AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 800 WEST CESAR CHAVEZ STREET FROM PUBLIC (P) DISTRICT AND UNZONED (UNZ) RIGHT-OF-WAY OF WEST $3^{\text {RD }}$ STREET TO DOWNTOWN MIXED USE-CENTRAL URBAN REDEVELOPMENT DISTRICT-CONDITIONAL OVERLAY (DMU-CURE-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from public ( P ) district and unzoned (UNZ) right-of-way of West $3{ }^{\text {rd }}$ Street to downtown mixed use-central urban redevelopment district-conditional overlay (DMU-CURE-CO) combining district on the property described in Zoning Case No. C14-2007-0164, on file at the Neighborhood Planning and Zoning Department, as follows:

A 7.127 acre tract of land, more or less, known as the Austin Seaholm Power Plant Site, the tract of land being more particularly described by metes and bounds in Exhibit " A " incorporated into this ordinance (the "Property"),
locally known as 800 West Cesar Chavez Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit " B ".

PART 2. The use and site development regulations for the Property within the boundaries of the CURE combining district established by this ordinance are modified as follows:
A. The maximum height is 393 feet from ground level for a building or structure constructed on a 0.979 acre ( 42,662 sq. ft ) area of the Property, this area being more particularly described by metes and bounds in Exhibit "C" (the Tower Lot) incorporated into this ordinance.
B. Outdoor entertainment use is a permitted use of the Property.
C. Section 25-6-592 (Loadıng Facility Provisions For The Central Business District (CBD) And A Downtown Mixed Use (DMU) Zoning District) is modified to allow public right-of-way to be used for off-street loading and trash collection.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:
A. A cocktail lounge use is a permitted use for a maximum gross floor area of 9,000 square feet.
B. A convenience storage use is a permitted use for a maximum gross floor area of 25,000 square feet.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the downtown mixed use (DMU) base district, and other applicable requirements of the City Code.

PART 4. This ordinance takes effect on January 21, 2008.

## PASSED AND APPROVED

 , 2008
APPROVED:


ATTEST:


## FIELD NOTES DESCRIPTION SEAHOLM REDEVELOPMENT TRACT

DESCRIPTION OF 7.127 ACRES OF LAND PARTLY UNDER FENCE AND KNOWN AS THE CITY OF AUSTIN SEAHOLM POWER PLANT SITE, BEING A PORTION OF OUTLOT 11, DIVISION Z OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN AS SHOWN ON THE 1840 MAP KNOWN AS THE "SANDUSKY MAP" ON FILE IN THE TEXAS GENERAL LAND OFFICE, AND A PORTION OF THE WESTERN MOST RESERVE TRACT SHOWN ON SAID "SANDUSKY MAP", TRAVIS COUNTY, TEXAS; SAID 7.127 ACRE TRACT BEING COMPRISED OF THE FOLLOWING THAT CERTAIN 316 ACRE TRACT CONVEYED AS TRACT 2 FROM INTERNATIONAL AND GREAT NORTHERN RAILROAD COMPANY TO THE CITY OF AUSTIN AS DESCRIBED IN THE DISTRICT COURT OF THE UNITED STATES, EASTERN DIVISION, EASTERN JUDICIAL DISTRICT OF MISSOURI PROCEEDINGS FOR THE REORGANIZATION OF A RAILROAD NO. 6935, DATED JULY 29, 1949, OF RECORD IN VOLUME 961, PAGE 547, DEED RECORDS OF TRAVIS COUNTY, TEXAS; THAT CERTAIN 2.614 ACRE TRACT CONVEYED AS TRACT 1, EXHIBIT A, FROM UNION PACIFIC RAILROAD COMPANY TO THE CITY OF AUSTIN, DATED NOVEMBER 24, 2003, OF RECORD IN DOCUMENT NO. 2003282535, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF THE 77.15 ACRE SAND BEACH RESERVE TRACT PATENTED TO THE CITY OF AUSTIN JULY 3, 1945; AND, AN AREA OF UNCERTAIN TITLE LYING BETWEEN THE SOUTH LINE OF SAID 3.16 ACRE TRACT, THE NORTH LINE OF SAID 7715 ACRE TRACT, THE FENCED NORTH LINE OF WEST CESAR CHAVEZ STREET (FORMERLY WATER STREET), THE WEST LINE OF A 1.12 ACRE PORTION OF WEST AVENUE VACATED BY THE CITY OF AUSTIN AS DESCRIBED IN THE VACATION OF RIGHT-OF-WAY DOCUMENT DATED JANUARY 15, 1997, OF RECORD IN VOLUME 12852, PAGE 133, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND THE EAST LINE OF SAID 2614 ACRE TRACT, SAID 7127 ACRE TRACT, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a $1 / 2$-1nch diameter iron rod counter sunk below a $1-$ inch outtside diameter iron pipe with 2-inch alumınum cap stamped "CITY OF AUSTIN LAI RPLS 4878 " previously set in the west line of West Avenue, an 80 -feet wide right-of-way, same being the east line of Lot 4 , Block 6, Raymond Plateau, a subdivision according to the plat of record in Plat Book/Volume 1, Page 30, Plat Records of Travis County, Texas, being the north corner of said called 316 acre tract, being the northwest corner of sard vacated portion of West Avenue, being the most eastern southeast corner of said 2.614 acre tract, being the northwest corner of a 0.770 acre Electnc Utility and Access Easement of record in Document No. 2005097987, Official Public Records of Travis County, Texas; and being a point in the east line and POINT OF BEGINNING of the tract described herein, from which the following bear a City of Austin centerine control monument (brass pin inside steel casing below grade in center of roadway) recovered in the center of sard West Avenue in-line with the north line of West $3^{\text {rd }}$ Street, bears S $73^{\circ} 23^{\prime} 13^{\prime \prime} \mathrm{E}$ a distance of 40.00 feet and $\mathrm{N} 16^{\circ} 36^{\prime} 47^{\prime \prime}$ E a distance of 9000 feet, a bent $1 / 2$-1nch iron rod found bears $\mathrm{N} 25^{\circ} 12^{\prime} 30^{\prime \prime} \mathrm{E}$ a distance of 4.91 feet: a $1 / 2-$ nch iron rod found bears $\mathrm{N} 22^{\circ} 51^{\prime} 53^{\prime \prime} \mathrm{E}$ a distance of 589 feet, coordinates for said set corner monument are $\mathrm{N}=10,070,42612-\mathrm{ft}$ and $\mathrm{E}=3,111,47556-\mathrm{ft}$,

THENCE S $16^{\circ} 36^{\prime} 47^{\prime \prime} \mathrm{W}$, with the west line of sard vacated portion of West Avenue, same being the west line of said 0770 Electric Uthity and Access Easement and the east line of said 3.16 acre tract, at a distance of 51787 feet pass the southeast corner of said 316 acre tract, same
being the northeast corner of an area of uncertain title, and continuing for a total distance of 607.84 feet to a calculated point in the fenced (chain link) north line of West Cesar Chavez Street (formerly known as Water Street), a varying width nght-of-way, for the southwest comer of said 1.12 acre tract, same being the southwest corner of said 0770 acre Electric Utility and Access Easement, for the southeast corner of the tract described herein, from which an ron bolt found for reference bears $S 16^{\circ} 36^{\prime} 47^{\prime \prime} \mathrm{W}$ a distance of 131.06 feet,

