



# City of Austin

## Recommendation for Action

**File #:** 25-1018, **Agenda Item #:** 67.

5/22/2025

### **Posting Language**

Conduct a public hearing on an appeal of the Transportation and Public Works Department Director's denial of an application to vacate a total of approximately 0.104 acres (4,516 square feet) of developed right-of-way to Anchor Equities Ltd., being that certain 40-foot-wide right-of-way commonly known as Sayers Street, comprised of a north segment measuring approximately 2,253 square feet and shown as a portion of a called 40-foot street in the Map of Survey recorded in Volume 3, Page 171 of the Plat Records of Travis County, Texas, and a south segment measuring approximately 2,263 square feet and shown as a 20-foot Alley in Block 10, Sayers Subdivision, a subdivision recorded in Volume 1, Page 29 of the Plat Records of Travis County. This item has no fiscal impact.

### **Lead Department**

Transportation and Public Works Department

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

### **For More Information:**

Richard Mendoza, Director, 512-974-2488; Upal Barua, Assistant Director, 512-974-7110; Elizabeth Robinson, Acting Managing Engineer, 512-974-6312; Gilda Powers, Quality Consultant, 512-974-7092.

### **Council Committee, Boards and Commission Action:**

February 4, 2025, reviewed and not recommended by the Urban Transportation Commission on a 9-0 vote with Commissioner Buffo abstaining and Commissioner Smith absent.

### **Additional Backup Information:**

The application for the right-of-way vacation of Sayers Street was submitted on September 21, 2024, by the authorized agent for Anchor Equities Ltd., the owner of the lots abutting both sides of Sayers Street. As part of the required public notification process, letters informing neighboring property owners within 300 feet of the vacation area were sent on December 5, 2024.

On December 11, 2024, the Transportation and Public Works (TPW) Department Director determined that the right-of-way serves no present or future public purpose and issued a memorandum administratively approving the vacation.

If the Director determines the right-of-way serves no present or future public purpose, City Code requires TPW to forward the vacation application to the Planning Commission and the Urban Transportation Commission for review and recommendation. Planning Commission review of the right-of-way vacation application was originally scheduled for December 17, 2024, as both city staff and the applicant were prepared to proceed.

However, on December 15, 2024, Transportation and Public Works Department (TPW) received an objection from Stefanie and Stephen Griffith, the neighboring property owners at 503 and 505 Walsh Street. Although

the plans for a new mixed-use development at their property, submitted to the City under site plan # SP-2024-0428C - 6th & Walsh, indicate that future access to the proposed parking garage was planned from Walsh Street, the neighboring owners stated their tenant's business utilizes the right-of-way for loading and unloading furniture and business supplies and for public access to the rear of their property. As a result, the item was postponed to January 28, 2025 as the City investigated these claims. The item was later postponed again to the February 11, 2025 Planning Commission meeting

The neighboring property owners also claimed rights as owners of an "abutting" property. City code authorizes the vacation and sale of city right-of-way to the owners of the properties abutting the right-of-way. Sayers Street was originally dedicated via subdivision plats recorded in Vol. 1, Page 29 and Vol. 3, Page 171 of the Travis County Plat Records. Per Section 272.001(c)(1) of the Local Government Code, streets or alleys may be sold to abutting property owners in the same subdivision if the land has been subdivided. The lots that front onto Walsh Street are part of the Duval subdivision recorded in Vol. 1, Page 23 of the Travis County Plat Records, a different subdivision, and therefore their owners are not abutting property owners in the same subdivision under Section 272.001(c)(1) or for the purpose of submitting a right-of-way vacation application under the City code. However, the neighboring owners may have rights to Sayers Street greater than those of the general public, so the applicant was advised that measures may be necessary to preserve access to the Walsh Street lots, at least until those properties redeveloped and the tenant no longer needed Sayers Street to load or unload its furniture.

The City decided to proceed with processing the application from Anchor Equities Ltd., so long as conditions were placed upon the vacation to ensure that access to the Walsh Street lots would not be substantially and materially impaired. On December 19, 2024, the appraisal request for the right of way was submitted and paid for by the applicant. The applicant also attempted to work with the neighboring owner to reach an agreement.

On February 4, 2025, the application was presented before the Urban Transportation Commission (UTC), with representatives for both the applicant and the neighboring owners in attendance. The Commissioners first heard objections from Stefanie and Stephen Griffith of Griffith Properties, owners of 503 and 505 Walsh Street. They explained that the tenants of their family partnership, Walsh Street Venture 2, LLC, regularly used Sayers Street. Marc Fray, the tenant at 503 and 505 Walsh Street, had relied on Sayers Street for furniture deliveries for over a decade. They argued that Sayers Street was the only viable access point for large trucks, as access via Walsh Street was too steep and narrow.

As directly adjoining property owners with small local business tenants who had depended on Sayers Street for decades, the Griffiths strongly objected to vacating the right-of-way. They also stated that they were in the process of developing their property and had submitted plans (SP-2024-0428) on November 4, 2024, for a mixed-use, high-density development intended to benefit the public as Smart Housing. The Griffiths emphasized that Sayers Street was essential for fire access, utility access, vehicular access, and loading access as part of their development plan.

City staff provided a presentation detailing the facts of the vacation as part of the standard process. The representative for the applicant (Anchor Equities, Ltd.), stated that the right-of-way was only 40 feet wide and that the vacation would benefit the public by removing the city's responsibility for maintenance. TPW staff addressed the Commission to clarify the timeline and emphasized that staff had proceeded in accordance with standard procedures before receiving any objections to the right-of-way vacation. Following the presentations and objections, the UTC, with a vote of 9-0, with one commissioner abstaining and one commissioner absent, recommended rejection of the right-of-way vacation of Sayers Street.

On February 10, 2025, after reviewing the information presented by the Griffiths at the February 4, 2025 UTC meeting, the UTC's recommended rejection of the right-of-way vacation application, and the potential need for future public access to the rear of the Walsh Street lots, the Director determined that Sayers Street still serves

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a present or future public purpose and decided to rescind his prior administrative approval of the right-of-way vacation application. After receiving this determination, staff submitted a request to officially withdraw the item from the Planning Commission's agenda on February 11, 2025.

On February 28, 2025, the applicant submitted a letter appealing the Director's decision to deny the application to vacate a portion of the Sayers Street right-of-way.

Per City Code Chapter 14-11, Article 1, Section 14-11-3, a denial of a vacation application may be appealed to council in accordance with Chapter 25-1, Article 7, Division 1 (Appeals), which requires a public hearing on the appeal. Before opening the hearing, the council shall decide preliminary issues raised by the parties, including whether to postpone or continue the hearing and whether the appellant has standing to appeal, then the public hearing shall proceed in the following order:

- 1) A report from City staff;
- 2) a presentation by the appellant;
- 3) comment by persons supporting the appeal;
- 4) comment by persons opposing the appeal; and
- 5) a rebuttal by the appellant.

Upon closing the public hearing, the council may exercise the power of the Director, whose decision to deny the right-of-way vacation application due to his determination that Sayers Street still serves a present or future public purpose may be upheld, modified, or reversed.