

ORDINANCE NO. _____

1 **AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE**
2 **PROPERTY LOCATED AT 2705 EAST STATE HIGHWAY 71 AND CHANGING**
3 **THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT**
4 **TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO)**
5 **COMBINING DISTRICT.**

6
7
8 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

9
10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from interim-rural residence (I-RR) district to general commercial
12 services-conditional overlay (CS-CO) combining district on the property described in
13 Zoning Case No. C14-2010-0050, on file at the Planning and Development Review
14 Department, as follows:

15
16 A 0.16 acre tract of land, more or less, out of Lot 1, the Gregg and Bryant
17 Subdivision, a subdivision in Travis County, Texas, the tract of land being more
18 particularly described by metes and bounds in Exhibit "A" incorporated into this
19 ordinance (the "Property"),

20
21 locally known as 2705 East State Highway 71, in the City of Austin, Travis County, Texas,
22 and generally identified in the map attached as Exhibit "B".

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

26
27 A. The following uses are conditional uses:

28
29 Custom manufacturing Drop-off recycling collection facility
30 Food preparation Limited warehousing and distribution
31 Maintenance and service facilities Plant nursery
32 Special use historic

33
34 B. The following uses are prohibited uses:

35
36 Adult-oriented uses Agricultural sales and services
37 Automotive repair services Automotive rentals

1 Automotive sales
2 Building maintenance services
3 Commercial blood plasma center
4 Electronic prototype assembly
5 Equipment repair services
6 Exterminating services
7 Laundry service
8 Off-site accessory parking
9 Service station
10 Transportation terminal
11 Veterinary services

Automotive washing (of any type)
Campground
Convenience storage
Electronic testing
Equipment sales
Kennels
Monument retail sales
Pawn shop services
Transitional housing
Vehicle storage

12
13 C. Drive-in service is prohibited as an accessory use to commercial uses.

14
15 Except as specifically provided in this ordinance, the Property may be developed and used in
16 accordance with the regulations established for the general commercial services (CS) base
17 district, and other applicable requirements of the City Code.

18
19 **PART 4.** This ordinance takes effect on _____, 2010.

20
21
22 **PASSED AND APPROVED**

23
24 §
25 §
26 _____, 2010 § _____

27 Lee Leffingwell
28 Mayor

29
30
31 **APPROVED:** _____ **ATTEST:** _____

32 Karen M. Kennard
33 Acting City Attorney

Shirley A. Gentry
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

FIELD NOTES DESCRIBING 0.16 OF AN ACRE OF LAND, BEING A PORTION OF LOT 1, GREGG & BRYANT SUBDIVISION, A SUBDIVISION RECORDED IN VOLUME 32, PAGE 44, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN BRYAN AND TEDDY FLOW TRACT DESCRIBED BY INSTRUMENT RECORDED IN VOLUME 4553, PAGE 2149, DEED RECORDS, SAID COUNTY, SAID 0.16 OF AN ACRE OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the northerly right-of-way line of State Highway Number 71, at the southwest corner of Lot B, Flow Addition, a subdivision recorded in Volume 62, Page 19, Plat Records, said county, at the southeast corner of said Lot 1, for the southeast corner hereof;

THENCE North 60 degrees 48 minutes 33 seconds West, along said right-of-way line and the southerly line of said Lot 1, 58.50 feet to an iron rod set in said line, at the southeast corner of Lot 2 of said Gregg & Bryant subdivision, same being the southwest corner of said Lot 1, for the southwest corner hereof;

THENCE North 43 degrees 26 minutes 29 seconds East, along the common line of said Lots 1 and 2, 121.70 feet to an iron pipe found at the northeast corner of said Lot 2, at an angle corner in the westerly line of said Lot 1, for the northwest corner hereof;

THENCE South 59 degrees 18 minutes 03 seconds East, through said Lot 1, 59.26 feet to an iron rod found in the westerly line of said Lot B, the easterly line of said Lot 1, for the northeast corner hereof;

THENCE South 43 degrees 58 minutes 00 seconds West, along the common line of said Lot B and said Lot 1, 120.37 feet to the POINT OF BEGINNING and containing 0.16 of an acre of land, more or less.

