



City of Austin

Recommendation for Action

File #: 23-3361, **Agenda Item #:** 16.

3/7/2024

Posting Language

Approve an ordinance vacating approximately 0.0885 acre (3,855 square feet) of undeveloped right-of-way to Cedar Building, LLC, being the remainder of a 0.155-acre tract adjoining a parcel located at 3503 Kerbey Lane.

Lead Department

Transportation and Public Works Department.

Fiscal Note

This item has no fiscal impact.

For More Information:

Richard Mendoza, Director, 512-974-2488; Elizabeth Boswell, Managing Engineer, 512-974-1849; Gilda Powers, Quality Consultant, 512-974-7092; Stella Deshotel, Business Process Consultant, 512-974-8054.

Council Committee, Boards and Commission Action:

November 28, 2023 - Approved by the Planning Commission on a 10-0 vote with Commissioner Phillips off the dais, Vice-Chair Hempel and Commissioner Woods absent.

December 5, 2023 - Approved by the Urban Transportation Commission on a vote of 7-0 with Commissioners Smith and Wheeler absent, and two vacancies on the dais.

Additional Backup Information:

The adjoining property owner, Cedar Building, LLC, requests the vacation of approximately 3,855 square feet of undeveloped right-of-way, being the remainder of a 0.155-acre tract dedicated to the City of Austin in fee via a Street Deed recorded in Volume 2465, Page 76, Deed Records of Travis County, Texas. The street right-of-way traverses east/west and is commonly known as 1514 West 35th Street adjoining 3503 Kerbey Lane, Austin, Texas.

All affected City departments and utility franchise holders have reviewed the right-of-way vacation request and recommend approval. Austin Energy Department approves the vacation, provided the City retains a Public Utility Easement over a portion of the area to be vacated and the applicant donates a Public Utility Easement over a portion of its adjoining property. Austin Water Department approves the vacation, provided the City retains a Wastewater Line Easement over a portion of the area to be vacated and the applicant donates a Wastewater Line Easement over a portion of its adjoining property.

Property owners within 300 feet of the right-of-way vacation area were notified via certified mail on September 8, 2023. No objections were received by the Transportation and Public Works Department.

The vacation was approved by the Planning Commission on November 28, 2023 and the Urban Transportation Commission on December 5, 2023. Please note that the Urban Transportation Commission agenda inadvertently identified the address of the adjoining parcel as 1514 Kerbey Lane, but the Commission approved the vacation of the portion of West 35th Street right-of-way located at 1514 West 35th Street and

adjoining 3503 Kerbey Lane, which is the subject of this right-of-way vacation request.

The total appraised value for the 3,855-square-foot tract is \$295,936. The amount of the appraised value, the cost of engaging the appraiser, and the cost of sending public notices has been submitted to the Transportation and Public Works Department for processing upon approval of this right-of-way vacation request. The easements required to be donated over portions of the applicant's adjoining property have been submitted to the Transportation and Public Works Department for processing upon approval of this right-of-way vacation request.