THENCE leaving the west line of said vacated portion of West Avenue, with the fenced north line of said West Cesar Chavez Street, the following two (2) courses and distances
$1 \mathrm{~N} 73^{\circ} 23^{\prime} 02^{\prime \prime} \mathrm{W}$ a distance of 115.47 feet to a metal fence post found for an angle point, and
$2 \mathrm{~N} 72^{\circ} 05^{\prime} 04^{\prime \prime} \mathrm{W}$, at a distance of 132.66 feet cross the recognized north line of the said 7715 acre City of Austın tract (known as the Sand Beach Reserve tract) established per 1916 survey by O.E Metcalfe, same being the south line of said Outlot 11, and continuing for a total distance of 29949 feet to a metal fence corner post for the southwest corner of the tract described herein;

THENCE N $27^{\circ} 08^{\prime} 57^{\prime \prime}$ E, continuing across a portion of the sald Sand Beach Reserve tract with the fenced west line of the sard Seaholm Power Plant site, a distance of 76.85 feet to a $1 / 2$-inch diameter ron rod counter sunk below a 1 -mnch outside dameter ron pipe with 2 -nnch aluminum cap stamped "CITY OF AUSTIN LAI RPLS 4878" previously set in the north line of said 7715 acre City of Austin tract and the south line of said Outlot 11, same being the south he of sard area of uncertain title, for the most southern southeast comer of said 2.614 acre tract, and being an angle point in the west line of the tract described herein, from which an iron bolt found bears S $13^{\circ} 04^{\prime} 46^{\prime \prime} \mathrm{E}$ a distance of 1.23 feet;

THENCE N $45^{\circ} 56^{\circ} 09^{\prime \prime} \mathrm{W}$, leaving the fenced west ine of the said Seaholm Power Plant site, with the south line of said Outlot 11 and the north line of said Sand Beach Reserve, same being the south line of said 2614 acre tract, a distance of 772 feet to a $1 / 2$-1nch diameter iron rod counter sunk below a 1 -inch outside diameter aron pipe with 2 -inch aluminum cap stamped "CITY OF AUSTIN LAI RPLS 4878" previously set in the east line of a remainder portion of a tract described in the deed to International and Great Northern Raliroad Company, dated July 21, 1880, of record in Volume 47, Page 419, Deed Records of Travis County, Texas, title to said tract of land subsequently transferred to Union Pacific Rallroad Company, same being the southwest corner of said 2.614 acre tract, and being an angle point in the west line of the tract described herein, said capped iron pipe being $50-\mathrm{ft}$ east of and perpendicular to a main railroad track,

THENCE leaving the south line of sard Outlot 11 and the north line of sard Sand Beach Reserve, with the west line of said 2614 acre tract, same being the east line of said railroad company remainder tract, with a curving line being $50-\mathrm{ft}$ east of and parallel to the center of said mann rallroad track, the following four (4) courses and distances•

1. N $25^{\circ} 50^{\prime} 46^{\prime \prime}$ E a distance of 12822 feet to a $1 / 2$-nch diameter ron rod counter sunk below a 1 -inch outside diameter iron pipe with 2 -inch aluminum cap stamped "CITY OF AUSTIN LAI RPLS 4878" previously set at a point of curvature,

2 with the arc of a curve to the left having a radius of 64035 feet, an arc distance of 151.68 feet and a chord bearing N $19^{\circ} 52^{\circ} 42^{\prime \prime}$ E a distance of 15132 feet to $1 / 2$-nch diameter iron rod counter sunk below a $1-\mathrm{m}$ nch outside diameter iron pipe with $2-\mathrm{mech}$ aluminum
cap stamped "CITY OF AUSTIN LAI RPLS 4878" previously set for a point of compound curvature,
3. with the arc of a curve to the left having a radius of 52560 feet. an arc distance of 285.00 feet and a chord bearing $\mathrm{N} 03^{\circ} 04^{\prime} 22^{\prime \prime} \mathrm{W}$ a distance of 28152 feet to $1 / 2$-nch diameter iron rod counter sunk below a 1 -inch outside diameter iron pipe with 2-inch aluminum cap stamped "CITY OF AUSTIN LAI RPLS 4878" previously set for a point of compound curvature, and