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.

Edward Rumsey
Edward Rumsey
TX R.P.L.S #5729
Job # A0428406



4-26-06
Date

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 APR 28 05:03 PM 2006078113

ESPINOZAC 328.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

CANNED

SCA 3 1

REMAINDER OF LOT 1

LEGEND

- 1/2" REBAR SET
- 1/2" IRON PIPE FOUND
- 1/2" REBAR FOUND
- CHAIN LINK FENCE
- () RECORD INFORMATION
- UTILITY POLE
- DOWN GUY
- OH OVERHEAD UTILITY LINE(S)
- ☐ WATER METER
- OFF OUTSIDE OF SUBJECT BOUNDARY

LOT 2

(N 43°58' E, 120.00')
(N 43°26'29" E, 121.70')

0.16 OF AN
ACRE OF LAND

(VOL. 32, PG. 44)

RESTAURANT
EL MICHA CARO

RESTAURANT
SIGN

STATE HIGHWAY 71

RESTRICTIONS:

SUBJECT TO BLANKET TYPE ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE EASEMENT GRANTED TO TEXAS POWER & LIGHT CO. IN VOLUME 579, PAGE 309 AND VOLUME 589, PAGE 598.

PIPELINE EASEMENT GRANTED TO SINCLAIR REFINING COMPANY IN VOLUME 816, PAGE 298, DOES NOT AFFECT.

SUBJECT TO A BLANKET TYPE SANITARY SEWER EASEMENT GRANTED TO THE CITY OF AUSTIN IN VOLUME 3835, PAGE 2457.

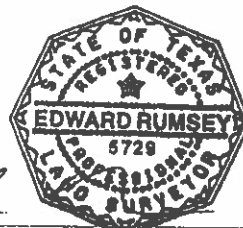
LEGAL DESCRIPTION: BEING 0.16 OF AN ACRE OF LAND OUT OF LOT ONE (1), GREGG & BRYANT SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 32, PAGE 44, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN DEED FROM TED J. PARKS TO BRYAN L. FLOW AND WIFE, TEDDY JO FLOW, RECORDED IN VOLUME 4353, PAGE 2149, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.16 OF AN ACRE OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

COUNTY: TRAVIS STATE OF TEXAS STREET ADDRESS 2642 E. STATE HIGHWAY 71
CITY: DEL VALLE REFERENCE NAME GUSTAVO ALDAMA

SIGNED BY: _____

ALLSTAR
Land surveying

12731 RESEARCH BLVD.
BUILDING A, SUITE 106
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TO THE LIEN HOLDER AND FOR OWNERS OF THE PREMISES SURVEYED AND TO
ALAMO TITLE COMPANY

I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE OF THE PROPERTY LEGALLY DESCRIBED HEREON AND THAT THERE ARE NO BOUNDARY LINE CONFLICTS, ENCROACHMENTS OR LAPPING OF IMPROVEMENTS OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND CERTIFIES ONLY TO THE LEGAL DESCRIPTION AND EASEMENTS SHOWN ON THE REFERENCE TITLE COMMITMENT.

THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS

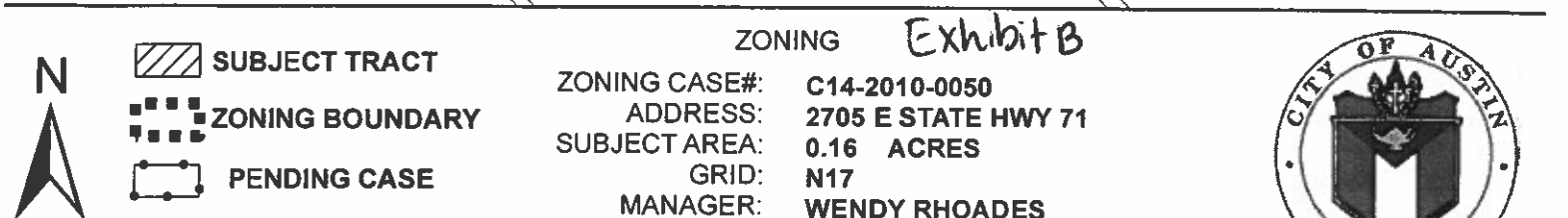
F.I.R.M. MAP NO.: 48453C01J0 F

PANEL: 0130 F

DATED: 1-19-2000

THIS CERTIFICATION IS FOR INSURANCE PURPOSES ONLY AND IS NOT A GUARANTEE THAT THIS PROPERTY WILL OR WILL NOT FLOOD. CONTACT YOUR LOCAL FLOOD-PLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS TRACT.

