



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

AGENDA ITEM NO.: 20 19
AGENDA DATE: Thu 01/13/2005
PAGE: 1 of 1

SUBJECT: Approve an ordinance vacating an unimproved 0.984 acre portion of the 7000 Block of Montana Street right-of-way to Austin Housing Finance Corporation, to connect two separate parcels of land into one contiguous property to provide for future S.M.A.R.T. Housing development of affordable single-family housing.

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: N/A

BOARD AND COMMISSION ACTION: Recommended by the Planning Commission and the Urban Transportation Commission.

PURCHASING: N/A

MBE / WBE: N/A

The request for the vacation of a portion of Montana Street (unimproved) will be used to combine two separate parcels of land into one contiguous property for future development of single-family housing use. All affected departments and franchise holders have reviewed this request and recommend approval, subject to area being retained as a public utility easement. Property Owners within 300 feet of the area to be vacated were notified of the proposed vacation on November 24, 2004. None of the property owners responded with objection to the vacation.

No revenues will be generated to the City of Austin for the vacation of the requested right of way since Austin Housing Finance Corporation owns the adjacent land.

Street Vacation
0.9844 Acre (42,881 Sq. Ft.)
Santiago Del Valle Grant
Travis County, Texas

Exhibit "A"

FN3505R(ALG)
August 27, 2004
SAM, Inc. Job No. 24236-01

DESCRIPTION OF 0.9844 ACRE (42,881 SQUARE FOOT) TRACT OF LAND BEING SITUATED IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF MONTANA STREET, A 60-FOOT WIDE RIGHT-OF-WAY, AS DEDICATED IN THE PLAT FOR FRONTIER VALLEY, AS RECORDED IN VOLUME 66, PAGE 12, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.9844 ACRE (42,881 SQUARE FOOT) TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the south right-of-way line of said Montana Street, same being the north line of a called 3.279 acre tract of land (Parcel 1) as described in the deed to Austin Housing Finance Corporation, as recorded in Volume 13196, Page 2964, of the Real Property Records of Travis County, Texas, also being the west right-of-way line of Frontier Valley Drive, a 60-foot wide right-of-way, as shown on said plat, and the southeast corner and the **POINT OF BEGINNING** of the tract described herein, from which a 1/2-inch iron rod found for the southeast corner of said 3.279 acre tract bears S 42° 29' 48" W, a distance of 137.58 feet;

THENCE leaving said west right-of-way line, with the common line of said Montana Street and said 3.279 acre tract, the following four (4) courses and distances:

1. with the arc of a curve to the left a distance of 32.85 feet, through a central angle of 100° 45' 16", having a radius of 18.68 feet, and whose chord bears N 07° 53' 21" W, a distance of 28.78 feet to a 1/2-inch iron rod found,
2. with the arc of curve to the left a distance of 198.40 feet, through a central angle of 37° 53' 32", having a radius of 300.00 feet, and whose chord bears N 75° 12' 46" W, a distance of 194.81 feet to a 1/2-inch iron rod found at a point of tangency,
3. S 85° 56' 25" W, a distance of 292.44 feet to a 1/2-inch iron rod found at a point of curvature, and
4. with the arc of a curve to the right a distance of 200.93 feet, through a central angle of 31° 58' 44", having a radius of 360.00 feet, and whose chord bears N 78° 23' 27" W, a distance of 198.33 feet to a calculated point at the intersection of said Montana Street, and the east right-of-way line of Lawrence Street, a 30-foot wide right-of-way, as dedicated in the plat of Chernosky Subdivision Number 16, as recorded in Volume 5, Page 97, of the Plat Records of Travis County, Texas, from which a 1/2-inch iron rod found at the southwest corner of that called 0.102 acre additional right-of-way dedication shown on the plat of Frontier Valley, Section Two as recorded in Volume 99, Page 361 of the Plat Records of Travis County, Texas, bears S 42° 06' 46" W, a distance of 535.29 feet;

THENCE leaving said common line and crossing said Montana Street, N 42° 06' 46" E, a distance of 55.47 feet to a 1-inch iron pipe found in the north right-of-way line of said Montana Street, same being the south line of Lot 10-A, of the Resub of Lot 4 Through 11, Villa Suenia Sec 1, as recorded in Volume 47, Page 39, of the Plat Records of Travis County, Texas;

THENCE with the common line of said Montana Street and said Lot 10-A, the following two (2) courses and distances:

1. S 76° 34' 28" E, a distance of 1.70 feet to a 1/2-inch iron pipe found, and
2. N 41° 32' 18" E, a distance of 6.57 feet to a 1/2-inch iron rod found, in said common line, same being the southwest corner of a called 3.682 acre tract of land (Parcel 2) as described in said deed to Austin Housing Finance Corporation;

