

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 6800 MANCHACA ROAD FROM FAMILY RESIDENCE (SF-3) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY (LO-MU-CO) COMBINING DISTRICT FOR TRACT TWO.

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 on the property described in Zoning Case No. C14-2008-0142, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From family residence (SF-3) district to community commercial-conditional overlay (GR-CO) combining district.

A 1.811 acre tract of land, more or less, out of Lot 4, C.T. Baker Subdivision, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and,

Tract Two: From family residence (SF-3) district to limited office-mixed use-conditional overlay (LO-MU-CO) combining district.

A 2.792 acre tract of land, more or less, out of Lot 4, C.T. Baker Subdivision, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance
(the tracts collectively known as the "Property"),

locally known as 6800 Manchaca Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

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

A. The following uses are conditional uses of the Property:

Community recreation (private) Community recreation (public)

1
2 B. The following uses are prohibited uses of the Property:

3
4 Automotive repair services
5 Automotive sales
6 Bail bond services
7 Business support services
8 Communication services
9 Exterminating services
10 Funeral services
11 Hotel-motel
12 Indoor sports and recreation
13 Outdoor sports and recreation
14 Personal improvement services
15 Residential treatment

Automotive rentals
Automotive washing (of any type)
Business or trade school
Commercial off-street parking
Drop-off recycling collection facility
Food preparation
Hospital services (general)
Indoor entertainment
Outdoor entertainment
Pawn shop services
Research services
Theater

16
17 C. A site plan or building permit for the Property may not be approved,
18 released, or issued, if the completed development or uses of the Property,
19 considered cumulatively with all existing or previously authorized
20 development and uses, generate traffic that exceeds 2,000 trips per day.

21
22 Except as specifically restricted under this ordinance, the Property may be developed and
23 used in accordance with the regulations established for the respective base districts, the
24 mixed use (MU) combining district, and other applicable requirements of the City Code.

25
26 **PART 3.** This ordinance takes effect on _____, 2008.

27
28
29 **PASSED AND APPROVED**

30
31 §
32 §
33 _____, 2008 § _____

34 Will Wynn
35 Mayor

36
37
38 **APPROVED:** _____ **ATTEST:** _____
39 David Allan Smith Shirley A. Gentry
40 City Attorney City Clerk

EXHIBIT A**LEGAL DESCRIPTION**

BEING A 1.811 ACRE TRACT OF LAND OUT OF AND A PORTION OF LOT 4, C. T. BAKER SUBDIVISION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 6, PAGE 120, PLAT RECORDS TRAVIS COUNTY, TEXAS, THE LEGAL DESCRIPTION HEREIN IS INTENDED FOR THE PROPOSED REZONING OF LOT 4, C. T. BAKER SUBDIVISION AND NOT TO BE USED FOR THE CONVEYANCE OF ANY PORTION OF LOT 4, C. T. BAKER SUBDIVISION, SAID 1.811 ACRE TRACT OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "D" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS :

COMMENCING for reference at a one-half inch iron rod found for the southeast corner of the said Lot 4, same being an interior angle corner of Manchaca Road, a road in the City of Austin whose right of way varies;

THENCE North 80°41'21" West, along the common dividing line of the said Lot 4 and the said Manchaca Road passing at a distance of 5.19 feet a point for an interior angle corner of the said Manchaca Road, same being the northeast corner of Lot 11-E, Resubdivision Lot 11-A and Lot 11-B Of The Resubdivision Of Lot 11, Shier Cliff-I, a subdivision in the City of Austin, Travis County, Texas, according to the plat recorded in Volume 58, Page 51, Plat Records Travis County, Texas, continuing and along the common dividing line of the said Lot 4 and the said Lot 11-E a **Total Distance** of 10.00 feet to a point for the southeast corner of and **POINT OF BEGINNING** of the herein described 1.811 acre tract of land, same being a point on the common dividing line of the said Lot 4 and the said Lot 11-E

THENCE along the common dividing line of the said Lot 4 and the said Lot 11-E, the following two courses:

