

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 11609 ANDERSON MILL ROAD FROM**
3 **DEVELOPMENT RESERVE (DR) DISTRICT TO NEIGHBORHOOD**
4 **COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT.**

5
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from development reserve (DR) district to neighborhood
10 commercial-conditional overlay (LR-CO) combining district on the property described in
11 Zoning Case No. C14-2009-0038, on file at the Neighborhood Planning and Zoning
12 Department, as follows:

13
14 A 3.893 acre tract of land, more or less, out of the S.A. & M.G. RR CO. Survey
15 No. 800, Abstract 749, Travis County, the tract of land being more particularly
16 described by metes and bounds in Exhibit "A" incorporated into this ordinance (the
17 "Property"),

18
19 locally known as 11609 Anderson Mill Road, in the City of Austin, Travis County, Texas,
20 and generally identified in the map attached as Exhibit "B".

21
22 **PART 2.** The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:

24
25 A site plan or building permit for the Property may not be approved,
26 released, or issued, if the completed development or uses of the Property,
27 considered cumulatively with all existing or previously authorized development
28 and uses, generate traffic that exceeds 2,000 trips per day.

29
30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the neighborhood commercial (LR)
32 base district, and other applicable requirements of the City Code.
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PART 3. This ordinance takes effect on _____, 2009.

