

ORDINANCE NO. 20180201-117

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3132 EAST STATE HIGHWAY 71 EASTBOUND FROM GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-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 general commercial services-conditional overlay (CS-CO) combining district to general commercial services-conditional overlay (CS-CO) combining district on the property described in Zoning Case No. C14-2017-0151, on file at the Planning and Zoning Department, as follows:

Lot 2, Block A, Bergstrom East Commercial Addition, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 97, Page 388, of the Plat Records in Travis County, Texas, SAVE and EXCEPT:

A 0.9758 acre of land out of the Santiago Del Valle Grant, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance, and

A 0.468 acre (20,371 square feet) of land out of the Santiago Del Valle Grant, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in **Exhibit "B"** incorporated into this ordinance (the "Property"),

locally known as 3132 East State Highway 71 Eastbound in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "C"**.

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

The following uses are prohibited uses for the Property:

Adult-oriented businesses
Automotive repair services

Automotive rentals
Equipment repair services

Equipment sales
Vehicle storage

Pawn shop services

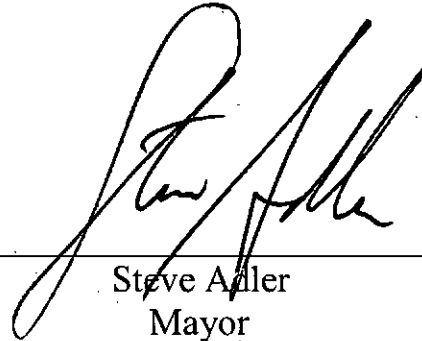
PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) district and other applicable requirements of the City Code.

PART 4. This ordinance takes effect on February 12, 2018.

PASSED AND APPROVED


February 1, 2018

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§
§



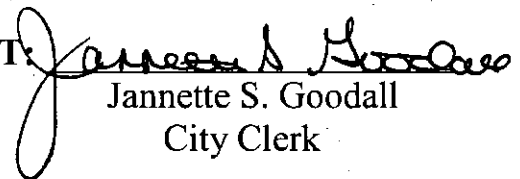
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

COUNTY: TRAVIS
HIGHWAY: S.H. 71
LIMITS: FROM WOODWARD STREET TO F.M. 973
ACCOUNT: 8014-1-75
C.S.J. NO.: 0113-13-086

FIELD NOTES FOR PARCEL 111B

BEING 0.9758 OF ONE ACRE OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 9.961 ACRE TRACT OF LAND CONVEYED TO WCBP-71 J-V, A TEXAS JOINT VENTURE FROM AMINVESCO L.P. A DELAWARE PARTNERSHIP ACTING THROUGH HARDIN INTERESTS, INC. A TEXAS CORPORATION, ITS MANAGING PARTNER, BY SPECIAL WARRANTY DEED DATED MARCH 15, 1996 OF RECORD IN VOLUME 12653, PAGE 102 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND ALSO BEING A PORTION OF LOT 2, BERGSTROM EAST COMMERCIAL ADDITION, A SUBDIVISION OF RECORD IN BOOK 97, PAGE 388 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a drill hole found in the existing south right-of-way line of S.H. No. 71, (200.00' existing R.O.W.), for the northeast corner of said 9.961 acre tract, and the northeast corner of said Lot 2, and also being the northwest corner of Lot 1, Morgan Subdivision, a subdivision of record in Book 84, Page 191B of the Plat Records of Travis County, Texas;

1. THENCE South 43°25'49" West, with the east line of the 9.961 acre tract, the east line of Lot 2 and the west line of said Lot 1, Morgan Subdivision, passing at a distance of 144.53 feet a 1/2" rebar with aluminum cap found and continuing for a total distance of 164.14 feet to a 1/2" rebar with aluminum cap set 189.00 feet right of and at right angles to proposed Engineer's Centerline Station (E.C.S.) 1139+12.54 in the proposed south right-of-way line of S.H. 71, from which a 1/2" rebar found for the southeast corner of the 9.961 acre tract and the southeast corner of Lot 2, Bergstrom East Commercial Addition bears South 43°25'49" West a distance of 790.35 feet;
2. THENCE crossing through the 9.961 acre tract the following two (2) courses numbered three (3) and four (4):
3. THENCE North 60°57'06" West with the proposed south right-of-way line of S.H. 71 and crossing through Lot 2, a distance of 259.69 feet to a 1/2" rebar with aluminum cap set 189.00 feet right of and at right angles to E.C.S. 1136+52.71 in the west line of Lot 2 and the east line of Lot 1, Bergstrom East Commercial Addition;

