

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 040129-43 TO MODIFY THE LAND USE PLAN FOR THE COMANCHE CANYON RANCH EXTRATERRITORIAL JURISDICTION PLANNED UNIT DEVELOPMENT PROJECT AND DEVELOPMENT AGREEMENT FOR THE PROPERTY KNOWN AS 12308 BULLICK HOLLOW ROAD AND 6708 NORTH RM 620.

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

PART 1. The Comanche Canyon Ranch extra territorial jurisdiction planned unit development and development agreement, approved under Ordinance 040129-43 (hereinafter referenced as "CCR PUD"), are amended as follows:

- (1) Area 3, more particularly described in the attached Exhibit A, may be developed as a major utility facility,
- (2) Area 4, more particularly described in the attached Exhibit B, may be developed as a major utility facility,
- (3) development of major utility facilities on Areas 3 and 4 will adhere to the site development provisions of the City's Land Development Code and Ordinance No. 20080515-035, and
- (4) Area 3 is not subject to a building setback requirement along Bullick Hollow Road.

PART 2. This amendment will in no way reduce, diminish, negate, alter, interfere with or extinguish any development rights of any of the other property covered by the CCR PUD.

PART 4. The land use plan for the CCR PUD is amended by this ordinance, together with the attached Exhibits A, B, C, and D. The CCR PUD shall conform to the limitations and conditions set forth in the CCR PUD, the land use plan on record at the Neighborhood Planning and Zoning Department in File No. C814-01-0114.01, this ordinance, and the attached Exhibits.

PART 5. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. Exhibits, B, E, and F of Ordinance No. 040129-43 are amended as shown on Exhibit C of this ordinance. The attached exhibits are as follows:

Exhibit A: legal description of Area 3

1 Exhibit B: legal description of Area 4
2 Exhibit C: CCR PUD Land Use Plan – *amendment #1*
3 Exhibit D: CCR PUD Amendment Areas
4

5 **PART 7.** Except as otherwise provided for in this ordinance, the terms and conditions of
6 Ordinance No. 040129-43, as amended, and the Comanche Canyon Ranch Development
7 Agreement approved in Part 2 of Ordinance 040129-43, remain in effect.
8

9 **PART 8.** This ordinance takes effect on _____, 2009.
10

11 **PASSED AND APPROVED**
12

13
14 §
15 §
16 _____, 2009 § _____
17 Will Wynn
18 Mayor
19

20
21 **APPROVED:** _____ **ATTEST:** _____
22 David Allan Smith Shirley A. Gentry
23 City Attorney City Clerk

EXHIBIT A
Legal Description of Area 3
Comanche Canyon Ranch
Extraterritorial Jurisdiction Planned Unit Development

Lots 40, 41 and 42, Block B, Comanche Canyon Ranch Area Three, a subdivision in Travis County, Texas, according to the map or plat of record in Document Number 200600184 of the Official Public Records of Travis County, Texas.

EXHIBIT B
Legal Description of Area 4
Comanche Canyon Ranch
Extraterritorial Jurisdiction Planned Unit Development



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " A "
Tract 1

DHD Ventures, LTD
To
The City of Austin
December 30, 2007

LEGAL DESCRIPTION

OF A 20.357 ACRE (886,753 SQUARE FOOT) TRACT OF LAND OUT OF THE S.T. BULLOCK SURVEY NO. 76, ABSTRACT NO. 2624 AND THE RIORDAN SURVEY NO. 76, ABSTRACT NO. 2618 IN TRAVIS COUNTY, TEXAS. SAID 20.357 ACRE TRACT ALSO BEING OUT OF THE REMAINING PORTION OF THE 312.76 ACRE TRACT CONVEYED TO ROBERT H. THERIOT BY DEED DATED JANUARY 9, 1998 BY INSTRUMENT OF RECORD IN VOLUME 13294, PAGE 1317 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AS SHOWN ON THE ACCOMPANYING SKETCH AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

