

ORDINANCE NO. 20120524-128

AN ORDINANCE AMENDING ORDINANCE NO. 20090312-027 FOR THE MARTIN LUTHER KING, JR BLVD TRANSIT ORIENTED DEVELOPMENT DISTRICT STATION AREA PLAN TO MODIFY THE REGULATING PLAN, REZONING AND CHANGING THE ZONING MAP FROM TRANSIT ORIENTED DEVELOPMENT-NEIGHBORHOOD PLAN (TOD-NP) COMBINING DISTRICT TO TRANSIT ORIENTED DEVELOPMENT-NEIGHBORHOOD PLAN (TOD-NP) COMBINING DISTRICT FOR THE PROPERTY LOCATED AT 2911 AND 2915 EAST MARTIN LUTHER KING, JR., BOULEVARD.

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

PART 1. The Martin Luther King, Jr. Blvd transit oriented development district station area plan with regulating plan ("the MLK-TOD") was adopted under Ordinance No. 20090312-027 ("the MLK-TOD Original Ordinance") and is comprised of approximately 108 acres of land described in Zoning Case No. C14-2008-0031, in the City of Austin, Travis County, Texas.

PART 2. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from transit oriented development-neighborhood plan (TOD-NP) combining district to transit oriented development-neighborhood plan (TOD-NP) combining district on the property (the "Property"), described in Zoning Case No. C14-2012-0037, on file at the Planning and Development Review Department, as follows:

Tract 2:

A 0.07 acre tract of land, more or less, out of the Outlot 28, Division B of the Government, 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

Tract 3:

A 0.27 acre tract of land, more or less, out of the Outlot 28, Division B of the Government, Original City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance

locally known as 2911 and 2915 East Martin Luther King, Jr., Boulevard in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 3. The MLK-TOD Regulating Plan ("RP") identified and defined subdistricts within the plan area and established boundaries for each subdistrict. The Property subdistrict is currently low density residential, medium density residential and mixed use and is amended to mixed use as shown on Exhibit "D".

PART 4. The Land Use Design Concept Plan (the "Plan") and other applicable references affecting the Property that are provided in the RP are revised to show the changes in the boundaries of the subdistricts for the Property as shown on Exhibit "E". The revised Plan shall be substituted where appropriate in the RP document.

PART 5. The Property is subject to Ordinance no. 020110-17 that established the Rosewood neighborhood plan.

PART 6. Except as set forth in Part 5 of this ordinance, the Property is subject to Ordinance no. 20090312-027, as amended by Ordinance no. 20090402-048, the terms and conditions of each ordinance remain in effect.

PART 7. This ordinance takes effect on June 4, 2012.

PASSED AND APPROVED

_____, 2012 §
May 24 §

Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
Karen M. Kennard Shirley A. Gentry
City Attorney City Clerk

**CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.**

1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

TRACT 2

FIELD NOTE DESCRIPTION OF 0.07 ACRE OF LAND OUT OF OUTLOT 28, DIVISION B, OF THE GOVERNMENT OUTLOTS TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 21, HENRY ULIT'S SUBDIVISION, AN UNRECORDED SUBDIVISION, AND BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN "EXHIBIT A-2" IN WARRANTY DEED TO MALIK KHURSHID AND MOHAMMED A. SHERZAMAN AS RECORDED IN DOCUMENT No. 2004066706 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, LESS THAT CERTAIN STRIP OF LAND AS CONVEYED TO THE CITY OF AUSTIN BY STREET DEED RECORDED IN VOLUME 5059 PAGE 1525 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a chiseled "X" set in a concrete sidewalk at the point of intersection of the West right-of-way line of Clifford Avenue and the South right-of-way line of Martin Luther King Jr. Boulevard and in the North line of Lot 21, Henry Ulit's Subdivision, an unrecorded subdivision, and in the North line of that certain (1 acre) tract of land as conveyed to Albert Ewings by deed recorded in Volume 486 Page 65 of the Deed Records of Travis County, Texas, for the Northwest corner of that certain tract of land as conveyed to the City of Austin by Street Deed recorded in Volume 5059 Page 1525 of the Deed Records of Travis County, Texas, and being the Northeast corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE crossing the interior of said Ewings (1 acre) tract with the West right-of-way line of Clifford Avenue and with the West line of said City of Austin tract, S 09 deg. 32' 00" E 75.00 ft. to a ½" iron rod set with a plastic cap imprinted with "Carson and Bush Professional Surveyors" for the Southwest corner of said City of Austin tract, and for the Northeast corner of that certain tract of land as conveyed to Sharon Bullard by deed recorded in Document No. 2004145426 of the Official Public Records of Travis County, Texas, for the Southeast corner of this tract, and from which a capped iron rod found (stamped "Arpenteurs") in the West right-of-way line of Clifford Avenue for the Southeast corner of that certain tract of land as conveyed to Walter Roy Horton by deed recorded in Document No. 2003218607 of the Official Public Records of Travis County, Texas, bears S 09 deg. 29' 37" E 135.38 ft.;

end of Page 1

Page 2 of 2
"TRACT 2"

THENCE leaving the West right-of-way line of Clifford Avenue, S 80 deg. 27' 29" W 40.00 ft. to a point for the Southwest corner that certain tract of land described in "Exhibit A-2" in Warranty Deed to Malik Khurshid and Mohammed A. Sherzaman as recorded in Document No. 2004066706 of the Official Public Records of Travis County, of this tract, and from which a ½" iron rod found in the West line of said Lot 21, Henry Ulit's Subdivision (unrecorded) and in the West line of said Ewings (1 acre) tract and in the East line of that certain (9.50 acre) tract of land described as "13th Tract" in deed to Mrs. Ella May Westling as recorded in Volume 503 Page 453 of the Deed Records of Travis County, Texas, for the Northwest corner of said Bullard tract and for the Southwest corner of that certain tract of land described in "Exhibit A-3" in Warranty Deed to Malik Khurshid and Mohammed A. Sherzaman as recorded in Document No. 2004066706 of the Official Public Records of Travis County, Texas, bears S 80 deg. 27' 29" W 159.00 ft.;

THENCE with the common line of said Khurshid and Sherzaman tracts, N 09 deg. 32' 00" W 75.00 ft. to a point in the South right-of-way line of Martin Luther King Jr. Boulevard for the Northwest corner of said Khurshid and Sherzaman "Exhibit A-2" tract and the Northeast corner of said "Exhibit A-3" tract, and being the Northwest corner of this tract, and from which a ½" iron rod set with a plastic cap imprinted with "Carson and Bush Professional Surveyors" in the South right-of-way line of Martin Luther King Jr. Boulevard for the Northwest corner of said "Exhibit A-3" tract bears S 80 deg. 27' 29" W 159.00 ft.;

THENCE with the South right-of-way line of Martin Luther King Jr. Boulevard, N 80 deg. 27' 29" E 40.00 ft. to the **PLACE OF BEGINNING** containing 0.07 acre of land.

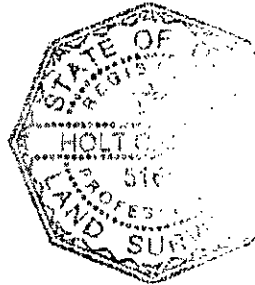
SURVEYED: June 30, 2005.



