ORDINANCE NO. 040930-92

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT THE SOUTH SIDE OF DAVIS LANE BETWEEN BRODIE LANE AND WESTGATE BOULEVARD FROM DEVELOPMENT RESERVE (DR) DISTRICT AND RURAL RESIDENCE (RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT FOR TRACT TWO.

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 districts on the property described in Zoning Case No. C14-03-0157, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district to community commercial-conditional overlay (GR-CO) combining district.

An 8.040 acre tract of land, more or less, out of the Theodore Bissell League Survey No. 18, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From development reserve (DR) district and rural residence (RR) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

An 81.499 acre tract of land, more or less, out of the Theodore Bissell League Survey No. 18, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as the south side of Davis Lane between Brodie Lane and Westgate Boulevard, in the City of Austin, Travis County, Texas, and 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:

1. The following uses are prohibited uses of Tract One:

Service station

Automotive rentals

Automotive washing (of any type)

Pawn shop services

Automotive sales

Automotive repair services

Off-site accessory parking

Guidance services

2. Drive-in services use is a prohibited use of a restaurant use on Tract One.

3. The maximum number of residential dwelling units on Tract Two is 350 units.

4. A 50-foot building setback shall be established and maintained along the south property line of Tract Two.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on October 11, 2004.

PASSED AND APPROVED

September 30_____, 2004

8 8 8

Will Wynn

Mayor

APPROVED:

David Allan\Smith

City Attorney

ATTEST:

Shirley A. Brown

City Clerk

Land Surveyors, Inc.

8000 Anderson Square Road

Suite 110

Austin, Texas 78757

Office: 512.374.9722

Fax: 512.459.4752

EKHIBIT A

METES AND BOUNDS DESCRIPTION

C14-03-0157 Tract 1 Page 1 of 4 GR-CO Zoning

BEING 8.040 ACRES, SURVEYED BY BASELINE LAND SURVEYORS, INC., OUT OF THE THEODORE BISSELL LEAGUE, SURVEY NO. 18, ABSTRACT NO. 3, IN TRAVIS COUNTY, TEXAS, AND BEING 2.851 ACRES OUT OF A REMAINDER OF A 46.30 ACRE TRACT OF LAND CONVEYED TO JOHN WELDON HARRIS, DARROW DEAN HARRIS, AND ROBERT BRENT HARRIS BY DEED OF RECORD IN VOLUME 5080, PAGE 750, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING 5.189 ACRES OUT OF A REMAINDER OF A 135.00 ACRE TRACT OF LAND CONVEYED TO WOODSON W. HARRIS BY DEED OF RECORD IN VOLUME 4975, PAGE 1342, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rebar found for a point of intersection in the east right-of-way line of Brodie Lane (R.O.W. Varies) 50 feet right of and at right angles to Engineer's Centerline Station 53+80.53, in the west line of said remainder of a 135.00 acre tract of land, from which a 1/2" iron rebar found for a point of intersection in the west right-of-way line of Brodie Lane, 50 feet left of and at right angles to Engineer's Centerline Station 53+80.53, bears North 62°34′10" West a distance of 100.17 feet;

THENCE North 28°22'52" East (record - North 28°22'52" East), with the east right-of-way line of Brodie Lane and the west line of the remainder of a 135.00 acre tract, a distance of 487.73 feet (record - 490.24 feet) to a calculated point in a 30" mesquite tree for the northwest corner of the remainder of a 135.00 acre tract, in the south right-of-way line of Davis Lane (R.O.W. Varies), from which a 1/2" iron rebar found in the east right-of-way line of Brodie Lane for the southwest corner of Lot 1, Brodie Bunch No. 1, a subdivision of record in Volume 8, Page 173B of the Plat Records of Travis County, Texas bears North 28°22'52" East a distance of 98.00 feet;

THENCE South 62°29'23" East (record - South 60°00'00" East), with the south right-of-way line of Davis Lane and the north line of the remainder of a 135.00 acre tract, a distance of 440.05 feet to a calculated point, from which a 1/2" iron pipe found for the northeast corner of the remainder of a 135.00 acre tract and the northwest corner of a 4.08 acre tract of land conveyed to Lydia Wegner Harris by deed of record in Volume 5080, Page 747 of the Deed Records of Travis County, Texas bears South 62°29'23" East a distance of 256.42 feet;

THENCE South 28°22'52" West, crossing through the remainder of a 135.00 acre tract, along a line parallel with and 440.00' east of (as measured perpendicularly) the west line of the remainder of a 135.00 acre tract and the east right-of-way line of Brodie Lane a distance of 491.32 feet to a calculated point;