Exhibit A

13350 0575

DEC 07 2017
I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.
Witness my hand and seal of office on

Dana DeBeauvoir, County Clerk

By Deputy:

J. GUERRA

EXHIBIT "A" 99

Page 2 of 2

4. THENCE North $38^{\circ}09'04''$ East with the west line of Lot 2 and the east line of said Lot 1 a distance of 161.03 feet to a 1/2" rebar found in the existing south right-of-way line of S.H. 71 for the northwest corner of Lot 2 and the northeast corner of Lot 1;
5. THENCE South $60^{\circ}57'06''$ East with the existing south right-of-way line of S.H. 71, the north line of the 9.961 acre tract and the north line of Lot 2 a distance of 275.00 feet, (record: South $60^{\circ}57'09''$ East, 275.08.00 feet) to the POINT OF BEGINNING.

This parcel contains 0.9758 of one acre of land, more or less, out of the Santiago Del Valle Grant, Travis County, Texas.

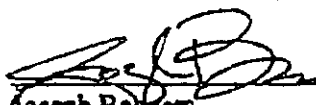
Description prepared from an on-the-ground survey made November 8, 1996, and February 2, 1998.

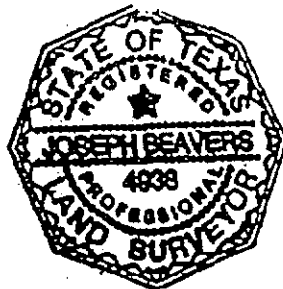
Bearing basis is the Engineer's Proposed Centerline of S.H. 71 from Texas Department of Transportation Right-of-Way Map - 2/21/89.

Work Order Number: 0690-285

Attachments: Survey Drawing N:\SDSK\SUR\TXDOT\69028502.DWG

File:N:\MSAPPS\WORD\SUR\TXDOT\69028502.FN


Joseph Beavers Date 16 FEB 98
Registered Professional Land Surveyor
State of Texas No. 4938



DEC 07 2017

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy of the original as it appears of record in my office. Witness my hand and seal of office on

Dana DeBeauvoir, County Clerk
By Deputy

J. GUERRA

13350 0576

EXHIBIT "A"