Holt Carson

Registered Professional Land Surveyor No. 5166

see accompanying map: A 752020



CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084

Tract 3

FIELD NOTE DESCRIPTION OF 0.27 ACRE OF LAND OUT OF OUTLOT 28, DIVISION B, OF THE GOVERNMENT OUTLOTS TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 21, HENRY ULIT'S SUBDIVISION, AN UNRECORDED SUBDIVISION, AND BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN "EXHIBIT A-3" IN WARRANTY DEED TO MALIK KHURSHID AND MOHAMMED A. SHERZAMAN AS RECORDED IN DOCUMENT No. 2004066706 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE at a chiseled "X" set in a concrete sidewalk at the point of intersection of the West right-of-way line of Clifford Avenue and the South right-of-way line of Martin Luther King Jr. Boulevard and in the North line of Lot 21, Henry Ulit's Subdivision, an unrecorded subdivision, and in the North line of that certain (1 acre) tract of land as conveyed to Albert Ewings by deed recorded in Volume 486 Page 65 of the Deed Records of Travis County, Texas, for the Northwest corner of that certain tract of land as conveyed to the City of Austin by Street Deed recorded in Volume 5059 Page 1525 of the Deed Records of Travis County, Texas;

THENCE with the South right-of-way line of Martin Luther King Jr. Boulevard, S 80 deg. 27' 29" W 40.00 ft. to a point for the Northeast corner of that certain tract of land described in "Exhibit A-3" and for the Northwest corner of that certain tract of land described in "Exhibit A-2" in Warranty Deed to Malik Khurshid and Mohammed A. Sherzaman as recorded in Document No. 2004066706 of the Official Public Records of Travis County, Texas, and being the Northeast corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE leaving the South right-of-way line of Martin Luther King Jr. Boulevard and entering the interior of said Lot 21, Henry Ulit's Subdivision (unrecorded) and the interior of said Ewings (1 acre) tract with the common line of said "Exhibit A-2" and "Exhibit A-3" tracts, S 09 deg. 32' 00" E 75.00 ft. to a point in the North line of that certain tract of land as conveyed to Sharon Bullard by deed recorded in Document No. 2004145426 of the Official Public Records of Travis County, Texas, for the Southeast corner of this tract, and from which a 1/2" iron rod set with a plastic cap imprinted with "Carson and Bush Professional Surveyors" in the West right-of-way line of Clifford Avenue for the Southwest corner of said City of Austin Street Deed tract bears N 80 deg. 27' 29" E 40.00 ft.;

end of Page 1

THENCE with the common line of said "Exhibit A-3" tract and said Bullard tract, S 80 deg. 27' 29" W 159.00 ft. to a ½" iron rod found in the West line of said Lot 21 and in the West line of said Ewings (1 acre) tract and in the East line of that certain (9.50 acre) tract of land described as "13th Tract" in deed to Mrs. Ella May Westling as recorded in Volume 503 Page 453 of the Deed Records of Travis County, Texas, for the Northwest corner of said Bullard tract, and for the Southwest corner of said "Exhibit A-3" tract, and being the Southwest corner of this tract, and from which a ½" iron rod found for the Southwest corner of said Ewings (1 acre) tract and for the Northwest corner of Lot 4, Davis Place II, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200200317 of the Official Public Records of Travis County, Texas, bears S 09 deg. 32' 08" E 135.22 ft.;

THENCE with the West line of said "Exhibit A-3" tract and with the East line of said Westling "13th Tract", N 09 deg. 32' 08" W 75.00 ft. to a ½" iron rod set with a plastic cap imprinted with "Carson and Bush Professional Surveyors" in the South right-of-way line of Martin Luther King Jr. Boulevard for the Northwest corner of said "Exhibit A-3" tract and for the Northeast corner of said Westling "13th Tract" and being the Northwest corner of this tract;

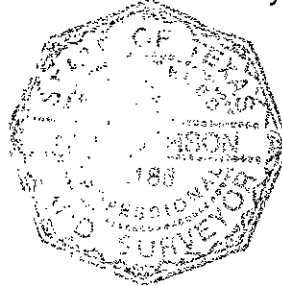
THENCE with the South right-of-way line of Martin Luther King Jr. Boulevard, N 80 deg. 27' 29" E 159.00 ft. to the **PLACE OF BEGINNING** containing 0.27 acre of land.

