

ORDINANCE NO. _____

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**
2 **PROPERTY LOCATED AT 2015 ALEXANDER AVENUE IN THE ROSEWOOD**
3 **NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-**
4 **MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-**
5 **NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED**
6 **USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP)**
7 **COMBINING DISTRICT.**

8
9 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

10
11 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
12 change the base district from general commercial services-mixed use-conditional overlay-
13 neighborhood plan (CS-MU-CO-NP) combining district to general commercial services-
14 mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district on
15 the property described in Zoning Case No. C14-05-0145, on file at the Neighborhood
16 Planning and Zoning Department, as follows:

17
18 A 0.423 acre (18,423 square foot) tract of land, more or less, out of an 11.055 acre
19 tract of land, in Travis County, the 0.423 tract of land being more particularly
20 described by metes and bounds in Exhibit "A" incorporated into this ordinance (the
21 "Property"),

22
23 locally known as 2015 Alexander Avenue, in the City of Austin, Travis County, Texas, and
24 generally identified in the map attached as Exhibit "B".

25
26 **PART 2.** Except as specifically provided in Part 3 and Part 4, the Property may be
27 developed and used in accordance with the regulations established for the general
28 commercial services (CS) base district and other applicable requirements of the City Code.

29
30 **PART 3.** The Property within the boundaries of the conditional overlay combining district
31 established by this ordinance is subject to the following conditions:

- 32
33 1. The maximum height of a building or structure is 60 feet from ground level.

34
35 **PART 4.** The Property is subject to Ordinance No. 020110-17 that established the
36 Rosewood neighborhood plan combining district.

1 **PART 5.** This ordinance takes effect on _____, 2006.
2
3

4 **PASSED AND APPROVED**
5
6

7 _____, 2006
8
9

§
§
§

Will Wynn
Mayor

10 **APPROVED:** _____
11
12

David Allan Smith
City Attorney

ATTEST: _____
13
14

Shirley A. Gentry
City Clerk
15



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724

Fax: 512-441-6987

2807 Manchaca Road

Building One

Austin, Texas 78704

**0.423 ACRES
ZONING DESCRIPTION**


A DESCRIPTION OF 0.423 ACRES (APPROXIMATELY 18,432 SQ.FT.) OF LAND, BEING A PORTION OF A 11.055 ACRE TRACT OF LAND CONVEYED TO REDEEMER PRESBYTERIAN CHURCH IN A WARRANTY DEED WITH VENDOR'S LIEN DATED NOVEMBER 04, 2004 AND RECORDED IN DOCUMENT NO. 2004209626 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.423 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

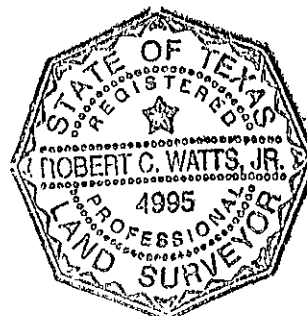
BEGINNING at a calculated point, from which a 1/2" Iron pipe found in the apparent west right-of-way line of the A. & N. W. Railroad (right-of-way width varies) being conveyed to the City of Austin in a Quitclaim Deed dated August 14, 1986 and appearing of record in Volume 9837, Page 414 of the Real Property Records of Travis County, Texas, being in the south right-of-way line of Manor Road (right-of-way width varies), being also the northeast corner of the said 11.055 acre tract, bears North 14°25'13" East, a distance of 384.53 feet;

THENCE over and across the said 11.055 acre tract, the following four (4) courses:

1. South 80°00'00" East, a distance of 192.00 feet to a calculated point;
2. South 10°00'00" West, a distance of 96.00 feet to a calculated point, from which a 1/2" iron pipe found in the apparent west right-of-way line of the A. & N. W. Railroad, being in the east line of the said 11.055 acre tract, bears South 42°59'33" East, a distance of 99.01 feet;
3. North 80°00'00" West, a distance of 192.00 feet to a calculated point;
4. North 10°00'00" East, a distance of 96.00 feet to the **POINT OF BEGINNING**; containing 0.423 acres of land, more or less.

