

M E M O R A N D U M

TO: Gilda Powers, Urban Transportation Commission Coordinator
Austin Transportation Department

FROM: Chris Muraida, Real Estate Services Division
Contract and Land Management Department

DATE: June 3, 2010

SUBJECT: F#8794-1004 Partial Alley Vacation between Congress Avenue & Brazos Street and 2nd & 3rd Streets.

Attached are the departmental comments and other information pertinent to the referenced alley vacation. The area being requested for vacation will be redeveloped into a hotel complex. All affected departments and private utility franchise holders have reviewed this request and recommend approval, subject to area being retained as public utility and drainage easement.

Our office did not receive any objections in regards to this vacation.

The applicant has requested this item be submitted for placement on the June 8, 2010, Urban Transportation Commission Agenda for their consideration.

Staff contact: Chris Muraida at 974-7087 or landmanagement@ci.austin.tx.us.

Michael Whellan is the applicant for this vacation request, he may be contacted at 480-5734 or mwhellan@gdhm.com for additional information. Mr. Whellan will conduct a presentation at the meeting.



Chris Muraida
Real Estate Services Division

CONTRACT AND LAND MANAGEMENT DEPARTMENT

Attachments

DEPARTMENT COMMENTS FOR THE
PARTIAL ALLEY VACATION BETWEEN
CONGRESS AVENUE & BRAZOS STREET AND 2ND & 3RD STREETS

AT&T	YES, SUBJECT TO REQUIREMENT
AUSTIN ENERGY	RETAIN AS A PUBLIC UTILITY EASEMENT and DRAINAGE EASEMENT
AUSTIN TRANSPORTATION	YES, SUBJECT TO REQUIREMENT
AUSTIN WATER	RETAIN AS A PUBLIC UTILITY EASEMENT and DRAINAGE EASEMENT
CHIEF ENGINEER	APPROVE
CODE COMPLIANCE	APPROVE
CTM/GAATN	APPROVE
EMS	APPROVE
FIRE	APPROVE
GRANDE COMMUNICATIONS	APPROVE
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Engineering)	RETAIN AS A PUBLIC UTILITY EASEMENT and DRAINAGE EASEMENT
PLANNING & DEVELOPMENT REVIEW (Land Use Review-Transportation)	APPROVE
PLANNING & DEVELOPMENT REVIEW (Neighborhood Planning)	REFER TO PLANNING COMMISSION
PLANNING & DEVELOPMENT REVIEW (Urban Design)	YES, SUBJECT TO REQUIREMENT
PLANNING & DEVELOPMENT REVIEW (Zoning Review)	APPROVED
PUBLIC WORKS (Neighborhood Connectivity)	APPROVE
PUBLIC WORKS (Street & Bridge)	APPROVE
TELECOM & REGULATORY AFFAIRS	APPROVE
TEXAS GAS SERVICES	APPROVE
TIME WARNER	YES, SUBJECT TO REQUIREMENT
WATERSHED PROTECTION (Engineering)	RETAIN AS A PUBLIC UTILITY EASEMENT and DRAINAGE EASEMENT.



GRAVES DOUGHERTY HEARON & MOODY

A PROFESSIONAL CORPORATION

Michael J. Whellan
512.480.5734
512.480.5834 (fax)
mwhellan@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767

April 16, 2010

Public Works/Real Estate Services Division
City of Austin
505 Barton Springs Road, Suite 1350
Austin, Texas 78704
Attn: Chris Muraida

Re: Vacation of a Portion of the Alley in Block 18 of the
Original City of Austin

Dear Chris:

This firm represents Finley Company, which is the owner of Lots 1-4, the southern 14.7 feet of Lot 5, and Lots 10-12, Block 18 of the Original City of Austin, and Lack & Hurley, Inc., which owns Lots 7, 8 and 9 of Block 18. The attached application requests a vacation of a portion of the twenty-foot wide alley that runs between Second Street and Third Street. Block 18 is located within the Central Business District (CBD) and is not located within the UT Area. The portion of the alley to be vacated is 0.091 acres or 3,961 square feet of land, more or less, more particularly described by metes and bounds attached to the application, and is the southern portion of the alley extending approximately 198 feet from Second Street. The current request is to vacate the public access easement over this portion of the alley only, and an easement over the former alley for public utilities would be retained.

