

ORDINANCE NO. 20171109-024

AN ORDINANCE VACATING APPROXIMATELY 8,470 SQUARE FEET OF RIGHT-OF-WAY BEING THAT UNCONSTRUCTED PORTION OF VIOLA STREET, ALSO KNOWN AS CHRISTOPHER STREET, LOCATED NORTH OF COPELAND STREET, EAST OF CHRISTOPHER STREET, AND WEST OF THE 900 BLOCK OF SOUTH 2ND STREET, TO 1ST STREET HIGHLANDS, LP.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Council approves the vacation of approximately 8,470 square feet of right-of-way being that unconstructed portion of Viola Street, also known as Christopher Street, located North of Copeland Street, East of Christopher Street, and West of the 900 block of South 2nd Street, to 1st Street Highlands, LP, described in Exhibit A, which is attached to and incorporated as part of this ordinance.

PART 2. A water line easement is reserved over the entire area of the vacation by the City.

PART 3. A drainage easement and a sidewalk, trail, and recreational easement will be reserved by the City over the portion of the vacation described in Exhibit B, which is attached to and incorporated as part of this ordinance.

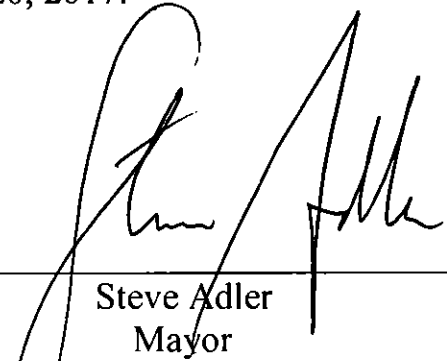
PART 4. 1st Street Highlands LP has posted funds with the City in the amount of \$27,987 which is the appraised fair market value of the interests in the land being vacated, and these funds will be deposited after approval of this ordinance.

PART 5. This ordinance takes effect on November 20, 2017.

PASSED AND APPROVED


_____, November 9, 2017

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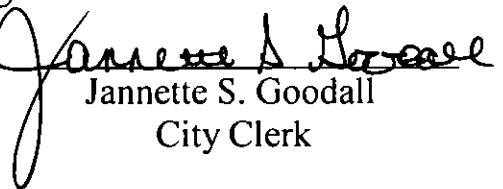
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

EXHIBIT " A "
F# _____

R.O.W. VACATION-VIOLA STREET
(A.K.A. CHRISTOPHER STREET)

**FIELD NOTES
TO ACCOMPANY EXHIBIT**

0.194 ACRE OR 8,470 SQUARE FEET OF LAND, MORE OR LESS, BEING THAT PORTION OF VIOLA STREET (AKA CHRISTOPHER STREET) A 30 FOOT WIDE RIGHT-OF-WAY, AS DEDICATED PER OAK CLIFF ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN VOL. 3, PG. 81, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING ADJACENT TO THAT CERTAIN TRACT DESCRIBED AS "TRACT 2" AS CONVEYED TO 1ST STREET HIGHLANDS, LP, BY DEED AS RECORDED IN DOC. NO. 2012127029, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found capped: 'H.Carson' at the intersection of the northeast right-of-way line of said Viola Street with the northwest right-of-way line of S. 2nd Street, a 40 foot wide right-of-way, for the Southeast corner of Lot 1, Block 2, Oak Cliff Addition, same being the most Southerly Southeast corner of said Lot 1A, Amended Plat of Lots 9 and 10 Abe Williams Subdivision and Lot 1, Block 2, Oak Cliff Addition, a subdivision in Travis County, Texas, according to the map or plat as recorded in Doc. No. 201500263, Official Public Records, Travis County, Texas, for the Northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: S 28°20'09" W 30.00 feet, crossing Viola Street, along the projected northwest right-of-way line of S. 2nd Street, to a calculated point for the Northeast line of Lot 1, Block 3, Oak Cliff Addition, for the Southeast corner of the herein described tract;

