

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 10011 AND 10015 STONELAKE BOULEVARD**
3 **FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO**
4 **MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY-CONDITIONAL**
5 **OVERLAY (MF-4-CO) COMBINING DISTRICT.**

6
7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

8
9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from general commercial services (CS) district to multifamily
11 residence moderate-high density-conditional overlay (MF-4-CO) combining district on the
12 property described in Zoning Case No. C14-2007-0141, on file at the Neighborhood
13 Planning and Zoning Department, as follows:

14
15 A 6.955 acre tract of land, more or less, out of the James P. Wallace Survey No. 18
16 and the James Rogers Survey No. 19, and Lots 3 and 4, Block A, Morse
17 Commercial Subdivision, in Travis County, the tract of land being more
18 particularly described by metes and bounds in Exhibit "A" incorporated into this
19 ordinance (the "Property"),

20
21 locally known as 10011 and 10015 Stonelake Boulevard, in the City of Austin, Travis
22 County, Texas, and generally identified in the map attached as Exhibit "B".

23
24 **PART 2.** The Property within the boundaries of the conditional overlay combining district
25 established by this ordinance is subject to the following conditions:

26
27 A site plan or building permit for the Property may not be approved, released, or
28 issued, if the completed development or uses of the Property, considered cumulatively
29 with all existing or previously authorized development and uses, generate traffic that
30 exceeds 2,374 trips per day.

31
32 Except as specifically restricted under this ordinance, the Property may be developed and
33 used in accordance with the regulations established for the multifamily residence
34 moderate-high density (MF-4) base district, and other applicable requirements of the City
35 Code.

1 **PART 3.** This ordinance takes effect on _____, 2007.
2
3

4 **PASSED AND APPROVED**

5
6 §
7 §
8 _____, 2007 § _____
9

10 Will Wynn
11 Mayor

12
13 **APPROVED:** _____ **ATTEST:** _____
14 David Allan Smith Shirley A. Gentry
15 City Attorney City Clerk

Exhibit "A"

FIELD NOTES FOR 6.955 ACRE TRACT

BEING 6.955 ACRES MORE OR LESS OUT OF THE JAMES P. WALLACE SURVEY NO. 18 AND THE JAMES ROGERS SURVEY NO. 19 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SAID 6.955 ACRES BEING COMPOSED OF ALL OF LOTS 3 AND 4, BLOCK "A", MORSE COMMERCIAL SUBDIVISION, RECORDED IN VOLUME 101, PAGE 54-55, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.) AND A 0.570 ACRE REMNANT OF THAT CERTAIN 71.91 ACRE TRACT CONVEYED TO FRED C. MORSE BY DEED RECORDED IN VOLUME 2082, PAGE 34, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); WITH 1/2 INTEREST CONVEYED TO TEXAS COMMERCE BANK-AUSTIN (aka CHASE BANK OF TEXAS, N.A.), INDEPENDENT EXECUTOR AND TRUSTEE OF THE ESTATE OF ESTELLE K. MORSE, DECEASED, BY INSTRUMENT OF RECORD IN VOLUME 11098, PAGE 1648, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.); AND BEING 25% INTEREST OF CALLED 6.955 ACRE TRACT (TRACT EIGHT) DESCRIBED IN A DISTRIBUTION CONVEYANCE DEED TO JP MORGAN CHASE BANK, AS TRUSTEE OF THE FREDERIC CLARKE MORSE, JR. EXEMPT FAMILY TRUST, RECORDED IN DOCUMENT NO. 2004113210, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.) AND BEING 25% INTEREST OF CALLED 6.955 ACRE TRACT (TRACT FOUR) DESCRIBED IN A DISTRIBUTION CONVEYANCE DEED TO JP MORGAN CHASE BANK, AS TRUSTEE OF THE FREDERIC CLARKE MORSE, JR. NONEXEMPT FAMILY TRUST, RECORDED IN DOCUMENT NO. 2004113209, O.P.R.T.C.T.; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD SET WITH ORANGE PLASTIC CAP STAMPED "WALLACE GROUP" (HEREAFTER REFERRED TO AS "WALLACE CAP") AT THE SOUTHWEST CORNER OF LOT 1, BLOCK A, MORSE/STONELAKE I, A SUBDIVISION OF RECORD IN DOCUMENT NO. 199900141, P.R.T.C.T., SAME BEING IN THE EAST RIGHT-OF-WAY (R.O.W.) LINE OF STONELAKE BOULEVARD, AND FROM SAID BEGINNING POINT RUN THE FOLLOWING TWENTY-ONE (21) COURSES AND DISTANCES:

