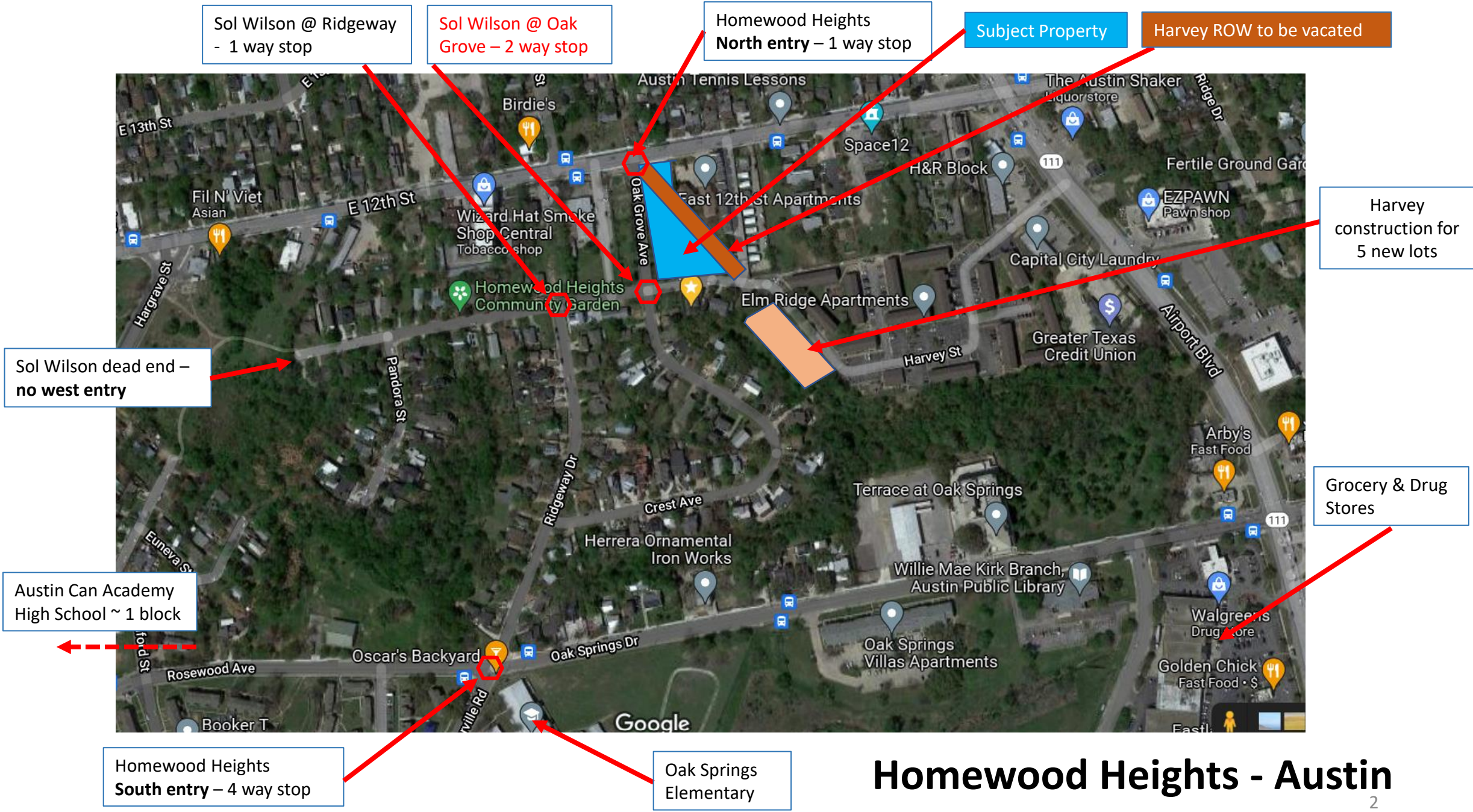


# Harvey Street Right of Way Vacation Application

File # 2021-047001

February 2022 – Urban Transportation Commission




**Homewood Heights - Austin**

2



10/15/21: notice received regarding ROW vacation

 **NOTICE OF FILING OF APPLICATION  
FOR RIGHT OF WAY VACATION**

Este aviso es para informarle de un abandono de calle propuesto (Street Vacation) a una distancia de 300 pies de su propiedad. Si desea recibir información en español, por favor llame al 3-1-1.