THENCE: N 61°47'27" W at 123 feet, along the southwest right-of-way line of Viola Street and the northeast line of said Lot 1, Block 3, passing the northwest corner of Lot 1, Block 3, and the northeast corner of a 12 foot strip of land (a presumed 12' alley) as shown on the plat of said Oak Cliff Addition, and continuing along the same course for a total distance of 213.55 feet to a calculated point in the west line of the said Oak Cliff Addition, same being in the east line of Linscomb & Linscomb Subdivision, a subdivision (of Lot 4 Block B of the original subdivision of the Bouldin Portion of the Isaac Decker League) in Travis County, Texas, according to the map or plat as recorded in Vol. 3, Pg. 157, Plat Records, Travis County, Texas, for a corner of the herein described tract, from which a 1/2" iron rod found for the Northeast corner of Lot 7, Block 4, Linscomb & Linscomb Subdivision, bears S 02°39'12" E 33.92 feet;

THENCE: along the common dividing line of Oak Cliff Addition and Linscomb & Linscomb Subdivision, the following three (3) courses:

- 1) N 02°39'12" W 1.08 feet to a calculated point;
- 2) N 56°58'48" W 67.67 feet to a calculated point;

EXHIBIT " A "

F# _____

**R.O.W. VACATION-VIOLA STREET
(A.K.A. CHRISTOPHER STREET)**

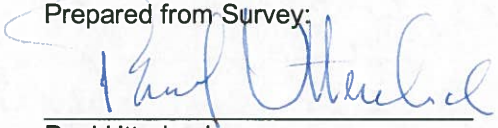
3) N 09°32'54" W 29.62 feet to a calculated point for the most Southerly corner of Lot 7, Block 2 and the Southwest corner of Lot 6, Block 2, Oak Cliff Addition, same being for a corner of Viola Street, for the Northwest corner of the herein described tract;

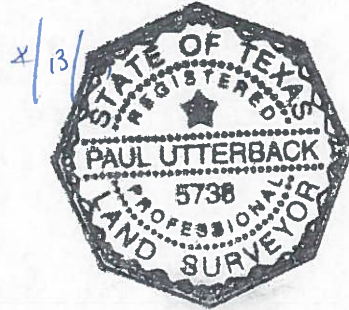
THENCE: along the northeast right-of-way line of Viola Street, same being the southwest line of Lots 6, 5, 4, 3, 2 and 1 (respectively), Block 2, Oak Cliff Addition, the following two (2) courses:

- 1) S 61°52'52" E 250.09 feet to a 1/2" iron rod found for the Southeast corner of Lot 2, Block 2, and the Southwest corner of Lot 1, Block 2, same being the most Southerly Southwest corner of said Lot 1A;
- 2) S 61°18'41" E 49.66 feet the **POINT OF BEGINNING** and containing 0.194 Acre or 8,470 square feet of land, more or less.

Bearings cited hereon are based on Texas State Plane Coordinate System (NAD 83), Central Zone (GRID).

Prepared from Survey:


Paul Utterback
Registered Professional Land Surveyor No. 5738
April 12, 2017



References:

TCAD MAP 01-0201 Property ID: 101704, 101703, 101692, 101693
Austin Grid H-21
MAPSCO 614H

OK 

Reference: First Street Highlands GP, LLC

Address: 1000 S. 2nd Street, Austin, Texas
RIGHT-OF-WAY VACATION: 0.194 Acre (8,470 square feet) of land, more or less, being that portion of VIOLA STREET (aka Christopher Street), a 30 foot right-of-way, as dedicated per OAK CLIFF ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 3, Pg. 81, Plat Records, Travis County, Texas, and being adjacent to that certain tract described as "Tract 2" as conveyed to 1st Street Highlands, LP by deed as recorded in Doc. No. 2012127029, Official Public Records, Travis County, Texas.

LEGEND	
●	1/2" (IRF) IRON ROD FOUND
○	1/2" (I.D.) IRON PIPE FOUND
△	CALCULATED POINT
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY TEXAS
()	PROPERTY HOOK (SHOWING OWNERSHIP)
()	RECORD INFORMATION
()	RIGHT OF WAY
P.O.B.	POINT OF BEGINNING
—100YR—	CITY OF AUSTIN FULLY DEVELOPED 100 YEAR FLOOD PLAIN
—CWQZ—	CRITICAL WATER QUALITY ZONE

