

**ORDINANCE NO. 20100826-065**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY GENERALLY KNOWN AS THE INDIAN HILLS PROJECT LOCATED ALONG NORTH FM 973 ROAD, REZONING AND CHANGING THE ZONING MAP FROM UNZONED, DEVELOPMENT RESERVE (DR) DISTRICT, AND PUBLIC (P) DISTRICT TO MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3) DISTRICT FOR TRACT ONE AND LIMITED INDUSTRIAL SERVICE-CONDITIONAL OVERLAY (LI-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. C14-2009-0089, on file at the Planning and Development Review Department, as follows:

Tract One: From unzoned, development reserve (DR) district, and public (P) district to multifamily residence medium density (MF-3) district.

A 89.907 acre tract of land, more or less, out of the Reuben Hornsby Survey No. 17, Abstract No. 15, 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 unzoned to limited industrial service-conditional overlay (LI-CO) combining district.

A 149.951 acre tract of land, more or less, out of the Reuben Hornsby Survey No. 17, Abstract No. 15, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance;

(Tracts One and Two now being identified as the "Property"),

locally known as the Indian Hills Project (the "Project") at 5609, 5709, 5911, 6513 North FM 973 Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** Development of the Property is subject to requirements of the Whisper Valley and Indian Hills Annexation and Development Agreement dated effective as of June 18, 2009, by and among the City of Austin and those other parties named in the agreement (the "Development Agreement"). The Development Agreement includes but is not limited to the following conditions specifically applicable to development of the Project.

- A. The requirements of Section 25-4-211 (*Parkland Dedication*) of the Code do not apply to the Property. As set forth in Section 3.08(1) of the Development Agreement, parkland dedication requirements for the Property is satisfied up to a total of 9,028 residential units combined with the Whisper Valley planned unit development project. Additional parkland dedication and/or fees will not be required unless that total number of units is exceeded.
- B. For purposes of Section 25-8-341 (*Cut Requirements*) and Section 25-8-342 (*Fill Requirements*) of the Code, private streets developed with the property shall be treated as "roadways."
- C. The Director of the Planning and Development Review Department (the "Director") may grant an administrative variance to the requirements of Section 25-4-171 (A) (*Access to Lots*) if the Director determines that an adequate alternative for resident and emergency access is available.
- D. The following land uses and activities that currently exist within the Property as of the date of this ordinance shall be allowed to continue operating in the same manner, upon limited purpose annexation of the Property into the City: (i) agricultural (including without limitation, ranching and farm uses); and (ii) hunting. Hunting shall be prohibited after issuance of the first building permit for any part of the Property.

**PART 3.** The Property identified as Tract Two 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 of Tract Two:

Automotive rentals	Automotive repair services
Automotive sales	Campground
Commercial off-street parking	Drop-off recycling collection facility
Equipment repair services	Equipment sales

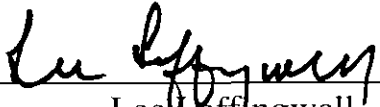
Exterminating services  
Monument retail sales  
Basic industry  
Recycling center

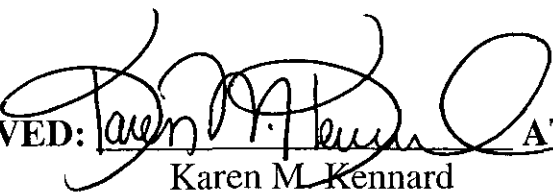
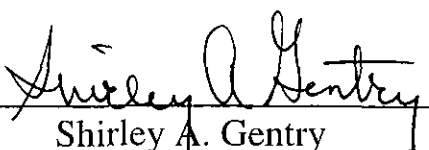
Funeral services  
Vehicle storage  
General warehousing & distribution  
Resource extraction

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 4.** This ordinance takes effect on September 6, 2010.

