

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING ADDITIONAL FLOOR-TO-AREA RATIO UNDER THE DOWNTOWN DENSITY BONUS PROGRAM FOR A PROJECT LOCATED AT 61 AND 69 RAINEY STREET AND 60 EAST AVENUE.**

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

**PART 1. Findings.**

- A. 61 Rainey Street LLC, a Texas limited liability company, 69 Rainey Street LLC, a Texas limited liability company, and River Street Partners, LLC, a Texas limited liability company (collectively “Applicant”), has applied to the City Council for additional floor-to-area ratio under Section 25-2-586(B)(6) of the Downtown Density Bonus Program for the development of Site Plan No. SP-2019-0465C (the “Project), located at 61 and 69 Rainey Street and 60 East Avenue, as further described in the legal description attached as **Exhibit “A”**.
- B. The Applicant has offered affordable housing community benefits under Section 25-2-586(E)(1) of the Downtown Density Bonus Program in order to earn the additional floor-to-area ratio, and the City Council approves the use of the affordable housing community benefits for the additional floor-to-area ratio.
- C. The Applicant has complied with all requirements of Section 25-2-586(B)(6) of the Downtown Density Bonus Program and the additional floor-to-area ratio should be granted because doing so will substantially further the goals of the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.

**PART 2.** Under the authority of Section 25-2-586(B)(6) of the Downtown Density Bonus Program, the City Council grants an additional floor-to-area ratio of 7:1 to the Project.

**PART 3.** The granting of the additional floor-to-area ratio allows the Project to increase its floor-to-area ratio from 15:1 to a maximum of 22:1.

**PART 4.** The City Council grants this additional floor-to-area ratio on the express condition that the Project be constructed in accordance with Site Plan No. SP-2019-0465C that is on file at the office of the director of the Development Services Department.

1 If this site plan expires without the Project being built or if the Applicant does not build the  
2 Project in accordance with the site plan, then this ordinance expires and is of no effect.  
3

4 **PART 5.** This ordinance takes effect on \_\_\_\_\_, 2021.  
5

6 **PASSED AND APPROVED**  
7

8 §  
9 §  
10 \_\_\_\_\_, 2021 § \_\_\_\_\_  
11 Steve Adler  
12 Mayor  
13

14  
15 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
16 Anne L. Morgan Jannette S. Goodall  
17 City Attorney City Clerk  
18

## Exhibit A

FIELDNOTES to that certain tract being comprised of land described in a General Warranty Deed Correction Affidavit to 61 Rainey Street, LLC (hereinafter referred to as 61 Rainey tract), as recorded in Document No. 2011169769, of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.), a tract of land described in a General Warranty Deed with Vendor's Lien to 69 Rainey Street, LLC (hereinafter referred to as 69 Rainey tract), as recorded in Document No. 2010134909, said O.P.R.T.C.T., and a tract of land described in a Correction Contribution Deed to Knight Family Partnership, Ltd. (hereinafter referred to as Knight tract), as recorded in Document No. 2018130131, said O.P.R.T.C.T., being further described in a Warranty Deed to Robert E. Knight, as recorded in Volume 13279, Page 3121, of the Deed Records of Travis County, Texas (D.R.T.C.T.); subject tract also being portions of Lot 1 and Lot 18, Block 1, a portion of (original) River Street (River Street being cited as having been relocated by City Council Ordinance recorded in Volume 86, Page 52, said D.R.T.C.T. (document illegible), referenced by said Document No. 2011169769 and said Document No. 20100134909), a portion of an apparent alley (20 feet wide), and a portion of a shown 10 foot reserve, all according to DRISCOLL'S AND RAINEY'S SUBDIVISION OF PART OF OUTLOTS 72 & 73, DIVISION E, AUSTIN TEXAS, a map of which is recorded in Volume 1, Page 22, of the Plat Records of Travis County, Texas (P.R.T.C.T.); the subject tract being more particularly described as follows (Bearings are based on Grid North per the Texas Coordinate System of 1983, Central Zone.):

