

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2507, 2509, AND 2511 MONTOPOLIS DRIVE FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-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 (CS) district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-NP) combining district on the property described in Zoning Case No. C14-2016-0113, on file at the Planning and Zoning Department, as follows:

A description of 6.407 acres (279,070 square feet) out of the Santiago Del Valle Grant, being all of that 2.0-acre tract described as "First Tract" in the deed recorded under Document No. 2009079407 of the Official Public Records of Travis County, Texas, all of that 1.36-acre tract described as "Second Tract" in the deed recorded under Document No. 2009079407 of the Official Public Records of Travis County, Texas, all of that 2-acre tract described in the deed recorded under Document No. 2007175129 of the Official Public Records of Travis County, Texas, and all of that 1-acre tract described in the deed recorded under Document No. 2007185892 of the Official Public Records of Travis County, Texas, said 6.407 acres being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 2507, 2509, and 2511 Montopolis Drive in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

**PART 2.** In this ordinance, the Hazardous Materials Property means a 4.15-acre tract of land conveyed to Wilson Oxygen and Supply Company pursuant to the deed recorded under volume 10398, page 871 of the Official Public Records of Travis County, Texas, more particularly described by metes and bounds in **Exhibit "C"**.

**PART 3.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

## HARZARDOUS MATERIALS NEAR THE PROPERTY.

- A. Residential dwelling units are prohibited on the Property in the area that is south of a line that is 1,000 feet north of the northern boundary of the Hazardous Materials Property, as illustrated in **Exhibit “D”** (the “Hazardous Setback”), unless at the time of development application the Austin Fire Department (“AFD”) makes an affirmative determination that the Hazardous Setback is no longer needed to protect the public from hazardous materials. If AFD makes such a determination, residential dwelling units are permitted on the Property according to the setbacks in the base zoning district.
- B. A site plan or building permit for a residential use on the Property may not be approved, released, or issued, nor shall the Property be developed with residential dwelling units, until the Property has been surveyed by a licensed surveyor to determine the precise location of the Hazardous Setback.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2017.

## PASSED AND APPROVED

ssss

Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

Anne L. Morgan  
City Attorney

Jannette S. Goodall  
City Clerk



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**6.407 ACRES  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 6.407 ACRES (APPROXIMATELY 279,070 SQ. FT.) OUT OF THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT 2.0 ACRE TRACT DESCRIBED AS "FIRST TRACT" IN THE DEED RECORDED UNDER DOCUMENT NO. 2009079407 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT 1.36 ACRE TRACT DESCRIBED AS "SECOND TRACT" IN THE DEED RECORDED UNDER DOCUMENT NO. 2009079407 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF THAT 2 ACRE TRACT DESCRIBED IN THE DEED RECORDED UNDER DOCUMENT NO. 2007175129 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND ALL OF THAT 1 ACRE TRACT DESCRIBED IN THE DEED RECORDED UNDER DOCUMENT NO. 2007185892 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 6.407 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron pipe found in the east right-of-way line of Montopolis Drive (right-of-way width varies) for the northwest corner of said 2.0 acre First Tract, same being the southwest corner of Lot 1, Rivera Subdivision, a subdivision of record in Volume 77, Page 385 of the Plat Records of Travis County, Texas;

**THENCE** South 63°58'01" East, with the north line of the 2.0 acre First Tract, same being the south line of said Lot 1, a distance of 631.34 feet to a 1/2" iron pipe found for the northeast corner of the 2.0 acre First Tract, same being the southeast corner of Lot 1, also being in the west line of a 1.502 acre tract described in Document No. 2009213206 of the Official Public Records of Travis County, Texas, and conveyed to Dalor, Ltd in Document No. 2013180854 of the Official Public Records of Travis County, Texas;

**THENCE** South 28°00'27" West, with the west line of said 1.502 acre tract, same being the east line of the 2.0 acre First Tract, a distance of 55.59 feet to a 1/2" rebar found for the southwest corner of the 1.502 acre tract, same being the northwest corner of a 4.999 acre tract described in Document No. 2009213206 of the Official Public Records of Travis County, Texas, and conveyed to Dalor, Ltd in Document No. 2013180854 of the Official Public Records of Travis County, Texas;

**THENCE** South 27°43'58" West, with the west line of said 4.999 acre tract, in part being the east line of the 2.0 acre First Tract, in part being the east line of said 2 acre tract, and in part being the east line of said 1.36 acre tract, a distance of 478.01 feet to a 1/2" iron pipe found for the southwest corner of the 4.999 acre tract, same being the

southeast corner of the 1.36 acre tract, also being an angle point in the north line of Lot 3, Block A, Montopolis-Ben White Subdivision, a subdivision of record in Document No. 200100029 of the Official Public Records of Travis County, Texas;

