ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 510 WEST 8TH STREET FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY (MF-4) DISTRICT TO DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multifamily residence moderate high density (MF-4) district to downtown mixed use-conditional overlay (DMU-CO) combining district on the property described in Zoning Case No. C14-2010-0207, on file at the Planning and Development Review Department, as follows:

A 0.1699 acre tract of land, more or less, out of Lots 1 and 2, Block 102, Original City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 510 West 8th Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

A. The maximum height of a building or structure on the Property is 90 feet from ground level.

B. The following uses are prohibited uses of the Property:

Bail bond services
Pawn shop services
Liquor sales

C. The following uses are conditional uses of the Property:

Food preparation
Food sales

Except as otherwise specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the multifamily residence moderate high density (MF-4) base district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2011.

PASSED AND APPROVED

§
§
_____, 2011 § _____
Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
Karen M. Kennard
City Attorney

Shirley A. Gentry
City Clerk

Land Surveyors, Inc.
8333 Cross Park Drive
Austin, Texas 78754
Office 512.374.9722
Fax 512.873.9743

EXHIBIT A

METES AND BOUNDS DESCRIPTION

BEING 0.1699 OF ONE ACRE (7,399 SQUARE FEET) OF LAND, BEING A PORTION OF LOTS 1 AND 2, BLOCK 102 IN THE ORIGINAL CITY OF AUSTIN PLAN, ACCORDING TO THE MAP THEREOF RECORDED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS AND BEING THE SAME PROPERTY CONVEYED TO ETHEL HARTMAN AND DESCRIBED AS 0.171 ACRES BY INSTRUMENT OF RECORD IN VOLUME 1918, PAGE 338 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found for the southwest corner of said Lot 1, Block 102, Original City of Austin, being the southwest corner of said 0.171 acre tract and also being at the intersection of the east right-of-way line of Nueces Street (80' R.O.W.) with the north right-of-way line of West 8th Street (R.O.W. varies); from which a 1/2 rebar found with aluminum cap (stamp illegible) at the intersection of the west right-of-way line of said Nueces Street with the north right-of-way line of said West 8th Street bears North 70°48'23" West a distance of 79.93 feet (record: 80.00 feet);

THENCE North 19°11'48" East (record: North 18°53'00" East), along the west line of the 0.171 acre tract, the west line of Lot 1, Block 102, Original City of Austin and the east right-of-way line of Nueces Street a distance of 63.98 feet (record: 64.00 feet) to a 1/2" iron pipe found at the northwest corner of the 0.171 acre tract and being the southwest corner of the north 1/2 of Lot 1, Block 102, Original City of Austin as conveyed to Michael J. McGinnis and, along with the north 1/2 of Lot 2, Block 102, Original City of Austin are called "Second Tract" by instrument of record in Document Number 2004236655 of the Official Public Records of Travis County, Texas; from which a 1/2" rebar found with aluminum cap, which reads "Kent MacMillan Surveyor, RPLS 4341, 602" for the northwest corner of said McGinnis' "Second Tract" and being the northwest corner of Lot 1, Block 102, Original City of Austin bears North 19°11'48" East a distance of 63.99 feet (record: 64.00 feet);

THENCE, South 70°49'25" East (record: South 71°08' East), along the north line of the 0.171 acre tract, being the south line of McGinnis' "Second Tract" and the south line of the north 1/2 of Lot 1 and Lot 2, Block 102, Original City of Austin a distance of 115.62 feet (record: 116.10 feet) to a 1/2" rebar set with plastic cap, which reads "BASELINE, INC." for the northeast corner of the 0.171 acre tract and being the northwest corner of that tract of land conveyed to Patton/800 San Antonio, L.P. by instrument of record in Document Number 2003121284 of the Official Public Records of Travis County, Texas and described therein as "Tract 1"; from which a calculated point in the west right-of-way line of San Antonio Street (80.00' R.O.W.) for northeast corner of Lot 4, Block 102 as conveyed to Michael J. McGinnis and, along with the north 1/2 of Lot 3, Block 102, Original City of Austin are called "First Tract" by instrument of record in said Document Number 2004236655 of the Official Public Records of Travis County, Texas bears South 70°49'25" East a distance of 163.81 feet and is 0.4' east of a 1/2" iron pipe found;