**BEGINNING** at a 1/2 inch iron pipe found at the west corner of said 61 Rainey tract, being at the intersection of the apparent northeast right of way (ROW) of River Street (evidenced by found monumentation, said Document No. 2011169769 and said Document No. 20100134909) and the southeast right of way of Rainey Street (60 foot wide ROW, evidenced by RAINEY RIVER ADDITION, a map of which is recorded in Vol. 68, Pg. 72, said P.R.T.C.T. and said Vol. 01, Pg. 22);

THENCE NORTH 16 degrees 10 minutes 31 seconds EAST, along the northwest line of said 61 Rainey tract, at a distance of 49.85 feet pass a 1/2 inch rebar found at a common corner of said 61 Rainey tract and said 69 Rainey tract, and continue along the northwest line of said 69 Rainey tract a total distance of 85.04 feet to a point (no monumentation found or set), at the north corner of said 69 Rainey tract;

THENCE SOUTH 73 degrees 49 minutes 22 seconds EAST, along the northeast line of said 69 Rainey tract, at distance of 128.26 feet, pass a 5/8 inch rebar found at the east corner of said 69 Rainey tract on the northwest line of said alley, from which a 1/2 inch rebar found at a common corner of said 61 Rainey tract and said 69 Rainey tract, bears SOUTH 16 degrees 10 minutes 31 seconds WEST a distance of 35.25 feet, and continue through the interior of said alley a total distance of 138.26 feet to a point;

THENCE NORTH 16 degrees 10 minutes 31 seconds EAST, continuing through the interior of said alley, a distance of 5.97 feet to a point;

THENCE SOUTH 73 degrees 49 minutes 29 seconds EAST, continuing through the interior of said alley, at a distance of 10.00 feet, pass a 1/2 rebar found at the north corner of said Knight tract on the southeast line of said alley, from which a 1/2 inch capped rebar stamped "BURRIS & ASSOC" found for the north corner of a tract described in a General Warranty Deed to KMDT Property, LLC, as recorded in Document No. 2013021482, said O.P.R.T.C.T., bears NORTH 16 degrees 10 minutes 31 seconds EAST a distance of 50.00 feet, and continue along the northeast line of said Knight tract a total distance of 129.01 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set at the east corner of said Knight tract on the northwest right of way of East Avenue (ROW varies, evidenced by said Vol. 1, Pg. 22 and Texas Department of Transportation (TxDOT) ROW map - Project No. I 35-3(12)234);

THENCE SOUTH 16 degrees 27 minutes 09 seconds WEST, along the southeast line of said Knight tract, a distance of 91.77 feet to a 1/2 inch capped rebar stamped "4WARD SURVEYING" found at the south corner of said Knight tract, at the intersection of said northwest line of East Avenue and said apparent northeast line of River Street;

THENCE NORTH 73 degrees 39 minutes 44 seconds WEST, along the southwest line of said Knight tract, at a distance of 118.56 feet pass a 1/2 inch rebar found at the west corner of said Knight tract, and continue a distance of 138.56 feet to a Mag nail with a metal washer stamped "JPH Land Surveying" set at the South corner of said 61 Rainey tract, and continue along the southwest line of said 61 Rainey tract, a total distance of 266.82 feet to the ***POINT OF BEGINNING*** enclosing 0.541 of one acre ( $\pm$  23,579 square feet) of land.



Drafter: RDG 2019-01-23  
Revision: CDS - 2019-02-01  
Revision:  
Revision:

#### LEGEND OF SYMBOLS

air conditioner  
borehole  
cable tv  
electric meter  
fence or handrail  
fire dept. connection  
fire hydrant  
fire lane  
guard rail  
grease trap  
bollard  
grate inlet  
gas meter  
gas line  
utility pole anchor  
irrigation valve  
landscape or tree line  
landscape electric box  
landscape light  
light pole  
mailbox  
monitoring well  
overhead utility lines  
pool equipment  
road sign  
roof drain  
silt fence  
spot elevation  
sanitary sewer manhole  
sanitary sewer pipe  
storm water manhole  
storm water pipe  
telephone manhole  
tank fill lid  
telephone riser  
traffic signal pole  
unknown manhole  
utility clean out  
utility cabinet  
utility vault  
utility markings (line color  
color of markings)  
utility pole  
utility pole with riser  
water shutoff  
water valve  
water manhole  
water meter  
well  
water line  
one-foot contour lines  
tree trunk (not canopy)  
caliper inches at breast  
height  
ornamental tree

NOTE: Some items may not pertain to this survey. The identification is subject to interpretation, verification may be required.