SURVEYED: June 30, 2005.

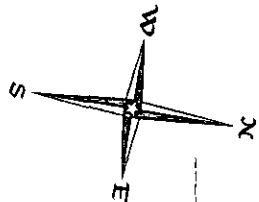


Holt Carson
Registered Professional Land Surveyor No. 5166

see accompanying map: A 752020



MARTIN LUTHER KING JR. BOULEVARD



SOUTHERN PACIFIC RAILROAD

SURVEY PLAT OF
THREE TRACTS OF LAND OUT OF CITY LOT 28, DIVISION B, OF THE
GOVERNMENT OUTLOTS TO THE CITY OF AUSTIN, AND BEING ALL
OF THOSE CERTAIN THREE TRACTS OF LAND AS CONVEYED TO
MALIK KHURSHID AND MOHAMMED A. SHERAZI BY WARRANTY DEED
RECORDED IN DOCUMENT No. 2004066706 OF THE OFFICIAL PUBLIC
RECORDS OF TRAVIS COUNTY, TEXAS.

SEE ACCOMPANYING FIELD NOTE DESCRIPTIONS

HENRY ULF'S SUBDIVISION
UNRECORDED

OUTLOT 2
DIVISION

LOT 22

LOT 21

OF NO. 02-021460 TO Jesse L. Lammert
THE STATE OF TEXAS Asse. Title Company
THE COUNTY OF TEXAS

The undersigned does hereby certify that a survey on the ground of the property Real described hereon and is accurate to the best of my abilities and that there are no boundaries, no corners, no encroachments, no mortgages or other overlapping of improvements, no water, utility lines, or roads in place, except as shown on the reel and said property, about a decided order.

A portion of this property is within Zone #6 100 Year Flood Plain according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel#100524 0165 E, dated June 16, 1993.

