

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1004, 1006, AND 1008 EAST 39TH STREET IN THE HANCOCK NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-3-CO-NP) COMBINING DISTRICT AND LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LO-MU-CO-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-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district and limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district to multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district on the property described in Zoning Case No. C14-2022-0019.SH, on file at the Housing and Planning Department, as follows:

0.7474 acres (32,555 square feet) of land, more or less, out of and a part of Lot 1, Block 9, PLAINVIEW HEIGHTS, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 390, Page 248, said 0.7474 acres of land being more particularly described in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 1004, 1006 and 1008 East 39th Street in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

PART 2. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 040826-59 that established zoning for the Hancock Neighborhood Plan.

PART 3. This ordinance takes effect on _____, 2022.

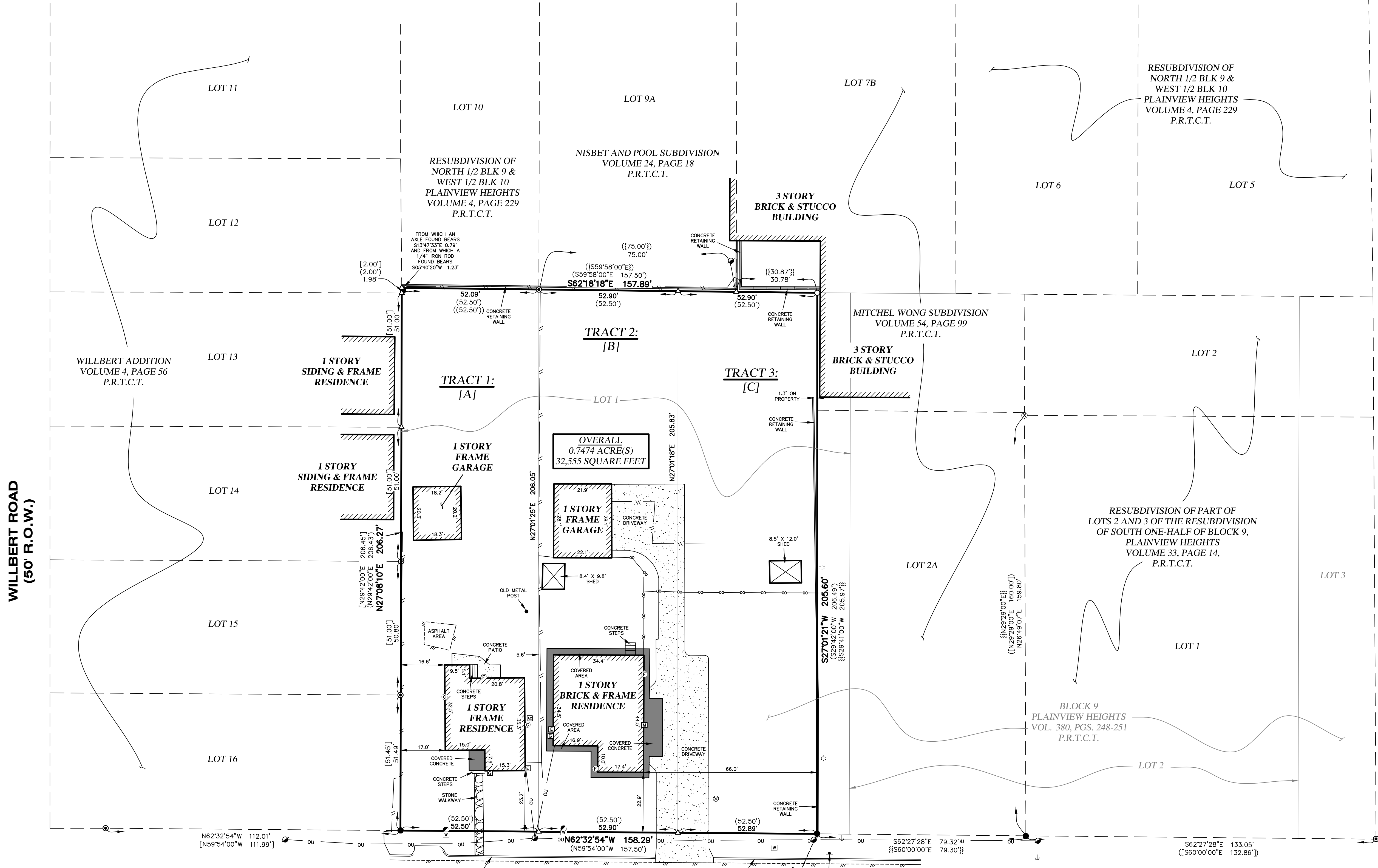
PASSED AND APPROVED

_____, 2022

§
§
§ _____

Steve Adler
Mayor

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



FLOODPLAIN NOTE:
THIS PROPERTY IS LOCATED WITHIN ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.I.R.M. PANEL NO.48453C 0465K, TRAVIS COUNTY, TEXAS DATED JANUARY 22, 2020.

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.

LEGAL DESCRIPTION:
TRACT 1: BEING A TRACT OR PARCEL OF LAND CONTAINING 0.249 ACRE (10,839 SQ. FT.) OF LAND, MORE OR LESS, OUT OF AND A PART OF LOT 1, BLOCK 9, PLAINVIEW HEIGHTS, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 380, PAGE 248 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING CONVEYED TO ALLEN H. LEISTICO, ET UX BY DEED FROM JOE FURHAM IN DEED DATED MAY 3, 1952, RECORDED IN VOLUME 1260, PAGES 46-47 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT 2: A PORTION OF LOT 1, IN BLOCK 9, OF PLAINVIEW HEIGHTS, A SUBDIVISION OF OUTLOT NO. 20 AND A PART OF OUTLOT NO. 21 IN DIVISION "C" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR A RESUBDIVISION OF SAID BLOCK NO. 9 RECORDED WITH THAT CERTAIN PARTITION DEED OF RECORD IN VOLUME 380, PAGES 248-251 OF THE TRAVIS COUNTY DEED RECORDS, DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS; AND BEING THE SAME AND IDENTICAL LAND AS CONVEYED TO ALLEN H. LEISTICO, ET UX BY DEED FROM JOE FURHAM IN DEED DATED MAY 3, 1952, RECORDED IN VOLUME 1260, PAGES 46-47 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

TRACT 3: BEGINNING AT AN IRON STAKE SET IN THE NORTH LINE OF EAST 39TH STREET N. 59°54' W. 370.02 FEET FROM THE SOUTHEAST CORNER OF BLOCK NO. NINE (9), PLAINVIEW HEIGHTS, A SUBDIVISION OF OUTLOT NO. 20 AND A PART OF OUTLOT NO. 21 IN DIVISION "C" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N. 29° 29' E. 206.35 FEET TO AN IRON STAKE, THE NORTHWEST CORNER OF THIS TRACT;

THENCE S. 60°03' E. 52.5' TO AN IRON STAKE FOR THE N. E. CORNER OF THIS TRACT;

THENCE S. 29° 33' W. 206.48' TO AN IRON STAKE SET IN THE NORTH LINE OF EAST 39TH STREET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE N. 59° 54' W. 52.89 FEET TO THE PLACE OF BEGINNING; AND BEING THE SAME AND IDENTICAL LAND AS CONVEYED TO ALLEN H. LEISTICO, ET UX BY DEED FROM MILDRED PAYNE AND HUSBAND, LLOYD W. PAYNE, IN DEED DATED OCTOBER 5, 1953, RECORDED IN VOL. 1405, PAGE 43-44 OF THE DEED RECORD OF TRAVIS COUNTY, TEXAS.

BEARING BASIS:
ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.0000723228110.

SURVEY CONTROL:
STATE PLANE GRID CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "4WARD CONTROL" CAP SET, GRID COORDINATES AND ELEVATIONS SHOWN HEREON WERE DERIVED FROM THE TEXAS COOPERATIVE NETWORK ON JANUARY 26, 2022. AWARD CONTROL POINT WAS CHECKED TO CITY OF AUSTIN MON K-24-1001, HAVING A PUBLISHED GRID COORDINATE & NAVD 88, ELEVATION OF N 10,081,040.449, E 3,118,328.083, ELEVATION 581.38'.

UTILITY NOTE:
THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED (UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY) ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND UTILITY STRUCTURES.

GENERAL NOTES:
1) PROPERTY ADDRESS: 1004, 1006 & 1008 E 39TH STREET, AUSTIN TEXAS 78751
2) THE LOCATION OF FENCES AND THE SIZE AND LOCATION OF UTILITY STRUCTURES, (IF SHOWN), MAY BE EXAGGERATED FOR GRAPHICAL CLARITY.

TRACT 1: [A]
CALLED 0.249 ACRES
NATHAN H. LEISTICO AND
KENT R. LEISTICO
DOC. NO. 2008147026
O.P.R.T.C.T.

TRACT 3: [C]
CALLED A PORTION OF
LOT 1 IN BLOCK 9
NATHAN H. LEISTICO AND
KENT R. LEISTICO
DOC. NO. 2009183484
O.P.R.T.C.T.

TRACT 2: [B]
CALLED A PORTION OF
LOT 1 IN BLOCK 9
KENT R. LEISTICO
VOLUME 7101, PAGE 569-571
D.R.T.C.T.

SURVEYOR'S CERTIFICATE:
CERTIFIED TO: O-SOA INDUSTRIES L.L.C., ITS SUCCESSORS AND/OR ASSIGNS, SGI VENTURES INC AND CODY LOFTS, LLC STEWART TITLE GUARANTY COMPANY
DATE OF SURVEY: FEBRUARY 08, 2022

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE SUBSTANTIALLY IN ACCORDANCE WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II STANDARD LAND TITLE SURVEY. WAS ACTUALLY MADE UPON THE GROUND UNDER MY DIRECTION AND SUPERVISION ON THE DATE SHOWN, AND THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF: THERE ARE NO APPARENT ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, DISCREPANCIES, DEED LINE CONFLICTS, OBSERVABLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A DEDICATED ROAD RIGHT-OF-WAY OR ACCESS EASEMENT, UNLESS NOTED HEREON.

JASON WARD, R.P.L.S.
TEXAS REGISTRATION NO. 5811

2/10/2022
DATE

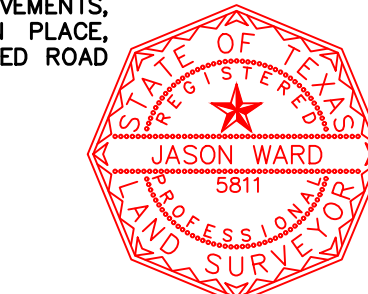


Exhibit A

LEGEND	
---	PROPERTY LINE
---	EXISTING PROPERTY LINES
○	1/2" IRON ROD WITH "4WARD BOUNDARY" CAP SET
●	1/2" IRON ROD FOUND (UNLESS NOTED)
⊙	1/2" IRON PIPE FOUND (UNLESS NOTED)
⊗	CHISELED "X" FOUND IN CONCRETE
△	CALCULATED POINT
△	SURVEY CONTROL POINT
○	CLEAN OUT
●	OLD METAL POST
AC	AIR CONDITIONER UNIT
E	ELECTRIC METER
FD	FIRE HYDRANT
GM	GAS METER
LP	LIGHT POLE
MB	MAILBOX
WV	WATER VALVE
WM	WATER METER
WF	WATER FAUCET
ICV	IRRIGATION CONTROL VALVE
▲	SIGN (AS NOTED)
PU	POWER/UTILITY POLE
U	GUY ANCHOR
---	EDGE OF ASPHALT
---	WOOD FENCE
---	CHAIN LINK FENCE
---	CONCRETE
---	STONE
---	BUILDING
---	VOLUME, PAGE
---	RIGHT-OF-WAY
---	P.R.T.C.T.
---	PLAT RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER DEED DOC. NO. 2008147026
[.....]	RECORD INFORMATION PER PLAT VOL. 4, PG. 56
{.....}	RECORD INFORMATION PER PLAT VOL. 54, PG. 99
((.....))	RECORD INFORMATION PER PLAT VOL. 4, PG. 229
(.....)	RECORD INFORMATION PER PLAT VOL. 24, PG. 18
(.....)	RECORD INFORMATION PER PLAT VOL. 33, PG. 14
[.....]	RECORD INFORMATION PER PLAT VOL. 380, PGS. 248-251

TITLE COMMITMENT NOTES:
COMMITMENT FOR TITLE INSURANCE PREPARED BY: STEWART TITLE GUARANTY COMPANY
G.F. NO.: 1529497
EFFECTIVE DATE: JANUARY 10, 2022
ISSUED: JANUARY 27, 2022

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 SHOWN IN BRACKETS. []

1) THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW (WE MUST EITHER INSERT SPECIFIC RECORDING DATA OR DELETE THIS EXCEPTION): [NO ITEMS TO ADDRESS]

10) THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS: [NO ITEMS TO ADDRESS]

LAND TITLE SURVEY OF A PORTION OF LOT 1 BLOCK 9 OF THE PLAINVIEW HEIGHTS SUBDIVISION City of Austin, Travis County, Texas

4WARD
Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
INFO@4WARDLS.COM (512) 537-2384
TPELS FIRM #10174590

Date: 2/10/2022
Project: 01383
Scale: 1" = 20'
Reviewer: JL
Tech: MB
Field Crew: JCR/KDL
Survey Date: FEB. 2022
Sheet: 1 OF 1
P:\01383\dwg\01383.dwg

Created: 2/22/2022