Item C-35 1 of 20

MEMORANDUM

TO: Andrew Rivera, Planning Commission Coordinator

Planning and Zoning Department

FROM: Eric J. Hammack, Real Estate Supervisor

Land Management Section
Office of Real Estate Services

DATE: December 1st, 2015

SUBJECT: F#9243-1308; F#9244-1308; F# 9245-1308; F#9246-1308

Vacation of: a 6,722 square foot portion of East Avenue; a 5,052 square foot portion of East Avenue; a 3,347 square foot portion of East Avenue, and; a 4,617 square foot portion of East Avenue. Said portions of Right-of-Way collectively abutting 801 Lambie Street, 803 Lambie Sreet, 805 Lambie Street, and 48 East

Avenue.

Attached are the departmental comments and other information pertinent to the referenced right of way vacations. The areas being requested for vacation have been proposed for redevelopment, however at this time a Site Plan has not been submitted to the Development Services Department for review. All affected departments and private utility franchise holders have reviewed this request and recommend approval, subject to retention of a Water & Wastewater easement, a Drainage Easement, a Utility Easement, and a Telecommunications Easement.

The Planning Commission heard this application on March 24th, 2015, and initially voted to postpone action on the Vacation so that options regarding a master plan for the Rainey Street district might first be considered, however City Legal informed the Commission that Chapter 14-11-73(B) of City Code states that "*The failure of a Commission to submit an objection to an application to the Director of the Public Works Department before the 31st day after receiving the application is a recommendation for approval of the application". As a result of this constraint, the Commission voted on April 7th, 2015, not to recommend the Vacation.*

After further meetings between the applicant, City staff, and adjacent property owners, the applicant has requested that this item be re-submitted for placement on the **December 8**th. **2015 Planning Commission Agenda** for their consideration.

Staff contact: Eric Hammack at 974-7079 or landmanagement@austintexas.gov

Applicant: Mr. Ben Turner, of Consort Inc., or his delegate will be present at the meeting to answer any questions regarding the project, if needed.

Eric J. Hammack, Real Estate Supervisor Land Management Section OFFICE OF REAL ESTATE SERVICES

Attachments

Item C-35 2 of 20

DEPARTMENT COMMENTS FOR THE VACATION OF A PORTION OF EAST AVENUE AT THE SOUTHEAST CORNER OF THE INTERSECTION OF LAMBIE STREET AND EAST AVENUE

AT&T RETAIN A UTILITY EASEMENT

AUSTIN ENERGY APPROVE

AUSTIN TRANSPORTATION DIRECTOR APPROVE

AUSTIN WATER RETAIN A WATER / WASTEWATER

EASEMENT

CAPITAL METRO APPROVE

CTM – GAATN APPROVE

EMS APPROVE

FIRE APPROVE

GRANDE COMMUNICATIONS APPROVE

PARD APPROVE

PLANNING & DEVELOPMENT REVIEW

(Land Use Review-Engineering)

RETAIN A DRAINAGE EASEMENT

PLANNING & DEVELOPMENT REVIEW

(Land Use Review-Transportation)

RETAIN A PUE

PLANNING & DEVELOPMENT REVIEW

(Neighborhood Planning)

REFER TO PLANNING COMMISSION

PLANNING & DEVELOPMENT REVIEW

(Urban Design)

APPROVE

PLANNING & DEVELOPMENT REVIEW

(Zoning Review)