THENCE South 19°11'48" West (record: South 18°53'00" West), along the east line of the 0.171 acre tract, being parallel with the west line of the 0.171 acre tract and the east right-of-way line of Nueces Street and being the west line of the Patton/800 San Antonio L.P. Tract 1 a distance of 64.00 feet (record: 64.00 feet) to a calculated point 0.3' south of a 1/2" rebar found; said calculated point being the southeast corner of the 0.171 acre tract and being in the north right-of-way line of West 8th Street and being the northwest corner of a 1,230.75 square foot tract of land conveyed to Patton/800 San Antonio, L.P. by instrument of record in said Document Number 2003121284 of the Official Public Records of Travis County, Texas and known therein as "Tract 2" and being a portion of vacated West 8th Street as described in Volume 5315, Page 1258 of the Deed Records of Travis County, Texas; from which a 1/2 rebar found for the southwest corner of said 1,230.75 square foot tract bears South 17°53'39" West a distance of 7.30 feet (record: South 18°28' West a distance of 7.22 feet) and a 1/2" rebar found in said west right-of-way line of San Antonio Street for the northeast corner of the 1,230.75 square foot tract and being the southeast corner of the Patton/800 San Antonio, L.P. Tract 1 bears South 70°49'00" East a distance of 164.24 feet (record: South 70°49' East a distance of 163.51 feet);

THENCE North 70°49'00" West (record: North 71°08'00" West), along the south line of the 0.171 acre tract, the south line of Lot1 and Lot 2, Block 102, Original City of Austin and the north right-of-way line of West 8th Street a distance of 115.62 feet (record: 116.10 feet) to the POINT OF BEGINNING.

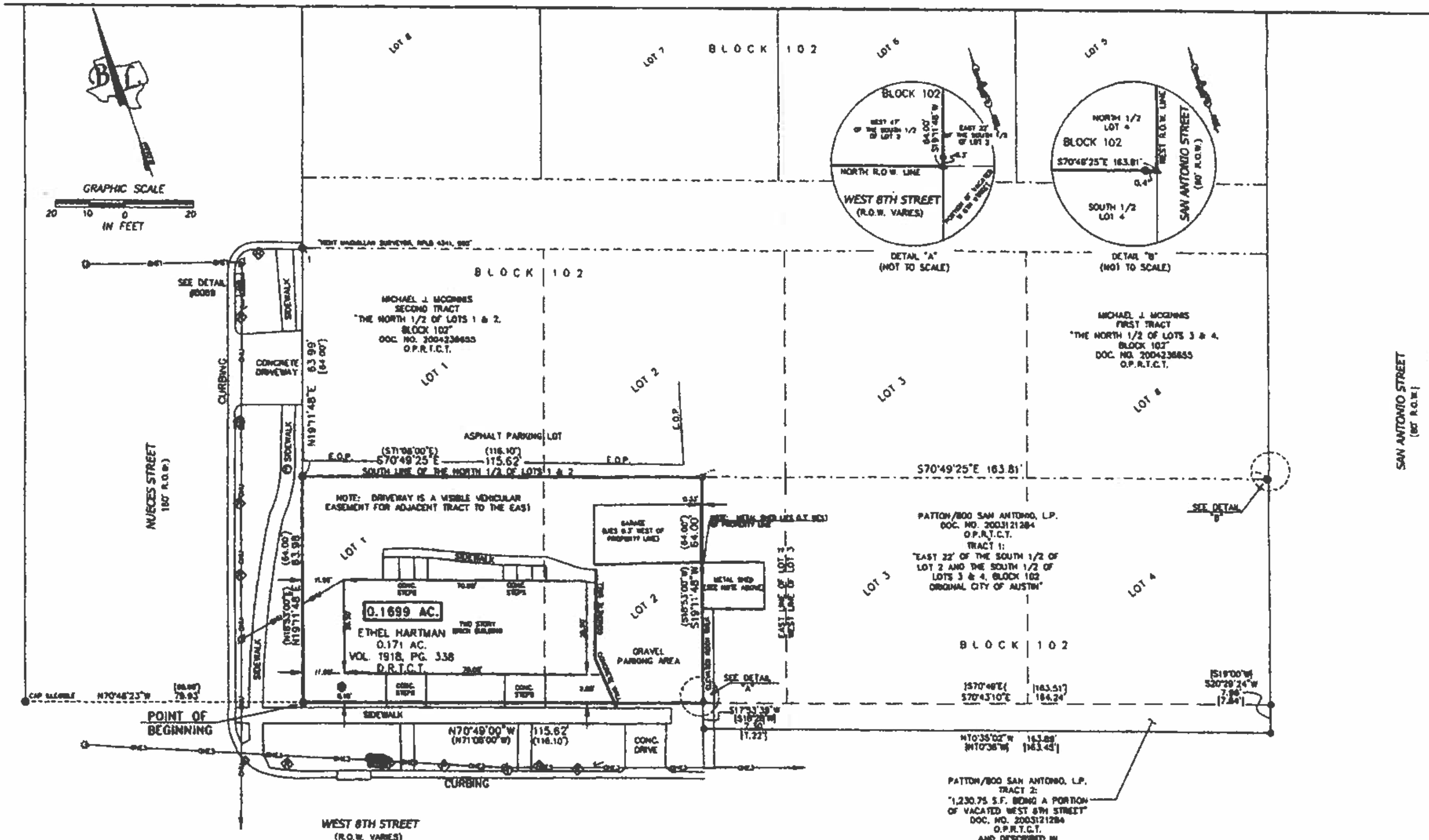
This parcel contains 0.1699 of one acre (7,399 square feet) of land, more or less, out of the Lots 1 & 2, Block 102, Original City of Austin Plan, Travis County, Texas.