POINT OF BEGINNING, at a 1/2" iron rod found on the south line of a 34.85 acre tract of land conveyed to MCPMT, LTD by instrument of record in volume 4286, page 749, deed records of Travis County Texas, the northwest corner of a 42.00 acre tract conveyed to John E. and John M. Joseph, Trustees, by instrument of record in volume 11175, page 150 in the real property records of Travis County, Texas, an exterior corner of the remaining Theriot 312.76 acre tract, the northeast corner of a Cellular Antenna Site Lease and a corner of this tract,

THENCE, S27°03'26"W 465.17 feet with an east line of this tract and a west line of the 42.00 acre tract to a 1/2" iron rod with a "McAngus Surveying" cap,

THENCE, traversing through the 312.76 acre tract the following twenty three (23) courses;

- 1 N84°42'32"W, 223.30 feet to a 1/2" iron rod with a "McAngus Surveying" cap found,
- 2 N74°35'48"W, 195.30 feet to a magnetic nail found,
- 3 N41°52'08"W, 140.24 feet to a 1/2" iron rod with a "McAngus Surveying" cap found;
- 4 N01°32'12"E, 138.23 feet to a 1/2" iron rod with a "McAngus Surveying" cap found,
- 5 N45°46'37"W, 121.84 feet to a cotton spindle found,
- 6 N75°44'45"W, 84.61 feet to a 1/2" iron rod with a "Macias" plastic cap set,
- 7 N84°38'28"W, 21.74 feet to a magnetic nail found,
- 8 N23°30'46"W, 320.56 feet to a 1/2" iron rod with a "McAngus Surveying" cap found;
- 9 N24°20'57"E, 307.36 feet to a 1/2" iron rod with a "McAngus Surveying" cap found,

- 10 N04°34'51"E, 147.37 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 11 N30°19'35"W, 173.45 feet to a cotton spindle found,
- 12 N17°11'21"E, 109.07 feet to cotton spindle found,
- 13 N59°12'38"E, 99.88 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 14 S84°11'23"E, 85.38 feet to a ½" iron rod with a "McAngus Surveying" cap found;
- 15 S26°32'09"E, 145.69 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 16 S62°32'21"E, 63.66 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 17 S18°20'44"E, 105.92 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 18 S72°31'09"E, 65.93 feet to a cotton spindle found,
- 19 N31°45'27"E, 134.99 feet to a ½" iron rod with a "Macias" plastic cap set,
- 20 S81°21'46"E, 130.92 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 21 S35°19'41"E, 360.36 feet to a ½" iron rod with a "Macias" plastic cap set,
- 22 S24°41'57"W, 107.79 feet to a ½" iron rod with a "McAngus Surveying" cap found,
- 23 S20°38'53"E, 56.50 feet to a ½" iron rod with a "McAngus Surveying" cap found on an east line of this tract and the west line of said 34.85 acre tract,

THENCE, with the east line of this tract and the west line of said 34.85 acre tract, S27°12'10"W, 266.14 feet to a ½" iron rod found for a corner;

THENCE, S61°46'47"E, 337.29 feet to the POINT OF BEGINNING and containing 20.357 Acres (886,753 SQUARE FEET) of land

BEARING BASIS NOTE

All bearings described herein are based upon the Texas State Plane Coordinates System, NAD 83 (1986) South Central Zone

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Carmelo Lettore Macias, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 30th day of December, 2007, A.D



Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875

Carmelo L. Macias
Carmelo L. Macias
Registered Professional Land Surveyor
No. 4333 - State of Texas