**THENCE** North 47°47'47" West, with the north line of said Lot 3, in part being the south line of the 1.36 acre tract, and in part being the south line of said 1 acre tract, a distance of 356.88 feet to a 1/2" rebar found for an angle point in the common line of Lot 3 and the 1 acre tract;

**THENCE** North 47°31'07" West, with the common line of Lot 3 and the 1 acre tract, a distance of 294.55 feet to a 1/2" rebar found for the northwest corner of Lot 3, same being the southwest corner of the 1 acre tract, also being in the east right-of-way line of Montopolis Drive;

**THENCE** North 27°40'10" East, with the east right-of-way line of Montopolis Drive, in part being the west line of the 1 acre tract, in part being the west line of the 2 acre tract, and in part being the west line of the 2.0 acre First Tract, a distance of 350.71 feet to the **POINT OF BEGINNING**, containing 6.407 acres of land, more or less.

Surveyed on the ground August 25, 2016. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS) for Chaparral control point "P711".

Attachments: Drawing 562-051-BASE.



8/26/16

Eric J. Dannheim                      Date  
Registered Professional Land Surveyor  
State of Texas No. 6075  
TBPLS Firm No. 10124500

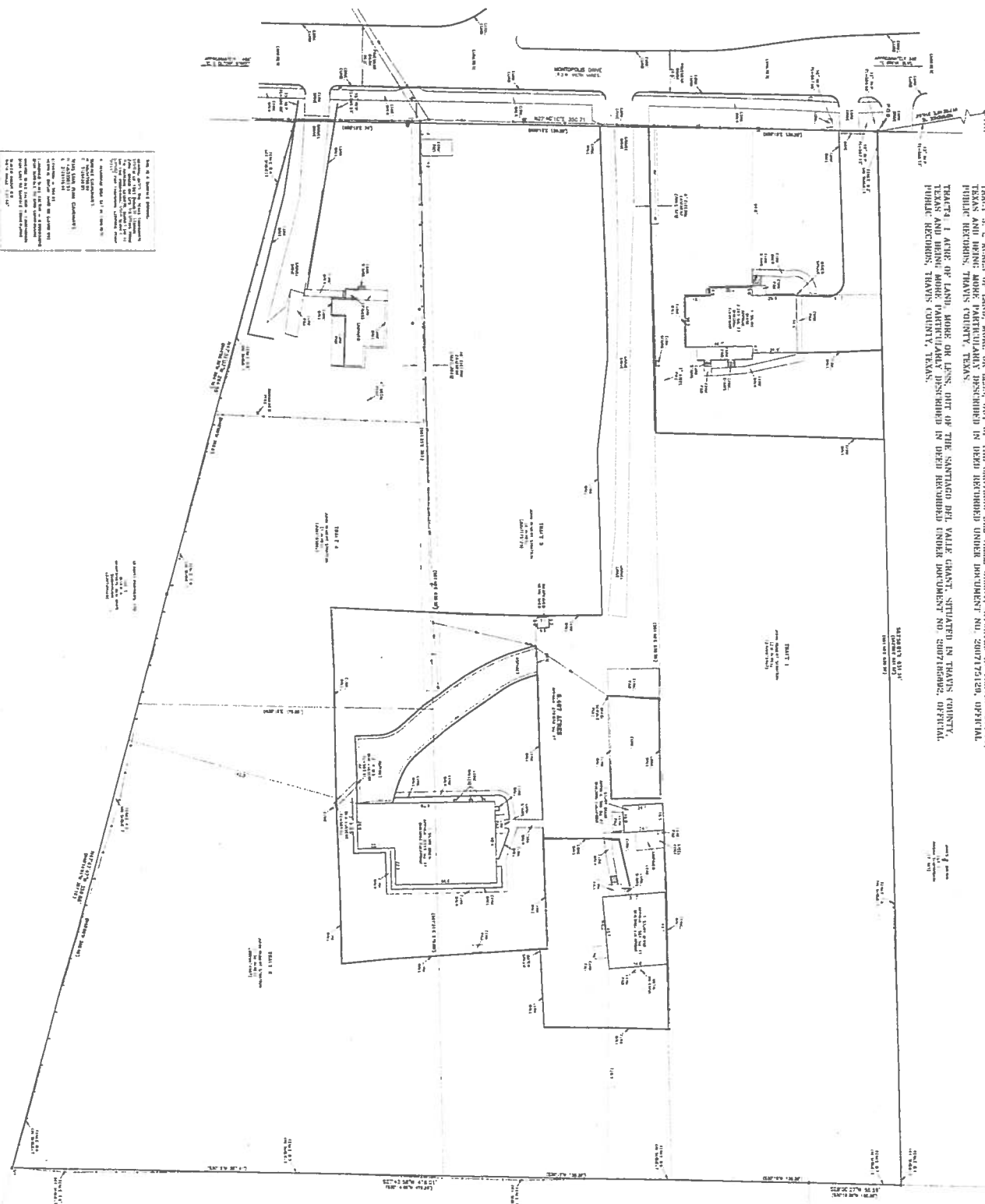


AN ADEA/NSRS LANDTITLE SURVEY OF 0.407 ACRES (APPROXIMATELY 270,070 SQ. FT.) BEING: ALL OF THE FOLLOWING: TRACT 1, 2.0 ACRES OF LAND, MORE OR LESS, OUT OF THE SANTIAGO DEL VALLE GRANT, SITUATED IN THAVAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS: BEING THAT IN DEED RECORDED UNDER DOCUMENT NO. 200077520, OF PUBLIC RECORDS, THAVIS COUNTY, TEXAS.

TRACT 2, 1.36 ACRES OF LAND, MORE OR LESS, OUT OF THE SANTIAGO DEL VALLE GRANT, SITUATED IN THAVAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS: BEING THAT IN DEED RECORDED UNDER DOCUMENT NO. 200077520, OF PUBLIC RECORDS, THAVIS COUNTY, TEXAS.

TRACT 3, 2 ACRES OF LAND, MORE OR LESS, OUT OF THE SANTIAGO DEL VALLE GRANT, SITUATED IN THAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN DEED RECORDED UNDER DOCUMENT NO. 200777520, OF PUBLIC RECORDS, THAVIS COUNTY, TEXAS.

TRACT 4, A FURTHER OF LAND, MORE OR LESS, OUT OF THE SANTIAGO DEL VALLE GRANT, SITUATED IN THAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN DEED RECORDED UNDER DOCUMENT NO. 200775202, OF PUBLIC RECORDS, THAVIS COUNTY, TEXAS.

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**Chaparral**  
Flooded Land Surveying, Inc.  
Surveying and Mapping  
1944 20th  
Tucson, AZ 85711  
Tel: 521-0844  
Fax: 521-0844  
www.flooded.com  
1944 20th  
Tucson, AZ 85711



EXHIBIT "A"  
**J. LEROY BUSH**

REGISTERED PUBLIC SURVEYOR

4023 HAWTHORNE

PHONE 412-0880

AUSTIN, TEXAS 78704

June 24, 1987

FIELD NOTES TO 4.15 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN (4.15 ACRE) TRACT OF LAND CONVEYED TO THE BEN FRANKLIN CORPORATION BY DEED RECORDED IN VOLUME 8991, PAGE 568 OF THE TRAVIS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in a west line of that certain (39.973 acre) tract of land conveyed to Crenshaw/Carter by deed recorded in Volume 7115, Page 1733 of the Travis County Deed Records, same being at the Northeast corner of Lot A, A-1 Addition, according to the map or plat of said subdivision recorded in Book 77, Page 228 of the Plat Records of Travis County, Texas, same being at the Southeast corner of that certain (4.15 acre) tract of land conveyed to Ben Franklin Corporation by deed recorded in Volume 8991, Page 568 of the Travis County Deed Records, for the Southeast corner and Place of Beginning of the herein described tract;

THENCE with the north line of Lot A, and the south line of the said Ben Franklin Corp. tract, N 67 deg. 30' 30" W 600.43 ft. to an iron rod found in the east R.O.W. line of Montopolis Drive, at the Southwest corner of the said Ben Franklin Corp. tract, for the Southwest corner of this tract;

THENCE with the east line of Montopolis Drive, N 29 deg. 56' E at 332.40 ft. pass an iron rod found at the original Southwest corner of that certain (0.50 acre) tract of land conveyed to Udo Haufler by deed recorded in Volume 3924, Page 288 of the Travis County Deed Records, same being the original Northwest corner of that certain (1.54 acre) tract of land conveyed to Udo Haufler by deed recorded in Volume 3748, Page 488 of the Travis County Deed Records, and continuing along the same course for a total distance of 382.70 ft. to an iron rod found at the original Northwest corner of the said Haufler (0.60 acre) tract, same being at the Northwest corner of the said Ben Franklin Corp. tract, for the Northwest corner of this tract;

THENCE with the north line of the said Ben Franklin Corp. tract, S 55 deg. 36' 20" E 517.27 ft. to an iron rod found at the Northeast corner of the said Ben Franklin Corp. tract, for the Northeast corner of this tract;

THENCE with the east line of the said Ben Franklin Corp. tract, S 13 deg. 11' W 276.42 ft. to the Place of Beginning, containing 4.15 acres of land.

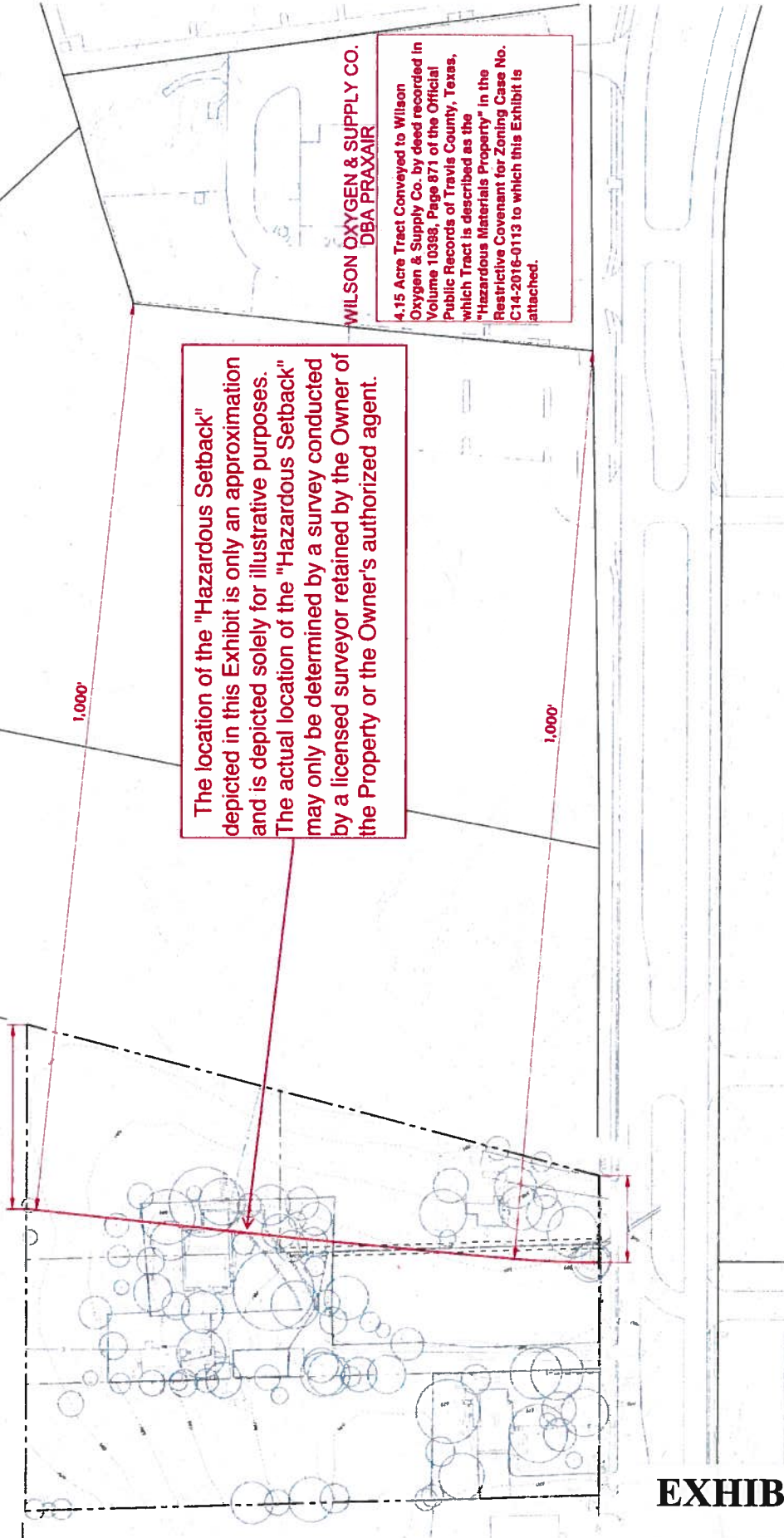
SURVEYED, June 1987  
**EXHIBIT A**

By

*J. Leroy Bush*  
J. Leroy Bush 10388 0873

**EXHIBIT C**





The location of the "Hazardous Setback" depicted in this Exhibit is only an approximation and is depicted solely for illustrative purposes. The actual location of the "Hazardous Setback" may only be determined by a survey conducted by a licensed surveyor retained by the Owner of the Property or the Owner's authorized agent.

WILSON OXYGEN & SUPPLY CO.  
DBA PRAXAIR

4.15 Acre Tract Conveyed to Wilson Oxygen & Supply Co. by deed recorded in Volume 10398, Page 871 of the Official Public Records of Travis County, Texas, which Tract is described as the "Hazardous Materials Property" in the Restrictive Covenant for Zoning Case No. C14-2016-0113 to which this Exhibit is attached.