

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

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 6224 CROW LANE IN THE SWEETBRIAR NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE LOW DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (MF-2-CO-NP) 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 family residence-neighborhood plan (SF-3-NP) combining district to multifamily residence low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district on the property described in Zoning Case No. C14-2008-0049, on file at the Neighborhood Planning and Zoning Department, as follows:

A 3.09 acre tract of land, more or less, out of the William Cannon League, Abstract No. 6, Travis County, Save and Except a 0.04 acre tract of land, more or less, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property"),

locally known as 6224 Crow Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the multifamily residence low density (MF-2) base district and other applicable requirements of the City Code.

**PART 3.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

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 2,000 trips per day.

**PART 4.** The Property is subject to Ordinance No. 20050818-Z002 that established the Sweetbriar neighborhood plan combining district.

**PART 5.** 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

**File:** \Projects\East End Flats\docs\metes&bounds\3.09 acres\_S&E 0.04 acre.doc

**Page:** 1 of 3 (Survey Attached)

**Date:** September 12, 2006

### 3.09 Acres

All that certain tract or parcel of land situated in Travis County, Texas out of the William Cannon Survey, Abstract No. 6 and being that tract described as 3.085 acres in a Deed granted to Juan Antonio Torres and recorded as Document No. 2002225365, Official Public Records of Travis County, and further described by metes and bounds as follows:

Beginning at a ½" (inner diameter) iron pipe in the north margin of Crow Lane (ROW varies) for the southeast corner of said Torres tract and this tract from which the southwest corner of that tract described as the Mott Addition and recorded in Volume 35, Page 16, Plat Records of Travis County, Texas bears approximately N 24°23'00" E 3.29 feet,

THENCE: with the south line of said Torres tract in the following three (3) courses:

1. N 82°46'05" W 173.89 feet to a ½" iron rod with a yellow cap inscribed "ATS Engineers" set in the northeast intersection of the north margin of said Crow Lane and the northeast margin of North Bluff Drive (ROW varies),
2. N 43°23'07" W 99.65 feet continuing along the northeast margin of said North Bluff Drive to a ½" iron rod found,
3. N 65°24'11" W 45.51 feet to a ½" iron rod with a yellow cap inscribed "ATS Engineers" set for the southeast corner of that tract described as Lot 1, Block "A" Church of God Seventh Day Final Plat and recorded as Document No. 200100156, of said official public records and the southwest corner of said Torres tract and this tract;

THENCE: N 24°27'41" E 430.37 feet with the east line of said Lot 1, Block "A" Church of God Seventh Day and the west line of said Torres tract to a ½" (inner diameter) iron pipe found in the south line of that tract described as Lot 3, Alexan Stassney Heights Subdivision and recorded as Document No. 200100088 of said official public records for the northeast corner of said Lot 1, Block "A", Church of God Seventh Day and the northwest corner of said Torres tract and this tract;

THENCE: S 65°29'43" E 303.32 feet with the south line of said Lot 3, Alexan Stassney Heights Subdivision and the north line of said Torres tract to a ½" (inner diameter) for the southeast corner of said Lot 3, Alexan Stassney Heights and an angle corner of said Mott Addition and the northeast corner of said Torres tract and this tract;

THENCE: S 24°23'00" W 416.32 feet, being the basis of bearings cited hereon, with the west line of said Mott Addition and the east line of said Torres tract to the Point of Beginning and containing 3.09 acres of land more or less.