PASSED AND APPROVED

_____, 2009

§
§
§

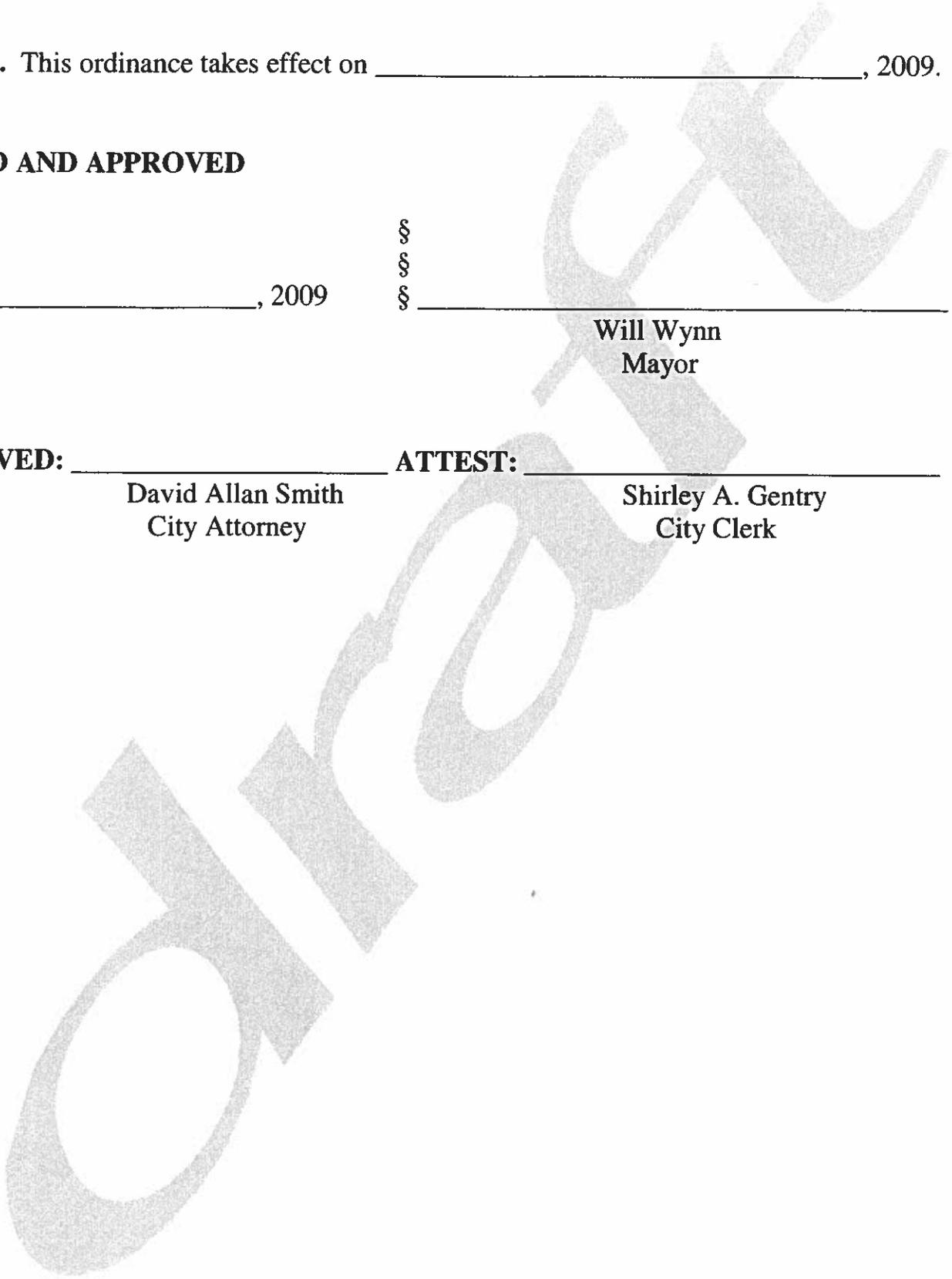
Will Wynn
Mayor

APPROVED: _____

ATTEST: _____

David Allan Smith
City Attorney

Shirley A. Gentry
City Clerk





**Professional Land Surveying, Inc.
Surveying and Mapping**

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

EXHIBIT A

**3.893 ACRES
K & H INVESTMENTS**

A DESCRIPTION OF 3.893 ACRES OF LAND (169,598 S.F.) IN THE S.A. & M.G. RR CO. SURVEY NO. 800, ABSTRACT 749, TRAVIS COUNTY, TEXAS, CONSISTING OF:

ALL OF A 1.107 ACRE TRACT DESCRIBED IN GENERAL WARRANTY DEED TO K & H INVESTMENTS, DATED JUNE 20, 2003, OF RECORD IN DOCUMENT NO. 2003143639 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT A 0.129 ACRE TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO TRAVIS COUNTY, DATED FEBRUARY 2, 2004, IN DOCUMENT NO. 2004021245, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

AND ALL OF A 2.95 ACRE TRACT DESCRIBED IN SPECIAL WARRANTY DEED TO K & H INVESTMENTS, DATED JULY 17, 1994, RECORDED IN VOLUME 12290, PAGE 742 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT A 0.041 ACRE TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO TRAVIS COUNTY, DATED FEBRUARY 2, 2004, RECORDED IN DOCUMENT NO. 2004021247 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

SAID TRACTS LISTED ABOVE CONSTITUTE THE ENTIRETY OF THE ORIGINAL 4.07 ACRE TRACT DESCRIBED IN A CORRECTION DEED DATED DECEMBER 20, 1967, OF RECORD IN VOLUME 3408, PAGE 574 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.893 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" rebar with aluminum cap found in the southwest line of Anderson Mill Road (right-of-way width varies), being the west corner of the 0.041 acre tract, being in the northwest line of the 2.95 acre tract, being also the northwest line of the 4.07 acre tract;

THENCE South 43°09'58" East, with the southwest line of Anderson Mill Road, over and across the 2.95 acre tract and the 4.07 acre tract, with the southwest line of the 0.041 acre tract, a distance of 48.80 feet to a ½" rebar with aluminum cap found for the south corner of the 0.041 acre tract, being also the west corner of the 0.129 acre tract, and being in the common line of the 1.107 acre tract and the 2.95 acre tract, from which a ½" rebar found in concrete for an angle point in said line bears South 41°13'34" West, a distance of 290.39 feet;

THENCE South 43°08'36" East, continuing with the southwest line of Anderson Mill Road, over and across the 1.107 acre tract and the 4.07 acre tract, with the southwest line of the 0.129 acre tract, a distance of 154.24 feet to a ½" rebar with aluminum cap found for the south corner of the 0.129 acre tract, being also in the southeast line of the 1.107 acre tract and the 4.07 acre tract, and being in the northwest line of a 4.08 acre tract described in Volume 12613, Page 460 of the Real Property Records of Travis County, Texas;

THENCE South 42°13'30" West, with the southeast line of the 1.107 acre tract and the 4.07 acre tract, being also the northwest line of the 4.08 acre tract, a distance of 276.50 feet to a ½" rebar found for the south corner of the 1.107 acre tract, being an angle point in the east line of the 2.95 acre tract;

THENCE South 42°13'04" West, with the southeast line of the 2.95 acre tract and the 4.07 acre tract, being also the northwest line of the 4.08 acre tract, a distance of 550.97 feet to a ½" iron pipe found for the south corner of the 2.95 acre tract and the 4.07 acre tract, being also the west corner of the 4.08 acre tract, and in the north line of a 31.97 acre tract described in Volume 11140, Page 956 of the Real Property Records of Travis County, Texas;