THENCE WITH THE SOUTH AND EAST LINES OF SAID MORSE/STONELAKE I, SAME BEING ALONG A NORTHERLY AND WESTERLY LINE OF THE HEREIN DESCRIBED TRACT, BY COURSES 1 THROUGH 6 AS FOLLOWS:

1. N82°42'53"E 417.63 FEET TO A 1/2" IRON ROD FOUND;
2. N46°59'08"W 92.12 FEET TO A 1/2" IRON ROD SET WITH "WALLACE CAP";
3. N07°01'51"W 48.24 FEET TO A 1/2" IRON ROD SET WITH "WALLACE CAP";
4. N25°27'44"E 14.98 FEET TO A 1/2" IRON ROD SET WITH "WALLACE CAP";
5. N14°53'39"E 24.84 FEET TO A 1/2" IRON ROD FOUND;
6. N14°27'10"E 23.40 FEET TO A 1/2" IRON ROD FOUND;

THENCE WITH THE NORTHEAST AND EAST LINES OF THE TRACT HEREIN DESCRIBED AND ALONG THE NORTHEAST LINE OF SAID 71.91 ACRE MORSE TRACT AS REVISED BY A BOUNDARY LINE AGREEMENT OF RECORD IN VOLUME 4439, PAGE 1390, D.R.T.C.T., ALSO WITH THE SOUTH LINE OF THE UNIVERSITY OF TEXAS 2.41 ACRE TRACT 1 OF RECORD IN VOLUME 4971, PAGE 1661, D.R.T.C.T., WITH THE WEST LINE OF THE UNIVERSITY OF TEXAS 382 ACRE TRACT OF RECORD IN VOLUME 994, PAGE 337, D.R.T.C.T., WITH THE WEST LINE OF THE UNIVERSITY OF TEXAS 3.06 ACRE TRACT OF RECORD IN VOLUME 4971, PAGE 1661, D.R.T.C.T., BY COURSES 7 THROUGH 14 AS FOLLOWS:

7. S64°52'03"E 183.45 FEET TO A 1/2" IRON ROD FOUND;
8. S60°51'12"E 140.57 FEET TO A 1/2" IRON ROD FOUND;
9. S64°13'40"E 66.92 FEET TO A 1/2" IRON ROD FOUND;
10. S08°24'08"W 127.49 FEET TO A 1/2" IRON ROD FOUND;

Exhibit "A" continued

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11. S01°44'03"E 47.45 FEET TO A ½" IRON PIPE FOUND;
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13. S23°22'01"E 47.55 FEET TO A ½" IRON PIPE FOUND;
14. S25°44'49"E 208.98 FEET TO A ½" IRON ROD FOUND;

THENCE WITH THE NORTH LINE OF LOT 1, BLOCK A, MORSE/CLUBHOUSE INN SUBDIVISION, OF RECORD IN PLAT BOOK 98, PAGE 356-357, P.R.T.C.T., BY COURSE 15 AS FOLLOWS:

15. N77°19'37"W 316.80 FEET TO A ½" IRON ROD FOUND;

THENCE WITH THE NORTH LINE OF LOT 2, BLOCK A OF SAID MORSE COMMERCIAL SUBDIVISION, BY COURSES 16 AND 18 AS FOLLOWS:

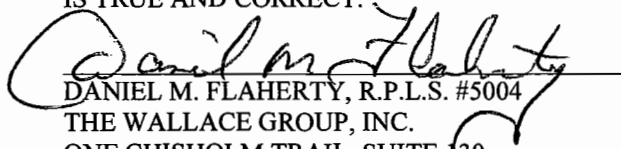
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18. S85°13'05"W 31.55 FEET TO A ½" IRON ROD FOUND WITH "ARPENTEURS CAP" IN THE EAST R.O.W. LINE OF SAID STONELAKE BOULEVARD AT THE COMMON NORTHWEST CORNER OF SAID LOT 2 AND THE SOUTHWEST CORNER OF SAID LOT 4 OF MORSE COMMERCIAL SUBDIVISION;

