

ORDINANCE NO. 040826-Z-3

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 615 AND 617 RADAM LANE FROM FAMILY RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-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 family residence (SF-3) district to neighborhood commercial-conditional overlay (LR-CO) combining district on the property described in Zoning Case No. C14-04-0062, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: An 8,388 square foot tract of land, more or less, described as Lot 8, Division D, out of the Estate of James E. Bouldin, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: An 8,429 square foot tract of land, more or less, described as Lot 8, Division D, out of the Estate of James E. Bouldin, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 615 and 617 Radam Lane, 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. Drive-in service is prohibited as an accessory use to commercial uses.
2. The following uses are conditional uses of the Property:

College and university facilities

Private secondary educational facilities

3. The following uses are prohibited uses of the Property:

Consumer convenience services
Financial services
General retail sales (convenience)
Personal services
Service station
Plant nursery

Consumer repair services
Food sales
Off-site accessory parking
Pet services
Guidance services
Custom manufacturing

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

PART 3. This ordinance takes effect on September 6, 2004.

PASSED AND APPROVED

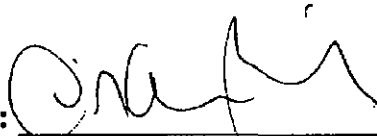
August 26, 2004

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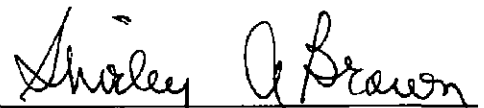
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

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

August 4, 2003

TRACT ONE:

FIELD NOTE DESCRIPTION OF 8,388 SQUARE FEET OF LAND, BEING A PART OF LOT 8, DIVISION "D", OF THE ESTATE OF JAMES E. BOULDIN, DECEASED, AS RECORDED IN BOOK U PAGE 75 OF THE DISTRICT COURT MINUTES OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO STANLEY PERRY BY GENERAL WARRANTY DEED RECORDED IN VOLUME 12632 PAGE 2338 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 5/8" iron pipe found in the South right-of-way line of Radam Lane for the Northwest corner of that certain (4 acre) tract of land as conveyed to C.A. Chally by deed recorded in Volume 813 Page 637 of the Deed Records of Travis County, Texas, and for the Northeast corner of that certain (0.236 acre) tract of land as conveyed to Herlinda Villegas by deed recorded in Volume 12544 Page 1863 of the Real Property Records of Travis County, Texas, and being the Northwest corner of that certain tract of land as conveyed to Stanley Perry by Quitclaim Deeds recorded in Volume 8260 Page 117 and Volume 8260 Page 119 of the Deed Records of Travis County, Texas, and from which a 5/8" iron rod found for the Northwest corner of said Villegas (0.236 acre) tract bears N 60 deg. 01' 48" W 63.23 ft.:

THENCE with the South right-of-way line of Radam Lane, S 60 deg. 04' 57" E 60.19 ft. to a 5/8" iron pipe found for the Northeast corner of said Perry (Volume 8260 Page 117) tract, and for the Northwest corner of that certain tract of land as conveyed to Stanley Perry by General Warranty Deed Recorded in Volume 12632 Page 2338 of the Real Property Records of Travis County, Texas, and for the Northwest corner of that certain tract of land as conveyed to J.E. Shuler by deed recorded in Volume 1657 Page 197 of the Deed Records of Travis County, Texas, and being the Northwest corner and **PLACE OF BEGINNING** of the herein described tract;

THENCE continuing with the South right-of-way line of Radam Lane, S 60 deg. 27' 42" E 59.95 ft. to a 5/8" iron pipe found for the Northeast corner of said Perry (Volume 12632 Page 2338) tract and for the Northeast corner of said Shuler tract and for the Northwest corner of that certain tract of land as conveyed to Ygnacio Loera, et ux, by deed recorded in Volume 8015 Page 45 of the Deed Records of Travis County, Texas, and being the Northeast corner of this tract;

THENCE leaving the South right-of-way line of Radam Lane with the common line of said Perry (Volume 12632 Page 2338) tract and said Loera tract, S 29 deg. 59' 00" W 140.22 ft. to a 1/2" iron pipe found at the Southeast corner of said Perry (Volume 12632 Page 2338) tract and for the Southwest corner of said Loera tract and for the Northwest corner of Lot 1, C.E. Harkins Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 12 Page 25 of the Plat Records of Travis County, Texas, and for the Northeast corner of that certain tract of land as conveyed to Thomas M. Cowan, et ux, by deed recorded in Volume 3120 Page 963 of the Deed Records of Travis County, Texas, and being the Southeast corner of this tract, and from which a 5/8" iron pipe found for the Southeast corner of said Loera tract bears S 60 deg. 14' 53" E 59.67 ft.:

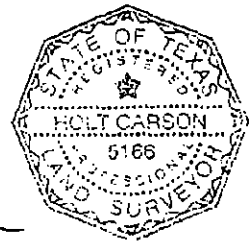
EXHIBIT A

Page 2 of 2
8,388 SQUARE FEET

THENCE with the common line of said Perry (Volume 12632 Page 2338) tract and said Cowan tract. N 60 deg. 06' 47" W 59.85 ft. to a 5/8" iron pipe found for the Southwest corner of said Perry (Volume 12632 Page 2338) tract and for the Southeast corner of said Perry (Volume 8260 Page 117) tract and for the Northwest corner of said Cowan tract and for the Northeast corner of that certain tract of land as conveyed to Carmen Hored by Warranty Deed recorded in Document No. 2001184132 of the Official Public Records of Travis County, Texas, and being the Southwest corner of this tract;

THENCE with the common line of said Perry (Volume 12632 Page 2338) and said Perry (Volume 8260 Page 117) tracts, N 29 deg. 56' 38" E 139.86 ft. to the **PLACE OF BEGINNING** containing 8,388 square feet of land.

SURVEYED: August 1, 2003.



Holt Carson
Registered Professional Land Surveyor No. 5166

see accompanying map: A 705034

CARSON AND BUSH
PROFESSIONAL SURVEYORS, INC.

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

August 4, 2003

TRACT TWO:

FIELD NOTE DESCRIPTION OF 8,429 SQUARE FEET OF LAND, BEING A PART OF LOT 8, DIVISION "D", OF THE ESTATE OF JAMES E. BOULDIN, DECEASED, AS RECORDED IN BOOK U PAGE 75 OF THE DISTRICT COURT MINUTES OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO STANLEY PERRY BY QUITCLAIM DEEDS RECORDED IN VOLUME 8260 PAGE 117 AND VOLUME 8260 PAGE 119 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 pipe found in the South right-of-way line of Radam Lane for the Northwest corner of that certain (4 acre) tract of land as conveyed to C.A. Chally by deed recorded in Volume 813 Page 637 of the Deed Records of Travis County, Texas, and for the Northeast corner of that certain (0.236 acre) tract of land as conveyed to Herlinda Villegas by deed recorded in Volume 12544 Page 1863 of the Real Property Records of Travis County, Texas, and being the Northwest corner of that certain tract of land as conveyed to Stanley Perry by Quitclaim Deeds recorded in Volume 8260 Page 117 and Volume 8260 Page 119 of the Deed Records of Travis County, Texas, and being the Northwest corner and **PLACE OF BEGINNING** of the herein described tract, and from which a 5/8" iron rod found for the Northwest corner of said Villegas (0.236 acre) tract bears N 60 deg. 01' 48" W 63.23 ft.;

THENCE with the South right-of-way line of Radam Lane, S 60 deg. 04' 57" E 60.19 ft. to a 5/8" iron pipe found for the Northeast corner of said Perry (Volume 8260 Page 117) tract, and for the Northwest corner of that certain tract of land as conveyed to Stanley Perry by General Warranty Deed Recorded in Volume 12632 Page 2338 of the Real Property Records of Travis County, Texas, and for the Northwest corner of that certain tract of land as conveyed to J.E. Shuler by deed recorded in Volume 1657 Page 197 of the Deed Records of Travis County, Texas, and being the Northeast corner of this tract, and from which a 5/8" iron pipe found for the Northeast corner of said Perry (Volume 12632 Page 2338) and for the Northeast corner of said Shuler tract bears S 60 deg. 27' 42" E 59.95 ft.;

THENCE leaving the South right-of-way line of Radam Lane with the common line of said Perry (Volume 8260 Page 117) and Perry (Volume 12632 Page 2338) tracts, S 29 deg. 56' 38" W 139.86 ft. to a 5/8" iron pipe found for the Southeast corner of said Perry (Volume 8260 Page 117) tract and for the Southwest corner of said Perry (Volume 12632 Page 2338) tract, and for the Northwest corner of that certain tract of land as conveyed to Thomas M. Cowan, et ux, by deed recorded in Volume 3120 Page 963 of the Deed Records of Travis County, Texas, and for the Northeast corner of that certain tract of land as conveyed to Carmen Hored by Warranty Deed recorded in Document No. 2001184132 of the Official Public Records of Travis County, Texas, and being the Southeast corner of this tract, and from which a 1/2" iron pipe found for the Southeast corner of said Perry (Volume 12632 Page 2338) tract and for the Northeast corner of said Cowan tract bears S 60 deg. 06' 47" E 59.85 ft., and also from which an iron rod found (with a plastic cap imprinted with "Arpenters") for the Northwest corner of said Hored tract bears N 58 deg. 47' 52" W 60.27 ft.;

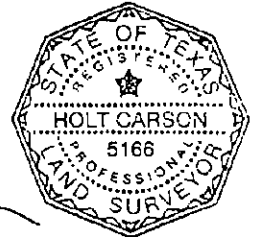
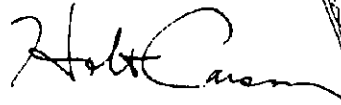
EXHIBIT P

