

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 5405-½ SOUTH IH-35 SERVICE ROAD**
3 **NORTHBOUND IN THE FRANKLIN PARK NEIGHBORHOOD PLAN AREA**
4 **FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY-**
5 **NEIGHBORHOOD PLAN (GR-CO-NP) COMBINING DISTRICT TO PUBLIC-**
6 **CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (P-CO-NP) COMBINING**
7 **DISTRICT.**

8
9 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

10
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base district from community commercial-conditional overlay-neighborhood
13 plan (GR-CO-NP) combining district to public-conditional overlay-neighborhood plan (P-
14 CO-NP) combining district on the property described in Zoning Case No. C14-2008-0102,
15 on file at the Neighborhood Planning and Zoning Department, as follows:

16
17 A 5.757 acre tract of land, more or less, out of the Santiago Del Valle Grant, in
18 Travis County, the tract of land being more particularly described by metes and
19 bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

20
21 locally known as 5405-½ South IH-35 Service Road Northbound, in the City of Austin,
22 Travis County, Texas, and generally identified in the map attached as Exhibit "B".

23
24 **PART 2.** Except as specifically provided in Part 3 and Part 4 of this ordinance, the
25 Property may be developed and used in accordance with the regulations established for the
26 (P) base district, and other applicable requirements of the City Code.

27
28 **PART 3.** The Property within the boundaries of the conditional overlay combining district
29 established by this ordinance is subject to the following conditions:

30
31 The following conditional overlay applies to Property that has an open waterway with
32 an upstream drainage area between 64 acres and 320 acres that existed on October 10,
33 2002:

34
35 The building setback is 50 feet on either side of the centerline of an open
36 waterway. Improvements permitted within the buffer zone are limited to utility
37 crossings, hike and bike trails, driveway crossings and roadway crossings, or those

improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

PART 4. The Property is subject to Ordinance No. 021010-12a that established the Franklin Park neighborhood plan combining district.

PART 5. This ordinance takes effect on _____, 2008.

PASSED AND APPROVED

_____, 2008

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk

5.757 ACRES
COVERT TRACT

FN NO. 03-050(MM)
FEBRUARY 23, 2003
BPI JOB NO. 082-36.92

EXHIBIT A
DESCRIPTION

OF 5.757 ACRES OF LAND OUT OF AND PART OF THE SANTIAGO DEL VALLE GRANT, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO TEXAS COMMERCE BANK-AUSTIN, NATIONAL ASSOCIATION AND FRANK M. COVERT III, ET. AL. BY DEED OF RECORD IN VOLUME 11405, PAGE 400 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.757 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND FOLLOWS:

BEGINNING, at a 1/2 inch iron rod with cap set in the easterly right-of-way line of Interstate Highway No. 35 (R.O.W. varies), being the northwesterly corner of Lot 3, Block "A", Ogden Farms Subdivision Amended of record in Volume 98, Page 27-28 of the Plat Records of Travis County, Texas for the southwesterly corner hereof;

THENCE, along the easterly line of Interstate Highway No. 35, being the westerly line hereof, the following three (3) courses and distances:

- 1) N33°52'30"E, a distance of 179.69 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N26°58'43"E, a distance of 201.46 feet to a 1/2 inch iron rod with cap set for an angle point;
- 3) N33°52'30"E, a distance of 252.91 feet to a 1/2 inch iron rod with cap set for the northwesterly corner hereof, being an angle point in the westerly line of Lot 1, Wal-Mart Subdivision of record in Volume 87, Page 174A of said Plat Records;

THENCE, S59°30'08"E, leaving the easterly line of Interstate Highway No. 35, along the northerly line hereof, being a portion of the westerly line of said Lot 1, Wal-Mart Subdivision, a distance of 399.74 feet to a 1/2 inch iron rod found at an angle point in said westerly line, being the northeasterly corner hereof;

THENCE, along the easterly line hereof, being a portion of the westerly line of said Lot 1, Wal-Mart Subdivision, the following three (3) courses and distances:

- 1) S33°54'49"W, a distance of 348.78 feet to an iron pipe found for an angle point;
- 2) S26°52'46"W, a distance of 89.79 feet to a 1/2 inch iron rod found for an angle point;

- 3) S29°40'03"W, a distance of 5.70 feet to an iron pipe found at the southwesterly corner of said Lot 1, Wal-Mart Subdivision, being the northwesterly corner of that certain 29.72 acre tract of land conveyed to Familia Investments by deed of record in Volume 11307, Page 724 of said Real Property Records for an angle point hereof;


THENCE, S30°54'26"W, continuing along the easterly line hereof, being a portion of the westerly line of said 29.72 acre tract, a distance of 212.69 feet to an iron pipe found at an angle point in said westerly line, being in the northerly line of said Lot 3, Block "A" for the southeasterly corner hereof;

THENCE, leaving said westerly line, along the southerly line hereof, being a portion of the northerly line of said Lot 3, Block "A", the following four (4) courses and distances:

- 1) N56°34'33"W, a distance of 125.81 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N46°31'26"W, a distance of 184.23 feet to an iron pipe found for an angle point;
- 3) N80°42'12"W, a distance of 61.51 feet to a 1/2 inch iron rod with cap set for an angle point;
- 4) N63°25'30"W, a distance of 33.87 feet to the **POINT OF BEGINNING**, containing an area of 5.757 acres (250,767 sq. ft.) of land, more or less, within these metes and bounds.

THAT I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS FIELD NOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746

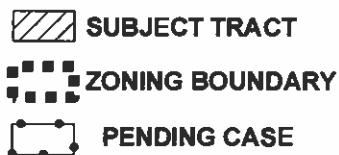


JOHN T. BILNOSKI
NO. 4998
STATE OF TEXAS

2/23/03

DATE





ZONING

ZONING CASE#: C14-2008-0102
ADDRESS: 5405-1/2 S IH 35 SVRD NB
SUBJECT AREA: 5.757 ACRES
GRID: H16
MANAGER: W. RHOADES



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.