

65

ORDINANCE NO \_\_\_\_\_

1 AN ORDINANCE AN ORDINANCE REZONING AND CHANGING THE ZONING  
2 MAP FOR THE PROPERTY COMMONLY KNOWN AS THE EAST AVENUE  
3 PUD LOCATED AT 3400 NORTH IH-35 IN THE HANCOCK NEIGHBORHOOD  
4 PLAN AREA FROM LIMITED OFFICE-MIXED USE-NEIGHBORHOOD PLAN  
5 (LO-MU-NP) COMBINING DISTRICT, GENERAL OFFICE-NEIGHBORHOOD  
6 PLAN (GO-NP) COMBINING DISTRICT, AND GENERAL COMMERCIAL  
7 SERVICES-MIXED USE-NEIGHBORHOOD PLAN (CS-MU-NP) COMBINING  
8 DISTRICT TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN  
9 (PUD-NP) COMBINING DISTRICT

10  
11 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

12  
13 **PART 1** The zoning map established by Section 25-2-19.1 of the City Code is amended to  
14 change the base zoning district from limited office-mixed use-neighborhood plan (LO-  
15 MU-NP) combining district, general office-neighborhood plan (GO-NP) combining  
16 district, and general commercial services-mixed use-neighborhood plan (CS-MU-NO)  
17 combining district to planned unit development-neighborhood plan (PUD-NP) combining  
18 district on the property described in File C814-06-0175 on record at the Neighborhood  
19 Planning and Zoning Department, as approximately 22 acres of land, more or less, being  
20 more particularly described in Exhibit A (*Description of Property*) incorporated into this  
21 ordinance (the "Property"), locally known as the property located at 3400 North IH-35, in  
22 the City of Austin, Travis County, Texas, and generally identified in the map attached as  
23 Exhibit B (*Zoning Map*).

24 **PART 2** This ordinance, together with the attached Exhibits A through D-1 are the land  
25 use plan for the East Avenue planned unit development district (the "PUD ") created by this  
26 ordinance. The PUD shall conform to the limitations and conditions set forth in this  
27 ordinance and in the East Avenue planned unit development land use plan. Except as  
28 otherwise specifically provided by this ordinance, all other rules, regulations and  
29 ordinances of the City in effect on the effective date of this ordinance apply to the PUD.

30 **PART 3** The Property is subject to Ordinance No 040826-59 that established the  
31 Hancock neighborhood plan combining district  
32  
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**PART 4** The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A Description of Property

Exhibit B Zoning Map

Exhibit C-1 Land Use Plan Conceptual Internal Drive and Block Plan

Exhibit C-2 Land Use Plan Maximum Building Area and Height Zones

Exhibit C-3 Land Use Plan Ground Floor Pedestrian-Oriented Use Frontages

Exhibit C-4 Land Use Plan Internal Drive Cross-sections

Exhibit C-5 Land Use Plan Alternative Conceptual Internal Drive and Block Plan  
With Church Access Easement

Exhibit D Grow Green Native and Adapted Landscape Plants

Exhibit D-1 Invasive Species/Problem Plants

## **PART 5** Definitions

A In this ordinance

PARCEL The PUD is divided into eleven parcels, identified on Exhibit C-1 (*Land Use Plan Conceptual Internal Drive and Block Plan*) as Parcels A, B1, B2, B3, C, D, E, F, G, H, and I.

B All other terms have the meaning provided in the Code.

**PART 6** In accordance with Section 25-2-411 (A) (*Planned Unit Development District Regulations*) of the City Code, the following regulations apply to the PUD instead of otherwise applicable City regulations:

A Section 25-2-243 (*Proposed District Boundaries Must Be Contiguous*) of the City Code does not apply to the PUD.

B Section 25-2, Article 10 (*Compatibility Standards*) of the City Code does not apply to the PUD as to heights and setbacks.

**PART 7** Permitted, Conditional, and Prohibited Uses Except as set forth in the ordinance, the Property is subject to community commercial (GR) uses:

A A use that is a permitted or conditional use in a community commercial (GR) district or a multifamily residence highest density (MF-6) district is a permitted use of the PUD.

