

APPLICATION FOR STREET OR ALLEY VACATION

File No. 2022-100931 LM
Department Use OnlyDATE: September 2, 2022
Department Use Only

TYPE OF VACATION

Type of Vacation: Street: X; Alley: _____; ROW _____ Hundred Block: _____
 Name of Street/Alley/ROW: S 3rd Is it constructed: Yes No
 Property address: 2408 S 3rd Austin TX 78704
 Purpose of vacation: to allow area for 25 ft required setback to provide space for parking for housing redevelopment; also to align with adjacent parcels ROW

PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 0402030135
 Survey & Abstract No.: ABS 8 SUR 20 Decker
 Lot(s): _____ Block: _____ Outlot: _____
 Subdivision Name: _____
 Plat Book _____ Page Number _____ Document Number _____

Neighborhood Association Name: Galindo Elementary Neighborhood Association
 Address including zip code: 3800 S 2nd St, Austin, TX 78704

RELATED CASES

	FILE NUMBERS
Existing Site Plan (circle one): YES <u>NO</u>	
Subdivision: Case (circle one): YES <u>NO</u>	
Zoning Case (circle one): <u>YES</u> / NO	<u>C14-2022-0034</u>

PROJECT NAME, if applicable:

Name of Development Project: Third Street Apartments
 Is this a S.M.A.R.T. Housing Project (circle one): YES NO
 Is this within the Downtown Austin Plan Boundaries (circle one): YES NO

OWNER INFORMATION

Name: THIRD STREET AUSTIN LLC (as shown on Deed)
 Address: 24011 W FM 1097 RD Phone: (512) 600-2511 Fax No.: () _____
 City: Montgomery County: Montgomery State: TX Zip Code: 77356
 Contact Person/Title: Mark Whaling Cell Phone: (512) 600-2511
 Email Address: _____
 (If multiple owners are joining in this request, complete names and addresses for each must be attached.)

APPLICANT INFORMATION

Name: Michele R. Lynch
 Firm Name: Metcalfe Wolfe Stuart Williams LLC
 Address: 221 W 6th
 City: Austin State: TX Zip Code: 78701
 Office No.: (512) 404-2251 Cell No.: () _____ Fax No.: () _____
 EMAIL ADDRESS: mlynch@mwswtexas.com

The undersigned Landowner/Applicant understands: **1)** This application will be handled in accordance with standard City policies and procedures. **2)** No action will be taken without (a) payment of the nonrefundable application fee, or (b) necessary documentation. **3)** The application and fee in no way obligate the City to vacate the subject area. **4) All documents** related to this transaction and a **certified check** for the appraised value must be delivered to the City of Austin prior to placing the item on the Council Agenda for final approval.

Signed By: 
 Landowner/Applicant



METCALFE WOLFF
STUART & WILLIAMS, LLP

MICHELE ROGERSON LYNCH
Director of Land Use &
Entitlements

mlynch@mwswtexas.com
512-404-2251

Received complete
application and
application fee paid on
08/30/2022



July 19th, 2022

Ms. Jacquelyn Armstrong
City of Austin
Office of Land Management
6310 Wilhelmina Delco Dr.
Austin, TX 78752

Via Online Submittal

Re: ROW Vacation; 0.105 acres (the "Subject Area") adjacent to a 0.59-acre parcel located at 2408 S. 3rd Street (the "Property").

Dear Ms. Armstrong:

As representatives of the owner of the above stated Property we respectfully submit the attached Application for ROW Vacation. The Property is located at 2408 S. 3rd Street, approximately 400 feet south from its intersection with Oltorf and South 3rd Street (see Location Map attached). The Property is not located in the Austin Downtown Plan or UT Boundaries. It is zoned Multi-Family Residence-Low Density (MF-2).

The section of ROW proposed to be vacated was originally dedicated in 1970 to the City via street deed Volume 3950 Page 1213 of Travis County Records. The proposed ROW Vacation and Property are not part of an existing subdivision. The Subject Area is currently used as parking. It does not have an ASMP classification.

There is an existing 5-foot electric easement within the Subject Area, recorded under Volume 6703 Page 380 in Travis County Clerk Records. We will work with Austin Energy throughout the site plan review process to determine whether an easement needs to be recorded and the location of said easement.

The owner is currently requesting rezoning of the two adjacent parcels to the east of the Property per City of Austin Zoning Case C14-2022-0034. The zoning change requested is from SF3 to MF2. Please find the attached concept plan detailing the proposed development of the Property. The Subject Area will be used as parking and detention area to support the development of the entire Property. Required parking for the project is 34 spaces and it will provide 42 spaces via first floor garages.

