

# MEMORANDUM

**TO:** Art Zamorano, Planning and Zoning Department  
Aaron Jenkins, Planning and Zoning Department  
Jorge Rousselin, Planning and Zoning Department

**FROM:** Stephany Roy, Senior Property Agent, Land Management  
Development Services Department

**DATE:** November 10, 2020

**SUBJECT:** **Design Commission Agenda 11/16/2020** F#10285-2006,  
10286-2006 and 10287-2006 Partial Aerial Right-of-Way  
Vacation Applications for 60 East Avenue, 61 Rainey Street,  
and 69 Rainey Street

Attached are the departmental comments and other information pertinent to the three joint referenced right of way vacation applications requesting to vacate aerial alley rights. **The area being requested for vacation will be used for Mixed use high-rise with ground floor pedestrian oriented uses (retail) outdoor seating and multi-family housing. Buildings to span over the alley above 18'.** All affected departments and private utility franchise holders have reviewed this request and recommend approval subject to the following conditions:

*AT&T (SWBT) – Only applies to F#10285-2006*

- Approved contingent on the stipulation all AT&T facilities have been removed from said aerial ROW.

*ATD*

- Approved contingent upon 1. A public access easement will be provided for an additional 3 feet of width on each side of the alley - 6 feet in total. 2. The aerial vacation will be 20 feet in height at the building face and will transition down to 18 feet at the lowest point.

*Electric*

- Approved contingent upon retention of a public utility easement to cover aerial utility lines. Once the lines/poles are relocated/removed, the PUE can be vacated. Be advised that poles will not be removed until all utilities have been removed from them. If there are comms located on the poles in this area, applicant should begin conversations now with comm companies regarding relocations. Continue to work with Rudy Vela at Austin Energy regarding relocation of electric facilities.

*Google Fiber – Only applies to F#10285-2006*

- Approved contingent upon any relocations and with the understanding that an alternate underground pathway will be provided for the relocation of our existing aerial fiber optics cables. All expenses will be the responsibility of the Developer.

*Grande Communications*

- Approved contingent upon full reimbursement for the cost of constructions if Grande will need to relocate.

*PARD / Planning and Design Review*

- Approved contingent upon “See comment document”.

Time Warner Cable / Charter

- Approved contingent upon any relocations and/or adjustments of Charter/Spectrum facilities will be paid for by the applicant/developer/owner.

Urban Design Review

- Approved contingent upon the vacation retain connectivity and public access per Transportation requirements.

Land Management, with Development Services Department, is requesting the applications be submitted for placement on the **November 16, 2020 Design Commission Agenda** for their consideration. The applicant and/or landowner adjoining the alleys, or their representative will be present at the meeting.

Staff:           Stephany Roy, Senior Property Agent, Land Management  
Development Services Department, 404-357-1814;  
[landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov)

Applicant:      James M. Schissler, Civilitude, LLC, 512-761-6161;  
[jim@civilitude.com](mailto:jim@civilitude.com)

Adjoining Landowner: River Street Partners, LLC, 61 Rainey Street, LLC, 69 Rainey Street, LLC

Attachment - DC Packet: Comment Document from PARD conditional approval, Intro letter, Application (3), Surveys (3), 3D Surveys (3), Location Maps (3), Site Plan

Project Name: 10285-2006 ROW Vacation - Rainey St Alley  
Address: 60 East Ave

LM PARD / Planning & Design Review - Robynne Heymans - 512-974-9549

06/22/2020

Update 0:

PR 1: Approved on the condition that requirements from ATD, Urban Design and PWD are met with regards to retaining function as a ROW and vertical clearance.



**CIVILITUDE**  
ENGINEERS & PLANNERS

5110 Lancaster Court  
Austin, Texas 78723  
Firm Registration

Phone 512 761 6161  
Fax 512 761 6167  
info@civiltude.co  
[www.civiltude.com](http://www.civiltude.com)

November 4, 2020

Ms. Stephany Roy  
City of Austin Office of Real Estate Services  
505 Barton Spring Road, 13th Floor  
Austin, Texas 78704

Re: Partial Alley Vacation Application for 60 East Avenue, 61 and 69 Rainey Street  
River Street Residences  
700 River Street  
Austin, Texas 78701

Dear Stephany,

Enclosed is the alley vacation application package for the River Street Hotel & Market project. The project proposes to vacate the alley between the three tracts that make up the development to allow construction of a 48-story mixed use building with structured parking and ancillary improvements. The building will have first floor retail uses, multiple levels of structured parking, and multi-family residential units and amenity space above the parking levels. The three lots are portions of lots that were platted in the Driskell's and Rainey's Subdivision recorded in Plat Book 1, Page 22 filled on July 11, 1885. Subsequent to this plat, River Street was moved south per Volume 85, Page 62. The three tracts have received legal lot status from the City.

1. Is this a residential or commercial project? MIXED USE WITH RETAIL, GENERAL RESTAURANT AND MULTI-FAMILY.
2. How was the area to be vacated dedicated? By plat or by separate instrument? BY PLAT, ATTACHED.
3. Did the City purchase the area to be vacated? (i.e., by Street Deed) NO.
4. Are both the area to be vacated and your property in the same "subdivision"? (They must both be in the same subdivision to be eligible.) YES, DRISKELL'S AND RAINEY'S SUBDIVISION.
5. Is the area to be vacated functional right-of-way, or is it only dedicated on paper? FUNCTIONAL, UNPAVED ALLEY.
6. Are there any utility lines within the area to be vacated? If yes, what are your plans for the utilities? Applicants should be advised that easements will be retained to protect existing utilities, even if utility relocation is proposed. Also be advised that no structures may be built on, over or under the easements without a license agreement, insurance, and annual fee. YES, OVERHEAD UTILITIES WILL BE BURIED.
7. How do you plan to develop the area to be vacated? A 48-STORY MIXED USE BLDG. WILL EXTEND OVER THE ALLEY.
8. Has a site plan been submitted on your project? YES, SP-2019-0435C.
9. Is your project a Unified Development? YES, ALLEY VACATION WILL ALLOW THREE TRACTS TO TIE TOGETHER.
10. Is your project a S.M.A.R.T. Housing Project? NOT SMART HOUSING, BUT DENSITY BONUS REQUIRESHAVE AFFORDABLE UNITS.
11. When do you anticipate starting construction of the development? SPRING, 2021.
12. What is the current zoning on the adjacent properties? ALL PROPERTIES ARE ZONED CBD.
13. What is the current status of the adjacent properties? RAINEY PROPERTIES ARE DEVELOPED, EAST AVE CLEARED.
14. What type of parking facilities currently exist? MINIMAL ONSTREET SURFACE PARKING



