ORDINANCE NO. 20080110-075

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 3RD 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 3rd 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 (Loading 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

January 10 , 2008 8 Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

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 3 16 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 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 77 15 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 7 127 ACRE TRACT, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a ½-inch 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 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 3 16 acre tract, being the northwest corner of said 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 Electric 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 centerline control monument (brass pin inside steel casing below grade in center of roadway) recovered in the center of said West Avenue in-line with the north line of West 3rd Street, bears S 73° 23' 13" E a distance of 40.00 feet and N 16° 36' 47" E a distance of 90 00 feet, a bent 1/2-inch iron rod found bears N 25° 12' 30" E a distance of 4.91 feet; a 1/2-inch iron rod found bears N 22° 51' 53" E a distance of 5 89 feet, coordinates for said set corner monument are N=10,070,426 12-ft and E=3.111.47556-ft

THENCE S 16° 36' 47" W, with the west line of said vacated portion of West Avenue, same being the west line of said 0 770 Electric Utility and Access Easement and the east line of said 3.16 acre tract, at a distance of 517 87 feet pass the southeast corner of said 3.16 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 right-of-way, for the southwest corner of said 1.12 acre tract, same being the southwest corner of said 0.770 acre Electric Utility and Access Easement, for the southeast corner of the tract described herein, from which an iron bolt found for reference bears S 16° 36' 47" 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 N 73° 23' 02" W a distance of 115.47 feet to a metal fence post found for an angle point, and
- 2 N 72° 05' 04" W, at a distance of 132.66 feet cross the recognized north line of the said 77 15 acre City of Austin 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 299 49 feet to a metal fence corner post for the southwest corner of the tract described herein;

THENCE N 27° 08' 57" E, continuing across a portion of the said Sand Beach Reserve tract with the fenced west line of the said Seaholm Power Plant site, a distance of 76.85 feet to a ½-inch 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 in the north line of said 77 15 acre City of Austin tract and the south line of said Outlot 11, same being the south line of said area of uncertain title, for the most southern southeast corner 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° 04' 46" E a distance of 1.23 feet;

THENCE N 45° 56° 09" W, leaving the fenced west line 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 2 614 acre tract, a distance of 7 72 feet to a ½-inch 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 in the east line of a remainder portion of a tract described in the deed to International and Great Northern Railroad 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 Railroad 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-ft east of and perpendicular to a main railroad track,

THENCE leaving the south line of said Outlot 11 and the north line of said Sand Beach Reserve, with the west line of said 2 614 acre tract, same being the east line of said railroad company remainder tract, with a curving line being 50-ft east of and parallel to the center of said main railroad track, the following four (4) courses and distances:

- 1. N 25° 50' 46" E a distance of 128 22 feet to a ½-inch 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 at a point of curvature,
- with the arc of a curve to the left having a radius of 640 35 feet, an arc distance of 151.68 feet and a chord bearing N 19° 52° 42" E a distance of 151 32 feet to ½-inch 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,

- 3. with the arc of a curve to the left having a radius of 525 60 feet, an arc distance of 285.00 feet and a chord bearing N 03° 04' 22" W a distance of 281 52 feet to ½-inch 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
- with the arc of a curve to the left having a radius of 531.85 feet, an arc distance of 217 89 feet and a chord bearing N 30° 12′ 47" W a distance of 216 37 feet to ½-inch iron rod with plastic cap stamped "LAI" previously set in the south line of West 3rd Street (formerly known as Cypress Street), a 60 feet wide right-of-way, for the northwest corner of said 2.614 acre tract and of the tract described herein, from which a calculated point for the intersection of the south right-of-way line of West 3rd Street with the east line of Bowie Street, an 80 feet wide right-of-way, bears N 67° 27' 04" W a distance of 60 46 feet,

THENCE S 67° 27' 04" E, with the north line of said 2 614 acre tract, same being the south right-of-way line of said West 3rd Street, a distance of 634 52 feet to a Mag-nail 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 3rd Street with the west line of said West Avenue for the northeast corner of said 2 614 acre tract and of the tract described herein;

