

ORDINANCE NO. 000928-95

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

0.778 ACRE TRACT OF LAND FROM DOWNTOWN MIXED USE (DMU) DISTRICT TO CENTRAL BUSINESS DISTRICT-CONDITIONAL OVERLAY (CBD-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 800-812 WEST 5TH STREET, 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 Section 25-2-191 of the City Code is amended to change the base district from downtown mixed use (DMU) district to central business district-conditional overlay (CBD-CO) combining district on the property described in File C14-00-2132 as follows:

0.778 acre tract of land being a portion of Outlot 11, Division Z of the Government Outlots, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 800-812 West 5th Street, in the City of Austin, Travis County, Texas, and 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 conditions:

1. A structure or portion of a structure may not exceed a height of 170 feet above ground level.
2. A maximum floor to area ratio (F.A.R.) to 5: 1.

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

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

PART 4. This ordinance takes effect on October 9, 2000.

PASSED AND APPROVED

September 28, 2000

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Kirk Watson
Mayor

APPROVED: Andrew Martin
Andrew Martin
City Attorney

ATTEST: Betty A. Brown, Deputy
Shirley A. Brown
City Clerk

0.778 ACRES
OUTLOT 11, DIVISION "Z"
AMICUS PARTNERS, LTD.

FN NO. 00-178(MJJ)
JUNE 8, 2000
BPI JOB NO. 1058-01.00

DESCRIPTION

OF 0.778 ACRES OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF OUTLOT 11, DIVISION "Z" OF THE GOVERNMENT OUTLOTS ADJACENT TO THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.778 ACRES OF LAND ALSO BEING ALL OF THOSE CERTAIN TRACTS OF LAND CALLED TRACT I CONSISTING OF 0.356 ACRES OF LAND AND TRACT II CONSISTING OF 0.382 ACRES OF LAND BOTH HAVING BEEN CONVEYED TO WILLIAM F. MUNDAY BY DEED OF RECORD IN VOLUME 11666, PAGE 1316 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.778 ACRES ALSO BEING A PORTION OF THAT CERTAIN 15 FOOT ALLEY ADJACENT TO SAID TRACTS I AND II, QUITCLAIMED BY DEEDS OF RECORD IN DOCUMENT NOS. 2000055172, 2000055173, 2000055174, 2000055175 AND AN AFFIDAVIT AS TO NON-EXISTENCE OF ALLEY OF RECORD IN DOCUMENT NO. 2000070340 ALL OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.778 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a City of Austin Centerline Monument found at the Centerline Intersection of West 5th Street (80' R.O.W.) and West Avenue (80' R.O.W.);

THENCE, N29°09'10"W, leaving said Centerline Intersection, over and across the West 5th Street Right-of-Way, a distance of 53.51 feet to a 1 inch bolt found at the intersection of the northerly line of West 5th Street with the westerly line of West Avenue, being the southeasterly corner of said 0.382 acre tract and the **POINT OF BEGINNING** hereof;

THENCE, N77°23'46"W, leaving the westerly line of West Avenue, along the northerly line of West 5th Street, being the southerly line of said 0.382 acre tract, the southerly line of said 15 foot alley and the southerly line of said 0.356 acre tract, passing at a distance of 162.02 feet a 1/2 inch iron rod found being the southwesterly corner of said 0.382 acre tract, passing again at a distance of 177.28 feet a 1/2 inch iron rod found being the southeasterly corner of said 0.356 acre tract and continuing for a total distance of 345.42 feet to a 1/2 inch iron rod set with cap for the southwesterly corner of said 0.356 acre tract, for the southwesterly corner;

THENCE, leaving the northerly line of West 5th Street, along the westerly line of said 0.356 acre tract, being the westerly line hereof, the following seven (7) courses and distances:

- 1) N43°50'42"E, a distance of 18.11 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N55°41'42"E, a distance of 11.24 feet to a 1/2 inch iron rod with cap set for an angle point;

000428 95

Exhibit A

FN NO. 00-178(MJJ)

JUNE 8, 2000

PAGE 2 OF 2

- 3) N62°23'42"E, a distance of 40.62 feet to a 1/2 inch iron rod found for an angle point;
- 4) N67°00'02"E, a distance of 23.66 feet to a 1/2 inch iron rod found for an angle point;
- 5) N56°44'07"E, a distance of 24.80 feet to a 1/2 inch iron rod found for an angle point;
- 6) N52°58'02"E, a distance of 79.74 feet to a 1/2 inch iron rod found for an angle point;
- 7) N85°35'52"E, a distance of 51.77 feet to a cut "X" found in concrete in the westerly line of said 15 foot alley, being the northernmost corner of said 0.356 acre tract and the northernmost corner hereof;

THENCE, S18°59'17"W, along a portion of the westerly line of said 15 foot alley, being along a portion of the easterly line of said 0.356 acre tract, a distance of 44.37 feet to a 1/2 inch iron rod with cap set for an angle point;

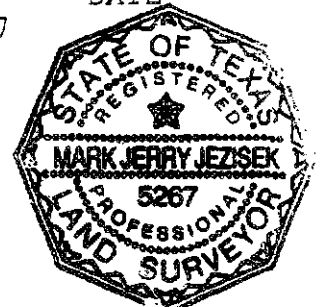
THENCE, S71°05'07"E, leaving the easterly line of said 0.356 acre tract, over and across said 15 foot alley and continuing along the northerly line of said 0.382 acre tract, being the southerly line of that certain tract of land conveyed to The Bohls Family Ltd. by deed of record in Volume 12879, Page 2481 of said Real Property Records, a distance of 176.06 feet to an iron pipe found in the westerly line of West Avenue, being the southeasterly corner of said Bohls Family tract, the northeasterly corner of said 0.382 acre tract and the northeasterly corner hereof;

THENCE, S18°54'53"W, along the westerly line of West Avenue, being the easterly line of said 0.382 acre tract and the easterly line hereof, a distance of 94.52 feet to the **POINT OF BEGINNING**, containing an area of 0.778 acres (33,885 sq. ft.) of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION OF THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A LAND TITLE SURVEY WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

Mark J. Jezisek 6/8/00
MARK J. JEZISEK DATE
R.P.L.S. NO. 5267
STATE OF TEXAS



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