APPROVE

PUBLIC WORKS APPROVE

TELECOM & REGULARTORY AFFAIRS APPROVE

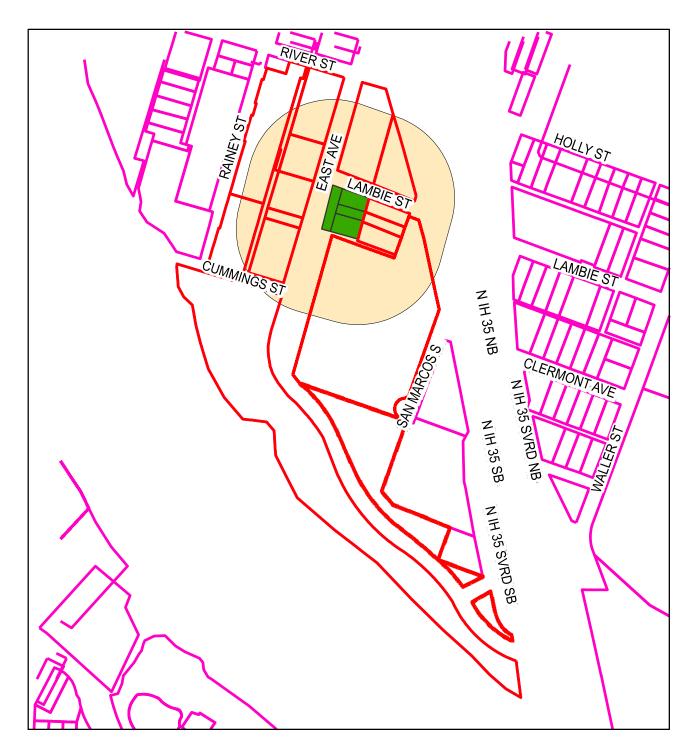
TEXAS GAS SERVICES RETAIN AN UTILITY EASEMENT

TIME WARNER RETAIN A TELECOMMUNICATIONS

EASEMENT

WATERSHED PROTECTION (Engineering) RETAIN A DRAINAGE EASEMENT

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Right-of-Way Vacation at East Avenue and Lambie Street



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Office of Real Estate Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by CBoas, 11/3/2014



August 21, 2013



Plannina

Engineering

Landscape Architecture

Entitlements

Ms. Jennifer Grant City of Austin Office ofReal Estate Services One Texas Center 505 Barton Springs Road, 4¹h Floor Austin, Texas 78704

Re: 805 Lambie Street

East Avenue ROW Vacation

Dear Ms. Grant:

On behalf of the owners, Benjamin B Turner, Jr., Trustee, we hereby respectfully request vacation of the portion of East Avenue right-of-way abutting 805 Lambie Street.

Lambie Street in the 800 block is a commercial property, adjacent to East Avenue. Both the subject property and the East Avenue right-of-way were originally created by the January, 1840 Austin Outlots plat (attached) and subsequently re-subdivided. East Avenue right-of-way has never been purchased by the City of Austin and the property and street have been previously developed.

Currently there are a number of utilities located within the area requested for vacation. We request all utility and transportation easement rights vacated within this area, save and except for the existing 72 inch stormwater pipe. An easement for this pipe will be reserved and granted. Utility services for the easements requested for release will no longer be needed by the owner; they need not be physically removed at this time.

The vacated area and the parent track are to be developed to the fullest extent possible, under its current zoning. No site plan has been submitted for review. The project is not part of a Unified Development Agreement, and is not a S.M.A.R.T. Housing Project.

The current zoning of the property and the general area is Central Business District (CBD). The property is bordered to the north by a vacant commercial lot, west by East Avenue, south and east by a fully developed commercial lot. No current parking facilities exist, though future development will require increased parking. This increase in parking will be addressed most likely a parking structure.

agreements or easements have been executed with adjacent landowners exist.

The area to be vacated lies within the Rainey District of the Downtown Austin Plan (DAP). Future development will meet DAP criteria.

Ms. Jennifer Grant Page2



Along with this letter, please find enclosed the following:

- Completed application form for right-of-way vacation
- Surveyor's sketch and metes and bounds of area to the vacated
- Surveyor's field notes of area to be vacated
- Copy of the current plat and original Austin Outlots Plat, both recorded
- Location Map
- Certified copy of owner's deed

Thank you for your time and consideration of this application. If you have any questions, concerns, or ifl can provide any additional information, please call me.

Sincerely,

CONSORT, INC.