4 with the arc of a curve to the left having a radius of 531.85 feet, an arc distance of 21789 feet and a chord bearing $\mathrm{N} 30^{\circ} 12^{\prime} 47^{\prime \prime} \mathrm{W}$ a distance of 21637 feet to $1 / 2$-inch iron rod with plastic cap stamped "LAI" previously set in the south line of West $3^{\text {rd }}$ Street (formerly known as Cypress Street), a 60 feet wide nght-of-way, for the northwest corner of said 2.614 acre tract and of the tract described heren, from which a calculated point for the intersection of the south right-of-way line of West $3^{\text {rd }}$ Street with the east line of Bowie Street, an 80 feet wide nght-of-way, bears N $67^{\circ} 27^{\prime} 04^{\prime \prime} \mathrm{W}$ a distance of 6046 feet,

THENCE S $67^{\circ} 27^{\prime} 04^{\prime \prime}$ E, with the north line of sard 2614 acre tract, same being the south right-of-way line of sard West $3^{\text {rd }}$ Street, a distance of 63452 feet to a Mag-nall with washer stamped "LAI RPLS 4878" previously set in a concrete wall along the south side of a concrete sidewalk to mark the intersection of the south line of said West $3^{\text {rd }}$ Street with the west line of said West Avenue for the northeast corner of said 2614 acre tract and of the tract described heren;

THENCE S $16^{\circ} 36^{\prime} 47^{\circ} \mathrm{W}$, leaving the south line of said West $3^{\text {rd }}$ Street, with the east line of said 2.614 acre tract, same being the west right-of-way line of sard West Avenue, a distance of 103.21 feet to the POINT OF BEGINNING and contaming 7127 acres of land, more or less

Beanngs herenn are Texas Coordınate System, Central Zone, NAD83, Grid, based on survey ties to City of Austin control monuments $\mathrm{H}-22-2001, \mathrm{H}-22-3001$ and CB61 Control monument H-22-2001 bears N $62^{\circ} 24^{\prime} 00^{\prime \prime} \mathrm{W}$ (grid) a surface distance of 1,25701 feet from the Point of Beginning of the tract described herein. Coordinates cited herein are Texas Coordnate System, Central Zone, NAD 83, grid coordinates in US Survey Feet. Distances are surface. To convert the surface distances to grid multiply by the combined scale factor of 0.999941 .

LAI JOB NO 070719
LAI WORD FILE. FN0827R1(ggt)
REFERENCE LAI PLAN NO. 3133

THE STATE OF TEXAS COUNTY OF TRAVIS
§ KNOW ALL MEN BY THESE PRESENTS §

That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying sketch is true and correct to the best of my knowledge and behef and that the property described herem was determined by surveys made on the ground during the months June - August 2004, and November 2005, under my direction and supervision
WITNESS MY HAND AND SEAL at Austın, Travis County, Texas on this of August 2007, A D


TCAD \#01-0500-0102
TCAD \#01-0500-0103
TCAD \#01-0500-0105
TCAD \#01-0602-0204
AUSTIN GRID H-22


1 gearing basis is texas coordinate SYSTEM，CENTRAL ZONE，NAD83，GRID，BASED ON SURVEY TIES TO CITY OF AUSTIN CONTROL MONUMENTS $\mathrm{H}-22-2001, \mathrm{H}-22-3001$ AND CB6 1
2 DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS，TO CONVERT SURFACE DISTANCES TO GRID，MUETIPLY 日Y THE COMBINED SCALE FACTOR
3 COORDINATES SHOWN HEREON ARE TEXAS COORDINATE SYSTEM，CENTRAL ZONE，NAD83， GRID