PROPOSED CENTERLINE
CURVE DATA

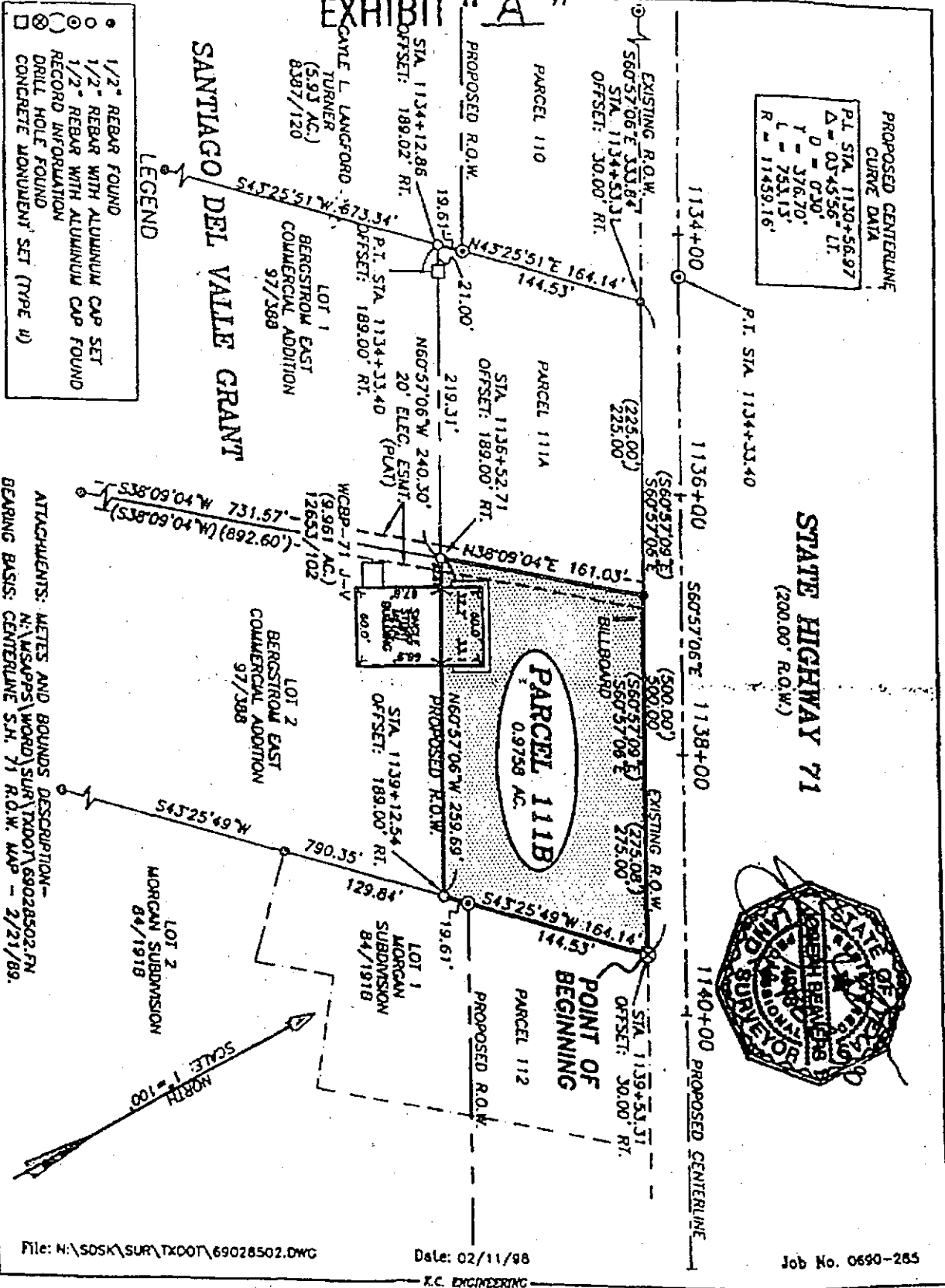
$P.L. STA. 1130+56.97$
 $\Delta = 054.56^\circ LT.$
 $D = 0.20'$
 $T = 376.70'$
 $L = 753.15'$
 $R = 11459.16'$

STATE HIGHWAY 71
(200.00' R.O.W.)



- LEGEND
- 1/2" REBAR FOUND
 - 1/2" REBAR WITH ALUMINUM CAP SET
 - 1/2" REBAR WITH ALUMINUM CAP FOUND
 - () RECORD INFORMATION
 - ⊗ DRILL HOLE FOUND
 - CONCRETE MONUMENT SET (TYPE II)

ATTACHMENTS: METES AND BOUNDS DESCRIPTION-
N:\MSAPPS\WORD\SUR\TXDOT\69028502.DWG
BEARING BASIS: CENTERLINE S.H. 71 R.O.W. MAP - 2/21/89.



File: N:\SOSK\SUR\TXDOT\69028502.DWG

Date: 02/11/88

Job No. 0690-285

K.C. ENGINEERING

13350 0577

DEC 07 2017

I, Dana Dierker, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office.