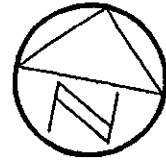
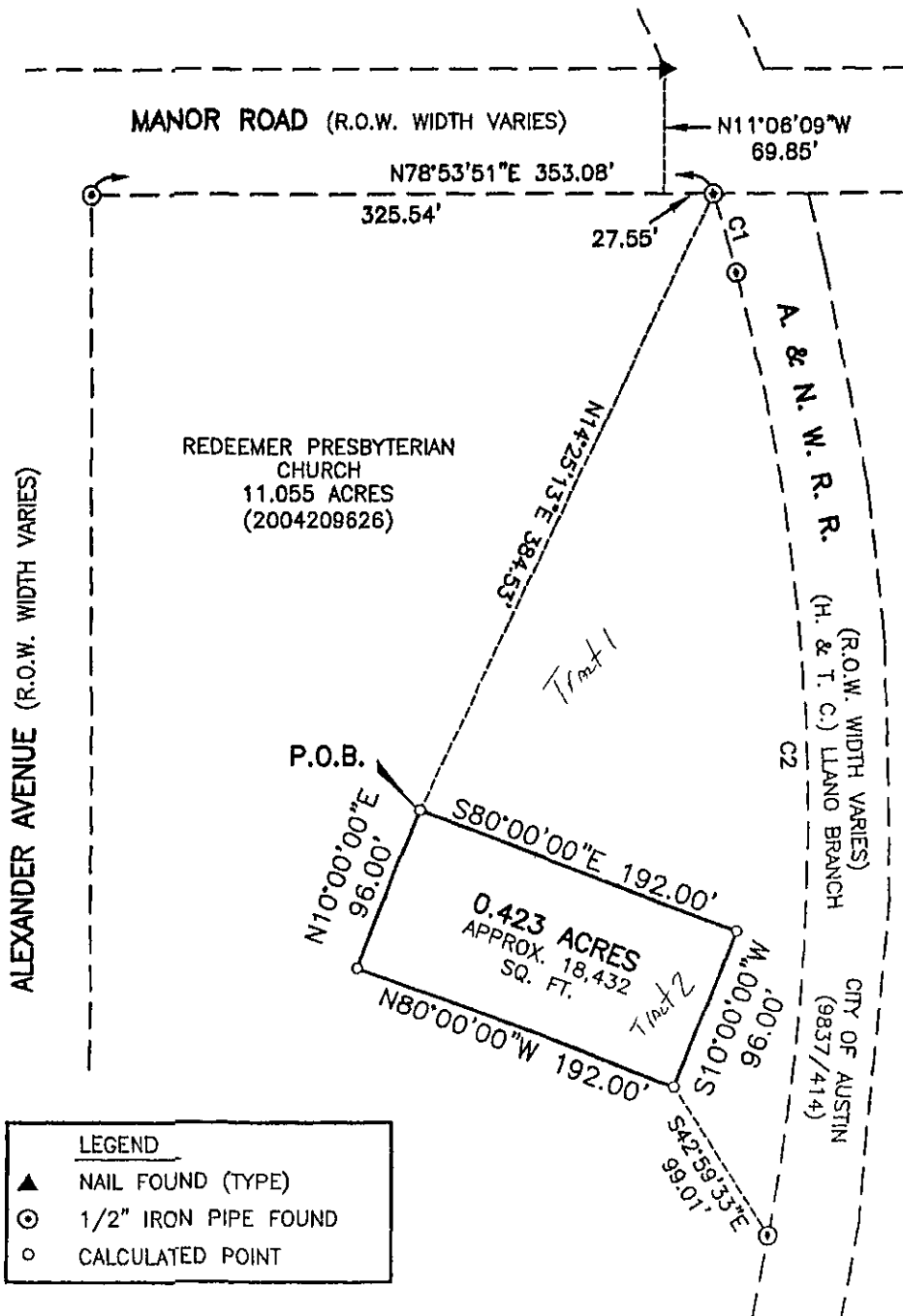
Surveyed on the ground May 25, 2004. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 434-001-Z1


Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



11-15-06

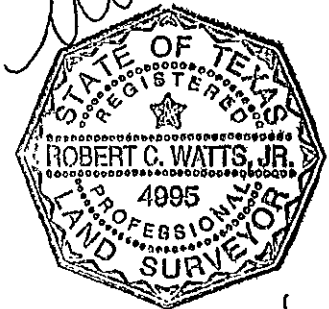
A SKETCH TO ACCOMPANY A DESCRIPTION OF 0.423 ACRES (APPROXIMATELY 18,432 SQ.FT.) OF LAND, BEING A PORTION OF A 11.055 ACRE TRACT OF LAND CONVEYED TO REDEEMER PRESBYTERIAN CHURCH IN A WARRANTY DEED WITH VENDOR'S LIEN DATED NOVEMBER 04, 2004 AND RECORDED IN DOCUMENT NO. 2004209626 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



1"=100'

BEARING BASIS: GRID
AZIMUTH FOR TEXAS
CENTRAL ZONE, 1983/93
HARN VALUES FROM LCRA
CONTROL NETWORK.

ATTACHMENTS: METES AND
BOUNDS DESCRIPTION
434-001-Z1



LEGEND

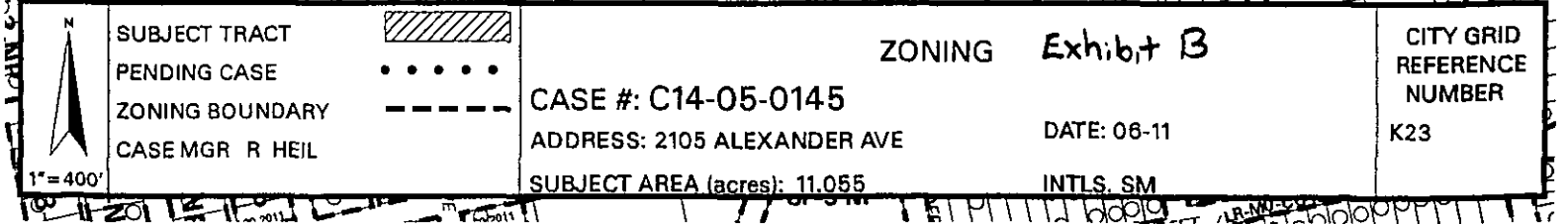
- ▲ NAIL FOUND (TYPE)
- ⊙ 1/2" IRON PIPE FOUND
- CALCULATED POINT

DATE OF SURVEY: MAY 25, 2004
PLOT DATE: 11/14/2006
DRAWING NO.: 434-001-Z1
PROJECT NO.: 434-001
SHEET 1 OF 1

CURVE TABLE

NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING	RECORD CHORD
C1	2°50'16"	930.37'	23.04'	46.08'	46.07'	S27°25'47"E	(S24°39'10"E 46.04')
C2	25°15'09"	1248.57'	279.69'	550.29'	545.85'	S13°01'00"E	(S10°36'30"E 545.80')

Chaparral



Zoning Case No. C14-05-0145

RESTRICTIVE COVENANT

OWNER Redeemer Presbyterian Church, a Texas non-profit corporation

ADDRESS 2201 North Lamar Blvd., Suite 100, Austin, Texas 78705

CONSIDERATION. Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged

PROPERTY: Tract A: A 11.055 acre tract of land, more or less, in the City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in a Warranty Deed dated November 4, 2004, of record in Document No. 2004209626 of the Official Public Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its successors and assigns.

1. Development of the Property is subject to Ordinance No. 20060831-068 that established standards for commercial design.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2006

OWNER:

**Redeemer Presbyterian Church,
a Texas non-profit corporation**

By. _____
Name _____
Title _____

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____,
2006, by _____, _____ of
Redeemer Presbyterian Church, a Texas non-profit corporation, on behalf of the corporation.

