MEMORANDUM

TO: Fayez Kazi, Chair
    Planning Commission Members

FROM: Andy Halm, Senior Property Agent
      Land Management Section
      Office of Real Estate Services

DATE: October 15, 2019

SUBJECT: F# 10115-1903 – Sub-surface Encroachment of a portion of East Cesar Chavez Street, Comal Street and Willow Street Alley Right-of-Way by a parking garage near the intersection of East Cesar Chavez Street and Comal Street.

Attached are the departmental comments and other information pertinent to the referenced right of way encroachment. The area being requested for encroachment will be used for parking garage for a new commercial building (office and retail). All affected departments and private utility franchise holders have reviewed this request and recommend approval.

The applicant has requested that this item be submitted for placement on the October 22, 2019, Planning Commission Agenda for their consideration.

Staff contact: Andy Halm at 974-7185 or landmanagement@austintexas.gov

Applicant: Alejandra Flores

Property Owner: 1500 CC, LLC

Ms. Alejandra Flores and property owner will be present at the meeting to answer any questions regarding the project, if needed.

Andy Halm, Senior Property Agent
Land Management Division

OFFICE OF REAL ESTATE SERVICES

Attachments
DEPARTMENTAL SUMMARY OF COMMENTS
F# 10115-1903 FOR THE ENCROACHMENT OF A PORTION OF WEST CESAR
CHAVEZ STREET, COMAL STREET AND WILLOW STREET ALLEY RIGHT OF
WAY BY THE PROPOSED SUB-SURFACE PARKING GARAGE.

CONDITIONAL APPROVAL COMMENTS

AT&T
ASSESSMENT: Approval is subject to relocation of AT&T facilities. – David Williams, AT&T

AUSTIN RESOURCE RECOVERY
ASSESSMENT: ARR has four commercial customers at 1519 E Cesar Chavez St, with garbage and recycle carts in alley way. Services would be put on hold during construction, but please make sure all carts are kept on site and in a safe place. – Michael Zavala, Austin Resource Recovery

AUSTIN WATER
ASSESSMENT: Austin Water (AW) has no objection to the subsurface encroachment of a portion of East Cesar Chavez Street, Comal Street and Willow Street Alley. The encroachment is a proposed subsurface, 0.0744 acre (3,240 sq. ft.) parking garage.

At East Cesar Chavez Street there is an existing 12-inch ductile iron water main near by the proposed area of the encroachment. At Comal Street there is an 8-inch concrete wastewater main & at the Willow Street Alley there is a 2.5-inch cast iron water main and 6-inch concrete wastewater main within the proximity of proposed encroachment area.

The applicant provided new exhibits showing the distance between the proposed encroachment and all existing AW infrastructures is more than the minimum horizontal separation of 5-ft.by UCM 2.9.2 B (2) and 2.9.4. C (4). – Angela Baez, Austin Water

GOOGLE
ASSESSMENT: Google has permits to install facilities on the northwest corner of the proposed site within the next 6 months. Developer to coordinate with Google Fiber in the installation of parking garage. - Lorena Valdez, Google
| APPROVED COMMENTS                          |  |
|-------------------------------------------|  |
| • DEVELOPMENT SERVICES Planning Review    | • PARKS & RECREATION  |
| • AUSTIN ENERGY                           | • DEVELOPMENT SERVICES Land Use Review (Engineering) |
| • TRANSPORTATION                          | • DEVELOPMENT SERVICES Land Use Review (Transportation) |
| • CAPITAL METRO                           | • PLANNING & ZONING Neighborhood Planning  |
| • TRANSPORTATION (Mobility Bonds)         | • PLANNING & ZONING Urban Design  |
| • CTM-GAATN                               | • PLANNING & ZONING Zoning Review  |
| • EMS                                     | • PUBLIC WORKS (Office of City Engineer)  |
| • FIRE                                    | • PUBLIC WORKS (Sidewalks & Special Projects)  |
| • TIME WARNER CABLE/CHARTER               | • WATERSHED PROTECTION Engineering  |
| • GRANDE COMMUNICATIONS                   | • PUBLIC WORKS (Safe Route to School)  |
| • TEXAS GAS                               | • PUBLIC WORKS (Urban Trails)  |
Proposed Right-Of-Way Subsurface Encroachment at East Cesar Chavez Street, Comal Street, and Alley