**SAVE & EXCEPT 0.04 Acre (1782 sq.ft.)**

All that certain tract or parcel of land situated in Travis County, Texas out of the William Cannon Survey, Abstract No. 6 and being that tract described as 0.03 Acre in a Right-of-Way Deed granted to Travis County, Texas and recorded in Volume 1947, Page 230, Real Property Records of Travis County, and being a portion of that tract described 3.085 acres in a Deed granted to Juan Antonio Torres and recorded as Document No. 2002225365, Official Public Records of Travis County, and further described by metes and bounds as follows:

Commencing from a ½" (inner diameter) iron pipe in the north margin of Crow Lane (ROW varies) for the southeast corner of said Torres tract,

THENCE: N 82°46'05" W 149.46 feet to a calculated point in the south line of said Torres tract and the north margin of said Crow Lane for the Point of Beginning of said Travis County tract and this tract;

THENCE: with the south line of said Torres tract and said Travis County tract in the following three (3) courses:

1. N 82°46'05" W 24.43 feet to a ½" iron rod with a yellow cap inscribed "ATS Engineers" set in the northeast intersection of the north margin of said Crow Lane and the northeast margin of North Bluff Drive (ROW varies),
2. N 43°23'07" W 99.65 feet continuing along the northeast margin of said North Bluff Drive to a ½" iron rod found,
3. N 65°24'11" W 45.51 feet to a ½" iron rod with a yellow cap inscribed "ATS Engineers" set for the southeast corner of that tract described as Lot 1, Block "A" Church of God Seventh Day Final Plat and recorded as Document No. 200100156, of said official public records and the southwest corner of said Torres tract and said Travis County tract and this tract;

THENCE: N 24°27'41" E 8.00 feet with the east line of said Lot 1, Block "A" Church of God Seventh Day and the west line of said Torres tract and said Travis County tract to a calculated point for the northwest corner of said Travis County tract and this tract;

THENCE: with the north line of said Travis County tract and into and across said Torres tract in the following two (2) courses:

1. S 64°16'18" E 60.18 feet to a calculated point,
2. S 45°21'18" E 107.58 feet to the Point of Beginning and containing 0.04 acre (1782 sq.ft.) of land more or less.

Bearing cited hereon are based on the east line of Juan Antonio Torres recorded as Document No. 2002225365, Official Public Records of Travis County, Texas having a record call of S 24°23' W 416.37 feet and a monumented distance of 416.32 feet.