Anna Hoge, RLA LEED AF

Item C-35 7 of 20

Anglication for Street or Alley Vacation
File No:::_='=11 DATE:
Department Use Only Department Use Only
TYPE OF VACATION
Type of Vacation: Street:; Alley:; ROW X Hundred Block: _<100
Name of Street/Alley/ROW: <u>East Avenue</u> Is it constructed: <u>Yes</u> No Property address: <u>805 Lambie Street</u>
Purpose of vacation:
PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED
Parcel#:
Survey & Abstract No.:
Subdivision Name: Dodgons Addition ==== Plat Book 61 Page Number 22 Document Number
Plat Book 61 Page Number 22 Document Number
Neighborhood Association Name: N/A
Address including zip code: 805 Lambie Street, Austin, TX 78701
RELATED CASES
Existing Site Plan (circle one): YEs 1Nf1
Subdivision: Case (circle one): YES I/NO
Zoning Case (circle one): \underline{IYESI}/NO $\underline{C14-04-0097}$
PROJECT NAME, if applicable:
Name of Development Project:Ncall-A:
Is this a S.M.A.R.T. Housing Project (circle one): YES IINQ] Is this within the Downtown Austin Plan Boundaries (circle one): YESV NO
Is this within the Downtown Austin Flan Boundaries (circle one). IT LOV NO
OWNER INFORMATION
N. Deniemie D. Terrer I. Terrer
Name: Benjamin B Turner, Jr., Trustee (as shown on Deed) Address: 1646 E. Cesar Chavez Phone: (!212) 469-0500 FaxNo.: @12) 474-2809
City: Austin County: TravJs State: TX Zip Code: 78702
Contact Person/Title: _B_e_n_T_u_r_n_e_r:Cell Phone: () Email Address:
(If multiple owners are joining in this request-complete names, addresses on each, must be attached.)
APPLICANT INFORMATION
Name: Ben Turner
Firm Name: Consort, Inc.
Address: 1646 E. Cesar Chavez
City: Austin State: TX Zip Code: 78702
Office No.: (51f 469-0500 Cell No.: () Fax No.: (513 784-4453
EMAIL ADDRESS: bturner@consortinc.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 bligate the City to vacate the subject area. 4) It is further understood that all documents related to this transaction and certified check for the "ap praised value" must be delivered to the City of Austin III:Qr to placing the item on the Council Agenda for final approval.

Landowner/Applicant

8 of 20 **EXHIBIT** SCALE: 1"=30' **LEGEND** TOWERS OF TOWN LAKE CONDOMINIUMS AMENDED 1/2• IRON ROO FNO. O 2. PIPE FNO. P.O.C. POINT OF COMMENCEMENT POINT OF BEGINNING P.O.B. R.P.R.T.C REAL f'ROPER1Y RECORDS 33.5' OF LOT 2 BLOCK 4 ELM GROVE SUBDIVISION BOOK. 2, PAGE 241 MO 000SONS ON BOOK. 61. PAGE 22 BENJAMIN B. TURNER TRUSTEE DOC. NO. 2012201017 O.P.R.T.C.T. VACATED ALLEY PER IY ORDINANCE 810702— TOWERS OF TOWN LAKE CONDOMINIUMS AMENDED P.O.CBEARING BASIS S 20"00'00"\1 66.64' S 20'00'00*VI 83.27' P.O.B.AREA TO BE VALATED. 6,722 SQ. FT. EAST AVENUE (200' R.O.W.) FIELD WORK N 60.00 00 E 66.64 DRAFTING SURVEY DATE: 06-06-13 06B04713_2 Job No.

1"=30"

SCALE:

ALL POINTS SURVEYING
1714 FORTVIEW, SUITE 200
AUSTIN TX. 78704
TELE: (512) 440-0071 - PAX: (512) 440-0199

August 21, 2013

Congort

Plannina

Engineering

Landscape Architecture

Entitlements

Ms. Jennifer Grant City of Austin Office of Real Estate Services One Texas Center 505 Barton Springs Road, 4¹h Floor Austin, Texas 78704

Re: 801 Lambie Street

East Avenue ROW Vacation

Dear Ms. Grant:

On behalf of the owner, Wm Terry Bray, Trustee, we hereby respectfully request vacation of the portion of East Avenue right-of-way abutting 801 Lambie Street.

Lambie Street in the 800 block is a commercial property, adjacent to East Avenue. Both the subject property and the East Avenue right-of-way were originally created by the January 1840 Austin Outlots plat (attached) and subsequently re-subdivided. East Avenue right-of-way has never been purchased by the City of Austin. The property and street have been previously developed.

Currently there are a number of utilities located within the area requested for vacation. We request all utility and transportation easement rights vacated within this area, save and except for the existing 72 inch stormwater pipe. An easement for this pipe will be reserved and granted. Utility services for the easements requested for release will no longer be needed by the owner; they need not be physically removed at this time.