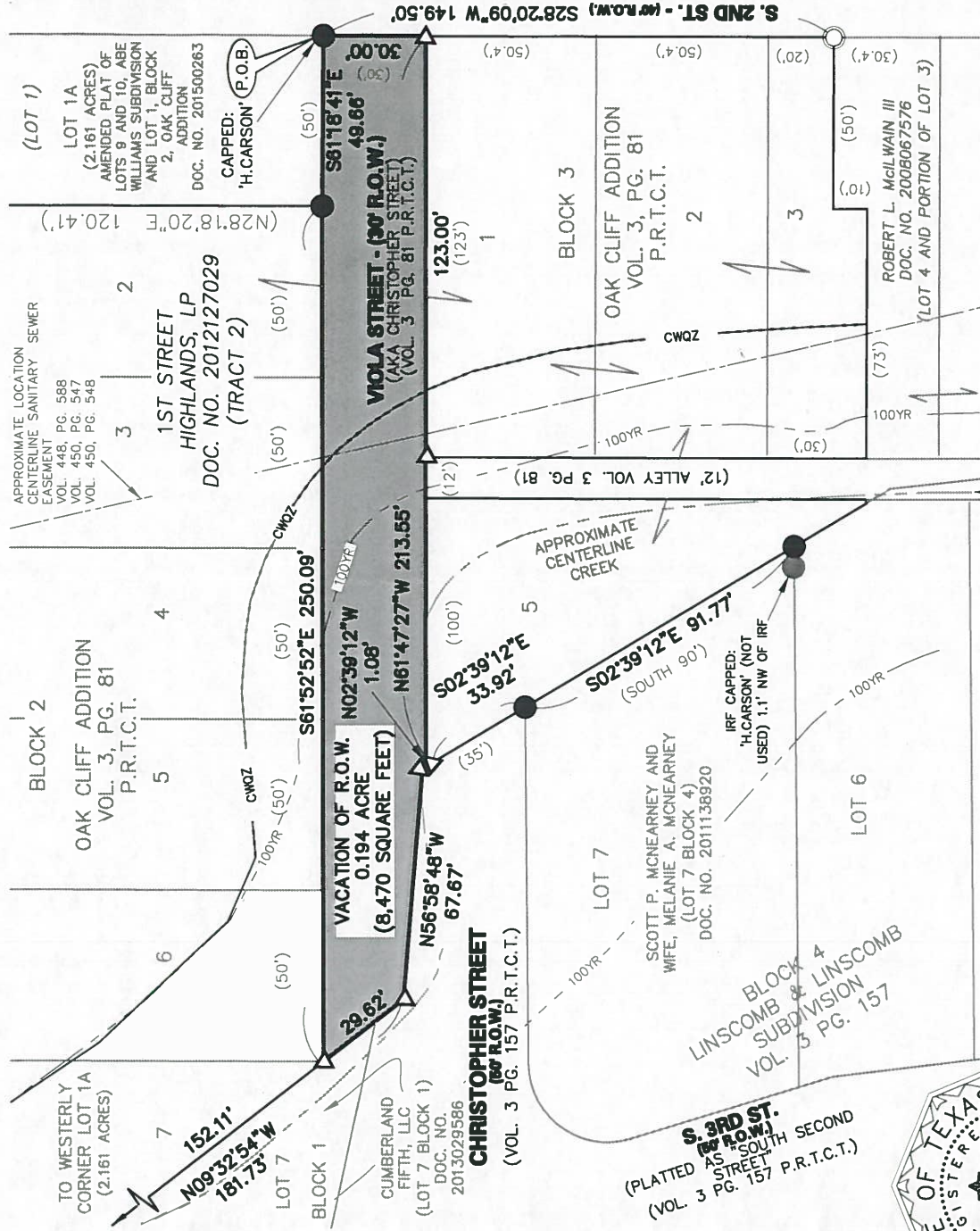
Surveyor's Note:
Bearings cited hereon are based on are based Texas State Plane Coordinate System, (NAD83), Central Zone (GRID).