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 MMcDonald, 10/16/2019
MEMORANDUM
Case No.: 10115-1903
Date: March 27, 2019

SUBJECT: ENCROACHMENT OF STREET RIGHT OF WAY

( ) Lucy Cabading AT&T ( ) Laura Author DSD (Drainage Engineering)
( ) Eben Kellogg Austin Energy – Electric Review ( ) Sangeeta Jain DSD (Transportation Planning)
( ) Mike Turner Austin Resource Recovery ( ) Mark Walters PAZ (Long Range Planning)
( ) Rob Spiller ATD Review ( ) Humberto Rey PAZ (Urban Design)
( ) Angela Baez AWU – Infrastructure Mgmt. ( ) Wendy Rhoades PAZ (Zoning Review)
( ) Roberto Gonzalez Capital Metro ( ) David Boswell PWD – Office of City Eng’r
( ) Carlo DeMatos CTM – GAATN ( ) Eric Dusza PWD – Sidewalk & Special Proj
( ) Milissa Warren EMS ( ) Aleksilina Chapman PWD – Urban Trails
( ) Sonny Pelayo Fire ( ) Amir Emamian PWD – Safe Route to School
( ) Fredrick Ritter Google ( ) Aaron Diaz Texas Gas
( ) Daniel Pina Grande Communication ( ) Timothy White Time Warner
( ) Robynne Heymans PARD ( ) Annabel Ulary WPD (Engineering)
( ) Ron Menard Building Review ( ) Gregory Pepper ATD - Mobility Bond

A request has been received for sub-surface encroachment of a portion of East Cesar Chavez Street, Comal Street and Willow Street Alley. The encroachment is a proposed sub-surface, 0.0744 acres (3,240 square feet) parking garage. The total area of the encroachment is approximately 0.0744 acres, 3,240 square feet located at 1501 East Cesar Chavez Street, Austin, Texas.

Please review this request and return your comments to Andy Halm (974-7185), email address: landmanagement@austintexas.gov or Fax: 974-7088. Physical address: Office of Real Estate Services, 505 Barton Springs Road, Suite 1350. Due Date: April 16, 2019.

APPROVAL: ______ YES ______ No

Comments: 

Imagine Austin Comprehensive Plan - - - (CITY OF AUSTIN REVIEWERS ONLY):
Please also review the Vacation request based on the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan (page 186).

Comments: 

Reviewed by: __________________________ Telephone: ______________

Date: ________________________________
Application for an Encroachment Agreement

File No. **1015-1903**

1. **TYPE OF ENCROACHMENT**

<table>
<thead>
<tr>
<th>Encroachment Type:</th>
<th>Aerial</th>
<th>X Sub-surface</th>
<th>Surface</th>
</tr>
</thead>
</table>

   List TYPE OF ENCROACHMENT to be placed on Public Property: **Sub-surface Parking Garage**

   Has encroachment been installed prior to application: **Yes**

   Adjoins property at the following street address: **1501 E Cesar Chavez**

2. **PROPERTY DESCRIPTION OF ENCROACHMENT AREA**

   Parcel #: 0202051306, 0202051308, 0202051310
   Survey & Abstract No. ____________________________
   Lot(s) 6, 7, 8, 9 & 10 Block 1 Outlot 34 & 36
   Subdivision Name: D/W O WELCH
   Plat Book ____________________________ Page Number ____________ Document Number 2018038115, 2018038118, 2017169819
   County/Records: Travis County; **Deed** Real Property Official Public

   NOTE: Attach three dimensional metes and bounds survey of Encroachment area.