15. Will your parking requirements increase with the expansion? THERE ARE NO PARKING REQUIREMENTS IN CBD BUT PARKING WILL BE PROVIDED.
16. How will the increase be handled? STRUCTURED PARKING IN THE BUILDING.
17. Have any agreements or easements been executed with adjacent landowner(s) or in draft form? If yes, please include this in your letter and provide us with a copy. RAINEY ST TRACTS ARE UNDER CONTRACT WITH DEVELOPER.
18. Does the area to be vacated lie within the Austin Downtown Plan (DAP)? YES Does it meet DAP criteria? YES
19. Does the area to be vacated lie within UT boundaries: East of Lamar Boulevard, west of IH-35, north of Martin Luther King Boulevard, and south of 45<sup>th</sup> Street? IT DOES NOT.
20. Does the proposed vacation support the Priority Programs and policy directives set forth in the Imagine Austin Comprehensive Plan? If so, how? VACATION WOULD ALLOW MAXIMUM RESIDENTIAL DENSITY OF URBAN TRACTS AND REDUCE PRESSURE FOR SUBURBAN SPRAWL.

The overhead electric and telecommunication lines will be relocated underground.

If you have any questions, please do not hesitate to contact us and inquire at 512-761-6161.

Sincerely,

*James M Schissler*

James M. Schissler, P.E.

Vice President

APPLICATION FOR STREET OR ALLEY VACATION

File No. \_\_\_\_\_  
Department Use Only

DATE: \_\_\_\_\_  
Department Use Only

TYPE OF VACATION

Type of Vacation: Street: \_\_\_\_\_; Alley: X; ROW \_\_\_\_\_ Hundred Block: \_\_\_\_\_  
Name of Street/Alley/ROW: Rainey Street Alley Is it constructed: Yes No  
Property address: 60 East Avenue  
Purpose of vacation: Aerial Vacatoin to allow mixed use high-rise crossing alley

PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 02 03031039  
Survey & Abstract No.: \_\_\_\_\_  
Lot(s): 0, 1 Block: 1 Outlot: \_\_\_\_\_  
Subdivision Name: Driskill and Rainey Subdivision  
Plat Book 1 Page Number 22 Document Number \_\_\_\_\_

Neighborhood Association Name: \_\_\_\_\_  
Address including zip code: \_\_\_\_\_

RELATED CASES

|  |                      |
|--|----------------------|
| <b>Existing Site Plan (circle one):</b> <u>YES</u> / <del>NO</del> | <b>FILE NUMBERS</b>  |
| Subdivision: Case (circle one): <del>YES</del> / NO                | <u>SP-2019-0465C</u> |
| Zoning Case (circle one): <u>YES</u> / NO                          | _____                |

PROJECT NAME, if applicable:

Name of Development Project: River Street Hotel & Homes  
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: River Street Partners, LLC (as shown on Deed)  
Address: 906 Rio Grande St Phone: (512) 333-4892 Fax No.: ( ) \_\_\_\_\_  
City: Austin County: Travis State: TX Zip Code: 78701  
Contact Person/Title: Jon Rioux Cell Phone: (512) 333-4892  
Email Address: jon@additionre.com  
**(If multiple owners are joining in this request, complete names and addresses for each must be attached.)**

APPLICANT INFORMATION

Name: James M. Schissler, PE  
Firm Name: Civiltude, LLC  
Address: 5110 Lancaster Ct  
City: Austin State: TX Zip Code: 78723  
Office No.: (512) 761-6161 Cell No.: (512) 569-9830 Fax No.: ( ) \_\_\_\_\_  
EMAIL ADDRESS: jim@civiltude.com

The undersigned Landowner/Applicant understands: **1)** This application will be handled in accordance with standard City policies and procedures. **2)** No action will be taken without (a) payment of the nonrefundable application fee, or (b) necessary documentation. **3)** The application and fee in no way obligate the City to vacate the subject area. **4) All documents** related to this transaction and a **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: \_\_\_\_\_  
Landowner/Applicant

**OWNER INFORMATION:**

Name: 61 Rainey Street, LLC (as shown on Deed)

Address: 1900 Newton St, Unit A Phone: (     )                      Fax No.: (     )                     

City: Austin County: Travis State: TX Zip Code: 78704

Contact Person/Title: Jon Rioux, Developer Cell Phone: (512) 333-4892

Email Address: jon@additionre.com

Name: 69 Rainey Street, LLC (as shown on Deed)

Address: 1900 Newton Street, Unit A Phone: (     )                      Fax No.: (     )                     

City: Austin County: Travis State: TX Zip Code: 78704

Contact Person/Title: Jon Rioux, Developer Cell Phone: (512) 333-4892

Email Address: jon@additionre.com

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File No. \_\_\_\_\_  
Department Use Only

DATE: \_\_\_\_\_  
Department Use Only

TYPE OF VACATION

Type of Vacation: Street: \_\_\_\_\_; Alley: X; ROW \_\_\_\_\_ Hundred Block: \_\_\_\_\_  
Name of Street/Alley/ROW: Rainey Street Alley Is it constructed: Yes No  
Property address: 69 Rainey Street  
Purpose of vacation: Aerial Vacation to allow mixed use high-rise crossing alley

PROPERTY DESCRIPTION ADJACENT TO AREA TO BE VACATED

Parcel #: 02 03031001, 02  
Survey & Abstract No.: \_\_\_\_\_  
Lot(s) \_\_\_\_\_ Block: 1 Outlot: \_\_\_\_\_  
Subdivision Name: Driskill and Rainey Subdivision  
Plat Book 1 Page Number 22 Document Number \_\_\_\_\_

Neighborhood Association Name: \_\_\_\_\_  
Address including zip code: \_\_\_\_\_

