

ORDINANCE NO. 931216- 1

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: 15.21 ACRE TRACT OF LAND OUT OF THE WILLIAM WILKS SURVEY NO. 29, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "MF-3-CO" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 3.34 ACRE TRACT OF LAND OUT OF THE WILLIAM WILKS SURVEY NO. 29, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "RR-CO" RURAL RESIDENCE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 3: 5.38 ACRE TRACT OF LAND OUT OF THE WILLIAM WILKS SURVEY NO. 29, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "RR-CO" RURAL RESIDENCE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 1088 PARK PLAZA, AS MORE PARTICULARLY IDENTIFIED ON THE MAP ATTACHED AS "EXHIBIT A" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTION 2-2-3 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-93-0134, as follows:

Tract 1: From "SF-3" Family Residence district to "MF-3-CO" Multifamily Residence (Medium Density) district-Conditional Overlay combining district.

15.21 acre tract of land out of the William Wilks Survey No. 29, said 15.21 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

Tract 2: From "SF-3" Family Residence district to "RR-CO" Rural Residence district-Conditional Overlay combining district.

3.24 acre tract of land out of the William Wilks Survey No. 29, said 3.24 acre tract of land being more particularly described by metes and bounds in "Exhibit C" attached and incorporated herein for all purposes.

Tract 3: From "SF-3" Family Residence district to "RR-CO" Rural Residence district-Conditional Overlay combining district.

5.38 acre tract of land out of the William Wilks Survey No. 29, said 5.38 acre tract of land being more particularly described by metes and bounds in "Exhibit D" attached and incorporated herein for all purposes.

locally known as 1088 Park Plaza, as more particularly identified on the map attached as "Exhibit A" to this ordinance, in the City of Austin, Travis County, Texas.

PART 2. That the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

CITY OF AUSTIN, TEXAS

1. Multifamily development on Tracts 1, 2, and 3 shall not exceed a density of 302 dwelling units.
2. No Multifamily development on Tract 2, or portion thereof, shall be constructed or maintained within 75 feet of the centerline of Little Walnut Creek Tributary.
3. No Multifamily development on Tract 3, or portion thereof, shall be constructed or maintained within 75 feet of the centerline of Little Walnut Creek.

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

PART 3. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.


PART 4. That the requirements imposed by Section 2-2-3 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

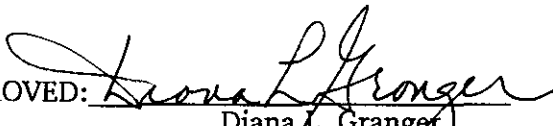
December 16, 1993

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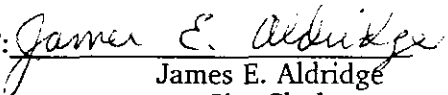
Bruce Todd
Mayor

APPROVED:



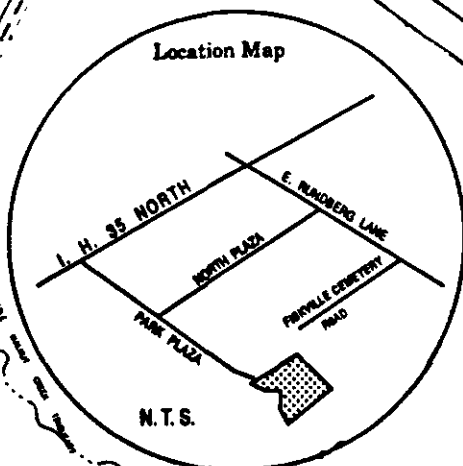
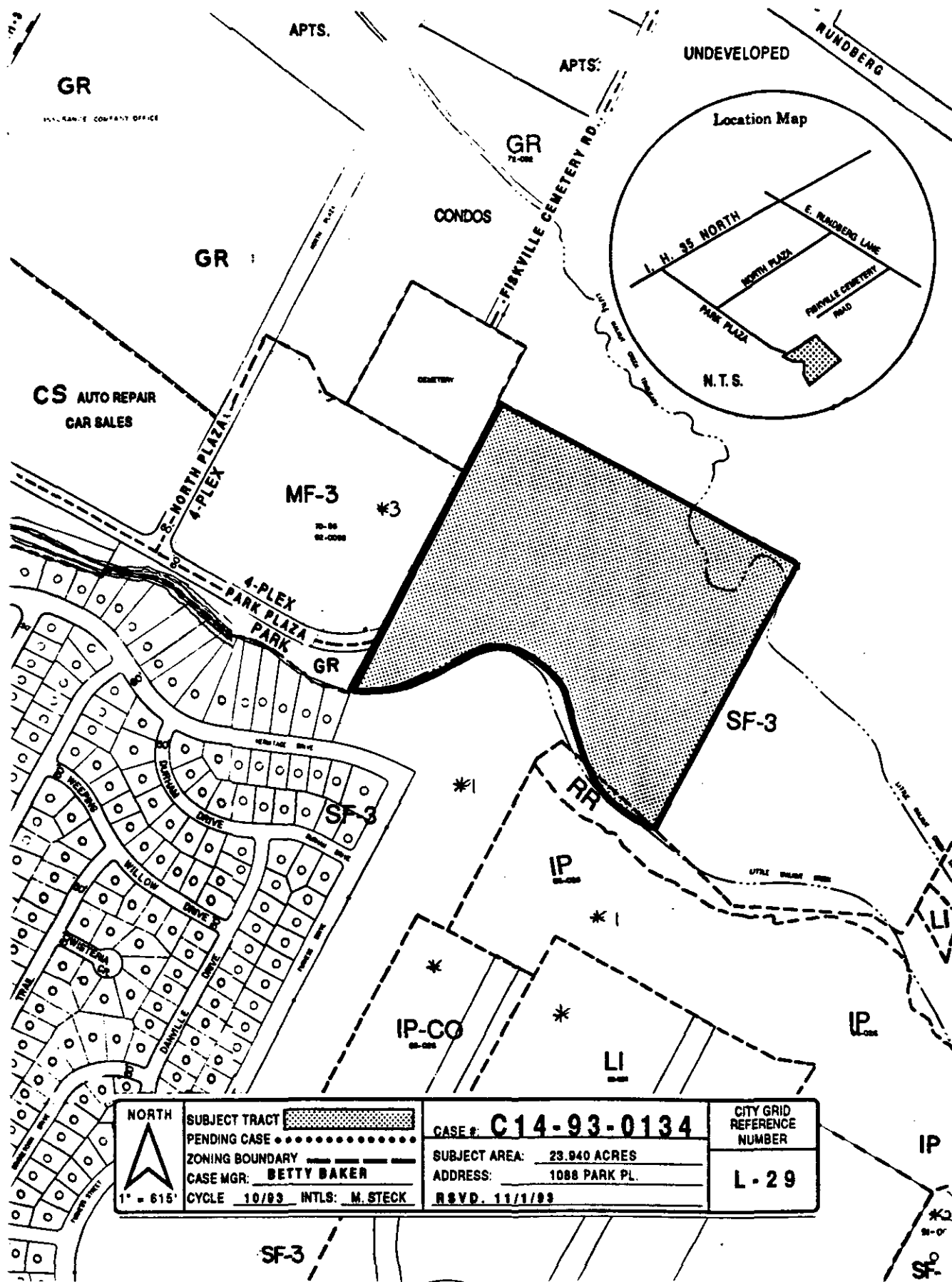
Diana L. Granger
City Attorney

ATTEST:



James E. Aldridge
City Clerk

16Dec93
ME/jj



NORTH 1" = 615'	SUBJECT TRACT		CASE #: C14-93-0134	CITY GRID REFERENCE NUMBER L-29
	PENDING CASE		SUBJECT AREA: 23.940 ACRES	
	ZONING BOUNDARY		ADDRESS: 1088 PARK PL.	
	CASE MGR: BETTY BAKER		REV'D. 11/1/93	
CYCLE 10/93 INTLS: M. STECK				

BUSH SURVEYING, INC.

1904 Fortview Road
Austin, Texas 78704
Phone (512) 442-0990
Fax (512) 442-1084
NOVEMBER 23, 1993

FIELD NOTE DESCRIPTION OF 15.21 ACRES OF LAND OUT OF THE WILLIAM WILKS SURVEY NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS (93.230 ACRES) SAVE AND EXCEPT (1.5547 ACRES) AND AS CONVEYED TO EDWARD JOSEPH DEVELOPMENT, INC. BY DEED RECORDED IN VOLUME 10534 PAGE 15 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.38 ACRES LYING BETWEEN TWO AREAS DEFINED AS FLOODPLAIN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL NO. 480624 0120 E, DATED JUNE 16, 1993, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the East line of the Fiskville Public Cemetery for the Northwest corner of that certain tract of land described as (93.230 acres) Save and Except (1.5547 acres) and as conveyed to Edward Joseph Development, Inc. by deed recorded in Volume 10534 Page 15 of the Real Property Records of Travis County, Texas, and being the southerly Southwest corner of that certain (47.270 acre) tract of land conveyed to the City of Austin by deed recorded in Volume 11959 Page 2075 of the Real Property Records of Travis County, Texas, same being the Northwest corner and PLACE OF BEGINNING of the herein described tract;

THENCE with the North line of said Edward Joseph Development, Inc. tract and the South line of said City of Austin tract, S 60 deg. 22' 00" E 551.39 ft. to a point for the Northeast corner of this tract;

THENCE over and across the interior of said Edward Joseph Development, Inc. tract with a line defining the approximate limits of the 100 year floodplain as shown on the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480624 0120 E, dated June 16, 1993, the following six (6) courses;

- 1) S 27 deg. 22' 07" E 187.43 ft. to a point;
- 2) S 15 deg. 44' 12" E 57.49 ft. to a point;
- 3) S 04 deg. 08' 43" E 182.07 ft. to a point;
- 4) S 33 deg. 34' 10" E 98.00 ft. to a point;
- 5) S 49 deg. 30' 23" E 127.22 ft. to a point;
- 6) S 37 deg. 23' 00" E 110.60 ft. to a point in the East line of said Edward Joseph Development, Inc. tract and for the easterly Northeast corner of this tract;

THENCE with the East line of said Edward Joseph Development, Inc. tract, S 29 deg. 45' 43" W 416.74 ft. to a point for the Southeast corner of this tract;

THENCE over and across the interior of said Edward Joseph Development, Inc. tract with a line defining the approximate limits of the 100 year floodplain as shown on the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480624 0120 E, dated June 16, 1993, the following twelve (12) courses;

- 1) N 45 deg. 36' 00" W 56.67 ft. to a point;
- 2) N 36 deg. 31' 57" W 185.47 ft. to a point;
- 3) N 44 deg. 39' 42" W 95.66 ft. to a point;
- 4) N 47 deg. 03' 57" W 226.00 ft. to a point;
- 5) N 38 deg. 44' 22" W 116.38 ft. to a point;
- 6) N 58 deg. 55' 06" W 72.28 ft. to a point;
- 7) N 81 deg. 34' 33" W 128.55 ft. to a point;
- 8) N 72 deg. 47' 00" W 67.04 ft. to a point;
- 9) N 61 deg. 38' 00" W 75.78 ft. to a point;
- 10) S 85 deg. 29' 25" W 80.89 ft. to a point;
- 11) N 79 deg. 47' 37" W 54.18 ft. to a point;

Page 2
15.21 acres

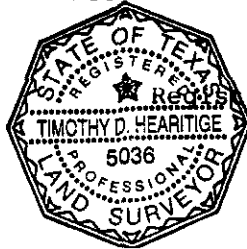
- 12) S 80 deg. 26' 19" W 78.12 ft. to a point in the West line of said Edward Joseph Development, Inc. tract and in the East line of Lot 2-B, Courtland Place 3, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 76 Page 256 of the Plat Records of Travis County, Texas, being the Southwest corner of this tract, and from which the Southeast corner of said Lot 2-B bears S 28 deg. 53' 58" W 70.89 ft.;

THENCE with the common line of said Edward Joseph Development, Inc. tract and said Lot 2-B, N 28 deg. 53' 58" E 525.77 ft. to a point for the Northeast corner of said Lot 2-B and the Southeast corner of the Fiskville Public Cemetery;

THENCE N 29 deg. 28' 26" E 259.54 ft. to the PLACE OF BEGINNING, containing 15.21 acres of land.

SURVEYOR'S NOTE: The above described tract of land represents an area lying between two approximate floodplain areas only as defined by the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480624 0120 E, dated June 16, 1993, and does not reflect any on-the-ground field work nor specific engineering floodplain study.

PREPARED FROM RECORD: November 23, 1993.



wilks.dgn

Timothy D. Hearitige
Registered Professional Land Surveyor No. 5036

BUSH SURVEYING, INC.