Street Vacation
0.9844 Acre (42,881 Sq. Ft.)
Santiago Del Valle Grant
Travis County, Texas

Exhibit "A"

FN3505R(ALG)
August 27, 2004
SAM, Inc. Job No. 24236-01

THENCE with the north right-of-way line of said Montana Street and the south line of said 3.682 acre tract, the following three (3) courses and distances:

1. with the arc of a curve to the left a distance of 150.63 feet, through a central angle of $28^{\circ} 46' 08''$, having a radius of 300.00 feet, and whose chord bears $S 80^{\circ} 03' 36'' E$, a distance of 149.06 feet to a calculated point for a point of tangency,
2. $N 85^{\circ} 56' 25'' E$, a distance of 292.44 feet to a calculated point for a point of curvature, and
3. with the arc of a curve to the right a distance of 269.30 feet, through a central angle of $42^{\circ} 51' 39''$, having a radius of 360.00 feet, and whose chord bears $S 72^{\circ} 37' 01'' E$, a distance of 263.07 feet, from which a 1/2-inch iron rod found in said common line bears with the arc of a curve to the right a distance of 23.59 feet, through a central angle of $03^{\circ} 45' 18''$, having a radius of 360.00 feet and whose chord bears $S 49^{\circ} 18' 33'' E$, a distance of 23.59 feet;

THENCE leaving said common line and crossing said Montana Street, $S 42^{\circ} 29' 48'' W$, a distance of 80.67 feet to the **POINT OF BEGINNING** and containing 0.9844 acre (42,881 sq. ft.) of land more or less.

BEARING BASIS: Bearings are base on the Texas State Plane Coordinate System, NAD 83/93 (HARN), Central Zone and adjusted to surface using a surface adjustment factor of 1.000047022.

THE STATE OF TEXAS

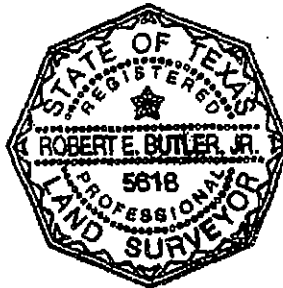
KNOW ALL MEN BY THESE PRESENTS:

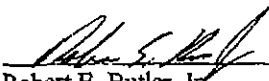
COUNTY OF TRAVIS

That I, Robert E. Butler, Jr., a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during April 2004.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 14th day of December 2004 A.D.

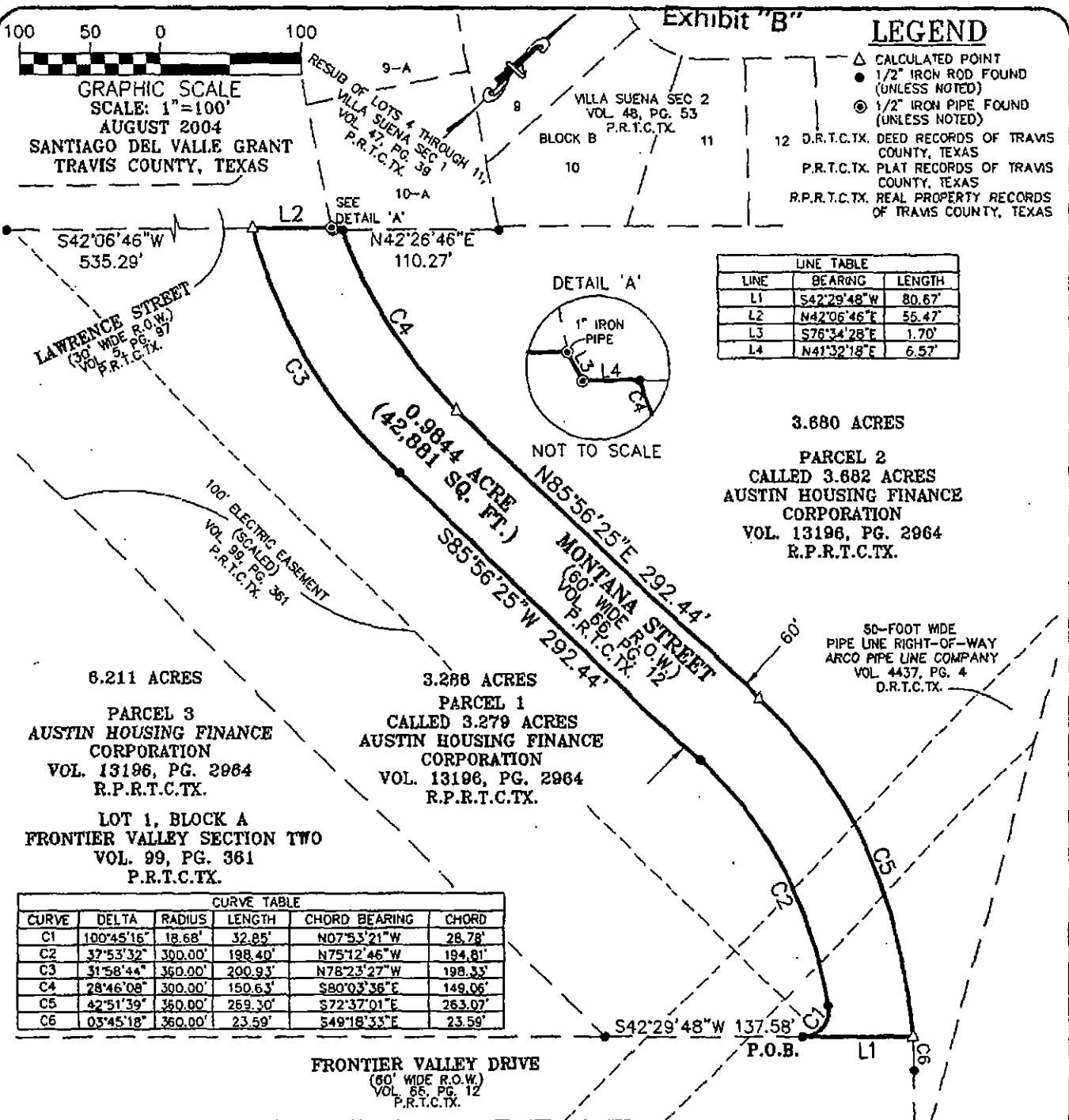
SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735



