

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

**AN ORDINANCE GRANTING ADDITIONAL FLOOR-TO-AREA RATIO UNDER THE DOWNTOWN DENSITY BONUS PROGRAM FOR A PROJECT LOCATED AT 82 AND 84 NORTH IH-35 SERVICE ROAD SOUTHBOUND.**

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

## PART 1. Findings.

- A. 84 East JV, LLC, a Delaware limited liability company (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-2020-0069C (the “Project), located at 82 and 84 North IH-35 Service Road Southbound, 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 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 6:1 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 21:1.

**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-2020-0069C that is on file at the office of the director of the Development Services Department.

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

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

**PASSED AND APPROVED**

\_\_\_\_\_, 2021

§  
§  
§

Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan Jannette S. Goodall  
City Attorney City Clerk

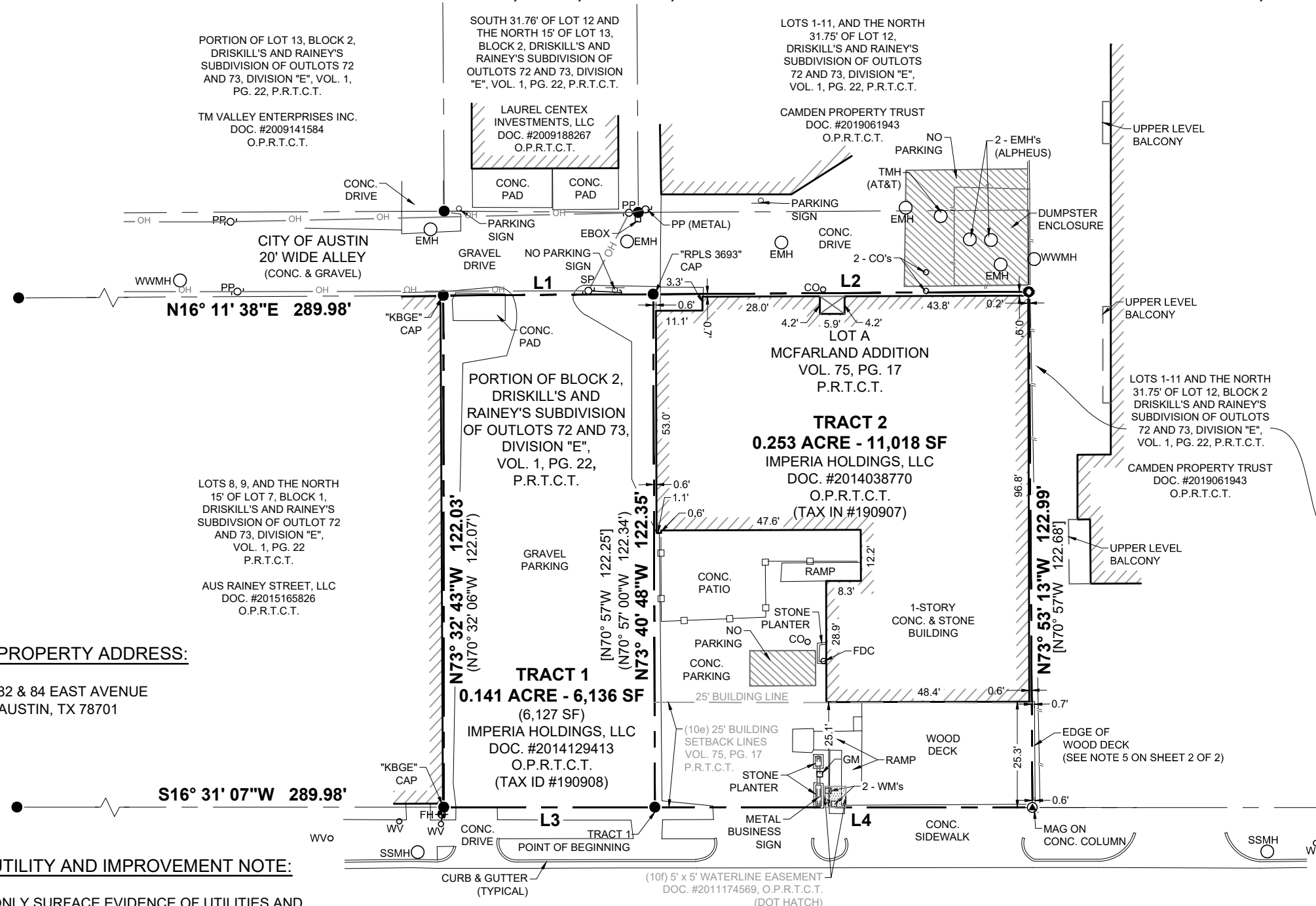
**TRAVIS COUNTY, TEXAS  
CITY OF AUSTIN**