**PASSED AND APPROVED**

\_\_\_\_\_, August 26, 2010      §  
   §  
   §        
   Lee Leffingwell  
   Mayor

**APPROVED:**  **ATTEST:**   
                                 Karen M. Kennard      Shirley A. Gentry  
                                 Acting City Attorney      City Clerk

MF-3  
tract 1

89.907 ACRES  
INDIAN HILLS  
REUBEN HORNSBY SURVEY

EXHIBIT A

FN NO. 10-120 (KWA)  
JUNE 8, 2010  
BPI JOB NO. 1758-05

#### DESCRIPTION

OF A 89.907 ACRE TRACT OUT OF THE REUBEN HORNSBY SURVEY NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 149.45 ACRE TRACT CONVEYED TO CLUB DEAL 116 INDIAN HILLS, TX, LIMITED PARTNERSHIP, BY DEED OF RECORD IN DOCUMENT NO. 2005232159, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 89.907 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, at a 1/2-inch iron rod found on the easterly right-of-way line of F.M. 973 (R.O.W. Varies), being the southwesterly corner of that certain 18.36 acre tract conveyed to Winding Prairie Grass Trails, Ltd., by Deed of record in Document No. 20000202543, of said Official Public Records, for the northwesterly corner of said 149.45 acre tract and hereof;

**THENCE**, S56°05'52"E, leaving said easterly right-of-way line, along the southerly line of said 18.36 acre tract, for a portion of the northerly line of said 149.45 acre tract and hereof, a distance of 653.35 feet to a 1/2-inch iron pipe found in concrete at the southeasterly corner of said 18.36 acre tract, being the southwesterly corner of that certain 71.930 acre tract conveyed to Decker Creek Estates Limited, by Deed of record in Volume 12715, Page 1040, of the Real Property Records of Travis County, Texas, also being the northwesterly corner of that certain 12.13 acre tract conveyed to the City of Austin, by Deed of record in Volume 3310, Page 1682, of the Deed Records of Travis County, Texas, for an angle point;

**THENCE**, along the westerly and southerly lines of said 12.13 acre tract, being the northerly line of said 149.45 acre tract, for a portion of the northerly line hereof, the following four (4) courses and distances:

- 1) S27°24'41"W, a distance of 804.78 feet to a 1/2-inch iron pipe found in concrete at the southwesterly corner of said 12.13 acre tract, for an angle point;
- 2) S61°27'34"E, a distance of 1050.70 feet to a 1/2-inch iron rod found for an angle point;
- 3) S27°34'27"W, a distance of 322.94 feet to a 1/2-inch iron rod found for an angle point;
- 4) S64°13'26"E, a distance of 362.67 feet to a 1/2-inch iron rod with cap found at the southeasterly corner of said 12.13 acre tract, being on the westerly line of that certain 15.586 acre tract conveyed to Jaketown 130 LLC, by Deed of record in Document No. 2007209496, of said Official Public Records, for the northeasterly corner of said 149.45 acre tract and hereof;

FN NO. 10-120 (KWA)  
JUNE 8, 2010  
PAGE 2 OF 4

**THENCE**, S27°12'10"W, along the westerly line of said 15.586 acre tract, being the easterly line of said 149.45 acre tract, for a portion of the easterly line hereof, a distance of 1399.85 feet to a 1/2-inch iron rod with cap found at the most southerly corner of said 15.586 acre tract, being an angle point in the westerly right-of-way line of SH 130 (R.O.W. varies), for an angle point;

**THENCE**, S27°12'02"W, along said westerly right-of-way line of SH 130, being the easterly line of said 149.45 acre tract, for a portion of the easterly line hereof, a distance of 80.83 feet to a calculated point at the beginning of a non-tangent curve to the left, for the southeasterly corner hereof;

**THENCE**, leaving said westerly right-of-way line, over and across said 149.45 acre tract, for the southerly line hereof, the following seven (7) courses and distances:

- 1) Along said curve, having a radius of 1495.00 feet, a central angle of 17°19'48", an arc length of 452.18 feet, and a chord which bears N58°59'07"W, a distance of 450.46 feet to a calculated point at the point of tangency of said curve;
- 2) N67°39'01"W, a distance of 394.14 feet to a calculated point at the point of curvature of a curve to the right;
- 3) Along said curve, having a radius of 1455.00 feet, a central angle of 18°38'35", an arc length of 473.43 feet, and a chord which bears N58°19'45"W, a distance of 471.35 feet to a calculated point at the point of tangency of said curve;
- 4) N49°00'30"W, a distance of 169.57 feet to a calculated point at the beginning of a non-tangent curve to the left;
- 5) Along said curve, having a radius of 1995.00 feet, a central angle of 03°24'05", an arc length of 118.43 feet, and a chord which bears N50°42'30"W, a distance of 118.41 feet to a calculated point at the end of said curve;
- 6) N28°05'04"E, a distance of 353.62 feet to a calculated point, for an angle point;
- 7) N61°54'56"W, a distance of 483.59 feet to a calculated point on the westerly line of said 149.45 acre tract, being said easterly right-of-way line of F.M. 973, for the southwesterly corner hereof;

