

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4411 SOUTH CONGRESS AVENUE AND 4510 LUCKSINGER LANE IN THE EAST CONGRESS NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-NEIGHBORHOOD PLAN (CS-MU-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-V-CO-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 general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning on the property described in Zoning Case No. C14-2016-0106, on file at the Planning and Zoning Department, as follows:

2.934 acres of land, more or less, out of Lot 25 in "Fortview", a subdivision in Travis County, Texas, as recorded in Volume Z, Page 606 of the Travis County Deed Records (TCDR), and being that same tract of land conveyed to Hopf Monument Company by deed recorded in Volume 2417, Page 351 of the TCDR and that same tract of land conveyed to Myldred Bickham H. Hopf by deed recorded in Volume 2500, Page 63 of the TCDR, said tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4411 South Congress Avenue and 4510 Lucksinger Lane in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "B".

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

The maximum height of a building or structure on the Property is 60 feet.

1 Except as specifically restricted under this ordinance, the Property may be developed and
2 used in accordance with the regulations established for the general commercial services
3 (CS) district and other applicable requirements of the City Code.
4

5 **PART 3.** The Property is subject to Ordinance No. 20050818-Z004 that established zoning
6 for the East Congress Neighborhood Plan.
7

8 **PART 4.** This ordinance takes effect on _____, 2017.
9

10 **PASSED AND APPROVED**

11
12 §
13 §
14 _____, 2017 §
15 _____
16 Steve Adler
17 Mayor
18

19 **APPROVED:** _____ **ATTEST:** _____
20 Anne L. Morgan Jannette S. Goodall
21 City Attorney City Clerk
22

EXHIBIT A - METES AND BOUNDS DESCRIPTION

BEING 2.934 ACRES, MORE OR LESS, OUT OF LOT 25 IN "FORTVIEW", A SUBDIVISION IN TRAVIS COUNTY, TEXS, AS RECORDED IN VOLUME Z, PAGE 606 OF THE TRAVIS COUNTY DEED RECORDS (TCDR), AND BEING THAT SAME TRACT OF LAND CONVEYED TO HOPF MONUMENT COMPANY BY DEED RECORDED IN VOLUME 2417, PAGE 351 OF THE TCDR AND THAT SAME TRACT OF LAND CONVEYED TO MYLDRED BICKHAM H. HOPF BY DEED RECORDED IN VOLUME 2500, PAGE 63 OF THE TCDR, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" rebar found on the west right-of-way line of Lucksinger Lane, at the southeast corner of said Myldred Hopf tract, also the northeast corner of that certain street deed recorded in Volume 8825, Page 250 of the TCDR, for the southeast corner and **PLACE OF BEGINNING** hereof;

THENCE with the southwest line of said Myldred Hopf tract, N 59°29'22" W at a distance of 10.99 feet pass a ½" rebar found, 0.56 feet south of line, at the northwest corner of said street deed, also the northeast corner of the N/B South Congress Partners property described in Volume 11976, Page 2287 of the Real Property Records of Travis County, Texas, and continuing with the same course (passing at 151.30 feet the common southerly corner between Myldred Hopf and Hopf Monument Company) for a total distance of 601.24 feet to a ½" rebar set, capped "Harris Grant" on the east right-of-way line of South Congress Avenue, at the southwest corner of said Hopf Monument Company (HMC) tract also the northwest corner of said N/B South Congress Partners tract, for the southwest corner hereof, from which point a ½" rebar found on the east right-of-way line of South Congress Avenue, at the southwest corner of the N/B South Congress Partners tract bears S 30°11'13" W 169.22 feet;

THENCE with the east right-of-way line of South Congress Avenue, N 30°11'13" E 208.34 feet to a ½" rebar set, capped "Harris Grant", at the northwest corner of said HMC tract of land, for the northwest corner hereof;