REFERENCES

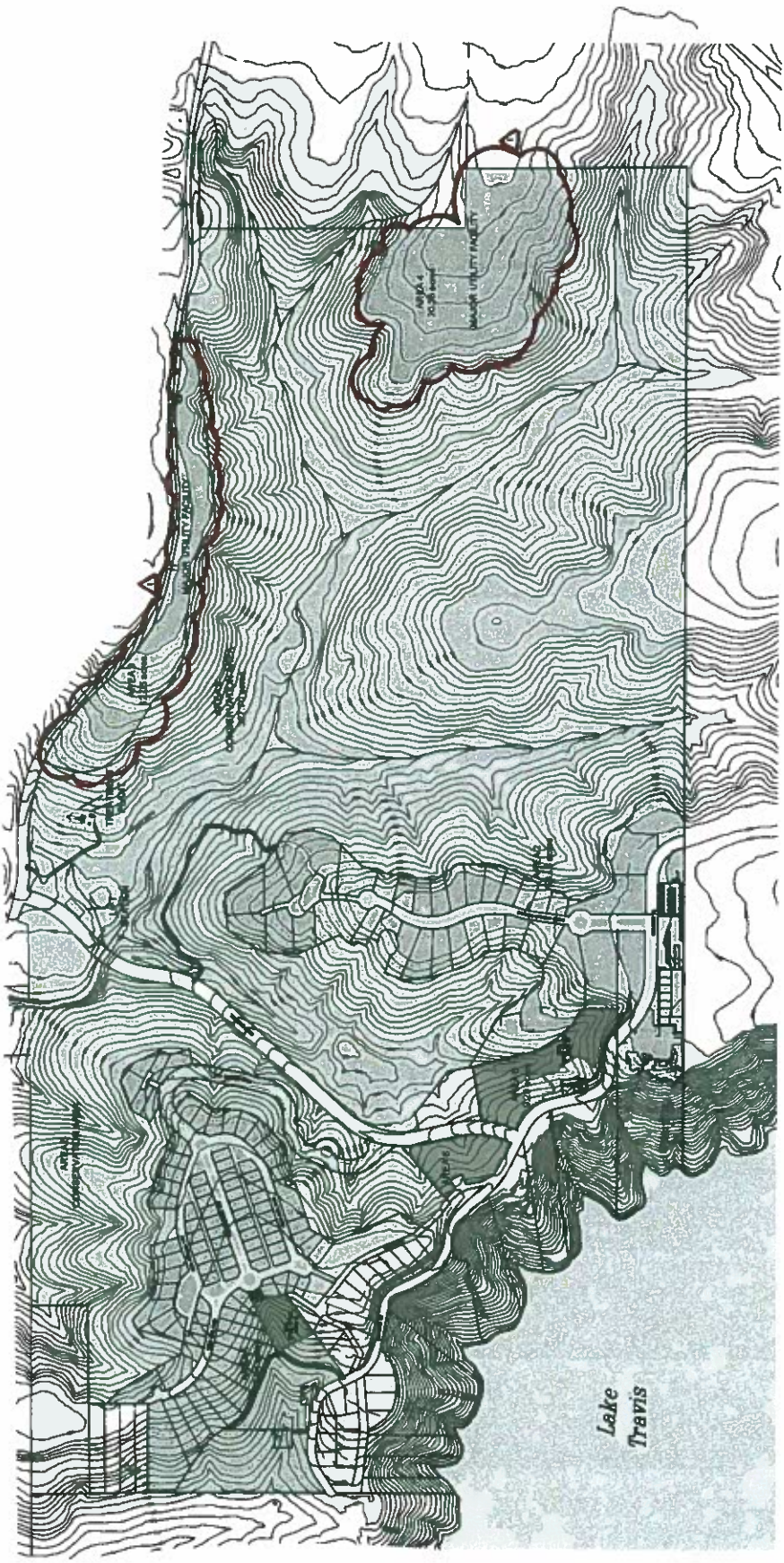
Austin Grid No. M 33
TCAD PARCEL ID NO. 01-51371-0101
Volume 13294, Page 1317