# ALTA/NSPS LAND TITLE SURVEY

**TRACT 1: A 0.141 ACRE (6,136 SF) TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TEXAS AND BEING OUT OF A PORTION OF BLOCK 2, DRISKILL'S AND RAINEY'S SUBDIVISION OF OUTLOTS 72 AND 73, DIVISION "E", RECORDED IN VOL. 1, PG. 22, P.R.T.C.T., SAID 0.141 ACRE TRACT BEING CONVEYED TO IMPERIA HOLDINGS, LLC IN DOC. #2014129413, O.P.R.T.C.T.**

- AND -

**TRACT 2: A 0.253 ACRE (11,018 SF) TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TEXAS AND BEING ALL OF LOT A, MCFARLAND ADDITION, RECORDED IN VOL. 75, PG. 17, P.R.T.C.T., SAID 0.253 ACRE TRACT BEING CONVEYED TO IMPERIA HOLDINGS, LLC IN DOC. #2014038770, O.P.R.T.C.T.**



PROPERTY ADDRESS:



















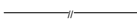

82 & 84 EAST AVENUE  
AUSTIN, TX 78701

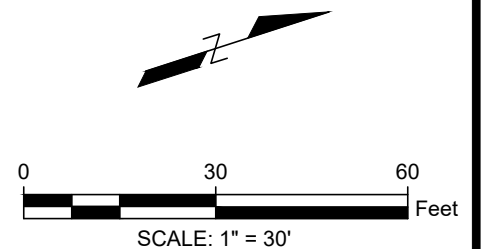
UTILITY AND IMPROVEMENT NOTE:

ONLY SURFACE EVIDENCE OF UTILITIES AND IMPROVEMENTS ARE SHOWN ON THIS SURVEY.

BEARING BASIS & HORIZONTAL DATUM:

BEARINGS SHOWN HEREON ARE GRID AS  
REFERENCED TO THE TEXAS STATE PLANE  
COORDINATE SYSTEM NAD '83 (CENTRAL ZONE 4203)

LEGEND	
	1/2" IRON ROD FOUND
	1/2" IRON PIPE FOUND
	MAG NAIL FOUND WITH WASHER STAMPED "BURY"
EMH 	ELECTRIC MANHOLE
PPo 	POWER POLE
SPo 	SERVICE POLE
EBOX 	ELECTRIC BOX
	GUY WIRE
	OVERHEAD UTILITY LINE
TMH 	TELECOMMUNICATIONS/CABLE MANHOLE
SSMH 	STORM SEWER MANHOLE
FH 	FIRE HYDRANT
WVo 	WATER VALVE
WM 	WATER METER
FDCo 	FIRE DEPARTMENT CONNECTION
WWMH 	WASTEWATER MANHOLE
COo 	CLEANOUT
GM 	GAS METER
	WOOD FENCE
	WROUGHT IRON RAILING
R.O.W.	RIGHT-OF-WAY
( )	RECORD INFORMATION PER DOC. #2014129413, O.P.R.T.C.T.
[ ]	RECORD INFORMATION PER VOL. 75, PG. 17, P.R.T.C.T.
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS



LINE TABLE		
LINE #	DIRECTION	LENGTH
<b>L1</b>	N16° 08' 35"E (N18° 48' 27"E)	50.07' (49.70')
<b>L2</b>	N16° 08' 45"E [N18° 43'E]	89.60' [90.00']
<b>L3</b>	S16° 30' 13"W (S19° 07' 41"W)	50.36' (50.58')
<b>L4</b>	S16° 33' 14"W [S19° 00'W]	90.04' [90.00']