By Dana Dierker, County Clerk
J. GUERRA

County: Travis
Parcel No.: 41
Highway: F.M. 973
Project Limits: From: Harold Green Dr. (CR 1594)
To: 0.5 MI S of S.H. 71
Right-of-Way CSJ: 1200-03-048 & 1200-03-049
Construction CSJ: 1200-03-028 & 1200-03-033

PROPERTY DESCRIPTION FOR PARCEL 41

DESCRIPTION OF 0.468 OF ONE ACRE (20,371 SQ. FT.) OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO AUSTIN SEAMAN, LTD., OF RECORD IN DOCUMENT 2005045005, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 2, BERGSTROM EAST COMMERCIAL ADDITION, A SUBDIVISION OF RECORD IN BOOK 97, PAGE 388, PLAT RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.468 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap in the proposed southwest right-of-way (ROW) line of S.H. 71, 240.00 feet right of Engineer's Baseline Station 11138+81.93, at the south corner of this tract, being in the southeast line of said Austin Seaman tract and the northwest line of that tract described in a deed to Amir Monin and Diamondsprings Investments, Inc., of record in Document 2000155485, Official Public Records, Travis County, Texas, same being Lot 1, Morgan Subdivision, of record in Book 84, Page 191, Plat Records, Travis County, Texas, from which point a 1/2" iron rod found in the southeast line of said Austin Seaman tract and of said Lot 2, at the west corner of said Amir Monin tract and of said Lot 1, bears S43°26'10"W 47.43 feet;

- 1) THENCE, with the proposed southwest ROW line of S.H. 71 and the southwest line of this tract, crossing said Austin Seaman tract and said Lot 2, of said Bergstrom East Commercial Addition, N60°58'31"W 251.97 feet to a 1/2" iron rod set with a TxDOT aluminum cap, 240.00 feet right of Engineer's Baseline Station

EXHIBIT B

DEC 07 2017

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk

By Deputy:

J. GUERRA

Page 2 of 5
Parcel 41
December 11, 2009

11136÷29.95 at the west corner of this tract, in the northwest line of said Lot 2, Bergstrom East Commercial Addition, same being the southeast line of Lot 1 of said Bergstrom East Commercial Addition, said Lot 1 being described in said Austin Seaman deed, from which a 1/2" iron rod found at the south corner of said Lot 1 and the west corner of said Lot 2 bears S38°08'42"W 650.79 feet;

- 2) THENCE, with the northwest line of said Lot 2, and of this tract, and the southeast line of said Lot 1, N38°08'42"E 80.71 feet to a 1/2" iron rod found at the south corner of that tract described as 0.8492 of one acre in a deed to the State of Texas, of record in Volume 13350, Page 566, Real Property Records, Travis County, Texas, and the west corner of that tract described as 0.9758 of one acre in a deed to the State of Texas of record in Volume 13350, Page 573, Real Property Records, Travis County, Texas;
- 3) THENCE, with the existing southwest ROW line of S.H. 71 and the southwest line of 0.9758 of one acre State of Texas tract and the northeast line of this tract, said Austin Seaman tract and said Lot 2, S60°56'57"E 259.63 feet to a 1/2" iron rod found at the east corner of this tract, same being the south corner of said 0.9758 acre State of Texas tract, and in the northwest line of said Amir Monin tract and of said Lot 1, Morgan Subdivision;

DEC 07 2017

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office. Witness my hand and seal of office on

Dana DeBeauvoir, County Clerk
By Deputy.

J. GUERRA

- 4) THENCE, with the southeast line of said Austin Seaman tract, of said Lot 2, and of this tract, and the northwest line of said Amir Monin tract and of said Lot 1, Morgan Subdivision, **S43°26'10"W 82.16 feet** to the **POINT OF BEGINNING** and containing 0.468 of one acre within these metes and bounds, more or less.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS IS PERMITTED TO THE HIGHWAY FACILITY FROM THE REMAINDER OF THE ABUTTING PROPERTY.

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

That I, Chris Conrad, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 11th day of December, 2009 A.D.

