

Meredith, Maureen

From: Loayza, Katherine [REDACTED]
Sent: Tuesday, August 12, 2008 11:25 AM
To: Meredith, Maureen; Guernsey, Greg
Cc: Lynn and Martin Leifker
Subject: West Oak Hill Neighborhood Plan/Rezoning
Attachments: Leifker property exhibits.pdf

Maureen/Greg,

My clients, Lynn and Martin Leifker, are out of town this week, but I wanted to make sure that you still have for your records their opposition to the Waters tract rezoning to SF-6. The Leifker's are not opposed to the SF-1 zoning recommended by staff. However, because of their unique situation with a private access easement on their property for the benefit of the Waters and the Donley/Hooks tracts, they request that staff add a conditional overlay to the rezoning. No other property in the West Oak Hill area has this unique encumbrance on their lot.

Suggested language being: " prohibit access through Lot 10, Block B of the amended plat of Shadowridge Crossing Section 9, (their lot) recorded in Vol. 102, page 271-272, should the Waters or the Donley/Hooks properties be subdivided into more than one lot, or

if the Waters tract, is zoned SF-6 and no subdivision is required, then apply a conditional overlay that states if the property is developed for more than one residential dwelling, then access is prohibited thru Lot 10, Block B....and also reference the Donley/Hooks tract prohibiting access through Lot 10 if developed/subdivided into more than one residential dwelling.

The need for the overlay is that Ms. Waters has indicated her intent to use this private access easement for future development on her property. I can't imagine the City would allow this to occur, but in any event, it would be extremely helpful and give the Leifker's peace of mind, if the zoning of these properties clearly prohibited use of the access easement for more than the intended use of one residential dwelling per lot on the Waters and Donley/Hooks tracts.

I am attaching some exhibits that the Leifker's prepared in anticipation of speaking at last weeks public hearing that should help describe the situation, and a cover letter from the Leifker's which indicates their concerns.

I appreciate your assistance in considering this conditional overlay. Please let me know if you need any additional information.

<<Leifker property exhibits.pdf>>

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8/13/2008

Council Member

RE: Council Agenda Items 86 & 87, Tract L (The Waters Tract)

Council Member,

We have a private access easement through our property (6733 Hot Springs Drive) dating back about 60 years. Although the two households it serves (Waters and Donley/Hooks) are no longer land-locked and now have public right-of-way access through other parts of their properties, we have not sued to have them vacate the private easement because of the legal expense involved.

The private easement is written to support only the two households. Mrs. Waters told us that a condo development she wants to build on her property would have one owner (the HOA), and therefore would count as one household and would be eligible to send its traffic through the private easement on our land. Her attorney, Jeff Howard, conservatively estimates that a 30-unit condo development would mean an additional 300 or more daily car trips. We do not want this traffic going through our property for the following reasons:

- 1) the noise and pollution of 300 additional cars passing parallel to our backyard fence and 10 feet from our master bedroom;
- 2) the risk to our children's and our safety if someone crashes through our fence or into our house or yard;
- 3) our exposure to personal liability if someone has a wreck on our property;
- 4) our exposure to repair expenses if the increased traffic damages the concrete driveway.

We request that the Waters be given a conditional overlay to their zoning that will prohibit access from a development through our easement.

Thank you for your consideration.

Martin and Lynn Leifker
6733 Hot Springs Drive
Austin, TX 78749

P.S. Please see the attached visual aids showing our home and the Waters tract.

LEDGER
L1267
FILE NUMBER

SCALE: 1" = 20'

AILEEN M. HOOKS &
ROY N. DONLEY
VOL. 12604 PG. 984

MTV INVESTMENTS, L.P.
V. 11835 P. 688
(PROPOSED SHADOWRIDGE
CROSSING SECTION 12)

LEGEND

WOOD FENCE
A/C UNIT
ELECTRIC BOX
GAS METER
WATER METER
TELE. PED.
CATV. PED.
CONC. ELEC. M/M
ELEC. METER
IRON ROD FND.
IRON ROD SET
"X" SET