- 1) North 80°41'21" West, a distance of 70.02 feet to a point for an exterior angle corner of the said Lot 4, same being an interior angle corner of said Lot 11-E;
- 2) North 62°15'37" West, a distance of 370.83 feet to a point for the southwest corner of the herein described 1.811 acre tract of land, same being the northwest corner of Lot 11-D of the said Resubdivision Lot 11-A and Lot 11-B Of The Resubdivision Of Lot 11, Shier Cliff-I, same being the northeast corner of Lot 8, of Shier Cliff-I, a subdivision in the City of Austin, Travis County, Texas, according to the plat recorded in Volume 47, Page 84, Plat Records of Travis County, Texas and from this point the southwest corner of the said Lot 4, C. T. Baker Subdivision bears North 62°15'37" West, a distance of 624.79 feet to a one-half inch iron rod in concrete found;

THENCE North 27°40'39" East, through said Lot 4, a distance of 190.89 feet to a point for the northwest corner of the herein described 1.811 acre tract of land, same being a point on the common dividing line of the said Lot 4 and Lot 3, of the said C. T. Baker Subdivision and from this point a one-half inch iron rod found for the northwest corner of the said Lot 4, same being the southwest corner of the said Lot 3, bears North 62°15'37" East, a distance of 701.90 feet;

THENCE along the common dividing line of the said Lot 3 and the said Lot 4, the following two (2) courses:

- 1) South 62°15'37" East, a distance of 310.14 feet to a ninety d nail found for an interior angle corner of the herein described 1.811 acre tract of land and the said Lot 4, same being an exterior angle corner of the said Lot 3;
- 2) South 80°16'24" East, a distance of 68.81 feet to a point for the northeast corner of the herein described 1.811 acre tract of land and from this point a three-

CENTRAL TEXAS SURVEYING

PROFESSIONAL LAND SURVEYING
ROBERT C. STEUBING OWNER

517 BARTSCH LANE • RED ROCK, TEXAS 78662 • PHONE (512) 585-1388

(BEING A 1.811 ACRE TRACT OF LAND OUT OF AND A PORTION OF LOT 4, C. T. BAKER SUBDIVISION)

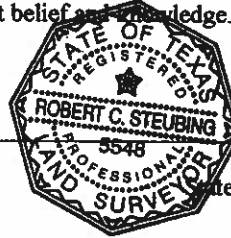
quarter inch diameter pipe found adjacent to a chain link corner post for the northeast corner of the said Lot 4, same being the southeast corner of the said Lot 3 and a point on the west right of way line of the said Manchaca Road bears South 80°16'24" East, a distance of 10.00 feet;

THENCE South 09°42'00" West, through said Lot 4, a distance of 199.86 feet to the **POINT OF BEGINNING**, and containing 1.811 acres of land, more or less, within these metes and bounds.

BASIS OF BEARINGS for this survey is the east line of the said Lot 4, as South 09°42'00" West, as per recorded Plat of the said C. T. Baker Subdivision.

I, Robert C. Steubing, a Registered Professional Land Surveyor, do hereby certify that the above survey was made upon the ground, under my supervision in September 2008 and is true and correct according to my best belief and knowledge.


Robert C. Steubing
Registered Professional Land Surveyor



10/07/08
Date
State of Texas - No. 5548

EXHIBIT B**LEGAL DESCRIPTION**

BEING A 2.792 ACRE TRACT OF LAND OUT OF AND A PORTION OF LOT 4, C. T. BAKER SUBDIVISION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 6, PAGE 120, PLAT RECORDS TRAVIS COUNTY, TEXAS, THE LEGAL DESCRIPTION HEREIN IS INTENDED FOR THE PROPOSED REZONING OF LOT 4, C. T. BAKER SUBDIVISION AND NOT TO BE USED FOR THE CONVEYANCE OF ANY PORTION OF LOT 4, C. T. BAKER SUBDIVISION, SAID 2.792 ACRE TRACT OF LAND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "D" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS :

COMMENCING for reference at a one-half inch iron rod found for the southeast corner of the said Lot 4, same being an interior angle corner of Manchaca Road, a road in the City of Austin whose right of way varies;

THENCE North 80°41'21" West, along the common dividing line of the said Lot 4 and the said Manchaca Road passing at a distance of 5.19 feet a point for an interior angle corner of the said Manchaca Road, same being the northeast corner of Lot 11-E, Resubdivision Lot 11-A and Lot 11-B Of The Resubdivision Of Lot 11, Shier Cliff-I, a subdivision in the City of Austin, Travis County, Texas, according to the plat recorded in Volume 58, Page 51, Plat Records Travis County, Texas, continuing for a **Total Distance** of 80.02 feet a point for an exterior angle corner of the said Lot 4, same being an interior angle corner of said Lot 11-E;

THENCE North 62°15'37" West, along the common dividing line of the said Lot 4 and the said Lot 11-E, a distance of 370.83 feet to a point for the southeast corner of and **POINT OF BEGINNING** of the herein described 2.792 acres of land, same being the northwest corner of Lot 11-D of the said Resubdivision Lot 11-A and Lot 11-B Of The Resubdivision Of Lot 11, Shier Cliff-I and being the northeast corner of Lot 8, of Shier Cliff-I, a subdivision in the City of Austin, Travis County, Texas, according to the plat recorded in Volume 47, Page 84, Plat Records of Travis County, Texas;

THENCE North 62°15'37" West, along the common dividing line of the said Lot 4, and the said Shier Cliff-I subdivision a distance of 624.79 feet to a one-half inch iron rod in concrete found for the southwest corner of the said Lot 4 and the herein described 2.792 acre tract of land, same being the northwest corner of Lot 1, Shier Cliff-I and a point on the east line of Lot 1, Block B, The Arbors At Cannon's Gate, a subdivision in the City of Austin, Travis County, Texas, according to the plat recorded in document number 200200166 Official Records Travis County, Texas;

THENCE along the common dividing line of the said Lot 4, C. T. Baker Subdivision and the said Lot 1, The Arbors At Cannon's Gate the following two (2) courses:

- 1) North 30°01'44" East, a distance of 155.29 feet to a one-half inch iron rod in concrete found for an interior angle corner of the herein described 2.792 acre tract of land and the said Lot 4, same being the northeast corner of the said Lot 1, The Arbors At Cannon's Gate;
- 2) North 58°41'32" West, a distance of 104.31 feet to a one-half inch iron rod found for the upper southwest corner of the herein described 2.792 acre tract of land and the said Lot 4, same being a point on the north line of the said Lot 1, The Arbors At Cannon's Gate and the southwest corner of an apparent 20 foot private lane as depicted on the plat of C. T. Baker Subdivision;

THENCE North 62°53'33" East, along the common dividing line of the said Lot 4

CENTRAL TEXAS SURVEYING

PROFESSIONAL LAND SURVEYING

ROBERT C. STEUBING OWNER

517 BARTSCH LANE • RED ROCK, TEXAS 78662 • PHONE (512) 585-1388

(BEING A 2.792 ACRE TRACT OF LAND OUT OF AND A PORTION OF LOT 4, C. T. BAKER SUBDIVISION)

and the said private Lane a distance of 35.76 feet to a one-half inch iron rod found for the northwest corner of the said Lot 4, same being the southwest corner of the said Lot 3, and a point on the east line of the said private lane;

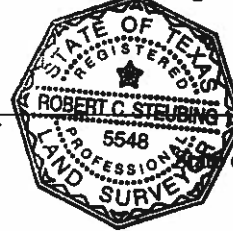
THENCE South $62^{\circ}15'37''$ East, along the common dividing line of the said Lot 4 and the said Lot 3, a distance of 701.90 feet to a point for the northeast corner of the herein described 2.792 acre tract of land, same being a point on the common dividing line of the said Lot 4 and Lot 3, of the said C. T. Baker Subdivision and from this point a three-quarter inch pipe found adjacent to a chain link post for the northeast corner of the said Lot 4 and the southeast corner of the said Lot 3, bears the following two (2) courses: 1) South $62^{\circ}15'37''$ East, a distance of 310.14 feet to a ninety d nail found for an interior angle corner of the said Lot 4, same being an exterior angle corner of the said Lot 3, 2) South $80^{\circ}16'24''$ East, a distance of 78.81 feet;

THENCE South $27^{\circ}40'39''$ West, through said Lot 4, a distance of 190.89 feet to the POINT OF BEGINNING and containing 2.792 acres of land, more or less, within these metes and bounds.

BASIS OF BEARINGS for this survey is the east line of the said Lot 4, as South $09^{\circ}42'00''$ West, as per recorded Plat of the said C. T. Baker Subdivision.

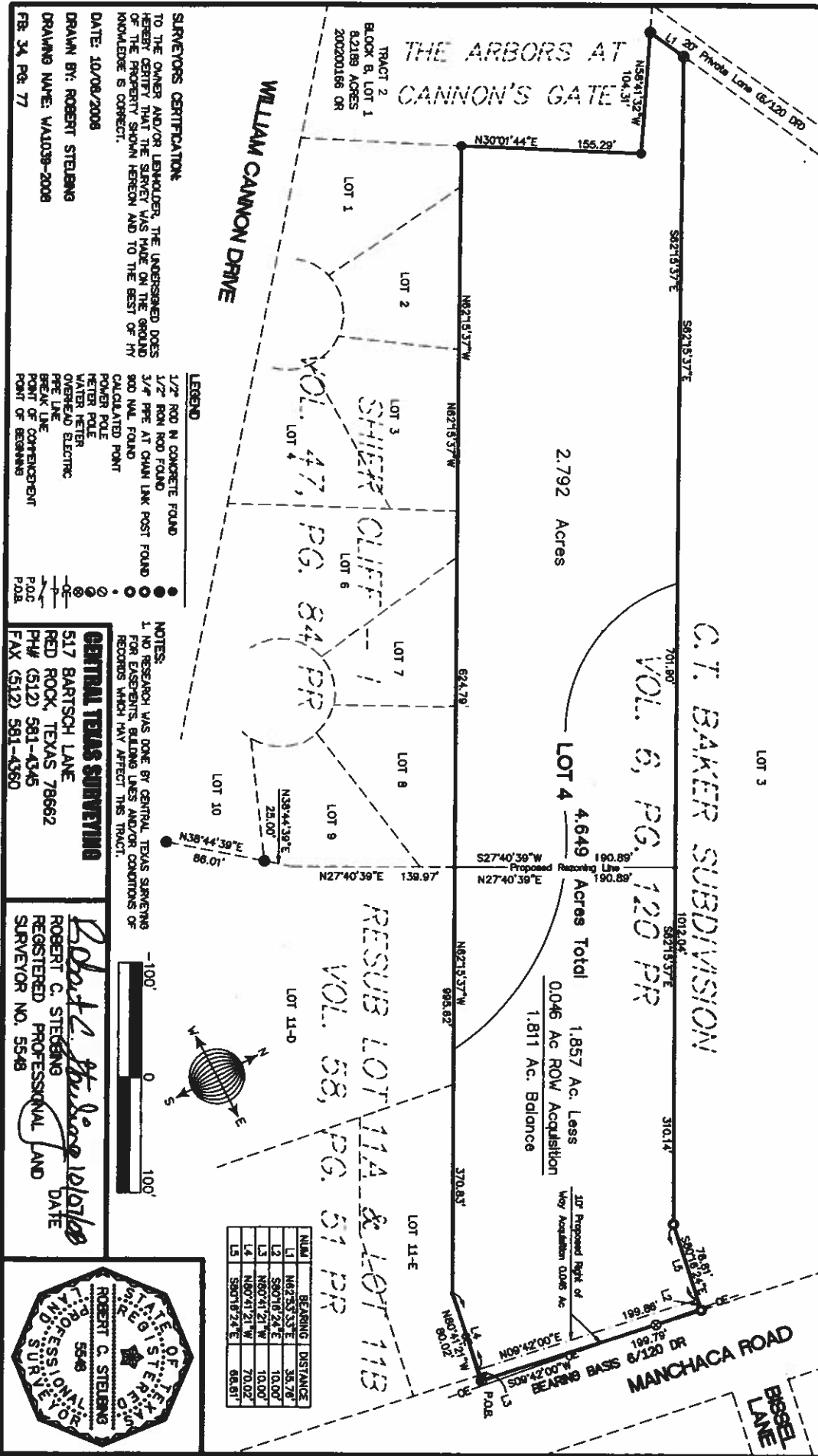
I, Robert C. Steubing, a Registered Professional Land Surveyor, do hereby certify that the above survey was made upon the ground, under my supervision in September 2008 and is true and correct according to my best belief and knowledge.

Robert C. Steubing
Robert C. Steubing
Registered Professional Land Surveyor



10/07/08
Date
of Texas - No. 5548

EXHIBIT



SURVEYORS CERTIFICATION
TO THE OWNER AND/OR LEASEHOLDER, THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE SURVEY WAS MADE ON THE GROUND OR THE PROPERTY SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE IS CORRECT.

DATE: 10/08/2008
DRAWN BY: ROBERT STELBERG
DRAWING NAME: VAL039-2008
PB. 34, PG. 77

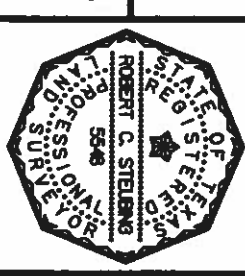
LEGEND
1/2" ROD IN CONCRETE FOUND
3/4" PPE AT CHAIN LINK POST FOUND
300 INCH FOUND
CALCULATED POINT
POWER POLE
WATER METER
OVERHEAD ELECTRIC
PPE LINE
BREAK LINE
POINT OF COMMENCEMENT
P.O.C.
P.O.B.

NOTES
1. NO RESEARCH WAS DONE BY CENTRAL TEXAS SURVEYING FOR EASEMENTS, BUILDING LINES AND/OR CONDITIONS OF RECORDS WHICH MAY AFFECT THIS TRACT.

CENTRAL TEXAS SURVEYING
517 BARTSCH LANE
RED ROCK, TEXAS 78662
PH# (512) 581-4345
FAX (512) 581-4350

Robert Steiberg 10/10/08
ROBERT C. STELBERG
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5548

DATE



STREET DEED

STATE OF TEXAS

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§

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KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

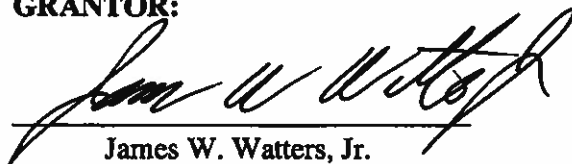
That James W. Watters, Jr., of Travis County, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to Grantor in hand paid by the City of Austin, Texas, P.O. Box 1088, Austin, Texas 78767-1088, 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 0.046 acre tract of land, more or less, being a portion of Lot 4, C.T. Baker Subdivision, in Travis County, and 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 27th day of December, 2008.

GRANTOR:

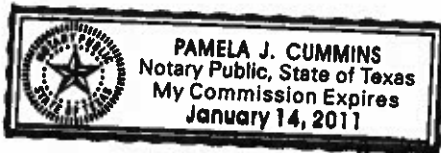

James W. Watters, Jr.

THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 24th day of October, 2008, by James W. Watters, Jr.



Pamela J. Cummins
Notary Public, State of Texas

Address of Grantor:

6800 Manchaca Road
Austin, Texas 78745

AFTER RECORDING RETURN TO:

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

C14-2008-0142

CENTRAL TEXAS SURVEYING

PROFESSIONAL LAND SURVEYING
ROBERT C. STEUBING OWNER
517 BARTSCH LANE • RED ROCK, TEXAS 78662 • PHONE (512) 585-1388

EXHIBIT "A"
LEGAL DESCRIPTION

BEING A 0.046 ACRE STRIP OF LAND OUT OF AND A PORTION OF LOT 4, C. T. BAKER SUBDIVISION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 6, PAGE 120, PLAT RECORDS TRAVIS COUNTY, TEXAS, SAID 0.046 ACRE TRACT OF LAND BEING A TEN FOOT STRIP OF LAND TO BE ACQUIRED FOR FUTURE ROAD WIDENING PURPOSES AND BEING SHOWN ON THE ATTACHED SKETCH MARKED EXHIBIT "D" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a one-half inch iron rod found for the southeast corner of the said Lot 4 and the herein described 0.046 acre tract of land, same being an interior angle corner of Manchaca Road, a road in the City of Austin whose right of way varies;

THENCE North 80°41'21" West, along the common dividing line of the said Lot 4 and the said Manchaca Road passing at a distance of 5.19 feet a point for an interior angle corner of the said Manchaca Road, same being the northeast corner of Lot 11-E, Resubdivision Lot 11-A and Lot 11-B Of The Resubdivision Of Lot 11, Shier Cliff-I, a subdivision in the City of Austin, Travis County, Texas, according to the plat recorded in Volume 58, Page 51, Plat Records Travis County, Texas, continuing and along the common dividing line of the said Lot 4 and the said Lot 11-E a **Total Distance** of 10.00 feet to a point for the southwest corner of the herein described 0.046 acre tract of land, same being a point on the common dividing line of the said Lot 4 and the said Lot 11-E and from this point the southwest corner of the said Lot 4, bears the following two (2) courses: 1) North 80°41'21" West, a distance of 70.02 feet to a point, 2) North 62°15'37" West, a distance of 995.62 feet to a one-half inch iron rod found in concrete;

THENCE North 09°42'00" East, ten foot perpendicular distance from and parallel to the east line of the said Lot 4 and through said and severing from said Lot 4, a distance of 199.86 feet to a point for the northwest corner of the herein described 0.046 acre tract of land, same being a point on the common dividing line of the said Lot 4 and Lot 3, of the said C. T. Baker Subdivision and from this point a ninety d nail found for an interior angle corner of the said Lot 4 and an exterior angle corner of the said Lot 3, bears North 80°16'24" West, a distance of 68.81 feet;

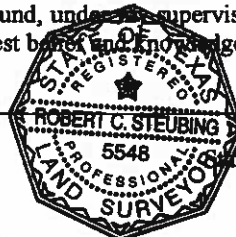
THENCE South 80°16'24" East, a distance of 10.00 feet to a three-quarter inch diameter pipe found adjacent to a chain link corner post for the northeast corner of the said Lot 4, same being the southeast corner of the said Lot 3 and a point on the west right of way line of the said Manchaca Road;

THENCE South 09°42'00" West, along the common dividing line of the said Lot 4 and the said Manchaca Road a distance of 199.79 feet to the **POINT OF BEGINNING**, and containing 0.046 acres of land, more or less, within these metes and bounds.

BASIS OF BEARINGS for this survey is the east line of the said Lot 4, as South 09°42'00" West, as per recorded Plat of the said C. T. Baker Subdivision.

I, Robert C. Steubing, a Registered Professional Land Surveyor, do hereby certify that the above survey was made upon the ground, under my supervision in September 2008 and is true and correct according to my best belief and knowledge.