1904 Fortview Road
Austin, Texas 78704
Phone (512) 442-0990
Fax (512) 442-1084
NOVEMBER 23, 1993

FIELD NOTE DESCRIPTION OF 3.34 ACRES OF LAND OUT OF THE WILLIAM WILKS SURVEY NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS (93.230 ACRES) SAVE AND EXCEPT (1.5547 ACRES) AND AS CONVEYED TO EDWARD JOSEPH DEVELOPMENT, INC. BY DEED RECORDED IN VOLUME 10534 PAGE 15 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 3.34 ACRES BEING AN AREA DEFINED AS FLOODPLAIN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL NO. 480624 0120 E, DATED JUNE 16, 1993, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the common line of that certain tract of land described as (93.230 acres) Save and Except (1.5547 acres) and as conveyed to Edward Joseph Development, Inc. by deed recorded in Volume 10534 Page 15 of the Real Property Records of Travis County, Texas, and of that certain (47.270 acre) tract of land conveyed to the City of Austin by deed recorded in Volume 11959 Page 2075 of the Real Property Records of Travis County, Texas, for the Northwest corner and PLACE OF BEGINNING of the herein described tract, and from which the Northwest corner of said Edward Joseph Development, Inc. tract bears N 60 deg. 22' 00" E 551.39 ft.;

THENCE with the North line of said Edward Joseph Development, Inc. tract and the South line of said City of Austin tract, S 60 deg. 22' 00" E 614.49 ft. to a point for the Northeast corner of said Edward Joseph Development, Inc. tract and the Northeast corner of this tract;

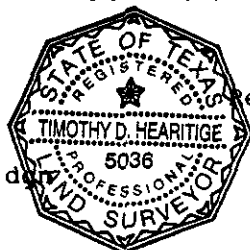
THENCE with the East line of said Edward Joseph Development, Inc. tract, S 29 deg. 45' 43" W 405.14 ft. to a point for the Southeast corner of this tract;

THENCE over and across a portion of said Edward Joseph Development, Inc. tract with a line defining the approximate limits of the 100 year floodplain as shown on the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480624 0120 E, dated June 16, 1993, the following six (6) courses;

- 1) N 37 deg. 23' 00" W 110.60 ft. to a point;
- 2) N 49 deg. 30' 23" W 127.22 ft. to a point;
- 3) N 33 deg. 34' 10" W 98.00 ft. to a point;
- 4) N 04 deg. 08' 43" W 182.07 ft. to a point;
- 5) N 15 deg. 44' 12" W 57.49 ft. to a point;
- 6) N 27 deg. 22' 07" W 187.43 ft. to the PLACE OF BEGINNING, containing 3.34 acres of land.

SURVEYOR'S NOTE: The above described tract of land represents an area of approximate floodplain only as defined by the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480624 0120 E, dated June 16, 1993, and does not reflect any on-the-ground field work nor specific engineering floodplain study.

PREPARED FROM RECORD: November 23, 1993.



Timothy D. Hearitige

Timothy D. Hearitige

Registered Professional Land Surveyor No. 5036

wilks.d

"EXHIBIT C"

BUSH SURVEYING, INC.

1904 Fortview Road
Austin, Texas 78704
Phone (512) 442-0990
Fax (512) 442-1084
NOVEMBER 23, 1993

FIELD NOTE DESCRIPTION OF 5.38 ACRES OF LAND OUT OF THE WILLIAM WILKS SURVEY NO. 29 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS (93.230 ACRES) SAVE AND EXCEPT (1.5547 ACRES) AND AS CONVEYED TO EDWARD JOSEPH DEVELOPMENT, INC. BY DEED RECORDED IN VOLUME 10534 PAGE 15 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.38 ACRES BEING AN AREA DEFINED AS FLOODPLAIN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL NO. 480624 0120 E, DATED JUNE 16, 1993, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at point in the East line of that certain tract of land described as (93.230 acres) Save and Except (1.5547 acres) and as conveyed to Edward Joseph Development, Inc. by deed recorded in Volume 10534 Page 15 of the Real Property Records of Travis County, Texas, and for the Southeast corner of Lot 2-B, Courtland Place 3, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 76 Page 256 of the Plat Records of Travis County, Texas, being the PLACE OF BEGINNING of the herein described tract;

THENCE with the common line of said Edward Joseph Development, Inc. tract and said Lot 2-B, N 28 deg. 53' 58" E 70.89 ft. to a point for the Northwest corner of this tract, and from which the Northwest corner of said Edward Joseph Development, Inc. tract bears N 28 deg. 53' 58" E 525.77 ft. and N 29 deg. 28' 26" E 259.54 ft.;

THENCE over and across the Edward Joseph Development, Inc. tract with a line defining the approximate limits of the 100 year flood plain as shown on the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480624 0120 E, dated June 16, 1993, the following twelve (12) courses;

