

ORDINANCE NO. 20111208-104

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 526 AND 626 BASTROP HIGHWAY IN THE MONTOPOLIS NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-NEIGHBORHOOD PLAN (CS-NP) COMBINING DISTRICT, COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-CO-NP) COMBINING DISTRICT, AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-NEIGHBORHOOD PLAN (CS-NP) 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 general commercial services-neighborhood plan (CS-NP) combining district, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district, and single family residence standard lot (SF-2-NP) combining district to general commercial services-neighborhood plan (CS-NP) combining district on the property described in Zoning Case No. C14-2010-0138, on file at the Planning and Development Review Department, as follows:

A 14.879 acre tract of land, more or less, out of the Santiago del Valle Grant, 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 526 and 626 Bastrop Highway in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as specifically provided in Part 3 of this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, and other applicable requirements of the City Code.


PART 3. The Property is subject to Ordinance No. 010927-28 that established the Montopolis neighborhood plan combining district.

PASSED AND APPROVED

ss ss ss

De Looze

~~APPROVED:~~

VED: 
Karen M. Kennard
City Attorney

ATTEST:

Shirley A. Gentry

14.879 ACRES
ZONING TRACT
McELHENNEY

EXHIBIT A

FN.NO. 11-095(AJM)
APRIL 1, 2011
BPI NO. R010922810002

DESCRIPTION

OF 14.879 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING THE REMAINING PORTION OF TRACT B, T.J. McELHENNEY SUBDIVISION NO. 2, OF RECORD IN VOLUME 16, PAGE 82 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CALLED "FIRST TRACT", AND BEING A PART OF THE REMAINING PORTION OF THAT 21.681 ACRE TRACT OF LAND CALLED "SECOND TRACT" AND A PART OF THE REMAINING PORTION OF THAT 16.467 ACRE TRACT OF LAND CALLED "THIRD TRACT", SAID TRACTS HAVING BEEN CONVEYED TO THOMAS R. McELHENNEY, JR., ET AL, BY DEED OF RECORD IN VOLUME 12522, PAGE 246 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 14.879 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at a 1/2-inch iron rod with TxDOT aluminum cap found on the southerly right-of-way line of U.S. Highway 183 (R.O.W. varies) being the northernmost corner of the remainder of Tract A, of said T.J. McElhenney Subdivision No. 2, also being the northeasterly corner of that called 4.786 acre tract of land conveyed to 500 Bastrop Hwy, Ltd. by Deed of record in Document No. 2009083359 of the Official Public Records of Travis County, Texas, from which a concrete highway monument found at a point of curvature on said southerly right-of-way line of U.S. Highway 183, being a point of curvature on the northerly line of said 500 Bastrop Hwy, Ltd. tract bears N42°27'19"W, a distance of 72.06 feet;

THENCE, S41°08'19"W, leaving said southerly right-of-way line of U.S. Highway 183, along the easterly line of said 500 Bastrop Hwy, Ltd. tract, being the westerly line of the remainder of said Tract A, a distance of 24.01 feet to a 1/2-inch iron rod with "Bury+Partners" cap set at an angle point in the northwesterly line of said Tract B, T.J. McElhenney Subdivision No. 2, same being a point in the easterly line of said 500 Bastrop Hwy, Ltd. tract, for the **POINT OF BEGINNING**, being the northernmost northeasterly corner of said "First Tract" and hereof;

THENCE, leaving the easterly line of said 500 Bastrop Hwy, Ltd. tract, along the northeasterly line of said Tract B, T.J. McElhenney Subdivision No. 2, for a portion of the northeasterly line hereof, the following two (2) courses and distances:

- 1) S27°41'44"E, a distance of 149.87 feet to a 1/2-inch iron pipe found at the southwesterly corner of Tract A;
- 2) N41°03'56"E, a distance of 62.31 feet to a 1/2-inch iron rod with TxDOT aluminum cap found in the southerly right-of-way line of U.S. Highway 183 for an angle point hereof;

THENCE, S42°23'54"E, leaving the southerly line of said Tract A, along the northeasterly line of said Tract B, being the southerly right-of-way line of U.S. Highway 183, a distance of 126.92 feet to a 1/2-inch iron rod with TxDOT aluminum cap found at the northernmost corner of Lot 1 of T.J. McElhenney Subdivision, a subdivision of record in Volume 12, Page 98 of said Plat Records, from which a TxDOT Type II concrete monument found bears S42°23'54"E, a distance of 18.39 feet;

