

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

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1013 AND 1017 MONTOPOLIS DRIVE IN THE MONTOPOLIS NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE MODERATE-HIGH DENSITY-NEIGHBORHOOD PLAN (MF-4-NP) 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 family residence-neighborhood plan (SF-3-NP) combining district to multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district on the property described in Zoning Case No. C14-2020-0029, on file at the Housing and Planning Department, as follows:

3.120 acres of land (approximately 135,925 square feet) out of Santiago Del Valle Survey, Abstract No. 24 situated in Travis County, Texas, said 3.120 acres of land being more particularly described by metes and bounds in **Exhibit “A”** incorporated into this ordinance (the “Property”),

locally known as 1013 and 1017 Montopolis Drive in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit “B”**.

**PART 2.** The Property is subject to Ordinance No. 010927-28 that established zoning for the Montopolis Neighborhood Plan.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2022.

**PASSED AND APPROVED**

\_\_\_\_\_, 2022      § \_\_\_\_\_  
                                 § \_\_\_\_\_  
                                 § \_\_\_\_\_  
                                 Steve Adler  
                                 Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan      Myrna Rios  
City Attorney      City Clerk

# EARLY LAND SURVEYING, LLC

P.O. Box 92588  
Austin, TX 78709  
512-202-8631  
earlysurveying.com  
TBPELS Firm No. 10194487

## 3.120 ACRES TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 3.120 ACRES (APPROXIMATELY 135,925 SQ. FT.) IN THE SANTIAGO DEL VALLE SURVEY, ABSTRACT NO. 24 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 3.120 ACRE TRACT CONVEYED TO MONTOPOLIS ACRES LP IN A GENERAL WARRANTY DEED WITH VENDOR'S LIEN DATED JUNE 16, 2019 AND RECORDED IN DOCUMENT NO. 2019102752 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.120 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with "Dean Woodley" cap found in the southeast right-of-way line of Montopolis Drive (right-of-way width varies), being the northernmost corner of the said 3.120 acre tract, being the westernmost corner of a 1.91 acre tract described in Document No. 2015189337 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar with "TLSI RPLS 4037-5168" cap found in the southeast right-of-way line of Montopolis Drive, being the northernmost corner of a 2.89 acre tract described in Document No. 2015189337 of the Official Public Records of Travis County, Texas, bears North 27°19'11" East, a distance of 251.25 feet;

**THENCE** South 49°10'19" East with the northeast line of the said 3.120 acre tract and the southwest line of the said 1.91 acre tract, a distance of 844.63 feet to a 1/2" rebar found for the easternmost corner of the said 3.120 acre tract, being the southernmost corner of the said 1.91 acre tract, being also in the northwest termination of Montana Street (50' right-of-way width) (not built as time of survey) as shown on Chernosky Subdivision No. 15, a subdivision of record in Volume 5, Page 92 of the Plat Records of Travis County, Texas;

**THENCE** with the southeast line of the said 3.120 acre tract, the northwest termination of Montana Street and the northwest line of Lots 1-3, Block 6, of said Chernosky Subdivision No. 15, the following three (3) courses and distances:

1. South 30°43'35" West, a distance of 77.76 feet to a 1/2" rebar found for the westernmost corner of Lot 1, Block 6, of said Chernosky Subdivision No. 15, being the northernmost corner of Lot 2, Block 6, of said Chernosky Subdivision No. 15;

2. South 31°42'24" West, a distance of 49.79 feet to a 5/8" iron pipe found for the westernmost corner of Lot 2, Block 6, of said Chernosky Subdivision No. 15, being the northernmost corner of Lot 3, Block 6, of said Chernosky Subdivision No. 15;
3. South 32°25'38" West, a distance of 36.62 feet to a 1/2" iron pipe found for the southernmost corner of the said 3.120 acre tract, being the easternmost corner of Lot 2, Franciscan Sisters Daughters of Mercy Subdivision, a subdivision of record in Document No. 200100248 of the Official Public Records of Travis County, Texas;