**82 & 84 EAST AVE.**

OCTOBER, 2019  
PROJECT NO. 501-106



ENGINEERING &amp; SURVEYING

TBPLS FIRM # 10194507  
 TBPE FIRM # F-15324  
 2007 S 1<sup>ST</sup> STREET, SUITE 103  
 AUSTIN, TEXAS 78704  
 (512)394-1900

SHEET  
1 OF 2

ALTA/NSPS LAND TITLE SURVEY

TRACT 1: A 0.141 ACRE (6,136 SF) TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TEXAS AND BEING OUT OF A PORTION OF  
BLOCK 2, DRISKILL'S AND RAINEY'S SUBDIVISION OF OUTLOTS 72 AND 73, DIVISION "E", RECORDED IN  
VOL. 1, PG. 22, P.R.T.C.T., SAID 0.141 ACRE TRACT BEING CONVEYED TO IMPERIA HOLDINGS, LLC IN DOC. #2014129413, O.P.R.T.C.T.

- AND -

TRACT 2: A 0.253 ACRE (11,018 SF) TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TEXAS AND BEING ALL OF LOT A, MCFARLAND ADDITION,  
RECORDED IN VOL. 75, PG. 17, P.R.T.C.T., SAID 0.253 ACRE TRACT BEING CONVEYED TO IMPERIA HOLDINGS, LLC IN DOC. #2014038770, O.P.R.T.C.T.

LEGAL DESCRIPTION OF LAND:

(AS SHOWN IN SCHEDULE A, ITEM 4 OF CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT #AUT19004935, GF# AUT-60-661-AUT19004935D WITH AN EFFECTIVE DATE OF SEPTEMBER 24, 2019. THIS SURVEYOR DID NOT COMPOSE THE FOLLOWING LEGAL DESCRIPTIONS.)

TRACT 1: BEING ALL OF THAT 6,127 SQUARE FEET OF LAND, MORE OR LESS, OUT OF BLOCK 2 OF DRISKILL'S AND RAINEY'S SUBDIVISION OF OUTLOTS 72 AND 73, DIVISION "E" IN THE CITY OF AUSTIN, A SUBDIVISION RECORDED IN VOLUME 1, PAGE 22 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BEING THE SAME TRACT OF LAND CONVEYED TO MARY JOSEPH AND CALLED 50 FEET BY 128 FEET IN THE DEED RECORDED IN VOLUME 831, PAGE 508 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID TRACT OF LAND HAVING BEEN SURVEYED ON THE GROUND UNDER MY SUPERVISION AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2-INCH IRON ROD FOUND IN THE WESTERLY RIGHT OF WAY LINE OF NORTH I.H. 35 AT THE SOUTHEAST CORNER OF MCFARLAND ADDITION, A SUBDIVISION RECORDED IN BOOK 75, PAGE 17 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED FROM WHICH A PK NAIL FOUND WITH A WASHER STAMPED "BURY & PARTNERS" AT THE NORTHEAST CORNER OF MCFARLAND ADDITION BEARS NORTH 19 DEGREES 12 MINUTES 49 SECONDS EAST AND A DISTANCE OF 90.10 FEET;

THENCE, ALONG THE WESTERLY RIGHT OF WAY LINE OF NORTH I.H. 35 AND THE EASTERLY LINE OF BLOCK 2 AND THE TRACT HEREIN DESCRIBED, SOUTH 19 DEGREES 07 MINUTES 41 SECONDS WEST A DISTANCE OF 50.58 FEET TO A 1/2-INCH IRON ROD FOUND AT THE NORTHEAST OF THE 0.1394 ACRE OF LAND CONVEYED TO LEAPAHEAD SOLUTIONS, INC., RECORDED IN DOCUMENT NO. 2012073422 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED FROM WHICH A 1/2-INCH IRON ROD FOUND WITH A CAP STAMPED "RPLS 5278" BEARS SOUTH 19 DEGREES 17 MINUTES 04 SECONDS WEST AND A DISTANCE OF 229.74 FEET;