The vacated area and the parent track are to be developed to the fullest extent possible, under its current zoning. No site plan has been submitted for review. The project is not part of a Unified Development Agreement, and is not a S.M.A.R.T. Housing Project.

The current zoning of the property and the general area is Central Business District (CBD). The property is bordered to the north by Lambie Street, west by East Avenue, south by a vacant commercial lot and east by a portion of a fully developed commercial lot. No current parking facilities exist, though future development will require increased parking. This increase in parking be most likely a parking structure.

No agreements or easements have been executed with adjacent landowners.

The area to be vacated lies within the Rainey District of the Downtown Austin Plan (DAP). Future development will meet DAP criteria.

Ms. Jennifer Grant Page2



Along with this letter, please find enclosed the following:

- Completed application form for right-of-way vacation
- Surveyor's sketch and metes and bounds of area to the vacated
- Surveyor's field notes of area to be vacated
- Copy of the current plat and original Austin Outlots Plat, both recorded
- Location Map
- Certified copy of owner's deed

Thank you for your time and consideration of this application. If you have any questions, concerns, or if I can provide any additional information, please call me.

Sincerely,

CONSORT, INC.

Anna Hoge, RLA LEED AP

Item C-35 11 of 20

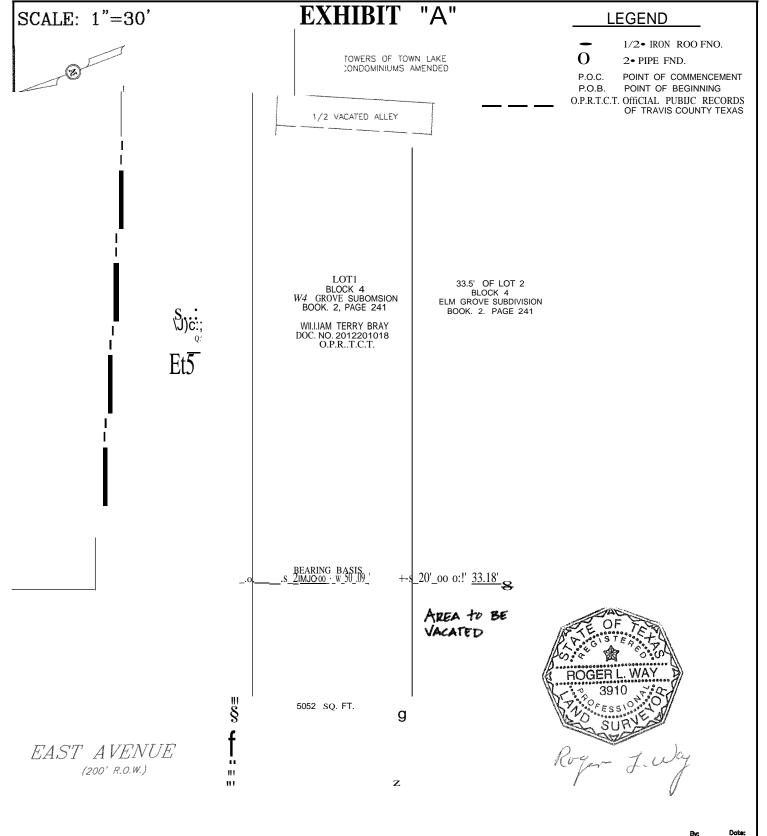
File No. 9244-1308 Application for Street or Alley Vacation 8-26-13
Department Use Only Department Use Only
TYPE OF VACATION
Type of Vacation: Street: ; Alley: ; ROW X Hundred Block: <100 Name of Street/Alley/ROW: East Avenue Is it constructed: Yes No
Property address: 801 Lambie Street
Purpose of vacation:
PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED
Parcel #: 188029 Survey & Abstract No.:
Survey & Abstract No.: Lot(s): 1 Block: 4 Outlot: 54-55 & 71, Div 0, plus 1/2 adj. vacated all Subdivision Name: Elm Grove Addition
Subdivision Name: Elm Grove Addition
Plat Book 2 Page Number 241 Document Number
Neighborhood Association Name: N/A
Address including zip code: 801 Lambie Street, Austin, TX 78701
RELATED CASES
Existing Site Plan (circle one): YES/NO
Subdivision: Case (circle one): YES /NO
Zoning Case (circle one): YES / NO C14-04-0097
PROJECT NAME, if applicable:
Name of Development Project: N/A
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
0\VNER INFORMATION
OWNER INFORMATION
Name: Wm. Terry Bray, Trustee (as shown on Deed)
Name: Wm. Terry Bray, Trustee (as shown on Deed) Address: 1646 E. Cesar Chavez Phone: (512 469-0500 Fax No.: (512 474-2809) City: Austin County: Travis State: TX Zip Code: 78702
City: Austin County: Travis State: TX Zip Code: 78702
Contact Person/Title: Ben Turner Cell Phone:
Email Address: bturner@consortinc.com
(If multiple owners are joining in this request - complete names, llddn sses on each, must be at!nched.)
APPLICANT INFORMATION
Name: Ben Turner
Firm Name: Consort, Inc. Address: 1646 E. Cesar Chavez
Address: 1646 E. Cesar Chavez City: Austin State: TX Zip Code: 78702
Address: 1646 E. Cesar Chavez
Address: 1646 E. Cesar Chavez City: Austin State: TX Zip Code: 78702

