
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC



FIELD NOTES REVIEWED
BY  DATE: 06/08/21
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

MOUNTAIN SHADOWS DRIVE (50' R.O.W.)



0.7732 ACRE
RIGHT-OF-WAY
VACATION
City of Austin,
Travis County, Texas

4WARD
Land Surveying
A Limited Liability Company

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

Date:	5/25/2021
Project:	00930
Scale:	1" = 120'
Reviewer:	DV
Tech:	DV
Field Crew:	JZ/JC
Survey Date:	JAN. 2020
Sheet:	1 OF 2

[A]
SKY MOUNTAIN DRIVE
(50' R.O.W.)

[B]
 A SUBDIVISION OF
 BLOCK I
 MOUNTAIN SHADOWS
 VOL. 26, PG. 43
 P.R.T.C.T.

[C]
 OWNER: LMC SKY
 HOLDINGS, LLC
 DOC. NO. 2020209889
 O.P.R.T.C.T.

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S28°09'33"W	49.96'
L2	N69°56'36"W	149.23'
L3	N28°14'50"E	49.88'

RECORD LINE TABLE		
LINE #	DIRECTION	LENGTH
(L1)	S30°38'00"W	50.76'
(L2)	N67°05'00"W	149.50'

LEGEND

	PROPOSED BOUNDARY LINE
	EXISTING EASEMENTS
	EXISTING PROPERTY LINES
	1/2" IRON ROD WITH "4WARD BOUNDARY" CAP SET
	1/2" IRON ROD FOUND (UNLESS NOTED)
	COTTON SPINDLE FOUND
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
DOC. NO.	DOCUMENT NUMBER
VOL./PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER PLAT VOL. 25, PG. 2
[[.....]]	RECORD INFORMATION PER PLAT VOL. 26, PG. 43

5/25/2021



NOTES:

1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000081372178.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

0.7732 ACRE
RIGHT-OF-WAY
VACATION
City of Austin,
Travis County, Texas

COA GRID #B21



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

Date:	5/25/2021
Project:	00930
Scale:	N/A
Reviewer:	DV
Tech:	DV
Field Crew:	JZ/JC
Survey Date:	JAN. 2020
Sheet:	2 OF 2

**EXHIBIT B
FIELD NOTES
FOR A 0.0080 OF AN ACRE (349 SQUARE FEET)
A VARIABLE WIDTH WASTEWATER EASEMENT**

A **0.0080 of an acre** tract (349 square feet), being a variable width wastewater easement to be reserved, over and across the A.F. Bell Survey No. 75, Abstract No. 86, Travis County, Texas, over and across Sky Mountain Drive, a 50' right-of-way, as dedicated by the Mountain Shadows Subdivision, a plat of record in Volume 25 Page 2 of the Plat Records of Travis County, Texas (P.R.), over and across a 0.7732 of an acre tract of Sky Mountain Drive (to be vacated and being exhibit A of this document) and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the northwest line of a 39.970 acre tract, called Tract 1, as conveyed to Bell Fund V Estancia, LLC of record in Document No. 202047768 of the Official Public Records of Travis County, Texas (O.P.R.), for the east corner of Block Q of the Mountain Shadows Subdivision, called Tract 1, as conveyed to LMC Sky Mountain Holdings, LLC of record in Document No. 2020209889 (O.P.R.), the southeast termination corner of Sky Mountain Drive and the southeast corner of the easement described herein, from which a found $\frac{1}{2}$ " iron rod bears, N 69°56'21"W, a distance of 0.42 feet, also from which a found iron pipe in the northeast line of the remaining portion of Lot 1 of Wesco Acres, a plat of record in Volume 81 Page 89 (P.R.), for the westerly corner of the 39.970 acre tract and the south corner of Block Q bears, S 28°09'34" W, a distance of 419.06 feet;


THENCE: N 69°56'21" W, along and with the common line of Block Q and Sky Mountain Drive, a distance of **20.20 feet**, to a point, for the southwest corner of the easement described herein, from which a found $\frac{1}{2}$ " iron rod for the common corner of Block Q and Sky Mountain Drive bears, N 69°56'21" W, a distance of 128.87 feet;

THENCE: departing the common line of Block Q and Sky Mountain Drive, over and across Sky Mountain Drive the following two (2) courses:

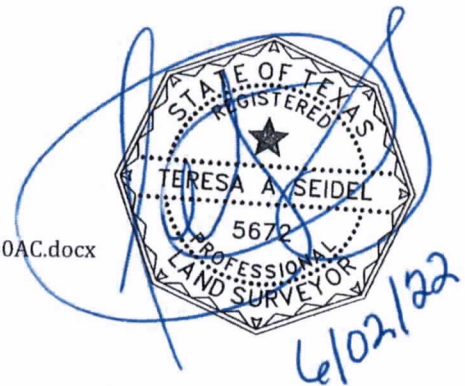
1. **N 28°09'34" E**, a distance of **17.39 feet** to a point, for the northwest corner of the easement described herein, and
2. **S 70°11'36" E**, a distance of **20.21 feet** to a point, for the n corner of the easement described herein, from which a found $\frac{1}{2}$ " iron rod, for the northeast termination corner of Sky Mountain Drive and the southeast corner of Block P of the Mountain Shadows Subdivision, called Tract 1, as conveyed to LMC Sky Mountain Shadows, LLC of record in Document No. 2020209889 (O.P.R.) bears, N 28°09'34" E, a distance of 32.56 feet;

THENCE: S 28°09'34" W, along and with the southeasterly termination line of Sky Mountain Drive and a northwest line of the 39.970 acre tract, a distance of **17.48 feet** to the **POINT OF BEGINNING** and containing **0.0080 of an acre**, or 349 square feet more or less, in the City of Austin, Travis County, Texas. Said tract being described in accordance with an exhibit prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane Central Zone.

Job No.: 20-117
Prepared by: KFW Surveying
Date: January 24, 2022
Revised: February 07, 2022
Revised: June 02, 2022
File: S:\Draw 2020\20-117 Sky Mountain- ALTA\DOCS\FN 0.0080AC.docx

FIELD NOTES REVIEWED
BY:  DATE: 06/02/22
CITY OF AUSTIN
PUBLIC WORKS DEPARTMENT

SHEET 1 OF 2

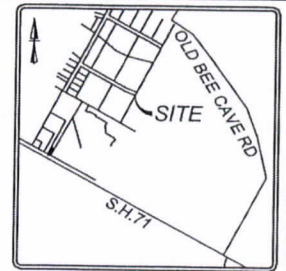
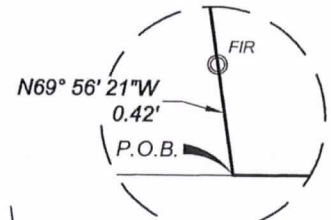
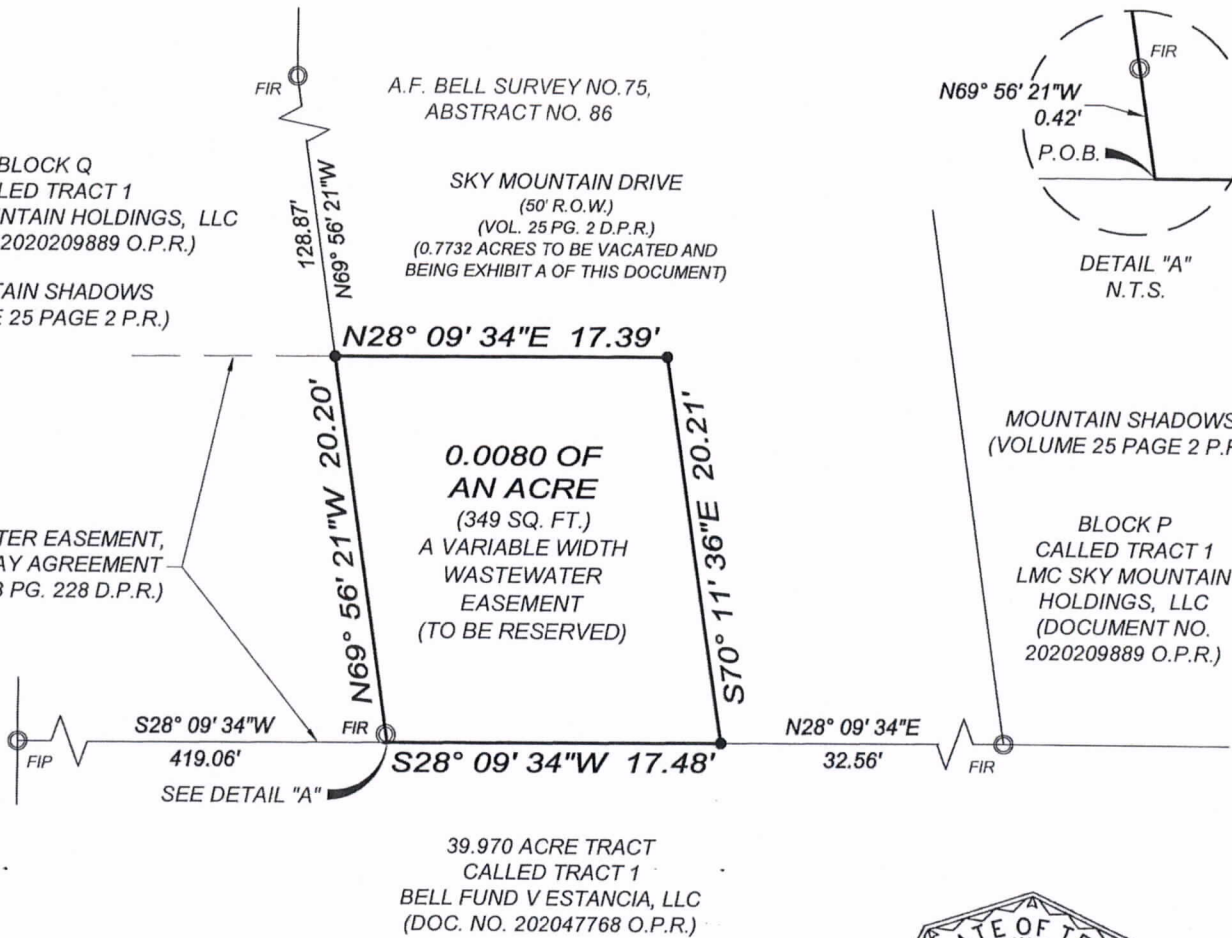


NOTES

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. THE TRACT SHOWN HEREON IS SUBJECT TO ALL CITY OF AUSTIN AND TRAVIS COUNTY ORDINANCES AND RESTRICTIONS.
3. A METES AND BOUNDS WERE PREPARED FOR THIS EXHIBIT.
4. SET IRON PINS ARE 1/2" DIAMETER REBAR WITH A BLUE CAP STAMPED "KFW SURVEYING" AND A YELLOW CAP STAMPED "KFW EASEMENT" AS NOTED.
5. ADJOINERS SHOWN HEREON ARE PER CURRENT TRAVIS COUNTY APPRAISAL DISTRICT RECORDS AND OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



SCALE: 1"=10'

LOCATION MAP
NOT-TO-SCALEDETAIL "A"
N.T.S.MOUNTAIN SHADOWS
(VOLUME 25 PAGE 2 P.R.)BLOCK P
CALLED TRACT 1
LMC SKY MOUNTAIN
HOLDINGS, LLC
(DOCUMENT NO.
2020209889 O.P.R.)A.F. BELL SURVEY NO. 75,
ABSTRACT NO. 86SKY MOUNTAIN DRIVE
(50' R.O.W.)
(VOL. 25 PG. 2 D.P.R.)
(0.7732 ACRES TO BE VACATED AND
BEING EXHIBIT A OF THIS DOCUMENT)BLOCK Q
CALLED TRACT 1
LMC SKY MOUNTAIN HOLDINGS, LLC
(DOC. NO. 2020209889 O.P.R.)MOUNTAIN SHADOWS
(VOLUME 25 PAGE 2 P.R.)WASTEWATER EASEMENT,
RIGHT OF WAY AGREEMENT
(VOL. 13253 PG. 228 D.P.R.)REMAINING PORTION OF A LOT 1
WESCO ACRES
(VOLUME 81, PAGE 89 D.P.R.)39.970 ACRE TRACT
CALLED TRACT 1
BELL FUND V ESTANCIA, LLC
(DOC. NO. 202047768 O.P.R.)

SYMBOL LEGEND

- FIR FOUND 1/2" IRON ROD OR AS NOTED
- POINT
- ⊙ FIP FOUND IRON PIPE
- O.P.R. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- D.P.R. DEED AND PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING

ANY COMPLAINTS REGARDING THE SERVICES YOU HAVE RECEIVED
CAN BE DIRECTED TO:
THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
SURVEYORS (TPELS)
1917 S INTERSTATE 35, AUSTIN, TEXAS 78741
PHONE: 512-440-7723; FAX: 512-442-1414 - EMAIL: INFO@PELS.TEXAS.GOV



TERESA A. SEIDEL
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 5672
EMAIL: TSEIDEL@KFWENGINEERS.COM
DATE OF SURVEY: 01/24/2022
REVISED: 02/07/2022
REVISED: 06/02/2022
PROJECT NO.: 20-117

KFW
ENGINEERS + SURVEYING

has joined Colliers Engineering & Design
TSPS FIRM #5513 / TPELS FIRM #01223-05

EXHIBIT B OF

A 0.0080 OF AN ACRE TRACT, BEING A VARIABLE WIDTH
WASTEWATER EASEMENT, SITUATED IN THE CITY OF
AUSTIN, TRAVIS COUNTY, TEXAS

REVISIONS:
SHEET # AND EXHIBIT
PER CITY OF AUSTIN

ISSUE DATE:
02/07/2022
06/02/2022

JOB NO. 20-117
DATE: 01/24/2022
DRAWN: JSO

DESIGNER: TAS
CHECKED: TAS

SHEET: 2 OF 2