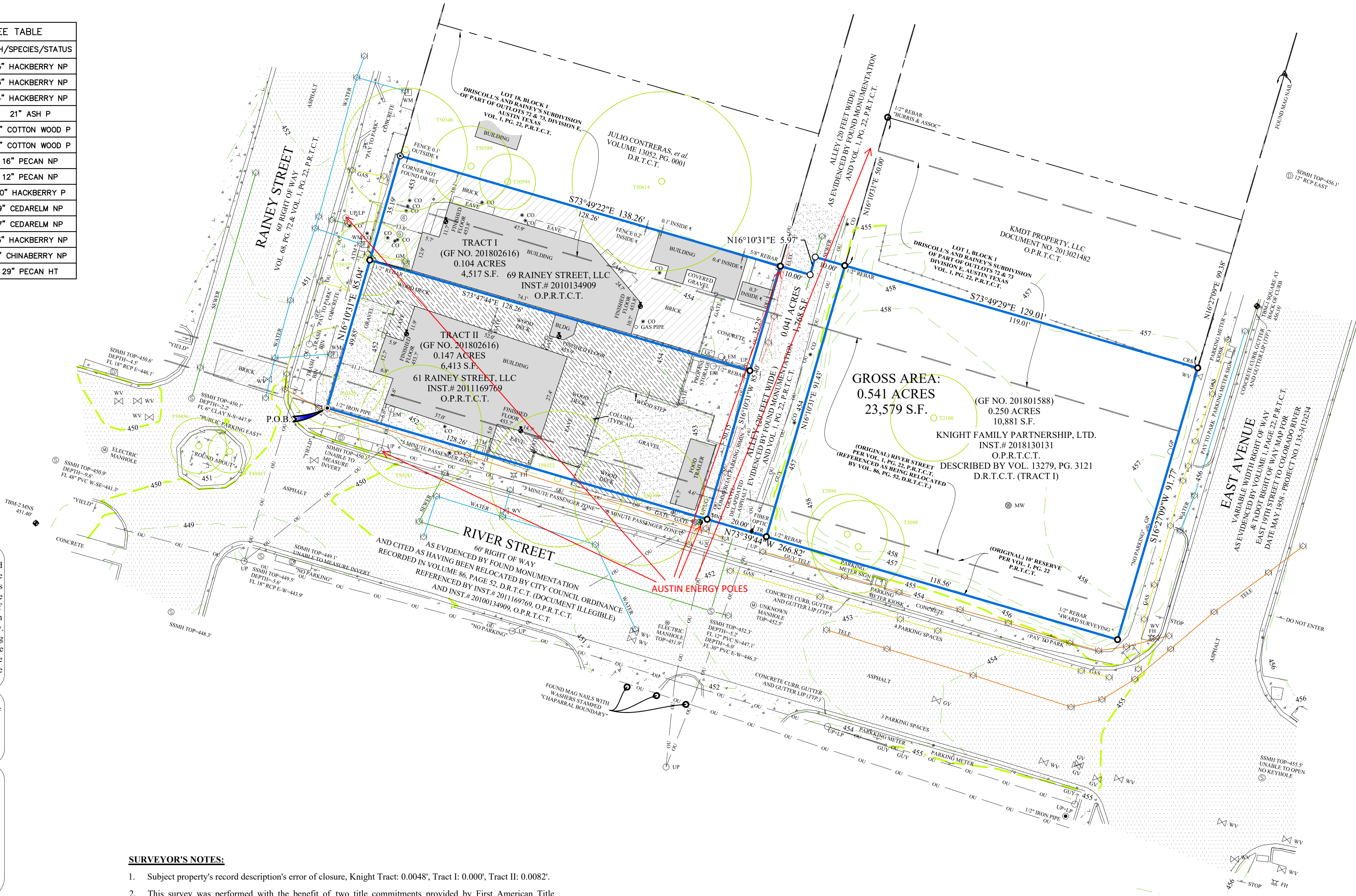
#### TREE TABLE LEGEND:

PER CITY OF AUSTIN CODE OF ORDINANCES  
NP = Not protected  
HT = Heritage Tree  
P = Protected Tree  
DBH = Diameter Breast Height

TREE TABLE		
TAG#	DBH/SPECIES/STATUS	
2098	15" HACKBERRY NP	
2099	13" HACKBERRY NP	
2100	14" HACKBERRY NP	
50190	21" ASH P	
50222	22" COTTON WOOD P	
50243	20" COTTON WOOD P	
50320	16" PECAN NP	
50327	12" PECAN NP	
50346	20" HACKBERRY P	
50456	9" CEDARELM NP	
50457	7" CEDARELM NP	
50589	13" HACKBERRY NP	
50594	9" CHINABERRY NP	
50614	29" PECAN HT	

#### LEGEND OF ABBREVIATIONS

US.SyFt. United States Survey Feet  
TxCS,83,CZ Texas Coordinate System of 1983, Central Zone  
NAVD'88 North American Vertical Datum of 1988  
P.R.T.C.T. Plat Records of Travis County, Texas  
O.P.R.T.C.T. Official Public Records of Travis County, Texas  
D.R.T.C.T. Deed Records of Travis County, Texas  
VOL/PG/INST# Volume/Page/Instrument Number  
POB/POC Point of Beginning/Point of Commencing  
ESMT/BL Easement/Building Line  
PVC Polyvinyl Chloride Pipe  
RCP Reinforced Concrete Pipe  
S.F. Square Feet  
BLDG. Building



#### UTILITY WARNING

811 or other similar utility locate requests (DIG-TESS) may be ignored or result in an incomplete response, in which case utilities may not have been marked, or not completely marked, at the time the fieldwork was performed for this survey. Therefore, other utilities may exist which are not shown on this survey. With regard to Table A, item 11 \*(if addressed), source information from plans and markings have been combined with observed evidence of utilities pursuant to Section 5.E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. Where additional or more detailed information is required, excavation and/or a private utility locate request may be necessary.

#### FLOOD ZONE CLASSIFICATION

This property lies within ZONE X (SHADED) of the Flood Insurance Rate Map for Travis County, Texas and Incorporated Areas, map no. 48453C0465J, dated January 6, 2016, via scaled map location and graphic plotting and/or via the National Flood Hazard Layer (NFHL) Web Map Service (WMS) <http://hazards.fema.gov>

#### MONUMENTS / DATUMS / BEARING BASIS

Monuments are found if not marked MNS or CRS.  
CRS 1/2" rebar stamped "JPH Land Surveying" set  
MNS Mag nail & washer stamped "JPH Land Surveying" set  
TBM Site benchmark (see vicinity map for general location)  
Vertex or common point (not a monument)  
Coordinate values, if shown, are US.SyFt./TxCS,83,CZ  
Elevations, if shown, are NAVD'88  
Bearings are based on grid north (TxCS,83,CZ)  
TYPE I TxDOT Right of Way tapered concrete monument.  
TYPE II TxDOT Right of Way bronze cap in concrete.  
TYPE III TxDOT Right of Way aluminum cap.