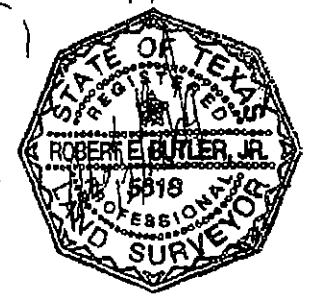

Robert E. Butler, Jr.
Registered Professional Land Surveyor
No. 5618 - State of Texas

References
TCAD Maps 3-0717 & 3-0818
Austin Grid L-19

FIELD NOTES REVIEWED
By JOHN MOORE Date 12-15-2004
Engineering Support Section
Department of Public Works
and Transportation



BEARING BASIS: BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83/93 (HARN), CENTRAL ZONE AND ADJUSTED TO SURFACE USING A SURFACE ADJUSTMENT OF 1.000047022. DERIVED FROM LCRA CONTROL POINTS A577,A642 AND SOCC.



PROJECT: MOTOPIUS
 JOB NUMBER: 24236-01
 DATE: 12/14/2004
 SURVEYOR: REB
 PARTY CHIEF: NA
 FIELDBOOK: NA
 FIELDNOTE: FMS05R(ALO)
 TECHNICIAN: ALO
 DRAWING: FMS05R.DWG
 SCALE: 1" = 100'