This project spans three parcels and will have a Unified Development Agreement. A Site Plan will be submitted. The project is not SMART Housing; it is 100 percent residential.

The Property is within a designated neighborhood plan known as the South Lamar Combined Neighborhood Planning Area (Galindo) which does not have a City Council approved neighborhood plan and therefore a plan amendment is not required. Surrounding zoning includes Multi-Family Residence-Low Density (MF-2), General Commercial Services (CS), Neighborhood Commercial (LR), Limited Office (LO), Townhouse & Condominium Residence (SF-6), and Family Residence District (SF-3). There are no active cases on adjacent properties excepting the rezoning case of the adjacent parcels for this project.

This ROW Vacation request supports the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan in the following ways:

Invest in a compact and connected Austin – this project will provide 18 units and 35,846 square feet of rentable residential space. This needed housing will be located in an existing neighborhood next to an existing school and church and will allow additional residents to enjoy these amenities. The project incorporates compatibility setbacks and screening to provide space from these nearby sensitive uses and to provide privacy for future residents. Infill residential projects help Austin to stay compact and connected and helps maintain green space as well.

A Traffic Impact Analysis is not required for the proposed development, pursuant to the Rezoning TIA Determination form, which determined a total of 220 trips per day.

If you have any questions about this ROW Vacation Application or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in cursive script that reads "Michele Rogerson Lynch".

Michele Rogerson

LOCATION MAP



EXHIBIT "A"

FIELD NOTES DESCRIPTION

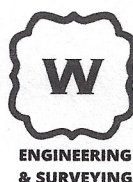
DESCRIPTION OF A 0.105 ACRE (4,572 SQUARE FEET) TRACT OF LAND SITUATED IN THE ISAAC DECKER LEAGUE, A-8, TRAVIS COUNTY, TEXAS; BEING OUT OF THAT CERTAIN 60.00 FEET WIDE TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN (FOR "STREET PURPOSES") BY STREET DEED OF RECORD IN VOLUME 3950, PAGE 1213, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.105 ACRE TRACT OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 5/8-inch iron pipe found at the southwest corner of South 3rd Street (50' R.O.W.) and being the northwest corner of said 60.00 feet wide tract, same being the southeast corner of Lot 1, Block E, Loma Linda Subdivision, a map or plat of record in Volume 4, Page 216, Plat Records of Travis County, Texas, same being a northerly interior corner of that certain tract conveyed to San Jose Catholic Church (deed record information not available at the time of this survey), from which a 1/2-inch iron rod found on the north line of that certain called 20 feet wide easement tract of record in said Loma Linda Subdivision, being the common south corner of Lots 1 and 9, both of Block A of said Loma Linda Subdivision, bears S 71°20'21" E, a distance of 427.78 feet;

THENCE S 18°25'12" W, leaving the common south corner of South 3rd Street and said Lot 1, Block A, being with the common line of said 60.00 feet wide tract and said San Jose Catholic Church tract, a distance of 20.00 feet to a calculated point for the POINT OF BEGINNING and northwest corner of the tract described herein;

THENCE S 71°20'21" E, leaving the northerly interior line of said San Jose Catholic Church tract and through the interior of said 60.00 feet wide tract, with the north line of the tract described herein, a distance of 114.31 feet to a calculated point on the east line of said 60.00 feet wide tract, being the common west corner of said 20 feet wide easement tract and that certain called 69.5 feet by 88.8 feet tract of land conveyed to Octavio V. Balderas and wife, Martha K. Balderas by Warranty Deed with Vendor's Lien of record in Document #2001007074, Official Public Records of Travis County, Texas, for the northeast corner of the tract described herein, from which a 1/2-inch iron rod found at the common north corner of that certain called 0.425 acre tract of land conveyed to James O. Houchins and Susan C. Houchins by General Warranty Deed of record in Document #2016202969, Official Public Records of Travis County, Texas, and that certain called 0.42 acre tract of land conveyed to Jesse Saletan by General Warranty Deed with Vendor's Lien of record in Document #2002060056, Official Public Records of Travis County, Texas, bears S 71°20'21" E, a distance of 139.06 feet;

