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Certificate of City Council Action

State of Texas §
 §
County of Travis §

I, the undersigned City Clerk of the City of Austin, Texas (the "City"), do hereby execute and deliver this certificate for the benefit of the Real Property Records of Travis County, Texas, and all persons interested in the proceedings of the City Council of the City of Austin, Texas (the "City Council") and the validity thereof, and do certify as follows:

1. That I am the duly chosen, qualified and acting City Clerk of the City; that as such I am familiar with the facts herein certified; and that I am duly, authorized to execute and deliver this certificate.

2. The City Council convened in Regular Session on 28 February 2008 at the regular meeting place thereof, and the roll was called of the duly constituted City Council and all of said persons were present, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: The public hearing was closed and Ordinance No. 20080228-113 was introduced for the consideration of the City. It was then duly, moved and seconded that Ordinance No. 20080228-113 be adopted with amendments; and, after due discussion, said motion, carrying with it the adoption of Ordinance No. 2008228-113, prevailed and carried by the vote of:

 7 Ayes

 0 Nays

 0 Abstentions.

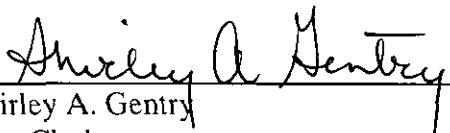
3. That a true and complete copy of Ordinance No. 20080228-113 adopted at the meeting is attached to and precedes this certificate. In addition Ordinance No. 20080228-113 amends Ordinance No. 990114-G which is filed for record in Document No. 1999157295, Official Public Records of Travis County, Texas, corrected in Document No. 2000078958, Official Public Records of Travis County, Texas, modified by Ordinance No. 010802-089 which is filed for record in Document No. 2002204815, Official Public Records of Travis County, Texas and further modified by Ordinance No. 030731-049 which is filed for record in Document No. 2003189506, Official Public Records of Travis County, Texas and further modified by Ordinance No. 20050407-060 which is filed for record in Document No. 2005075165, Official Public Records of Travis County (collectively referred to as the Plan);

4. That Ordinance No. 20080228-113 has been duly and lawfully adopted by the City Council and will be duly recorded in the minutes of the City Council for such meeting.

5. That a sufficient written notice of the date, hour, place and subject of this meeting was posted on a bulletin board located at a place convenient to the public at the City Hall of the City, and was readily accessible to the general public at all times for at least 72 hours preceding the scheduled time of the meeting, as required by the Open Meetings Act, Vernon's Texas Civil Statutes, Government Code, Chapter 551, as amended; and that this meeting was open to the public as required by law at all times; and that pursuant to the Open Meetings Act, Vernon's Texas Civil Statutes, Government Code, Chapter 551, as amended, the public hearing was closed for discussion and consideration of and for formal action on Ordinance No. 20080228-113.

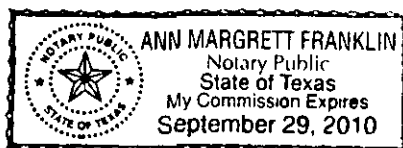
Signed on 26th August 2008.

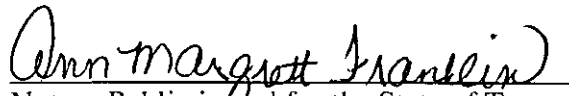



Shirley A. Gentry
City Clerk
City of Austin, Texas

State of Texas §
 §
County of Travis §

This instrument was acknowledged before me on 26 August 2008, by Shirley A. Gentry, City Clerk of the City of Austin, Texas, a Texas home-rule and municipal corporation, on behalf of said corporation.




Notary Public in and for the State of Texas

ORDINANCE NO. 20080228-113

AN ORDINANCE ADOPTING THE FOURTH PLAN MODIFICATION TO THE EAST 11TH AND 12TH STREETS URBAN RENEWAL PLAN.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The council finds that:

(A) The council adopted the East 11th and 12th Streets Urban Renewal Plan on January 14, 1999 by Ordinance No. 990114-G, the First Plan Modification on Austin 2, 2001 by Ordinance No. 010802-089, the Second Plan Modification on July 31, 2003 by Ordinance No. 030731-049, and the Third Plan Modification on April 7, 2005 by Ordinance No. 20050407-060 (collectively referred to as the Plan);

(B) A fourth modification to the Plan is described in Exhibit A, attached to and made part of this ordinance (Fourth Plan Modification);

(C) In accordance with Section 374.014(b) of the Local Government Code:

(1) The Urban Renewal Agency of the City of Austin reviewed and adopted written recommendations to council relating to the Fourth Plan Modification on April 16, 2007;

(2) The Planning Commission reviewed and adopted written recommendations to council relating to the Fourth Plan Modification on July 24, 2007;

(D) On January 17, 2008 the council held a public hearing in accordance with Section 374.014(c) of the Local Government Code on the Plan Fourth Modification.