**Mailing Date:** October 14, 2021  
**File Number:** 2021-047001

The City of Austin has sent this letter to inform you that we have received an application for a right of way vacation. We are notifying you because City Ordinance requires that all property owners within 300 feet or less be notified when the City receives an application. A right-of-way vacation requires City of Austin Council action. **A decision will not be made regarding this application before October 24**, 2021 which is the tenth day following the issuance of this notice (Austin City Code, Chapter 14-11-7). Below you will find information regarding the application:

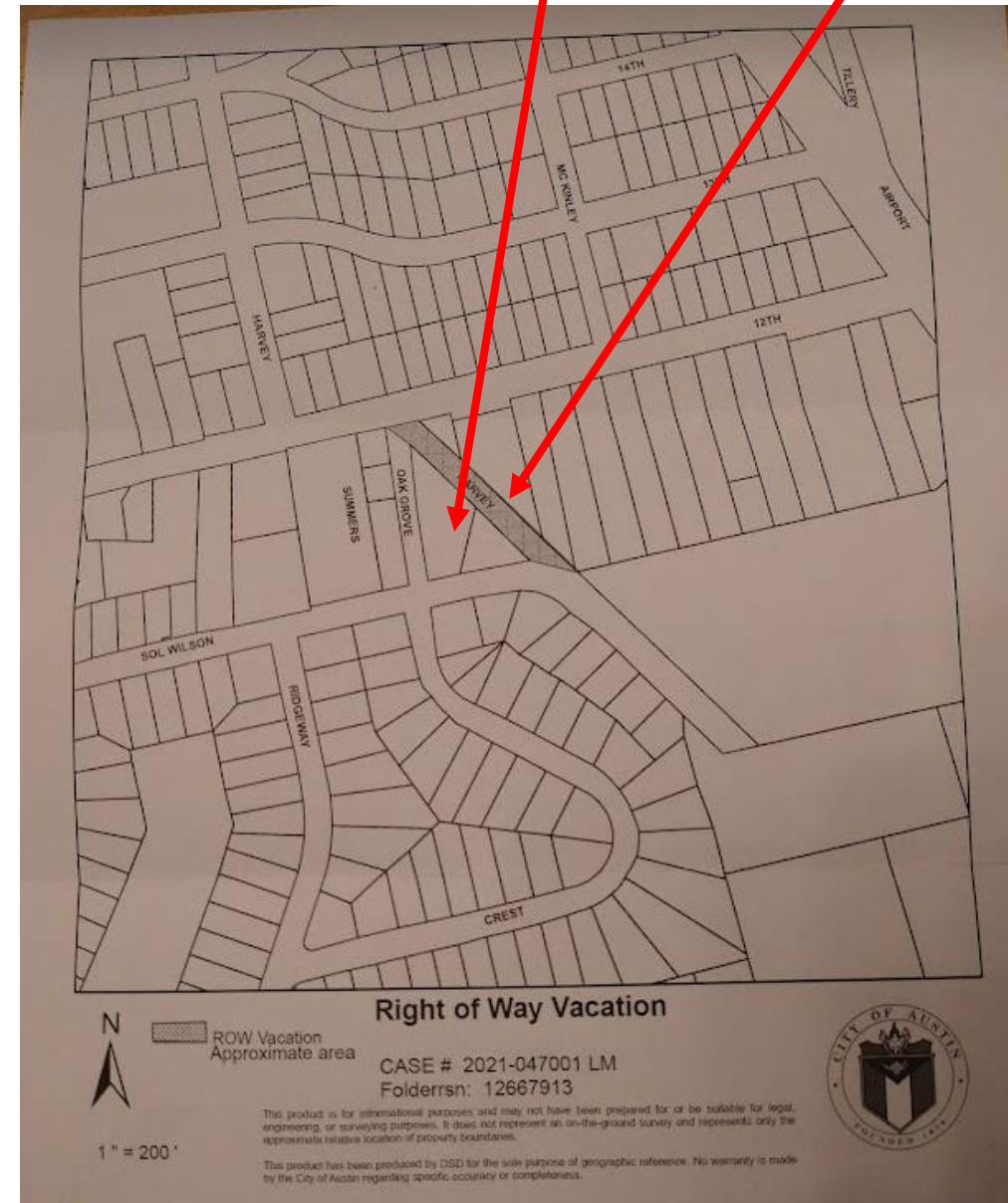
<b>Applicant</b>	Pam Madere, Jackson Walker LLP, 512-236-2048, pmadere@jw.com
<b>Vacation Tract</b>	Unpaved right of way (Harvey Street) traversing South to North diagonally from Sol Wilson St. to E. 12 <sup>th</sup> St.
<b>Adjacent Owners</b>	2017 Shaw Garage, LP, 2017 Perry Tract, LP, 2017 Hobbes LP, NMF Housing 1, 3007 East 12 <sup>th</sup> Street Condominium, 2018 Commercial Fund 2 LP
<b>Proposed Use(s)</b>	Right of Way undeveloped for decades, adjacent property owners desire use of this land