THENCE S 18°25'33" W, with a portion of the common line of said 60.00 feet wide tract and said 69.5 feet by 88.8 feet tract, being with the east line of the tract described herein, a distance of 40.00 feet to a 1/2-inch iron rod with cap stamped "Wuest Group" set at the common east corner of said 60.00 feet wide tract and that certain called 0.59 acre tract of land conveyed to Third Street Austin, LLC, by Special Warranty Deed with Vendor's Lien of record in Document #2021180557, Official Public Records of Travis County, Texas, for the southeast corner of the tract described herein, from which a 3/8-inch iron pipe found at the common south corner of said 0.59 acre tract and the south 100 feet of that certain called 0.42 acre tract of land conveyed to Third Street Austin, LLC, by Special Warranty Deed with Vendor's Lien of record in Document #2021180561, Official Public Records of Travis County, Texas, being on the north line of Lot 1, Block A, San Jose Catholic Church Subdivision, a map or plat of record in Document #200700020, Official Public Records of Travis County, Texas, bears S 18°25'33" W, a distance of 226.13 feet;



THENCE N 71°20'21" W, leaving the west line of said 69.5 feet by 88.8 feet tract and with the common line of said 60.00 feet wide tract and said 0.59 acre tract, being with the south line of the tract described herein, a distance of 114.31 feet to a 1/2-inch iron rod with cap stamped "Wuest Group" set at the common west corner of said 60.00 feet wide tract and said 0.59 acre tract, being on the northerly interior line of said San Jose Catholic Church tract, for the southwest corner of the tract described herein, from which a 5/8-inch iron rod found at the southwest corner of said 0.59 acre tract and being an interior corner of said San Jose Catholic Church tract, bears S 18°25'12" W, a distance of 225.52 feet;

THENCE N 18°25'12" E, leaving the northwest corner of said 0.59 acre tract and with the common line of said 60.00 feet wide tract and said San Jose Catholic Church tract, being with the west line of the tract described herein, a distance of 40.00 feet to the **POINT OF BEGINNING** and containing 0.105 acre (4,572 square feet) of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone (4203), NAD83, Grid.

That I, Cara L. Williams, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying survey map are true and correct to the best of my knowledge and belief and was prepared from an actual on-the-ground survey under my direction and supervision.

Cara L. Williams
RPLS No. 6336
State of Texas

8-3-22

Date



EXHIBIT " "

R.O.W. TO BE VACATED

SKETCH TO ACCOMPANY FIELD NOTES DESCRIPTION

(A) SOUTH 100' OF CALLED
0.42 ACRE TRACT
THIRD STREET AUSTIN, LLC
DOC. #2021180561
O.P.R.T.C.T.

(B) LOT 1, BLOCK A
SAN JOSE CATHOLIC
CHURCH SUBDIVISION
DOC. #200700020
O.P.R.T.C.T.

LOT 1, BLOCK E
LOMA LINDA
SUBDIVISION
VOL. 4, PG. 26
P.R.T.C.T.

SOUTH 3RD STREET
(50' R.O.W.)

P.O.C.
P.O.B.

CITY OF AUSTIN
(60.00' WIDE TRACT FOR STREET PURPOSES)
VOL. 3950, PG. 1213
D.R.T.C.T.

LOT 10, BLOCK C

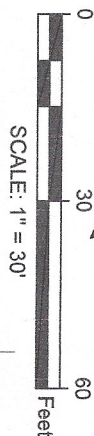
S 71°20'21" E 427.78'

LOMA LINDA SUBDIVISION
VOL. 4, PG. 216
P.R.T.C.T.

LOT 1, BLOCK C

SOUTH 2ND STREET
(50' R.O.W.)

LOT 9, BLOCK A
LOT 1, BLOCK A
LOMA LINDA
SUBDIVISION
VOL. 4, PG. 26
P.R.T.C.T.



SAN JOSE
CATHOLIC CHURCH
(DEED RECORD
INFORMATION NOT
AVAILABLE AT THE
TIME OF THIS SURVEY)

(N 20°25'09" E)
S 18°25'12" W 285.52'

225.52'
(224.88')

N 18°25'12" E
40.00'

0.105 ACRE (4,572 SF)
R.O.W. TO BE VACATED
(DOT HATCH)

N 71°20'21" W 114.31'
(S69° 42' 12" E 114.31')

CALLED 0.59 ACRE
THIRD STREET AUSTIN, LLC
DOC. #2021180557
O.P.R.T.C.T.

40.00'

N 18°25'33" E 60.00'

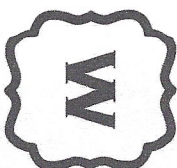
S 18°25'33" W

CALLED 69.5x88.8' TRACT
OCTAVIO V. & WIFE,
MARTHA K. BALDERAS
DOC. #2001007074
O.P.R.T.C.T.

CALLED 0.425 ACRE
JAMES O. & SUSAN C. HOCHINS
DOC. #2016202969
O.P.R.T.C.T.

CALLED 0.42 ACRE
JESSE SALETAN
DOC. #2002060056
O.P.R.T.C.T.