1 The following uses are additional permitted uses

2  
3 Administrative services

4 Custom manufacturing

5 Park and recreation services (general)

Cocktail lounge

Liquor sales

6 Park and recreation services  
(special)

7  
8 2 The total square footage for all medical offices use on the Property may  
9 not exceed 175,000 square feet of gross floor area

10  
11 B Seventy-five percent of the ground floor area as depicted on Exhibit C-3  
12 (*Ground Floor Pedestrian-Oriented Use Frontages*) and shown as cross-  
13 hatched areas must be pedestrian oriented uses

14  
15 **PART 8** Site Development Regulations Except as set forth in the ordinance, the  
16 Property is subject to community commercial (GR) site development regulations

17 A The PUD shall be developed according to the land use plan shown as  
18 Exhibits C-1 through C-4

19 B Internal drives within the PUD shall be developed with streetscape  
20 improvements and street design that comply with the City of Austin Great  
21 Streets Program criteria and with Exhibits C-4, Section AA through DD  
22 (*Internal Drive Cross-sections*)

23  
24 C Height limits, setbacks, and building area dimensions shall comply with  
25 Exhibit C-2 (*Maximum Building Area and Height Zones*)

26  
27 D The maximum impervious cover is 85 percent

28  
29 E The maximum floor-to-area ratio is 3.25 to 1.0

30  
31 F A minimum one acre of open space must be provided as public green space  
32 and plaza space

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34 G On-site water quality controls must be provided and designed in accordance  
35 with sustainable environmental site design techniques

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37 H For a building with a height that exceeds 200 feet, green roof design shall be  
38 integrated into the project

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- I At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 16.92 (D) and (E) of the Environmental Criteria Manual that are in effect on the date of this covenant.
- J At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "D". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "D-1", may not be included.
- K All new residential and commercial development shall comply with Austin Energy Green Building Program in effect on March 22, 2007, to achieve a minimum two-star rating.
- L The owner shall provide a rainwater collection and irrigation system from rooftop areas of at least one building for irrigation of managed landscaped areas. The rainwater collection system shall provide an overall volume of a minimum of 9,000 gallons of storage. The rainwater collection system shall be maintained at least once a year to remove organic debris and to ensure that the system is functioning as designed.
- M A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering, Inc., dated August 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated February 7, 2007. The TIA shall be

1 kept on file at the Watershed Protection and Development Review  
2 Department

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4 **PART 9** This ordinance takes effect on \_\_\_\_\_, 2007

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7 **PASSED AND APPROVED**

8  
9  
10 \_\_\_\_\_, 2007

§  
§  
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11  
12 Will Wynn  
13 Mayor

14  
15  
16 **APPROVED**

**ATTEST**

17 David Allan Smith  
18 City Attorney

Shirley A. Gentry  
City Clerk

20 563 ACRES  
TRACT A  
(TRACTS 1-4)

FN NO 06-442(MAZ)  
AUGUST 09, 2006  
BPI JOB NO 1689-01

### DESCRIPTION

OF 20 563 ACRES OF LAND OUT OF OUTLOT NUMBERS TWENTY-ONE AND TWENTY-TWO, DIVISION "C" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY TEXAS, BEING COMPRISED OF THE FOLLOWING CERTAIN TRACTS OF LAND DESCRIBED IN DEEDS TO CONCORDIA LUTHERAN COLLEGE A PORTION OF 18 656 ACRES IN VOLUME 1467 PAGE 57, A 14,618 SQUARE FOOT TRACT IN VOLUME 9315, PAGE 438 A 0 138 ACRE TRACT IN VOLUME 8896 PAGE 111, ALL OF THE DEED RECORDS OF TRAVIS COUNTY TEXAS, LOT 34 LOT 35 AND A PORTION OF LOT 36, HANCOCK PARK SUBDIVISION OF RECORD IN VOLUME 4, PAGE 345 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, SAID LOTS HAVING BEEN CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY THE DEEDS OF RECORD IN VOLUME 2404, PAGE 601, VOLUME 2404, PAGE 590, AND VOLUME 2404, PAGE 596 RESPECTIVELY OF SAID DEED RECORDS, LOT 9 AND LOT 10 OF PLAINVIEW HEIGHTS RESUBDIVISION OF RECORD IN VOLUME 4 PAGE 23 OF SAID PLAT RECORDS, SAID LOTS HAVING BEEN CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY THE DEED OF RECORD IN VOLUME 6628 PAGE 1313 OF SAID DEED RECORDS SAID 20 563 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

