



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 14
AGENDA DATE: Thu 01/27/2005
PAGE: 1 of 1

SUBJECT: Approve an ordinance amending Exhibit B of Ordinance No. 040729-36 to change the acreage from 0.227 acres to 0.068 acres conveyed to the City of Austin by the Austin Presbyterian Theological Seminary in exchange for the vacation of a portion of University Avenue.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Public Works
DEPARTMENT:

**DIRECTOR'S
AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Chris Muraida, 974-7191; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: Council approved 040729-36 on July 29, 2004.

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

The request for the correction of the area to be conveyed to the City of Austin in exchange for the portion of University Avenue to be vacated is submitted by Larry Foster, on behalf of the Austin Presbyterian Theological Seminary.

The acreage in the field note description was incorrect on Ordinance No. 040729-36, which was approved by Council on July 29, 2004. Further research showed that the 1956 vacation of Wichita Street only vacated a 5,966 square foot portion of the street, and only 2,983 square feet of the portion vacated was conveyed to the Austin Presbyterian Theological Seminary. *This 2,983 square feet (0.068 acres) is what is being conveyed to the City.*

DESCRIPTION

DESCRIPTION OF 2,983 SQUARE FEET OR 0.068 OF ONE ACRE OF LAND SITUATED IN OUTLOT NO. 73, DIVISION D, OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, ACCORDING TO THE MAP OR PLAT ON FILE IN THE STATE OF TEXAS GENERAL LAND OFFICE, AND BEING A PORTION OF WICHITA STREET, HERETOFORE SOMETIMES REFERRED TO AS CEDAR STREET, A PUBLIC STREET DEDICATED BY SUBDIVISION PLAT OF THE FRUTH ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 2, PAGE 157 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.068 OF ONE ACRE OF LAND BEING THE EAST 25 FEET OF WICHITA STREET VACATED BY ORDINANCE 560412D, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with aluminum cap set in concrete curbing at the intersection of the south right-of-way line of W. 30th St. (60' ROW) and the centerline of Wichita Street (50' R.O.W.), same being the northwest corner of the herein described tract in the north line of said right-of-way vacation tract;

THENCE with the south right-of-way line of W. 30th Street the north line of said right-of-way vacation tract and the north line of the herein described tract, S60°01'47"E a distance of 25.00 feet to a 1/2 inch iron rod with cap set at the intersection of the south right-of-way line of 30th St. and the east right of way line of said Wichita Street at the northeast corner of the herein described tract, same being the northwest corner of that certain tract of land described in deed to Austin Presbyterian Theological Seminary, of record in Volume 911, Page 529 of the Deed Records of Travis County, Texas, same being the northwest corner of Block 5, of said Fruth Addition, from which a 3/8" iron rod found in the west right-of-way line of University Avenue (60' R.O.W.) for the northeast corner of said Austin Presbyterian Theological Seminary tract and the northeast corner of said Block 5, Fruth Addition bears S60°01'47"E a distance of 290.04 feet,

THENCE with the east line of said right-of-way vacation tract, the east right-of-way line of Wichita Street, the east line of the herein described tract, the west line of said Austin Presbyterian Theological Seminary tract, and the west line of said Block 5, Fruth Addition, S29°59'54"W a distance of 119.32 feet to a point for the southeast corner of said right-of-way vacation tract and for the southeast corner of the herein described tract, from which a 1/2 inch iron rod with cap set for the intersection of the north right-of-way line of 29th St. (60' R.O.W.) and the east right of way line of Wichita Street being the southwest corner of said Austin Presbyterian Theological Seminary tract, and the southwest corner of said Block 5, Fruth Addition, bears S29°59'54"W a distance of 276.70 feet;

THENCE with the south line of said right-of-way vacation tract and the south line of the herein described tract, N60°01'47"W a distance of 25.00 feet to a point in the centerline of said Wichita Street for the southwest corner of the herein described tract, from which a square head bolt found in the centerline of said Wichita Street bears S29°59'54"W a distance of 90.86 feet;

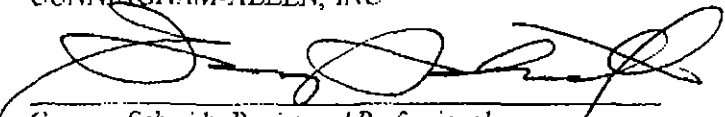
THENCE with the centerline of said Wichita Street and the west line of the herein described tract, N29°59'54"E a distance of 119.32 feet to the POINT OF BEGINNING, containing 0.068 of one acre of land within these metes and bounds;

Reference is herein made to the sketch accompanying this metes and bounds description.

Bearing basis: The north line of Austin Presbyterian Theological Seminary Addition, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Book 82, Page 14 of the Plat Records of Travis County, Texas. (S46°25'E)