MACIAS & ASSOCIATES, L.P., PROJECT NO. 425-01-07

J. jobs/ctw/20AcreTract

17 NOTLS REVIEWED
by John Moore Date 1-15-2008
2nd Hearing Support Section
Department of Public Works
• Transportation

EXHIBIT C
Comanche Canyon Ranch
Extraterritorial Jurisdiction Planned Unit Development
Land Use Plan—*amendment #1*



COMANCHE CANYON RANCH
 470.1 Total Acres

AREA	LAND USE	ACREAGE
1	Residential: 80 Single Family Homes Sites	48.84 ac.
2	Residential: 24 Single Family Lots Commercial: 2000 sq ft Retail: 40,000 sq ft Parking Structure: 200 spaces	95.18 ac.
3	Major Utility Facility	12.05 ac.
4	Major Utility Facility	20.38 ac.
5	Conservation Area	207.70 ac.
6	Volunteer (BLT) and Water Quality Restoration (1.21 ac) Open Space (2.16 ac)	3.37 ac.
	Right-of-way to be dedicated	2.4 ac.

FOR APPROVAL
 City of Austin - Comanche Canyon Ranch
 2000 North Loop West, Suite 1000
 Austin, Texas 78701
 Approved by: [Signature]
 Date: 03/01/2009
 Approved by: [Signature]
 Date: 03/01/2009

REV	DATE	COMMENT	APP
1	3/01/2009	Modify Land Use for Areas 3 & 4 to Major Utility Facility	

[illegible]

the use of the term "discovery" in the context of the patent law. The court found that the term "discovery" is not limited to the first discovery of a new substance, but rather, it is a term of art that refers to the first discovery of a new use for a known substance. The court found that the term "discovery" is not limited to the first discovery of a new substance, but rather, it is a term of art that refers to the first discovery of a new use for a known substance.

[illegible][illegible]

APPROXIMATE Q-1:	CHOCES INC.	CRP AC.	TOTAL TRACTOR	TRACTOR	TRACTOR
OF DEVELOPMENT RIGHTS (TDR) TABLE			Available	Transfered	Transfered
	1	40.2	40.4	160 Acres	80
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				
	10				
	11				
	12				
	13				
	14				
	15				
	16				
	17				
	18				
	19				
	20				
	21				
	22				
	23				
	24				
	25				
	26				
	27				
	28				
	29				
	30				
	31				
	32				
	33				
	34				
	35				
	36				
	37				
	38				
	39				
	40				
	41				
	42				
	43				
	44				
	45				
	46				
	47				
	48				
	49				
	50				
	51				
	52				
	53				
	54				
	55				
	56				
	57				
	58				
	59				
	60				
	61				
	62				
	63				
	64				
	65				
	66				
	67				
	68				
	69				
	70				
	71				
	72				
	73				
	74				
	75				
	76				
	77				
	78				
	79				
	80				
	81				
	82				
	83				
	84				
	85				
	86				
	87				
	88				
	89				
	90				
	91				
	92				
	93				
	94				
	95				
	96				
	97				
	98				
	99				

should be approved 3-4 of 4th

All exchange facilities will be privately owned.