For questions about the proposed development please contact the applicant, Pam Madere, 512-236-2048. For technical questions about the process please contact the Development Services Department, Mashell Smith, 512-974-7079 or via email at [Mashell.smith@austintexas.gov](mailto:Mashell.smith@austintexas.gov). **Please refer to the file number located on this notice.**

Please send objections or support in writing via email or mail:

Email: [landmanagement@austintexas.gov](mailto:landmanagement@austintexas.gov)  
Mailing Address: City of Austin, Permitting and Development Center  
Land Management  
PO Box 1088, Austin, TX 78767, Attn: Mashell Smith

For additional information on the City of Austin's right of way vacation process, please visit our web site at: [austintexas.gov/page/land-management](http://austintexas.gov/page/land-management)



# Eureka as property owner – a history of poor property stewardship



2020 – Sol Wilson at Oak Grove  
Corrugated metal attracts graffiti tags



Oct 2021 – Visible from Sol Wilson near Oak Grove  
What's in these barrels and why are they still on the site?



# Chronic Neglect Signals “Dumping Ground”



Sofa Dumped  
Sol Wilson east of Oak Grove -  
Nov 2020



Mattress Dumped  
Oak Grove north of Sol Wilson -  
Sep 2021



Tires Dumped in front of Eureka's  
“no dumping” sign  
Oak Grove north of Sol Wilson -  
Oct 2021

Sol Wilson Ave traffic including First Responders are challenged to pass.

Pedestrians in the street, especially at night, face risk of being hit.





# Speeding Vehicles turning onto Sol Wilson from Oak Grove = Pedestrian + Hit-and-Run Hazard



Hit Nov 2020 towed  
months later



June 2021



Same vehicle Sep 2021  
towed months later

Harvey ROW now under development to access 5 lots (41-45)  
Only access is via Sol Wilson so will add to traffic and parking

Note: Homewood Heights map 1945:

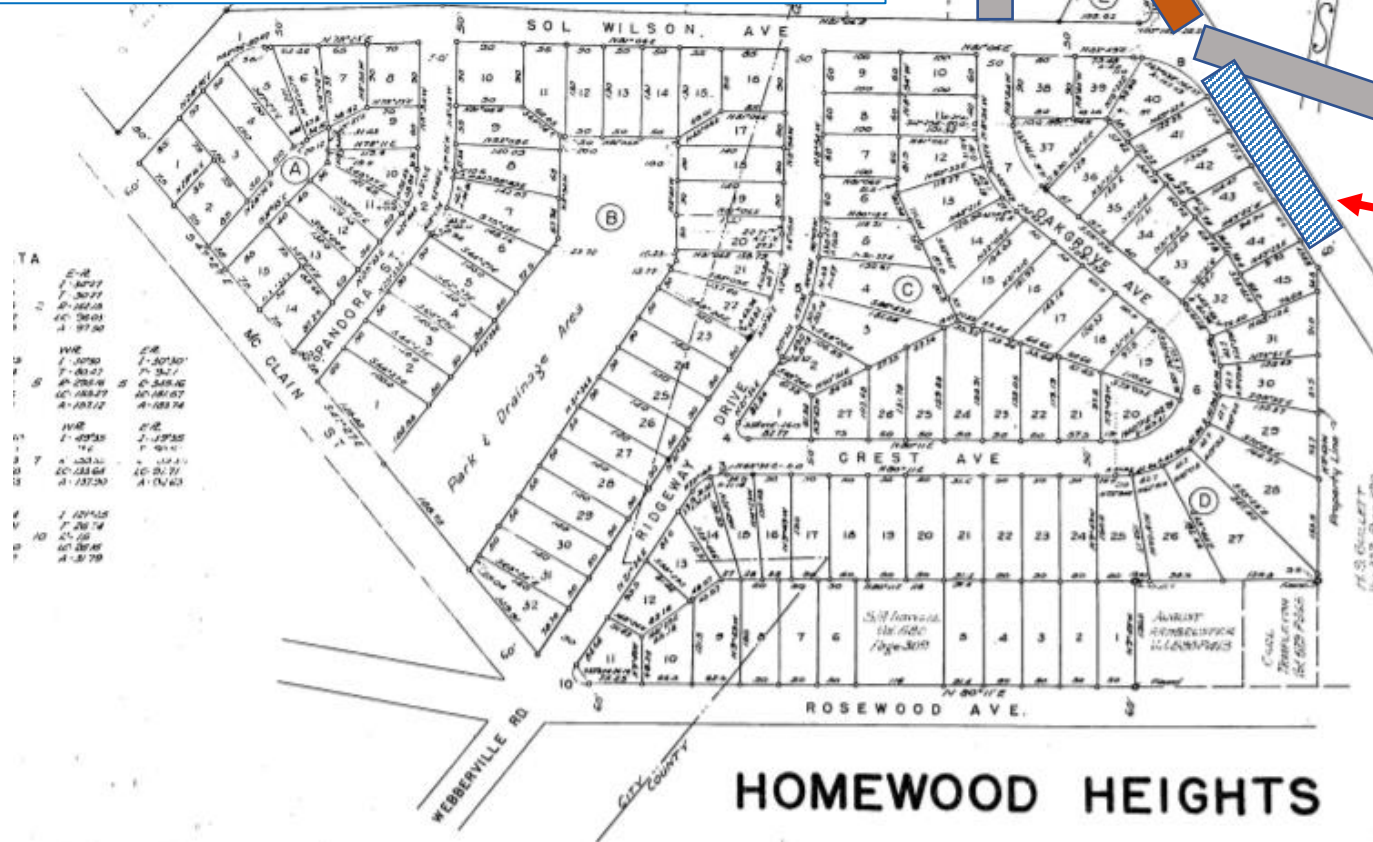
- Before Oak Grove cut through to 12<sup>th</sup> Street
- Before Elm Ridge Apartments built 1970
- McClain Street never built so west end of Sol Wilson is dead end