2408 SOUTH 3RD ST.
AUSTIN, TX 78704
AUGUST, 2022
PROJECT NO. 0219-015



ENGINEERING
& SURVEYING

TBPEL'S FIRM # 10194507
AND FIRM # F-15324
5207 AIRPORT BOULEVARD
AUSTIN, TEXAS 78751
(512)394-1900

3 OF 4
SHEET

GENERAL INFO

ACCOUNT

Property ID: 303666
Geographic ID: 0402030135
Type: R
Zoning: MF2
Agent:
Legal Description: ABS 8 SUR 20 DECKER I ACR .590

Property Use: 05

OWNER

Name: THIRD STREET AUSTIN LLC
Secondary Name:
Mailing Address: 24011 W FM 1097 Rd Montgomery TX US 77356-6476
Owner ID: 1900118
% Ownership: 100.00
Exemptions:

LOCATION

Address: 2408 S 3 ST TX 78704

Market Area:
Market Area CD: SC1
Map ID: 040708

PROTEST

Protest Status:
Informal Date:
Formal Date:

VALUES

CURRENT VALUES

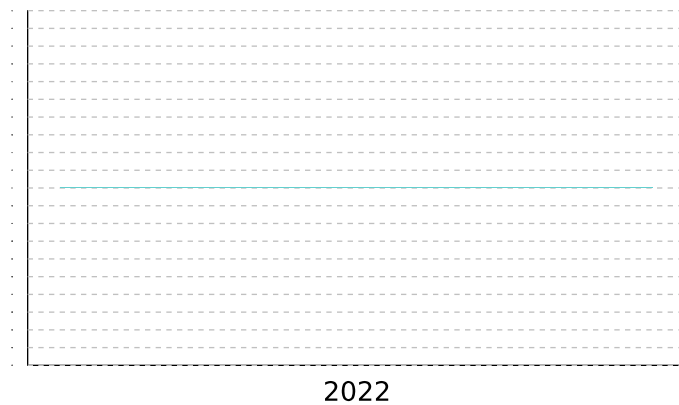
Land Homesite: N/A
Land Non-Homesite: N/A
Special Use Land Market: N/A
Total Land: N/A

Improvement Homesite: N/A
Improvement Non-Homesite: N/A
Total Improvement: N/A

Market: N/A
Special Use Exclusion (-): N/A
Appraised: N/A
Value Limitation Adjustment (-): N/A

Net Appraised: N/A

VALUE HISTORY



Values for the current year are preliminary and are subject to change.

VALUE HISTORY

Year	Land Market	Improvement	Special Use Exclusion	Appraised	Value Limitation Adj (-)	Net Appraised
2022	N/A	N/A	N/A	N/A	N/A	N/A

TAXING UNITS

Unit	Description	Tax Rate	Net Appraised	Taxable Value	Estimated Tax
01	AUSTIN ISD	N/A	N/A	N/A	N/A
02	CITY OF AUSTIN	N/A	N/A	N/A	N/A
03	TRAVIS COUNTY	N/A	N/A	N/A	N/A
0A	TRAVIS CENTRAL APP DIST	N/A	N/A	N/A	N/A
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	N/A	N/A	N/A	N/A
68	AUSTIN COMM COLL DIST	N/A	N/A	N/A	N/A
TOTAL TAX RATE: 0.00000					
ESTIMATED TAXES WITH CURRENT EXEMPTIONS:					\$0.00
ESTIMATED TAXES WITHOUT EXEMPTIONS:					\$0.00

DO NOT PAY FROM THIS ESTIMATE. This is only an estimate provided for informational purposes and may not include any special assessments that may also be collected. Please contact the tax office for actual amounts.

IMPROVEMENT

Improvement #1: APARTMENT 5-25 Improvement Value: N/A Main Area: 4,677
State Code: B1 Gross Building Area: 13,202

Type	Description	Class CD	Exterior Wall	Number of Units	EFF Year Built	Year	SQFT
1ST	1st Floor	WV		0	1978	1978	3,060
1ST	1st Floor	WW		1	1978	1978	1,617
132	PLBG 5-FIXT AVG	AVG		6	1978	1978	1
551	PAVED AREA	AI		1	1978	1978	7,500
571C	STORAGE DET COMM	WV		0	1978	1978	288
011C	PORCH OPEN 1ST COMM	WV		0	1978	1978	136
591	MASONRY TRIM SF	AVG		1	1978	1978	550
581C	STORAGE ATT COMM	WV		0	1978	1978	24
242	OBS OVEN/BURN	AVG		1	1978	1978	1
531	OBS FENCE	CAL		1	1978	1978	1
SO	Sketch Only	SO			1978	1978	8
SO	Sketch Only	SO			1978	1978	8
SO	Sketch Only	SO			1978	1978	8

