ORDINANCE NO.

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 rentals
Automotive repair services
Equipment sales
Vehicle storage

Equipment repair services
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 __________, 2018.

PASSED AND APPROVED

__________________________, 2018

$  $  $  

Steve Adler
Mayor

APPROVED: _______________  ATTEST: _____________

Anne L. Morgan  Jannette S. Goodall
City Attorney  City Clerk
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 43º 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 43º 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 60º 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;
4. THENCE North 38°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°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°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:\SDK\SUR\TXDOT\69028502.DWG
File:N:\MSAPPS\WORD\SUR\TXDOT\69028502.FN

Joseph Beavers
Registered Professional Land Surveyor
State of Texas No. 4938

J. GUERRA
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.
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;
4) THENCET, 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 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

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
J. GUERRA, County Clerk, Travis County, Texas
The undersigned certify that this is a true and correct copy of the instrument of record in my office.

By: {Signature}
J. GUERRA, County Clerk, Travis County, Texas
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 DELINIATION OF IMPROVEMENTS
   WHICH HAVE BEEN BUILT (OR REMOVED) AFTER THE PHOTOGRAMMETRY WAS DEVELOPED.
3) THE ACREAGE CALCULATED AND SHOWN HEREIN IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREIN, 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 BY CONCRETE
- FOUND CONCRETE MARKER POST
- FOUND IRON ROD WITH CAP (5' UNLESS NOTED)
- FOUND IRON ROD (5' UNLESS NOTED)
- FOUND IRON PIPE (4' IS UNLESS NOTED)
- FOUND NAIL (TYPE AS NOTED)
- FOUND FENCE CORNER POST
- RECORDED INFORMATION
- PROPOSED SH71 ENGINEER'S BASELINE

123

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.A.E. SAVE AND EXCEPT
N.T.S. NOT TO SCALE
P.U.E. PUBLIC UTILITY EASEMENT
E.S.V. EASEMENT
P.I. POINT OF INTERSECTION
P.C. POINT OF CURVATURE
P.T. POINT OF TANGENCY
P.O.T. POINT ON TANGENT
O.P.R.T. OFFICIAL PUBLIC RECORDS
D.R.T. DEED RECORDS OF
P.R.T. REAL PROPERTY RECORDS
T.R.T. OF TRAVIS COUNTY, TEXAS
T.R.T. OF TRAVIS COUNTY, TEXAS
T.R.T. OF TRAVIS COUNTY, TEXAS

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.

Chris Conrad, REC PROF LAND SURVEYOR No 5623

12/11/09
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.

1" = 300'