THENCE, leaving the southerly right-of-way line of U.S. Highway 183, along the northerly and westerly lines of said Lot 1, T.J. McElhenney Subdivision, for a portion of the northeasterly line hereof, the following two (2) courses and distances:

- 1) S41°58'54"W, a distance of 296.59 feet to a 1/2-inch iron rod with Bury+Partners cap set for an angle point;
- 2) S48°18'59"E, a distance of 200.01 feet to a 1/2-inch iron pipe found at the common southerly corner of said Tract B, T.J. McElhenney Subdivision No. 2 and said Lot 1, T.J. McElhenney Subdivision, same being a point on the northwesterly line of said "Second Tract", for an angle point hereof;

THENCE, N41°41'01"E, along the southerly line of said Lot 1, being a portion of the northwesterly line of said "Second tract", a distance of 261.30 feet to a 1/2-inch iron rod with TxDOT aluminum cap found in the curving southerly right-of-way line of U.S. Highway 183, being the easterly corner of said Lot 1, T.J. McElhenney Subdivision and the northwesterly corner of said "Second Tract", for an angle point in the northerly line hereof and a point of curvature in a curve to the right;

THENCE, along said curve being a portion of the southerly right-of-way line of said U.S. Highway 183 and the northerly line of said "Second Tract", having a radius of 1146.00 feet, an arc length of 110.68 feet, a central angle of 05°32'01", and a chord which bears S30°28'04"E, a distance of 110.64 feet to a concrete highway monument found;

THENCE, S27°42'51"E, continuing along said southerly right-of-way line of U.S. Highway 183 and said northerly line of said "Second Tract", passing at a distance of 116.53 feet a 1/2-inch iron rod with City of Austin aluminum cap found and continuing for a total distance of 139.21 feet to a 1/2-inch iron rod with Bury+Partners cap set for the southeasterly corner hereof, from which a 1/2-inch iron rod with TxDOT aluminum cap found at or near a fence line as used upon the ground at the northwesterly corner of Lot 2, The Rogers Subdivision, a subdivision of record in Volume 85, Page 55C of said Plat Records, bears S27°42'51"E, a distance of 122.11 feet;

THENCE, leaving said southerly right-of-way line of U.S. Highway 183, over and across said "Third Tract" and said "Second Tract", for the southerly line hereof, the following ten (10) courses and distances:

- 1) S46°48'47"W, a distance of 150.00 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for an angle point;
- 2) S33°54'06"W, a distance of 72.00 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for an angle point;
- 3) S54°16'40"W, a distance of 192.00 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for an angle point;
- 4) S84°18'56"W, a distance of 192.00 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for an angle point;
- 5) S68°20'50"W, a distance of 216.00 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for an angle point;
- 6) S51°13'50"W, a distance of 60.00 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for an angle point;
- 7) S39°40'30"W, a distance of 234.00 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for an angle point;
- 8) S47°39'35"W, a distance of 180.00 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for an angle point;
- 9) S58°46'22"W, a distance of 120.00 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for an angle point;
- 10) S51°07'16"W, a distance of 110.42 feet to a 1/2-inch iron rod with "Bury+Partners" cap set for the southwesterly corner hereof;

THENCE, N06°26'00"W, continuing over and across said "Third Tract", a distance of 391.09 feet to a 1/2-inch iron rod with "Bury+Partners" cap set on the southeasterly line of the remainder of that certain 12.358 acre tract of land conveyed to Steen Smith by Deed of record in Volume 11176, Page 455 of said Real Property Records, for an angle point hereof, being the northwesterly line of said "Third Tract", from which a 1/2-inch iron rod at the southernmost corner of said Steen Smith tract, bears S38°45'04"W, a distance of 436.16 feet;

THENCE, N38°45'04"E, along the southeasterly line of said Steen Smith tract, being the northwesterly line of said "Third Tract", a distance of 844.40 feet to a 1/2-inch iron rod with cap stamped "RPLS 2780" found at the southeasterly corner of said 500 Bastrop Hwy, Ltd. tract, for an angle point hereof;

THENCE, N38°44'59"E, continuing along the easterly line of said 500 Bastrop Hwy, Ltd. tract, being a portion of the westerly line of said "Third Tract" and hereof, a distance of 356.48 feet to a 1/2-inch iron pipe found at an angle point in the westerly line of said Tract B, T.J. McElhenney Subdivision No. 2, being the northernmost corner of said "Third Tract", for an angle point hereof;


FN 11-095(AJM)
APRIL 1, 2011
PAGE 4 of 5

THENCE, N41°08'19"E, continuing along the easterly line of said 500 Bastrop Hwy, Ltd. tract, being a portion of the westerly line of said "Tract B" a distance of 99.41 feet to the POINT OF BEGINNING, and containing an area of 14.879 acres (648,119 square feet) of land, more or less, within these metes and bounds.