SURVEY DATE	APRIL 26, 2000
TITLE CO.	ALAMO TITLE CO.
O.F.	65-1048846
JDB NO.	A0428406
FILED BY	GILBERT MARTINEZ 04/26/2006
CALC. BY	ALLEN MOORE 04/26/2006
DRAWN BY	DANIEL TREVINO 04/26/2006
CHECKED BY	JUSTIN FISK 04/26/2006
RPLS CHECK	EDWARD RUMSEY 04/26/2006



RESTRICTIVE COVENANT

OWNER: Gustavo Aldama and Oscar Aldama

ADDRESS: 7910 Tiffany Drive, Austin, TX 78749

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 0.16 acre tract of land, more or less, out of Lot 1, the Gregg and Bryant Subdivision, a subdivision in Travis County, Texas, 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 ("Agreement"). 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. Twenty-four hour commercial operations or uses are prohibited on the Property.
2. If any person or entity shall violate or attempt to violate this Agreement, 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, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement 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, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2010.

OWNER:

Gustavo Aldama

Oscar Aldama

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 ____ day of _____, 2010, by Gustavo Aldama.

Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TRAVIS

§
§
§
§

This instrument was acknowledged before me on this the ____ day of _____, 2010, by Oscar Aldama.

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

C14-2010-0050

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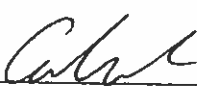
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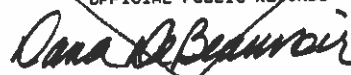

Edward Rumsey
TX R.P.L.S #5729
Job # A0428406



4-26-06
Date

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



2006 Apr 28 05:03 PM 2006078113

ESPINOZAC \$28.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

CANNED

SCALE 1"

REMAINDER OF LOT 1

LEGEND

- 1/2" REBAR SET
- 1/2" IRON PIPE FOUND
- 1/2" REBAR FOUND
- - - CHAIN LINK FENCE
- () RECORD INFORMATION
- ⚡ UTILITY POLE
- ⊙ DOWN GUY
- OH OVERHEAD UTILITY LINE(S)
- ⊠ WATER METER
- OFF OUTSIDE OF SUBJECT BOUNDARY

LOT 2

NOTICE
BEFORE DESIGN/CONSTRUCTION
BEGINS ON THE SUBJECT PROPERTY, THE
OWNER SHOULD CHECK THE LOCAL
GOVERNING AUTHORITIES ABOUT BUILDING
SETBACKS AND OTHER BUILDING
REQUIREMENTS

LOT B
FLOW ADDITION
VOLUME 62, PAGE 19

0.16 OF AN
ACRE OF LAND

(VOL. 32, PG. 44)

RESTAURANT
EL MICHACARO

RESTAURANT
SIGN

STATE HIGHWAY 71

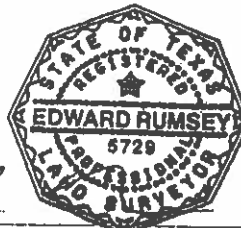
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TO THE LIEN HOLDER AND / OR OWNERS OF THE PREMISES SURVEYED AND TO

ALAMO TITLE COMPANY

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THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD-PLAIN, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS
F.I.R.M. MAP NO.: 48453C0130 F
PANEL: 0130 F
DATED: 1-19-2000
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SURVEY DATE	APRIL 16, 2006
TITLE CO.	ALAMO TITLE CO.
O.F. NO.	65-7048846
JOB NO.	A0428406
FIELDED BY	GILBERT MARTINEZ 04/26/2006
CALC. BY	ALLEN MOORE 04/26/2006
DRAWN BY	DANIEL TREVINO 04/26/2006
CHECKED BY	JUSTIN FISK 04/26/2006
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