(E) After the hearing and in accordance with Section 374.014(d) of the Local Government Code, that:

(1) a feasible method exists for the relocation, in decent safe, affordable, and sanitary accommodations, of families or individuals who will be displaced from the urban renewal area, without undue hardship to those persons;

(2) the Fourth Plan Modification conforms to the general plan for municipal development; and

(3) the Fourth Plan Modification offers the maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

PART 2. In accordance with Section 374.014(e) of the Local Government Code, the council adopts the Fourth Plan Modification to the Plan.

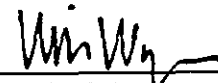
PART 3. The city clerk shall attach a copy of the Fourth Plan Modification to the minutes of the council meeting during which the Fourth Plan Modification is adopted and file a certified copy of the Fourth Plan Modification in the real property records of Travis County, Texas.

PART 4. This ordinance takes effect on March 10, 2008.

PASSED AND APPROVED


February 28, 2008

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§




Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT A
East 11th and 12th Streets Urban Renewal Plan
February 28, 2008

Project Number/Name (Tear Sheet)	Modification	Existing Controls	Modification to Existing Controls
12-2/12th St. Mixed Use and/or Commercial, Northside of E. 12th at Waller Street	No Changes	Reuse Objective: Provide Mixed Use and/or Commercial Space	No Changes
		Site area: 0.4 acres	No Changes
		Permitted use: Mixed use and/or Commercial, excluding retail	Permitted uses: Mixed use and/or Commercial
		Allowable height: 50' maximum; no FAR provision	No Changes
		New commercial space: N/A	No Changes
		Commercial space to be preserved: N/A	No Changes
		New housing units: N/A	No Changes
		Existing housing to be preserved: N/A	No Changes
		Community parking spaces: Existing (10 - 20 spaces)	No Changes
		Residential parking spaces: 0	No Changes
		Potential demolition: 0	No Changes

EXHIBIT A
East 11th and 12th Streets Urban Renewal Plan
February 28, 2008

Project Number/Name (Tear Sheet)	Modification	Existing Controls	Modification to Existing Controls
12-4/Navasota St. Retail North side of 12th St. at Navasota St.	12-4/Navasota St. Mixed- Use, North side of 12th St. at Navasota St.	Reuse Objective: Provide New Community Retail Opportunities	Reuse Objective: Provide Mixed- Use Opportunities on East 12th Street
		Site area: 0.6 Acres	No Changes
		Permitted use: Community/local services	Permitted use: Mixed-Use
		Allowable height/permitted FAR: Allowable height 50 foot maximum, no FAR provision	No Changes
		New commercial space: N/A	No Changes
		Commercial space to be preserved: N/A	No Changes
		New housing units: N/A	No Changes
		Existing housing to be preserved: N/A	No Changes
		Community parking spaces: N/A	No Changes
		Residential parking spaces: N/A	No Changes
		Potential demolition: N/A	No Changes

EXHIBIT A
East 11th and 12th Streets Urban Renewal Plan
February 28, 2008

Section Number	Modification	Existing Control	Modification to Existing Controls
Section 1.0 Definitions	Add: Prohibited Uses	None	"Prohibited Uses" means on the E. 12th Street corridor adult-oriented businesses, automobile rentals, automotive repair services, bail bond services, campground, carriage stable, cocktail lounges save and except the property located at 1808 - 1812 East 12th Street, commercial plasma center, convenience storage, drop-off/recycling collection facility, drive-thru restaurant facilities, equipment repair services, equipment sales, exterminating services, kennels, commercial laundry services, liquor sales, pawn shop services, outdoor entertainment, outdoor recreation, telecommunication tower on ground, vehicle storage and veterinary (livestock) services.

EXHIBIT A
East 11th and 12th Streets Urban Renewal Plan
February 28, 2008

Section Number	Modification	Existing Control	Modification to Existing Controls
Section 3.0 CRP Illustrative Design Plan. A.2 Parking	A.2.c Parking Garages for East 12th Street	i. If parking garages of 2 stories or over are developed, such structures must have shielded lights and are required to have retail on 50% of the ground floor.	See Exhibit A-1
		ii. For structures 30' or greater, 100% retail is required on the ground floor (except ingress/egress areas for upstairs parking) and 12' masonry wall shielding the structure from residences behind. Complete shielding is required of the north and south walls as well as 50% of sidewalls for both sides of E. 12th Street. Access to structure will be confined to E. 12th Street. Overnight parking is limited to residents and their overnight guests.	

EXHIBIT A
East 11th and 12th Streets Urban Renewal Plan
February 28, 2008

Section Number	Modification	Existing Control	Modification to Existing Controls
Section 3.0 CRP Illustrative Design Plan	Add: Subsection B. Fencing for East 12th Street	None	The current regulations in the LDC for fencing is waived on East 12 th Street for all fences to be a maximum of 8' for properties adjacent to the E 12 th Street corridor.

EXHIBIT A
East 11th and 12th Streets Urban Renewal Plan
February 28, 2008

Section Number	Modification	Existing Control	Modification to Existing Controls
Section 3.0 CRP Illustrative Design Plan	Add: Subsection C. Non-Standard Lots for East 12th Street	None	Small lot amnesty, as defined by the City of Austin's Land Development Code, for the E. 12th Street corridor is approved for both residential and commercially zoned property

East 11th and 12th Street Urban Renewal Plan February 28, 2008

Section 3.0 CRP Illustrative Design Plan:

A. 2. c. Parking Garages for E. 12th Street:

Remove current language in its entirety and replace with following:

1. Requirements for Parking Garages on East 12th Street:

- i. All property owners that front both E. 12th Street and a side street must use the side street for the ingress/egress of the parking structure, unless determined by the City's Watershed Protection and Development and Review Department, or its successor, to be infeasible.
- ii. For structures of two (2) stories but less than 30' in height, such structures must have complete shielding on the rear side of the structure and the adjacent rear-most fifty percent (50%) of the side walls adjoining such rear wall. Lights shall not be directed nor shall any light splash towards any rear adjacent properties. Overnight parking is limited to residents and their overnight guests.
- iii. For structures of two (2) stories but less than 30' in height, such structures must have 75% of ground floor front footage which fronts E. 12th Street must be a pedestrian oriented use. There is a 15' depth requirement for all pedestrian oriented spaces. In the event that ingress/egress fronts such public street, the amount of footage taken up by ingress/egress must be rotated around building so that 75% requirement is met.

Example is a 100' by 100' garage at corner of Waller and E. 12th Street. Developer proposes to have ingress/egress facing E. 12th Street, which has a 30' width. Developer shall have satisfied this requirement if Developer provides 75' of a total front footage of a pedestrian oriented use, meaning an additional 5' of footage on Waller. Structural pillars only are allowed to decrease the total requirement of 75'.

- iv. For structures 30' in height or greater, such structures must have complete shielding on the rear side of the structure and the adjacent rear-most fifty percent (50%) of the side walls adjoining such rear wall. Lights shall not be directed nor shall any light splash towards any rear adjacent properties. Overnight parking is limited to residents and their overnight guests.

- v. For structures 30' in height or greater, such structures must have 100% of ground floor front footage which fronts E. 12th Street must be a pedestrian oriented use. There is a 15' depth requirement for all pedestrian oriented spaces. In the event that ingress/egress fronts such public street, the amount of footage taken up by ingress/egress must be rotated around building so that the 100% requirement is met.

Example is a 100' by 100' garage at corner of Waller and E. 12th Street. Developer proposes to have ingress/egress facing 12th street, which has a 30' width. Developer must provide the 30' pedestrian oriented use on either Waller, the west side facing towards 1-35 or towards the alley, so that there is a total front footage of 100' of a pedestrian oriented use. Structural pillars only are allowed to decrease the total requirement of 100'.

AFTER RECORDING RETURN TO:

CITY OF AUSTIN
Law Department
Attn: Gregory D. Miller
P.O. Box 1088
Austin, Texas 78767-1088

PREPARED IN THE LAW OFFICE OF:

CITY OF AUSTIN
Law Department
APPROVED AS TO FORM:
GREGORY D MILLER
Assistant City Attorney
City of Austin

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2008 Oct 13 02:30 PM

FERGUSONLL \$60.00

2008169755

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.