

February 28, 2025

Mr. Richard Mendoza
Director of the City of Austin Transportation and Public Works Department
6310 Wilhelmina Delco Drive
Austin, Texas 78752

Director Mendoza,

Please accept this letter as the applicant's appeal of your decision to deny the right-of-way vacation filed September 21, 2024, under file number 2024-128390 LM, for the address 1114 W. 5th Street, and 1134 Sayers Street, Austin, Texas, located in District 9.

We were informed that the notice of appeal must be in the form of a letter to the Director and must include the information required by Section 25-1-183 of the Code of Ordinances. In compliance with that directive, please note:

- (1) The name, address, and telephone number of the appellant:
 - a. Mashell Smith, agent, on behalf of Anchor Equities, Ltd.
 - i. 2202 Plumbrook Dr., Austin, Texas 78746
 - ii. 512-914-4455
- (2) The name of the applicant, if the appellant is not the applicant:
 - a. The appellant is the same as the original applicant, Anchor Equities, Ltd.
- (3) The decision being appealed:
 - a. Applicant, on behalf of the adjoining owners of a portion of the Sayers Street ROW that is subject to 2024-128390 LM, Anchor Equities, Ltd., applied for a right of way vacation on September 21, 2024. The vacation was reviewed by all appropriate City of Austin internal and external reviewers and was approved or approved with conditions by same. The file moved to the Director of Transportation and Public Works Department and was approved by that office to move to public hearings at Urban Transportation and Planning Commission. The item was placed on the consent agenda. The Urban Transportation Commission, however, denied approval, but it should be noted that, prior to their vote, they were mistaken on some of the facts of the file (please see notes below).
- (4) The date of the decision:
 - a. On February 12, 2025, the applicant was formally notified via email, by Elizabeth Boswell, City of Austin, Division Manager, Transportation and Public Works, Land Development Engineering. The applicant was told verbally on February 11, 2025, that the Director of Public Works and Transportation, Richard Mendoza, had the item pulled from Planning Commission consideration on February 11, 2025. I'm not sure which date is appropriate.
- (5) A description of the appellant's status as an interest party:

- a. The appellant, representing the only property owners on either side of the requested right-of-way vacation of Sayers Street and being the only parties that can seek the vacation, continue to seek the vacation as requested in file number 2024-128390 LM.
- (6) The reasons the appellant believes that the decision is in error:
- a. The owners of the properties facing Walsh Street (Griffith) have misrepresented the facts of their rights to Sayers Street. Sayers St. was dedicated to the City by two different plats – one twenty-foot (20') strip contiguous to the South property, 1114 W. 5th Street (Sayers Subdivision dedicated by Volume 1, Page 29, P.R.T.C.T.) and one twenty-foot (20') strip contiguous to the property to the North, 1134 Sayers Street (Raymond's Plateau Subdivision, dedicated by Volume 1, Page 30, P.R.T.C.T.). Anchor Equities, Ltd. owns both of the properties. That being the case, Anchor Equities, Ltd. is the only legal entity that can request the vacation.
 - b. It is our contention that the Walsh Street property owners (Griffith) have incorrectly stated that they also have rights to the Sayers Street ROW. The Walsh St. properties that are objecting to this ROW vacation are in a wholly different and separately platted subdivision (Laura P. Duval's Subdivision), and it should be noted that those lots enjoy almost 400 feet of Walsh St. frontage and approximately 160 feet of W. 6th St. frontage. Laura P. Duval's Subdivision did not plat an extension of Sayers St. to connect to Walsh Street. Sayers Street, per plats previously noted, is a dead-end street. The general public cannot leave a public road and trespass onto private property. This section of Sayers Street is "orphaned" and the City of Austin has never honored its responsibility to maintain the street. The two twenty-foot strips of Sayers St. ROW, contiguous to both 1114 W. 5th St. and 1134 Sayers St. have no curb and gutter and no stormwater inlets as would a typically maintained city street. I was told by City staff that there are no records of City maintenance of Sayers Street.
 - c. It should be noted that City Council approval of this Right of Way vacation request will result in, but not limited to, the following public benefits:
 - i. Fair market land value payment from the applicant to the City prior to the item's being placed on City Council agenda; unofficial general sales in the area are \$200 - \$300/sf. Travis County Appraisal District has the adjoining properties valued at \$250/sf (land only value). If these rough estimates were used = \$250 x 4,516 sf = \$1,129,000 (estimated, approximate payment by the applicant to the City for this vacated ROW). There will most likely be a discount due to the City of Austin retaining several easements;
 - ii. Placement of this strip of land on the tax rolls; again current Travis County Appraisal district valuation = 4,516 sf x \$250/sf = \$1,129,000. Taxable value per year;
 - iii. Removal of any City obligation to maintain this orphaned dead-end section of Sayers St. (to date, an obligation unfulfilled by the City);
 - iv. Enhanced future development potential of the combined, commonly owned tracts of 1114 W. 5th St. and 1134 Sayers St., and the ongoing future tax revenues generated from that enhancement.
 - d. When the Griffiths placed the "private property" sign on the fence/gate separating the Sayers St. public right-of-way and their private property, that served as an