This is the 10th day of JULY, A.D. 2005

Clerk

25

Matt Carlson
Registered Professional Land Surveyor in the State
CARSON AND BUSH PROFESSIONAL SURVEYORS, INC.
1504 Fallowview Road Austin, Texas 78704
15121-412-0995
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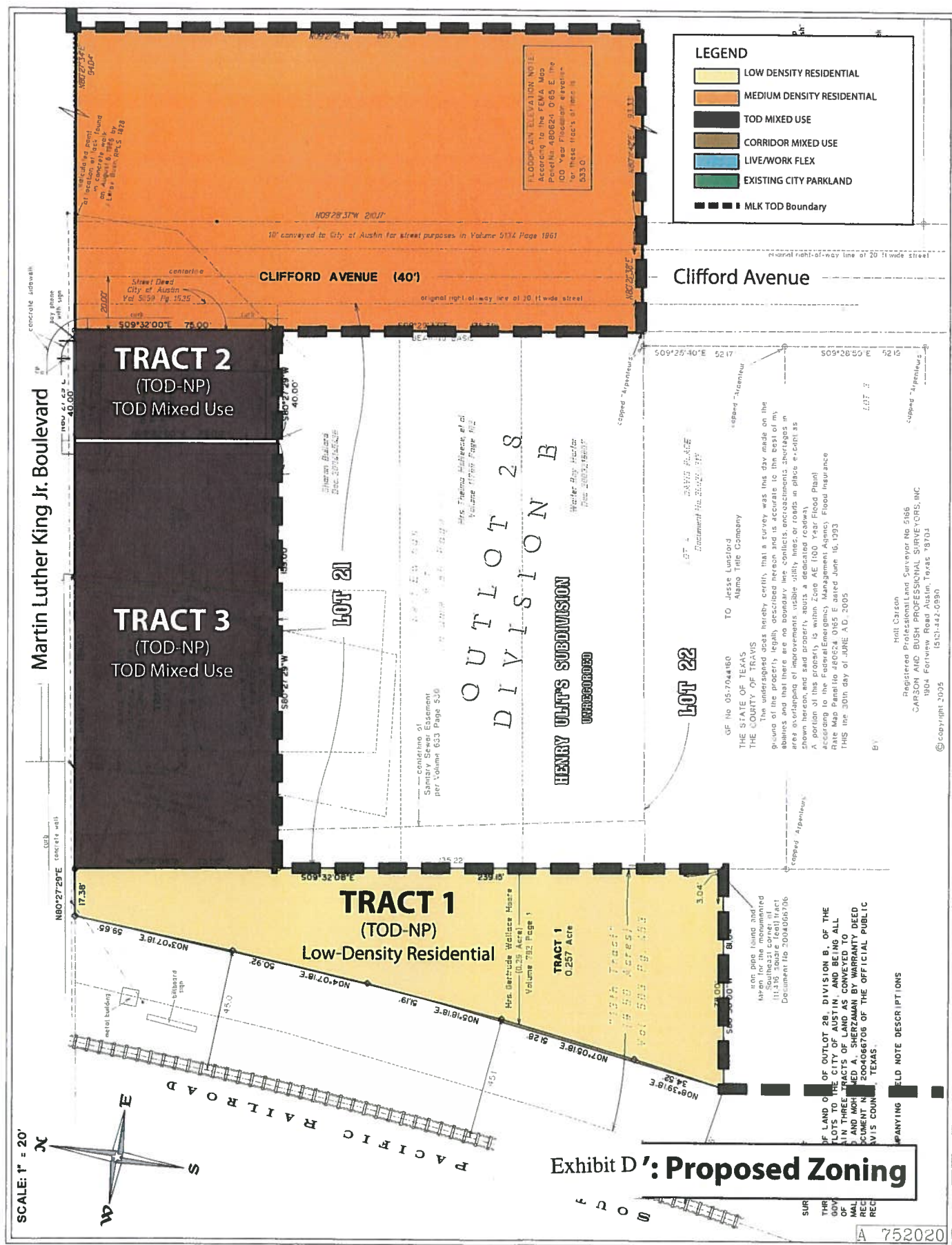
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FLOODPLAIN ELEVATION NOTE
According to the FEMA Map
Point # 480624 D165 E, the
100 Year Floodplain elevation
for these tracts of land is
533.0'.

Legend

- ① 7' x 9" Red Fount
- ② 5' x 8" Red Fount
- ③ 6' x 8" Red Set with Black and White
- ④ 6' x 8" Red Set with Cream and Blue
- ⑤ Covered "X" Set in Concrete
- ⑥ 600 Hail Fount
- ⑦ Lamp Pole
- ⑧ Water Meter
- ⑨ Wood Fount Fence
- ⑩ Overhead Utility Line
- ⑪ Handicap Parking Spot
- ⑫ Approximate Top Board of Creek
- ⑬ Elevation at Ground