Bearing Basis: the north right-of-way line of West 8th Street being North 70°49' West, as cited in Quitclaim Deed from the City of Austin to Frank W. McGee, Jr. of record in Volume 5315, Page 1258 of the Deed Records of Travis County, Texas.

Ronnie Wallace 20 September 2010

Ronnie Wallace Date
Registered Professional Land Surveyor
State of Texas No. 5222

File: S:\Projects\804 San Antonio\Docs\Field Notes\501 W 8th Street_fn.doc
Dwg: S:\Projects\804 San Antonio\Dwg\510 W 8th Street Title Survey.dwg



LEGEND

●	1/2" REBAR FOUND
●	COTTON SPINDLE FOUND
▲	NAIL FOUND
●	IRON PIPE FOUND
●	1/2" REBAR FOUND WITH CAP
■	CHISELED "X" FOUND
○	1/2" REBAR SET WITH PLASTIC CAP WHICH READS "BASELINE, INC."
△	CALCULATED POINT
☐	UTILITY POLE
⊙	ELECTRIC MANHOLE
←	DOWN GUY
☆	LIGHT POLE
—OHE1—	OVERHEAD ELECTRIC LINE, SINGLE PHASE
—OHE3—	OVERHEAD ELECTRIC LINE, THREE PHASE
—OHU—	OVERHEAD UTILITY LINE
▩	WATER METER
⊗	WATER VALVE
✚	FIRE HYDRANT
⊖	WASTE WATER MANHOLE
●	WASTE WATER CLEANOUT
⊗	STORM SEWER MANHOLE

LEGEND

Ⓣ	TELEPHONE MANHOLE
⊡	TELEPHONE JUNCTION BOX
Ⓣ	UNDERGROUND TELEPHONE MARKER
⊕	GAS VALVE
◈	PARKING METER
◈	TRAFFIC SIGNAL CONTROL BOX
◈	ROADWAY SIGN
⊕	BENCHMARK
—o—	CHAIN LINK FENCE
—c—	CABLE FENCE
E.O.P.	EDGE OF PAVEMENT
R.O.W.	RIGHT OF WAY
( )	RECORD INFORMATION PER VOL. 1918, PG. 338, D.R.T.C.T.
{ }	RECORD INFORMATION PER VOL. 5315, PG. 1258, D.R.T.C.T.
[ ]	RECORD INFORMATION PER ORIGINAL CITY OF AUSTIN PLAN
D.R.T.C.T.	DEED RECORDS OF TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

