

ORDINANCE NO. 971120-L

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:

7.06 ACRE TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "PUD" PLANNED UNIT DEVELOPMENT DISTRICT, SUBJECT TO CERTAIN CONDITIONS, GENERALLY KNOWN AS THE MARY VICE ESTATES PLANNED UNIT DEVELOPMENT, LOCALLY KNOWN AS THE LAND LOCATED ON MONTOPOLIS DRIVE NEAR HOGAN AVENUE AND FELIX AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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

PART 1. The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "SF-3" Family Residence district to "PUD" Planned Unit Development district on the property (the "Property") described in File C814-97-0002, as follows:

7.06 acre tract of land out of the Santiago Del Valle Grant, Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

generally known as the Mary Vice Estates Planned Unit Development, locally known as the land located along Montopolis Drive near Hogan Avenue and Felix Avenue, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

PART 2. This ordinance, along with the attached Exhibits A, B, and C, shall constitute the Land Use Plan of the Planned Unit Development district (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in this ordinance and in the Mary Vice Estates Planned Unit Development Land Use Plan (the "PUD Land Use Plan"), attached as Exhibit "C" and on record at the Development Review and Inspection Department in File No. C814-97-0002. If the text of this ordinance and the attached exhibits conflict, the more restrictive provision shall control. Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the

City of Austin in effect on the effective date of this ordinance shall apply to the Mary Vice Estates PUD.

PART 3. The attached exhibits are copies of originals on file with the City of Austin Development Review and Inspection Department in File No. C814-97-0002 and are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The attached exhibits are as follows:

Exhibit A: Description of Property.

Exhibit B: Map showing boundaries of the Mary Vice Estates PUD.

Exhibit C: Mary Vice Estates PUD Land Use Plan.

PART 4. A Declaration of Covenants, Easements and Restrictions shall be recorded to address site development restrictions and provide for maintenance and use easements required by the PUD Land Use Plan for the residential properties.

PART 5. Development on the Property shall comply with the standards for the "PUD" Planned Unit Development district as set forth in the City Code on the effective date of this ordinance, except as modified by the Land Use Plan.

PART 6. Nothing in this ordinance shall be construed to limit or prohibit the exercise by the City of its police powers or authority under the City Code and other applicable law, or to limit or prohibit the right of the Owner to seek an amendment to any provision of this ordinance or the Land Use Plan or any variance or waiver from any City ordinance, regulation or policies applicable to this Planned Unit Development.

PART 7. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 8. This ordinance takes effect on December 1, 1997.

PASSED AND APPROVED

November 20

, 1997.

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Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

Andrew Martin
City Attorney

ATTEST:

James E. Aldridge

James E. Aldridge
City Clerk

FIELD NOTES

ALL OF THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; BEING ALL OF THE REMAINING PORTIONS OF A 5.31-ACRE TRACT AND 1.50-ACRE TRACT AS CONVEYED TO MARY VICE BY INSTRUMENTS RECORDED IN VOLUME 660, PAGE 45 AND VOLUME 848, PAGE 32 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT 7.06-ACRE TRACT AS CONVEYED TO AUSTIN HABITAT FOR HUMANITY, INC. BY DEED RECORDED IN VOLUME 12756, PAGE 1268 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND AS FURTHER DESCRIBED BY INSTRUMENT RECORDED IN VOLUME 12756, PAGE 1253 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron pipe found on the south right-of-way line of Felix Avenue at the northwest corner of Lot 1, Chernosky Subdivision No. 15, as recorded in Book 1, Page 41 of the Plat Records of Travis County, Texas; Thence, with the west line of Chernosky Subdivision No. 15, S33°31'40"W 81.55 feet, S33°42'25"W 150.56 feet and S34°30'40"W a distance of 58.37 feet to a 1/2" iron rod set at the most southerly corner of a 0.63 acre tract of land as conveyed to Felix R. Galabiz by deed recorded in Volume 3773, Page 937 of the Deed Records of Travis County, Texas, for the most easterly corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, with the northwest line of Chernosky Subdivision No. 15, S34°19'08"W a distance of 364.07 feet to a 1/2" iron rod found at the most southerly corner of a 0.17-acre tract of land as described by boundary line agreement between Austin Habitat for Humanity, Inc. and Herby's Joint Venture by instrument recorded in Volume 12756, Page 1257 of the Real Property Records of Travis County, Texas, for the most southerly corner of this tract;