3. **RELATED CASES**

   Existing Site Plan: **YES**
   Subdivision: Case: **YES / NO**
   Building Permit: **YES / NO**

   **FILE NUMBERS**

   5P-2018-0526C

4. **APPLICANT INFORMATION**

   Name: **Sergio Lopez-PLS**
   Firm Name: **LOC Consultants, Civil Division, Inc**
   Address: 1715 E. 7th Street City: **Austin**
   Zip: 78702 Phone: (512) 524-0677 Fax No.: (**)
   EMAIL ADDRESS: **Muxloc@locmvi.com**

5. **DEVELOPER INFORMATION**

   Name: **Austin Pfiester**
   Firm Name: **1500 CC LLC**
   Address: PO Box 688 City: **Georgetown**
   Zip: 78627 Phone: (**) Fax No.: (**)**
6. LANDOWNER INFORMATION

<table>
<thead>
<tr>
<th>Name:</th>
<th>VCC LLC</th>
</tr>
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<tbody>
<tr>
<td>Address:</td>
<td>PO BOX 688</td>
</tr>
<tr>
<td>City:</td>
<td>Georgetown</td>
</tr>
<tr>
<td>State:</td>
<td>Texas</td>
</tr>
<tr>
<td>Zip:</td>
<td>78627</td>
</tr>
<tr>
<td>Phone:</td>
<td>(512)371-7614</td>
</tr>
<tr>
<td>Fax No.:</td>
<td></td>
</tr>
<tr>
<td>Leasholder Name:</td>
<td>N/A</td>
</tr>
<tr>
<td>Leasholder Address:</td>
<td></td>
</tr>
<tr>
<td>Leasholder Phone Number:</td>
<td></td>
</tr>
<tr>
<td>Fax Number:</td>
<td></td>
</tr>
</tbody>
</table>

(If multiple owners are joining in this request – complete names, addresses on each, must be attached.)

7. LICENSEE INFORMATION, if other than Landowner (Tenant)

<table>
<thead>
<tr>
<th>Name:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
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</tr>
<tr>
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</tr>
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<td>Fax No.:</td>
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</tr>
<tr>
<td>Contact Person:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
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</tr>
</tbody>
</table>

I the undersigned Applicant declare that the information provided in this application is true and correct. I have read and understand that the processing of this Application will be handled in accordance with the Procedure for Requesting an Encroachment Agreement and that no action on processing will be taken without payment of the non-refundable processing fee. I understand that acceptance of this application and fee in no way obligates the City to enter into an Encroachment Agreement. I understand that the value of the Right-of-Way, if allowed to be encroached, will be determined by the City of Austin, Real Estate Services Division, a certified check will be required before scheduling an agenda item for Council review and Certificate of Insurance must be presented before an agreement, if approved, is executed. It is further understood that the City is not responsible for any cost or inconvenience incurred by the Applicant when the application is not approved.

Signed By: [Signature]

Applicant

Please check the appropriate box.

- [ ] Landowner
- [ ] Tenant
- [x] Agent for Landowner
- [ ] Agent for Tenant
EXHIBIT “ ”