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Signed By: VVV Vy ...
Landowner/Applicate

Item C-35 12 of 20



N 20°00'00"E 50.09'



DRAFTING EL

SURVEY DATE: 06-06-13

Job No. 06B04713_4

SCALE: 1"=30"

06-05-13

FIELD WORK

ALL POINTS SURVEYING

1714 FORTVIEW, SUITE 200
AUSTIN TX. 78704
TELE: (512) 440-0071 - PAX: (512) 440-0199

13 of 20



August 21, 2013

Ms. Jennifer Grant City of Austin Office ofReal Estate Services One Texas Center 505 Barton Springs Road, 4th Floor Austin, Texas 78704 Plannina

Engineering

Landscape Architecture

Entitlements

Re: 803 Lambie Street

East Avenue ROW Vacation

Dear Ms. Grant:

On behalf of the owners, Allan L. Williams and Andrew J. Forsythe, we hereby respectfully request vacation of the portion of East Avenue right-of-way abutting 803 Lambie Street.

Lambie Street in the 800 block is a commercial property, adjacent to East Avenue. Both the subject property and the East Avenue right-of-way were originally created by the January 1840 Austin Outlots plat (attached) and subsequently re-subdivided. East Avenue right-of-way has never been purchased by the City of Austin. The property and street have been previously developed.

Currently there are a number of utilities located within the area requested for vacation. We request all utility and transportation easement rights vacated within this area, save and except for the existing 72 inch stormwater pipe. An easement for this pipe will be reserved and granted. Utility services for the easements requested for release will no longer be needed by the owner; they need not be physically removed at this time.

The vacated area and the parent tract are to be developed to the fullest extent possible, under its current zoning. No site plan has been submitted for review. The project is not part of a Unified Development Agreement, and is not a S.M.A.R.T. Housing Project.

The current zoning of the property and the general area is Central Business District (CBD). The property is bordered to the north by a vacant commercial lot, west by East Ave, south by a vacant commercial lot and east by a portion of a fully developed commercial lot No current parking facilities exist, though future development will require increased parking. This increase in parking be most likely a parking structure.

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Ms. Jennifer Grant Page2



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- Surveyor's sketch and metes and bounds of area to the vacated
- Surveyor's field notes of area to be vacated
- Copy of the current plat and original Austin Outlots Plat, both recorded
- Location Map
- Certified copy of owner's deed

Thank you for your time and consideration of this application. If you have any questions, concerns, or if ■ can provide any additional information, please call me.