Notary Public, State of Texas

APPROVED AS TO FORM

Assistant City Attorney
City of Austin

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal



Professional Land Surveying, Inc.
Surveying and Mapping

Office 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

EXHIBIT "A"

11.055 ACRES

A DESCRIPTION OF 11.055 ACRES OF LAND, MORE OR LESS, BEING OUT OF LOTS 1-9, BLOCK "4" TOGETHER WITH 20 FOOT ALLEY, AUSTIN HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 153 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF OUTLOT 49, DIVISION B OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 11.055 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN A SPECIAL WARRANTY DEED TO 2900 MANOR LIMITED PARTNERSHIP DATED DECEMBER 2, 1986 AND APPEARING OF RECORDED IN VOLUME 10001, PAGE 301 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 11.055 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found at the intersection of the east right-of-way line of Alexander Avenue (right-of-way width varies) and the south right-of-way line of Manor Road (right-of-way width varies), being the northwest corner of said Lot 1, from which a 1/2" rebar found at the intersection of the west right-of-way line of Alexander Avenue and the south right-of-way line of Manor Road, being the northeast corner of Lot 6, Block No. 3, Austin Heights, bears South 78°57'01" West, a distance of 49.94 feet,

THENCE North 78°53'51" East, along the south right-of-way line of Manor Road, being in part, the north lines of said Lots 1-3, a distance of 353.08 feet to a 1/2" iron pipe found in the apparent west right-of-way line of the A. & N. W. Railroad (right-of-way width varies) being conveyed to the City of Austin in a Quitclaim Deed dated August 14, 1986 and appearing of record in Volume 9837, Page 414 of the Real Property Records of Travis County, Texas;

THENCE along the apparent west right-of-way line the said railroad, the following three (3) courses and distances:

1. Along a curve to the right, having a radius of 930.37 feet, an arc length of 46.08, and a chord which bears South 27°25'47" East, a distance of 46.07 feet to a 1/2" iron pipe found;
2. Along a curve to the right, having a radius of 1248.57, an arc length of 550.29 feet, and a chord which bears South 13°01'00" East, a distance of 545.85 feet to a 1/2" iron pipe found;

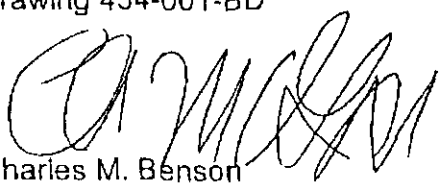
EXHIBIT "A"

3. South $0^{\circ}23'54''$ East, a distance of 833.23 feet to a 1/2" rebar with cap set in the north right-of-way line of East Martin Luther King Boulevard (right-of-width varies), from which a 1/2" rebar found at the intersection of the north right-of-way line of East Martin Luther King Boulevard and the apparent east right-of-way line of the railroad, bears North $78^{\circ}20'15''$ East, a distance of 50.81 feet;

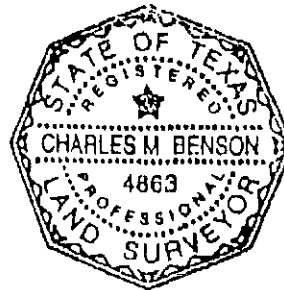
THENCE South $78^{\circ}20'15''$ West, along the north right-of-way line of East Martin Luther King Boulevard, a distance of 227.36 feet to a 1/2" iron pipe found in the east right-of-way line of Alexander Avenue;

THENCE North $11^{\circ}11'25''$ West, along the east right-of-way line of Alexander Avenue, being in part, the west lines of said Lots 1 and 4-9 and the said 20 foot alley, a distance of 1410.71 feet to the **POINT OF BEGINNING**, containing 11.055 acres of land, more or less.

Surveyed on the ground May 25, 2004. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 434-001-BD

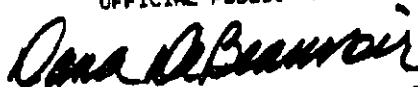

Charles M. Benson
Registered Professional Land Surveyor
State of Texas No. 4863

May 27, 2004



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



2004 Nov 05 03:01 PM 2004209626

KNOWLES \$22.00

DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS