

ORDINANCE NO. 20081218-033

AN ORDINANCE EXTENDING THE BOUNDARY LIMITS OF THE CITY TO INCLUDE WITHIN THE FULL PURPOSE CITY LIMITS, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE “LOST CREEK MUD COMMERCIAL PROPERTY”, CONSISTING OF APPROXIMATELY 45 ACRES OF LAND OUT OF THE JOHN SWESEY SURVEY NO. 506, THE ALEXANDER EANES SURVEY NO. 506 AND THE ALEXANDER EANES SURVEY NO. 507 IN TRAVIS COUNTY, TEXAS, IN ACCORDANCE WITH THE STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE LOST CREEK MUNICIPAL UTILITY DISTRICT.

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

PART 1. The Council finds that:

- (A) The City and the Lost Creek Municipal Utility District negotiated a Strategic Partnership Agreement, in accordance with state law, specifying terms for annexation and related issues. Following arbitration and litigation over the Agreement, the Agreement was upheld, and the parties executed the Agreement.
- (B) Under the terms of the Strategic Partnership Agreement and the Agreed Final Judgment in Lost Creek Municipal Utility District v. City of Austin, et al, Cause No. D-1-GN-001377, in the 126th Judicial District Court, Travis County, Texas, the area identified in the Agreement as the “Lost Creek MUD Commercial Property” shall become annexed into the City at 12:01 a.m. on December 31, 2008.
- (C) This ordinance extends the City limits to include the Lost Creek MUD Commercial Property in accordance with City Charter Article I, Section 6, which provides that the City shall fix its boundary limits by ordinance.

PART 2. The present boundary limits of the City are amended to include the following territory which is within the city’s limited purpose jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas, and which is annexed into the City for the full purposes:

Six tracts of land containing 45 acres of land, more or less, the tract hereinafter described as Tract One containing approximately 2.07 acres of land out of the John Swesey Survey No. 506 in Travis County, Texas; the tract hereinafter described as Tract Two containing approximately 7.35 acres of land out of the John Swesey

Survey No. 506 and the Alexander Eanes Survey No. 506 in Travis County, Texas; the tract hereinafter described as Tract Three containing approximately 4.549 acres of land out of the Alexander Eanes Survey No. 506 and the John Swesey Survey No. 506 in Travis County, Texas; the tract hereinafter described as Tract No. Four containing approximately 1 acre of land out of the John Swesey Survey No. 506 and the Alexander Eanes Survey No. 506 in Travis County, Texas; the tract of land hereinafter described as Tract Five containing approximately 15.517 acres of land out of the Alexander Eanes Survey No. 506 in Travis County, Texas; and the tract of land hereinafter described as Tract Six containing approximately 14.6192 acres of land out of the Alexander Eanes Survey No. 506 and the Alexander Eanes Survey No. 507 in Travis County, Texas; of which said 45 acres of land, more or less, are more particularly described in Exhibit A.

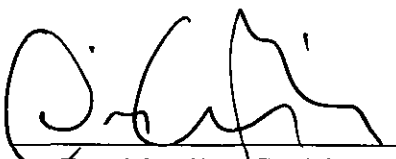
PART 3. The City Council declares that its purpose is to include within the City of Austin each part of the area described in Exhibit A as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to include within the City, then that area is excluded and excepted from the area covered by this ordinance.

PART 4. This ordinance takes effect 12:01 a.m. on December 31, 2008.

PASSED AND APPROVED

December 18, 2008 §
 §
 § Brenster McCasheen
 Will Wynn
 Mayor

APPROVED: 
 David Allan Smith
 City Attorney

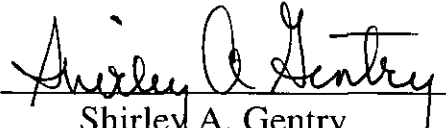
ATTEST: 
 Shirley A. Gentry
 City Clerk

EXHIBIT A

C7a-07-022

Area to be changed from Limited to a Full Purpose Annexation.

Approximately 45 acres of land situated in the Alexander Eanes Survey No. 506, the Alexander Eanes Survey No. 507 and the John Swezey Survey No. 506 in Travis County, Texas.