(Encroachment Agreement)
East Cesar Chavez Street, Comal Street & Alley

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.0744 ACRES (3,240 SQUARE FEET), BEING A PORTION OF EAST CESAR CHAVEZ STREET (PLATTED AS EAST WATER STREET – 60’ RIGHT-OF-WAY), COMAL STREET (60’ RIGHT-OF-WAY) AND ALLEY (18’ RIGHT-OF-WAY) ALL OF WHICH BEING PUBLIC RIGHTS-OF-WAYS WITH THE CITY OF AUSTIN, AND BEING ADJACENT TO LOT 6, LOT 7, LOT 8, LOT 9 AND LOT 10, BLOCK “1” SUBDIVISION OF OUTLOTS 34 AND 36 DIVISION “O” AUSTIN MADE BY DR. S.M. WELCH, A SUBDIVISION RECORDED IN VOLUME 1, PAGE 28 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), SAID LOT 6 CONVEYED TO 1500 CC, LLC IN DOCUMENT NO. 2017169819 OF THE (O.P.R.T.C.T.), SAID LOT 7 AND LOT 8 CONVEYED TO 1500 CC, LLC IN DOCUMENT NO. 2018038118 OF THE (O.P.R.T.C.T.), AND SAID LOT 9 AND LOT 10 CONVEYED TO 1500 CC, LLC IN DOCUMENT NO. 2018038115 OF THE (O.P.R.T.C.T.), SAID 0.0744 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a chiseled “X” in concrete found for the intersection of the south right-of-way line of said East Cesar Chavez Street and the west right-of-way line of said Comal Street, and being the northeast corner of said Lot 10, and being an interior ell-corner in the west line and POINT OF BEGINNING hereof;

THENCE, with the south right-of-way line of said East Cesar Chavez and the north line of said Lot 6, Lot 7, Lot 8, Lot 9 and Lot 10, N69°34’36”W, passing at a distance of 122.16 feet a 1-inch iron pipe found for the northwest corner of said Lot 9 being the northeast corner of said Lot 8, and passing at 239.14 feet a 5/8-inch iron rod found for the northwest corner of said Lot 7 being the northeast corner of said Lot 6, in all a distance of 277.04 feet to a calculated point for an exterior ell-corner in the west line hereof, from which a calculated point (from which a 1/2-inch iron pipe found bears S19°47’20”W, a distance of 0.64 feet) for the northwest corner of said Lot 6 and the northeast corner of Lot 5 of said Welch Subdivision conveyed to Louis Tash in Document No. 2002124680 of the (O.P.R.T.C.T.) bears, N69°34’36”W, a distance of 16.71 feet;

THENCE, leaving the north line of said Lot 6, over and across said East Cesar Chavez Street, said Comal Street and said Alley the following five (5) courses and distances:

1) N20°25’24”E, a distance of 8.92 feet to a calculated point for the northwest corner hereof,
2) S69°34’36”E, a distance of 279.33 feet to a calculated point for the northeast corner hereof,
3) S20°25’24”W, a distance of 128.67 feet to a calculated point for the southeast corner hereof,
4) N69°34’36”W, a distance of 279.33 feet to a calculated point for the southwest corner hereof,
5) N20°25’34”E, a distance of 1.75 feet to a calculated point for an exterior ell-corner in the west line hereof, being in the north right-of-way line of said Alley and being in the south line of said Lot 6, from which a calculated point (from which a 1/2-inch iron pipe found bears S19°47’20”W, a distance of 0.64 feet) for the southwest corner of said Lot 6, and being the southeast corner of said Lot 5 bears, N69°34’36”W, a distance of 17.05 feet;
THENCE, with the north right-of-way line of said Alley and the south line of said Lot 6, Lot 7, Lot 8, Lot 9 and Lot 10, S69°34'36"E, passing at a distance of 43.10 feet a 1/2-inch iron rod found for the southeast corner of said Lot 6, being the southwest corner of said Lot 7, passing at 160.26 feet a 1/2-inch iron pipe found for the southeast corner of said Lot 8 and the southwest corner of said Lot 9, in all a distance of 277.22 feet to a 1/2-inch iron rod found for the intersection of the west right-of-way line of said Comal Street and the north right-of-way line of an Alley (18' right-of-way), being the southeast corner of said Lot 10, and being the most southerly southwest corner hereof;

THENCE, with the east line of said Lot 10 and the west right-of-way line of said Comal Street, N20°20'00"E, a distance of 118.00 feet to the POINT OF BEGINNING, and containing 0.0744 acres (3,240 square feet) of land, more or less.