THENCE S 16° 36' 47" W, leaving the south line of said West 3rd Street, with the east line of said 2.614 acre tract, same being the west right-of-way line of said West Avenue, a distance of 103.21 feet to the **POINT OF BEGINNING** and containing 7 127 acres of land, more or less

Bearings herein are Texas Coordinate System, Central Zone, NAD83, Grid, based on survey ties to City of Austin control monuments H-22-2001, H-22-3001 and CB61. Control monument H-22-2001 bears N 62° 24′ 00″ W (grid) a surface distance of 1,257 01 feet from the Point of Beginning of the tract described herein. Coordinates cited herein are Texas Coordinate 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(jgt) REFERENCE LAI PLAN NO. 3133 THE STATE OF TEXAS

§ § §

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

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 belief and that the property described herein 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 Austin, Travis County, Texas on this 9 of August 2007, A D

Loomis Austin, Inc 3103 Bee Cave Rd. Ste 225 Austin, Texas 78746

John D Barnard

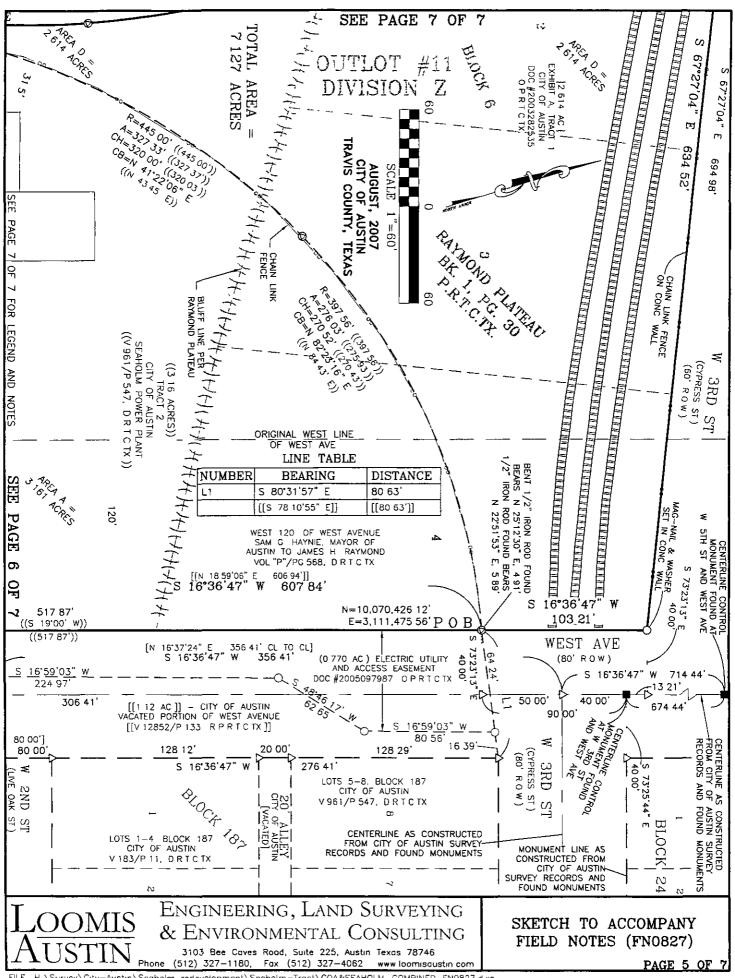
Registered Professional Land Surveyor No 5749 - State of Texas

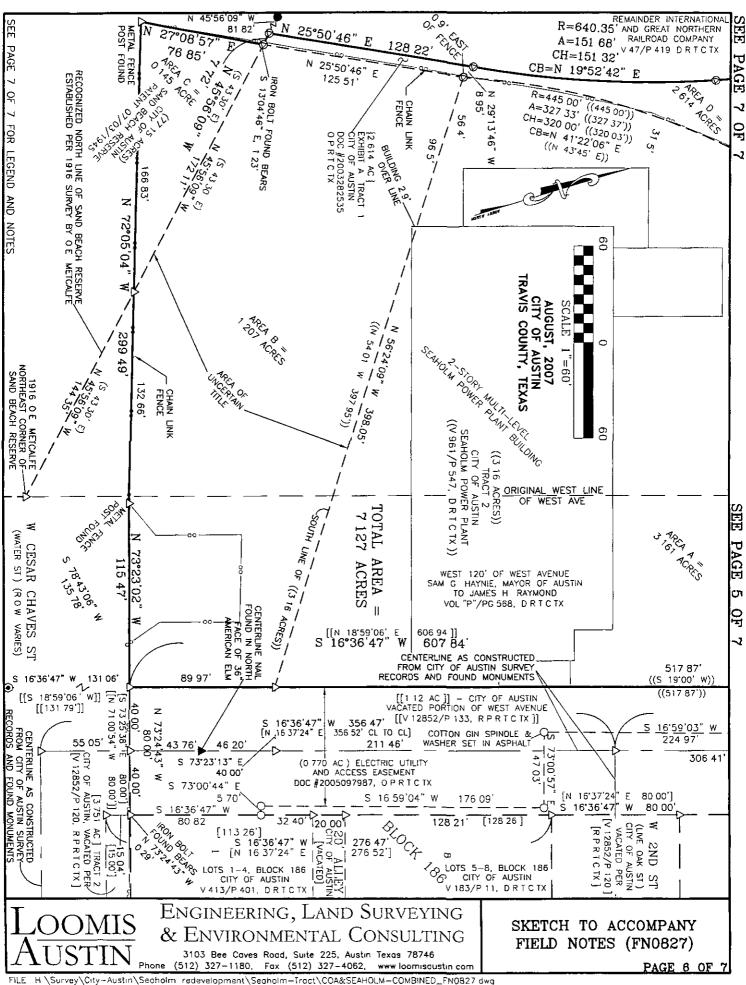
Reviewed: 08-10-07 Annels Jones

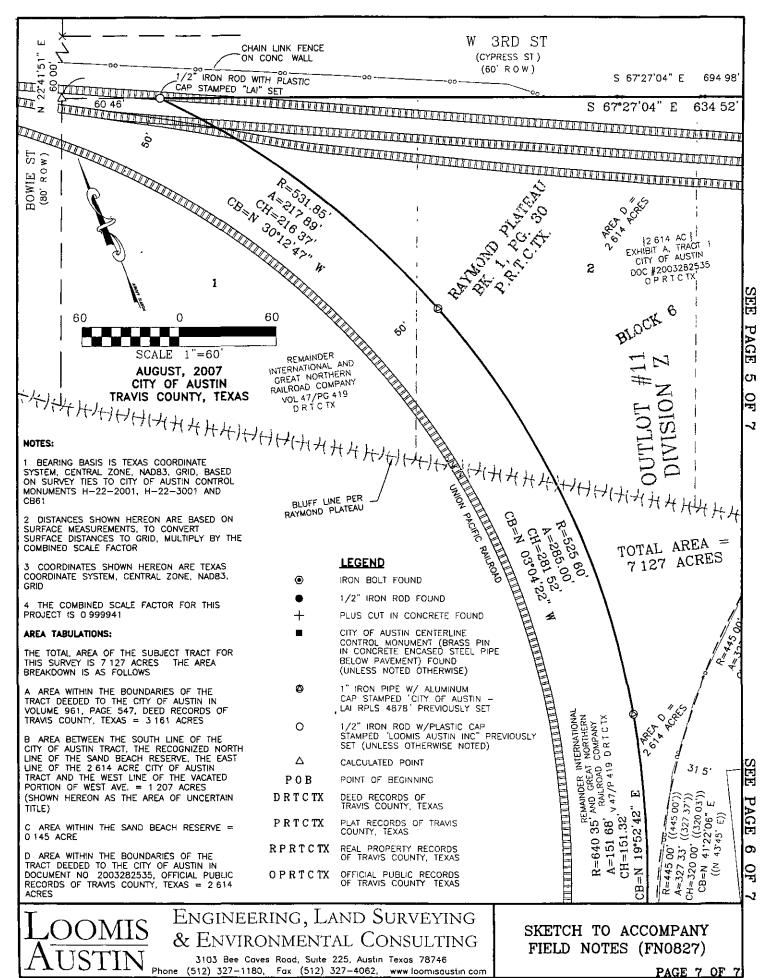
REFERENCES

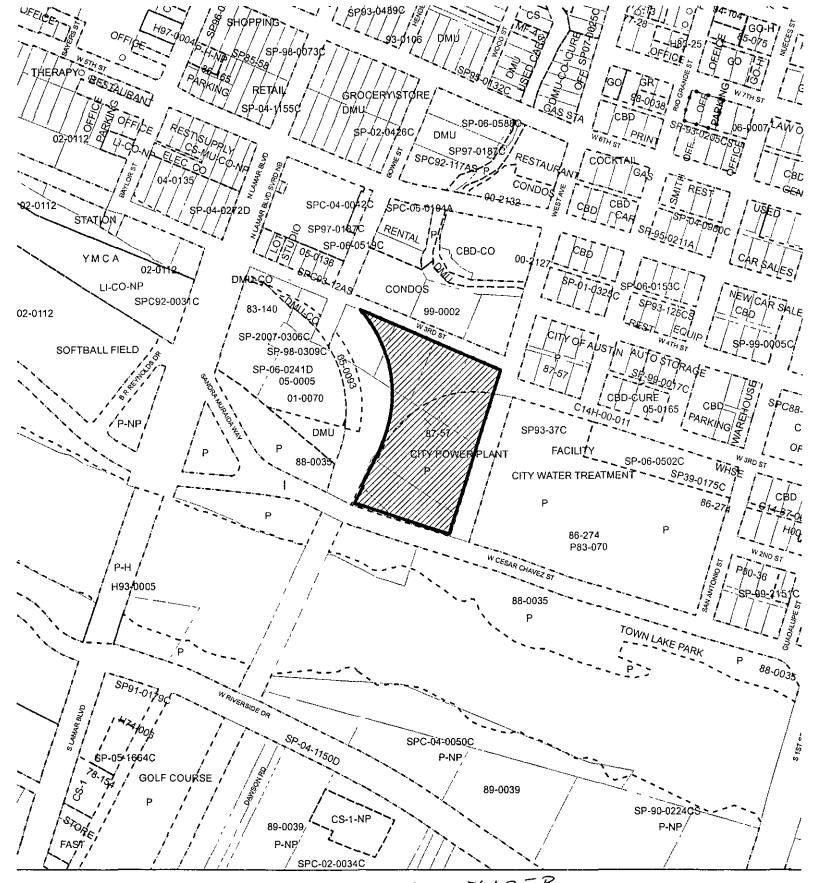
TCAD #01-0500-0102 TCAD #01-0500-0103 TCAD #01-0500-0105 TCAD #01-0602-0204

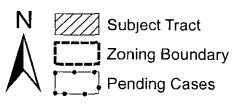
AUSTIN GRID H-22











ZONING EXHIBIT B

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 SOUARE FOOT) TRACT OF LAND OUT OF OUTLOT 11, DIVISION Z, ORIGINAL 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 SOUARE 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 N=10,070,525.15, E=3,111,505.03, at the intersection of the south right-of-way line of West 3rd Street, a 60-foot wide right-of-way, with the west right-of-way line of West Avenue, an 80-foot wide right-of-way, and at the northeast corner of said 2.614 acre tract, for the northeast corner and the POINT OF BEGINNING of this tract;

THENCE, S 16°35'45" 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

0.979 Acre (42,662 Square Feet)

0 979_AC doc

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" 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°35'45" W, 521.03 feet;

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

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

THENCE, S 67°27'34" E, with the south right-of-way line of West 3rd 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 N=10,071,008.45, E=3,110,361.65 and "J-21-4001" (CB08) having coordinate values of N=10,065,600.89, E=3,114,070.43.

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

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 20th day of

December, 2007, A.D.

Macias & Associates, L.P. 5410 South 1st Street Austin, Texas 78745 512-442-7875

Gregorio Lopez, Jr.

Registered Professional Land Surveyor

No. 5272 - State of Texas

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