BASIS OF BEARINGS: TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, NAD83(93) REFERENCED TO THE CITY OF AUSTIN GPS SUB-HARN NETWORK UTILIZING CITY CONTROL MONUMENTS L-19-1001, L-19-4001, L-18-1001, P-18-3001 AND P-19-2001.

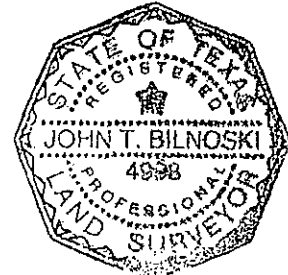
I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION. A SURVEY SKETCH EXHIBIT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY + PARTNERS, INC.
ENGINEERING-SOLUTIONS
221 WEST SIXTH ST., SUITE 600
AUSTIN, TEXAS 78701


4/18/11
JOHN T. BILNOSKI, R.P.L.S.
NO. 4998
STATE OF TEXAS

REFERENCES

TCAD PARCEL NO. 0307210403
TCAD PARCEL NO. 0307210404
AUSTIN GRID MM-19



THOMPSON LANE
(70' ROW)

LEGEND

- 1/2-INCH IRON ROD WITH "BURY+PARTNERS" CAP SET
- CONCRETE HIGHWAY MONUMENT
- ⊙ 1/2" IRON PIPE FOUND
- 1/2-INCH IRON ROD FOUND (UNLESS NOTED)

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

0 150 300 600
SCALE: 1" = 300'

4.786 ACRES
500 BASTROP
HWY, LTD.
DOC. NO.
2009083359

REMAINDER OF
12.358 ACRES
STEEN SMITH
VOL. 11176
PG. 455

14.879 ACRES
(648,119 SQ. FT.)

"THIRD TRACT"

APPARENT LOCATION OF
ELECTRIC ESMT. & R.O.W.
TEXAS POWER AND
LIGHT COMPANY
(NO WIDTH SPECIFIED)
VOL. 417, PG. 236
DESIGNATED AS 70' WIDE
PER CITY OF AUSTIN

CEMETERY
VOL. 188, PG. 292

CENTERLINE OF
OVERHEAD ELECTRIC LINES

LOT 27 BLOCK D
AMENDED PLAT OF
FRONTIER AT MONTANA
DOC. NO. 200600392

JENNIFER MCELHENNEY
BERTINO
50% UNDIVIDED INTEREST
DOC. NO. 2004193533

SANTIAGO DEL
VALLE GRANT

"SECOND TRACT"

THOMAS R. MCELHENNEY, JR.
JOHN OAKLEY MCELHENNEY,
ADA MCELHENNEY, AS
INDEPENDENT AMY
MCELHENNEY, AND EXECUTRIX
OF THE ESTATE OF
REMAINDER OF 74.72 ACRES
SIDNEY MCELHENNEY VOLUME
12522, PAGE 246

APPARENT LOCATION OF
ELECTRIC ESMT. & R.O.W.
TEXAS POWER AND
LIGHT COMPANY
(NO WIDTH SPECIFIED)
VOL. 417, PG. 237
DESIGNATED AS 70' WIDE
PER CITY OF AUSTIN

LOT 26 BLOCK D
AMENDED PLAT OF
FRONTIER AT MONTANA
DOC. NO. 200600392

LOT 1
PALM HARBOR
VOL. 82, PG. 239

U.S. HIGHWAY 183
(R.O.W. VARIES)

LOT 2

THE ROGERS SUBDIVISION
VOL. 85, PG. 550

LOT 1

4.0 ACRES
STATE OF TEXAS
VOL. 871, PG. 623

3.0 ACRES
STATE OF TEXAS
VOL. 2270, PG. 238

Bury+Partners

ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
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SKETCH TO ACCOMPANY DESCRIPTION