**BEGINNING**, at a 1/2 inch iron rod with cap set on the northerly right-of-way line of East 32nd Street(60' R O W ) for the southerly common corner of said 18 656 acre tract and that certain 237 square foot tract conveyed to the City of Austin, of record in Volume 10864, Page 249 of said Deed Records, for the southerly most southwesterly corner hereof, from which a 1/2 inch iron rod found on said northerly right-of-way line of East 32nd Street, for the southwesterly corner of Lot 1 Block A" Resubdivision of CPLMA Subdivision, of record in Volume 77, Page 153 of said Plat Records bears N62°36'12" W a distance of 356 70 feet,

**THENCE**, N27°23'01"E along a portion of the westerly line of said 18 656 acre tract, being in part the easterly line of said 237 square foot tract and in part the easterly line of that certain 0 2201 acre tract described in the deed to Columbia/St David's Healthcare System, L P , of record in Volume 12725, Page 1436, of the Real Property Records of Travis County, Texas, for a portion of the westerly line hereof a distance of 210 00 feet to a 1/2 inch iron rod pipe found for the northeasterly corner of said 0 2201 acre tract and being an interior ell corner of said 18 656 acre tract, for an angle point hereof

**THENCE**, N62°36'12"W, continuing along the westerly line of said 18 656 acre tract, being in part the northerly line of said 0 2201 acre tract and in part the northerly line of that certain tract described in the deed to Bruno Ybarra Et Ux, of record in Volume 8102, Page 578, of said Deed Records for a portion of the westerly line hereof a distance of 123 23 feet to a 1/2 inch iron rod with cap set for the southeasterly corner of Lot 14 of said Hancock Park subdivision, said Lot 14 having been conveyed to James B Stedman and Dana P Stedman, by the deed of record in Volume 12865, Page 1863 of said Real Property Records for an angle point hereof from which a 1/2 inch iron pipe found in the southerly line of said Lot 14, for the apparent northwesterly corner of said Ybarra tract bears N62°36'12"W a distance of 23 23 feet,

**THENCE**, N28°00'39"E, continuing along the westerly line of said 18 656 acre tract being in part the easterly line of said Lot 14 and in part the easterly line of Kim Lane (50' R O W ) dedicated by said plat of Hancock Park, for a portion of the westerly line hereof, passing at a distance of 89 46 feet a 1/2 inch iron rod found for the northeasterly corner of said Lot 14 continuing for a total distance of 486 55 feet to a 1/2 inch iron rod with cap set for the southeasterly corner of said 14,618 square foot tract for an angle point hereof,

**THENCE**, N62°28'47"W, leaving the westerly line of said 18 656 acre tract in part along the southerly line of said 14,618 square foot tract and in part the southerly line of Lot 34 of said Hancock Park subdivision, same being in part the northerly right-of-way line of Duncan Lane (50' R O W ) dedicated by said plat of Hancock Park, for a portion of the westerly line hereof a distance of 133 39 feet to a 1/2 inch iron rod with cap set for the southerly common corner of said Lot 34 and Lot 2, Resubdivision of Hancock Park Annex, a subdivision of record in Volume 50, Page 92 of said Plat Records, said Lot 2 being included within a Master Deed and Declaration for the Pointe Condominiums, of record in Volume 7629 Page 643 of said Deed Records, from which a 1/2 inch iron pipe found bears S27°33'39"W, a distance of 0 46 feet

**THENCE**, N27°33'39"E, leaving said northerly right-of-way line of Duncan Lane along the common line of said Lot 34 and said Lot 2, for a portion of the westerly line hereof a distance of 169 91 feet to a 1/2 inch iron rod with cap set for the common corner of said Lot 2 said Lot 34, said Lot 35, and said Lot 36, for an angle point hereof,

**THENCE**, along the common line of said Lot 2 and said Lot 35, for a portion of the westerly line hereof, the following two (2) courses and distances

- 1) N62°26'21"W, a distance of 83 63 feet to a 1/2 inch iron rod with cap set for the southwesterly corner of said Lot 35,
- 2) N27°33'39"E, a distance of 169 97 feet to a 1/2 inch iron pipe found for the northerly common corner of said Lot 2 and said Lot 35, being on the southerly right-of-way line of Luther Lane (50' R O W ) dedicated by said plat of Hancock Park, for an angle point hereof, from which a 1/2 inch iron rod found on said southerly right-of-way line of Luther Lane and on the easterly right-of-way line of Red River (R O W varies) bears N62°28'47"W, a distance of 380 33 feet