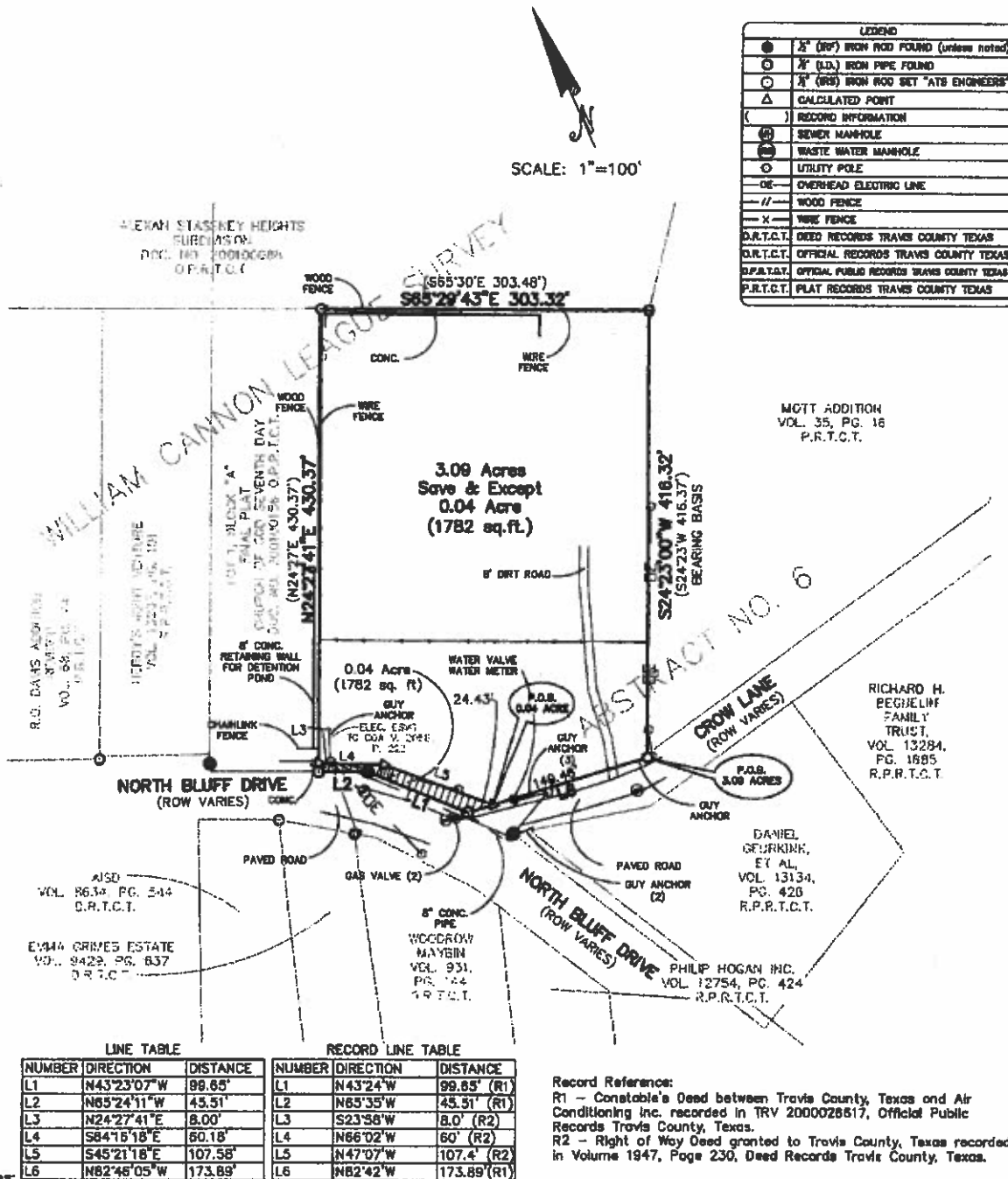
  
Paul Utterback  
Registered Professional Land Surveyor No. 5738



Reference: Three L.P.

Address: North Bluff Drive & Crow Lone, Austin, Tx

3.09 Acres situated in Travis County, Texas out of the William Cannon League Survey, Abstract No. 6, also being that tract described in a Deed granted to Captuly Investments Three, L.P. and recorded as Document No. 2006182250 Official Public Records of Travis County, Texas SAVE & EXCEPT 0.04 Acre (1782 sq.ft.), also being that certain tract conveyed to Travis County, Texas, by Right-of-Way Deed recorded in Volume 1947, Page 230 Real Property Records of Travis County, Texas.

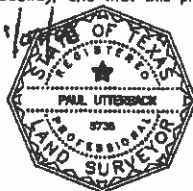


**Notes:**

- 1) All easements, of which I have knowledge and those recorded easements furnished by Land America Austin Title according to Title Commitment GF No. 242200512Q, DO AFFECT the subject property. Other than visible easements, no unrecorded or unwritten easements are shown hereon.
- 2) Blanket easement granted to Texas Power & Light Company recorded in Volume 545, Page 812.
- 3) Right-of-way easement granted to Travis County, Texas recorded in Volume 645, Page 388 affects the south side of parent tract H.S. Lawson. There is inconclusive descriptive evidence to accurately determine if subject tract fall within said parent tract.
- I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