**THENCE**, along said easterly right-of-way line, being the westerly line of said 149.45 acre tract, for the westerly line hereof, the following two (2) courses and distances:

FN NO. 10-120(KWA)

JUNE 8, 2010

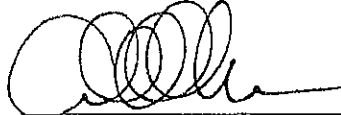
PAGE 3 OF 4

- 1) N27°33'54"E, a distance of 1486.14 feet to a TxDOT Type I monument found for an angle point;
- 2) N27°32'27"E, a distance of 777.67 feet to the **POINT OF BEGINNING**, and containing 89.907 acres (3,916,336 square feet) of land, more or less, within these metes and bounds.

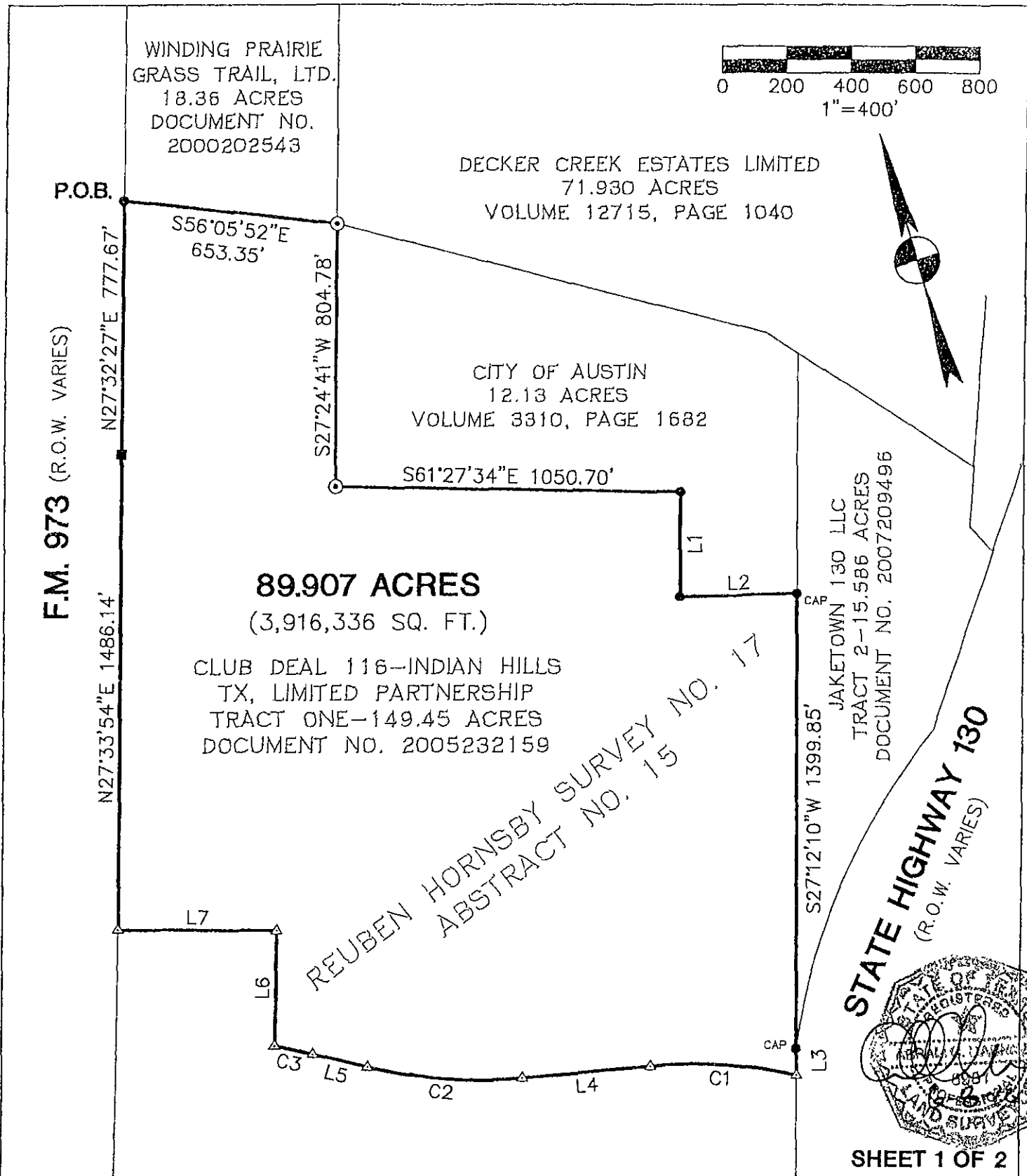
**BEARING BASIS:** TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93), UTILIZING LCRA GPS CONTROL MONUMENTATION.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES. A SURVEY SKETCH EXHIBIT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY + PARTNERS, INC.  
ENGINEERING-SOLUTIONS  
221 WEST SIXTH ST., SUITE 600  
AUSTIN, TEXAS 78701

