

ORDINANCE NO. 050217-47

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 9701-9817 IH-35 SOUTH, NORTHBOUND SERVICE ROAD AND CHANGING THE ZONING MAP FROM INTERIM COMMUNITY COMMERCIAL (I-GR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT FOR TRACT TWO.

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 districts on the property described in Zoning Case No. C14-04-0204, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From interim community commercial (I-GR) district to community commercial-conditional overlay (GR-CO) combining district.

A 6.453 acre tract of land, more or less, out of the Santiago del Valle Grant Abstract No. 24, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From interim community commercial (I-GR) district to general office-conditional overlay (GO-CO) combining district.

A 32.951 acre tract of land, more or less, out of the Santiago del Valle Grant Abstract No. 24, in Travis County, as described Exhibit "B" incorporated into this ordinance, SAVE AND EXCEPT the area described as Tract One in this ordinance in Exhibit "A" (the "Property")

locally known as 9701-9817 IH-35 South, northbound service road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The number of driveways from the Property to Brandt Road is limited to one.
2. The following uses are prohibited uses of Tract One:

Drop-off recycling collection facility
Hotel-motel
Outdoor sports and recreation
Congregate living
Commercial off-street parking

Exterminating services
Outdoor entertainment
Pawn shop services
Residential treatment
Off-site accessory parking

3. The following uses are prohibited uses of Tract Two:

Congregate living

Residential treatment

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on February 28, 2005.

PASSED AND APPROVED

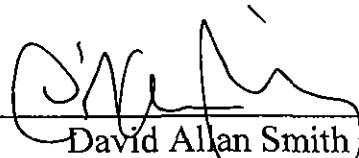
February 17, 2005

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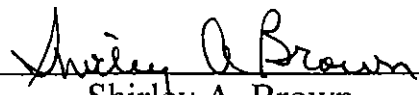
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION of a 6.453 acre tract of land in the Santiago Del Valle Grant Abstract No. 24, Travis County, Texas, and being a part of that 6.713 acre tract of land conveyed to the State of Texas, for the Use and Benefit of the Permanent School Fund, by deed recorded as Document No. 2003023072 and also being a part of that 26.238 acre tract of land conveyed to the State of Texas, for the Use and Benefit of the Permanent School Fund by deed recorded as Document No. 2003023073, both of the Official Public Records of Travis County, Texas; said 6.453 acre tract of land is more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with "M & S 1838" plastic cap found at the intersection of the northerly right-of-way line of Brandt Road with the easterly right-of-way line of Interstate Highway No. 35 and being the southwest corner of the aforesaid 6.713 acre tract;

THENCE, N12°57'31"E, with the westerly line of said 6.713 acre tract, same being the easterly right-of-way line of Interstate Highway No. 35 (300.0 feet wide right-of-way at this point) at 213.37 feet passing a ½" iron rod with "M & S 1838" plastic cap found for the common northwest corner of the 6.713 acre tract and southwest corner of the aforesaid 26.238 acre tract, and continuing with the westerly line of the 26.238 acre tract for a total distance of 402.43 feet to a ½" iron rod with TxDOT aluminum cap set for the northwest corner of the herein described tract from which a 5/8" iron rod found for an angle point (record highway centerline station 1293+38.40 BK - 150.0 feet left) bears N12°57'31"E, 113.28 feet;

THENCE, leaving the common westerly line of said 26.238 acre tract and easterly right-of-way line of Interstate Highway No. 35, across the 26.238 acre tract, the following two (2) courses:

- 1) S62°26'45"E, a distance of 721.81 feet to a ½" iron rod with TxDOT aluminum cap set for the northeast corner of the herein described tract;
- 2) S12°57'31"W, at 146.46 feet passing the common line between the 26.238 acre tract and the aforesaid 6.713 acre tract, and continuing across the 6.713 acre tract for a total distance of 402.43 feet to a ½" iron rod with TxDOT aluminum cap set on the northerly right-of-way line of Brandt Road for the southeast corner of the herein described tract, from which a 5/8" iron rod

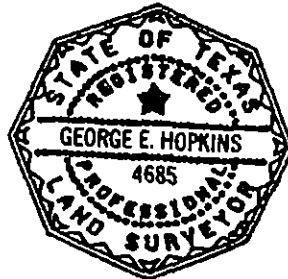
found for an angle point in said right-of-way line, bears S62°26'45"E,
351.87;


THENCE, N62°26'45"W, with the northerly right-of-way line of Brandt Road,
same being the southerly line of said 6.713 acre tract, a distance of 721.81 feet to the
POINT OF BEGINNING, CONTAINING within these metes and bounds 6.453 acres of
land area, more or less.

BEARING BASIS: Grid Bearings Texas State Plane Coordinate System
Central Zone - NAD 83.

I, George E. Hopkins, a Registered Professional Land Surveyor, do hereby certify
that the above description is true and correct to the best of my knowledge and that the
property described herein was determined by a survey made on the ground under my
direction and supervision.

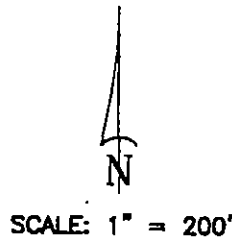
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 31
day of JULY, 2003.




GEORGE E. HOPKINS
Registered Professional Land Surveyor
No. 4685 - State of Texas

**SKETCH TO ACCOMPANY
FIELDNOTE DESCRIPTION
OF 6.453 ACRES OUT OF THE
SANTIAGO DEL VALLE GRANT
ABSTRACT No. 24
TRAVIS COUNTY, TEXAS**

INTERSTATE HWY. 35
(R.O.W. VARIES)
14.733 AC.
THE STATE OF TEXAS
V. 1440 P. 378
T.C.D.R.



BASHARA SUBDIVISION
TRACT B
Bk. 18 P. 70
T.C.P.R.

26.238 AC.
THE STATE OF TEXAS
Doc. No. 2003023073
O.P.R.T.C.

SANTIAGO DEL
VALLE GRANT
ABST. No. 24

SEE DETAIL
SHEET 4 OF 4

SERVICE ROAD

RECORD & STATION
PT. 1295+38.40 BK.
1293+66.20 FWD.
150.0' LT.

ASPHALT DRIVE

ONE STORY HOUSE

TWO STORY GARAGE & HOUSE

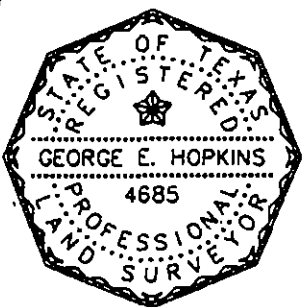
(202') TO CENTERLINE

GRAVEL DRIVE

CONC. DRIVE

ONE STORY GARAGE

POINT OF BEGINNING



CITY OF AUSTIN
5' x 54' ELECTRIC AND
TELEPHONE ESMT.
V. 3945 P. 901
T.C.D.R.

George E. Hopkins
GEORGE E. HOPKINS
Registered Professional
Land Surveyor
DATE 1/31/03

6.713 AC.
THE STATE OF TEXAS
Doc. No. 2003023072
O.P.R.T.C.

9.09 AC.
SARAH I. PENICK
V. 13221 P. 187
T.C.D.R.

C.S.C.I. DWG. No. 0181951

SHEET NO.: 3 OF 4

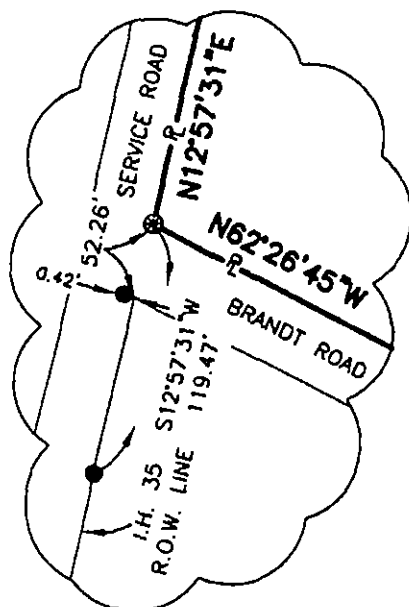


CAPITAL
SURVEYING
COMPANY
INCORPORATED
Building O, Suite 110
(512) 327-4008

1101 Capital of Texas Highway South
Austin, Texas 78748

THIS SKETCH AND ACCOMPANYING
FIELDNOTE DESCRIPTION WERE PREPARED
WITHOUT THE BENEFIT OF A CURRENT
TITLE REPORT.

**SKETCH TO ACCOMPANY
FIELDNOTE DESCRIPTION
OF 6.453 ACRES OUT OF THE
SANTIAGO DEL VALLE GRANT
ABSTRACT No. 24
TRAVIS COUNTY, TEXAS**



DETAIL:
NOT TO SCALE

LEGEND

O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY
T.C.P.R.	TRAVIS COUNTY PLAT RECORD
T.C.D.R.	TRAVIS COUNTY DEED RECORD
R.O.W.	RIGHT OF WAY
SW	SIDEWALK
⊗	1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "M & S 1838"
●	5/8" IRON ROD FOUND UNLESS OTHERWISE NOTED
○	1/2" IRON ROD SET WITH TXDOT ALUMINUM CAP
▲	CALCULATED POINT
—x—	WIRE FENCE
—//—	CHAIN LINK FENCE
—OHE/T—	OVERHEAD ELECTRIC/TELEPHONE LINE

C.S.C.I. DWG. No. 01819S1

SHEET NO.: 4 OF 4

CSCI

CAPITAL
SURVEYING
COMPANY
INCORPORATED

1101 Capital of Texas Highway South
Austin, Texas 78746

Building D, Suite 110
(512) 327-4006

TRACT 2
GO.CO
C14-04-0204

C7a-04-027

Area to be annexed.
Approximately 32.951
acres of land out of the
Santiago Del Valle Grant
in Travis County, Texas.
(Uplatted land)

EXHIBIT B

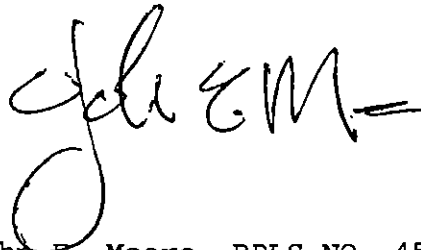
LEGAL DESCRIPTION FOR TWO TRACTS OF
LAND, THE TRACT HEREINAFTER DESCRIBED AS
TRACT ONE CONTAINING APPROXIMATELY 6.713
ACRES OF LAND OUT OF THE SANTIAGO DEL
VALLE GRANT IN TRAVIS COUNTY, TEXAS, AND
THE TRACT OF LAND HEREINAFTER DESCRIBED
AS TRACT TWO CONTAINING APPROXIMATELY
26.238 ACRES OF LAND OUT OF THE SANTIAGO
DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS;
OF WHICH APPROXIMATELY 32.951 ACRES OF
LAND ARE TO BE TAKEN INTO AND MADE A
PART OF THE CITY OF AUSTIN, SAID
APPROXIMATELY 32.951 ACRES BEING MADE UP
OF TWO TRACTS OF LAND MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

Tract One, being all of that certain called 6.713 acre
tract of land out of the Santiago Del Valle Grant in Travis
County, Texas conveyed to the State of Texas for the use and
benefit of the Permanent School Fund by deed recorded in
Document No. 2003023072 of the Official Public Records of
Travis County, Texas.

Tract Two, being all of that certain called 26.238 acre
tract of land out of the Santiago Del Valle Grant in Travis
County, Texas conveyed to the State of Texas for the use and
benefit of the Permanent School Fund by deed recorded in
Document No. 2003023073 of the Official Public Records of
Travis County, Texas.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared".

LEGAL DESCRIPTION: John E. Moore
11-20-2003

 11-20-2004

APPROVED: John E. Moore, RPLS NO. 4520
Engineering Services Division
Department of Public Works
City of Austin

REFERENCES

TCAD MAP 4-3918
Austin Grid G-12 & G-13