- 1) N 80 deg. 26' 19" E 78.12 ft. to a point;
- 2) S 79 deg. 47' 37" E 54.18 ft. to a point;
- 3) N 85 deg. 29' 25" E 80.89 ft. to a point;
- 4) S 61 deg. 38' 00" E 75.78 ft. to a point;
- 5) S 72 deg. 47' 00" E 67.04 ft. to a point;
- 6) S 81 deg. 34' 33" E 128.55 ft. to a point;
- 7) S 58 deg. 55' 06" E 72.28 ft. to a point;
- 8) S 38 deg. 44' 22" E 116.38 ft. to a point;
- 9) S 47 deg. 03' 57" E 226.00 ft. to a point;
- 10) S 44 deg. 39' 42" E 95.66 ft. to a point;
- 11) S 36 deg. 31' 57" E 185.47 ft. to a point;
- 12) S 45 deg. 36' 00" E 56.67 ft. to a point in the East line of said Edward Joseph Development, Inc. tract for the Northeast corner of this tract;

THENCE with the East line of said Edward Joseph Development, Inc. tract, S 29 deg. 45' 43" W 162.33 ft. to a point for the Southeast corner of this tract;

THENCE over and across the interior of said Edward Joseph Development, Inc. tract, with the South line of this tract and in the proximity of Little Walnut Creek, the following three (3) courses;

- 1) N 45 deg. 20' 39" W 521.41 ft. to a point;
- 2) N 26 deg. 52' 29" W 195.85 ft. to a point;
- 3) S 83 deg. 33' 53" W 217.62 ft. to a point of intersection with a Westerly line of said Edward Joseph Development, Inc. tract, for a corner of this tract;

THENCE with a West line of said Edward Joseph Development, Inc. tract, N 29 deg. 09' 00" E 110.15 ft. to a point in the centerline of Little Walnut Creek for a corner of this tract;

Page 2
5.38 acres

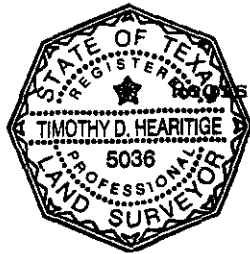
THENCE with the centerline of Little Walnut Creek, the following two (2) courses;

- 1) S 61 deg. 00' 10" W 303.21 ft. to a point;
- 2) S 89 deg. 05' 08" W 174.76 ft. to a point;

THENCE leaving Little Walnut Creek with the West line of said Edward Joseph Development, Inc. tract, N 28 deg. 53' 58" E 250.55 ft. to the PLACE OF BEGINNING, containing 5.38 acres of land.

SURVEYOR'S NOTE: The above described tract of land represents an area of approximate floodplain only as defined by the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480624 0120 E, dated June 16, 1993, and does not reflect any on-the-ground field work nor specific engineering floodplain study.

PREPARED FROM RECORD: November 23, 1993.



Timothy D. Hearitige

Registered Professional Land Surveyor No. 5036

wilks.dgn

25

PO#: _____

Ad ID#: CNM602300

Acct #: 4492499

Austin American-Statesman

Acct. Name: City Clerk

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:

Nancy Christofferson

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:

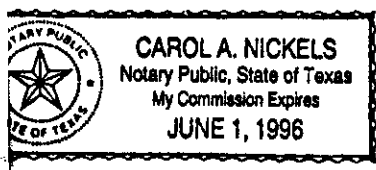
Date (s): December 24th, 1993
Class: 9980 Lines: 33 Cost: \$7 64.65

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

ORDINANCE NO. 93-1216-1
An Ordinance creating a zoning and changing the zoning map as follows: Section 15-2 of the Austin City Code of 1992 as follows: Tract 1: 15.21 Acre tract of land out of the William Wills Survey No. 29, From "SF-3" Family Residence District to "MF-3-CO" Multifamily Residence (Medium Density) District-Conditional Overlay Combining District; and, Tract 2: 3.34 Acre tract of land out of the William Wills Survey No. 29, from "SF-3" Family Residence District to "MR-CO" Rural Residence District-Conditional Overlay Combining District; and, Tract 3: 6.38 Acre tract of land out of the William Wills Survey No. 29, from "SF-3" Family Residence District to "MR-CO" Rural Residence District-Conditional Overlay Combining District, locally known as 1088 Park Plaza, as more particularly identified on the map attached as "Exhibit A" to this ordinance. It is the City of Austin, Texas, wishing the residents of the City of Austin to be better informed of the City's actions, that it is hereby ordered that the City Clerk publish the City's actions in the Austin American-Statesman newspaper.

Nancy Christofferson

I AND SUBSCRIBED TO BEFORE ME, this the 24th day of Dec, 1993.



Carol A. Nickels
Notary Public in and for
TRAVIS COUNTY, TEXAS

Carol A. Nickels
(Type or Print Name of Notary)

My Commission Expires: 6/1/96