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

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___________________________, 2021

Steve Adler
Mayor

APPROVED: ___________________________ ATTEST: ___________________________

Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk
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 RAINIE’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 compile 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 RAINIE’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 EAST AVE., STREET, SUITE 103, 2007 S 1ST ST, TBPLS FIRM #10194507, URSO OF WUEST GROUP, #2011174569, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, ACCORDING TO RPLS NO. 6336 - STATE OF TEXAS.

DRAFT: LOT A, MCFARLAND ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME 75, PAGE 77, 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 HEREIN (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 HEREIN 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 HEREIN.

4. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION “X” BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP 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 TITLE SURVEYS, JOINTLY ESTABLISHED AND ADAPTED BY ALTA AND NSPS, AND DEDICATED TO THE PURPOSE OF THIS SURVEY.

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.

TO CHICAGO TITLE INSURANCE COMPANY, AUSTIN TITLE COMPANY, IMPERIA HOLDINGS LLC, A TEXAS LIMITED LIABILITY COMPANY, 84 EAST JX, 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 DEDICATED TO THE PURPOSE OF THIS SURVEY.

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