**Elevation Note:** This encroachment easement begins at an elevation of 420 feet (NAVD 88) and extends to an elevation of 465 feet (NAVD 88). This 3D encroachment agreement has a volume of 145,800 cubic feet.

**NOTE:**
Surveyed on the ground December 21, 2017. All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000057074708. See attached sketch (reference drawing: 00629-EA-3D-1.dwg)

2/26/19
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC
TBPLS Firm #10174300

TCAD # 188887, 188889 & 188891
COA GRID # J-21 & K-21
EAST CESAR CHAVEZ STREET
(PLATTED AS EAST WATER STREET)
(60' R.O.W.)

LOT 4

OWNERS:
TODD A.
CAMPBELL
DOC.
#2010029677
O.P.R.T.C.T.

118.00'

520'35.34"N

LOT 5

OWNERS:
LOUIS TASH
DOC.
#2002124680
O.P.R.T.C.T.

118.00'

[180'35.25"E 118.00'

LOT 6

[1]

[58.50']

LOT 7

MATION:

[60.11']

LOT 16

LOT 15

LOT 17

ALLEY (18' R.O.W.)

[F]

[16.71']

[5/8']

[58.49']

(58.50')

[60.15']

[58.58']

[17.05']

[43.10']

[0] 30

GRAPHIC SCALE: 1" = 30'

0.0744 ACRE
ENCROACHMENT
AGREEMENT
City of Austin,
Travis County, Texas

OWNER:
1500 CC, LLC
DOC. #2017169819
O.P.R.T.C.T.

[C]

OWNER:
1500 CC, LLC
DOC. #2018038118
O.P.R.T.C.T.

[D]

OWNER:
1500 CC, LLC
DOC. #2018038115
O.P.R.T.C.T.

[E]
EAST CESAR CHAVEZ STREET
(PLATTED AS EAST WATER STREET)
(60’ R.O.W.)

P.O.B.
GRID N: 10,067,371.44
GRID E: 3,118,819.53

LOT 8
[ ] BLOCK "1"
SUBDIVISION
OF OUTLOTS 34 AND 46
DIVISION "O" AUSTIN,
MADE BY DR. S.M. WELCH
VOL. 1, PG. 28, P.R.T.C.T.

LOT 9;
LOT 10

LOT 13

[ ] APPROXIMATE LOCATION OF
CAPITAL VIEW CORRIDOR
FROM PLEASANT VALLEY ROAD
AT LAKESHORE DRIVE
PER TEXAS STATE BILL NO. 644
(SEE NOTE #3)

[ ] APPROXIMATE LOCATION OF
CAPITAL VIEW CORRIDOR
FROM PLEASANT VALLEY ROAD
AT LAKESHORE DRIVE
AS INTERPRETED BY THE CITY OF AUSTIN
(SEE NOTE #3)

0.0744 ACRE
ENCROACHMENT AGREEMENT
City of Austin,
Travis County, Texas

Date: 2/26/2019
Project: 00629
Scale: 1” = 30’
Reviewer: PRB
Tech: CC
Field Crew: TF/FG
Survey Date: DEC. 2017
Sheet: 2 OF 3

4WARD Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

P:\00629\Dev\00629_Encroachment Agreement.dwg
0.0744 ACRE ENCROACHMENT AGREEMENT
City of Austin, Travis County, Texas

**LINE TABLE**

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<th>DIRECTION</th>
<th>LENGTH</th>
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<tbody>
<tr>
<td>L1</td>
<td>N20°25'24&quot;E</td>
<td>8.92'</td>
</tr>
<tr>
<td>L2</td>
<td>N20°25'24&quot;E</td>
<td>1.75'</td>
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**EAST CESAR CHAVEZ STREET**

(LINE OF RIGHT OF WAY)