Paul Utterback, RPLS No. 5738

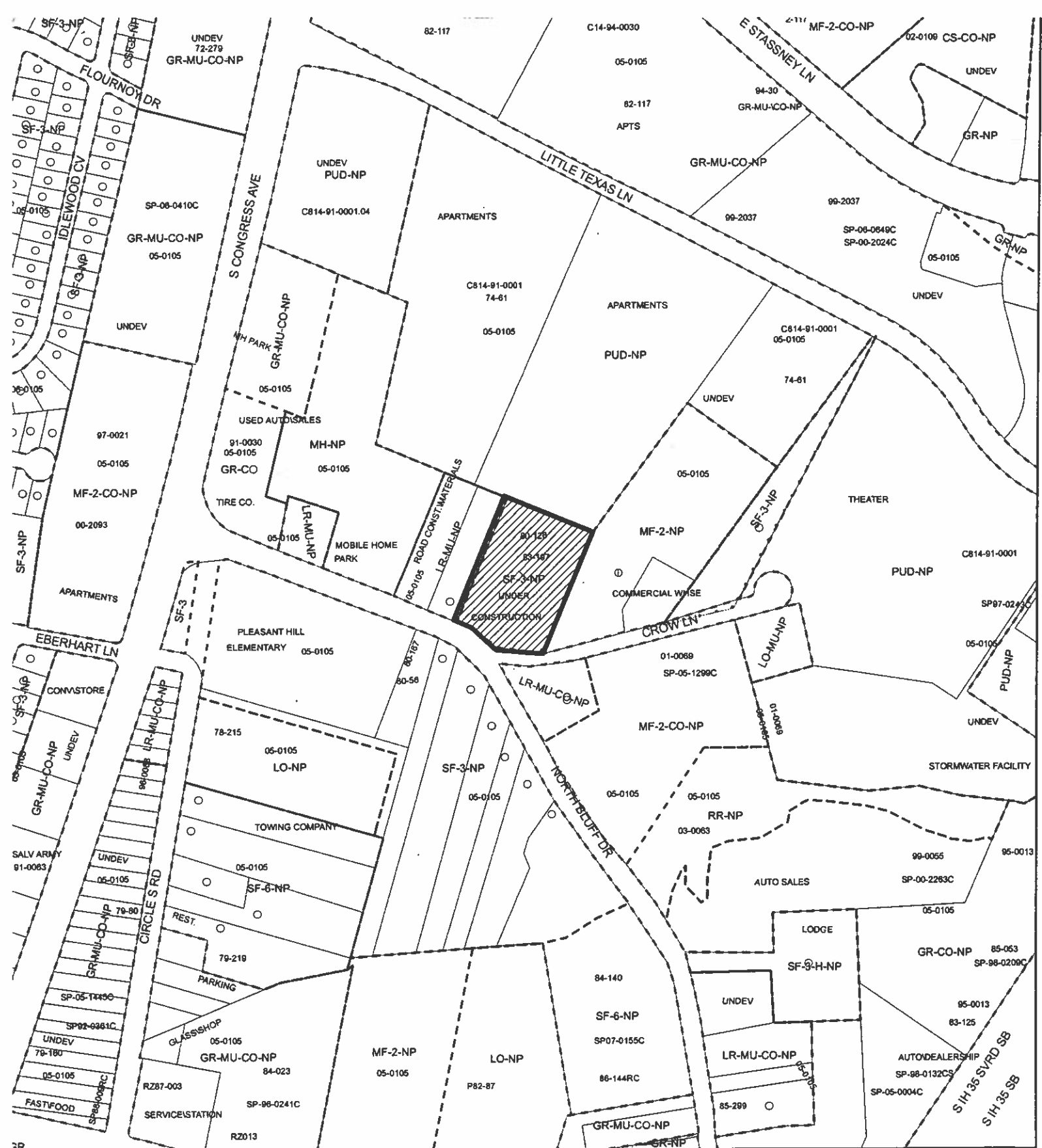
Client: Captivity Investments  
Date of Field Work: 07/31/2008  
Field: MPulmon  
Tech: CHenderson  
Date Drawn: 08/07/2008  
Path: Projects/Eos1 End Flots/M



4813 BEE CAVES ROAD, STE 200  
AUSTIN, TEXAS 78746

## Engineers Inspectors & Surveyors

**TEL: (512) 328-8885**  
**FAX: (512) 328-8888**



### ZONING EXHIBIT B

ZONING CASE#: C14-2008-0049  
 ADDRESS: 6224 CROW LANE  
 SUBJECT AREA: 3.05 ACRES  
 GRID: G16  
 MANAGER: W. RHOADES

SUBJECT TRACT  
 ZONING BOUNDARY  
 PENDING CASE

OPERATOR: S. MEEKS

1" = 400'

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.