GENERAL NOTES

1. BEARING BASIS: THE NORTH RIGHT OF WAY LINE OF WEST 8TH STREET BEING NORTH 70°45' WEST, AS CITED IN QUITCLAIM DEED FROM CITY OF AUSTIN TO FRANK W. MCBEE, JR.; OF RECORD IN VOLUME 5315, PAGE 1258, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

2. THIS TRACT LIES IN ZONE X, AREA OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM PANEL NUMBER 48453C0465 H, DATED SEPTEMBER 26, 2008.

THIS SURVEY REFLECTS EASEMENTS AND MATTERS OF RECORD SHOWN IN COMMITMENT FOR TITLE NO. 1008430, EFFECTIVE AUGUST 9, 2010 BY STEWART TITLE GUARANTY COMPANY. NO ADDITIONAL TITLE RESEARCH WAS PERFORMED BY BASELINE LAND SURVEYORS, INC. FOR THE PURPOSE OF THIS SURVEY.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY AND WAS MADE ON THE GROUND ON THE PROPERTY SHOWN HEREON DURING SEPTEMBER 2010 UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; AND THAT THERE ARE NO APPARENT OVERLAPPING IMPROVEMENTS, DISCREPANCIES, DEED LINE CONFLICTS, VISIBLE UTILITY LINES, SHORTAGES IN AREA, OR ROADS IN PLACE EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A DEDICATED RIGHT-OF-WAY OR ACCESS EASEMENT AS SHOWN HEREON.

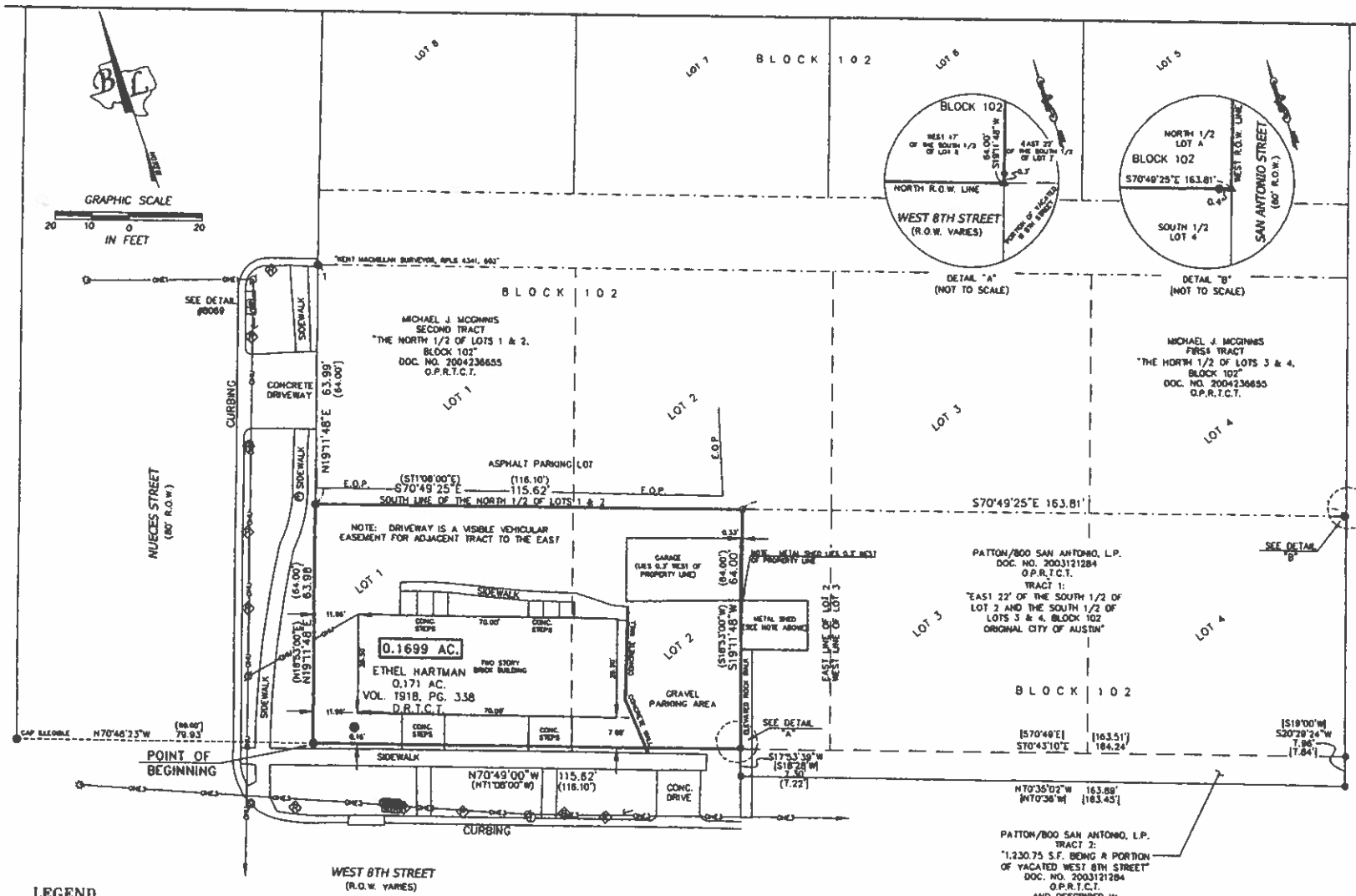
RONNIE WALLACE DATE
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5222