#### SURVEYOR'S NOTES:

- Subject property's record description's error of closure, Knight Tract: 0.0048', Tract I: 0.0000', Tract II: 0.0082'.
- This survey was performed with the benefit of two title commitments provided by First American Title Insurance Company, GF# 201802616, effective November 8, 2018, and issued November 20, 2018 (TRACTS I & II), and GF# 201801588, effective July 3, 2018, and issued July 12, 2018 (KNIGHT TRACT). Complete copies of the record description of the property, any record easements benefiting the property, the record easements or servitudes and covenants affecting the property ("Record Documents"), documents of record referred to in the Record Documents, and any other documents containing desired appropriate information affecting the property being surveyed and to which the survey shall make reference were not provided to this surveyor for notation on the survey. Therefore, easements, agreements, or other documents, either recorded, or unrecorded may exist that affect the subject property that are not shown on this survey.
- Vertical Relief: Elevations are based on NAVD 1988 per GPS observations using the Texas RTK Network. One-foot contour intervals are shown. The site benchmark (TBM-1) is a square cut set in a concrete curb, located approximately 12' easterly of the west line of East Avenue and approximately 115' northerly of the north line of River Street. Benchmark Elevation = 456.16' (NAVD'88). The site benchmark (TBM-2) is a mag nail with a metal washer stamped "JPH LAND SURVEYING" set in concrete, located approximately 60' southwest of the centerline intersection of Rainey Street and River Street. Benchmark Elevation = 451.40' (NAVD'88). See vicinity map for general location.
- Field work for the Knight tract area was completed on October 26, 2016 and verified on January 25, 2019. Field work for the remainder of the site was completed on January 25, 2019.

#### NOTE REGARDING UTILITIES:

Utility locations are per observed and sources listed below:  
DIG-TESS - ticket number(s) 562388053, 590187385 and 590187328.

#### CLICK HERE FOR DESCRIPTION IN WORD FORMAT

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#### VICINITY MAP

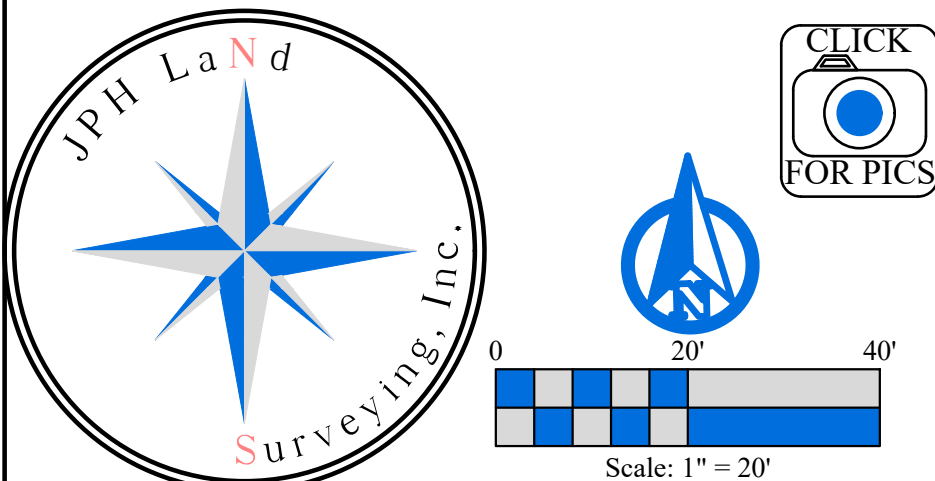


## BOUNDARY & TOPOGRAPHIC SURVEY 0.541 ACRES

BEING PORTIONS OF  
LOTS 1 & 18, BLOCK 1, (ORIGINAL) RED RIVER STREET,  
AN APPARENT ALLEY (20' WIDE) & A SHOWN 10' RESERVE  
DRISCOLL'S AND RAINEY'S SUBDIVISION  
OF PART OF OUTLOTS 72 & 73

CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS

ADDRESSES: 60 East Avenue, 61 Rainey Street, and 69 Rainey Street (Per Appraisal District)



JPH Job/Drawing No. (see below)  
2016.069.006 60 East Avenue, Austin, Travis County, TX - BOUNDARY & TOPO.dwg  
© 2019 JPH Land Surveying, Inc. - All Rights Reserved  
1516 E Palm Valley Blvd, Suite A4, Round Rock, Texas 78664  
Telephone (817) 431-4971 www.jphlandsurveying.com  
TBPLS Firm #10019500 #10194073 #10193867  
DFW | Austin | Abilene

Cole Streevey  
Registered Professional  
Land Surveyor No. 6731  
cole@jphs.com  
Date: February 01, 2019