SURVEYED BY:
McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Drive, Suite 6 Austin, Texas 78731, (512) 451-8591

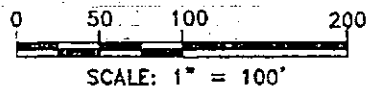


Chris Conrad, Reg. Professional Land Surveyor No. 5623.
Note: There is a plat to accompany this description. F.M. 973 P.41
Issued 12/11/09



DEC 07 2017
I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on
Dana DeBeauvoir, County Clerk
By Deputy, **J. GUERRA**

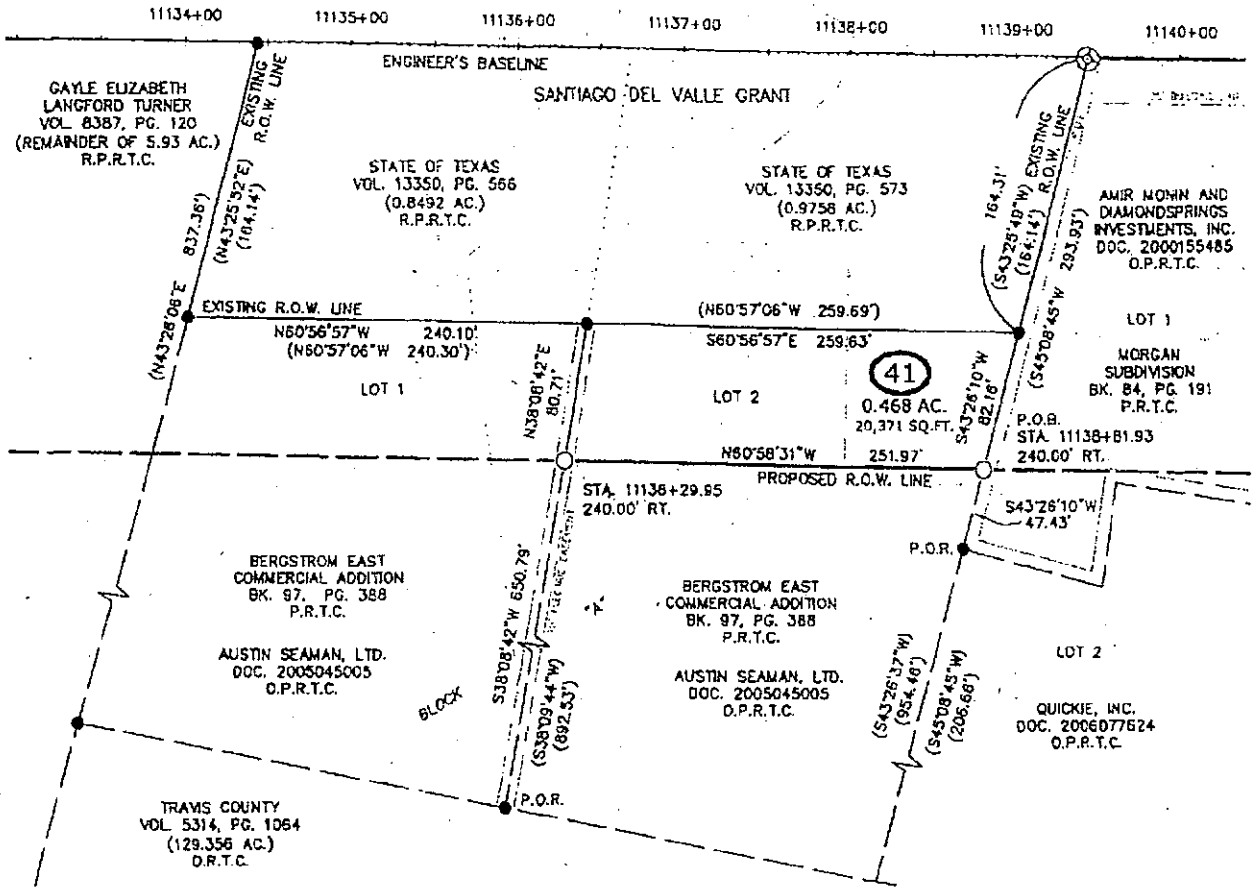
PLAT TO ACCOMPANY
PARCEL DESCRIPTION



STATE OF TEXAS
VOL. 828, PG. 427
(7.075 AC.) D.R.T.C.

STATE HIGHWAY 71
(R.O.W. VARES)

STATE OF TEXAS
VOL. 2977, PG. 516
(3.455 AC.) D.R.T.C.



DEC 07 2017

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk

By Deputy:

J. GUERRA

	ACRES	SQUARE FEET
ACQUISITION	0.468	20,371
CALCULATED AREA	3.825	166,617
REMAINDER AREA	3.357	145,246

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-6591

PARCEL PLAT SHOWING PROPERTY OF AUSTIN SEAMAN, LTD.			
DISTRICT AUS	F.M. HIGHWAY 973		PARCEL 41
SCALE 1" = 100'	FEDERAL AID PROJECT NO.	CONST.-C. S. J. NO.	COUNTY TRAVIS
		1200-03-048/1200-03-049	



PLAT TO ACCOMPANY
PARCEL DESCRIPTION

NOTES:

- 1) BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83. ALL DISTANCES AND COORDINATES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00011.
- 2) IMPROVEMENTS SHOWN ARE FROM DIGITAL PHOTOGRAMMETRY FILES AND/OR THE ADDITIONAL DELINEATION OF IMPROVEMENTS WHICH HAVE BEEN BUILT (OR REMOVED) AFTER THE PHOTOGRAMMETRY WAS DEVELOPED.
- 3) THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.

LEGEND

	SET 1/2" IRON ROD WITH TX.D.O.T. ALUMINUM CAP, TO BE REPLACED BY TX.D.O.T. TYPE II MONUMENT AFTER ACQUISITION
	SET 1/2" IRON ROD WITH TX.D.O.T. ALUMINUM CAP
	CALCULATED POINT, NOT SET
	FOUND TX.D.O.T. TYPE I MONUMENT, CONCRETE POST
	FOUND TX.D.O.T. TYPE II MONUMENT, DISC IN CONCRETE
	FOUND CONCRETE MARKER POST
	FOUND IRON ROD WITH CAP (1/2" UNLESS NOTED)
	FOUND IRON ROD (1/2" UNLESS NOTED)
	FOUND IRON PIPE (1/2" I.D. UNLESS NOTED)
	FOUND NAIL (TYPE AS NOTED)
	FOUND FENCE CORNER POST
	RECORD INFORMATION
	PROPERTY LINE (OWNERSHIP DIVISION)
	DEED LINE (OWNERSHIP IN COMMON)
	DISTANCE NOT TO SCALE
	PROPOSED SH71 ENGINEER'S BASELINE
	PARCEL NUMBER FOR R.O.W. ACQUISITION
	R.O.W. RIGHT-OF-WAY
	P.O.B. POINT OF BEGINNING
	P.O.R. POINT OF REFERENCE
	S&E SAVE AND EXCEPT
	N.T.S. NOT TO SCALE
	P.U.E. PUBLIC UTILITY EASEMENT
	ESMT. EASEMENT
	PI POINT OF INTERSECTION
	PC POINT OF CURVATURE
	PT POINT OF TANGENCY
	POT POINT ON TANGENT
	O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
	D.R.T.C. DEED RECORDS OF TRAVIS COUNTY, TEXAS
	P.R.T.C. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
	R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS

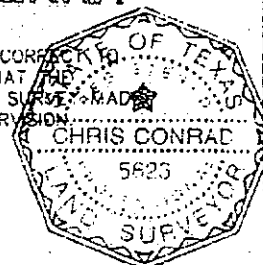
DEC 07 2017

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as the same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy, J. GUERRA

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.



12/11/09

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO 5623 DATE

McGRAY & McGRAY
LAND SURVEYORS, INC.

3301 HANCOCK DRIVE #8
AUSTIN, TEXAS 78731
(512) 451-8591

PARCEL PLAT SHOWING PROPERTY OF
AUSTIN SEAMAN, LTD.