  
6-8-10  
ABRAM C. DASHNER, R.P.L.S.  
NO. 5901  
STATE OF TEXAS





**Bury+Partners**  
ENGINEERING SOLUTIONS  
221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel. (512)328-0011 Fax (512)328-0325  
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**SKETCH TO ACCOMPANY DESCRIPTION**  
OF 89.907 ACRES OF LAND OUT OF THE REUBEN HORNSBY SURVEY  
NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING  
A PORTION OF THAT CERTAIN TRACT-ONE 149.45 ACRES OF LAND  
CONVEYED TO CLUB DEAL 116-INDIAN HILLS TX, LIMITED PARTNERSHIP  
BY DEED OF RECORD IN DOCUMENT NO. 2005232159 OF THE OFFICIAL  
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**INSIGHT REAL  
ESTATE  
STRATEGIES**

DATE: 06/08/10

FILE: H:\1758\05\175805EX2.DWG

FN No.: 10-120(KWA)

DRAWN BY: KWA

PROJ. No: 1758-05

### LEGEND

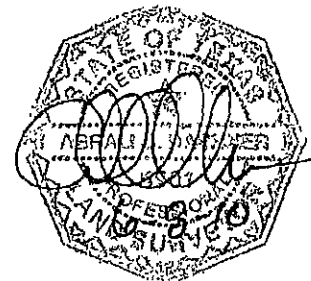
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ IRON PIPE FOUND
- △ CALCULATED POINT
- MONUMENT FOUND
- P.O.B. POINT OF BEGINNING

### LINE TABLE

LINE	BEARING	LENGTH
L1	S27°34'27"W	322.94
L2	S64°13'26"E	362.67
L3	S27°12'02"W	80.83
L4	N67°39'01"W	394.14
L5	N49°00'30"W	169.57
L6	N28°05'04"E	353.62
L7	N61°54'56"W	483.59

### CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	17°19'48"	1495.00	452.18	450.46	N58°59'07"W
C2	18°38'35"	1455.00	473.43	471.35	N58°19'45"W
C3	3°24'05"	1995.00	118.43	118.41	N50°42'30"W



SHEET 2 OF 2

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DATE: 06/08/10 FILE: H:\1758\05\175805EX2.DWG FN No.: 10-120(KWA) DRAWN BY: KWA PROJ. No: 1758-05



149.951 ACRES  
INDIAN HILLS  
REUBEN HORNSBY SURVEY

FN NO. 10-121(KWA)  
JUNE 8, 2010  
BPI JOB NO. 1758-05

EXHIBIT B

11

Tract 2

#### DESCRIPTION

OF A 149.951 ACRE TRACT OUT OF THE REUBEN HORNSBY SURVEY NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THOSE CERTAIN TRACTS (TRACT ONE-149.45 ACRES, TRACT TWO-68.99 ACRES, TRACT THREE-7.17 ACRES, TRACT FOUR-7.18 ACRES, TRACT FIVE-7.18 ACRES) CONVEYED TO CLUB DEAL 116 INDIAN HILLS, TX, LIMITED PARTNERSHIP, BY DEED OF RECORD IN DOCUMENT NO. 2005232159, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 149.951 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod with cap found at the northeasterly corner of that certain 19.67 acre tract conveyed to Gary W. Anderson, by Deed of record in Volume 12342, Page 5, of the Real Property Records of Travis County, Texas, being in the westerly line of that certain 1.067 acre tract conveyed to Jacketown 130 LLC, by Deed of record in Document No. 2007209496, of said Official Public Records, for the southeasterly corner of said 7.18 acre "Tract Five" and hereof;