THENCE South 27°34'26" West, continuing through the remainder of a 135.00 acre tract and into the remainder of a 46.30 acre tract along a line parallel with and 440.00' east of (as measured perpendicularly) the west line of the remainder of a 135.00 acre tract and the east right-of-way line of Brodie Lane a distance of 304.90 feet to a calculated point

THENCE North 62°25'34" West, continuing through the remainder of a 46.30 acre tract a distance of 440.00 feet to a calculated point in the west line of the remainder of a 46.30 acre tract, being the east right-of-way line of Brodie Lane;

THENCE North 27°34'26" East (record - North 27°34'26" East) along the west line of the remainder of a 46.30 acre tract and the east right-of-way line of Brodie Lane a distance of 308.00 feet to the POINT OF BEGINNING.

This parcel contains 8.040 acres of land, more or less, out of the Theodore Bissell League, Survey No. 18, Abstract No. 3 in Travis County, Texas.

Description prepared from an on-the-ground survey made during July 2002.

Bearing Basis: East right-of-way line of Brodie Lane (R.O.W. varies) per deed of record in Volume 10635, Page 881 of the Real Property Records of Travis County, Texas, and per Travis County construction plans, CIP No. 3001, certified on September 30, 1987.

Ronnie Wallace

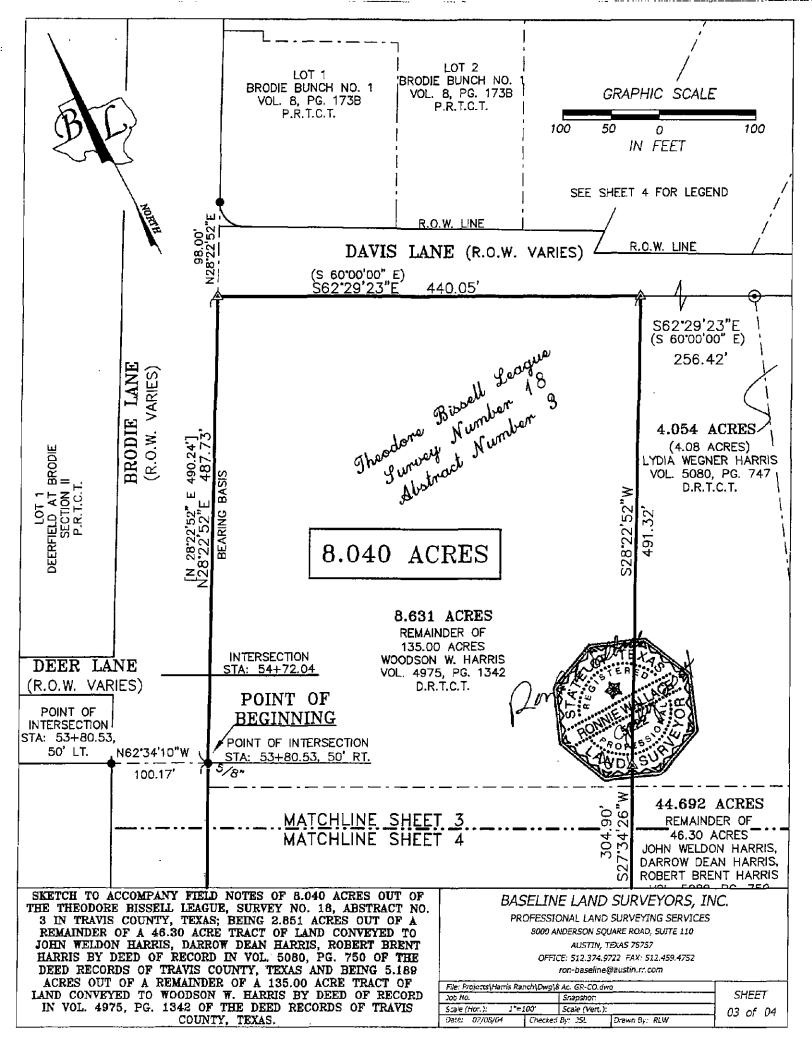
Registered Professional Land Surveyor

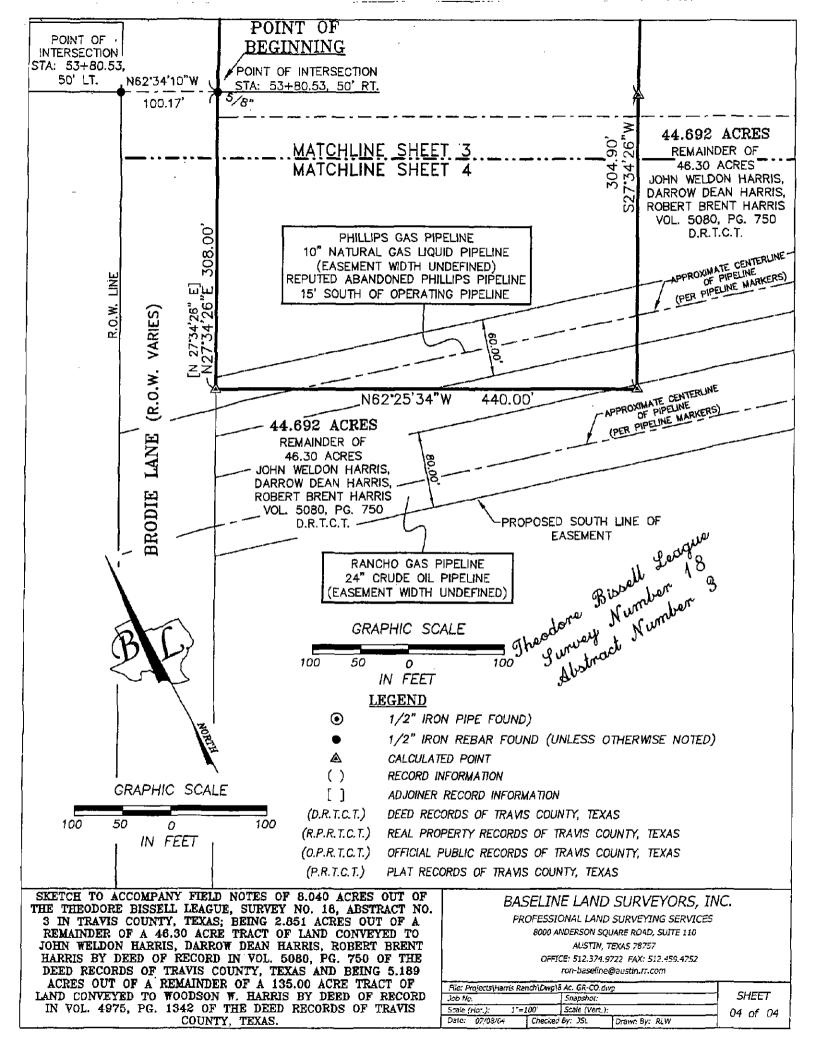
State of Texas No. 5222

Job Number:

Attachments: Survey Drawing:\PROJECTS\HARRIS RANCH\DWG\8 AC. GR CO..DWG

Fieldnote File: BASELINE\PROJECTS\HARRIS\F_NOTES\8 AC. GR CO. FN





C14-03-0157. SF-6-C02011/g Page 1 of 14 Tract 2



Land Surveyors, Inc.
8000 Anderson Square Road
Suite 110
Austin, Texas 78757
Office: 512.374.9722
Fax: 512.459.4752

EXHIBIT B

METES AND BOUNDS DESCRIPTION