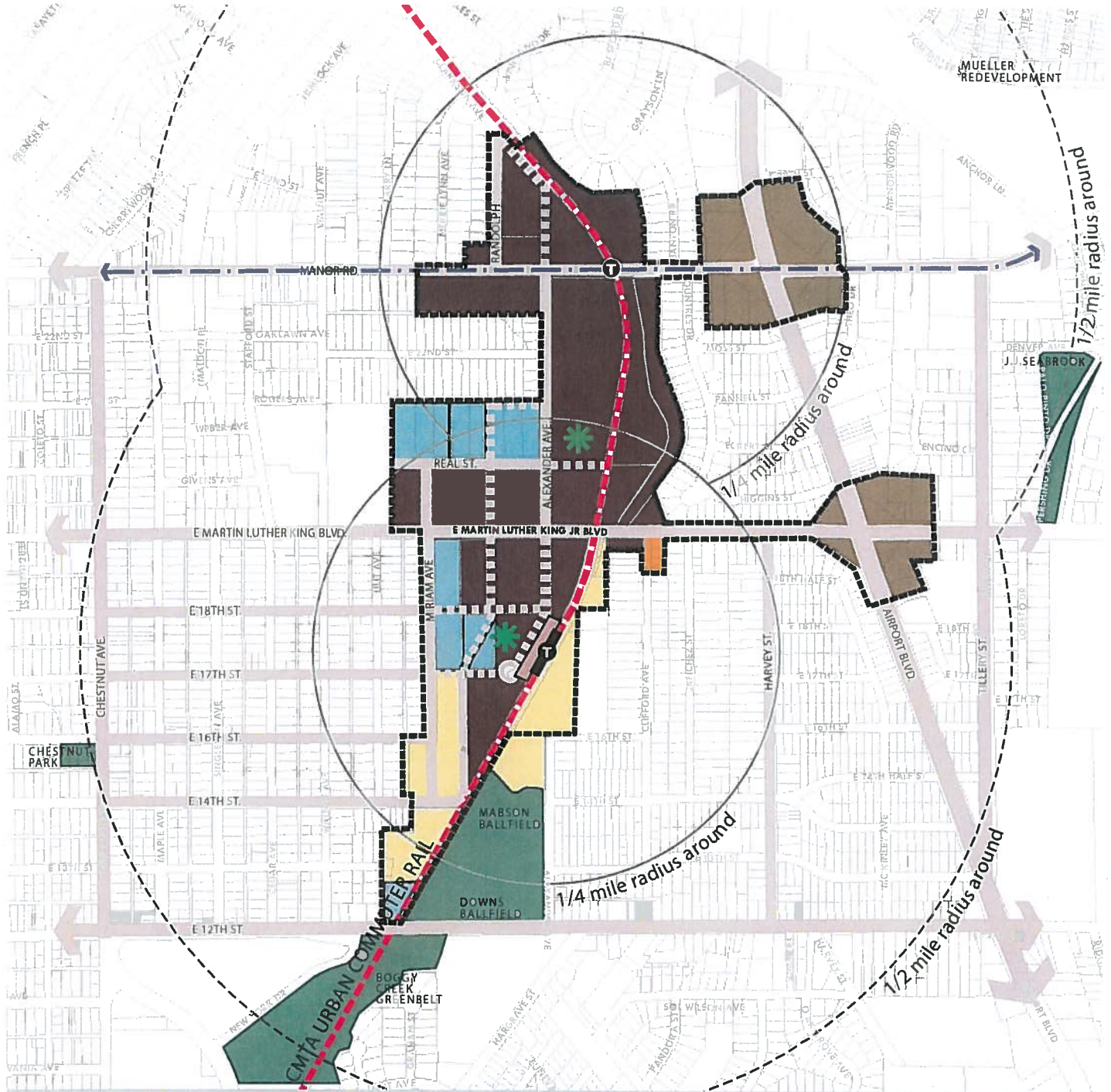




Revised MLK TOD Land Use and Design Concept Plan

MLK TOD

LAND USE AND DESIGN CONCEPT PLAN



LEGEND

- | | | | |
|--|---|--|---------------------------|
| | LOW DENSITY RESIDENTIAL | | EXISTING STREETS |
| | MEDIUM DENSITY RESIDENTIAL | | POTENTIAL NEW STREETS |
| | TOD MIXED USE
(showing active edges) | | TOD DISTRICT BOUNDARY |
| | CORRIDOR MIXED USE | | POTENTIAL STREETCAR ROUTE |
| | LIVE/WORK FLEX | | METRORAIL STATION |
| | EXISTING CITY PARKLAND | | POTENTIAL STREETCAR STOP |
| | POTENTIAL PARKLAND | | TRANSIT PLAZA |

0 200 400 800
FEET



Exhibit E



TRANSIT ORIENTED DEVELOPMENT STATION AREA PLANNING