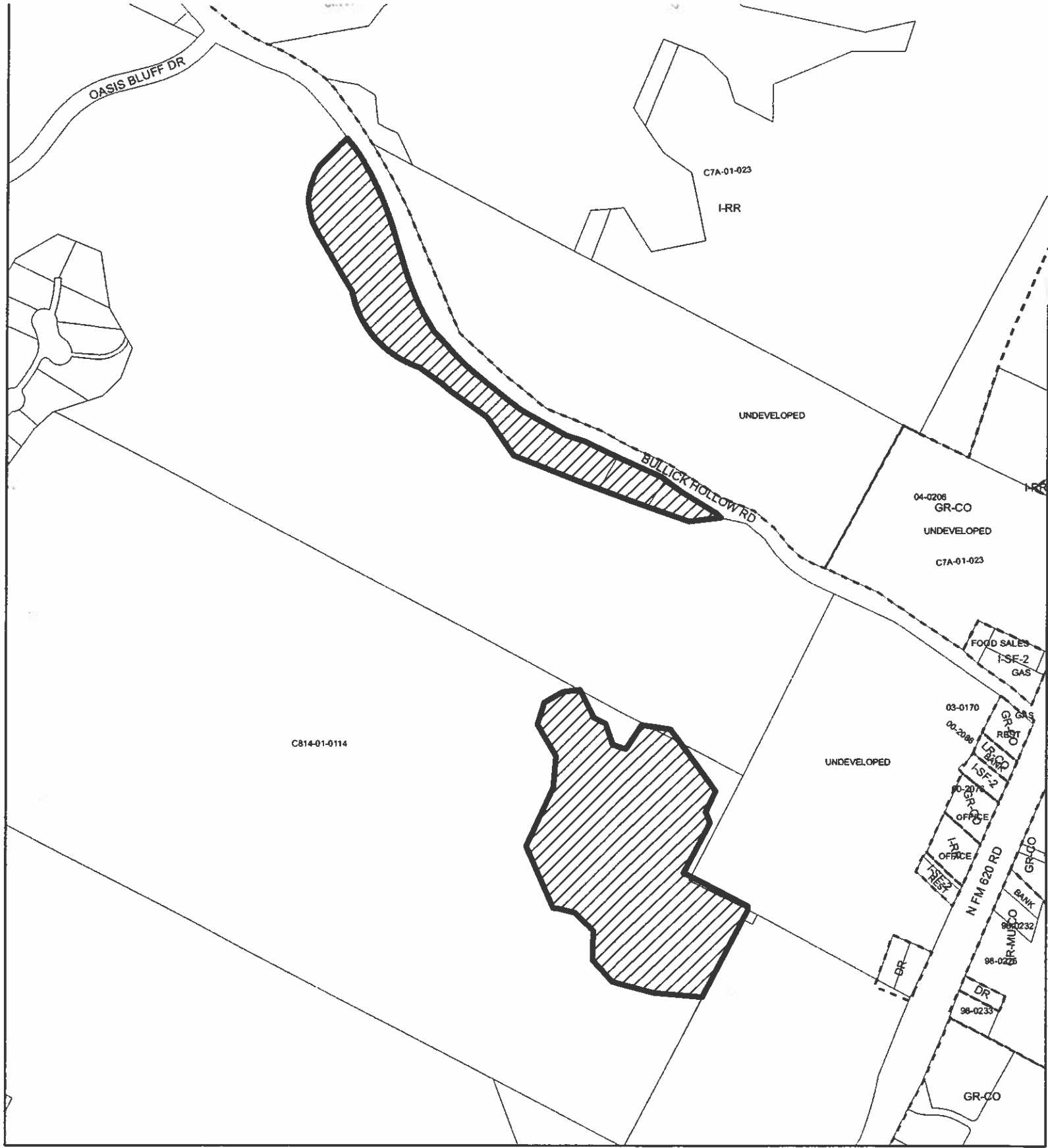
Call And/PA
Call and/or be in possession of shares specified by the Joint and Printing Commission
Land Development Comm.

Private Control
Private shares must comply with the contract
Agreement.

Single Issuance, Shareholders, and
Lots within the PAU must be purchased by
the same person.

Traffic Impact Analysis
The traffic impact analysis must be
conducted as very hard the predicted traffic
increases must be based on the projected
traffic related characteristics. TN cannot
approve a project as long as the impact
analysis is not completed.

EXHIBIT D
Comanche Canyon Ranch
Extraterritorial Jurisdiction Planned Unit Development
Amendment Areas





1" = 400'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE

OPERATOR: S. MEEKS

PLANNED UNIT DEVELOPMENT

ZONING CASE#: C814-01-0114.01

ADDRESS: 12309 BULLICK HOLLOW RD & 6708 N FM 620

SUBJECT AREA: 32.4 ACRES

GRID: C33 & C34

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.