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC


Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
September 10, 2004

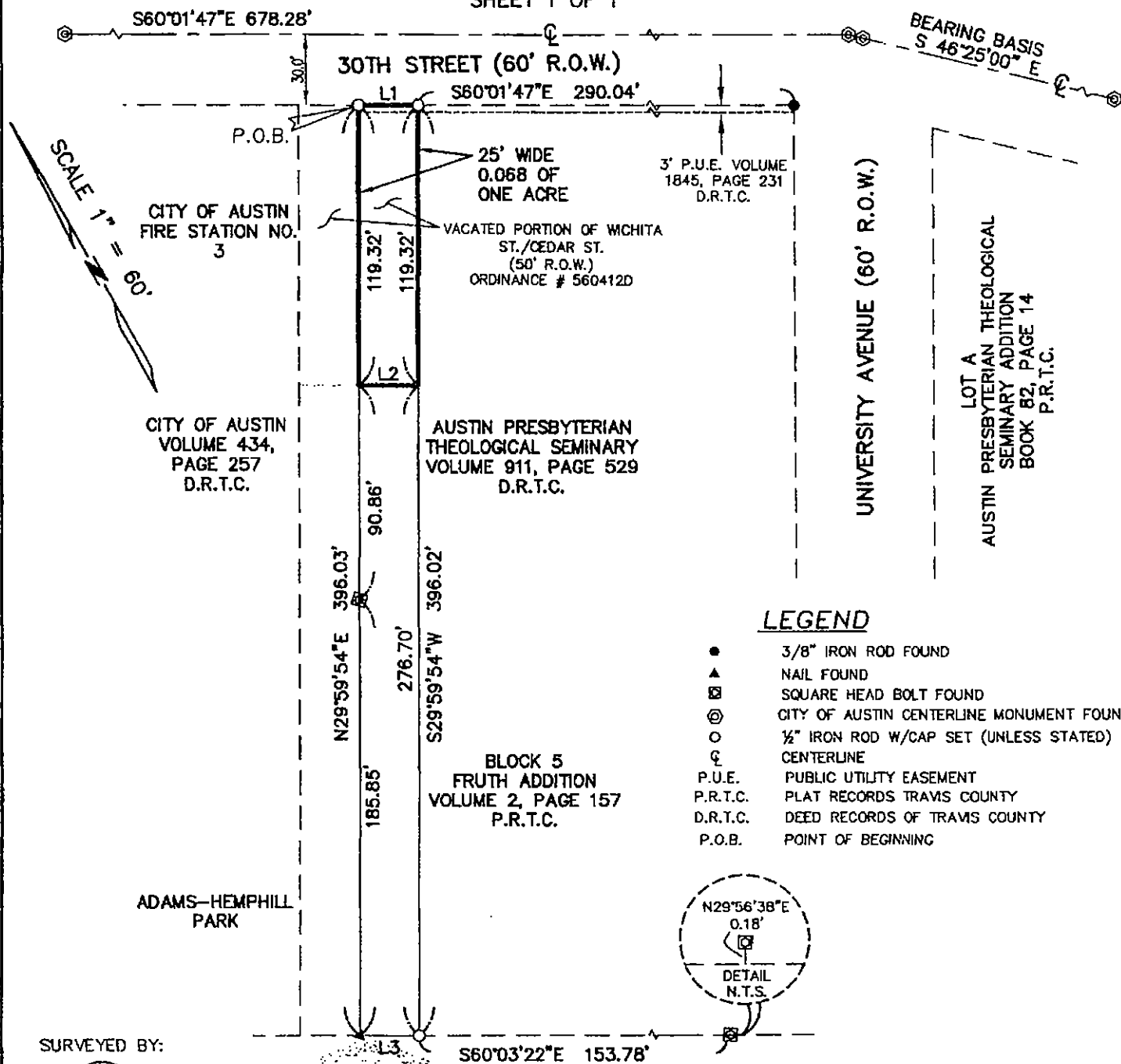
City of Austin Grid: J24



FIELD NOTES REVIEWED
By PHH MOORE Date 9-10-2004
Engineering Support Section
Department of Public Works
and Transportation

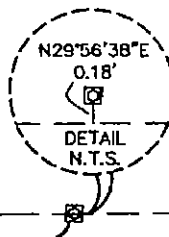
SKETCH TO ACCOMPANY FIELD NOTES

SHEET 1 OF 1



LEGEND

- 3/8" IRON ROD FOUND
- ▲ NAIL FOUND
- ⊠ SQUARE HEAD BOLT FOUND
- ⊙ CITY OF AUSTIN CENTERLINE MONUMENT FOUND
- 1/2" IRON ROD W/CAP SET (UNLESS STATED)
- ⊕ CENTERLINE
- P.U.E. PUBLIC UTILITY EASEMENT
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- P.O.B. POINT OF BEGINNING



SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE:



Cunningham | Allen

Engineers - Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

LINE TABLE		
LINE	BEARING	LENGTH
L1	S60°01'47"E	25.00'
L2	N60°01'47"W	25.00'
L3	S60°03'22"E	25.00'

BEARING BASIS: THE NORTH LINE OF LOT A, AUSTIN PRESBYTERIAN THEOLOGICAL SEMINARY ADDITION S46°25'00"E

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ORDINANCE NO.

**AN ORDINANCE AMENDING ORDINANCE NO. 040729-36 TO CORRECT
AND REPLACE EXHIBIT B.**

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

PART 1. Ordinance No. 040729-38 approved the vacation of a portion of University Avenue to the Austin Presbyterian Theological Seminary in exchange for the conveyance of certain property to the City of Austin. The description of the property to be conveyed to the City described in Exhibit B was incorrect.

PART 2. Ordinance No. 040729-38 is amended to replace Exhibit B with the attached Exhibit B reflecting the correct field notes and acreage (0.068 acres).

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

_____, 2005 §
 §
 § _____
 Will Wynn
 Mayor

APPROVED: _____
 David Allan Smith
 City Attorney

ATTEST: _____
 Shirley A. Brown
 City Clerk