RELATED CASES

|   | FILE NUMBERS         |
|---|----------------------|
| Existing Site Plan (circle one): <u>YES</u> / <del>NO</del> | <u>SP-2019-0465C</u> |
| Subdivision: Case (circle one): <del>YES</del> / NO         | _____                |
| Zoning Case (circle one): <u>YES</u> / NO                   | _____                |

PROJECT NAME, if applicable:

Name of Development Project: River Street Market & Hotel  
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

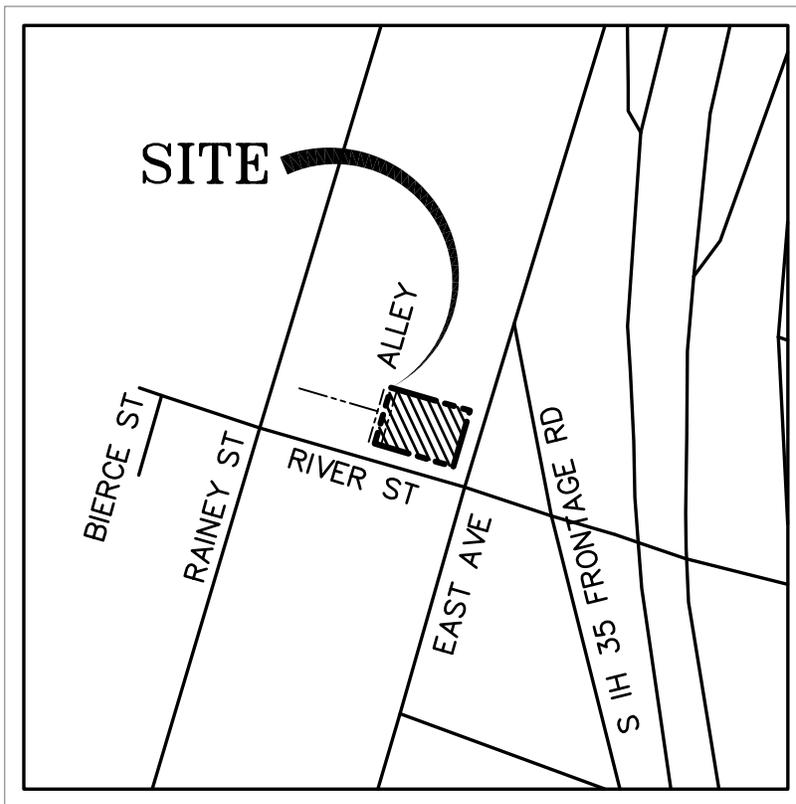
Name: 69 Rainey Street, LLC (as shown on Deed)  
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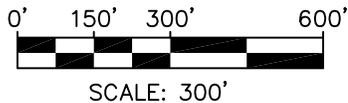
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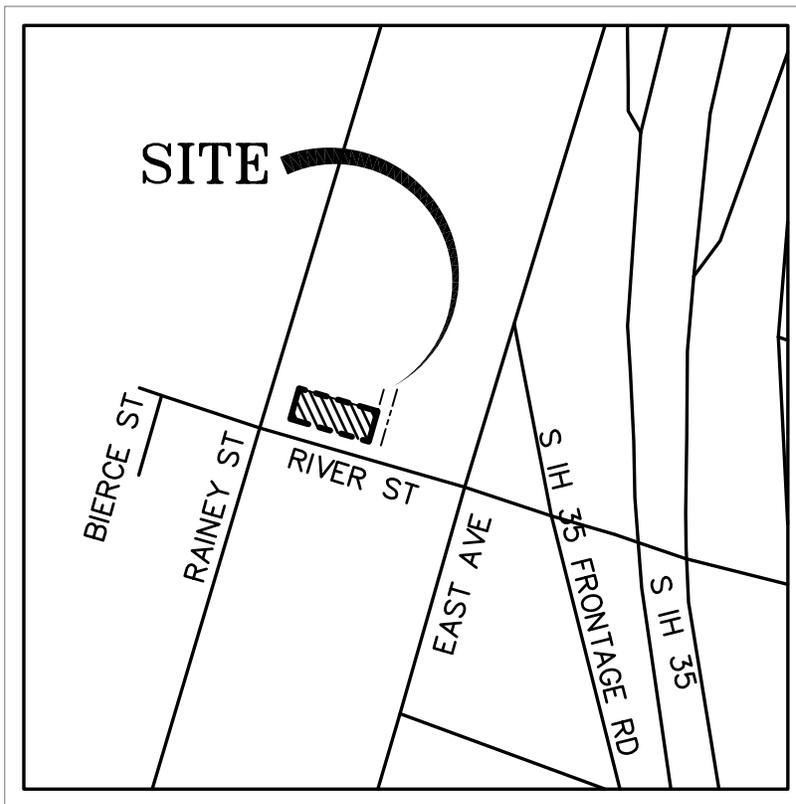