Improvement Features

1ST Shape Factor: L, Floor Factor: 1ST, Grade Factor: A
1ST Foundation: SLAB, Roof Style: GABLE, Roof Covering: COMPOSITION SHINGLE, Shape Factor: L, Floor Factor: 1ST, Grade Factor: A

LAND

Land	Description	Acres	SQFT	Cost per SQFT	Market Value	Special Use Value
LAND	Land	0.5900	25,700	\$40.00	N/A	N/A

DEED HISTORY

Deed Date	Type	Description	Grantor/Seller	Grantee/Buyer	Book ID	Volume	Page	Instrument
7/30/21	SW	SPECIAL WARRANTY	WHITTINGTON KEITH L & KELLY G	THIRD STREET AUSTIN LLC				2021180557
12/31/14	WD	WARRANTY DEED	WHITTINGTON LEONA J	WHITTINGTON KEITH L & KELLY G				2015000962 TR

Deed Date	Type	Description	Grantor/Seller	Grantee/Buyer	Book ID	Volume	Page	Instrument
8/25/00	WD	WARRANTY DEED	SERNA LIDIA	WHITTINGTON LEONA J		00000	00000	2000142187 TR
12/28/90	WS	WILL TO SURVIVING	DELGADO JANIE	SERNA LIDIA		00000	00000	2000146554 TR
4/28/86	WD	WARRANTY DEED		DELGADO JANIE		09729	00149	
4/28/86	WD	WARRANTY DEED	SERNA LIDIA			09729	00149	
8/3/89	MS	MISCELLANEOUS	SERNA LIDIA	SERNA LIDIA		00000	00000	
8/3/89	WC	WILL TO OTHER THAN	DELGADO TRINIDAD	SERNA LIDIA		00000	00000	2000146554 TR
7/15/68	WD	WARRANTY DEED		DELGADO TRINIDAD		03505	00347	

700519.24

STREET DEED

NOV 10-70 8558 * 3.50

34-9612 2-50

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That I, Trinidad Delgado, of Travis County, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, to Grantors in hand paid by the City of Austin, Texas, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day Granted, Sold and Conveyed, and by these presents do hereby Grant, Sell and Convey, unto the said City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property, to-wit:

All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas described in EXHIBIT "A" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and Grantors, whether one or more, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the said premises unto the said City of Austin, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this 3rd day of November, 1970.

Trinidad Delgado
Trinidad Delgado

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Trinidad Delgado, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 3rd day of November, 1970.

NOTARY SEAL

DEED RECORDS

208A-10
HCC:AC
Travis County, Texas

J. E. Raffel
Notary Public in and for Travis
County, Texas

3950 1213

EXHIBIT "A"

C14-68-289
Trinidad Delgado
to
The City of Austin
(For Street Purposes)
(South 3rd Street)

34-9613

FIELD NOTES

BEING ALL OF THE NORTH SIXTY (60.00) FEET OF THAT
CERTAIN TRACT OF LAND OUT OF AND A PART OF
THE ESTATE OF JAMES E. BOULDIN, A SUBDIVISION IN
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, OF
RECORD IN BOOK U AT PAGE 78 OF THE DISTRICT COURT
RECORDS OF TRAVIS COUNTY, TEXAS, WHICH CERTAIN
TRACT OF LAND WAS CONVEYED TO TRINIDAD DELGADO
BY WARRANTY DEED DATED JULY 15, 1968, OF RECORD
IN VOLUME 3505 AT PAGE 347 OF THE DEED RECORDS
OF TRAVIS COUNTY, TEXAS.

FIELD NOTES: Gerald Redman

4-24-70

G. Redman

APPROVED:

S. Reuben Rountree, Jr.
S. Reuben Rountree, Jr., P.E.
Director of Public Works

Reference

FF 567

2-G-55

1c

3950 1214

34-9614

OLTORI

STREET

SOUTH 3RD STREET

60'

TRINIDAD
SEC 3 ADJ
V. 3505, P. 367

Scale: 1"=100'

-LEGEND-

||||| Street Area to be acquired.

3950 1215



FILED 34-9615

Nov 10 3 16 PM '70

Emilie Limburg
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me; and was duly
RECORDED, in the Volume and Page of the named RECORDS
of Travis County, Texas, as Stamped hereon by me, on

NOV 10 1970



Emilie Limburg
COUNTY CLERK
TRAVIS COUNTY, TEXAS

3950 1216