Page 2 of 2
8,429 SQUARE FEET

THENCE crossing the interior of said Hored tract with the South line of said Perry (Volume 8260 Page 117) tract, N 60 deg. 06' 47" W 60.33 ft. to a ½" iron rod set with a plastic cap imprinted with "Carson and Bush Professional Surveyor" for the Southwest corner of said Perry (Volume 8260 Page 117) tract and being in the West line of the aforementioned Chally (4 acre) tract, and being the Southwest corner of this tract, and from which a ½" iron pipe found in the North right-of-way line of Clifford Drive for an angle corner of Lot 3, Medical Center South, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 83 Page 168B of the Plat Records of Travis County, Texas, bears S 30 deg. 00' 00" W 138.92 ft.;

THENCE with the West line of said Chally (4 acre) tract and with the West line of said Perry (Volume 8260 Page 117) tract, N 30 deg. 00' 00" E 139.89 ft. to the **PLACE OF BEGINNING**, containing 8,429 square feet of land.

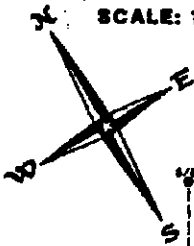
SURVEYED: August 1, 2003.



Holt Carson
Registered Professional Land Surveyor No. 5166

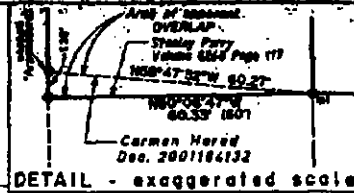
see accompanying map: A 705034

SCALE: 1" = 20'



Northwest corner of Chally (4 acre) tract

RADAM LANE (Right-of-Way varies)



Legend

- Iron Rod Found
- ⊙ Iron Pipe Found
- ⊙ Iron Rod Set with plastic cap inscribed with "Carson and Bush"
- ⊙ Water Meter
- Wire Fence
- Overhead Utility Line
- Record Bearing and Distance

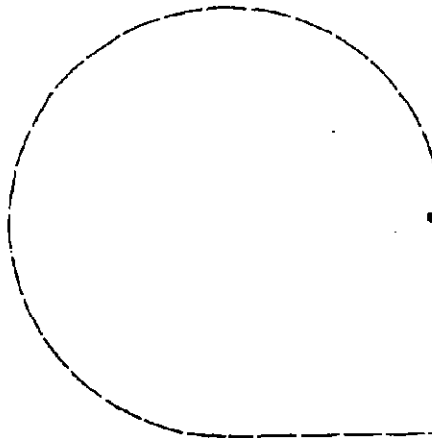
LOT 2

LOT 3 DIVISION "D"
JAMES E. BOULDIN ESTATE
BOOK 10 PAGE 75

DISTRICT COURT MINUTES

LOT 3

MEDICAL CENTER SOUTH
Volume 83 Page 1688



CLIFFORD DRIVE

C.E. HARKINS SUBDIVISION
Volume 12 Page 25

LOT 1

LOT 2

Thomas H. Cowan, et ux
Volume 3120 Page 353

NOTE:
Orientation for this survey was based upon a bearing of S30°00'00"W between monuments found for points A and B as labeled herein.

SURVEY PLAT OF

LOT 3

TRACT ONE:
8,388 SQUARE FEET OF LAND, BEING A PART OF LOT 8, IN DIVISION "D", OF THE PARTITION OF THE ESTATE OF JAMES E. BOULDIN, DECEASED, AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO STANLEY PERRY BY GENERAL WARRANTY DEED RECORDED IN VOLUME 12632 PAGE 2338 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT TWO:
8,428 SQUARE FEET OF LAND, BEING A PART OF LOT 8, IN DIVISION "D", OF THE PARTITION OF THE ESTATE OF JAMES E. BOULDIN, DECEASED, AND BEING ALL OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO STANLEY PERRY BY QUITCLAIM DEEDS RECORDED IN VOLUME 8260 PAGE 117 AND VOLUME 8260 PAGE 118 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

see accompanying Field Note Descriptions

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described herein and is accurate to the best of my abilities and that there are no boundary line conflicts, encroachments, shortages in area, overlapping of improvements, visible utility lines, or roads in place, except as shown herein, and said property abuts a dedicated roadway.
This property is within Zone X areas determined to be outside of the 100 Year Flood plain according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480824 0210 F, dated June 5, 1997.
THIS the 1st day of August, A.D., 2003.

BY:

Holt Carson
Holt Carson

Registered Professional Land Surveyor No. 5188
CARSON AND BUSH PROFESSIONAL SURVEYORS, INC.
1904 Farview Road Austin, Texas 78704
(512)-642-0950



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A 706034



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W. WALSH	ZONING EXHIBIT C CASE #: C14-04-0062 ADDRESS: 615 & 817 RADAM LANE SUBJECT AREA (acres): 0.386		DATE: 04-05 INTLS: SM	CITY GRID REFERENCE NUMBER G18
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