THENCE, N62°07'59"W, leaving the westerly line of said 1.067 acre tract, along the northerly line of said 19.67 acre tract, for the southerly line of said 7.18 acre "Tract Five" and hereof, a distance of 2067.52 feet to a 1/2-inch iron rod with cap set on the easterly right-of-way line of F.M. 973 (R.O.W. Varies), for the southwesterly corner of said 7.18 acre "Tract Five" and hereof;

THENCE, along said easterly right-of-way line of F.M. 973, being the westerly lines of said 7.18 acre "Tract Five", said 7.18 acre "Tract Four", said 7.17 acre tract, said 68.99 acre tract, and said 149.45 acre tract, for the westerly line hereof, the following six (6) courses and distances:

- 1) N27°36'23"E, a distance of 895.35 feet to a TxDOT Type I monument found at the point of curvature of a curve to the left;
- 2) Along said curve, having a radius of 11510.24 feet, a central angle of 02°56'06", an arc length of 589.61 feet, and a chord which bears N26°08'20"E, a distance of 589.55 feet to a TxDOT Type I monument found at the point of tangency of said curve;
- 3) N24°38'00"E, a distance of 250.71 feet to a 1/2-inch iron rod with cap set at the point of curvature of a curve to the right;

FN NO. 10-121(KWA)  
JUNE 8, 2010  
PAGE 2 OF 4

- 4) Along said curve, having a radius of 5679.03 feet, a central angle of  $03^{\circ}28'47''$ , an arc length of 344.90 feet, and a chord which bears  $N26^{\circ}26'44''E$ , a distance of 344.85 feet to a TxDOT Type I monument found at the point of tangency of said curve;
- 5)  $N28^{\circ}09'22''E$ , a distance of 1363.06 feet to a 1/2-inch iron rod with cap set for an angle point;
- 6)  $N27^{\circ}33'54''E$ , a distance of 23.21 feet to a calculated point, for the northwesterly corner hereof;

THENCE, leaving said easterly right-of-way line, over and across said 149.45 acre tract, for the northerly line hereof, the following seven (7) courses and distances:

- 1)  $S61^{\circ}54'56''E$ , a distance of 483.59 feet to a calculated point, for an angle point;
- 2)  $S28^{\circ}05'04''W$ , a distance of 353.62 feet to a calculated point at the beginning of a non-tangent curve to the right;
- 3) Along said curve, having a radius of 1995.00 feet, a central angle of  $03^{\circ}24'05''$ , an arc length of 118.43 feet, and a chord which bears  $S50^{\circ}42'30''E$ , a distance of 118.41 feet to a calculated point at the end of said curve;
- 4)  $S49^{\circ}00'30''E$ , a distance of 169.57 feet to a calculated point at the point of curvature of a curve to the left;
- 5) Along said curve, having a radius of 1455.00 feet, a central angle of  $18^{\circ}38'35''$ , an arc length of 473.43 feet, and a chord which bears  $S58^{\circ}19'45''E$ , a distance of 471.35 feet to a calculated point at the point of tangency of said curve;
- 6)  $S67^{\circ}39'01''E$ , a distance of 394.14 feet to a calculated point at the beginning of a non-tangent curve to the right;
- 7) Along said curve, having a radius of 1495.00 feet, a central angle of  $17^{\circ}19'48''$ , an arc length of 452.18 feet, and a chord which bears  $S58^{\circ}59'07''E$ , a distance of 450.46 feet to a calculated point on the easterly line of said 149.45 acre tract, being the westerly right-of-way line of SH 130 (R.O.W. Varies), for the northeasterly corner hereof;

THENCE, along said westerly right-of-way line of SH 130, being the easterly lines of said 149.45 acre tract and said 68.99 acre tract, for a portion of the easterly line hereof, the following five (5) courses and distances:

FN NO. 10-121(KWA)