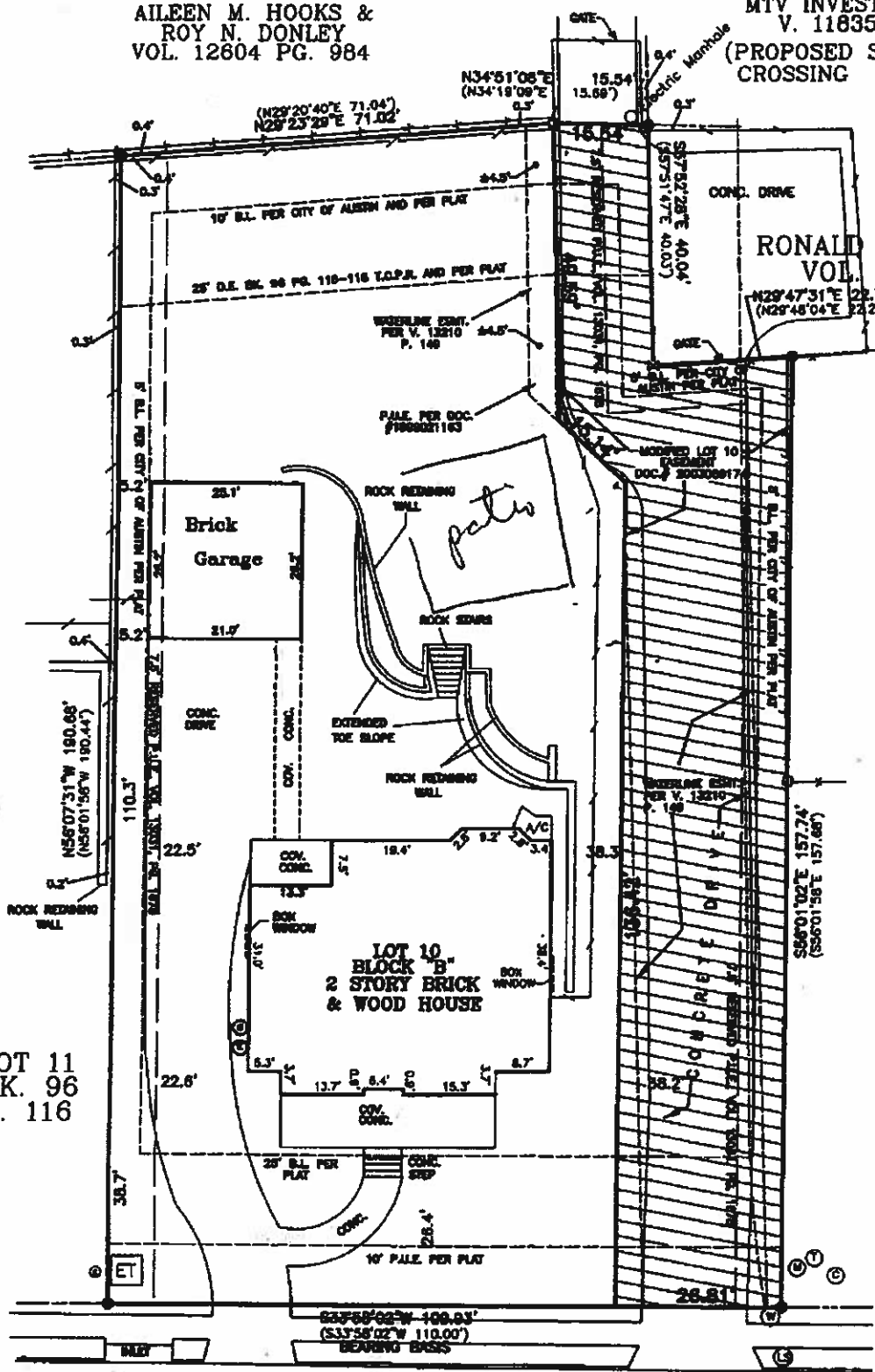
ACCESS EASEMENT

RONALD S. & J. B. WATERS
VOL. 12534 PG. 3404

SURVEYOR'S NOTES

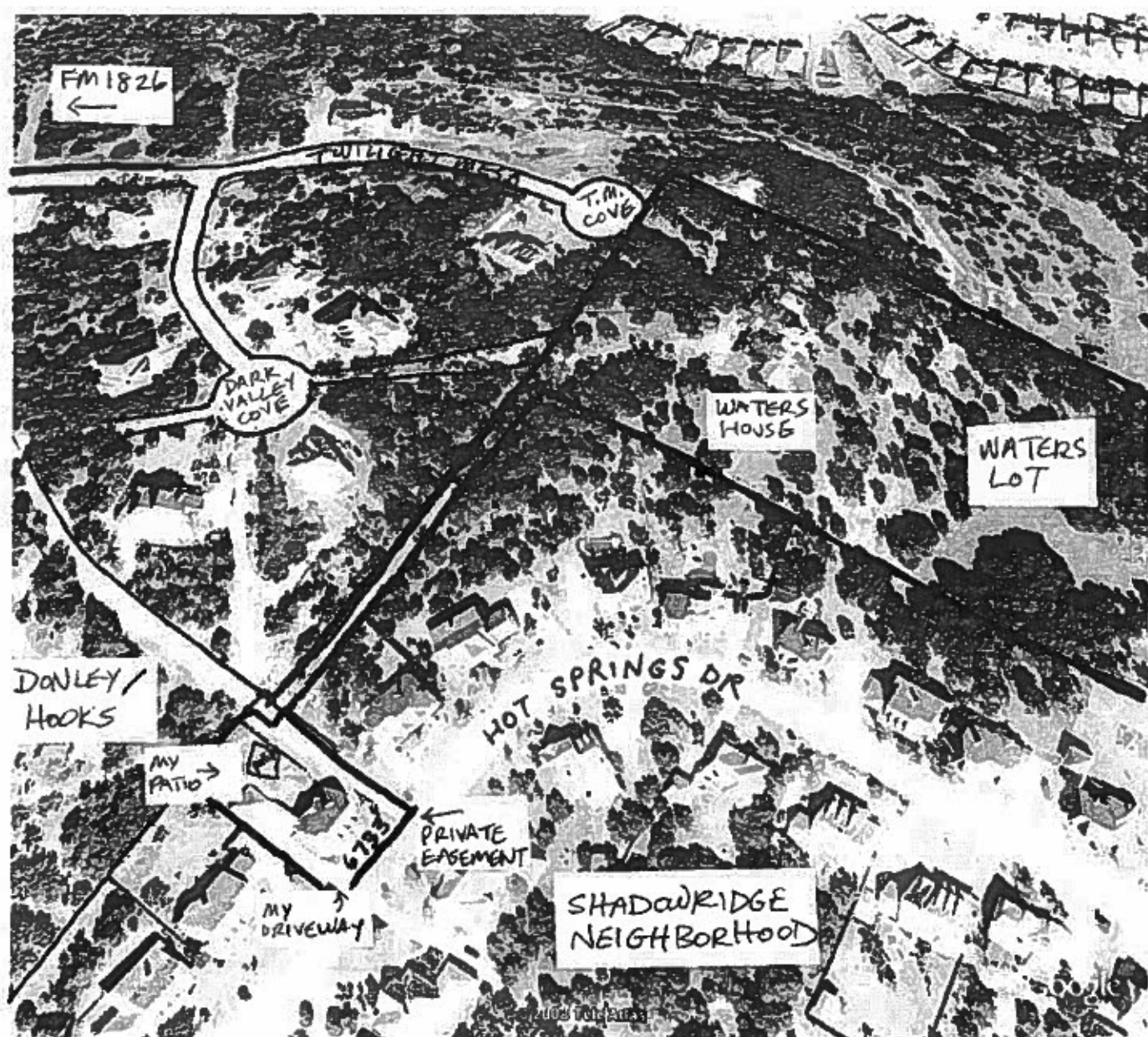
() DENOTES RECORD INFORMATION
ENR. RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY STEWART TITLE GUARANTY CO. PER COMMENTARY OF 7110140, SCHEDULE "B", PARAGRAPH 10.
ACCORDING TO STEWART TITLE GUARANTY CO.'S TITLE COMMITMENT LOT 10 IS SUBJECT TO BUILDING LINES, EASEMENTS, RIGHTS AND RESTRICTIONS AS STATED IN:
VOL. 12804, PG. 27; VOL. 13031, PG. 167R; VOL. 102, PG. 271-272; VOL. 94, PG. 116-118.
A PORTION OF THE 30' ACCESS EASEMENT IN VOL. 1982, PG. 11R; VOL. 3431, PG. 213R; VOL. 12804, PG. 17; AND FURTHER MODIFIED BY DOC. # 200312808, 200308974, AND 200408288, AND PARTIALLY WIDENED IN SMO DOC. # 200118708.
LOT 10 IS SUBJECT TO AN EASEMENT, UPON, ACROSS, OVER AND UNDER ALL OF THE PROPERTY FOR BUSINESS AND SERVICES IN CONNECTION WITH GASOLINE, REPLACING, REPAIRING AND MAINTAINING ALL UTILITIES, INCLUDING, BUT NOT LIMITED TO, WATER, GAS, TELEPHONES, ELECTRICITY, AND APPLIANCES THEREON AS DESCRIBED IN RESTRICTIONS OF RECORD IN VOL. 13031, PG. 167R.
LOT 10 IS SUBJECT TO A INSTALLATION AND MAINTENANCE EASEMENT, AS STATED ON THE RECORDED PLAT.
LOT 10 IS SUBJECT TO THE EASEMENT, RIGHTS AS STATED IN DOC. # 1988221183.
ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

LOT 9
BK. 96
P. 116



6733 HOT SPRINGS DRIVE





FM 1826
↗



William
Cannon

Escarpment
Blvd