Prepared from Survey:

Paul Utterback, RPLS No. 5738
Client: First Street Highlands GP, LLC
Date of Field Work: 5/2/16, 10/4/16 & 2/1/17
Tech: MBolton
Date Drawn: 4/11/17
Path: Projects\BULK\1stStS902-Bouldin\Production\Dwgs\EXHIBIT_VACATION-VIOLA_170405.dwg

EXHIBIT " "

ATS Job # 17011928S



SCALE: 1"=50'



ellean merritt's
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Engineers
Inspectors
& Surveyors
www.ats-engineers.com
TBPLS FIRM REG. #10126000
4910 West Hwy 290
AUSTIN, TEXAS 78735

(512) 328-6695
FAX: (512) 328-6696

F# _____

**FIELD NOTES
TO ACCOMPANY EXHIBIT**

0.094 ACRE OR 4,095 SQUARE FEET OF LAND, MORE OR LESS, BEING A PORTION OF VIOLA STREET (AKA CHRISTOPHER STREET) A 30 FOOT WIDE RIGHT-OF-WAY, AS DEDICATED PER OAK CLIFF ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN VOL. 3, PG. 81, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING ADJACENT TO THAT CERTAIN TRACT DESCRIBED AS "TRACT 2" AS CONVEYED TO 1ST STREET HIGHLANDS, LP, BY DEED AS RECORDED IN DOC. NO. 2012127029, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron rod found in the northeast right-of-way line of said Viola Street, for the Southerly Southwest corner of Lot 1A, Amended Plat of Lots 9 and 10 Abe Williams Subdivision and Lot 1, Block 2, Oak Cliff Addition, a subdivision in Travis County, Texas, according to the map or plat as recorded in Doc. No. 201500263, Official Public Records, Travis County, Texas, same being at the Southeast corner of Lot 2, Block 2, of said Oak Cliff Addition, from which a 1/2" iron rod found capped 'H. Carson' at the intersection of the northeast right-of-way line of said Viola Street with the northwest right-of-way line of S. 2nd Street, a 40 foot wide right-of-way, for the Southeast corner of Lot 1, Block 2, Oak Cliff Addition, same being the most Southerly Southeast corner of said Lot 1A, bears S 61°18'41" E 49.66 feet;

THENCE: N 61°52'52" W 126.19 feet along the northeast right-of-way line of Viola Street and the Southwest line of Lots 2, 3 and 4, Block 2, Oak Cliff Addition, to a calculated point for the Northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: crossing Viola Street, the following three (3) courses:

- 1) S 45°57'30" E 29.84 feet to a calculated point;
- 2) S 15°36'28" E 13.95 feet to a calculated point;
- 3) S 02°37'20" W 13.32 feet to a calculated point at the projected intersection of the southwest right-of-way line of Viola Street, with the north line of a 12 foot strip of land (a presumed 12' alley) as shown on the plat of said Oak Cliff Addition, for the Southeast corner of the herein described tract;

THENCE: N 61°47'27" W 81.88 feet, along the southwest right-of-way line of Viola Street, to a calculated point in the west line of the said Oak Cliff Addition, same being in the east line of Linscomb & Linscomb Subdivision, a subdivision (of Lot 4 Block B of the original subdivision of the Bouldin Portion of the Isaac Decker League) in Travis County, Texas, according to the map or plat as recorded in Vol. 3, Pg. 157, Plat Records, Travis County, Texas, for a corner of the herein described tract, from which a 1/2" iron rod found for the Northeast corner of Lot 7, Block 4, Linscomb & Linscomb Subdivision, bears S 02°39'12" E 33.92 feet;

THENCE: along the common dividing line of Oak Cliff Addition and Linscomb & Linscomb Subdivision, the following three (3) courses:

- 1) N 02°39'12" W 1.08 feet to a calculated point;
- 2) N 56°58'48" W 67.67 feet to a calculated point;

EXHIBIT " B "

F# _____

DRAINAGE EASEMENT

3) N 09°32'54" W 29.62 feet to a calculated point for the most Southerly corner of Lot 7, Block 2 and the Southwest corner of Lot 6, Block 2, Oak Cliff Addition, same being for a corner of Viola Street, for the Northwest corner of the herein described tract;

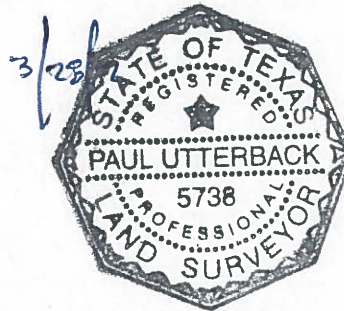
THENCE: S 61°52'52" E 123.89 feet, along the northeast right-of-way line of Viola Street, same being the southwest line of Lots 6, 5, 4, and 3 (respectively), Block 2, Oak Cliff Addition, to the **POINT OF BEGINNING** and containing 0.094 Acre or 4,095 square feet of land, more or less.