Finley Company and Lack & Hurley, Inc. own the lots on either side of the portion of the alley to be vacated (the "**Property**"); those tracts are currently zoned CBD. Lidia Perez and Cynthia Perez own a portion of Lot 6 of Block 18 (the "**Perez Property**"), which is not adjacent to the portion of the alley to be vacated, and have consented to the vacation of the southern portion of the alley being requested by Consent to Vacation of Alley; Release of Easement and Claims; and Quitclaim recorded under Document No. 2007187886 of the Official Public Records of Travis County, Texas (a copy of which is attached to this letter). Mary Ogden, Steven D. Ogden and Susan LaRoux, individually and as Co-Trustees of the Testamentary Trust created by the Will of Albert F. DeLoney, Deceased, and Mary Ogden, as Independent Executrix of Robert L. Ogden own the north 31.5 feet of Lot 5 and the south 23 feet of Lot 6 of Block 18 (the "**Ogden Property**"), and have consented to the vacation the southern portion of the alley being requested by Consent to Vacation of Alley (a copy of which is attached to this letter). As a result, the owners of all of the Lots in Block 18 have consented to the requested vacation of the southern portion of the alley.

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The purpose of this request is to allow the lots owned by Finley Company and Lack & Hurley, Inc. on either side of the portion of the alley to be vacated to be redeveloped as a single project. Finley Company and Lack & Hurley, Inc. have filed an application to zone the Property from CBD to CBD-CURE if the Property is redeveloped to consist of a hotel complex with a minimum of 700 rooms with accompanying ballrooms, large meeting rooms and other facilities to accommodate large conventions at the Austin Convention Center, which is located two blocks from the Property. The location of the alley in the middle of the Property prevents redevelopment for this use and necessitates the vacation of the alley.

The Property is currently used for surface parking. The Perez Property is currently used as a museum and has been proposed to also be used as a restaurant. The Ogden Property is currently used as a restaurant. The redevelopment of the Property would include parking adequate for the new use.

The alley in the block to the south, between Cesar Chavez and Second Street, and the alley in the block to the north, between Third Street and Fourth Street, have each been vacated. The vacation of the southern portion of the alley would allow the Property to be redeveloped as a unified development in the manner the blocks to the north and south of Block 18 have been developed, and would continue to allow access to the Perez Property and the Ogden Property.

On behalf of the owners of the Property, and with the consent and authorization of the owners of the other lots within Block 18, we respectfully request approval of the vacation of the southern portion of the alley to allow the redevelopment of the Property. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Whellan", with a horizontal line extending to the right.

Michael J. Whellan

Enclosures

cc Tim Finley
Mark Finley

APPLICATION FOR STREET OR ALLEY VACATIONFile No. 8794-1004

Department Use Only

DATE: 4/19/10

Department Use Only

TYPE OF VACATION

Vacation of a: Street: _____ or Alley: X Hundred Block: _____
Name of Street/Alley: A portion of the North/South alley bordered by Congress Avenue, 2nd Street, Brazos Street, and 3rd Street
Adjoins Property at the following street addresses: 201-213 N. Congress Avenue, 106 E. 2nd Street and 208 Brazos Street, Austin, Texas 78701
Purpose of vacation: Construction of a building that consists of a hotel with at least 700 rooms.

PROPERTY DESCRIPTION OF AREA TO BE VACATED

Parcel #: 02050205010000, 02050205020000, 02050205030000, 02050205070000, 02050205080000, and 02050205090000
Survey and Abstract No.: NA
Lot(s): Lots 1-4, 7-12, and the southern 14.7 feet of Lot 5, Block 18 Outlot: N/A
Subdivision Name: Original City of Austin
Plat Book _____ Page Number: _____ Document No _____

RELATED CASES:**FILE NUMBERS**

Existing Site Plan (circle one): YES/NO
Subdivision Case (circle one): YES/NO
Zoning Case (circle one): YES/NO