JUNE 8, 2010

PAGE 3 OF 4

- 1) S27°12'02"W, a distance of 1130.00 feet to a 1/2-inch iron rod found at the easterly common corner of said 149.45 acre tract and said 68.99 acre tract, for an angle point;
- 2) S27°00'08"W, a distance of 233.27 feet to a 1/2-inch iron rod found, for an angle point;
- 3) S26°54'24"W, a distance of 531.43 feet to a 1/2-inch iron rod found, for an angle point;
- 4) S27°39'06"W, a distance of 420.03 feet to a 1/2-inch iron rod found, for an angle point;
- 5) S27°50'00"W, a distance of 14.88 feet to a 1/2-inch iron rod found, for an angle point;

THENCE, S27°40'49"W, in part along said westerly right-of-way line and in part along the westerly line of said 1.067 acre tract, being the easterly lines of said 68.99 acre tract, said 7.17 acre tract, said 7.18 acre "Tract Four", and said 7.18 acre "Tract Five", for a portion of the easterly line hereof, a distance of 700.98 feet to the POINT OF BEGINNING, and containing 149.951 acres (6,531,871 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(93), UTILIZING LCRA GPS CONTROL MONUMENTATION.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES. A SURVEY SKETCH EXHIBIT WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY + PARTNERS, INC.  
ENGINEERING-SOLUTIONS  
221 WEST SIXTH ST., SUITE 600  
AUSTIN, TEXAS 78701