60 EAST AVENUE



LOCATION MAP

GRID: J21  
MAPSCO: 615B



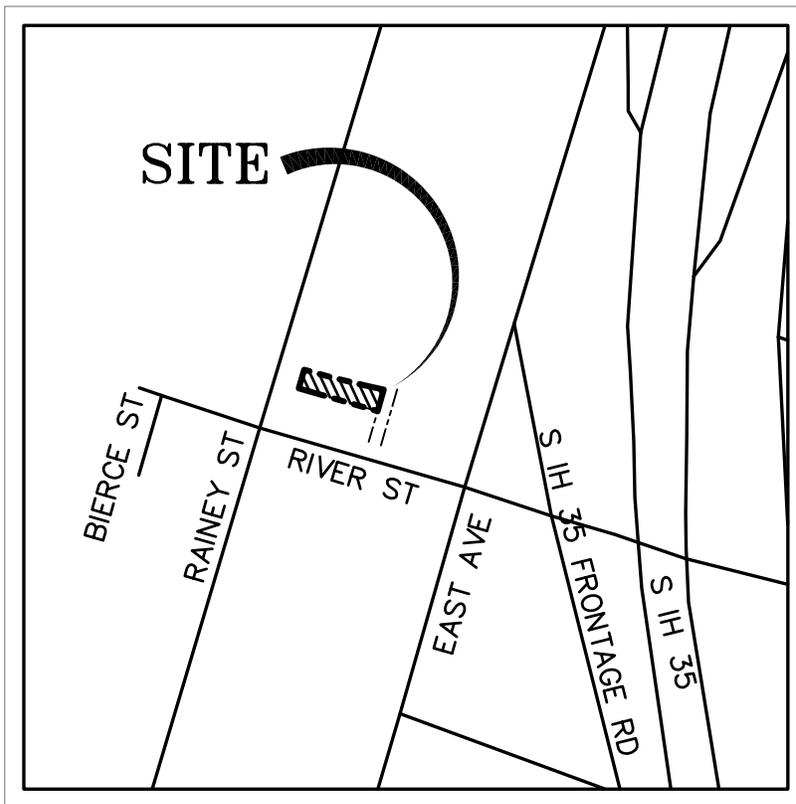
61 RAINEY STREET



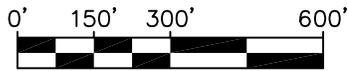
SCALE: 300'

LOCATION MAP

GRID: J21  
MAPSCO: 615B



69 RAINEY STREET



SCALE: 300'

LOCATION MAP

GRID: J21  
MAPSCO: 615B

EXHIBIT " " "

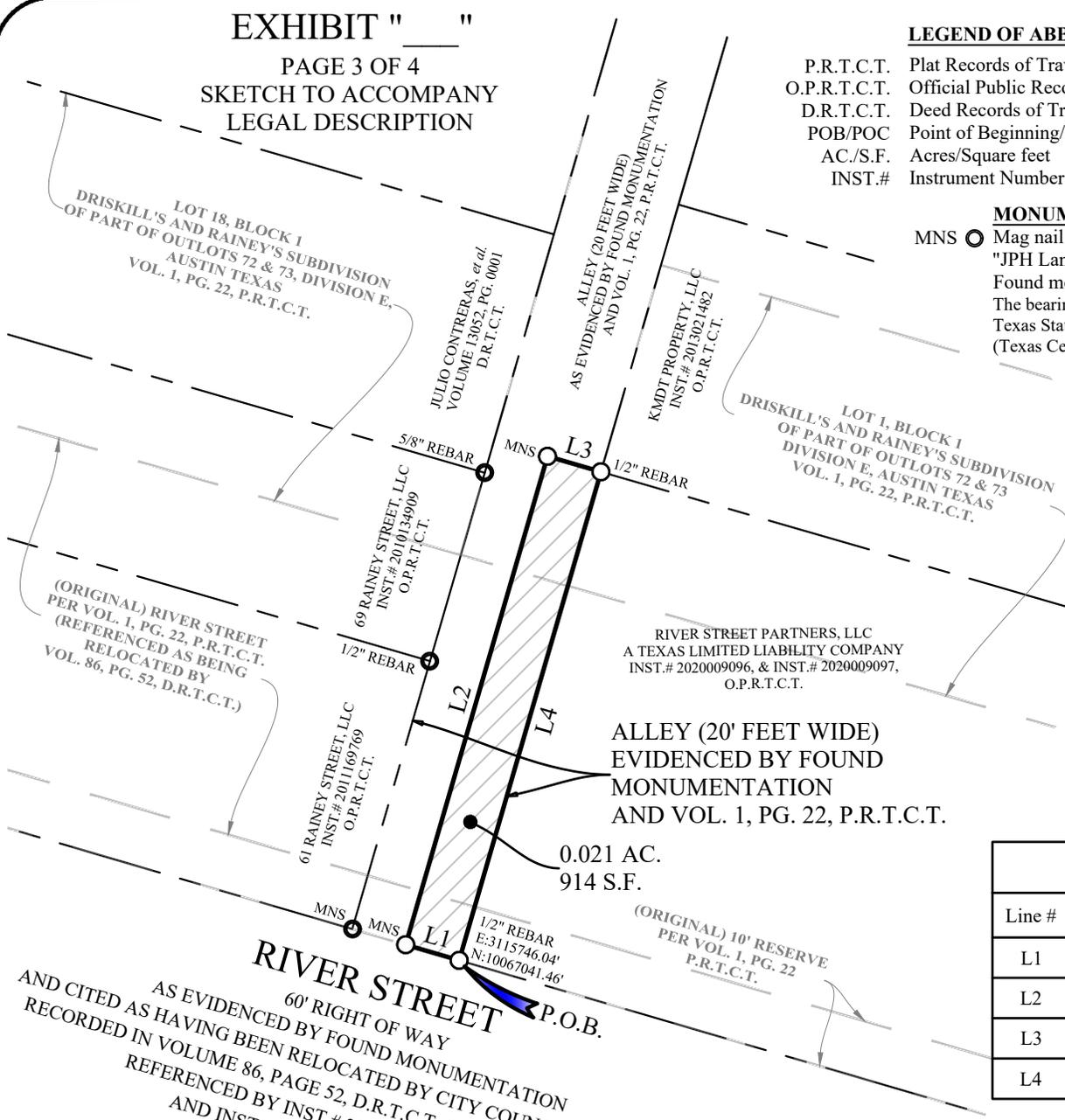
PAGE 3 OF 4  
 SKETCH TO ACCOMPANY  
 LEGAL DESCRIPTION

**LEGEND OF ABBREVIATIONS**

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- D.R.T.C.T. Deed Records of Travis County, Texas
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**MONUMENTS / BEARING BASIS**

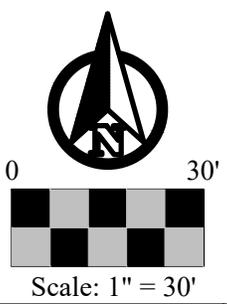
- MNS  Mag nail & washer stamped "JPH Land Surveying" set
- Found monuments are as noted
- The bearings shown hereon are Texas State Plane Grid bearings (Texas Central Zone, NAD83).



| Line Data Table |          |             |
|-----------------|----------|-------------|
| Line #          | Distance | Bearing     |
| L1              | 10.00'   | N73°39'44"W |
| L2              | 91.40'   | N16°10'31"E |
| L3              | 10.00'   | S73°49'29"E |
| L4              | 91.43'   | S16°10'31"W |

**RIVER STREET**  
 60' RIGHT OF WAY  
 AS EVIDENCED BY FOUND MONUMENTATION  
 AND CITED AS HAVING BEEN RELOCATED BY CITY COUNCIL ORDINANCE  
 RECORDED IN VOLUME 86, PAGE 52, D.R.T.C.T. (DOCUMENT ILLEGIBLE)  
 REFERENCED BY INST.# 2011169769, O.P.R.T.C.T.  
 AND INST.# 20100134909, O.P.R.T.C.T.