DETAIL "G" NOT TO SCALE

**LEGEND**

- PROPOSED EASEMENT LINE
- EXISTING PROPERTY LINES
  - 1/2" IRON ROD WITH "WARD-5811" CAP SET
  - 1/2" IRON ROD FOUND (UNLESS NOTED)
  - 1/2" IRON PIPE FOUND (UNLESS NOTED)
  - IRON ROD WITH "WATERLOO" CAP FOUND (UNLESS NOTED)
  - CHISELED "X" FOUND IN CONCRETE
  - CALCULATED POINT

- DOC. # DOCUMENT NUMBER
- P.O.B. POINT OF BEGINNING
- VOL./PG. VOLUME, PAGE
- R.O.W. RIGHT-OF-WAY
- P.R.T.C.T. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- (...) RECORD INFORMATION PER PLAT VOL. 1 PG. 28

**NOTES:**

1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000057074708.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.


4) THIS ENCROACHMENT AGREEMENT BEGINS AT AN ELEVATION 420' (NAVD 88) AND EXTENDS VERTICALLY TO AN ELEVATION OF 465' (NAVD 88). THIS 3D ENCROACHMENT AGREEMENT HAS A VOLUME OF 145,800 CUBIC FEET.

**4WARD Land Surveying**
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date: 2/26/2019
Project: 00629
Scale: 1" = 30'
Reviewer: PRB
Tech: CC
Field Crew: TF/FG
Survey Date: DEC. 2017
Sheet: 3 OF 3
March 18, 2019

City of Austin
Office of Real Estate Services
505 Barton Springs Road
Austin, Texas 78704
Land Management Division

RE: 1515 E Cesar Chavez
Encroachment Agreement Transmittal Letter

To whom it may concern,

The following questions have been answered to support our reason for an Encroachment Agreement:

1. Is this a residential or commercial project?
   Commercial.
2. How was the area of encroachment dedicated? By plat or by separate instrument?
   By plat, Vol. 1 Pg. 28.
3. Did the City purchase the area where the proposed encroachment would be located?
   (i.e., by Street Deed)
   No, the area was dedicated by plat, Vol. 1 pg. 28.
4. Does the encroachment currently exist, or is it only proposed on paper?
   Presently, it is only proposed on paper.
5. Are there any utility lines within the proposed encroachment area? If yes, what are your plans for the utilities? Relocation of utility lines must be at the applicant’s expense.
   Yes. We began relocation processes for existing utilities through AULCC.
6. How do you plan to develop the proposed encroachment area?
   The encroachment area will be used as a subsurface parking garage.
7. Has a site plan been submitted on your project? If not, is the project exempt from the site plan process?
   A site plan has been submitted (SP-2018-0520C).
8. Is your project a Unified Development?
   Yes.
9. Is your project a S.M.A.R.T. Housing Project?
   No.
10. When do you anticipate starting construction of the development?
    September 2019.
11. What is the current status of the adjacent properties?
There are single family homes south of our site. As for north, west an east of our site, all properties are for commercial uses.
12. What type of parking facilities currently exist?
Currently there is a parking lot for a restaurant, and an abandoned car wash has parking for local commuters.
13. Does the area of encroachment lie within UT boundaries: East of Lamar Boulevard, west of IH-35, north of Martin Luther King Boulevard, and south of 45th Street?
No.
14. Does the area of encroachment lie within Downtown boundaries: East of Lamar Boulevard, west of IH-35, north of Lady Bird Lake, and south of Martin Luther King Boulevard?
Yes.
15. Does the proposed encroachment support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan? If so, how?
Yes, the subject site supports Austin’s economy by recreating spaces for small local businesses, as well as investing in a compact and connected Austin.

Your favorable review is very much appreciated. If you have any questions, please contact me at (512) 524-6677.

Sincerely,

SERGIO N. LOZANO-SANCHEZ
Principal
1515 E CESAR CHAVEZ, AUSTIN, TX, 78702

Color Satellite photo of Encroachment Area

Prepared By:
LOC Consultants Civil Division INC.
Sergio Lozano, P.E.
Firm No. 4756

1715 E. 7th St.
Austin, Texas 78702
Phone: 512-524-0677