Bearings cited hereon are based on Texas State Plane Coordinate System (NAD 83), Central Zone (GRID).

Prepared from Survey:




Paul Utterback
Registered Professional Land Surveyor No. 5738
March 22, 2017



References:

TCAD MAP 01-0201 Property ID: 101704, 101703, 101692, 101693
Austin Grid H-21
MAPSCO 614H



Reference: First Street Highlands GP, LLC

Address: 1000 S. 2nd Street, Austin, Texas
DRAINAGE EASEMENT: 0.094 Acre (4,095 square feet) of land, more or less, being a portion of VIOLA STREET (aka Christopher Street), a 30 foot right-of-way, as dedicated per OAK CLIFF ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 3, Pg. 81, Plat Records, Travis County, Texas, and being adjacent to that certain tract described as "Tract 2" as conveyed to 1st Street Highlands, LP by deed as recorded in Doc. No. 2012127029, Official Public Records, Travis County, Texas.

LEGEND	
●	1/2" (IRF) IRON ROD FOUND
○	1/2" (I.D.) IRON PIPE FOUND
Δ	CALCULATED POINT
P.U.E.	PUBLIC UTILITY EASEMENT
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY TEXAS
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY TEXAS
()	PROPERTY HOOK (SHOWING OWNERSHIP)
()	RECORD INFORMATION
()	RIGHT OF WAY
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
100'YR	CITY OF AUSTIN FULLY DEVELOPED 100 YEAR FLOOD PLAIN
CWQZ	CRITICAL WATER QUALITY ZONE

LINE DATA TABLE	
LINE	BEARING
L1	S45°57'30"E
L2	S15°36'28"E
L3	S02°37'20"W

Surveyor's Note:
Bearings cited hereon are based on are based Texas State Plane Coordinate System, (NAD83), Central Zone (GRID).

Prepared from Survey:

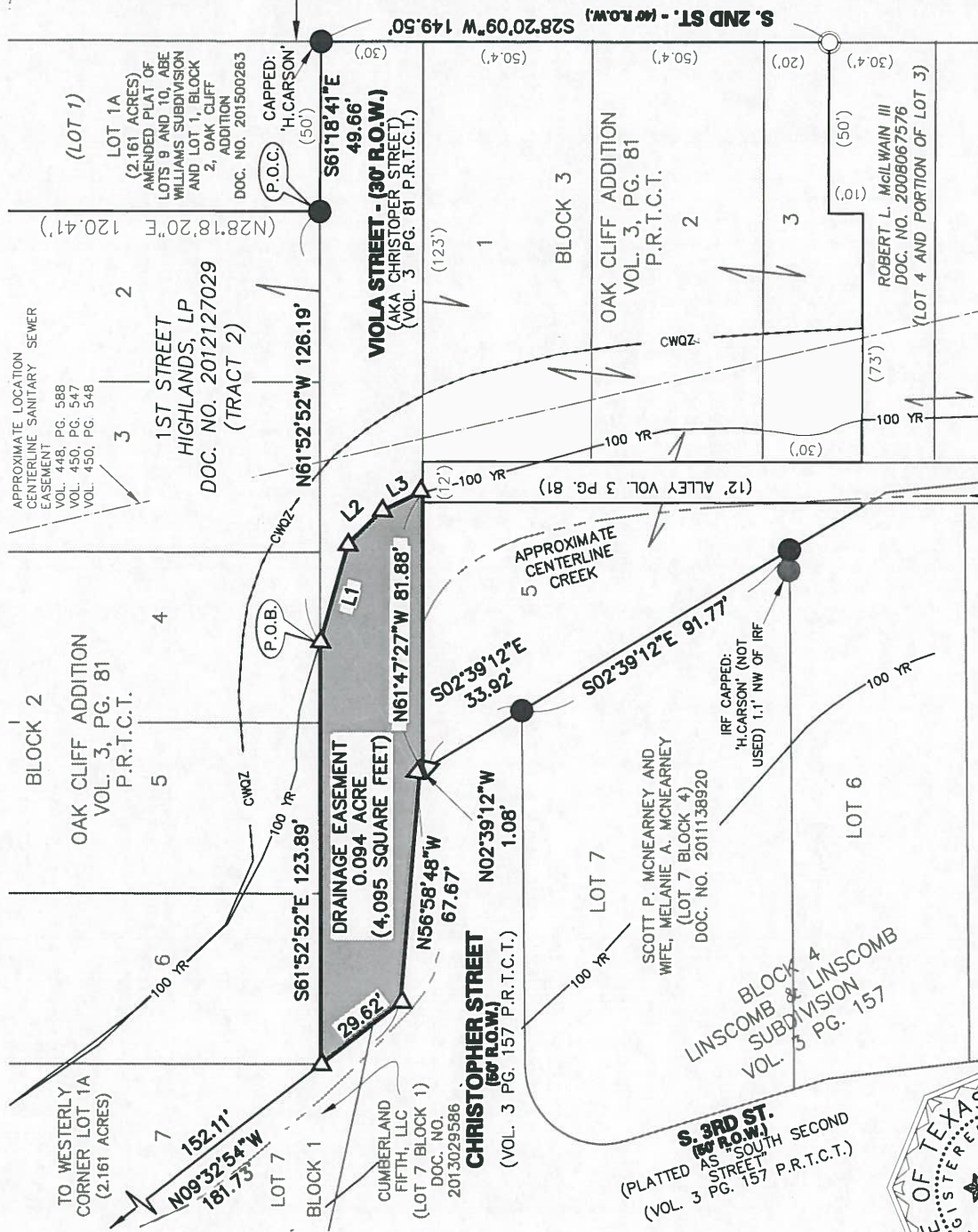
Paul Utterback, RPLS No. 5738
Client: First Street Highlands GP, LLC
Date of Field Work: 5/2/16, 10/4/16 & 2/1/17
Tech: MBolton