Cole Strevey  
 Registered Professional  
 Land Surveyor No. 6731  
 cole@jphls.com  
 May 20, 2020



**EXHIBIT SHOWING  
 914 SQUARE FEET**

BEING A PORTION OF  
 AN ALLEY (20' WIDE)

**DRISKILL'S AND RAINEY'S  
 SUBDIVISION OF PART OF  
 OUTLOTS 72 & 73**

CITY OF AUSTIN  
 TRAVIS COUNTY, TEXAS

JPH Job No.  
 2016.069.006 60 East Avenue, Austin, Travis County, TX - 914  
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 DFW | Austin | Abilene

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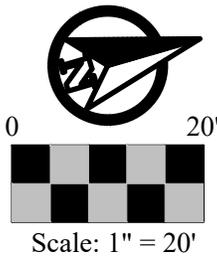
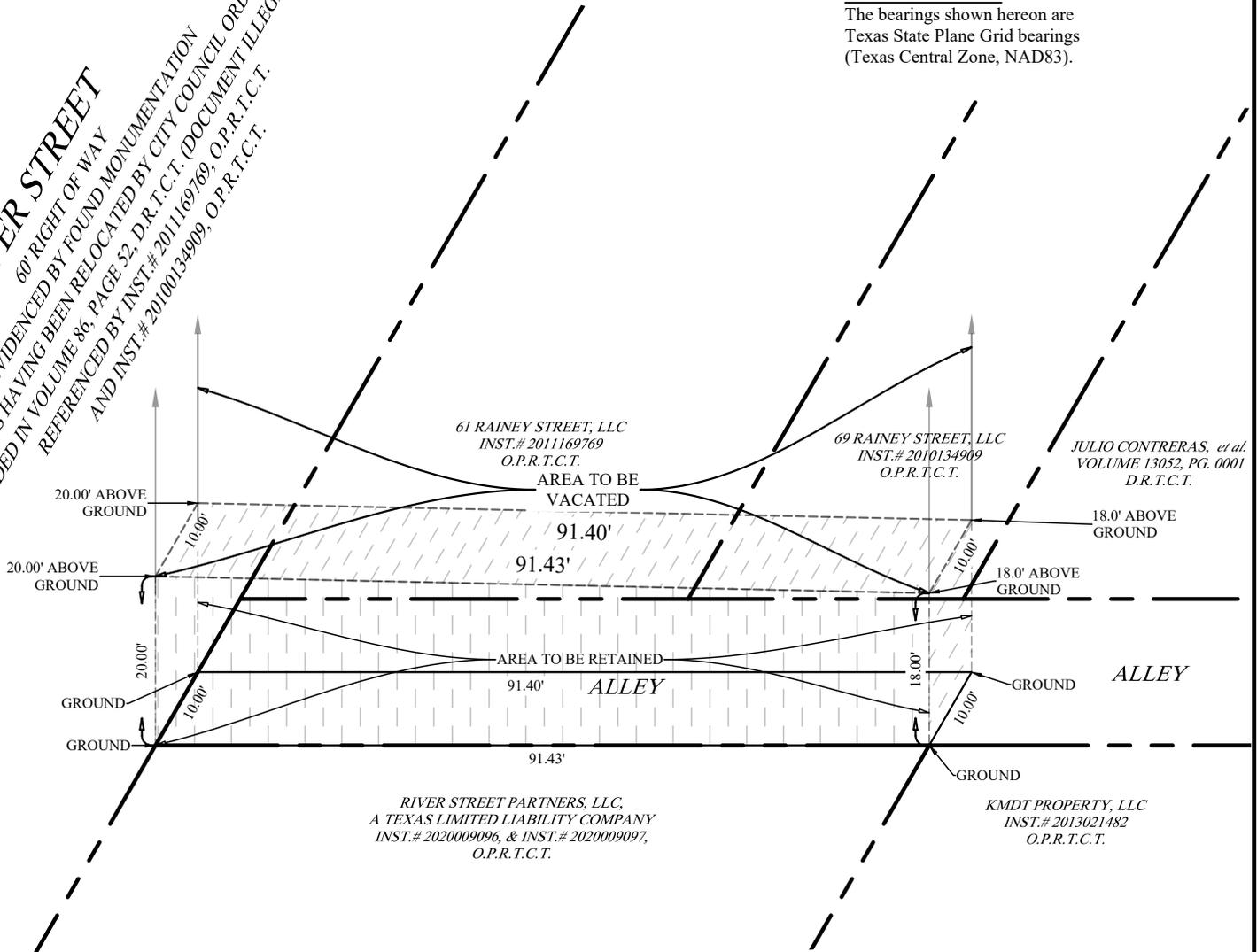
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**DRISKILL'S AND RAINEY'S**  
**SUBDIVISION OF PART OF**  
**OUTLOTS 72 & 73**  
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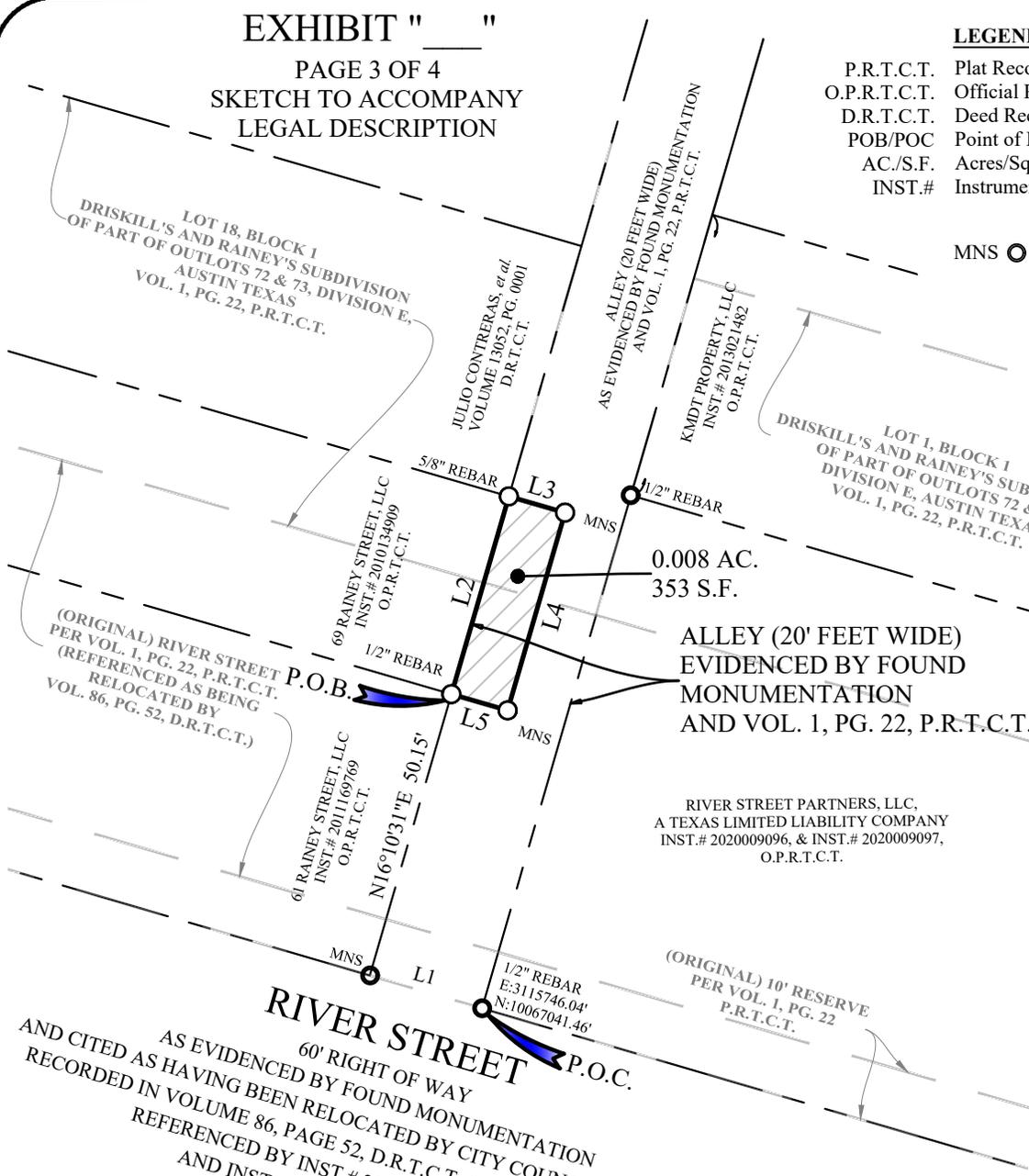
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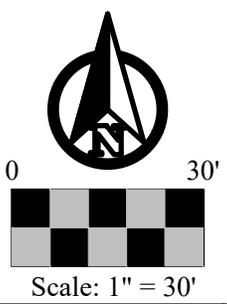
RIVER STREET PARTNERS, LLC,  
 A TEXAS LIMITED LIABILITY COMPANY  
 INST.# 2020009096, & INST.# 2020009097,  
 O.P.R.T.C.T.