BEING 81.499 ACRES, SURVEYED BY BASELINE LAND SURVEYORS, INC., OUT OF THE THEODORE BISSELL LEAGUE, SURVEY NO. 18, ABSTRACT NO. 3, IN TRAVIS COUNTY, TEXAS, AND BEING 4.054 ACRES THAT IS ALL OF A CALLED 4.08 ACRE TRACT OF LAND CONVEYED TO LYDIA WEGNER HARRIS BY DEED OF RECORD IN VOLUME 5080, PAGE 747, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING 3.443 ACRES OUT OF THE REMAINDER OF A CALLED 135.00 ACRE TRACT OF LAND CONVEYED TO WOODSON W. HARRIS BY DEED OF RECORD IN VOLUME 4975, PAGE 1342, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING 10.787 ACRES THAT IS ALL OF A CALLED 10.70 ACRE TRACT OF LAND CONVEYED TO JOHN WELDON HARRIS, DARROW DEAN HARRIS, AND ROBERT BRENT HARRIS BY DEED OF RECORD IN VOLUME 5135, PAGE 306, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING 33.120 ACRES OUT OF THE REMAINDER OF A CALLED 46.30 ACRE TRACT OF LAND CONVEYED TO JOHN WELDON HARRIS, DARROW DEAN HARRIS, AND ROBERT BRENT HARRIS BY DEED OF RECORD IN VOLUME 5080, PAGE 750, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING 30.095 ACRES OUT OF THE REMAINDER OF A CALLED 67.60 ACRE TRACT OF LAND CONVEYED TO JOHN WELDON HARRIS, DARROW DEAN HARRIS, AND ROBERT BRENT HARRIS BY DEEDS OF RECORD IN VOLUME 4365, PAGE 348, AND VOLUME 4365, PAGE 352. BOTH OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 5/8" iron rebar found for a point of intersection in the east right-of-way line of Brodie Lane (R.O.W. Varies) 50 feet right of and at right angles to Engineer's Centerline Station 53+80.53, in the west line of said remainder of a 135.00 acre tract of land, from which a 1/2" iron rebar found for a point of intersection in the west right-of-way line of Brodie Lane, 50 feet left of and at right angles to Engineer's Centerline Station 53+80.53, bears North 62°34'10" West a distance of 100.17 feet;