THENCE, LEAVING THE WESTERLY RIGHT OF WAY LINE OF NORTH I.H. 35 AND OVER AND ACROSS BLOCK 2 AND ALONG THE NORTHERLY LINE OF THE LEAPAHEAD SOLUTIONS, INC., TRACT AND THE SOUTHERLY LINE OF THE TRACT HEREIN DESCRIBED, NORTH 70 DEGREES 32 MINUTES 06 SECONDS WEST, A DISTANCE OF 122.07 FEET TO A 1/2-INCH IRON ROD FOUND IN THE EASTERLY LINE OF AN ALLEY AT THE NORTHWEST CORNER OF THE LEAPAHEAD SOLUTIONS, INC., TRACT FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED FROM WHICH A 1/2-INCH IRON ROD FOUND WITH A CAP STAMPED "LOOMIS" AT THE SOUTHWEST CORNER OF THE LEAPAHEAD SOLUTIONS, INC., TRACT BEARS SOUTH 19 DEGREES 07 MINUTES 31 SECONDS WEST AND A DISTANCE OF 49.59 FEET;

THENCE, ALONG THE EASTERLY LINE OF THE ALLEY AND THE WESTERLY LINE OF BLOCK 2 AND THE TRACT HEREIN DESCRIBED, NORTH 18 DEGREES 48 MINUTES 27 SECONDS EAST, A DISTANCE OF 49.70 FEET TO A 1/2-INCH IRON ROD FOUND WITH A CAP STAMPED "RPLS 3693" AT THE SOUTHWEST CORNER OF MCFARLAND ADDITION FOR THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED FROM WHICH A 1/2-INCH IRON PIPE FOUND AT THE NORTHWEST CORNER OF MCFARLAND ADDITION BEARS NORTH 18 DEGREES 48 MINUTES 31 SECONDS EAST AND A DISTANCE OF 89.65 FEET;

THENCE, LEAVING THE EASTERLY LINE OF THE ALLEY AND OVER AND ACROSS BLOCK 2 AND ALONG THE SOUTHERLY LINE OF MCFARLAND ADDITION AND THE NORTHERLY LINE OF THE TRACT HEREIN DESCRIBED, SOUTH 70 DEGREES 57 MINUTES 00 SECONDS EAST, A DISTANCE OF 122.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 6,127 SQUARE FEET OF LAND, MORE OR LESS, AS SHOWN ON PLAT OF SURVEY PREPARED HERewith.

TRACT 2: LOT A, MCFARLAND ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 75, PAGE 17, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

NOTES:

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH LAWS AND/OR MINIMUM STANDARDS OF THE STATE OF TEXAS.
2. THE PROPERTY DESCRIBED HEREON (THE "PROPERTY") IS THE SAME AS THE PROPERTY DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. AUT19004935 WITH AN EFFECTIVE DATE OF SEPTEMBER 24, 2019 AND ISSUED OCTOBER 3, 2019, AND ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE PROPERTY OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE PROPERTY.
3. ALL UTILITIES SERVING THE PROPERTY ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD ARE SHOWN HEREON.
4. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 48453C0465J, WITH A DATE OF IDENTIFICATION OF JANUARY 6, 2016, FOR COMMUNITY NO. 480624 IN TRAVIS COUNTY, STATE OF TEXAS, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE PROPERTY IS SITUATED.
5. THE WOOD DECK ON THE EAST SIDE OF THE BUILDING CROSSES OVER 0.7' ONTO THE NORTH ADJOINING PROPERTY AS SHOWN.
6. THE PROPERTY HAS DIRECT ACCESS TO NORTH I.H. 35 SOUTH BOUND FRONTAGE ROAD, A DEDICATED PUBLIC STREET OR HIGHWAY.
7. THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS AT THE PROPERTY.
8. THERE ARE NO KNOWN CHANGES IN STREET RIGHT OF WAY LINES AFFECTING THE PROPERTY, ACCORDING TO CITY OF AUSTIN. THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS AFFECTING THE PROPERTY.
9. SURVEY UPDATED ON 10/9/2019 WITH NEW TITLE COMMITMENT PROVIDED BY THE CLIENT.