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 Registered Professional  
 Land Surveyor No. 6731  
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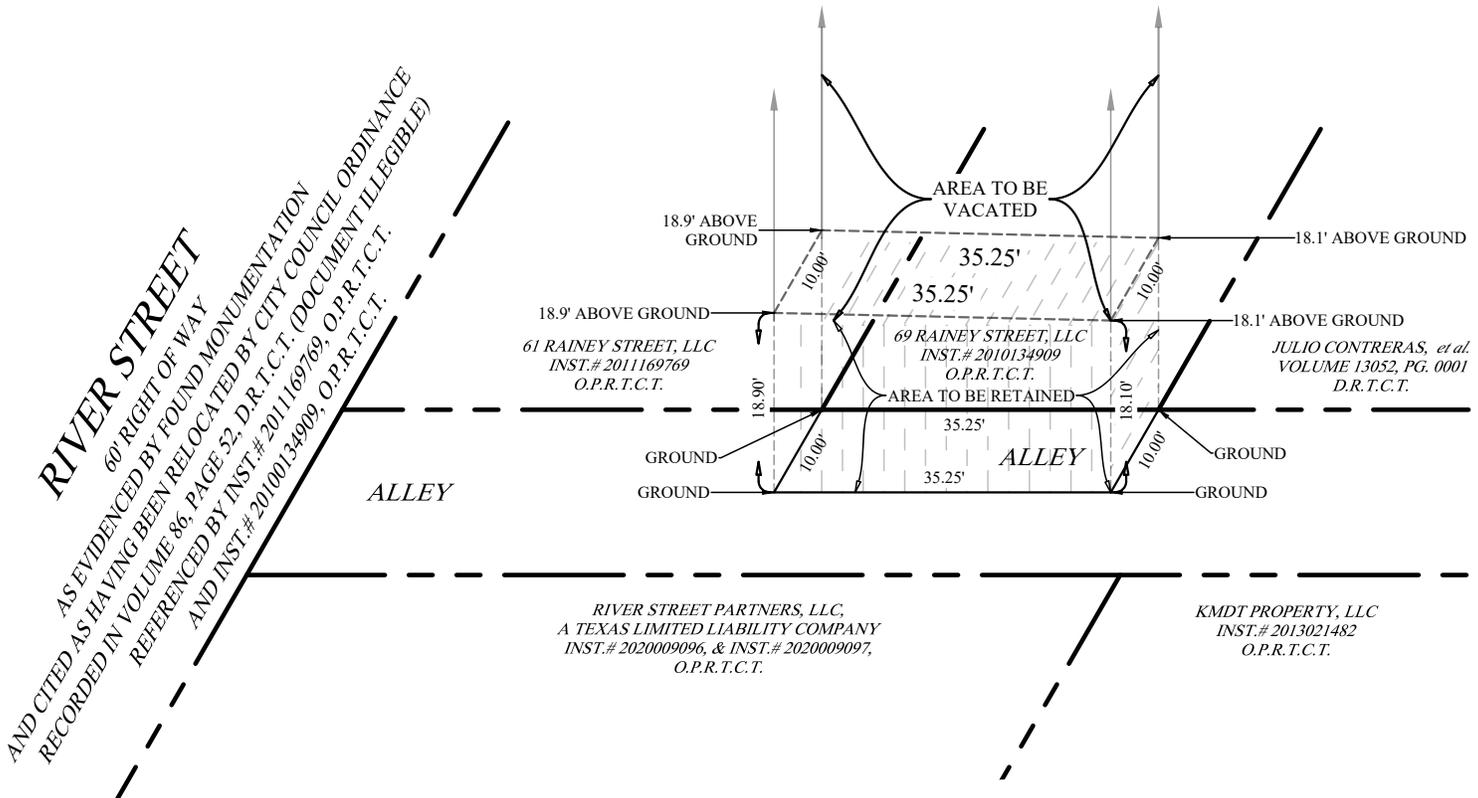
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**LEGEND OF ABBREVIATIONS**

