

ORDINANCE NO. 20100225-038

AN ORDINANCE ANNEXING FOR THE LIMITED PURPOSES OF PLANNING AND ZONING ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 34 ACRES OF LAND OUT OF THE NOEL M. BAIN SURVEY NO. 1, ABSTRACT NO. 61 LOCATED IN TRAVIS COUNTY, TEXAS, AND REFERRED TO AS THE "MOORE'S CROSSING – LINDA VISTA ANNEXATION AREA."

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

PART 1. The Council makes the following findings.

- (A) Notice of two public hearings concerning the limited purpose annexation of the territory described in Exhibit A, referred to as the Moore's Crossing – Linda Vista Annexation Area, was published in a newspaper of general circulation in the City of Austin; in the area to be annexed; and on the City of Austin internet website.
- (B) A report containing a planning study and regulatory plan for the territory to be annexed was prepared more than 10 days before the first public hearing.
- (C) Notice of the availability of the report was published twice in a newspaper of general circulation in the area to be annexed.
- (D) The public hearings were held during City Council meetings, and concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation.
- (E) The Regulatory Plan shall be approved by separate ordinance.
- (F) The limited purpose annexation of this territory serves the interests of the current and future residents of the City of Austin.
- (G) All procedural requirements imposed by state law for the limited purpose annexation of the territory described in Exhibit A have been met.

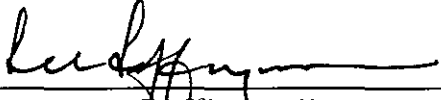
PART 2. The present boundary limits of the City are amended to include the territory described in Exhibit A for limited purposes. The territory is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas. The territory is annexed into the City for the limited purposes of planning and zoning.


PART 3. The City Council declares that its purpose is to annex to 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 annex, then that area is excluded and excepted from the area annexed.

PART 4. This ordinance takes effect on March 8, 2010.

PASSED AND APPROVED

February 25, 2010 §
 §
 § 
 Lee Deffingwell
 Mayor

APPROVED: 
 David Allan Smith
 City Attorney

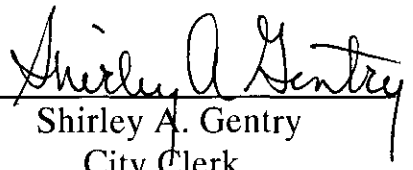
ATTEST: 
 Shirley A. Gentry
 City Clerk

EXHIBIT A

C7L-10-002

Area to be annexed for
Limited Purpose.

(Approximately 34 acres of
land out of the Noel M. Bain
Survey No. 1, Abstract No. 61
in Travis County, Texas.)
(Linda Vista Subdivision)
(Unplatted Land)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR FOUR (4) TRACTS
OF LAND, THE TRACT HEREINAFTER
DESCRIBED AS TRACT ONE CONTAINING
APPROXIMATELY 0.9350 ACRES OUT OF THE
NOEL M. BAIN SURVEY NO. 1, ABSTRACT NO.
61 IN TRAVIS COUNTY, TEXAS, THE TRACT
HEREINAFTER DESCRIBED AS TRACT TWO
CONTAINING APPROXIMATELY 1.075 ACRES
OUT OF THE NOEL M. BAIN SURVEY NO. 1,
ABSTRACT NO. 61 IN TRAVIS COUNTY,
TEXAS, THE TRACT HEREINAFTER DESCRIBED
AS TRACT THREE CONTAINING APPROXIMATELY
3.03 ACRES OUT OF THE NOEL M. BAIN
SURVEY NO. 1, ABSTRACT NO. 61 IN TRAVIS
COUNTY, TEXAS, THE TRACT HEREINAFTER
DESCRIBED AS TRACT FOUR CONTAINING
APPROXIMATELY 28.89 ACRES OUT OF THE
NOEL M. BAIN SURVEY NO. 1, ABSTRACT NO.
61 IN TRAVIS COUNTY, TEXAS, OF WHICH
APPROXIMATELY 34 ACRES OF LAND ARE TO
BE MADE A PART OF THE CITY OF AUSTIN,
SAID APPROXIMATELY 34 ACRES BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT ONE:

Approximately 0.9350 Acres out of the Noel M. Bain Survey
No. 1, Abstract No. 61 in Travis County, Texas, being the
remainder of that certain 1.425 acre tract conveyed to SR
Development, Inc., by Warranty Deed with Vendor's Lien of
record in Document No. 2004088332 of the Official Public
Records of Travis County, Texas and bounded on the west by
the present east right-of-way line of FM 973, bounded on

the north and east by the present south and west right-of-way line of Elroy Road and bounded on the south by that certain 1.075 acre tract described as Exhibit A, conveyed to SR Development, Inc., by Deed without Warranty of record in Document No. 2007087977 of the Official Public Records of Travis County, Texas.

TRACT TWO:

Approximately 1.075 acres out of the Noel M. Bain Survey No. 1, Abstract No. 61 in Travis County, Texas, being that certain 1.075 acre tract described as Exhibit A and conveyed to SR Development, Inc., by Deed without Warranty of record in Document No. 2007087977 of the Official Public Records of Travis County, Texas.

TRACT THREE:

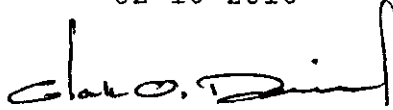
Approximately 3.03 acres out of the Noel M. Bain Survey No. 1, Abstract No. 61 in Travis County, Texas, being that certain tract described as Tract 2 and conveyed to TSWG 130, LLC, in a Special Warranty Deed of record in Document No. 2009091036 of the Official Public Records of Travis County, Texas and further described in a General Warranty Deed conveyed to the City of Austin of record in Document No. 2003205235 of the Official Public Records of Travis County, Texas.