THENCE, with the southwest line of said Austin Habitat for Humanity Inc. 0.17-acre tract, also being the south line of said Austin Habitat for Humanity, Inc. 7.06-acre tract, N46°49'42"W a distance of 861.00 feet to a 1/2" iron rod found at the most

EXHIBIT "A"

971120-L

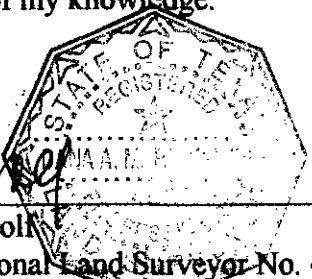
northerly corner of a 2.882-acre tract as conveyed to Herby's Joint Venture by deed recorded in Volume 11569, Page 8 of the Real Property Records of Travis County, Texas, at an angle point of this tract;

THENCE, N22°58'05"W a distance of 1.90 feet to a 1/2" iron rod found on the southeast right-of-way line of Montopolis Drive, at the most southerly corner of a 0.019 acre tract as conveyed to the City of Austin by deed recorded in Volume 3951, Page 1922 of the Deed Records of Travis County, Texas, for the most westerly corner of this tract;

THENCE, with the southeast right-of-way line of Montopolis Drive, N30°24'00"E a distance of 351.21 feet to a 1/2" iron rod found at the most westerly corner of a 2.08-acre tract as conveyed to Richard L. Mathias and Kevin F. Weinrich by deed recorded in Volume 12474, Page 1763 of the Deed Records of Travis County, Texas, for the most northerly corner of this tract;

THENCE, S47°53'37"E pass at 730.97 feet a 1" iron pipe found at the most westerly corner of the above described Galabiz 0.63-acre tract, and continuing on for a total distance of 884.50 feet to the **POINT OF BEGINNING** and containing 7.06 acres of land, more or less.

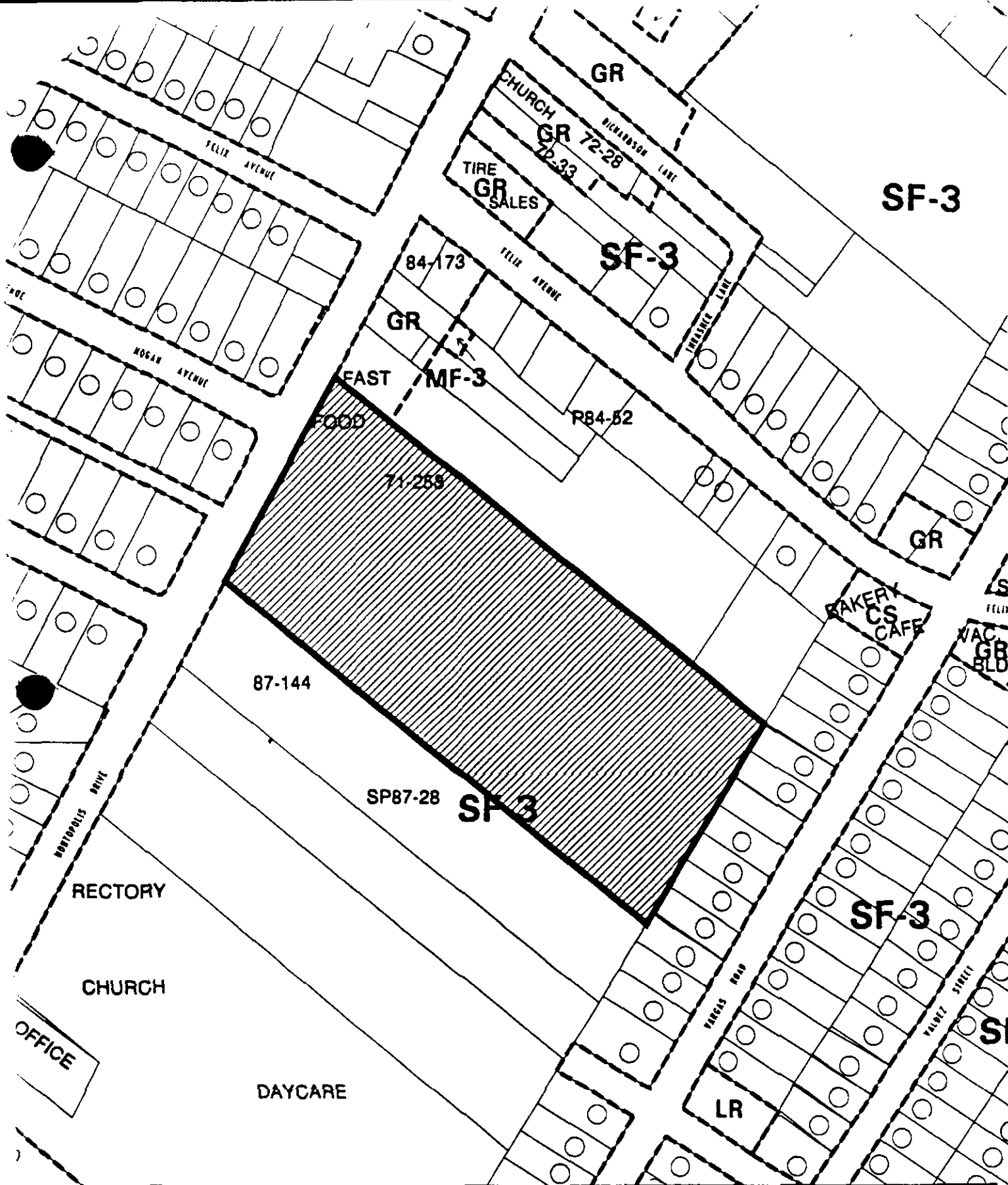
I HEREBY CERTIFY that these notes were prepared by Landmark Surveying, Inc. from a survey made on the ground on January 5, 1996 under my supervision and are true and correct to the best of my knowledge.


Dana A. Markus-Wolf
Dana A. Markus-Wolf
Registered Professional Land Surveyor No. 4996

11/18/97
Date

Client: Austin Habitat for Humanity, Inc.
Date: November 18, 1997
WO No.: 95-0008-18-01
FB No.: 40/2
Disk: Habitat.007/vice2.doc

971120-L



 200'	SUBJECT TRACT		ZONING CASE #: C814-97-0002 ADDRESS: MONTOPOLIS DR. AND FELIX AVE. SUBJECT AREA (acres): 7.06	DATE: 97-09 INTLS: TRC	CITY GRID REFERENCE NUMBER L19
	ENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: NARANJO, I.				

971120-L

EXHIBIT "B"

EXHIBIT "C"

Austin American-Statesman

PO#: 971120L
Ad ID#: C8KS00600
Acct#: 5124992499
Account Name: CITY CLERKS OFFICE

CITY CLERKS OFFICE
PO BOX 1088
AUSTIN, TX 78767

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis,
State of Texas, on this day personally appeared:

TAYLOR STARR

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper
published in said County and State that is generally circulated in Travis, Hays, Burnet
and Williamson Counties, who being duly sworn by me, states that the attached
advertisement was published in said newspaper on the following dates, to wit:

First Published:	12/11/97	Last Published:	12/11/97
Times Published:	1	Classification:	9980
Lines:	21	Cost:	\$55.02

and that the attached is a true copy of said advertisement.

SWORN AND SUBSCRIBED TO BEFORE ME, this the 11th day of Dec 1997



Sharon Janak
Notary Public in and for
TRAVIS COUNTY, TEXAS

305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3541

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Mayor, Kirk Watson
City of Austin