

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 608 EAST CESAR CHAVEZ STREET FROM
3 CENTRAL BUSINESS DISTRICT (CBD) DISTRICT TO CENTRAL BUSINESS
4 DISTRICT-CENTRAL URBAN REDEVELOPMENT DISTRICT (CBD-CURE)
5 COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from central business district (CBD) district to central business
11 district-central urban redevelopment district (CBD-CURE) combining district on the
12 property described in Zoning Case No. C14-2011-0113, on file at the Planning and
13 Development Review Department, as follows:
14

15 1.738 acres (75, 723 square feet) of land being all of Lots 1-8, Block 11, Original
16 City of Austin, Travis County, Texas, the tract of land being more particularly
17 described by metes and bounds in Exhibit "A" incorporated into this ordinance,
18 (the "Property"),
19

20 locally known as 608 East Cesar Chavez Street, in the City of Austin, Travis County,
21 Texas, and generally identified in the map attached as Exhibit "B".
22

23 PART 2. The site development regulations for the Property within the boundaries of the
24 CURE combining district established by this ordinance are modified as follows:
25

26 The following applies to a project with a hotel-motel use with a total of at least 1000
27 rooms on the Property:
28

- 29 1. Development of the Property may not exceed a floor-to-area ratio (F.A.R.) of 16.0
30 to 1.0.
31
- 32 2. A parking facility shall be constructed as underground parking.
33

34 Except as otherwise specifically restricted under this ordinance, the Property may be
35 developed and used in accordance with the regulations established for the central business
36 district (CBD) base district, and other applicable requirements of the City Code.
37

1
2 **PART 3.** This ordinance takes effect on _____, 2011.
3

4
5 **PASSED AND APPROVED**
6

7 §
8 §
9 _____, 2011 § _____
10

11 Lee Leffingwell
12 Mayor
13

14 **APPROVED:** _____ **ATTEST:** _____
15 Karen M. Kennard Shirley A. Gentry
16 City Attorney City Clerk

Exhibit "A"
Description of Premises

1.738 Acre (75,723 Sq. Ft.)
Original City of Austin
Travis County, Texas

LAI Job No. 100401
FN1079(kls)
Page 1 of 2

FIELD NOTES DESCRIPTION

DESCRIPTION OF 1.738 ACRE (75,723 SQUARE FEET) OF LAND, BEING ALL OF LOTS 1 THROUGH 8, BLOCK 11, ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, INCLUDING THE 20 FOOT ALLEY TRANSVERSING SAID BLOCK 11 VACATED BY THE CITY OF AUSTIN BY RESOLUTION DATED DECEMBER 5, 1940, RECORDED IN VOLUME 660, PAGE 375, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT 717 SQUARE FEET OF LAND OUT OF SAID LOT 1 CONVEYED TO THE CITY OF AUSTIN RECORDED IN VOLUME 683, PAGE 366, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING THAT SAME TRACT OF LAND AS DESCRIBED IN THE DISTRIBUTION DEED FROM WALLER CREEK ELEVEN, LTD. TO PERRY LORENZ AND ROBERT E. KNIGHT OF RECORD IN DOCUMENT NO. 2010039972, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.738 ACRE TRACT, AS SURVEYED BY LOOMIS PARTNERS, INC., BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4-inch iron rod found at the intersection of the east right-of-way line of Red River Street (80-foot right-of-way) with the south right-of-way line of East 2nd Street (80-foot right-of-way) for the northwest corner of the said 1.738 acre tract, and being the northwest corner and POINT OF BEGINNING of the tract described herein, from which a City of Austin City Engineer's centerline monument found at the intersection of Red River Street and East 3rd Street bears N 73° 27' 02" W a distance of 39.89 feet and N 16° 32' 58" E a distance 396.59 feet;

THENCE S 73° 30' 17" E, with the north line of said Block 11, being the north line of the said 1.738 acre tract, and being the south right-of-way line of East 2nd Street, a distance of 276.03 feet to an "X" cut in concrete found at the intersection of the south right-of-way line of East 2nd Street with the west right-of-way line of Sabine Street (80-foot right-of-way) for the northeast corner of said Block 11, being the northeast corner of the said 1.738 acre tract, and being the northeast corner of the tract described herein, from which a 60d nail in asphalt pavement found bears S 73° 29' 15" E a distance of 80.00 feet;

THENCE S 16° 33' 52" W, with the east line of said Block 11, being the east line of the said 1.738 acre tract and the west right-of-way line of Sabine Street, a distance of 277.05 feet to a 1/4-inch iron rod found at the intersection of the west right-of-way line of Sabine Street with the north right-of-way line of East Cesar Chavez Street (80-foot right-of-way) for the southeast corner of said Block 11, being the southeast corner of the said 1.738 acre tract and the southeast corner of the tract described herein, from which an "X" cut in concrete found bears N 69° 26' 07" W, 1.55 feet;

THENCE N 73° 29' 01" W, with the north right-of-way line of East Cesar Chavez Street, being the south line of said Block 11 and the south line of the said 1.738 acre tract, a distance of 258.94 feet to a 1/2-inch iron pipe found for the southeast corner of the said 717 square feet tract, being the southwest corner of the said 1.738 acre tract and of the tract described herein, from which a 1/4-inch iron rod found bears N 21° 28' 20" W, 0.12 feet;

THENCE N 05° 15' 04" E, with the east line of the said 717 square feet tract, a distance of 86.72 feet to a mag nail in concrete set in the west line of said Block 11, being the east right-of-way line of Red River Street, for the north corner of the said 717 square feet tract, and being angle point in west line of the said 1.738 acre tract and of the tract described herein;

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1 738 Acre (75,723 Sq Ft)
Original City of Austin
Travis County, Texas

LAI Job No. 100401
FN1079(kls)
Page 2 of 2

THENCE N 16° 32' 22" E. with the east right-of-way line of Red River Street, being the west line of said Block 11 and the said 1 738 acre tract, a distance of 191 90 feet to the POINT OF BEGINNING and containing 1 738 acres (75,723 square feet) of land, more or less

BEARING BASIS: Texas Coordinate System, South Central Zone, NAD83, Grid
LAI WORD FILE: FN1079(kls)

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS §

That I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during March 2010 under my direction and supervision

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 24th of May, 2010 A.D.

Loomis Partners
Austin, Texas 78746



John D. Barnard
Registered Professional Land Surveyor
No. 5749 - State of Texas



RESTRICTIVE COVENANT

OWNER: Waller Creek Eleven, Ltd, a Texas limited partnership

ADDRESS: 307 East 2nd Street, Austin, Texas 78701

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: 1.738 acres (75,723 square feet) of land, being all of Lots 1 through 8, Block 11, Original City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. If the Property is developed with a hotel-motel use with a minimum of 1,000 rooms and exceeds a floor-to-area ratio of 8.0 to 1.0, the following applies:
 - a) All commercial development shall be designed and built according to the US Green Building Council's Leadership in Energy and Environmental Design ("LEED™") Green Building Rating System, Certified Level. Prior to issuance of a certificate of occupancy by the City, certification must be provided by a LEED™ certified consultant showing that the project has been designed and constructed consistent with LEED™ Gold guidelines.
 - b) The Owner shall design and construct streetscape improvements in compliance with the City of Austin Great Streets design criteria as it exists on the date of this Agreement. Design, permitting and construction of streetscape improvements will be at Owner's expense. The Owner shall coordinate the design of the streetscape improvements with the Urban Design Section of the Planning and Development Review Department. The Urban Design Section shall inspect and approve the streetscape improvements prior to issuance of a certificate of occupancy.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.

3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2011.

OWNER:

Waller Creek Eleven, Ltd.,
a Texas limited partnership

By: Waller Creek Eleven, GP, Inc.,
a Texas corporation,
its general partner

By: _____
Robert E. Knight, President

APPROVED AS TO FORM:

Chad Shaw,
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the ____ day of _____, 2011, by Robert E. Knight, President, of Waller Creek Eleven, GP, Inc., a Texas corporation, general partner of Waller Creek Eleven, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal

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Loomis Partners
Austin, Texas 78746



John D. Barnard
Registered Professional Land Surveyor
No. 5749 - State of Texas