

**ORDINANCE NO. 20221103-075**

**AN ORDINANCE VACATING APPROXIMATELY 3,040 SQUARE FEET OF RIGHT-OF-WAY OF CORNELL STREET BETWEEN CHICON AND POQUITO STREET TO THE HOUSING AUTHORITY OF THE CITY OF AUSTIN, WAIVING CHAPTER 14-11, ARTICLE 1, DIVISION 5 OF THE CITY CODE, AND CONVEYING THE VACATED RIGHT-OF-WAY FOR ZERO DOLLARS.**

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

**PART 1. FINDINGS:**

- A. The Housing Authority of the City of Austin (“HACA”) is developing affordable housing units between Chicon and Poquito Street at 2001 Rosewood Avenue (the “Project”).
- B. The City has a right-of-way interest in an approximately 32,508 square foot tract of land adjacent to the Project (the “Property”).
- C. On or around August 21, 2021, HACA applied to the City requesting the vacation of the City’s right-of-way interest in the Property (the “Application”).
- D. The City notified the appropriate property owners and neighborhood associations of the Application.
- E. On May 10, 2022, the Planning Commission approved the Application.
- F. On May 3, 2021, the Urban Transportation Commission approved the Application.
- G. The City vacated a portion of the Property by Ordinance No. 20220609-063, but, due to a clerical error, the City vacated approximately 29,468 square feet of Cornell Street rather than the 32,508 square feet that make up the Property.
- H. The City desires to vacate the remainder of the Property (the “Remainder Property”), approximately 3,040 square feet of Cornell Street shown in the attached Exhibit “A” and identified as “ALLEY VACATED VOL.602, PG.106 (P.U.E. RESERVED)”.
- I. The appraised value of the Remainder Property is \$196,080.00.

- J. As part of the consideration for this right-of-way vacation, HACA or a subsequent applicant will grant a trail and recreational easement to the City with the location of the easement to be determined at time of site plan approval for the Project or a successor site plan that includes the Remainder Property.
- K. The vacation of the Remainder Property shall be subject to the following conditions (the "Conditions"):
  - 1. The reservation of an electric easement over the envelope of the Remainder Property (the "Reserved Easement");
  - 2. HACA must comply with all requirements, obligations, and conditions contained in the City's Right-of-Way Vacation Master Comment Report for Project Number:2021-019241LM (ProjectName:2021-0192411900 to 2400 Cornell Street).
- L. Pursuant to Section272.001(g), Texas Local Government Code (LGC), the City may convey the vacated right-of-way interest to HACA for less than fair market value if the conveyance is for the development of low or moderate income housing (the "Public Purpose") and the City fixes the terms of the transaction to effectuate and maintain the Public Purpose (the "LGC Requirements").

**PART 2.** Council approves the vacation of approximately 3,040 square feet of right-of-way shown in the attached Exhibit "A" and identified as "ALLEY VACATED VOL.602, PG.106 (P.U.E. RESERVED)".

**PART 3.** An electric easement is reserved over the entire area of the Remainder Property by the City of Austin.

**PART 4.** Council waives Chapter 14-11, Article 1, Division 5 of the City Code as it relates to vacating the Remainder Property.

**PART 5.** An amount of zero dollars will be posted for the Remainder Property and zero dollars will be deposited upon the recording of a deed without warranty related to the vacation of the Remainder Property (the "Deed").

**PART 6.** Council authorizes the City Manager, or designee, to negotiate and execute all documents necessary or desirable to effectuate the Conditions, the LGC Requirements, and the Deed.

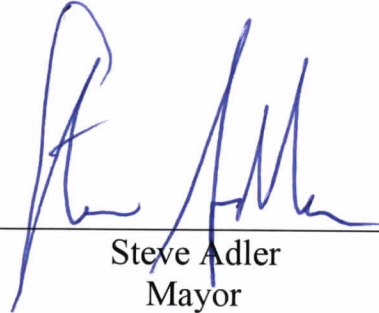
**PART 7.** The City Manager, or designee, may not release the site plan for the Project or a successor site plan that includes the Property until the easement referenced in Part 1. J. is dedicated.