PROJECT NAME

Name of Development Project: 2nd and Congress East and 2nd and Congress West
Is this a S.M.A.R.T. Housong Project (circle one): YES/NO

OWNER INFORMATION (No. 1)

SIGNATURE: See attached authorization letter NAME: Tim Finley
FIRM NAME: Finley Company TELEPHONE NUMBER (512) 478-0885
STREET ADDRESS: P.O. Box 2086
CITY/STATE/ZIP: Austin, Texas 78768

OWNER INFORMATION (No. 2)

SIGNATURE: See attached authorization letter NAME: Tim Finley
FIRM NAME: Lack & Hurley, Inc. TELEPHONE NUMBER (512) 478-0885
STREET ADDRESS: P.O. Box 1742
CITY/STATE/ZIP: Austin, Texas 78767

APPLICANT INFORMATIONName: Michael J. Whellan

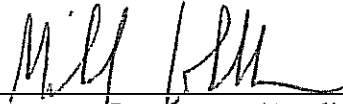
480-5734

480-5834(F)

Firm Name: Graves, Dougherty, Hearon & Moody, P.C.Address: 401 Congress Avenue, Suite 2200City: AustinState: TexasZip Code: 78701EMAIL ADDRESS: mwhellan@gdhm.com

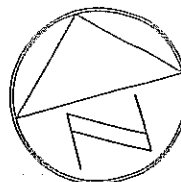
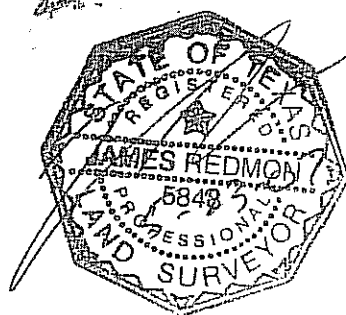
The undersigned Landowner/Applicant understands: 1) The application will be handled in accordance with the Policies and Procedures. 2) No action will be taken without payment of the non-refundable application fee or necessary documentation. 3) The application and fee in no way obligates the City to vacate the subject area. 4) It is further understood that **all** documents related to this transaction and a 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

ATTACHMENTS: METES AND BOUNDS
DESCRIPTION 221-002-ALVAC



SCALE
1"=30'

LINE TABLE		
No.	BEARING	LENGTH
L1	S73°25'05"E	20.00'
L2	N73°28'05"W	20.00'

LEGEND	
○	1/2" REBAR WITH PLASTIC CAP STAMPED "CHAPARRAL BOUNDARY" FOUND
◻	CALCULATED POINT
△	CONCRETE NAIL WITH "CHAPARRAL" SHINER FOUND

REMAINDER OF LOT 5
BLOCK 18
ORIGINAL CITY
OF AUSTIN

LOT 8
BLOCK 18
ORIGINAL CITY
OF AUSTIN

N73°28'05"W
160.04'

L1

PORION OF LOT 5
BLOCK 18
ORIGINAL CITY
OF AUSTIN

LOT 4
BLOCK 18
ORIGINAL CITY
OF AUSTIN

LOT 9
BLOCK 18
ORIGINAL CITY
OF AUSTIN

20 FOOT ALLEY

N16°34'55"E 198.06'

S16°34'55"W 198.04'

LOT 3
BLOCK 18
ORIGINAL CITY
OF AUSTIN

LOT 10
BLOCK 18
ORIGINAL CITY
OF AUSTIN

0.091 ACRES
(3,961 SQ. FT.)

LOT 2
BLOCK 18
ORIGINAL CITY
OF AUSTIN

LOT 11
BLOCK 18
ORIGINAL CITY
OF AUSTIN

LOT 1
BLOCK 18
ORIGINAL CITY
OF AUSTIN

LOT 12
BLOCK 18
ORIGINAL CITY
OF AUSTIN

P.O.B.

N73°28'05"W
160.04'

L2

S73°28'05"E
160.04'

2ND STREET
(80' R.O.W.)

DATE OF SURVEY: NOVEMBER, 2006
PLOT DATE: 05/23/07
DRAWING NO.: 221-002-ALVAC
PROJECT NO.: 221-002

Chaparral