THENCE with the northeast line of said Hopf Monument Company tract and the northeast line of said Myldred Hopf tract, S 60°19'44" E at a distance of 10.00 feet pass a ½" rebar found at the southwest corner of Lot 1 of "St. Elmo Square", a subdivision in Travis County, Texas as recorded in Volume 91, Page 350 of the Travis County Plat Records, and at 165.36 feet pass a ½" rebar found at the common southerly corner between Lots 1 and 2 of said St. Elmo Square, and at 423.79 feet pass a ½" rebar found (capped M + S) at the southeast corner of said Lot 2, also the southwest corner of the R.E. Sanders property described in Document No. 2000114601 of the Travis County Official Public Records, and at 590.84 feet pass a ½" rebar found (capped M + S) at Sanders' southeast corner, also the southwest corner of that certain street deed recorded in Volume 8634, Page 583 of the TCDR, and continuing with the same course for a total distance of 600.46 feet to a ½" rebar set on the east right-of-way line of Lucksinger Lane at Myldred Hopf's northeast corner, also the southeast corner of said street deed, for the northeast corner hereof;

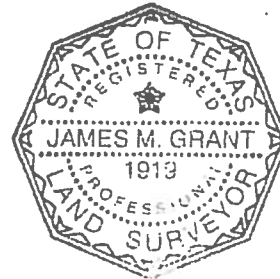
THENCE with Myldred Hopf's east line, also the west line of Lucksinger Lane, S 29°58'38" W 217.15 feet to the PLACE OF BEGINNING and containing 2.934 acres of land, more less.

See map prepared to accompany this description.

HARRIS-GRANT SURVEYING, INC.

P.O. BOX 807, MANCHACA TEXAS 78652

512-444-1781



James M. Grant
JAMES M. GRANT
R.P.L.S. 1919

November 8, 2013

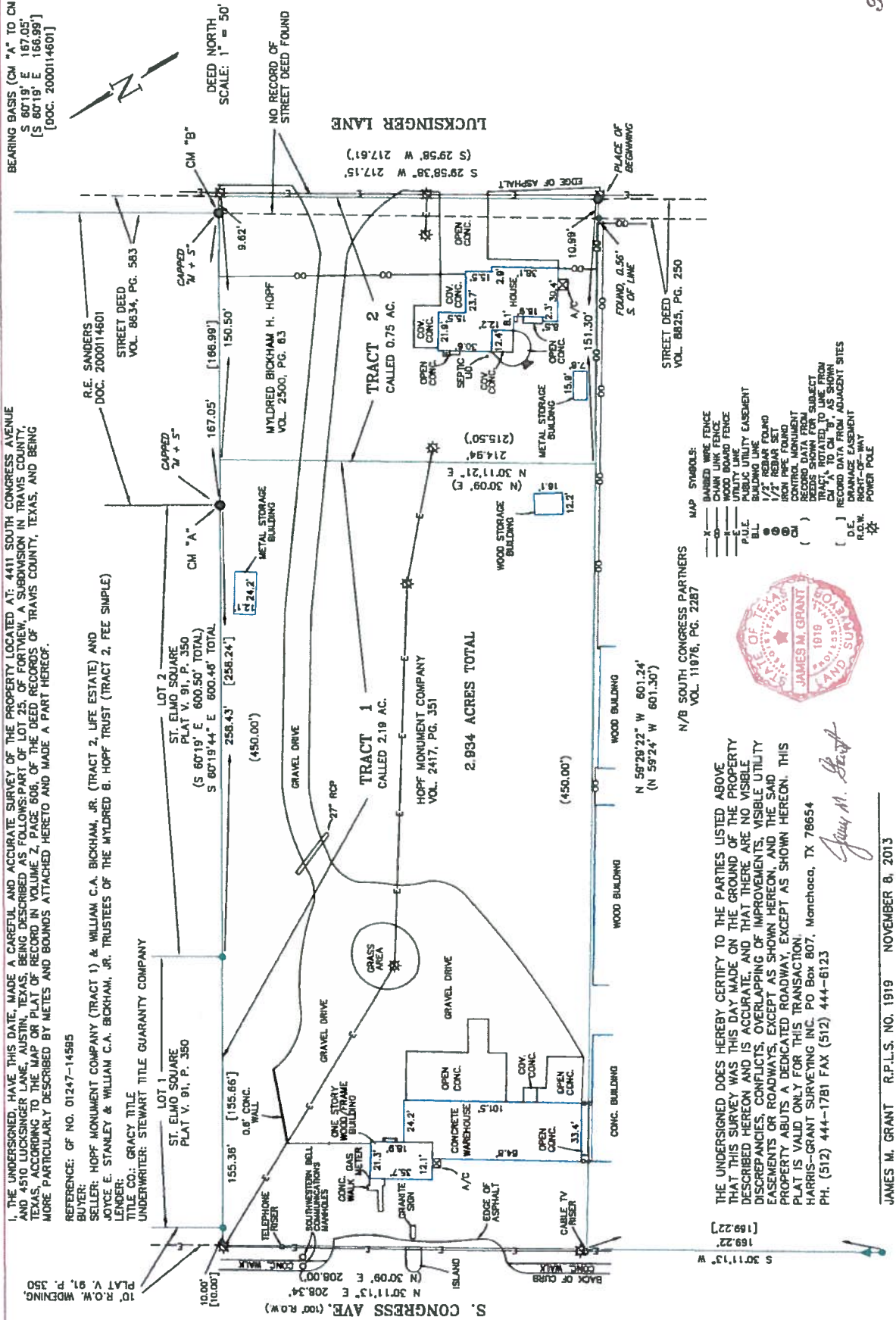
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BEARING BASIS (CM "A" TO CM "B"):
S 60°19' E 167.05'
[S 60°19' E 166.99']
[DOC. 2000114601]