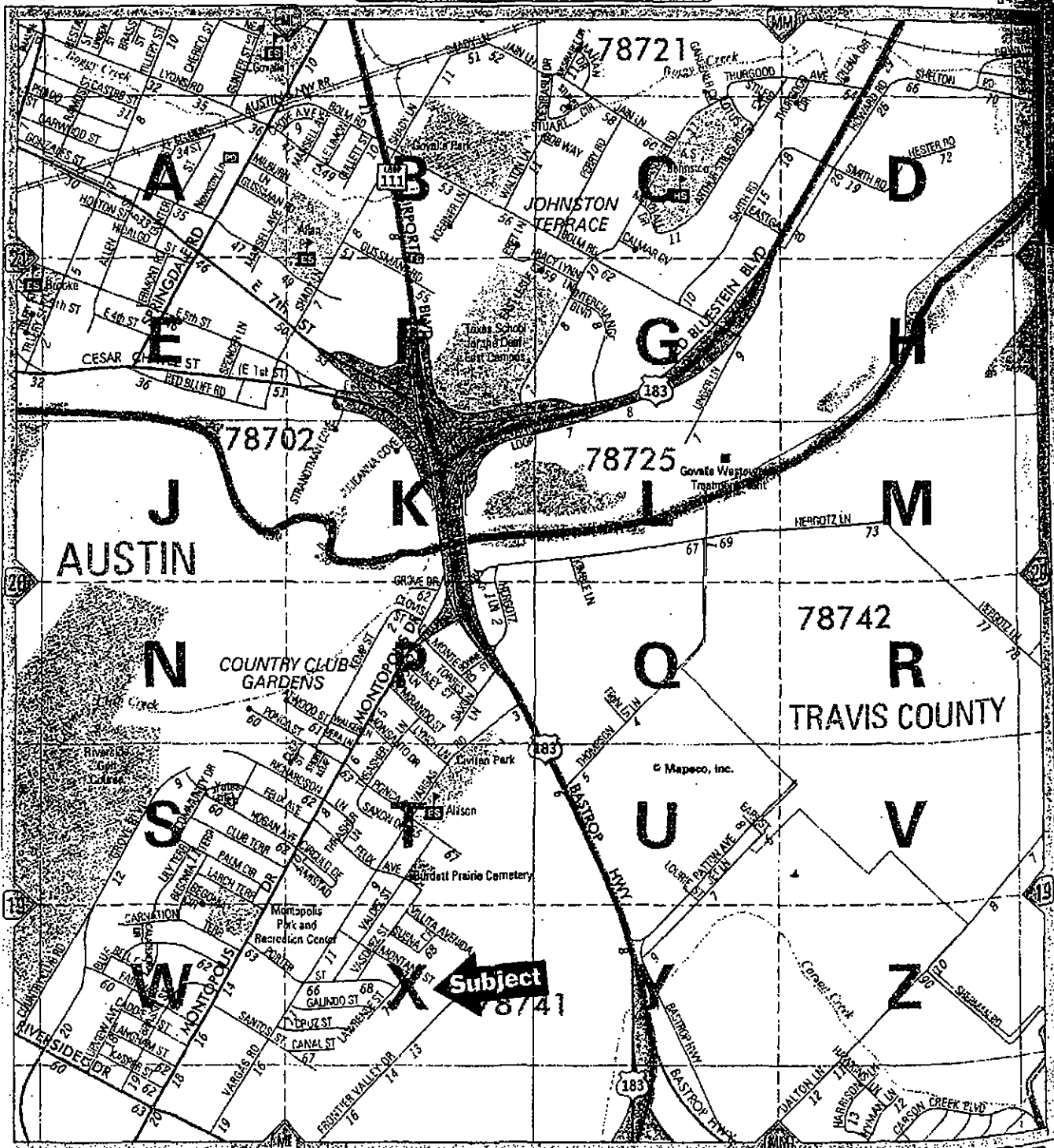


5508 WEST HIGHWAY 290
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 AUSTIN TEXAS, 78736
 (512) 447-0575
 FAX: (512) 326-3029
 EMAIL: SAM@SAMINCALUS.COM

STREET VACATION
SKETCH TO ACCOMPANY
FIELD NOTE No. 3505R
PAGE 3 OF 3



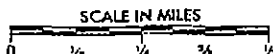
CONVILLE, MISSISSIPPI



CONTINUED ON MAP 615

CONTINUED ON MAP 616

CONTINUED ON MAP 617



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DRAFT MEETING SUMMARY

Pending PC Approval

8. Final without Preliminary: C8-04-0153.0A - Live Oak Grove, Portion of Lot 6; Resubdivision

Location: 2602 Wilson St., East Bouldin Creek Watershed, Dawson NPA
 Owner/Applicant: Cobalt Partners (Mitch Ely)
 Agent: McHone Real Estate (Mike McHone)
 Request: Approval of the Live Oak Grove, Portion of Lot 6; Resubdivision
 compose of 6 lots on 0.996 acres
 Staff Rec.: **DISAPPROVAL**
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: DISAPPROVE BY CONSENT

VOTE: 6-0 (DS-1st, MH-2nd; JMC- ARRIVED LATER, CG-ABSENT)

STREET VACATION

9. Street Vacation: C10v-04-12; F#8133-0410
 Request/Location: Vacation of an un-constructed portion of Montana Street at the 7000
 block.
 Staff Rec.: **RECOMMENDED**
 Staff: Chris Muraida, Real Estate Services Division, 974-7191

MOTION: APPROVE BY CONSENT

VOTE: 6-0 (DS-1st, MH-2nd; JMC- ARRIVED LATER, CG-ABSENT)

Commissioner Sullivan noted that the land will be re-platted to improve block length.