TRACT FOUR:

Approximately 28.89 acres of land out of the Noel M. Bain Survey No. 1, Abstract No. 61 in Travis County, Texas, being that certain tract of land known as Linda Vista, a subdivision of record in Volume 57, page 91 of the Plat 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".

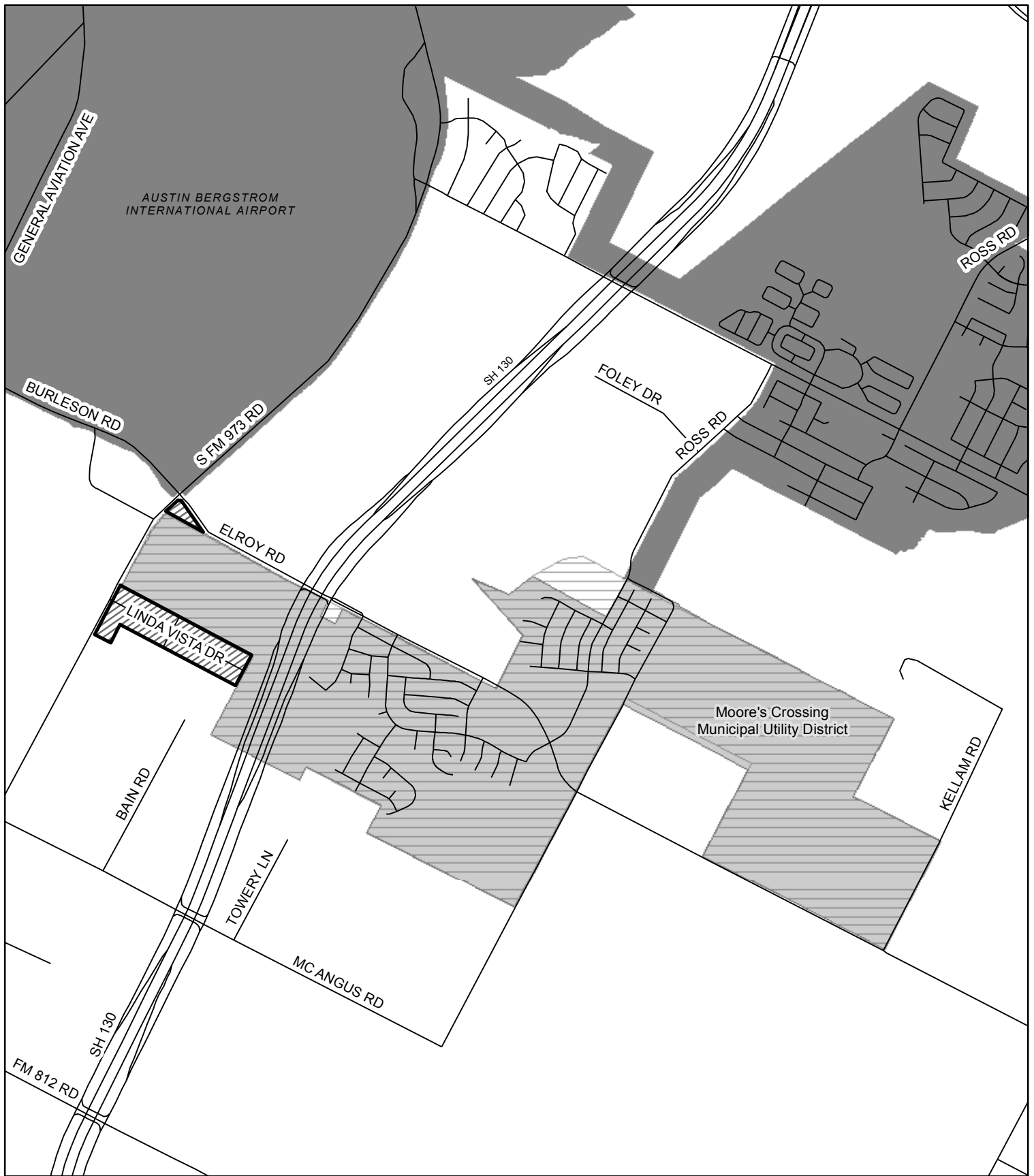
LEGAL DESCRIPTION: Clark O. Daniel, Jr., RPLS NO. 5861
02-10-2010

A handwritten signature in black ink, appearing to read "Clark O. Daniel, Jr.", with a stylized flourish at the end.

APPROVED: Clark O. Daniel, Jr. RPLS NO. 5861
Engineering Services Division
Department of Public Works
City of Austin

REFERENCES

TCAD MAP 3-3121, 3-3131, 3-3228 & 3-3230
Austin Grid N-13






Moore's Crossing - Linda Vista Limited Purpose Annexation Area

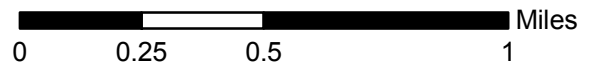


City of Austin
PDRD
November 12, 2009






Legend

-  Annexation Area
-  Lot Line
-  Moore's Crossing MUD



Current Jurisdiction

-  Austin Full Purpose
-  Austin Limited Purpose
-  Austin ETJ