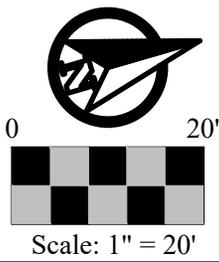
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| INST.#       | Instrument Number                               |

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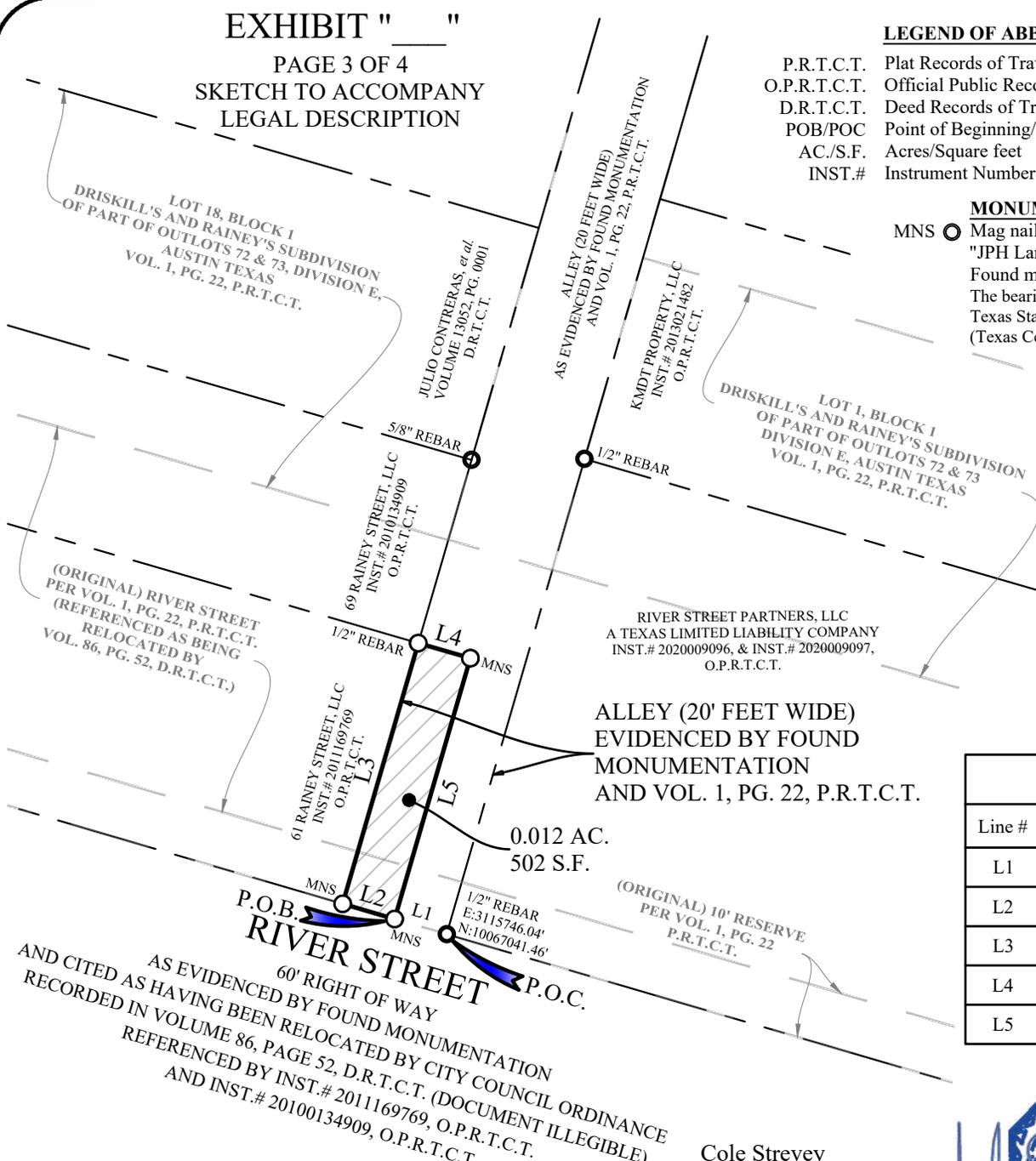
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- INST.# Instrument Number

**MONUMENTS / BEARING BASIS**

- MNS  Mag nail & washer stamped "JPH Land Surveying" set
- Found monuments are as noted
- The bearings shown hereon are Texas State Plane Grid bearings (Texas Central Zone, NAD83).



| Line # | Distance | Bearing     |
|--------|----------|-------------|
| L1     | 10.00'   | N73°39'44"W |
| L2     | 10.00'   | N73°39'44"W |
| L3     | 50.15'   | N16°10'31"E |
| L4     | 10.00'   | S73°47'44"E |
| L5     | 50.17'   | S16°10'31"W |



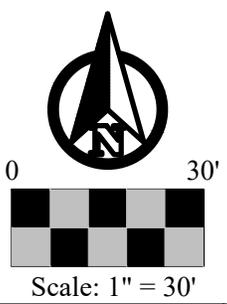
Cole Strevey  
 Registered Professional  
 Land Surveyor No. 6731  
 cole@jphls.com  
 May 20, 2020