(Lots 2 and 3 The Hills of Lost Creek Section Six-A, Portion of Lot 1 The Hills of Lost Creek Section Six-B, The Setting Subdivision, Lost Creek Point No. 2)

(Unplatted Land)

(Portion of Lost Creek Boulevard)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR SIX TRACTS OF LAND, THE TRACT HEREINAFTER DESCRIBED AS TRACT ONE CONTAINING APPROXIMATELY 2.07 ACRES OF LAND OUT OF THE JOHN SWESEY SURVEY NO. 506 IN TRAVIS COUNTY, TEXAS, THE TRACT HEREINAFTER DESCRIBED AS TRACT TWO CONTAINING APPROXIMATELY 7.35 ACRES OF LAND OUT OF THE JOHN SWESEY SURVEY NO. 506 AND THE ALEXANDER EANES SURVEY NO. 506 IN TRAVIS COUNTY, TEXAS, THE TRACT OF LAND HEREINAFTER DESCRIBED AS TRACT THREE CONTAINING APPROXIMATELY 4.549 ACRES OF LAND OUT OF THE ALEXANDER EANES SURVEY NO. 506 AND THE JOHN SWESEY SURVEY NO. 506 IN TRAVIS COUNTY, TEXAS, THE TRACT OF LAND HEREINAFTER DESCRIBED AS TRACT FOUR CONTAINING APPROXIMATELY 1 ACRE OF LAND OUT OF THE JOHN SWESEY SURVEY NO. 506 AND THE ALEXANDER EANES SURVEY NO. 506 IN TRAVIS COUNTY, TEXAS, THE TRACT OF LAND HEREINAFTER DESCRIBED AS TRACT FIVE CONTAINING APPROXIMATELY

15.517 ACRES OF LAND OUT OF THE ALEXANDER EANES SURVEY NO. 506 IN TRAVIS COUNTY, TEXAS AND THE TRACT OF LAND HEREINAFTER DESCRIBED AS TRACT SIX CONTAINING APPROXIMATELY 14.6192 ACRES OF LAND OUT OF THE ALEXANDER EANES SURVEY NO. 506 AND THE ALEXANDER EANES SURVEY NO. 507 IN TRAVIS COUNTY, TEXAS, OF WHICH APPROXIMATELY 45 ACRES OF LAND ARE TO BE MADE A PART OF THE CITY OF AUSTIN AND BEING MADE UP OF THE SIX TRACTS OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Tract One

Being a portion of Lot 1, The Hills of Lost Creek Section Six-B, a subdivision of record found in Plat Book 84, Page's 122B-122C of the Plat Records of Travis County, Texas, said portion being all of that certain called 2.07 acre tract of land situated in the John Swesey Survey No. 506 in Travis County, Texas, having been previously conveyed to William H. Espey and Robert J. Huston by deed recorded in Volume 6368, Page 33 of the Deed Records of Travis County, Texas and referenced in the owners acknowledgement of the aforementioned subdivision plat.

Tract Two

Being all of Lots 2 and 3, The Hills of Lost Creek Section Six-A, a subdivision of record found in Plat Book 83, Page's 201D-202A of the Plat Records of Travis County, Texas.

Tract Three

Being all of Lost Creek Point No. 2, a subdivision of record found in Plat Book 85, Page 150A of the Plat Records of Travis County, Texas.

Tract Four

Being a portion of the present right-of-way of Lost Creek Boulevard, being bounded on the east by the present southwesterly right-of-way line of Capital Of Texas Highway

South (Loop 360), and bounded on the west by the northwesterly prolongation of the southwesterly line of The Setting, a subdivision of record found in Plat Book 86, Page's 29D-30A of the Plat Records of Travis County, Texas and containing approximately 1 acre of land.

Tract Five

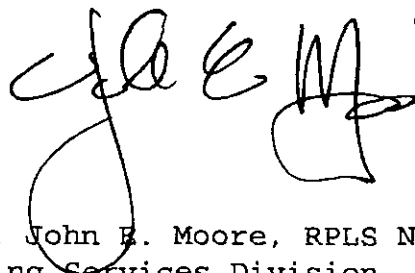
Being all of The Setting, a subdivision of record found in Plat Book 86, Page's 29D-30A of the Plat Records of Travis County, Texas.

Tract Six

Being all of that certain called 14.6192 acre tract of land situated in the Alexander Eanes Survey No. 506 and the Alexander Eanes Survey No. 507 in Travis County, Texas as conveyed to Prentiss Properties Acquisition Partners, LP by deed recorded in Document No. 2000153847 of the Official Public Records of Travis County, Texas.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared".