Date Drawn: 3/22/17

Path: Projects\BULK\1stStS902-Bouldin\Production\Dwgs\EXHIBIT_DE_170322.dwg

EXHIBIT " "

ATS Job # 17011928s



eileen merritt's
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Engineers
Inspectors
& Surveyors
www.ats-engineers.com
TBP/LS FIRM REG. #10126000
4910 West Hwy 290
AUSTIN, TEXAS 78735

(512) 328-6895
FAX: (512) 328-6898

EXHIBIT "___"
F# _____

PUBLIC RECREATION EASEMENT

**FIELD NOTES
TO ACCOMPANY EXHIBIT**

0.119 ACRE OR 5,186 SQUARE FEET OF LAND, MORE OR LESS, BEING A PORTION OF VIOLA STREET (AKA CHRISTOPHER STREET) A 30 FOOT WIDE RIGHT-OF-WAY, AS DEDICATED PER OAK CLIFF ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS RECORDED IN VOL. 3, PG. 81, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING ADJACENT TO THAT CERTAIN TRACT DESCRIBED AS "TRACT 2" AS CONVEYED TO 1ST STREET HIGHLANDS, LP, BY DEED AS RECORDED IN DOC. NO. 2012127029, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron rod found in the northeast right-of-way line of said Viola Street, for the Southerly Southwest corner of Lot 1A, Amended Plat of Lots 9 and 10 Abe Williams Subdivision and Lot 1, Block 2, Oak Cliff Addition, a subdivision in Travis County, Texas, according to the map or plat as recorded in Doc. No. 201500263, Official Public Records, Travis County, Texas, same being at the Southeast corner of Lot 2, Block 2, of said Oak Cliff Addition, from which a 1/2" iron rod found capped 'H. Carson' at the intersection of the northeast right-of-way line of said Viola Street with the northwest right-of-way line of S. 2nd Street, a 40 foot wide right-of-way, for the Southeast corner of Lot 1, Block 2, Oak Cliff Addition, same being the most Southerly Southeast corner of said Lot 1A, bears S 61°18'41" E 49.66 feet;

THENCE: N 61°52'52" W 63.47 feet along the northeast right-of-way line of Viola Street and the Southwest line of Lots 2 and 3, Block 2, Oak Cliff Addition, to a calculated point for the Northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE: S 11°02'54" W 31.73 feet, crossing Viola Street, to a calculated point in the southwest right-of-way line of Viola Street, same being in the Northeast line of Lot 1, Block 3, Oak Cliff Addition, for the Southeast corner of the herein described tract;