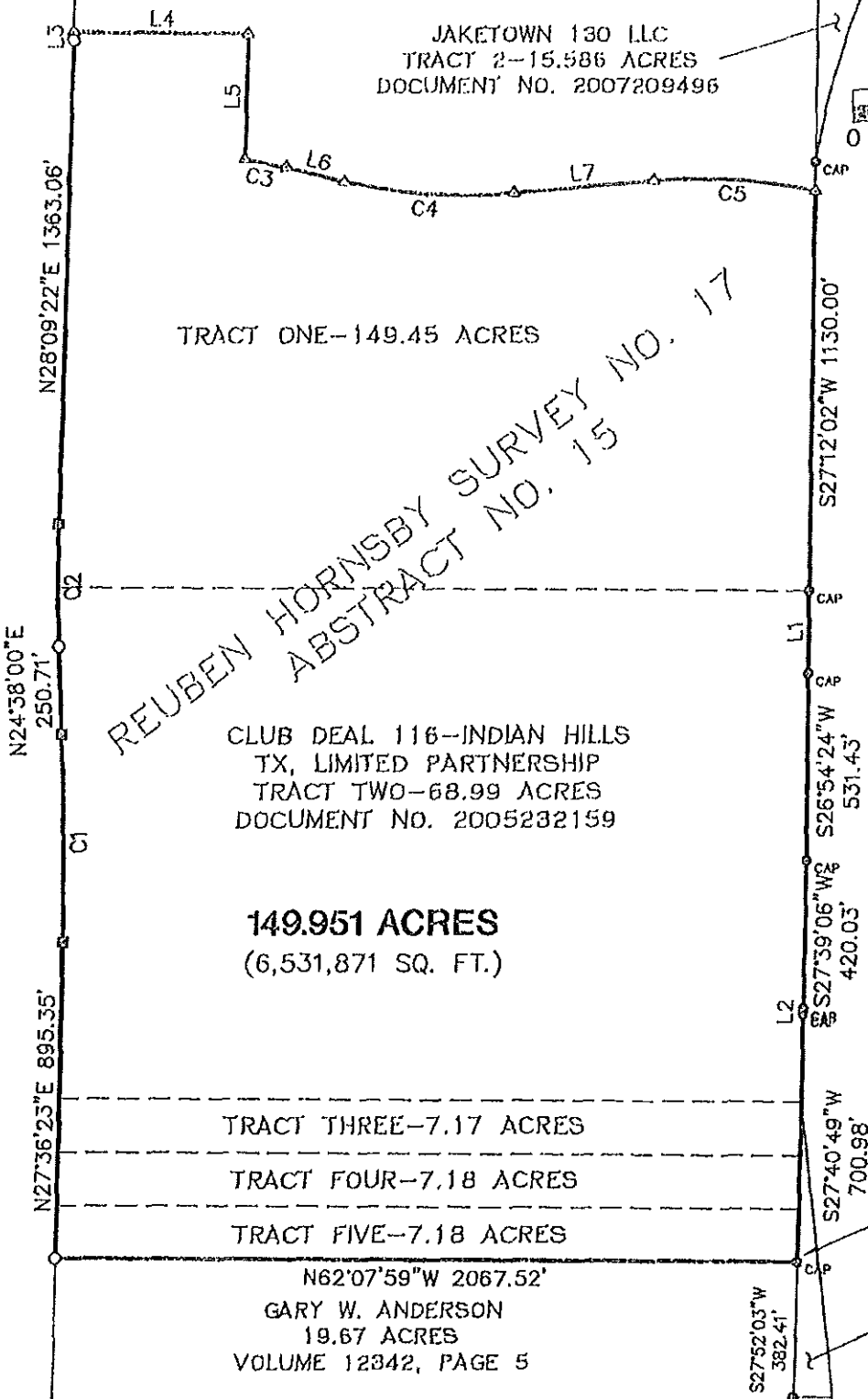


6-8-10

ABRAM C. DASHNER, R.P.L.S.  
NO. 5901  
STATE OF TEXAS



F.M. 973 (R.O.W. VARIES)



**Bury+Partners**  
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NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING  
A PORTION OF THOSE CERTAIN: TRACT-ONE 149.45 ACRES,  
TRACT-TWO 68.99 ACRES, TRACT-THREE 7.17 ACRES, TRACT-FOUR  
7.18 ACRES AND TRACT-FIVE 7.18 ACRES OF LAND CONVEYED TO  
CLUB DEAL 116-INDIAN HILLS TX, LIMITED PARTNERSHIP BY DEED OF  
RECORD IN DOCUMENT NO. 2005232159 OF THE OFFICIAL PUBLIC  
RECORDS OF TRAVIS COUNTY, TEXAS.

**INSIGHT REAL  
ESTATE  
STRATEGIES**

DATE: 06/08/10

FILE: H:\1758\05\175805EX3.DWG

FN No.: 10-121(KWA)

DRAWN BY: KWA

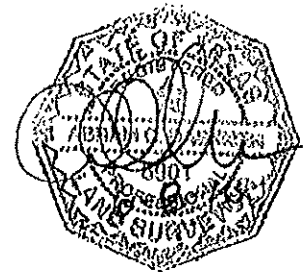
PROJ. No: 1758-05

### LEGEND

- ⊙ 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ IRON PIPE FOUND
- Δ CALCULATED POINT
- MONUMENT FOUND
- P.O.B. POINT OF BEGINNING

### LINE TABLE

LINE	BEARING	LENGTH
L1	S27°00'08"W	233.27
L2	S27°50'00"W	14.88
L3	N27°33'54"E	23.21
L4	S61°54'56"E	483.59
L5	S28°05'04"W	353.62
L6	S49°00'30"E	169.57
L7	S67°39'01"E	394.14



### CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	2°56'06"	11510.24	589.61	589.55	N26°08'20"E
C2	3°28'47"	5679.03	344.90	344.85	N26°26'44"E
C3	3°24'05"	1995.00	118.43	118.41	S50°42'30"E
C4	18°38'35"	1455.00	473.43	471.35	S58°19'45"E
C5	17°19'48"	1495.00	452.18	450.46	S58°59'07"E

SHEET 2 OF 2

**Bury+Partners**  
ENGINEERING SOLUTIONS

221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel: (512)328-6011 Fax: (512)328-0325  
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### SKETCH TO ACCOMPANY DESCRIPTION

OF 149.951 ACRES OF LAND OUT OF THE REUBEN HORNSBY SURVEY NO. 17, ABSTRACT NO. 15, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THOSE CERTAIN: TRACT-ONE 149.45 ACRES, TRACT-TWO 68.99 ACRES, TRACT-THREE 7.17 ACRES, TRACT-FOUR 7.18 ACRES AND TRACT-FIVE 7.18 ACRES OF LAND CONVEYED TO CLUB DEAL 110-INDIAN HILLS TX, LIMITED PARTNERSHIP BY DEED OF RECORD IN DOCUMENT NO. 2005232159 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**INSIGHT REAL  
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DATE: 06/08/10

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FN No.: 10-121(KWA)

DRAWN BY: KWA

PROJ. No: 1758-05



N



— — —  
L — —

ZONING CASE#: C14-2009-0089  
LOCATION: N FM 973  
SUBJECT AREA: 239.99 ACRES  
GRID: R22-23  
MANAGER: JOI HARDEN



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.