DISTRICT
AUS

F.M. HIGHWAY 973

PARCEL
41

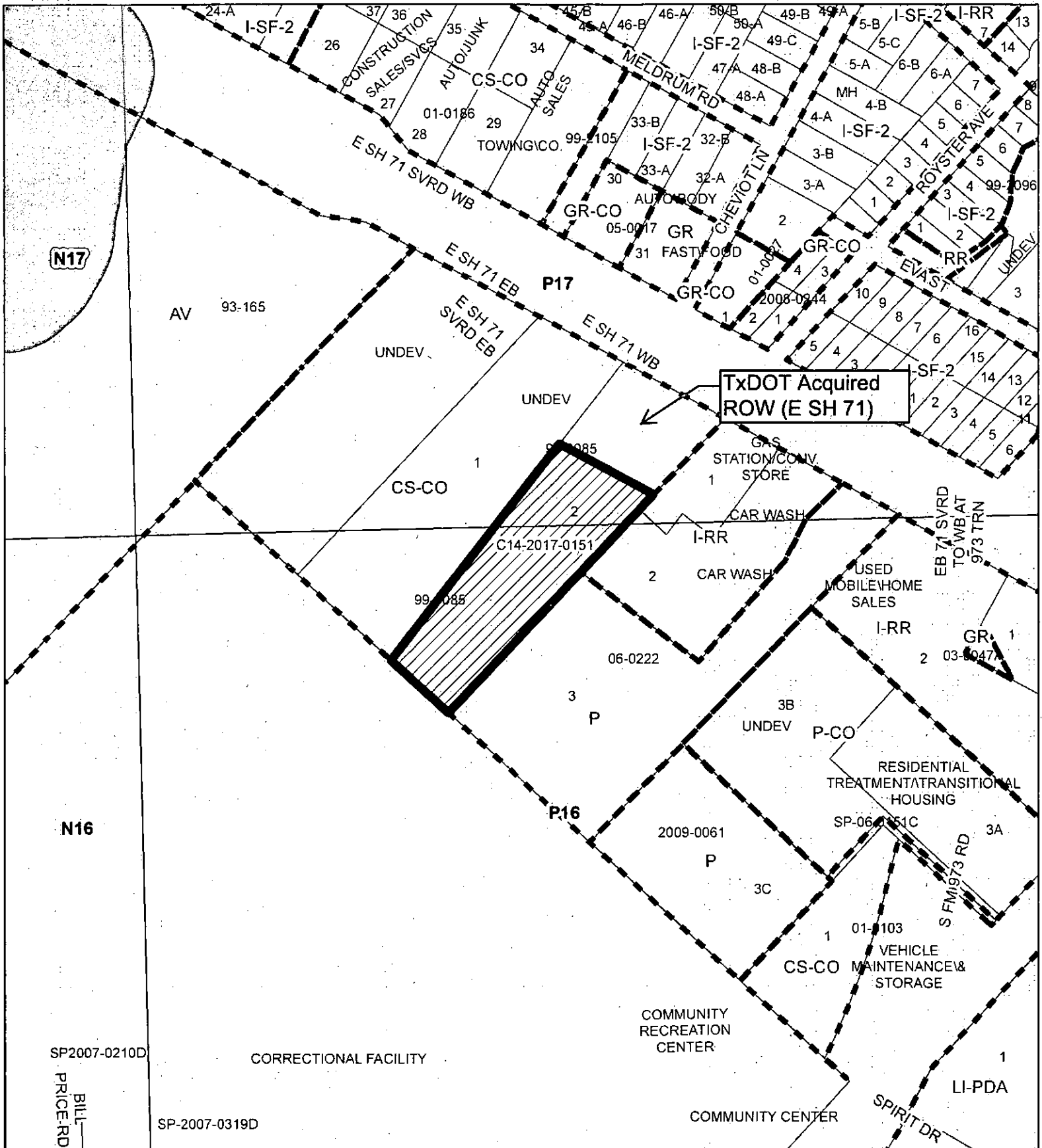
SCALE
1" = 100'

FEDERAL AID PROJECT NO.

CONST.-C S. J. NO.
1200-03-048/1200-03-049

COUNTY
TRAVIS

Texas
Department
of Transportation
© 2008 by TxDOT



DEL VALLE GAS STATION EXHIBIT C

ZONING CASE#: C14-2017-0151
 LOCATION: 3132 E SH 71 EB
 SUBJECT AREA: 3.45 ACRES
 GRID: P17 & P18
 MANAGER: WENDY RHOADES



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.

- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY
- CREEK BUFFER

N

 1" = 300'