THENCE South 27°34'26" West (record - South 27°34'26" West), with the west line of the remainder of said 135.00 acre tract and the east right-of-way line of Brodie Lane, passing at a distance of 25.96 feet a calculated point for the southwest corner of the remainder of a 135.00 acre tract, same being the northwest corner of the remainder of a 46.30 acre tract, and continuing with the west line of the remainder of a 46.30 acre tract and the east right-of-way line of Brodie Lane for a total distance of 308.00 feet to a calculated point for the POINT OF BEGINNING.

THENCE South 62°25'34" East, crossing through the remainder of a 46.30 acre tract a distance of 440.00 feet to a calculated point;

THENCE North 27°34'26" East, continuing through the remainder of a 46.30 acre tract and crossing into the remainder of a 135.00 acre tract along a line parallel with and 440.00 feet east of (as measured perpendicularly) the west line of the remainder of a 135.00 acre tract and the east right-of-way line of Brodie Lane a distance of 304.90 feet to a calculated point;

THENCE North 28°22'52" East, crossing through the remainder of a135.00 acre tract along a line parallel with and 440.00 feet east of (as measured perpendicularly) the west line of the remainder of a 135.00 acre tract and the east right-of-way line of Brodie Lane a distance of 491.32 feet to a calculated point in the north line of the remainder of a 135.00 acre tract, same being the south right-of-way line of Davis Lane (R.O.W. varies), from which a calculated point in a 30" mesquite tree for the northwest corner of the remainder of a 135.00 acre tract, in the south right-of-way line of Davis Lane bears North 62°29'23" West a distance of 440.05 feet;

THENCE South 62°29'23" East (record- South 60°00'00" East), along the north line of the remainder of a 135.00 acre tract and the south right-of-way line of Davis Lane a distance of 256.42 feet to a 1/2" iron pipe found for the northeast corner of the remainder of a 135.00 acre tract, same being the northwest corner of said 4.08 acre tract;

THENCE South 62°26'45" East (record - South 60°00'00" East), with the south right-of-way line of Davis Lane and the north line of the 4.08 acre tract, passing at a distance of 436.74 feet a 1/2" iron rebar found for the northeast corner of the 4.08 acre tract and the northwest corner of said 10.70 acre tract and continuing for a total distance of 496.74 feet to a 1/2" iron rebar found with plastic cap which reads "Baseline Inc.";

THENCE, with the south right-of-way line of Davis Lane and the north line of the 10.70 acre tract, the following two (2) courses:

- 1. South 60°07'05" East (record South 58°26'00" East) a distance of 407.81 feet to a 1/2" iron rebar found with plastic cap which reads "Baseline Inc.";
- 2. South 62°15'55" East a distance of 410.00 feet (record South 59°39'00" East a distance of 410.00 feet) to a 1/2" iron pipe found for the northeast corner of the 10.70 acre tract and the northwest corner of said remainder of a 67.60 acre tract;

THENCE continue South 62°15'55" East (record - South 59°39'00" East), with the north line of the portion of a remainder of a 67.60 acre tract and the south right-of-way line of Davis Lane, a distance of 1090.01 feet to a 1/2" iron rebar found for a point of curvature, and being the northeast corner of the portion of a remainder of a 67.60 acre tract and the northwest corner of a 3.047 acre tract of land conveyed to the Austin Independent School District by deed of record in Document No. 1999052826 of the Official Public Records of Travis County, Texas, from which a 1/2" iron rebar found for the northeast corner of said 3.047 acre tract in the south right-of-way line of Davis Lane, bears South 62°12'31" East a distance of 129.98 feet (record - South 59°39'00" East a distance of 130.01 feet);