4 THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0999941

AREA TABULATIONS：
THE TOTAL AREA OF THE SUBJECT TRACT FOR THIS SURVEY IS 7127 ACRES THE AREA BREAKDOWN IS AS FOLLOWS

A AREA WITHIN THE BOUNDARIES OF THE TRACT DEEDED TO THE CITY OF AUSTIN IN VOLUME 961．PAGE 547．DEED RECORDS OF TRAVIS COUNTY，TEXAS $=3161$ ACRES
b area between the south line of the CITY OF AUSTIN TRACT，THE RECOGNIZED NORTH LINE OF THE SAND BEACH RESERVE．THE EAST UINE OF THE 2614 ACRE CITY OF AUSTIN TRACT AND THE WEST LINE OF THE VACATED PORTION OF WEST AVE，$=1207$ ACRES （SHOWN HEREON AS THE AREA OF UNCERTAIN TITLE）
C AREA WITHIN THE SAND BEACH RESERVE＝ 0145 ACRE

D AREA WITHIN THE BOUNDARIES OF THE TRACT DEEDED TO THE CITY OF AUSTIN IN DOCUMENT NO 2003282535，OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY，TEXAS $=2614$ ACRES

## LoOMIS AUSTIN <br> Engineering，Land Surveying \＆Environmental Consulting <br> 3103 Bee Coves Rood，Suite 225，Austın Texas 78746 Phone（512）327－1180，Fax（512）327－4062．www loomisoustin com



（CYPRESS ST）
（ $60^{\circ}$ ROW）
S $67^{\circ} 27^{\prime} 04^{\prime \prime} \mathrm{E} \quad 69498^{\prime}$ S $67^{\circ} 27^{\prime} 04^{\prime \prime}$ E $63452^{\prime}$它 BOWIE


ZONING 动HBTB


Subject Tract
Zoning Boundary
Pending Cases

ZONING CASE\#: C14-2007-0164
ADDRESS. 800 W CESAR CHAVEZ ST
SUBJECT AREA: 7.127 ACRES
GRID: H22
MANAGER: J. ROUSSELIN


MACIAS \& ASSOCIATES, L.P.
LAND SURVEYORS

## CITY OF AUSTIN

TO
SEAHOLM DEVELOPMENT CORPORATION (TOWER LOT)
December 20, 2007

## DESCRIPTION FOR 0.979 ACRE OF LAND

DESCRIPTION OF A 0.979 ACRE (42,662 SQUARE FOOT) TRACT OF LAND OUT OF OUTLOT 11, DIVISION Z, ORIGNAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS SHOWN ON THE 1840 MAP KNOWN AS THE "SANDUSKY MAP" ON FILE IN THE GENERAL LAND OFFICE IN AUSTIN, TRAVIS COUNTY, TEXAS; ALSO BEING OUT OF A PORTION OF A 2.614 ACRE TRACT REFERRED TO AS TRACT 1 IN EXHIBIT A AS DESCRIBED IN A DEED WITHOUT WARRANTY DATED NOVEMBER 24, 2003, FROM UNION PACIFIC RAILROAD COMPANY TO THE CITY OF AUSTIN, RECORDED IN DOCUMENT NO. 2003282535, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.614 ACRE TRACT BEING PART OF LOTS 1-4, BLOCK 6, RAYMOND PLATEAU, A SUBDIVISION RECORDED IN BOOK 1, PAGE 30, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND ALSO BEING OUT OF A PORTION OF A 3.16 ACRE TRACT REFERRED TO AS TRACT 2 AS DESCRIBED IN THE DISTRICT COURT OF THE UNITED STATES, EASTERN DIVISION, EASTERN JUDICIAL DISTRICT OF MISSOURI IN PROCEEDINGS FOR THE REORGANIZATION OF A RAILROAD NO. 6935, DATED JULY 29, 1949, FROM INTERNATIONAL AND GREAT NORTHERN RAILROAD COMPANY TO THE CITY OF AUSTIN, RECORDED IN VOLUME 961, PAGE 547, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.979 ACRE (42,662 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a mag nail with washer stamped "LAI RPLS 4878" found in concrete wall along the south side of a concrete sidewalk having Texas State Plane Coordinate (Central Zone, NAD83, U.S. Feet, Combined Scale Factor 0.999941 ) values of $\mathrm{N}=10,070,525.15$, $E=3,111,505.03$, at the intersection of the south right-of-way line of West $3^{\text {rd }}$ Street, a 60 -foot wide right-of-way, with the west right-of-way line of West Avenue, an 80 -foot wide right-ofway, and at the northeast corner of said 2.614 acre tract, for the northeast corner and the POINT OF BEGINNING of this tract;