B. OTHER BUSINESS

ITEMS FROM THE COMMISSION

Report from the Committee Chairs

Periodic Reports from Zoning and Platting Commission

Minutes

**Urban Transportation Commission
Monday, November 15, 2004; 6:00 P.M.
505 Barton Springs Road, One Texas Center
11TH Floor Conference Room**

Members Present:

Michelle Brinkman
Dana Lockler
Andrew W. Clements
Patrick Goetz
Dan Rozycki
Greg Sapire
Carl H. Tepper

Members Absent:

Rodney Ahart
Michael Dahmus

Public Works Staff Present:

Richard Kroger
Leanne Vaughn

Ms. Brinkman opened the Urban Transportation Commission meeting at 6:15 p.m.

A. Citizens Communications

There were no citizens wishing to speak.

B. F#8133-0410 Vacation of an Un-Constructed Portion of Montana Street at the 7000 Block

Mr. Richard Frazer, with Neighborhood Housing and Community Development, stated this projected is owned and developed by the Austin Housing Finance Corporation (AHFC), which is a non-profit public corporation owned and formed by the City of Austin. He stated the Board of Directors is the Austin City Council, and the General Manager is the City Manager. The AHFC is in the business of developing affordable housing and facilitating that development throughout the city of Austin.

Mr. Frazer stated this portion of land was purchased about seven years ago and they are now in the planning phase of the development. He stated Montana Street was originally platted to extend to the end of Frontier Valley Drive and they are proposing to vacate the originally planned roadway and construct it in another location. He said they need to relocate the street so the neighborhood plan can take advantage of smaller than standard sized lots and so the solar panels can be placed on south facing roof gables, which is the best place for them. He said they are also trying to maximize the number of lots possible so they can provide the homes at a lower appraised value.

Mr. Frazer said Federal dollars are also invested in this project and all homes will be sold to families that are of lower or moderate income. One of the features they will receive, other than a nicely built home being sold at appraised value, is that all the electricity generated by the solar panels during the day will be free to the owners. Austin Energy will be performing a study in conjunction with this development on the affects, the impacts, of distributive generation. The homes being built will be very energy efficient and affordable homes, and the folks that occupy these homes will have the benefit of much lower utility bills.

Mr. Goetz stated he was under the impression that the city was not going to do cul-de-sacs anymore, but were going to use the grid system. Mr. Frazer stated that due to the existing drainage ditch, it would have been cost prohibitive to cover it up and pipe it. There is also a pipeline in the area that used to be a gas line and now contains fiber optics that also would have been cost prohibitive to re-locate. Mr. Frazer stated they looked at a number of different designs, and Austin Energy also brought in some of their green builder participants. There were not many ideas different than what has been planned. Mr. Frazer stated Phase Two will not have cul-de-sacs.

Ms. Brinkman asked if the City is planning on building additional housing on the area that will be vacated. Mr. Frazer stated yes.

Mr. Tepper asked if there are any plans for multi-family or higher density housing in the area. Mr. Stuart Hersh, with Neighborhood Housing and Community Development, stated the neighborhood planning does not allow it.

Mr. Tepper asked if this has to be a primary residence for the owner and Mr. Frazer stated yes it did. Mr. Frazer stated because of the federal dollars invested there will be an affordability period and there will be no flipping going on. Mr. Tepper then asked how they would keep that from happening. Mr. Frazer stated there is a minimum five-year affordability period and the property can only be sold to someone within the qualifying income bracket.

Mr. Goetz asked about transit accessibility. Mr. Frazer stated they are hoping for it off of Frontier Valley. Mr. Hersh stated Centex is building about 600 units off Frontier Valley, and by the time both areas are built, Capital Metro should provide additional bus stops. Mr. Frazer stated this is also Smart Housing, which is required to be transit oriented.

Motion by: Carl Tepper
Seconded by: Patrick Goetz

Motion: To approve the vacation as presented.

Ayes: Brinkman/Clements/Goetz/Rozycki/Sapire/Tepper
Nays: None
Abstain: None
Absent: Ahart/Dahmus/Lockler

C. Process and Procedures for the Right-Of-Way Vacations and Street Vacations

Mr. Sapire stated he has a list of things that needed to be changed on the ordinance. He went through the questions he had, getting information from staff as needed. He asked Chris Muraida, with the Real Estate Division of the Public Works Department, which city

ORDINANCE NO.

AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE 7000 BLOCK OF MONTANA STREET TO AUSTIN HOUSING FINANCE CORPORATION.

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

PART 1. The Council approves the vacation of an unimproved 0.9844 acre portion of the 7000 block of Montana Street as described in Exhibit A, attached to and incorporated as part of this ordinance, to Austin Housing Finance Corporation to connect two separate parcels of land to create one contiguous property for future S.M.A.R.T. Housing TM development of single-family housing.

PART 2. 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