**STREET DEED**

**STATE OF TEXAS**

§

**KNOW ALL MEN BY THESE PRESENTS**

**COUNTY OF TRAVIS**

§

§

That Captuity Investments Three, LP, a Texas limited partnership, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to Grantor in hand paid by the City of Austin, Texas, P.O. Box 1088, Austin, Texas 78767-8828, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day Granted, Sold and Conveyed, and by these presents do hereby Grant, Sell and Convey, unto the said City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property:

A 0.04 acre tract of land, more or less, being a part of a 3.09 acre tract out of the William Cannon Survey, Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this deed.

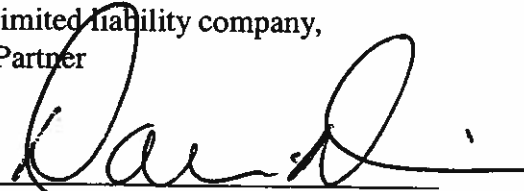
TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and Grantor, whether one or more, does hereby bind itself, its executors, administrators, successors and assigns, to warrant and defend the property against every person whomsoever lawfully claiming or to claim the same or any part hereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on the 15 day of July, 2008.

**GRANTOR:**

Captuity Investments Three, LP,  
a Texas limited partnership

By: Captuity Investments GP, LLC,  
a Texas limited liability company,  
General Partner

By:   
Darin Davis,  
Vice President and Manager

**THE STATE OF TEXAS**

§

§

**COUNTY OF TRAVIS**

§

This instrument was acknowledged before me on this the 18 day of July, 2008, by Darin Davis, Vice President and Manager of Captuity Investments GP, LLC, a Texas limited liability company, General Partner of Captuity Investments Three, LP, a Texas limited partnership, on behalf of the limited liability company and the limited partnership.



Michelle L. Cole  
Notary Public, State of Texas

**Address of Grantors:**

1105 South Lamar Blvd.,  
Austin, TX 78704

**AFTER RECORDING RETURN TO:**

City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767-8828  
Attn: Diana Minter, Paralegal



**EXHIBIT A**  
**FIELD NOTES**  
**TO ACCOMPANY EXHIBIT**

**BEING 0.04 ACRE (1,824 SQ.FT.) SITUATED IN TRAVIS COUNTY, TEXAS OUT OF THE WILLIAM CANNON SURVEY, ABSTRACT NO. 6 AND BEING A PORTION OF THAT TRACT DESCRIBED AS 3.09 ACRES, SAVE & EXCEPT 0.04 ACRE, GRANTED TO CAPTUITY INVESTMENTS, INC. AND RECORDED AS DOCUMENT NO. 2006182250 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS**

**Beginning** at a ½" (inner diameter) iron pipe in the existing north line of Crow Lane (ROW varies) for the southeast corner of said Captuity tract and the herein described tract from which point the southwest corner of Lot 1, Mott Addition a subdivision recorded in Travis County, Texas in Volume 35, Page 16, Plat Records of Travis County, Texas bears N 24°23'00" E 3.29 feet,

**THENCE:** N 82°46'05" W 149.46 feet with the north line of said Crow Lane and the south line of said Captuity tract to a calculated point for the southeast corner of said 0.04 acre Save & Except tract for a point of intersection of said Captuity tract and the southwest corner of the herein described tract;

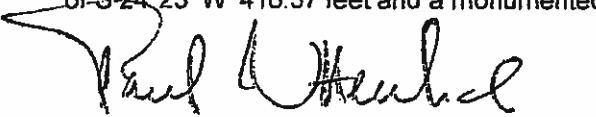
**THENCE:** N 45°21'18" W 24.87 feet with the north line of said 0.04 acre Save & Except tract and the west line of the herein described tract to a calculated point for the northwest corner of the herein described tract;