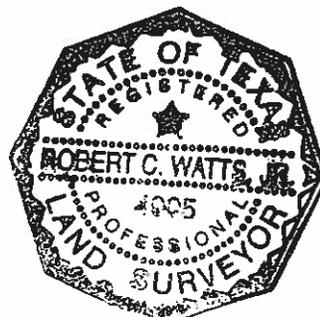
THENCE North 61°15'34" West, with the southwest line of the 2.95 acre tract and the 4.07 acre tract, being also the north line of the 31.97 acre tract, a distance of 197.92 feet to a ½" iron pipe found for the west corner of the 2.95 acre tract and the 4.07 acre tract, being also an angle point in the east line of the 31.97 acre tract, and an angle point in the southeast line of Lot 3, Block A, Plaza Volente Subdivision, a subdivision of, record in Document No. 200300320, of the Official Public Records of Travis County, Texas;

THENCE North 41°34'56" East, with the northwest line of the 2.95 acre tract and the 4.07 acre tract, being also the southeast line of Plaza Volente Subdivision, a distance of 890.04 feet to the **POINT OF BEGINNING**, containing 3.893 acres of land, more or less.

Bearing Basis: Grid Azimuth for the Texas Central Zone, NAD 1983/93 HARN values from the LCRA Control Network. Attachments: Survey Drawing 492-001-BND.



Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



9-23-05

(2004021247) **ANDERSON MILL ROAD** (R.O.W. VARIES)

P.O.B.

WILLIAMSON CO.
TRAVIS CO.
(SCALED FROM MAP)

(2004021245)

S43°08'36"E
154.24'
(N40°54'18"W
(154.23'))

0.983 AC.
K&H
INVESTMENTS
REMAINDER OF
1.107 AC.
(2003143639)

3408/57A

4.07 AC.
N48°18'44"W
148.68'
(N45°59'01"W
(148.60'))

3.893 ACRES

2.910 AC.
K&H
INVESTMENTS
REMAINDER OF
2.95 AC.
(12290/0742)

SCALE
1"=100'

LOT 1,
BLOCK A,
PLAZA VOLENTE
SUBDIVISION
(200300320)

LIN-SUN FAMILY
PARTNERSHIP LP
4.08 AC.
(12613/460)

N41°34'56"E 890.04'
(N43°48'10"E 890.20')

732.84'
(732.83')

S42°13'04"W 550.97'
(S44°13'00"W 551.10')

LONDON ENTERPRISES-620
REMAINDER OF 31.97 AC.
(11140/956)

S.A. & M.G. RR CO. SURVEY
NO 800, ABSTRACT 749

LOT 3,
BLOCK A,
PLAZA VOLENTE
SUBDIVISION
(200300320)

150.68'
(150.68')

N61°15'34"W 197.92'
(N59°15'00"W 197.95')

DATE OF SURVEY: 09/16/05
PLOT DATE: 09/20/05
DRAWING NO.: 492-001-BND
PROJECT NO.: 492-001

Chaparral

SKETCH TO ACCOMPANY A DESCRIPTION OF 3.893 ACRES OF LAND (169598 S.F.) IN THE S.A. & M.G. RR CO. SURVEY NO. 800, ABSTRACT 749, TRAVIS COUNTY, TEXAS, CONSISTING OF:

ALL OF A 1.107 ACRE TRACT DESCRIBED IN GENERAL WARRANTY DEED TO K & H INVESTMENTS, DATED JUNE 20, 2003, OF RECORD IN DOCUMENT NO. 2003143639 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT A 0.129 ACRE TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO TRAVIS COUNTY, DATED FEBRUARY 2, 2004, IN DOCUMENT NO. 2004021245, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

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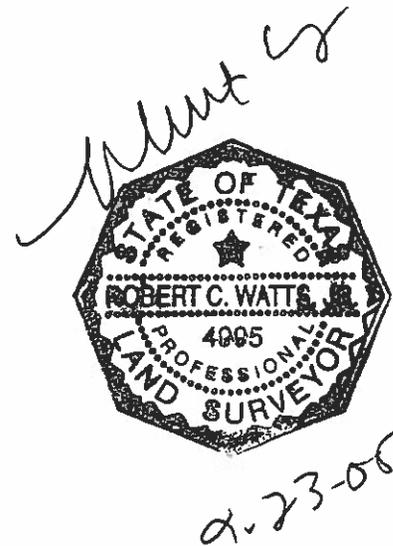
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LINE TABLE			RECORD	
No.	BEARING	LENGTH	BEARING	LENGTH
L1	S43°09'58"E	48.80'	(N40°54'18"W)	(48.82')
L2	S42°39'41"E	217.47'	(S42°41'06"E)	(217.47')

BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE, 1983/93 HARN VALUES FROM LCRA CONTROL NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION
492-001-BND

LEGEND	
●	1/2" REBAR FOUND
● ^{AC}	1/2" REBAR W/ ALUM. CAP FOUND
⊙	1/2" IRON PIPE FOUND
○	CALCULATED POINT



Chaparral

RESTRICTIVE COVENANT

OWNER: Henry B. Mayes, Jr., and Kathleen M. Mayes

ADDRESS: 930 South Bell, #102, Cedar Park, Texas 78720

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 3.893 acre tract of land, more or less, out of the S.A. & M.G. RR CO. Survey No. 800, Abstract No. 749, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

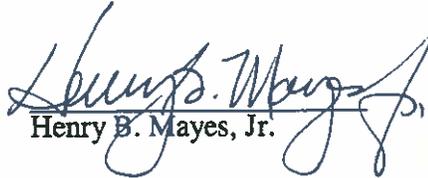
NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for widening Anderson Mill Road where it abuts the Property. Owner agrees to dedicate up to 50 percent of the total width necessary for right-of-way measured from the centerline of Anderson Mill Road. At the time an application for approval for subdivision or site plan is submitted to the City of Austin for development of the Property or any portion of the Property, the Owner shall submit to the City a recorded document as evidence of dedication.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 3 day of June, 2009.

OWNER:


Henry B. Mayes, Jr.


Kathleen M. Mayes

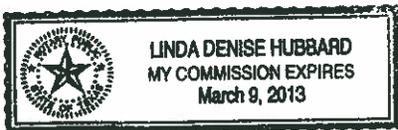
APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

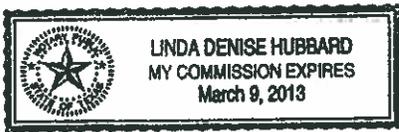
This instrument was acknowledged before me on this the 3 day of June, 2009, by Henry B. Mayes, Jr.




Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 3 day of June, 2009, by Kathleen M. Mayes.



Linda Hubbard
Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

Office: 512-443-1724

Fax: 512-441-6987

2807 Manchaca Road
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THENCE South 43°09'58" East, with the southwest line of Anderson Mill Road, over and across the 2.95 acre tract and the 4.07 acre tract, with the southwest line of the 0.041 acre tract, a distance of 48.80 feet to a ½" rebar with aluminum cap found for the south corner of the 0.041 acre tract, being also the west corner of the 0.129 acre tract, and being in the common line of the 1.107 acre tract and the 2.95 acre tract, from which a ½" rebar found in concrete for an angle point in said line bears South 41°13'34" West, a distance of 290.39 feet;

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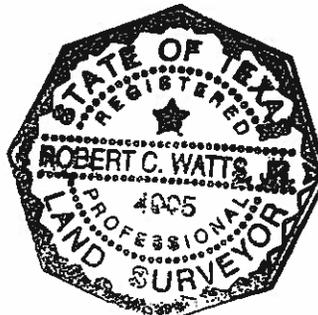
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Robert C. Watts, Jr.
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9-23-05

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P.O.B.

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TRAVIS CO.
(SCALED FROM MAP)

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3408/57x

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S.A. & M.G. RR CO. SURVEY
NO 800, ABSTRACT 749

SCALE
1"=100'

DATE OF SURVEY: 09/16/05
PLOT DATE: 09/20/05
DRAWING NO.: 492-001-BND
PROJECT NO.: 492-001

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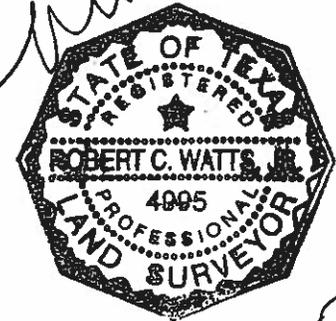
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○	CALCULATED POINT



Munt

9-23-06

Chaparral