Robert C. Steubing
Robert C. Steubing
Registered Professional Land Surveyor

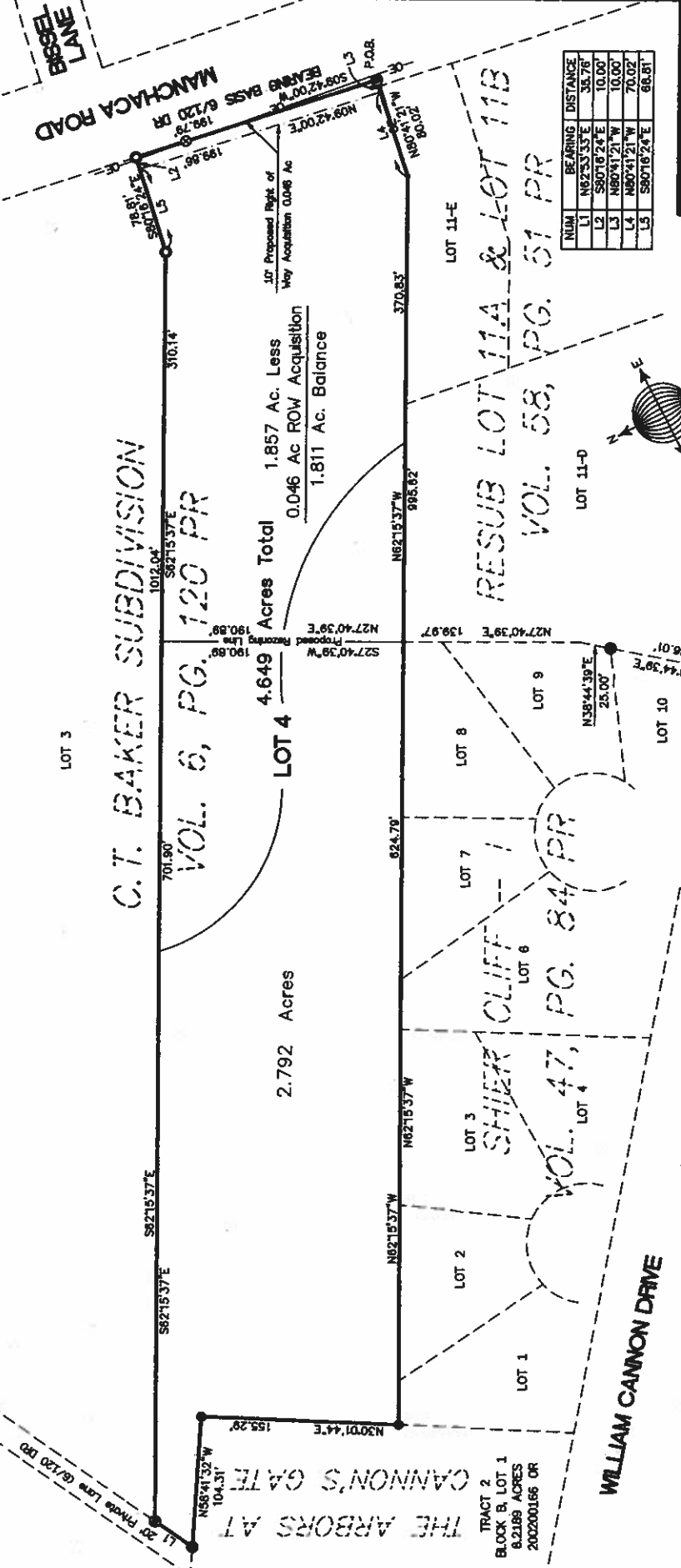


10/07/08
Date

State of Texas - No. 5548

EXHIBIT "D"

SURVEY PLAT Showing the proposed right of way acquisition and proposed rezoning of Lot 4, C.T. BAKER SUBDIVISION, a subdivision in the City of Austin, Travis County, Texas, according to the plot recorded in Volume 6, Page 120, of the Plot Records of Travis County, Texas.



NOTES:
 1. NO RESEARCH WAS DONE BY CENTRAL TEXAS SURVEYING FOR EASEMENTS, BUILDING LINES AND/OR CONDITIONS OF RECORDS WHICH MAY AFFECT THIS TRACT.

CENTRAL TEXAS SURVEYING
 517 BARTSCH LANE
 RED ROCK, TEXAS 78662
 PH# (512) 581-4345
 FAX (512) 581-4360

Robert C. Stelberg
 ROBERT C. STELBORG
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5548

SURVEYORS CERTIFICATION
 TO THE OWNER AND/OR LEASHOLDER, THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE IS CORRECT.

DATE: 10/08/2008
DRAWN BY: ROBERT STELBORG
DRAWING NAME: WJ1039-2008
FEB 34, PG. 77

LEGEND
 ● 1/2" ROD IN CONCRETE FOUND
 ○ 1/2" IRON ROD FOUND
 ○ 3/4" PIPE AT CHAIN LINK POST FOUND
 ○ 800 GAL FOUND
 ○ CALCULATED POINT
 ○ POWER POLE
 ○ WATER METER
 ○ OVERHEAD ELECTRIC
 ○ PIPE LINE
 ○ BREAK LINE
 ○ POINT OF COMMENCEMENT
 ○ POINT OF BEGINNING