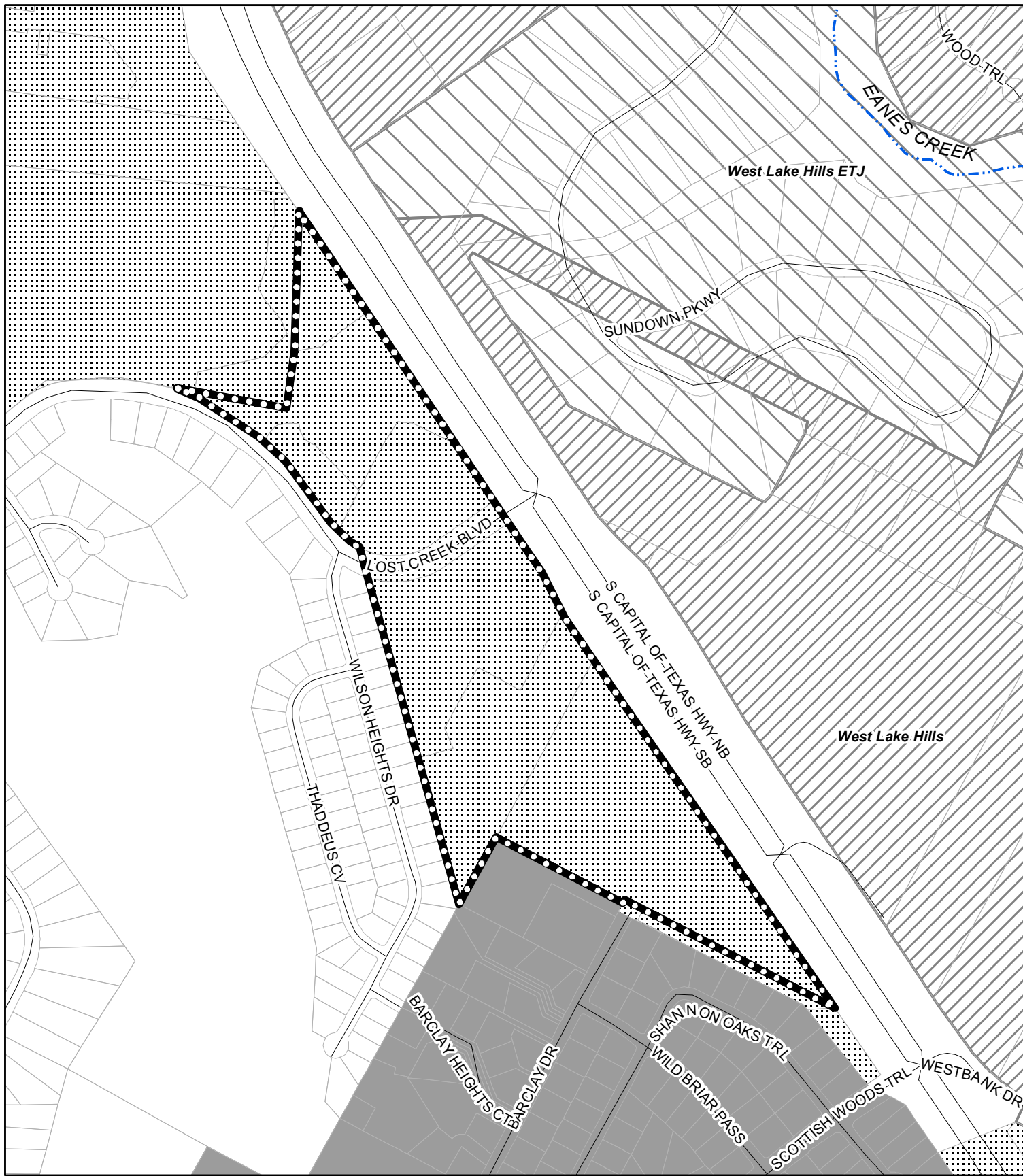
LEGAL DESCRIPTION: John E. Moore
10-17-2007

A handwritten signature in black ink, appearing to read 'J E M', with a large loop at the bottom. To the right of the signature is the date '10-17-2007'.

APPROVED: John E. Moore, RPLS NO. 4520
Engineering Services Division
Department of Public Works
City of Austin

REFERENCES

TCAD Maps 1-0921, 1-1121, 1-1123 & 1-1323
Austin Grid E-23 & E-24



Lost Creek Commercial Annexation Area

Legend



Annexation Area

Current Jurisdiction



Austin Full Purpose



Austin Limited Purpose



Austin ETJ



Other City



Other ETJ



Lot Line



Street



Creek



City of Austin NPZD
J. Chuter
December 8, 2008