Sincerely,

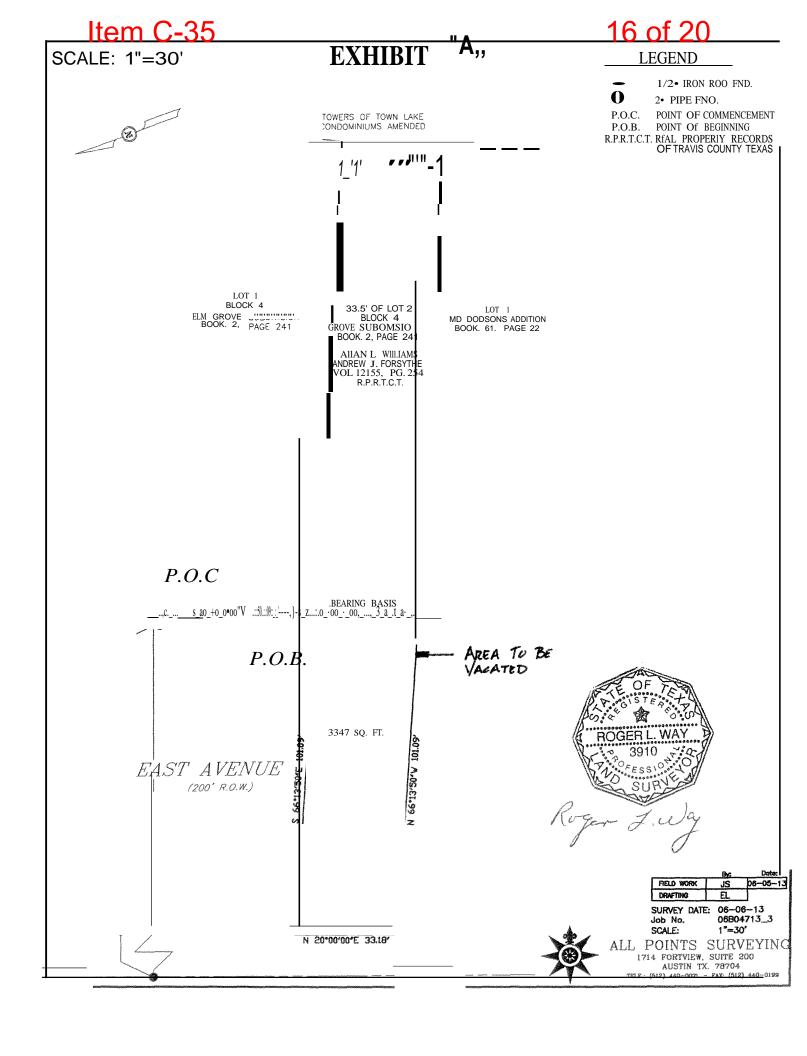
CQNSORT, INC.

Item C-35 15 of 20

File No. 9245 - 1308 Application for Streetor Alley Vacation 8 - 26 - 13
Department Use Only Department Use Only
TYPE OF VACATION
Type of Vacation: Street:; Alley:; ROW X Hundred Block: _<100
Name of Street/Alley/ROW: East Avenue Is it constructed: IYes No
Property address: 803 Lambie Street
Purpose of vacation:
PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED
Parcel #: 188028
Survey & Abstract No.: Lol(s): 33.5 ft Lot 2 Block: 4 Outlot: 54-55 & 71, Div 0, plus 1/2 adj. vacated alle
் இது அட்டுகள் இது
Plat Book 2 Page Number 241 Document Number
Neighborhood Association Name: N/A Address including zip code: 803 Lambie Street, Austin, TX 78701
Address including zip code: 803 Lamble Street, Austin, TX 78701
RELATED CASES
FILE NUMBERS
Existing Site Pbm (circle one): YES (NO)
Subdivision: Case (circle one): YES /NO
Zoning Case (circle one): YES/NO C14-04-0097
White disputation represents the second seco
PROJECT NAME, if applicable:
Name of Development Project: N/A
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: == (as shown on Deed)
Address: 1646 E. Cesar Chavez Phone: (512) 469-0500 Fax No.: (512) 474-2809 City: Austin County: Travis State: TX Zip Code: 78702
City. Austin County: 11avis State: 1A Zip Code: 78702
Contact Person/Title: Ben Turner Cell Phone: ()
Email Address: bturner@consortinc.com
(If multiple owners are joining in this request - complete names, addresses on each, must be attached.)
· · · · · · · · · · · · · · · · · · ·
_APPLICANT INFORMATION
Name: Ben Turner
Firm Name: Consort, Inc.
Address: 1646 E. Cesar Chavez
City: Austin State: TX Zip Code: 78702
Office No.: (513 469-0500 Cell No.: (_) Fax No.: (513 784-4453
-EMAIL ADDRESS: bturner@consortinc.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 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: Colombian Landowner/Applicant



17 of 20



August 21, 2013

Ms. Jennifer Grant City of Austin Office ofReal Estate Services One Texas Center 505 Barton Springs Road, 4th Floor Austin, Texas 78704 Planning

Engineering

Landscape Architecture

Entitlements

Re: 48 East Avenue

East Avenue ROW Vacation

Dear Ms. Grant:

On behalf of the owners, 48 East Avenue Partnership, we hereby respectfully request vacation of the portion of East Avenue right-of-way abutting 48 East Avenue.