THENCE WITH THE EAST R.O.W. LINE OF SAID STONELAKE BOULEVARD, SAME BEING THE WEST LINE OF THE HEREIN DESCRIBED TRACT BY COURSES 19-21 AS FOLLOWS:

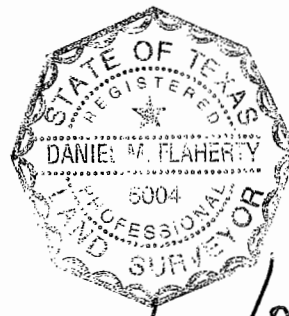
19. N04°26'47"W 48.47 FEET ALONG THE CHORD OF A CURVE TO THE LEFT WHOSE ELEMENTS ARE I=00°48'39", R=3,425.10 FEET, A=48.47 FEET TO A ½" IRON ROD SET WITH "WALLACE CAP" FOR THE COMMON CORNER OF SAID LOTS 4 AND LOT 3, MORSE COMMERCIAL SUBDIVISION;
20. N06°03'54"W 145.51 FEET ALONG THE CHORD OF A CURVE TO THE LEFT WHOSE ELEMENTS ARE I=02°26'04", R=3,425.10 FEET, A=145.53 FEET TO A ½" IRON ROD IN CONCRETE FOUND;
21. N07°16'43"W AT A DISTANCE OF 46.73 FEET PASSING THE NORTHWEST CORNER OF SAID LOT 3, CONTINUING IN ALL A TOTAL DISTANCE OF 112.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.955 ACRES (302,948 SQUARE FEET) OF LAND AS COMPUTED BY THE WALLACE GROUP, INC., ROUND ROCK, TEXAS IN JUNE OF 2007.

BEARINGS SHOWN HEREON ARE REFERENCED TO THE SOUTHERLY LINE OF LOT 4, BLOCK "A", MORSE COMMERCIAL SUBDIVISION, VOLUME 101, PAGE 54-55, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

I, DANIEL M. FLAHERTY, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5004, STATE OF TEXAS, DO HEREBY CERTIFY THAT THESE FIELD NOTES WERE PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY PERFORMED ON THE GROUND AND THAT THE SAME IS TRUE AND CORRECT.


DANIEL M. FLAHERTY, R.P.L.S. #5004
THE WALLACE GROUP, INC.
ONE CHISHOLM TRAIL, SUITE 130
ROUND ROCK, TEXAS 78681
PH. (512) 248-0065

WORK ORDER NO. 20789/ PLAT NO. D-1823



10/22/07

RESTRICTIVE COVENANT

OWNERS: Frederic Clarke Morse III, and Scott Notley Morse,
Independent Co-Executors of the Estate of Frederic Clarke Morse Sr.; and
JPMorgan Chase Bank, N.A., Trustee of the Frederic Clarke Morse Jr.
Exempt and Non Exempt Family Trusts

ADDRESS: 2630 Exposition Boulevard, Suite 119, Austin, Texas 78703

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable
consideration paid by the City of Austin to the Owner, the receipt and
sufficiency of which is acknowledged.

PROPERTY: A 6.955 acre tract of land, more or less, out of the James P. Wallace
Survey No. 18 and the James Rogers Survey No. 19, and Lots 3 and 4,
Block A, Morse Commercial Subdivision, Travis County, the tract of land
being more particularly described by metes and bounds in Exhibit "A"
incorporated into this covenant.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the
Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the
consideration, shall hold, sell and convey the Property, subject to the following covenants and
restrictions impressed upon the Property by this restrictive covenant. These covenants and
restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs,
successors, and assigns.