**PART 8.** This ordinance takes effect on November 14, 2022.

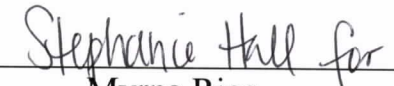
**PASSED AND APPROVED**

\_\_\_\_\_, November 3, 2022

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Steve Adler  
Mayor

**APPROVED:**   
Anne L. Morgan  
City Attorney

**ATTEST:**   
Myrna Rios  
City Clerk



RIGHT-OF-WAY VACATION OF CORNELL STREET

DESCRIBING A TRACT OF LAND LOCALLY KNOWN AS CORNELL STREET (NO RECORDING INFORMATION FOUND) CONTAINING 0.75 OF AN ACRE (32,508 SQUARE FEET) IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF OUTLOT 62, DIVISION "B", OF THE TOPOGRAPHICAL MAP OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, DATED 1840, OF RECORD IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAID 0.75 OF AN ACRE (32,508 SQUARE FEET) TRACT BEING FURTHER DESCRIBED AS BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 2<sup>ND</sup> TRACT IN A DEED TO THE HOUSING AUTHORITY OF THE CITY OF AUSTIN BY DEED RECORDED IN VOLUME 593, PAGE 467 OF THE DEED RECORDS OF SAID COUNTY AND STATE, AND BEING A PORTION OF LOTS 5 THROUGH 8 (INCLUSIVE) OF THE W.D. HART SUBDIVISION, A SUBDIVISION RECORDED IN BOOK 2, PAGE 147 OF THE PLAT RECORDS OF SAID COUNTY AND STATE AND BEING ALL OF THE ALLEY ADJOINING SAID LOTS 5 THROUGH 8 (INCLUSIVE) VACATED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AS RECORDED IN VOLUME 602, PAGE 106, DEED RECORDS OF SAID COUNTY AND STATE, SAID 0.75 OF AN ACRE (32,508 SQUARE FEET) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

BEGINNING, at a ½" iron rod with plastic cap (Dunaway Assoc. LP) set in the northwest line of said 2<sup>nd</sup> Tract, same being the southeast right-of-way line of Chicon Street (60' R.O.W.), from which a ½" iron rod with plastic cap (Dunaway Assoc. LP) set at the southwest corner of said 2<sup>nd</sup> Tract, same being the northwest corner of Lot 1, Block A, College Heights Annex Austin, Texas, a subdivision recorded in Book 3, Page 51, Plat Records of said County and State, bears S20°26'54"W, 149.73 feet;

THENCE, with the northwest line of said 2<sup>nd</sup> Tract, same being the southeast line of said Chicon Street, N20°26'54"E, 59.09 feet to a ½" iron rod with plastic cap (Dunaway Assoc. LP) set;

THENCE, through the interior of said 2<sup>nd</sup> Tract, and through the interior of said Lot 5 and Lot 6, N78°14'54"E 634.42 feet to a ½" iron rod with plastic cap (Dunaway Assoc. LP) set in the east line of said Lot 6, same being the west right-of-way line of Poquito Street (50' R.O.W.);

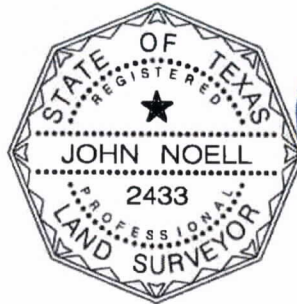
EXHIBIT "A"  
Dunaway/UDG #4945  
F.N. #1635  
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City of Austin to  
The Housing Authority  
of the City of Austin  
Cornell Street

THENCE, with the east line of said Lot 6, said alley and said Lot 8, same being the west line of said Poquito Street, S11°45'06"E, 50.00 feet to a ½" iron rod with plastic cap (Dunaway Assoc. LP) set, from which a ½" iron rod with plastic cap (Dunaway Assoc. LP) set at the southeast corner of said Lot 8, same being in the north right-of-way line of Yale Street (40' R.O.W.), bear S11°45'06"E, 130.00 feet;

THENCE, through the interior of said Lot 7 and Lot 8, and through the interior of said 2<sup>nd</sup> Tract, S78°14'54"W, 665.91 feet to the POINT OF BEGINNING and containing 0.75 of an acre (32,508 square feet) of land.

Field Notes Prepared by:  
Dunaway  
5707 Southwest Parkway  
Building 2, Suite 250  
Austin, Texas 78735  
(512) 306-8252  
TBPLS 10065900




  
John Noell, R.P.L.S. #2433

March 2, 2022  
Date

Map attached.

Basis of Bearings: Bearings shown hereon are based on the Texas State Plane Coordinate System, NAD 83 (1986 Adjustment), Texas Central Zone (4203). All bearings, distances and acreages shown hereon relate to this datum and grid coordinate system.

References: TCAD: 02 0610  
Austin Grid: MK-22

FIELD NOTES REVIEWED  
BY  DATE: 03/23/22  
CITY OF AUSTIN  
PUBLIC WORKS DEPARTMENT



TBPE No. F-1114 TBPLS No. 10065900  
5707 Southwest Parkway | Building 2, Suite 250  
Austin, TX 78735  
512 306 8252

FIELD NOTE #1635 TO ACCOMPANY THIS MAP

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**LEGEND**

- 1/2" IRON ROD WITH CAP  
(DUNAWAY ASSOC. LP) SET

*[Signature]*



DATE:  
MARCH 2, 2022

DUNAWAY  
TBPLS 10065900

SCALE: 1"=100'

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