**THENCE** North 49°09'36" West with the southwest line of the said 3.120 acre tract and the northeast line of Lot 2, of said Franciscan Sisters Daughters of Mercy Subdivision, a distance of 833.95 feet to a 1/2" rebar with "Premier" cap found for an angle point in the southeast right-of-way line of Montopolis Drive, being the westernmost corner of the said 3.120 acre tract, from which a 1/2" rebar found, bears North 49°09'36" West, a distance of 0.52 feet;

**THENCE** North 27°45'21" East with the southeast right-of-way line of Montopolis Drive and the northwest line of the said 3.120 acre tract, a distance of 166.07 feet to the **POINT OF BEGINNING**, containing an area of 3.120 acres, more or less.

Surveyed on the ground on May 13, 2020

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1067-001-BASE



Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016



Date

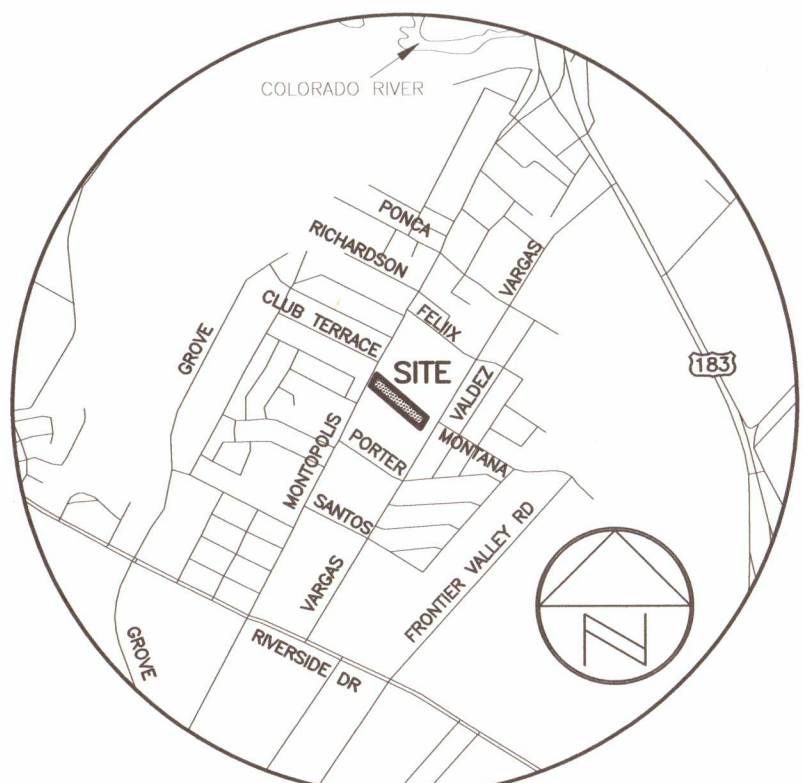




A TOPOGRAPHIC AND TREE SURVEY OF 3.120 ACRES (APPROXIMATELY 135,925 SQ. FT.) IN THE SANTIAGO DEL VALLE SURVEY, ABSTRACT NO. 24 IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 3.120 ACRE TRACT CONVEYED TO MONTOPOLIS ACRES LP IN A GENERAL WARRANTY DEED WITH VENDOR'S LIEN DATED JUNE 16, 2019 AND RECORDED IN DOCUMENT NO. 2019102752 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

SCALE: 1" = 30'  
GRAPHIC SCALE

- LEGEND
- 1/2" REBAR FOUND (OR AS NOTED)
  - 1/2" REBAR WITH "PREMIER" CAP FOUND
  - 1/2" REBAR WITH "DEAN WOODLEY" CAP FOUND
  - 1/2" REBAR WITH "LSI RPLS 4037-5168" CAP FOUND
  - 1/2" IRON PIPE FOUND (OR AS NOTED)
  - BENCHMARK LOCATION
  - FIRE HYDRANT
  - WATER METER
  - WATER VALVE
  - GAS UTILITY
  - UTILITY POLE
  - GUY WIRE
  - STORMSEWER MANHOLE
  - WASTEWATER MANHOLE
  - CLEANOUT
  - MAILBOX
  - EDGE OF ASPHALT PAVEMENT
  - OVERHEAD UTILITIES
  - WIRE FENCE
  - CHAIN LINK FENCE
  - WROUGHT IRON FENCE
  - WOOD FENCE
  - RECORD INFORMATION



LOCATION MAP  
NOT TO SCALE

SOUTHWEST KEY PROGRAMS, INC.  
1.91 ACRES, TRACT 1  
(2015189337)

3.120 ACRES  
APPROX. 135,925 SQ. FT.  
MONTOPOLIS ACRES LP  
3.120 ACRES  
(2019102752)

LOT 2  
FRANCISCAN SISTERS DAUGHTERS OF MERCY SUBDIVISION  
(200100248)

LOT 16  
BLOCK 4  
CHERNOSKY  
SUBDIVISION NO. 15  
(5/92)

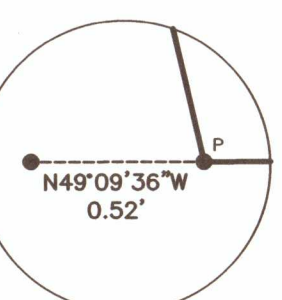
MONTANA STREET  
(50' R.O.W. WIDTH)  
NOT BUILT AT  
TIME OF SURVEY

LOT 1  
BLOCK 6  
CHERNOSKY  
SUBDIVISION NO. 15  
(5/92)

LOT 2  
BLOCK 6  
CHERNOSKY  
SUBDIVISION NO. 15  
(5/92)

LOT 3  
BLOCK 6  
CHERNOSKY  
SUBDIVISION NO. 15  
(5/92)

LOT 4  
BLOCK 6  
CHERNOSKY  
SUBDIVISION NO. 15  
(5/92)



DETAIL  
NOT TO SCALE

MANHOLE AND INLET NOTE:

THIS SURVEY SHOWS FIELD MEASURED SIZES AND DEPTHS AS OBSERVED FROM GROUND LEVEL OPENINGS. EXACT MEASUREMENTS AND DEPTHS, PARTICULARLY IN CRITICAL AREAS, SHOULD BE VERIFIED WITH UTILITY RECORD MAPS AND/OR FIELD VERIFICATION PRIOR TO FINAL PLANNING OR CONSTRUCTION.

BENCHMARK INFORMATION:

BM #1: SQUARE ON SOUTHEAST CORNER OF A CURB INLET, EAST SIDE OF MONTOPOLIS STREET, 4' ± 17" NORTHWEST OF THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY.

ELEVATION = 485.84'  
VERTICAL DATUM: NAVD 88 (GEOID 12B)

TREE INDEX			
TAG NO.	TYPE	INDICATES MULTI TRUNK	
514	LO	17 14 11	(29.5)
INDIVIDUAL TRUNK DIA. (IN INCHES)			
TOTAL (ROOT ZONE)			

CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.

AE = AMERICAN ELM  
ASH = TEXAS ASH  
BUM = BUMELIA  
CAT = CATALPA  
CB = CHINABERRY  
CHTW = CHINESE TALLOW  
CRM = CREPE MYRTLE  
HB = HACKBERRY  
LIG = LIGUSTRUM  
LO = LIVE OAK  
MLB = MULBERRY  
MSQ = MESQUITE  
PALM = PALM  
PEC = PECAN  
UKT = UNKNOWN

NOTE ABOUT DEAD TREES: IF THE TREE APPEARED TO BE DEAD, THEN IT HAS BEEN NOTED AS DEAD; HOWEVER, SUCH DETERMINATION IS SUBJECT TO VERIFICATION BY A QUALIFIED ARBORIST.