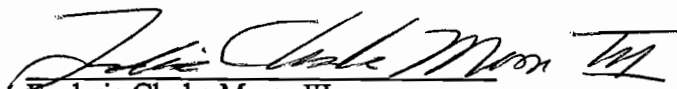
1. A site plan or building permit for the Property may not be approved, released, or issued, if
the completed development or uses of the Property, considered cumulatively with all
existing or previously authorized development and uses, generate traffic that exceeds the
total traffic generation for the Property as specified in that certain Traffic Impact Analysis
("TIA") prepared by HDR/WHM Transportation Engineering, dated August 2007, 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 October 16, 2007. The TIA shall
be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it
shall be lawful for the City of Austin to prosecute proceedings at law or in equity against
such person or entity violating or attempting to violate such agreement or covenant, to
prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order,
the same shall in no way affect any of the other provisions of this agreement, and such
remaining portion of this agreement shall remain in full effect.

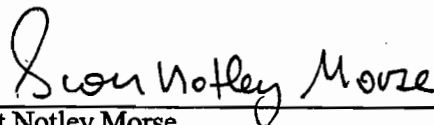
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 30th day of October, 2007.

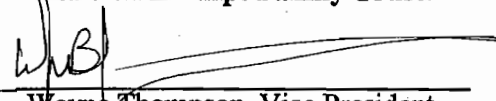
OWNER:

The Estate of Frederic Clarke Morse Sr.

By: 
Frederic Clarke Morse III,
Independent Co-Executor

By: 
Scott Notley Morse,
Independent Co-Executor

**JPMorgan Chase Bank, N.A., as Trustee of the
Frederic Clarke Morse, Jr. Exempt
and Non Exempt Family Trusts**

By: 
Wayne Thompson, Vice President,
JPMorgan Chase Bank, N.A.

APPROVED AS TO FORM:

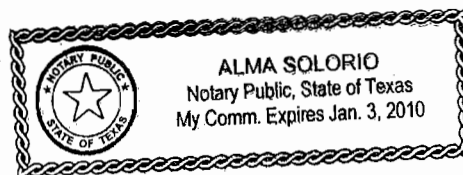
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§



This instrument was acknowledged before me on this the 30th day of October, 2007, Wayne Thompson, Vice President of JPMorgan Chase Bank, N.A., Trustee of the Frederic Clark Morse, Jr. Exempt and Nonexempt Family Trusts.

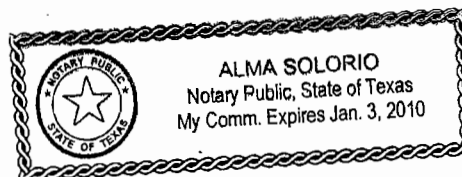
Alma Solorio
Notary Public, State of Texas

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 30th day of October, 2007, by Frederic Clarke Morse III, as Independent Co-Executor, on behalf of the Estate of Frederic Clarke Morse Sr.

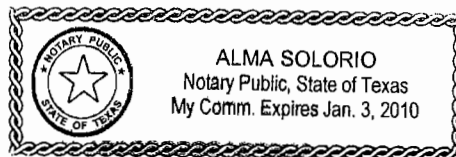
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COUNTY OF TRAVIS

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Exhibit "A"

FIELD NOTES FOR 6.955 ACRE TRACT

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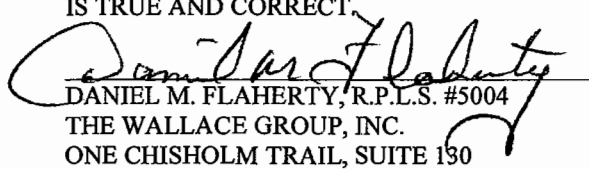
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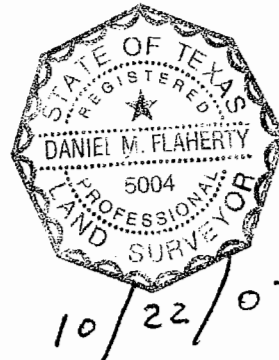
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DANIEL M. FLAHERTY, R.P.L.S. #5004
THE WALLACE GROUP, INC.
ONE CHISHOLM TRAIL, SUITE 130
ROUND ROCK, TEXAS 78681
PH. (512) 248-0065

WORK ORDER NO. 20789/ PLAT NO. D-1823



After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal