ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3215 EXPOSITION BOULEVARD AND CHANGING THE ZONING MAP FROM UNZONED (UNZ) TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT ON PARCELS ONE AND TWO AND REZONING AND CHANGING THE ZONING MAP FROM FAMILY RESIDENCE (SF-3) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT FOR PARCEL THREE.

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 and establish a zoning district on the property described in Zoning Case No. C14-2007-0084, on file at the Neighborhood Zoning and Planning Department, as follows:

Parcel One: From unzoned (UNZ) to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 1.082 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, Save and Except Parcel Three; and

Parcel Two: From (UNZ) to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 1.100 acre tract of land, more or less, out of the Daniel J. Gilbert Survey No. 8, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated in this ordinance; and

Parcel Three: From family residence (SF-3) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

A 0.0085 acre (370 square feet) tract of land, more or less, being a portion of Parcel One described in this ordinance, the 0.0085 acre tract being more particularly described by metes and bounds in Exhibit "C" incorporated in this ordinance (the "Property"),

locally known as 3215 Exposition Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

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

A. Development of the Property shall not exceed a density of 20 dwelling units.

B. Development of the Property shall not exceed a density of 9.17 dwelling units per acre.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence (SF-6) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2008.

PASSED AND APPROVED

§
§
_____, 2008 § _____
Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk

Exhibit A

FIELD NOTES DESCRIPTION
(PARCEL 1)

DESCRIPTION OF 1.082 ACRES (47,143 SQUARE FEET) OF LAND IN THE DANIEL J. GILBERT SURVEY NO. 8, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 96.92 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS, DATED JULY 26, 1916, OF RECORD IN VOLUME 286, PAGE 330, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND ALSO BEING A PORTION OF LOT 5, SECOND RESUBDIVISION OF LOT 5 MAR-GLENN, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK/VOLUME 29, PAGE 49, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 5, ACCORDING TO A SURVEY PLAT PREPARED BY HOMER BROWN, REGISTERED PUBLIC SURVEYOR NO. 386, DATED OCTOBER 1970, IS A PORTION OF THE PROPERTY CONVEYED FROM U. OF T. (PRESUMABLY THE UNIVERSITY OF TEXAS) TO T.D.M.H. & M.R. (TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION) BY EXCHANGE DEED DATED JANUARY 26, 1970 (A SEARCH OF THE TRAVIS COUNTY DEED RECORDS FOR THE EXCHANGE DEED WAS UNSUCCESSFUL); SAID TRACTS OF LAND BEING PART OF THE AUSTIN STATE SCHOOL PROPERTY SITUATED ALONG EXPOSITION BOULEVARD AND SOUTH OF WEST 35TH STREET; SAID 1.082 ACRE TRACT, AS SHOWN ON LOOMIS AUSTIN, INC. PLAN NO. 3117, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a calculated point in the east right-of-way line of said Exposition Boulevard for an angle point in the west line of said 96.92 acre State of Texas tract of land, from which a 3-inch brass cap stamped "AUSTIN STATE SCHOOL RM 22 ELEV 610.04" in concrete bears N 56° 06' 00" W a distance of 0.50 feet, said brass cap set as a reference monument to the tract corner by Homer Brown, Registered Public Surveyor No. 386, in his survey of the Austin State School property for the State of Texas as noted on his plat dated October 1970;

THENCE with the west line of said 96.92 acre tract, being the east right-of-way line of said Exposition Boulevard, the following four (4) courses and distances:

1) N 38° 10' 39" E a distance of 307.07 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 23 ELEV 592.62" in concrete found for an angle point,

2) N 28° 11' 44" E a distance of 59.45 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 24 ELEV 588.22" in concrete found for an angle point,

3) N 20° 49' 19" E, at a distance of 140.29 feet pass a mag nail with washer driven into a drilled hole in a concrete rip-rap set for the southwest corner of Parcel 2, a 1.100 acre portion of said 96.92 acre State of Texas tract also surveyed this date, continuing for a total distance of 366.39 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO. 25 ELEV 594.45" in concrete found at a point of curvature, and

4) with the arc of a curve to the left, having a radius of 270.00 feet, an arc distance of 1.30 feet and a chord bearing N 20° 40' 59" E a distance of 1.30 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set in a chain link fence running east-west approximately 2.3 feet east of a chain link fence corner post to mark the northwest corner of said Parcel 2 and being the southwest corner and **POINT OF BEGINNING** of the tract described herein; N 10,085,235.45-ft, E 3,107,633.45-ft

THENCE continuing with the west line of said 96.92 acre State of Texas tract, same being the east right-of-way line of said Exposition Boulevard and the west line of the tract described herein, the following two (2) courses and distances:

1) continuing with the arc of said curve to the left, having a radius of 270.00 feet, an arc distance of 75.89 feet and a chord bearing N 12° 29' 36" E a distance of 75.64 feet to 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set to mark the end of said curve, and

2) N 04° 30' 49" E a distance of 114.83 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set to mark an angle point, same being the northwest corner of said 96.92 acre State of Texas tract;

THENCE N 70° 58' 28" E, continuing with the east right-of-way line of Exposition Boulevard, same being the north line of said 96.92 acre State of Texas tract, a distance of 21.68 feet to one-inch rounded bolt found (said bolt the type of marker often set by the City of Austin survey crews to mark right-of-way corners) driven into the ground for an angle point in said right-of-way line, same being the southwest corner of said Lot 5, Second Resubdivision of Lot 5 Mar-Glenn and an angle point in the west line of the tract described herein;

THENCE N 04° 47' 04" E, leaving the north line of said 96.92 acre State of Texas tract and continuing with the east right-of-way line of said Exposition Boulevard, same being the west line of said Lot 5 Second Resubdivision of Lot 5 Mar-Glenn, a distance of 16.74 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set under a chain link fence running north-south approximately 0.4-ft north of its intersection with another chain link fence running east-west to mark the most northern northwest corner of the tract described herein;

THENCE S 88° 47' 35" E, leaving said Exposition Boulevard right-of-way line, same being the west line of said Lot 5, at a distance of approximately 45 feet cross the south line of said Lot 5, same being the north line of said 96.92 acre State of Texas tract, continuing across said 96.92 acre tract for a total distance of 192.78 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set approximately 0.5-ft northeast of a metal chain link fence post to mark the northeast corner of the tract described herein; N 10,085,443.45-ft, E 3,107,873.46-ft

THENCE S 08° 45' 36" W, continuing across said 96.92 acre tract, a distance of 250.58 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set approximately 0.5-ft southeast of a metal chain link fence post to mark the southeast corner of the tract described herein, and being the northeast corner of said Parcel 2;
N 10,085,195.81-ft, E 3,107,835.30-ft

THENCE N 78° 53' 25" W, continuing across said 96.92 acre tract, a distance of 205.72 feet to the **POINT OF BEGINNING** and containing 1.082 acres (47,143 square feet) of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83. The coordinates shown hereon are grid; the distances are surface. To convert the distances to grid multiply by the project combined scale factor of 0.999929.

LAI WORD FILE: FN0432R2(wdo)

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 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 during the month of April 2007 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 13rd of April, 2007 A.D.

Loomis Austin, Inc
Austin, Texas 78746

John D. Barnard
Registered Professional Land Surveyor No. 5749
State of Texas

Exhibit B

FIELD NOTES DESCRIPTION
(PARCEL 2)

DESCRIPTION OF 1.100 ACRES (47,896 SQUARE FEET) OF LAND IN THE DANIEL J. GILBERT SURVEY NO. 8, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 96.92 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS, DATED JULY 26, 1916, OF RECORD IN VOLUME 286, PAGE 330, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE TRACTS MAKING UP THE AUSTIN STATE SCHOOL PROPERTY SITUATED ALONG EXPOSITION BOULEVARD AND SOUTH OF WEST 35TH STREET; SAID 1.100 ACRE TRACT, AS SHOWN ON LOOMIS AUSTIN, INC. PLAN NO. 3117, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a calculated point in the east right-of-way line of said Exposition Boulevard for an angle point in the west line of said 96.92 acre State of Texas tract of land, from which a 3-inch brass cap stamped "AUSTIN STATE SCHOOL RM 22 ELEV 610.04" in concrete found bears N 56° 06' 00" W a distance of 0.50 feet, said brass cap set as a reference monument to the tract corner by Homer Brown, Registered Public Surveyor No. 386, in his survey of the Austin State School property for the State of Texas as noted on his plat dated October 1970;

THENCE with the west line of said 96.92 acre tract, being the east right-of-way line of said Exposition Boulevard, the following three (3) courses and distances:

0) N 38° 10' 39" E a distance of 307.07 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 23 ELEV 592.62" in concrete found for an angle point,

0) N 28° 11' 44" E a distance of 59.45 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO 24 ELEV 588.22" in concrete found for an angle point, and

0) N 20° 49' 19" E, a distance of 140.29 feet to a mag nail with washer driven into a drilled hole in a concrete rip-rap set for the southwest corner and **POINT OF BEGINNING** of the tract described herein; N 10,085,022.92-ft, E 3,170,552.63-ft

THENCE N 20° 49' 19" E, continuing with the west line of said 96.92 acre tract, same being the east right-of-way line of said Exposition Boulevard, a distance of 226.10 feet to a 3-inch brass cap stamped "AUSTIN STATE SCHOOL NO. 25 ELEV 594.45" in concrete found at a point of curvature;

THENCE continuing with the west line of said 96.92 acre tract, same being the east right-of-way line of said Exposition Boulevard, being an arc of a curve to the left, having a radius of 270.00 feet, an arc distance of 1.30 feet and a chord bearing N 20° 40' 59" E a distance of 1.30 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set in a chain link fence running east-west approximately 2.3 feet east of a chain link fence corner post to mark the northwest corner of the tract described herein, same being the southwest corner of Parcel 1, a 1.082 acre tract of said 96.92 acre State of Texas tract also surveyed this date;
N 10,085,235.45-ft, E 3,107,633.45-ft

THENCE S 78° 53' 25" E, leaving said Exposition Boulevard right-of-way line and crossing said 96.92 acre State of Texas tract, a distance of 205.72 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set approximately 0.5-ft southeast of a metal chain link fence post to mark the northeast corner of the tract described herein, and being the southeast corner of said Parcel 1; N 10,085,195.81-ft, E 3,107,835.30-ft

THENCE S 19° 31' 08" W, continuing across said 96.92 acre tract, a distance of 238.08 feet to a 3/4-inch iron pipe set into the ground with a 1/2-inch iron rod with plastic cap stamped "LAI" set inside the pipe, said iron pipe and iron rod set in a field to mark the southeast corner of the tract described herein; N 10,084,971.43-ft, E 3,107,755.76-ft

THENCE N 75° 46' 34" W, continuing across said 96.92 acre tract, a distance of 209.57 feet to the **POINT OF BEGINNING** and containing 1.100 acres (47,896 square feet) of land, more or less.

BEARING BASIS: Texas Coordinate System, Central Zone, NAD83. The coordinates shown hereon are grid; the distances are surface. To convert the distances to grid multiply by the project combined scale factor of 0.999929.

LAI WORD FILE: FN0433(wdo)

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

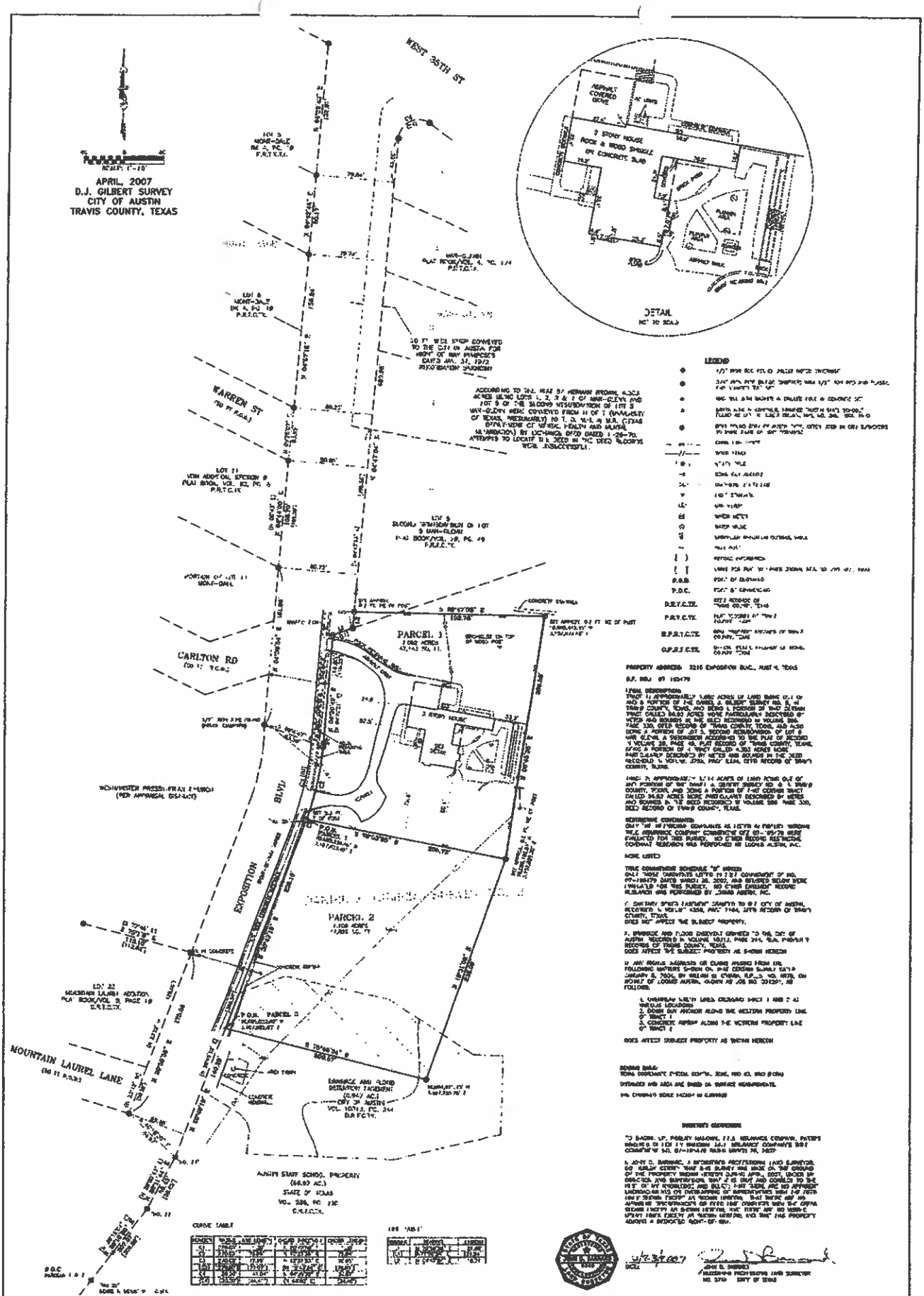
That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of April 2007 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 23rd of April, 2007 A.D.

Loomis Austin, Inc
Austin, Texas 78746



John D. Barnard
Registered Professional Land Surveyor No. 5749
State of Texas


APRIL, 2007
D.J. GILBERT SURVEY
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS
WEST 35TH ST
WARREN ST
CARLTON RD
EXPOSITION BLVD
MOUNTAIN LAUREL LANE
PARCEL 1
PARCEL 2
DETAIL
LEGEND
AUSTIN STATE SCHOOL PROPERTY
(66.93 AC.)
STATE OF TEXAS
VOL. 238, PG. 132
D.R.T.C.TX.
LOOMIS AUSTIN
ENGINEERING, LAND SURVEYING & ENVIRONMENTAL CONSULTING
LAND TITLE SURVEY

0.0085 Ac. (370 SQ. FT)
Daniel J. Gilbert Survey No. 8
Travis County, Texas

EXHIBIT C

LAI Job No. 070428
FN0840(teb)

FIELD NOTES DESCRIPTION

METES AND BOUNDS DESCRIPTION OF 0.0085 OF ONE ACRE (370 SQUARE FEET) OF LAND IN THE DANIEL J. GILBERT SURVEY NO 8, THE SAID 0.0085 ACRE TRACT BEING A PORTION OF LOT 5, SECOND RESUBDIVISION OF LOT 5 MAR-GLENN, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN PLAT BOOK 29, PAGE 49, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 1.082 ACRE TRACT OF LAND, DESIGNATED AS PARCEL 1 AND DESCRIBED IN A DEED FROM THE STATE OF TEXAS TO BIAGINI L.P., RECORDED IN DOCUMENT NO. 2007095578 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE SAID 0.0085 ACRE TRACT, AS SURVEYED BY LOOMIS AUSTIN, INC. AND SHOWN ON THE ACCOMPANYING SKETCH BEING MORE PARTICULARLY DESCRIBED BY MEETS AND BOUNDS AS FOLLOWS:

BEGINNING at a one-inch rounded bolt found (said bolt the type of marker often set by the City of Austin survey crews to mark right-of-way corners) driven into the ground for an angle point in the east Right-of-Way line of Exposition Boulevard, same being the southwest corner of said Lot 5, a re-entrant corner of said Parcel 1 for the southwest corner and **POINT OF BEGINNING** of the tract described herein and from which a 3/4-inch iron pipe with a 1/2-inch iron rod and plastic cap stamped "LAI" previously set for the western northwest corner of said Parcel 1 bears S 70° 58' 28" W, a distance of 21.68 feet;

THENCE N 04° 47' 04" E, continuing with the east Right-of-Way line of Exposition Boulevard, same being the west line of said Parcel 1 and the west line of said Lot 5, a distance of 16.74 feet to a 3/4-inch iron pipe with a 1/2-inch iron rod and plastic cap stamped "LAI" previously set, the said iron pipe and iron rod previously set under a chain link fence running north-south approximately 0.4-ft north of its intersection with another chain link fence running east-west to mark the northern northwest corner of said Parcel 1, for the northwest corner of the tract described herein;

THENCE S 88° 47' 35" E, crossing said Lot 5, with the north line of said Parcel 1, a distance of 44.30 feet, to a calculated point in the south line of said Lot 5, for the east corner of the tract described herein and from which a 3/4-inch iron pipe with a 1/2-inch iron rod and plastic cap stamped "LAI" previously set for the northeast corner of said Parcel 1 bears S 88° 47' 35" E, a distance of 148.48 feet;

THENCE S 70° 58' 28" W, crossing said Parcel 1 with the south line of said Lot 5, a distance of 48.32 feet, to the **POINT OF BEGINNING** and containing 0.0085 of one acre (370 square feet) of land, more or less.

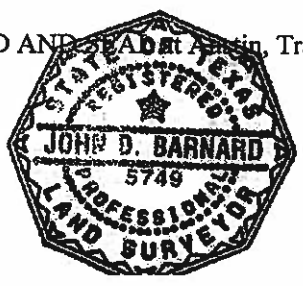
BEARING BASIS: Texas Coordinate System, Central Zone, NAD83, Grid.
LAI WORD FILE: FN0840(todd)

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

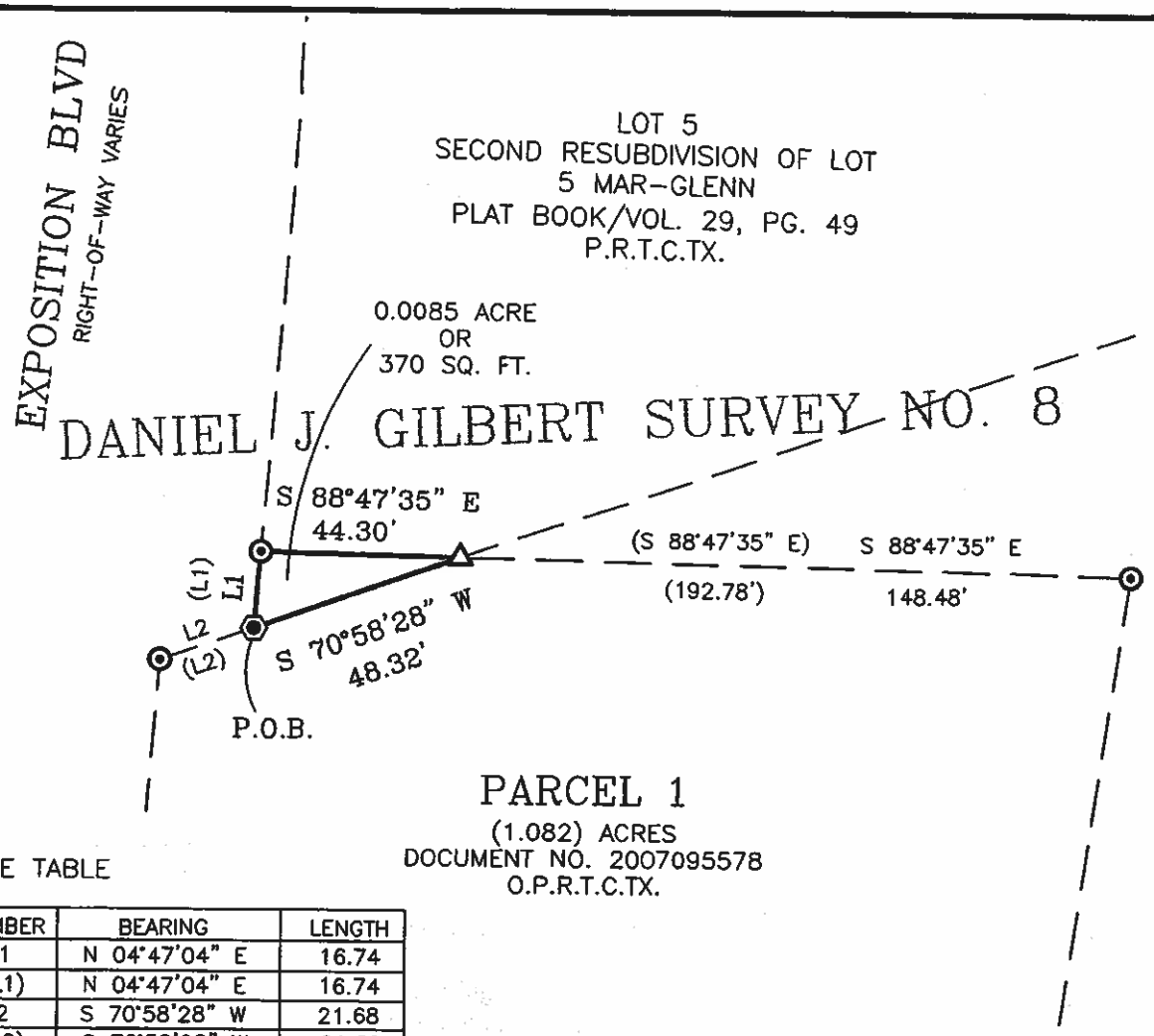
That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of May, 2007, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 17th of October 2007 A.D

Loomis Austin, Inc
Austin, Texas 78746



John D. Barnard
Registered Professional Land Surveyor No. 5749
State of Texas



PARCEL 1

(1.082) ACRES
DOCUMENT NO. 2007095578
O.P.R.T.C.TX.

LINE TABLE

NUMBER	BEARING	LENGTH
L1	N 04°47'04" E	16.74
(L1)	N 04°47'04" E	16.74
L2	S 70°58'28" W	21.68
(L2)	S 70°58'28" W	21.68

LEGEND

⊙	3/4" IRON PIPE WITH 1/2" IRON ROD AND PLASTIC CAP STAMPED "LAI" PREVIOUSLY SET
◉	BOLT FOUND (CITY OF AUSTIN TYPE, OFTEN USED BY CITY SURVEYORS TO MARK RIGHT-OF-WAY CORNERS)
△	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
P.R.T.C.TX.	PLAT RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.TX.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
( )	RECORD INFORMATION PER DOCUMENT NO. 2007095578

40 0 40
SCALE: 1"=40'

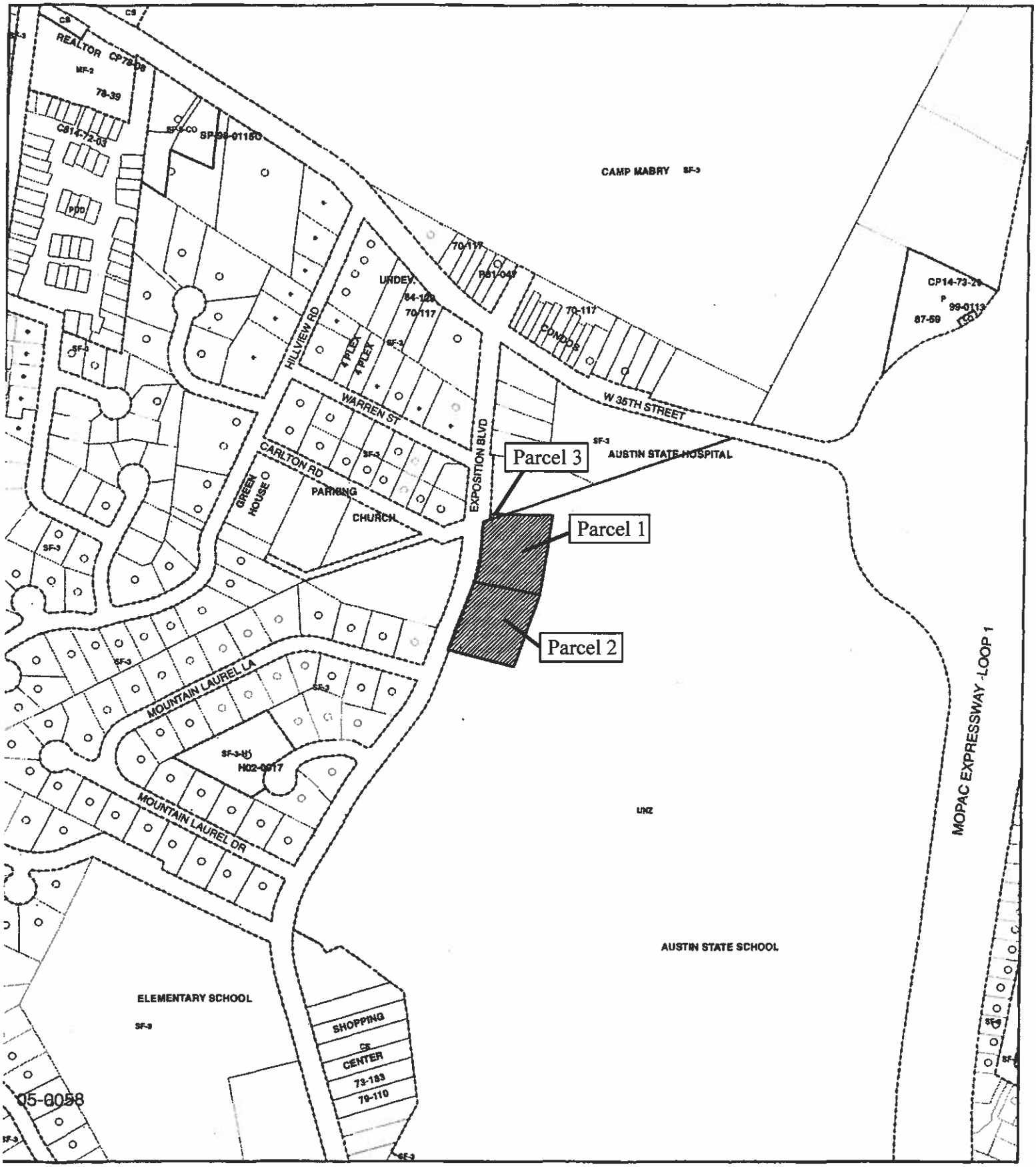
BEARING BASIS:
TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, GRID (LCRA)
DISTANCES AND AREA ARE BASED ON SURFACE MEASUREMENTS.
THE COMBINED SCALE FACTOR IS 0.999929

APRIL, 2007
D.J. GILBERT SURVEY
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

LOOMIS AUSTIN
ENGINEERING, LAND SURVEYING & ENVIRONMENTAL CONSULTING
3103 Bee Caves Road, Suite 225; Austin Texas 78746
Phone: (512) 327-1180; Fax: (512) 327-4062; www.loomtsaustin.com

SURVEY PLAT
0.0085 ACRES IN THE DANIEL J. GILBERT SURVEY NO. 8
TRAVIS COUNTY, AUSTIN, TEXAS

FILE: H:\Survey\General Land Office\Austin State School\Work\ZONING_EXHIBIT.dwg
DATE: Oct 17,2007-3:30pm



Subject Tract

Zoning Boundary

Pending Cases

N

ZONING EXHIBIT D

CASE#: C14-2007-0084

ADDRESS: 3215 EXPOSITION BLVD

SUBJECT AREA: 2.182 ACRES

GRID: H25-26

1" = 400' CASE MGR: J.ROUSSELIN

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness

CITY OF AUSTIN FOUNDED 1839