I, THE UNDERSIGNED, HAVE THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY OF THE PROPERTY LOCATED AT: 4411 SOUTH CONGRESS AVENUE AND 4510 LUCKSINGER LANE, AUSTIN, TEXAS, BEING DESCRIBED AS FOLLOWS: PART OF THE 25.00 AC. OF FORTVIEW, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 2, PAGE 606, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED HERETO AND MADE A PART HEREOF.

REFERENCE: OF NO. 01247-14585

BUYER:
SELLER: HOPF MONUMENT COMPANY (TRACT 1) & WILLIAM C.A. BICKHAM, JR. (TRACT 2, LIFE ESTATE) AND
JOYCE E. STANLEY & WILLIAM C.A. BICKHAM, JR. TRUSTEES OF THE MYLDRED B. HOPF TRUST (TRACT 2, FEE SIMPLE)
LENDER:
TITLE CO.: GRACY TITLE
UNDERWRITER: STEWART TITLE GUARANTY COMPANY



- MAP SYMBOLS:
- X- BARBED WIRE FENCE
 - O- CHAIN LINK FENCE
 - E- WOOD BOARD FENCE
 - U- UTILITY LINE
 - P.U.E- PUBLIC UTILITY EASEMENT
 - B.L- BOLLARD
 - R.F.S- 1/2" REBAR FOUND
 - I.P.F- IRON PIPE FOUND
 - C.M- CONTROL MONUMENT
 - D.E- DEEDS SHOWN FOR SUBJECT TRACT, ROTATED TO LINE FROM CM "A" TO CM "B", AS SHOWN
 - R.O.W- RECORD OF DEEDS EASEMENT
 - P.O.P- RIGHT-OF-WAY
 - P.P- POWER POLE

N/B SOUTH CONGRESS PARTNERS VOL. 11976, PG. 2287



THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED ABOVE THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS ACCURATE, AND THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY EASEMENTS OR ROADWAYS, EXCEPT AS SHOWN HEREON, AND THE SAID PROPERTY ABUTS A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON. THIS PLAT IS VALID ONLY FOR THIS TRANSACTION.

JAMES M. GRANT
PH. (512) 444-1781 FAX (512) 444-6123

JAMES M. GRANT, R.P.L.S. NO. 1919 NOVEMBER 8, 2013
INVOICE NO. 45591 WORK ORDER NO. 44171

FILE PATH: J:\CARLSON\10-13\5. CONGRESS-4411-4417\44171-JG AND C:\CARL\0\2013\44171