THENCE: along the southwest right-of-way line of Viola Street, N 61°47'27" W at 19.30 feet passing the northwest corner of Lot 1, Block 3, and the northeast corner of a 12 foot strip of land (a presumed 12' alley) as shown on the plat of said Oak Cliff Addition, and continuing along the same course for a total distance of 109.85 feet to a calculated point in the west line of the said Oak Cliff Addition, same being in the east line of Linscomb & Linscomb Subdivision, a subdivision (of Lot 4 Block B of the original subdivision of the Bouldin Portion of the Isaac Decker League) in Travis County, Texas, according to the map or plat as recorded in Vol. 3, Pg. 157, Plat Records, Travis County, Texas, for a corner of the herein described tract, from which a 1/2" iron rod found for the Northeast corner of Lot 7, Block 4, Linscomb & Linscomb Subdivision, bears S 02°39'12" E 33.92 feet;

THENCE: along the common dividing line of Oak Cliff Addition and Linscomb & Linscomb Subdivision, the following three (3) courses:

- 1) N 02°39'12" W 1.08 feet to a calculated point;
- 2) N 56°58'48" W 67.67 feet to a calculated point;

EXHIBIT "___"

F# _____

PUBLIC RECREATION EASEMENT

3) N 09°32'54" W 29.62 feet to a calculated point for the most Southerly corner of Lot 7, Block 2 and the Southwest corner of Lot 6, Block 2, Oak Cliff Addition, same being for a corner of Viola Street, for the Northwest corner of the herein described tract;

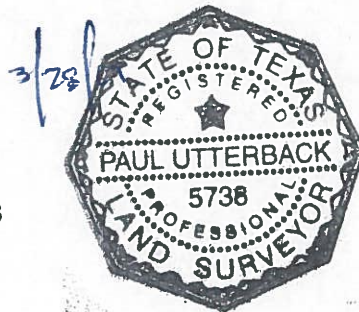
THENCE: S 61°52'52" E 186.62 feet, along the northeast right-of-way line of Viola Street, same being the southwest line of Lots 6, 5, 4, and 3 (respectively), Block 2, Oak Cliff Addition, to the **POINT OF BEGINNING** and containing 0.119 Acre or 5, 186 square feet of land, more or less.

Bearings cited hereon are based on Texas State Plane Coordinate System (NAD 83), Central Zone (GRID).

Prepared from Survey:

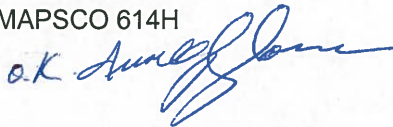


Paul Utterback
Registered Professional Land Surveyor No. 5738
March 22, 2017



References:

TCAD MAP 01-0201 Property ID: 101704, 101703, 101692, 101693
Austin Grid H-21
MAPSCO 614H



Reference: First Street Highlands GP, LLC

Address: 1000 S. 2nd Street, Austin, Texas
PUBLIC RECREATION EASEMENT: 0.119 Acre (5,186 square feet) of land, more or less, being a portion of **VIOLA STREET (aka Christopher Street)**, a 30 foot right-of-way, as dedicated per OAK CLIFF ADDITION, a subdivision in Travis County, Texas, as recorded in Vol. 3, Pg. 81, Plat Records, Travis County, Texas, and being adjacent to that certain tract described as "Tract 2" as conveyed to 1st Street Highlands, LP by deed as recorded in Doc. No. 2012127029, Official Public Records, Travis County, Texas.

LEGEND	
●	1/2" (IRF) IRON ROD FOUND
○	1/2" (I.D.) IRON PIPE FOUND
Δ	CALCULATED POINT
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P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
—100YR—	CITY OF AUSTIN FULLY DEVELOPED 100 YEAR FLOOD PLAIN
—CWQZ—	CRITICAL WATER QUALITY ZONE

Surveyor's Note:

Bearings cited hereon are based on are based Texas State Plane Coordinate System, (NAD83), Central Zone (GRID).