East Avenue in this block is comprised of commercial properties. Both the subject property and the East Avenue right-of-way were originally created by the January 1840 Austin Outlots plat (attached) and subsequently re-subdivided. East Avenue right-of-way has never been purchased by the City of Austin. The property and street have been previously developed.

Currently there are a number of utilities located within the area requested for vacation. We request all utility and transportation easement rights vacated within this area, save and except for the existing 72 inch stormwater pipe. An easement for this pipe will be reserved and granted. Utility services for the easements requested for release will no longer be needed by the owner; they need not be physically removed at this time.

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The current zoning of the property and the general area is Central Business District (CBD). The property is bordered to the north, west, and south by fully developed commercial properties and to the east by East Avenue. No current parking facilities exist, though future development will require increased parking. This increase in parking will be addressed most likely with a parking structure.

No agreements or easements have been executed with adjacent landowners exist.

The area to be vacated lies within the Rainey District of the Downtown Austin Plan (DAP). Future development will meet DAP criteria.

Ms. Jennifer Grant Page2



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- Surveyor's field notes of area to be vacated
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- Certified copy of owner's deed

Thank you for your time and consideration of this application. If you have any questions, concerns, or if I can provide any additional information, please call me.

Sincerely,

CONSORT, INC.

Anna Hoge, RLA LEED AF

Item C-35 19 of 20

App!ICation for Street or Alley Vacation
File No;. DATE:
Department Use Only Department Use Only
mytha cart. a myor
TYPE OF VACATION
Type of Vacation: Street:; Alley:; ROW X Hundred Block: <100
Name of Street/Alley/ROW: East Avenue Is it constructed: Yes No
Property address: 48 East Avenue
Purpose of vacation:
PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED
Parcei#.º ^{ººº}
Survey & Abstract No.:=
Lot(s): 22 Block: A Outlot: Subdivision Name Barran And Andrew Barran Subdivision Name Barran Barra
Subdivision Name no Na
Plat Book 65 Page Number 56 Document Number
Neighborhood Association Name: .r.e.:, c:;;-:::-==-::
RELATED CASES
FILE NUMBERS
Existing Site Plan (circle one): YES t1Njl
Subdivision: Case (circle one): YES /NO
Zoning Case (circle one): [ffi]!NO C14-04-0082
<u> </u>
PROJECT NAME, if a licable:
Name of Development Project: .::;N''-''/-'A::.:===
Is this n S.MAR.T. Housing Project (circle one): YES IIIIQ] Is this within the Downtown Austin Plan Boundaries (circle one): YESV NO
Is this within the Downtown Austin Plan Boundaries (circle one): ILSV NO
OWNER INFORMATION
Name: 48 East Avenue Partnership (as shown on Deed)
Address: 1646 E. Cesar Chavez Phone: 12) 469-0500 Fax No.: @1474-2809
City: Austin County: Trav s State: TX Zip Code: 78702
Contact Develop/Titles, Don Tramon
Contact Person/Title: Ben Turner Email Address: btu_rne_r@_c_o_n_s_o_r:t;i-n-c c_o_m Cell Phone: LJ
(If multiple owners are joining in this request-complete names, addresses on each, must be attached.)
(in multiple owners are joining in this request-complete names, addresses on each, must be attached.)
APPLICANT INFORMATION
THE DESIGNATION OF THE PROPERTY OF THE PROPERT
Name: Ben Turner
Firm Name: Consort, Inc.
Address: 1646 E. Cesar Chavez
City: Austin State: TX Zip Code: 78702
July
Office No.: (513 469-0500 Cell No.: () Fax No.: (513 784-4453
EMAIL ADDRESS: <u>bturner@consortinc.com</u>

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By: Many Hugy Landowner/Application