**THENCE**, S62°28'47"E, along said southerly right-of-way line of Luther Lane, being in part the northerly line of said Lot 35 and in part a portion of the northerly line of said Lot 36, for a portion of the westerly line hereof, a distance of 139 69 feet to a 1/2 inch iron rod with cap set for the northwesterly corner of that certain 982 square foot Tract "A" conveyed to the City of Austin for street right-of-way, of record in Volume 9547, Page 959, of said Real Property Records, for the beginning of a curve to the left,

**THENCE**, continuing along the southerly right-of-way line of Luther Lane, being in part the southerly line of said 982 square foot Tract "A", in part the northerly line of said 14,618 square foot tract and in part the easterly line of that certain 1118 square foot Tract "B" of record in said Volume 9547 Page 959 for a portion of the westerly line hereof with said curve to the left having a radius of 50 00 feet a central angle of 232°29'43" an arc length of 202 89 feet, and a chord which bears S88°52'16"E, a distance of 89 69 feet to a 1/2 inch iron rod found for the northerly corner of said 1118 square foot Tract "B", being in the westerly line of said 18 656 acre tract for an angle point hereof,

**THENCE**, N28°00'39"E along the westerly line of said 18 656 acre tract, being in part the easterly line of said Luther Lane and in part the easterly line of that certain 5 8681 acre tract described in a Deed of Trust executed by Saint Paul s Evangelical Lutheran Church, of record in Document No 2004024228 of the Official Public Records of Travis County, Texas for a portion of the westerly line hereof a distance of 447 51 feet to a 1/2 inch iron rod found for the northerly common corner of said 5 8681 acre tract and said 18 656 acre tract for an angle point hereof, being in the southerly line of that certain 150'x 66 8 tract described in the deed to Nathan H Lestico and Kent R Lestico, of record in Volume 5368 Page 1643 of said Deed Records,

**THENCE**, S62°09'37"E along a portion of the northerly line of said 18 656 acre tract, being in part the southerly line of said Lestico tract and in part the southerly line of that certain 0 229 acre tract described in the deed to Joseph E Piper, of record in Document No 2001216768 of said Official Public Records for a portion of the northerly line hereof passing at a distance of 13 27 feet a 1/2 inch iron rod found for the southerly common corner of said Lestico tract and said 0 229 acre tract, continuing for a total distance of 80 10 feet to a 1/2 inch iron rod with cap set for the southerly common corner of said 0 229 acre tract and said Lot 10 of Plainview Heights from which a 1/2 inch iron pipe found bears S62°09'37"E, a distance of 0 84 feet

**THENCE**, N27°56'19"E leaving the northerly line of said 18 656 acre tract along the westerly line of said Lot 10 and said Lot 9, being the easterly line of said 0 229 acre tract for a portion of the northerly line hereof a distance of 117 80 feet to a 1/2 inch iron rod with cap set for the northwesterly corner of said Lot 9 and being the southwest corner of Lot 8 of said Plainview Heights for the northerly most northwesterly corner hereof, from which a 1/2 inch iron rod found in the westerly line of said Lot 8 for the apparent northeasterly corner of said 0 229 acre tract bears N27°56'19"E, a distance of 32 38 feet,



**THENCE**, S62°19'56"E, along the common line of said Lot 9 and said Lot 8, for a portion of the northerly line hereof, a distance of 177 08 feet to a 1/2 inch iron pipe found for the easterly common corner of said Lot 9 and said Lot 8, for the northerly most northeasterly corner hereof, being on the westerly right-of-way line of Harmon Avenue (50' R O W ), from which a 1/2 inch iron pipe found on said westerly right-of-way line of Harmon Avenue bears N28°12'56"E a distance of 101 37 feet,

**THENCE**, S28°12'56"W along said westerly right-of-way line of Harmon Avenue being in part the easterly line of said Lot 9, the easterly line of said Lot 10 and the easterly line of said 0 138 acre tract, for a portion of the northerly line hereof, passing at a distance of 118 50 feet, a 1/2 inch iron pipe found 0 19' east of line for the easterly common corner of said 0 138 acre tract and said Lot 10, continuing for a total distance of 168 33 feet to a calculated point for the southeasterly corner of said 0 138 acre tract, being in the northerly line of said 18 656 acre tract and the southerly line of Concordia Avenue (50' R O W ), for an angle point hereof, from which an X found cut in concrete bears N26°31'18"W a distance of 0 43 feet