Oak Grove now goes to 12<sup>th</sup> St.

Harvey ROW to be vacated

Driveway for 130-unit Elm Ridge Apartments

ROW currently under development



"Expressing this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads and other public thoroughfares delineated and shown on this plat and all bridges and culverts necessary to be constructed or placed in such streets, roads or other public thoroughfares, or in connection therewith, shall be the responsibility of the owner and/or the developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no obligation to build the streets, roads and other public thoroughfares shown on this plat or of constructing any bridges or culverts in connection therewith."

Scale 1" = 100 Feet

EASEMENTS

The North 1/2 of Lot 2, South 1/2 of Lot 2, North 1/2 of Lot 3, The North 1/2 of Lot 7, The South 1/2 of Lot 7, The South 1/2 of Lot 8, The South 1/2 of Lot 9

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I, Miss Emily Limberg, Clerk of the County Court, within and for the County and State aforesaid do hereby certify that the foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 27 day of February, 1945, at 11 o'clock A. M. and duly recorded on the 27 day of February, 1945, at 11 o'clock A. M. in the First Record of said County in Plat Book No. 1, pages 230 to 235 inclusive.

Witness My Hand and Seal of the County Court of said County the date last written above.

EMILIE LIMBERG  
Miss Emily Limberg

THE STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS that I, W. E. Wilson, Owner of all that certain 27.45 acre tract of land out of Quarter 14, Division 8 of the Government Survey adjoining the City of Austin, Travis County, Texas, as recorded in Vol. 70, Page 234 of the Deed Records of Travis County, Texas, do hereby adopt this map or plat as my subdivision, to be known as Homewood Heights and I have dedicated and do hereby dedicate to the public all streets shown hereon as far as any interest may appear, and do further dedicate and do hereby dedicate to the public all the purposes all the purposes of said streets.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3rd day of March, A.D. 1945

W. E. Wilson

THE STATE OF TEXAS  
COUNTY OF TRAVIS

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W. E. Wilson

APPROVED FOR ACCEPTANCE

Date 11/1/45

APPROVED BY CITY PLAN COMMISSION

Date 11/1/45

Date 11/1/45

FILED FOR RECORD

at 11 o'clock A. M. on the 27 day of February, 1945

EMILIE LIMBERG  
Miss Emily Limberg

by Elsie Pruitt  
Clerk

THE STATE OF TEXAS  
COUNTY OF TRAVIS

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EMILIE LIMBERG  
Miss Emily Limberg



Properties accessed via new Harvey Street extension via Sol Wilson from the west  
[COA plan](#) link - approved Aug 2021 – Construction started Dec 2021

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[COA plan](#) link - approved Aug 2021 – Construction started Dec 2021





December 2021 – new fence started Sol Wilson Ave @ Oak Grove St surrounding Eureka property

- 8' setback t-post fence is being replaced with 30" setback galvanized posts in concrete
- Eureka was notified 12/21 that the post holes were too close to the street to allow for a sidewalk
- Fence posts were installed in concrete 12/24