THENCE, $\mathrm{S} 16^{\circ} 35^{\prime} 45^{\prime \prime} \mathrm{W}$, with the west right-of-way line of West Avenue and the east line of said 2.614 acre tract, at 103.32 feet, pass a $1 / 2$ " iron rod with plastic cap stamped "MACIAS \& ASSOC." set at the most northerly southeast corner of said 2.614 acre tract and at the northeast
corner of said 3.16 acre tract, and continuing with the west right-of-way line of West Avenue and the east line of said 3.16 acre tract, a total distance of 321.00 feet to a $1 / 2^{\prime \prime}$ iron rod with plastic cap stamped "MACIAS \& ASSOC." set for the southeast corner of this tract, from said point, an iron bolt found, bears $S 16^{\circ} 35^{\prime} 45^{\prime \prime}$ W, 521.03 feet;

THENCE, across said 3.16 acre tract and said 2.614 acre tract, the following two (2) courses:

1) $\mathrm{N} 73^{\circ} 24^{\prime} 15^{\prime \prime} \mathrm{W}$, a distance of 130.00 feet to a $1 / 2^{\prime \prime}$ iron rod with plastic cap stamped "MACIAS \& ASSOC." set for the southwest corner of this tract;
2) $\mathrm{N} 16^{\circ} 35^{\prime} 45^{\prime \prime} \mathrm{E}$, a distance of 334.94 feet to a $1 / 2^{\prime \prime}$ iron rod with plastic cap stamped "MACIAS \& ASSOC." set on the south right-of-way line of West $3{ }^{\text {rd }}$ Street and on the north line of said 2.614 acre tract, for the northwest corner of this tract, from said point, a 60 d nail found at the northwest corner of said 2.614 acre tract, bears $\mathrm{N} 67^{\circ} 27^{\prime} 34^{\prime \prime} \mathrm{W}$, 503.76 feet;

THENCE, $S 67^{\circ} 27^{\prime} 34^{\prime \prime}$ E, with the south right-of-way line of West $3^{\text {rd }}$ Street and the north line of said 2.614 acre tract, a distance of 130.70 feet to the POINT OF BEGINNING and containing 0.979 acre ( 42,662 square feet) of land.

## BEARING BASIS NOTE

The coordinates and bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83, Combined Scale Factor 0.999941). The coordinates were established by GPS from reference point "H-22-2001" having coordinate values of $\mathrm{N}=10,071,008.45$, $\mathrm{E}=3,110,361.65$ and " $\mathrm{J}-21-4001$ " (CB08) having coordinate values of $\mathrm{N}=10,065,600.89$, $\mathrm{E}=3,114,070.43$.

## THE STATE OF TEXAS <br> § KNOW ALL MEN BY THESE PRESENTS: <br> COUNTY OF TRAVIS

That I, Gregorio Lopez, Jr., a Registered Professional Land Surveyor, do hereby state 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 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this $20^{\text {th }}$ day of December, 2007, A.D.

Macias \& Associates, L.P. 5410 South $1^{\text {st }}$ Street Austin, Texas 78745 512-442-7875


## REFERENCES

MAPSCO 2003 584Z
Austin Grid No. MH-22
TCAD PARCEL ID NO. 01-0500-0102 \& 0105
MACIAS \& ASSOCIATES, L.P., PROJECT NO. 423-01-07