**THENCE**, S62°22'15"E, along said southerly line of Concordia Avenue, being the northerly line of said 18 656 acre tract, for a portion of the northerly line hereof, a distance of 307 30 feet to a 1/2 inch iron rod found on the westerly right-of-way line of Interstate Highway No 35 (R O W varies) for the easterly most northeasterly corner hereof

**THENCE**, along the westerly right-of-way line of Interstate Highway No 35, being the easterly line of said 18 656 acre tract, for the easterly line hereof the following two (2) courses and distances


- 1) S27°56'35"W, a distance of 784 07 feet to a 1/2 inch iron rod found for an angle point
- 2) S27°34'22"W a distance of 686 55' feet to a 1/2 inch iron rod with cap set for the southeasterly corner of said 18 656 acre tract, being on the northerly right-of-way line of East 32ND Street for the southeasterly corner hereof,

THENCE, N62°36'12"W, along said northerly right-of-way line of East 32ND Street, being the southerly line of said 18 656 acre tract, for the southerly line hereof a distance of 444 41 feet to the **POINT OF BEGINNING**, containing an area of 20 563 acres (895,743 square feet) of land, more or less, within these metes and bounds

**BEARING BASIS NOTE** THE BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, 83(93), CENTRAL ZONE, UTILIZING CITY OF AUSTIN GPS CONTROL NETWORK MONUMENTS

I, JOHN T BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND BY BURY+PARTNERS COMPLETED DURING THE MONTH OF AUGUST 2006 A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION

BURY & PARTNERS INC  
ENGINEERING SOLUTIONS  
3345 BEE CAVE ROAD, SUITE 200  
AUSTIN TEXAS 78746

  
\_\_\_\_\_  
JOHN T BILNOSKI  
R P L S NO 4998  
STATE OF TEXAS

8/9/06

DATE



1 642 ACRES  
TRACT B  
(TRACTS 5-11)

FN NO 06-443 (ACD)  
AUGUST 09, 2006  
BPI JOB NO 1689-01

- DESCRIPTION -

OF 1 642 ACRES OF LAND OUT OF OUTLOT NUMBER TWENTY-ONE, DIVISION "C" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING COMPRISED OF THE FOLLOWING CERTAIN TRACTS OF LAND ALL OF THAT 0 766 ACRE TRACT OF LAND CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 10359, PAGE 237, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF LOTS 1 AND 2, RESUBDIVISION OF A PORTION OF BLOCK 3, PLAINVIEW HEIGHTS, A SUBDIVISION OF RECORD IN VOLUME 9, PAGE 85, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AS CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 11100, PAGE 1194, OF SAID REAL PROPERTY RECORDS (LOT 1) AND TO CONCORDIA UNIVERSITY AT AUSTIN BY DEED OF RECORD IN VOLUME 12850, PAGE 1570, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (LOT 2), ALL OF THOSE CERTAIN TRACTS DESCRIBED IN AND CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEEDS OF RECORD IN VOLUME 1962, PAGE 488, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF THAT CERTAIN TRACT CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 4025, PAGE 660, OF SAID DEED RECORDS, AND ALL OF THAT CERTAIN 0 104 ACRE TRACT CONVEYED TO CONCORDIA LUTHERAN COLLEGE BY DEED OF RECORD IN VOLUME 10633, PAGE 145, OF SAID REAL PROPERTY RECORDS, SAID 1 642 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

**BEGINNING**, at a 1/2-inch iron rod found on the westerly right-of-way line of IH-35 (200' R O W ), being on the easterly line of Lot C, L C Johnson's Resubdivision of a Portion of Lot 3, Plainview Heights, a subdivision of record in Volume 25 Page 22, of said Plat Records, for the southeasterly corner of that certain tract of land conveyed to Reuben M Brooks by deed of record in Volume 9253, Page 503, of said Real Property Records, for the northeasterly corner of said 0 766 acre tract and hereof

**THENCE** S28°09'04"W, along said westerly right-of-way line of IH-35, being the easterly line of said 0 766 acre tract, same being a portion of the easterly line of said Lot C, at a distance of 82 22 feet passing an iron pipe found for the southeasterly corner of said Lot C also being the northeasterly corner of Lot 3 of said Resubdivision of a Portion of Block 3, Plainview Heights, and continuing for a total distance of 350 43 feet to a 1/2-inch iron rod with cap set at the southeasterly corner of said 0 104 acre tract, being on the northerly right-of-way line of Concordia Avenue (50' R O W ), for the southeasterly corner hereof,