Old fence: 8 ft setback



New fence: 2 ½ ft setback



# Jan 19 – email follow-up to Pam Madere after initial email 10/24/21 and meeting with her and Eureka 1/5/22

**From:** Scott Collier

**Sent:** Wednesday, January 19, 2022 11:15 AM

**To:** Madere, Pamela

**Cc:** Chelsea Collier

**Subject:** Re: Harvey ROW Vacation - meeting [IMAN-JWDOCS.FID3988390]

Pam - I know Chelsea emailed you last week and I wanted to follow up to be sure you got that and to keep the communications channels open, as you suggested at our meeting on Jan 5th. We have heard nothing from you or Eureka since the 5th and have seen no attempts to clean up debris on the site, including the two mattresses that were there on the 5th. The only activity we've seen is that yesterday one large dumpster was removed from the site - I'm not sure why no one threw those two mattresses or any of the other trash in it, but they didn't. So the site continues to be an eyesore and we would appreciate some communication on when the site will be cleared of trash and large debris.

As for the fence that appears to be underway, while we are glad to see no evident plan to create a site entrance/exit on Sol Wilson, it was disappointing at the meeting to hear RP defend their decision to put the fence line so close to the street as to make a sidewalk impossible. This decision was made well after we said a sidewalk on the property is critical, and I even pointed out to you Dec 21st before they set the fenceposts in concrete that based on the placement of the holes they were digging it was going to obviate a sidewalk going in. So once again our concerns were disregarded.

On a brighter note, Chelsea and I made a first visit to Camp East and thought it was pretty well executed. The parking and signage seemed to be working to keep it from being a traffic or residential parking problem and it looked like folks were having a good time there without any apparent adverse impact on the surrounding homes. I think if parking, safety and pedestrian considerations are accommodated, a similar setup could work fine on the Eureka property as they formulate any longer-term plans.

Regards,  
Scott

# Feb 8 - Statement to Austin Urban Transportation Commission

My name is Scott Collier and my wife Chelsea and I live across the street from the subject property. Our neighborhood is Homewood Heights comprising 120+ single family homes and Elm Ridge Apartments – a HUD-sponsored complex of 130 residences in 13 buildings.

We love our diverse neighborhood with its mix of families large and small, young and old, of all economic means. Like all Austin neighborhoods, we want a safe and pleasant place to live where neighbors treat each other as they wish to be treated.

We support responsible development that prioritizes safety and a sense of community. The current situation on Sol Wilson Avenue is not safe, and to date Eureka's words and actions have not convinced us that they will develop the subject property with the community in mind.

The streets that intersect at the property, Sol Wilson and Oak Grove, are busy. There's fast-moving traffic in and out of the Elm Ridge Apartments 24-7. There are no sidewalks, so pedestrians, including children and folks in wheelchairs, are forced into the street to get to and from the school bus stop, Oak Springs Elementary, CAN Academy High School, and food stores or the Walgreens. Vehicles are often parked on both sides of Sol Wilson effectively creating a one lane road. From our house we've seen people scurry out of the street as cars turn from Oak Grove without slowing. We've seen several parked cars hit, which we reported to 311. We've seen EMS, police and fire trucks slow and even back up in front of our house to allow flow of traffic, all while pedestrians try to avoid being hit.

So our request is that the city reject Eureka's Harvey Street vacation request unless certain development obligations are put in place in the interest of resident safety and community integrity:

1. Until a sidewalk is constructed on the north side of Sol Wilson, no development should be permitted including any further progress on the fence that is going in where the sidewalk needs to go.
2. The subject property, regardless of who owns it, should never be permitted to create a driveway or pedestrian entry/exit at Sol Wilson.
3. Turn the 2-way stop at Oak Grove and Sol Wilson into a 4-way stop.
4. Designate the South side of Sol Wilson a no parking zone between Elm Ridge Apartments and at least Oak Grove, ideally to Ridgeway, to ensure two lanes of traffic can flow at all times,
5. Install speed bumps on Sol Wilson from the Elm Ridge entry west to Ridgeway.
6. Require parking for any use of the subject property to be 100% accommodated by the property owner with no allowance for street parking on Sol Wilson.
7. Work with Elm Ridge to add 10-20 no-restriction parking spaces to their lot as there appears to be plenty of capacity.
8. Eureka to commit to regular scheduled maintenance of their property.
9. Prior to any site development, Eureka will present to the Homewood Heights neighborhood association proposed plans and will be responsive to feedback.



## Feb 8 Requested changes

stop sign added  
sidewalk added  
no parking zone  
speed bumps