Prepared from Survey:

Paul Utterback

Paul Utterback, RPLS No. 5738

Client: First Street Highlands GP, LLC

Date of Field Work: 5/2/16, 10/4/16 & 2/1/17

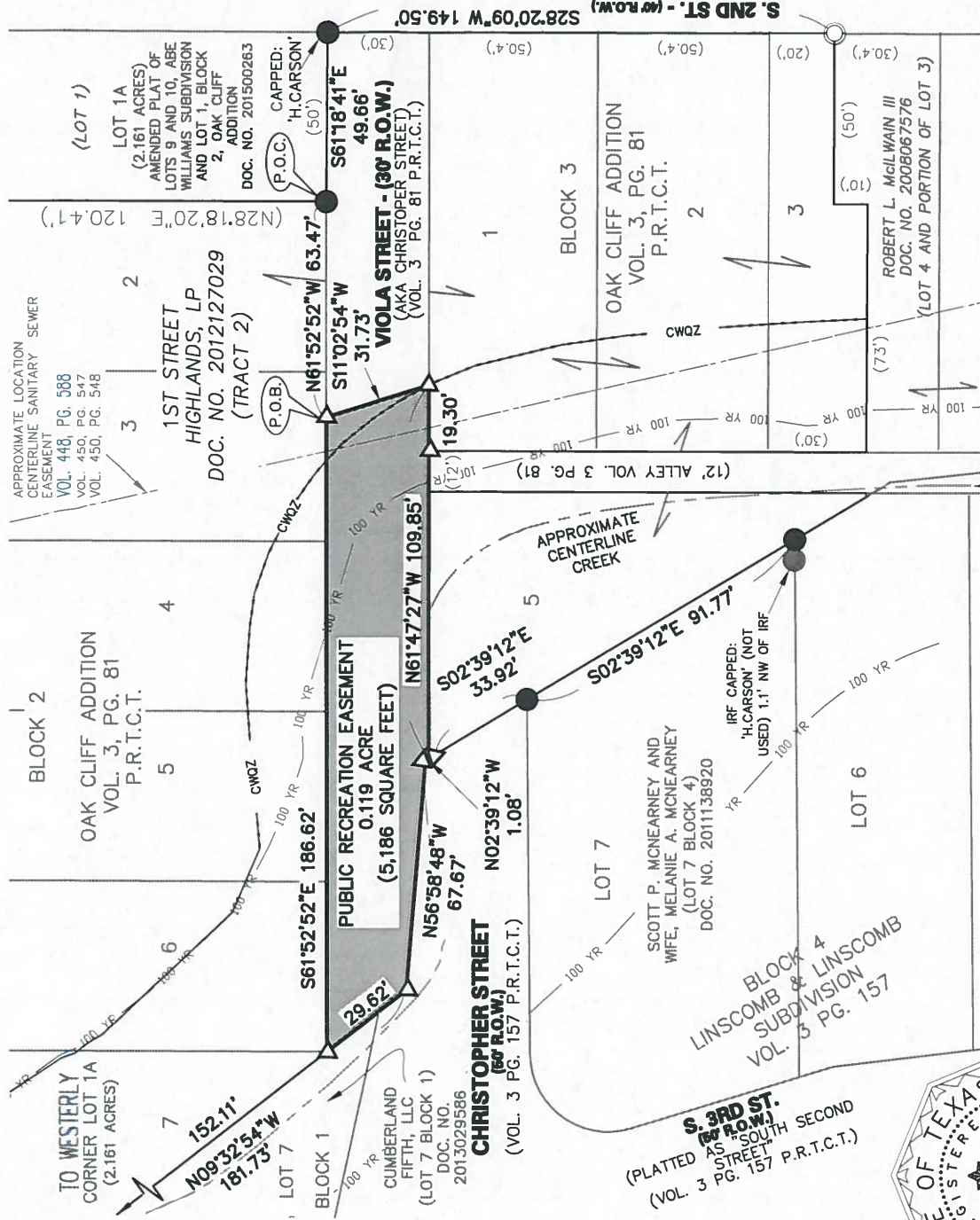
Tech: MBolton

Date Drawn: 3/22/17

Path: Projects\BULK\1stStS902-Bouldin\Production\Drawings\EXHIBIT_REC ESMT_170313.dwg

EXHIBIT " "

ATS Job # 17011928s



SCALE: 1"=50'



ATS
eileen meritt's
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TBPLS FIRM REG. #10126000

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AUSTIN, TEXAS 78735

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FAX: (612) 328-6988