BASELINE LAND SURVEYORS, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.873.9743
ron-baseline@austin.rr.com

LAND TITLE SURVEY OF 0.1699 OF ONE ACRE (7,399 SQUARE FEET) OF LAND, BEING A PORTION OF LOTS 1 & 2, BLOCK 102 IN THE ORIGINAL CITY OF AUSTIN PLAN, ACCORDING TO THE MAP THEREOF RECORDED IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS AND BEING THE SAME PROPERTY CONVEYED TO ETHEL HARTMAN AND DESCRIBED AS 0.171 ACRES BY INSTRUMENT OF RECORD IN VOLUME 1918, PAGE 338 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS

Scale (Plot 1): 1"=20'
Drawn By: RLW
Checked By: BWB
Revision 1:
Revision 2:
Revision 3:

SHEET
01 of 01



LEGEND

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- WATER VALVE
- FIRE HYDRANT
- WASTE WATER MANHOLE
- WASTE WATER CLEANOUT
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LEGEND

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- TELEPHONE JUNCTION BOX
- UNDERGROUND TELEPHONE MARKER
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- E.O.P. EDGE OF PAVEMENT
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- ( ) RECORD INFORMATION PER VOL. 1918, PG. 338, D.R.T.C.T.
- [ ] RECORD INFORMATION PER VOL. 5315, PG. 1258, O.R.T.C.T.
- { } RECORD INFORMATION PER ORIGINAL CITY OF AUSTIN PLAN
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THIS SURVEY REFLECTS EASEMENTS AND MATTERS OF RECORD SHOWN IN COMMITMENT FOR TITLE NO. 1008450, EFFECTIVE AUGUST 9, 2010 BY STEWART TITLE GUARANTY COMPANY. NO ADDITIONAL TITLE RESEARCH WAS PERFORMED BY BASELINE LAND SURVEYORS, INC. FOR THE PURPOSE OF THIS SURVEY.

SURVEYOR'S CERTIFICATION

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Scale (Hor.): 1"=20'
Date: 09/24/10
Drawn By: RLW
Checked By: RWB
Revision 1:
Revision 2:
Revision 3:

SHEET
01 of 01

ZONING EXHIBIT B

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1' = 400'

ZONING CASE#: C14-2010-0207
LOCATION: 510 W 8TH ST
SUBJECT AREA: 0.1699 ACRES
GRID: J22
MANAGER: STEPHEN RYE

CITY OF AUSTIN FOUNDED

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.