**THENCE**, N62°22'15"W, leaving said westerly right-of-way line of IH-35, along said northerly right-of-way line of Concordia Avenue, being the southerly lines of said 0 104 acre tract and said tract of record in Volume 1962, Page 488 of said Deed Records, a distance of 256 59 feet to a 1/2-inch iron rod with cap set on the easterly right-of-way line of Harmon Avenue (50' R O W ), for the southwesterly corner hereof,

**THENCE**, N28°08'42"E, leaving said northerly right-of-way line of Concordia Avenue, along said easterly right-of-way line of Harmon Avenue, being the westerly line of said tract of record in Volume 1962, Page 488, of said Deed Records, a distance of 68 08 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said tract of record in Volume 1962, Page 488, of said Deed Records, being the southwesterly corner of that certain tract conveyed to Nathan H Leistico and Kent Leistico by deed of record in Volume 5674, Page 34 of said Deed Records, for an angle point hereof,

**THENCE**, S62°22'15"E, leaving said easterly right-of-way line of Harmon Avenue, along the southerly line of said Leistico tract, being the northerly line of said tract of record in Volume 1962, Page 488, a distance of 140 01 feet to a 1/2-inch iron rod with cap set at the southeasterly corner of said Leistico tract for an interior corner hereof,

**THENCE**, N28°08'42"E, along the easterly line of said Leistico tract, a distance of 49 92 feet to a 1/2-inch iron rod found at the northeasterly corner of said Leistico tract, being on the southerly line of said Lot 2, for an interior corner hereof

**THENCE** N62°22'15"W along the northerly line of said Leistico tract, being the southerly line of said Lot 2, a distance of 140 01 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said Leistico tract, being on said easterly right-of-way line of Harmon Avenue, for the southwesterly corner of said Lot 2 and an angle point hereof,

**THENCE**, N28°08'42"E, along said easterly right-of-way line of Harmon Avenue, being the westerly lines of said Lot 2 said Lot 1 and said 0 766 acre tract a distance of 150 14 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said 0 766 acre tract, being the southwesterly corner of Lot B, of said L C Johnson's Resubdivision of a Portion of Lot 3, Plainview Heights for the northwesterly corner hereof, from which an iron pipe found at the northwesterly corner of said Lot B bears N28°08'42"E, a distance of 97 50 feet,

**THENCE**, S62°29'28"E, leaving said easterly right-of-way line of Harmon Avenue along the southerly line of said Lot B, being the northerly line of said 0 766 acre tract, a distance of 138 67 feet to a 1/2-inch iron rod found at the southeasterly corner of said Lot B being the southwesterly corner of said Lot C, for an interior corner of said 0 766 acre tract and hereof


**THENCE** N27°58'11"E, along the easterly line of said Lot B, being the westerly line of said Lot C and said 0 766 acre tract, a distance of 81 89 feet to a 1/2-inch iron rod with cap set at the northwesterly corner of said 0 766 acre tract, being the southwesterly corner of said Reuben M Brooks tract, for the northwesterly corner hereof, from which a 1/2-inch iron rod found at the northeasterly corner of said Lot B bears N27°58'11"E a distance of 15 70 feet

THENCE, S62°25'12"E, leaving the easterly line of said Lot B, along the southerly line of said Reuben M Brooks tract, being the northerly line of said 0.766 acre tract, a distance of 118.21 feet to the POINT OF BEGINNING, and containing 1.642 acres (71,545 square feet) of land, more or less, within these metes and bounds

BEARING BASIS NOTE THE BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, 83(93), CENTRAL ZONE, UTILIZING CITY OF AUSTIN GPS CONTROL NETWORK

I, JOHN T BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS DESCRIPTION IS BASED UPON A SURVEY MADE ON THE GROUND BY BURY+PARTNERS, INC, COMPLETED DURING THE MONTH OF AUGUST 2006. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION

BURY & PARTNERS, INC  
ENGINEERING SOLUTIONS  
3345 BEE CAVES ROAD, SUITE 200  
AUSTIN, TEXAS 78746

  
8/9/06  
JOHN T. BILNOSKI R P L S  
NO 4998  
STATE OF TEXAS