THENCE, along the east line of the portion of a remainder of a 67.60 acre tract and the west line of the 3.047 acre tract, the following seven (7) courses:

1. Along a curve to the right having a radius of 20.00 feet (record – 20.00'), a delta angle of 90°31'18" (record - 90°51'28"), a length of 31.60 feet (record - 31.72 feet), and a chord which bears South 16°45'30" East a distance of 28.41 feet (record -

South 14°13'16" East a distance of 28.50 feet) to a 1/2" iron rebar found for a point of tangency;

- 2. South 28°38'05" West a distance of 129.09 feet (record South 31°12'28" West a distance of 129.04 feet) to a 1/2" iron rebar found for a point of curvature;
- 3. Along a curve to the right having a radius of 955.00 feet (record 955.00 feet), a delta angle of 14°35'30" (record 14°35'23"), a length of 243.21 feet (record 243.18 feet), and a chord which bears South 35°54'03" West a distance of 242.55 feet (record South 38°30'10" West a distance of 242.52 feet) to a 1/2" iron rebar found for a point of tangency;
- 4. South 43°13'22" West a distance of 166.73 feet (record South 45°47'51" West a distance of 166.80 feet) to a 1/2" iron rebar found for a point of curvature;
- 5. Along a curve to the left having a radius of 1045.00 feet (record 1045.00 feet), a delta angle of 21°51'25" (record 21°51'20"), a length of 398.64 feet (record 398.62 feet), and a chord which bears South 32°16'38" West a distance of 396.23 feet (record South 34°52'11" West a distance of 396.20 feet) to a 1/2" iron rebar found for a point of tangency;
- 6. South 21°23'01" West a distance of 299.88 feet (record South 23°56'31" West a distance of 299.86 feet) to a 1/2" iron rebar found for a point of curvature;
- 7. Along a curve to the right having a radius of 1355.00 feet (record 1355.00 feet), a delta angle of 00°38'11", a length of 15.05 feet and a chord which bears South 21°38'50" West a distance of 15.05 feet to a calculated point, from which a 1/2" rebar found for a point of tangency in the east line of the remainder of a 67.60 acre tract and the west line of the 3.047 acre tract bears along a curve to the right, having a radius of 1355.00 feet (record 1355.00 feet), a delta angle of 05°13'01", a length of 123.38 feet and a chord which bears South 24°34'27" West a distance of 123.33 feet;

THENCE North 62°47'55" West, crossing through the remainder of a 67.60 acre tract, along a line 200.00 feet north of (as measured perpendicularly) the south line of the remainder of a 67.60 acre tract a distance of 1025.85 feet to a calculated point in the approximate west line of the remainder of a 67.60 acre tract and the east line of the 46.30 acre tract;

THENCE crossing through the remainder of a 46.30 acre tract, along the following three (3) courses that are 200.00 feet north of (as measured perpendicularly) the south line of the remainder of a 46.30 acre tract:

- 1. North 62°41'13" West a distance of 379.11 feet to a calculated point:
- 2. North 62°40'29" West a distance of 766.46 feet to a calculated point;
- 3. North 62°18′54" West a distance of 874.93 feet to a calculated point in the west line of the remainder of a 46.30 acre tract, same being the east right-of-way line of Brodie Lane, from which a 1/2" iron rebar found with plastic cap which reads "Baseline Inc.", for the southwest corner of the remainder of a 46.30 acre tract, in

the east right-of-way line of Brodie Lane bears South 27°34'26" West (record -South 27°34'26" West) a distance of 200,00 feet;

THENCE North 27°34'26" East (record - North 27°34'26" East), with the west line of the remainder of a 46.30 acre tract and the east right-of-way line of Brodie Lane, a distance of 491.96 feet to the POINT OF BEGINNING.

This parcel contains 81.499 acres of land, more or less, out of the Theodore Bissell League, Survey No. 18, Abstract No. 3 in Travis County, Texas.

Description prepared from an on-the-ground survey made during July 2002.

Bearing Basis: East right-of-way line of Brodie Lane (R.O.W. varies) per deed of record in Volume 10635, Page 881 of the Real Property Records of Travis County, Texas, and per Travis County construction plans, CIP No. 3001, certified on September 30, 1987.

Registered Professional Land Surveyor

State of Texas No. 5222

Attachments: Survey Drawing \PROJECTS\HARRIS\DWG\81.5 AC. SF6-CO.DWG

Fieldnote File: \PROJECTS\HARRIS\F_NOTES\81.5 AC. S6-CO.DOC