**EXHIBIT SHOWING  
 502 SQUARE FEET**

BEING A PORTION OF  
 AN ALLEY (20' WIDE)

**DRISKILL'S AND RAINEY'S  
 SUBDIVISION OF PART OF  
 OUTLOTS 72 & 73**

CITY OF AUSTIN  
 TRAVIS COUNTY, TEXAS



JPH Job No.  
 2016.069.006 60 East Avenue, Austin, Travis County, TX - 502  
 SF Boundary.dwg  
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 1516 E. Palm Valley Blvd., Ste. A4, Round Rock, Texas 78664  
 Telephone (817) 431-4971 www.jphlandsurveying.com  
 TBPLS Firm #10019500 #10194073 #10193867  
 DFW | Austin | Abilene

EXHIBIT " \_ " "

PAGE 4 OF 4  
SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

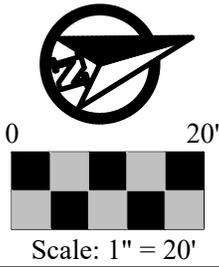
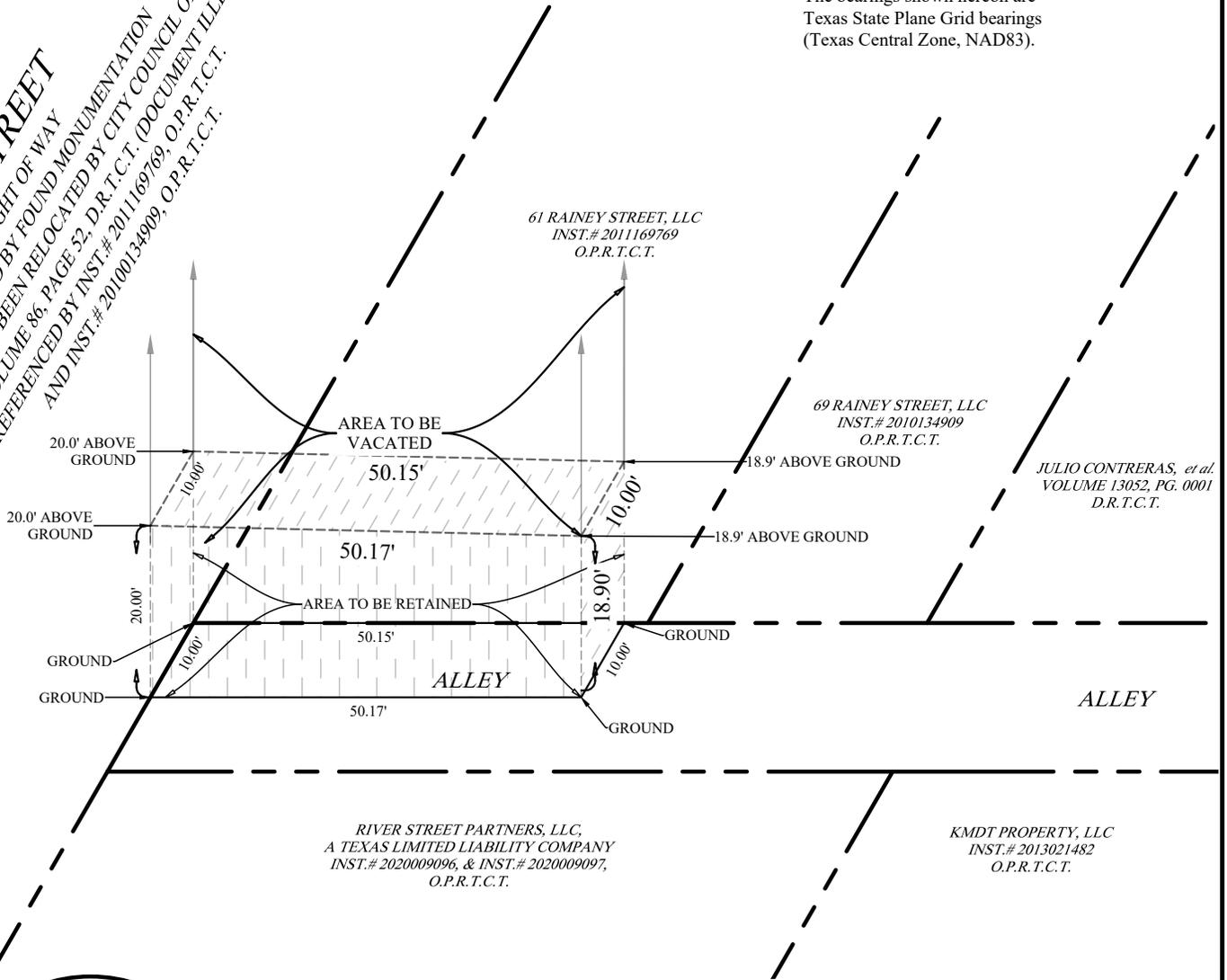
**LEGEND OF ABBREVIATIONS**

- P.R.T.C.T. Plat Records of Travis County, Texas
- O.P.R.T.C.T. Official Public Records of Travis County, Texas
- D.R.T.C.T. Deed Records of Travis County, Texas
- POB/POC Point of Beginning/Point of Commencing
- AC./S.F. Acres/Square feet
- INST.# Instrument Number

**BEARING BASIS**

The bearings shown hereon are Texas State Plane Grid bearings (Texas Central Zone, NAD83).

**RIVER STREET**  
60' RIGHT OF WAY  
AS EVIDENCED BY FOUND MONUMENTATION  
AND CITED AS HAVING BEEN RELOCATED BY CITY COUNCIL ORDINANCE  
RECORDED IN VOLUME 86, PAGE 52, D.R.T.C.T. (DOCUMENT ILLEGIBLE)  
AND INST.# 2011169769, O.P.R.T.C.T.  
AND INST.# 20100134909, O.P.R.T.C.T.



**EXHIBIT**  
BEING A PORTION OF  
AN ALLEY (20' WIDE)  
**DRISKILL'S AND RAINEY'S**  
**SUBDIVISION OF PART OF**  
**OUTLOTS 72 & 73**  
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