OF 14.879 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PART OF THAT CALLED REMAINDER OF 74.72 ACRES OF LAND CONVEYED TO THOMAS R. MCELHENNEY, JR. ET AL, BY DEED OF RECORD IN VOLUME 12522, PAGE 246 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

**MCELHENNEY
TRACT**

SHEET 5 OF 5

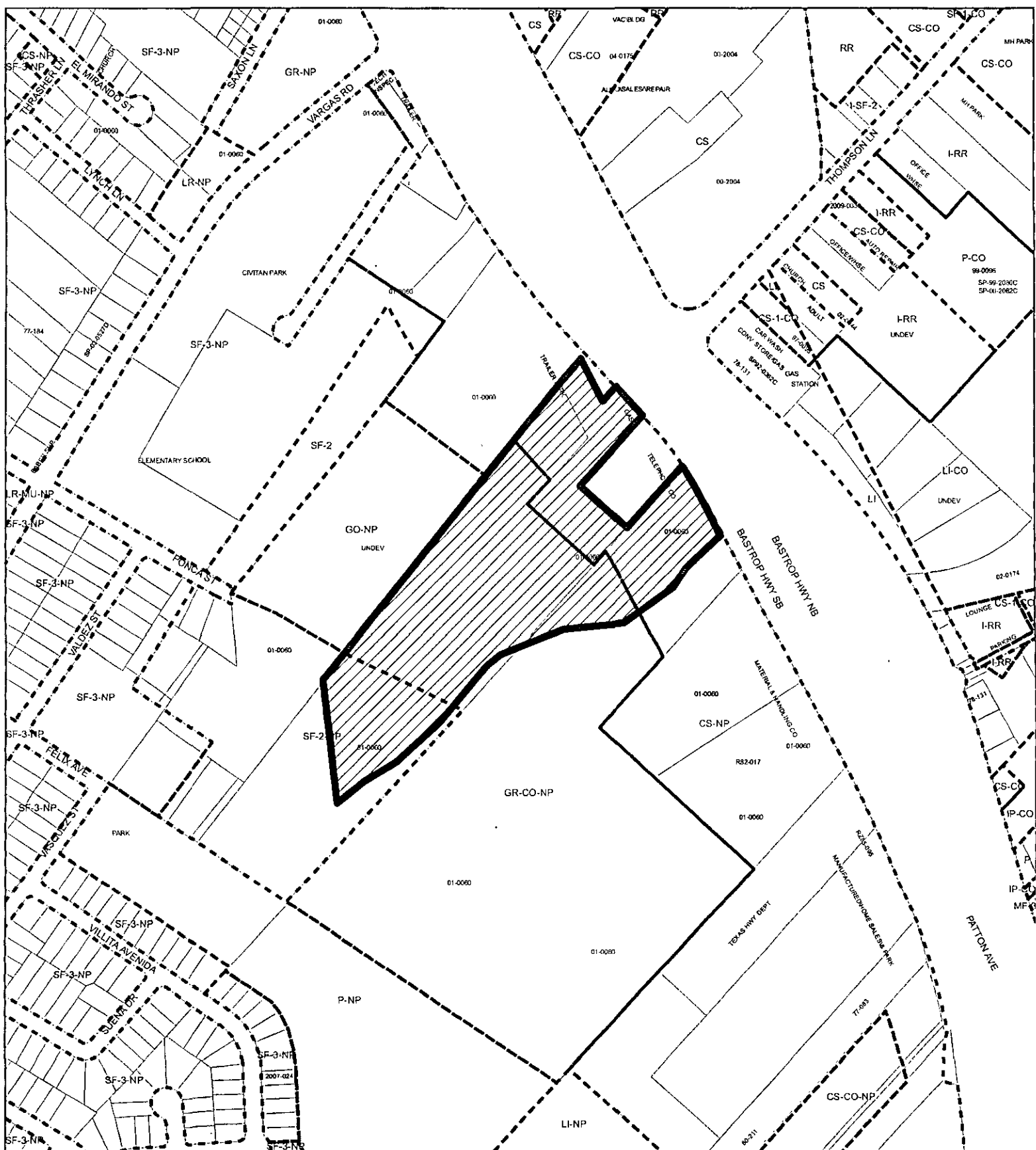
DATE: 04/01/11

FILE: H:\109228\002\109228002EX4.DWG

FN No.: FN11-095(AJM)

DRAWN BY: AJM

PROJ. No: R010922810002



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

ZONING EXHIBIT B

ZONING CASE#: C14-2010-0138

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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