TREE LIST

7084 HB 17	7121 HB 8	14272 BUM 10
7085 AE 11	14273 LIG 8 7 7 (15.0)	
7086 BUM 11 11 10 9 (26.0)	14274 PEC 12	
7087 MSQ 11	14275 AE 8	
7088 CB 9	14276 AE 19	
7089 HB 13	14277 ASH 19 15 (26.5)	
7090 LO 17 9 8 (25.5)	14278 CB 8	
7091 HB 10	14279 CB 8	
7092 HB 13	14280 MSQ 12	
7093 HB 10	14281 HB 11	
7094 HB 8	14282 HB 11	
7095 MSQ 16 14 (23.0)	14283 CB 10	
7096 BUM 8	14284 CAT 14 14 (21.0)	
7097 MSQ 8 6 (11.0)	14285 HB 13	
7098 ASH 19	14286 CAT 9 7 7 (16.0)	
7099 HB 10	14287 HB 15	
7100 HB 10 9 8 (18.5)	14288 CAT 19	
7101 HB 8	14289 AE 11	
7102 HB 9	14290 AE 8	
7103 HB 8	14291 MSQ 16 11 (21.5)	
7104 AE 8	14292 ASH 9 7 (12.5)	
7105 BUM 10	14293 ASH 9 7 (12.5)	
7106 MSQ 13	14294 AE 10	
7107 HB 11 8 6 (18.0)	14295 HB 11	
7108 MSQ 12 11 (17.5)	14296 MSQ 13 STUMP	
7109 MSQ 9	14297 HB 12	
7110 MSQ 10 7 (13.5)	14298 HB 9	
7111 MSQ 13	14299 AE 19 18 (28.0)	
7112 HB 9	14300 ASH 10	
7113 HB 12		
7114 MSQ 10		
7115 MSQ 9		
7116 CE 9		
7117 ASH 9		
7118 MSQ 9		
7119 HB 11		
7120 AE 9		

TITLE COMMITMENT NOTE:

COMMITMENT FOR TITLE INSURANCE PREPARED BY:

Fidelity National Title Insurance Company

G.F. No.: AUT-13-070-AUT19003594Dawn Effective Date: 5/10/19 Issued: 5/19/19

The 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. Items listed are worded according to the commitment, followed by surveyor's notes and/or observations.

Schedule "B" items contained therein and re-listed below were considered:

1) Restrictive Covenants: DELETED

100) Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Austin

Purpose: electric and telephone lines and systems

Recording No: Volume 2228, Page 463, Deed Records of Travis County, Texas

--- Affects Subject, as shown

FLOOD-PLAIN NOTE:

The tract shown hereon lies within Zone "X" (areas determined to be outside the 0.2% annual chance floodplain), as identified by the Federal Emergency Management Agency, National Flood Insurance Program, as shown on map no. 484530605K, dated January 22, 2020, for Travis County, Texas and incorporated areas. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.

BEARING BASIS:

THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

SURVEYOR'S CERTIFICATE:

CERTIFIED TO:

Montopolis Acres LLC a/o Assigns  
Fidelity National Title Insurance Company  
Austin Title Company

PROPERTY ADDRESS: 1013 Montopolis Street, Austin, TX 78741

DATE OF SURVEY: 5/13/20

ATTACHMENTS: none

I hereby certify that a survey of the property shown hereon was actually made upon the ground under my direction and supervision on the date shown. This survey was made substantially in accordance with the standards and conditions set forth for a Category 6, Condition 1, Topographic Survey, based on the Manual of Practice for Land Surveying in Texas, 2006 Revised Eleventh Edition, prepared by the Texas Society of Professional Surveyors.

5/13/2020

Joe Ben Early, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 6016  
jbe@earlysurveying.com



**EARLY**  
LAND SURVEYING  
A LIMITED LIABILITY COMPANY

P.O. BOX 92588  
AUSTIN, TX 78790  
512-202-8631  
FIRM NO. 10194487

PROJECT NO.: 1067-001  
DRAWING NO.: 1067-001-BASE  
PLOT DATE: 05/13/20  
PLOT SCALE: 1" = 30'  
DRAWN BY: BBP/JBE  
SHEET 01 OF 01



## ZONING

ZONING CASE#: C14-2020-0029

Exhibit B

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**Created: 3/4/2020**