**THENCE:** into and across said Captuity tract and the north line of the herein described tract in the following three (3) courses:

1. S 79°51'53" E 140.12 feet to a calculated point,
2. N 86°04'02" E 27.08 feet to a calculated point,
3. N 77°24'25" E 8.13 feet to a calculated point in the west line of said Lot 1, Mott Addition and the east line of said Captuity tract for the northeast corner of the herein described tract,

**THENCE:** S 24°23'00" W 16.76 feet to the **Point of Beginning** and containing 0.04 acre (1,824 sq.ft.) of land more or less.

Bearing cited hereon are based on the east line of Captuity Investments, Inc. recorded as Document No. 2006182250, Official Public Records of Travis County, Texas having a record call of S-24°23' W 416.37 feet and a monumented distance of 416.32 feet.

  
Paul Utterback  
Registered Professional Land Surveyor No. 5738  
07/08/2009



# EXHIBIT

ATS Job # 08060302s

Reference: Captuity Investments, Inc. Address: 6224 Crow Lane, Austin, TX

0.04 Acre (1,824 sq.ft.) situated in Travis County, Texas out of the William Cannon Survey, Abstract No. 6 and being a portion of that tract described as 3.09 Acres, Save & Except 0.04 Acre, granted to Captuity Investments, Inc. recorded as Document No. 2006182250, Official Public Records of Travis County, Texas.

CALLLED 3.09 ACRE  
TRACT GRANTED TO  
CAPTUITY INVESTMENTS  
THREE, LP, SAVE &  
EXCEPT 0.04 ACRE  
DOC. NO. 2006182250  
O.P.R.T.C.T.

SAVE AND EXCEPT  
0.04 ACRE AS  
DESCRIBED IN DOC. NO.  
2006182250  
D.P.R.T.C.T.

NUMBER	DIRECTION	DISTANCE
L1	N 45°21'18" W	24.87'
L2	N 86°04'02" E	27.08'
L3	N 77°24'25" E	8.13'
L4	S 24°23'00" W	16.76'
(L1)	N 45°21'18" W	-----
(L2)	-----	-----
(L3)	-----	-----
(L4)	S 24°23'00" W	-----

SCALE: 1"=50'

LOT 1  
MOTT  
ADDITION  
VOL. 35, PG. 16  
P.R.T.C.T.

NORTH BLUFF DRIVE  
(R.O.W. VARIES)

0.04 Acre  
(1,824 sq.ft.)

(NO RECORD)  
S79°51'53"E 140.12'

N82°46'05"W 149.46'  
(N82°46'05"W 149.46')

CROW LANE  
(R.O.W. VARIES)

P.O.B.

DANIEL GEURKINK, ET AL,  
VOL. 13134, PG. 426  
R.P.R.T.C.T.

LEGEND	
	1/2" (IRF) IRON ROD FOUND
	1/2" (I.D.) IRON PIPE FOUND
	CALCULATED POINT
( )	RECORD INFORMATION
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS TRAVIS COUNTY TEXAS
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY TEXAS

## Notes:

1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.

I, Paul Utterback, HEREBY CERTIFY that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown; that said property has access to and from a public roadway; and that this plot is an accurate representation of the property to the best of my knowledge.

Paul Utterback, RPLS No. 5738

Client: Captuity Investments, Inc.

Date of Field Work: 06/20/2008

Field: AHarp

Tech: CHenderson

Date Drawn: 07/07/2008

Path: Projects\Captuity Investments\row dedication\CrowLn6224\_080624.dwg



4811 BEE CAVES ROAD, STE 200  
AUSTIN, TEXAS 78748

**Engineers  
Inspectors  
& Surveyors**

(512) 328-6995  
FAX: (512) 328-6996