- acknowledgement that they sought to prohibit the general public from leaving the current Sayers St. to cross onto their private property.
- e. Once established that the general public cannot access Walsh-Street-fronting properties from this Sayers St. dead end, it should be acknowledged that the majority of the cars that enter onto Sayers Street are doing so solely to access the businesses at the two retail buildings located at 1134 Sayers St. and 1114 W. 5th Street. The safety of these customers is vitally important. Commercial traffic intended to service the backside of the Walsh St. properties (again, a separately platted subdivision) is both inappropriate and unsafe and presents a significant handicap to the retail business that front this portion of the Sayers St. ROW.
 - f. I have spoken with City staff and have been informed that in dead end ROW situations like this, the City typically places Type 3 Dead End barricades to prevent the public from continuing onto private property (in this case those would be the Griffith's properties that front on Walsh Street). No such barricades were ever placed by the City. The Griffiths' tenants have used the unbarricaded area and placed a "Private Property" sign on a double wide, fenced gate that opens onto the Sayers St. ROW. Although there is no obligation to do so, the applicant has voluntarily agreed to enter into a temporary Sayers St. access easement agreement to the benefit of the current Walsh St. tenants. This offer is somewhat undercut by the fact that Griffith's current Walsh St. tenants are now in the process of seeking new lease space, based on Griffith's notification of his intent not to renew their leases.
 - g. We hereby request that the City of Austin place the Type 3 Dead End barricades at the west end of the current Sayers St. ROW after change of use/tenancy of Walsh Street parcels so there is no longer any confusion as to the right of the use to this publicly unmaintained strip of ROW.
 - h. When the Director originally allowed this file (2024-128390 LM) to move forward in early December, 2024, Anchor Equities, Ltd. paid the City of Austin a fee of \$4,500.00 to engage a third-party appraiser to determine the fair market value of ROW area that was requested to be vacated. That appraisal, from Chris Lehman (third party appraiser), was due to the City of Austin no later than February 24, 2025. The City's in-house appraisers will then review his appraisal. It is my understanding that the applicant will not have the fair market value information until after the deadline established pursuant to this letter.

In addition, I am providing three examples of other dead-end streets that fit a similar scenario to Sayers St. I feel certain that there are many other examples of dead-end streets that are prohibited from accessing private property.

1. The general public is prohibited from leaving the public dead-end street of Maggie Mayer Street to access a private property located at 1717 W. 10th Street.
2. The general public is prohibited from leaving the public dead-end street of W. 8th west of W. Lynn Street to access Gateway Apartments off of Campbell Street.
3. The general public is prohibited from leaving the public dead-end street of Rose Street to access the private property located at 1115 W. 5th Street.

Thank you in advance for your careful consideration of the above presented facts. Please let me know our next steps in moving this ROW vacation request forward. We hereby request an in-person meeting with Director Mendoza, Elizabeth Boswell, Upal Barua and Keith Mars, as soon as scheduling permits. We further ask that this file be placed back on the Planning Commission agenda and subsequently on the City Council agenda for an up or down vote. Items can move forward to Council even if UTC and PC have denied the file. Those commission's votes are recommendations to Council and are shown on the RCA.

Respectfully submitted,

Mashell Smith

Cc:

Zohaib Qadri, Austin City Council member, District 9

Elizabeth Boswell, Division Manager, Transportation and Public Works, Land Development Engineering

Upal Barua, Assistant Director, Transportation and Public Works

Keith Mars, Assistant Director of Building Plan Review and Development Review

Joseph Fotinos, Project Manager, Transportation and Public Works, Land Development Engineering

Christopher Bueckert, Real Estate Services Agent, Transportation and Public Works, Land Development Engineering