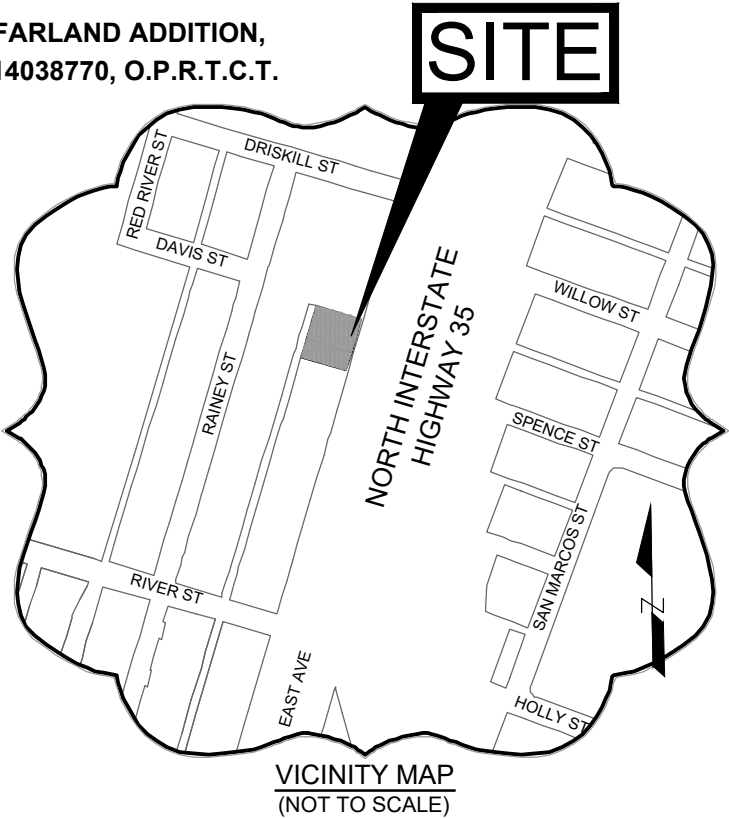
TITLE COMMITMENT NOTE:

THIS SURVEY CONTAINS INFORMATION SHOWN IN SCHEDULE B OF CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT #AUT19004935, GF #AUT-60-661-AUT19004935D, EFFECTIVE DATE SEPTEMBER 24, 2019 AND ISSUED OCTOBER 3, 2019 WITH THE FOLLOWING CLARIFICATIONS:

THIS SURVEYOR HAS RELIED UPON THE REFERENCED COMMITMENT FOR TITLE REGARDING EASEMENTS, RESTRICTIONS AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY. NO RESTRICTIVE COVENANTS LISTED AT THE TIME OF THE SURVEY.

10e. BUILDING SETBACK LINES AS SET OUT ON PLAT RECORDED IN VOLUME 75, PAGE 17, PLAT RECORDS, TRAVIS COUNTY, TEXAS. DOES AFFECT TRACT 2 - SHOWN HEREON

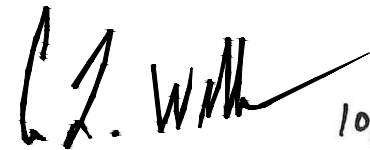
10f. EASEMENT GRANTED TO THE CITY OF AUSTIN IN DOCUMENT #2011174569, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. DOES AFFECT TRACT 2 - SHOWN HEREON

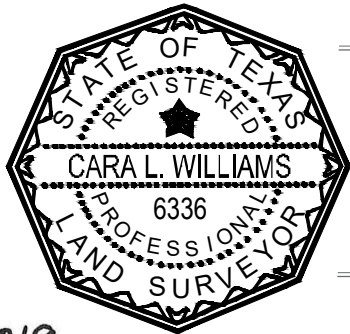


TO CHICAGO TITLE INSURANCE COMPANY, AUSTIN TITLE COMPANY, IMPERIA HOLDINGS LLC, A TEXAS LIMITED LIABILITY COMPANY, 84 EAST JV, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND BURNET, LLC, AND ITS SUCCESSORS AND ASSIGNS.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADAPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 8, 13, 16 AND 17 OF TABLE A THEREOF.

AS SURVEYED BY:

  
\_\_\_\_\_  
CARA L. WILLIAMS  
RPLS NO. 6336 - STATE OF TEXAS  
WUEST GROUP  
(512)394-1900



DATE

82 & 84 EAST AVE.

OCTOBER, 2019  
PROJECT NO. 501-106



TBPLS FIRM # 10194507  
TBPE FIRM # F-15324  
2007 S 1<sup>ST</sup> STREET, SUITE 103  
AUSTIN, TEXAS 78704  
(512)394-1900  
SHEET  
2 OF 2