

ORDINANCE NO. 870827-C

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1. 10.318 ACRES OF LAND OUT OF AND A PART OF THE J.C. TANNEHILL LEAGUE; AND,
TRACT 2. 12,787 SQUARE FEET OF LAND, BEING A PORTION OF OUTLOT 41, DIVISION A IN THE CITY OF AUSTIN; AND,
TRACT 3. 31,890 SQUARE FEET OF LAND, BEING ALL OF THAT CERTAIN PARCEL OR TRACT OF LAND BEING ALL OF LOT 3 AND A PORTION OF LOTS 1 AND 2, CAPERTON ADDITION, LOCALLY KNOWN AS THE 1100 BLOCK OF SPRINGDALE ROAD, FROM "LI" LIMITED INDUSTRIAL SERVICES, "CS" COMMERCIAL SERVICES AND "SF-3" FAMILY RESIDENCE TO "PUD" PLANNED UNIT DEVELOPMENT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district from "LI" Limited Industrial Services, "CS" Commercial Services and "SF-3" Family Residence to "PUD" Planned Unit Development on the property described in File C814-87-004, to-wit:

TRACT 1. 10.318 acres of land, being out of and a part of the J.C. Tannehill League, same being a portion of that tract of land described by deed in Volume 843, at Page 376, Deed Records of Travis County, Texas, said 10.318 acres of land being more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes; and,

TRACT 2-A. 12,787 square feet of land, being a portion of Outlot 41, Division A in the City of Austin, Travis County, Texas, and being a portion of that certain tract of land as conveyed to Amy Nygard by deed recorded in Volume 755, Page 540 of the Deed Records of Travis county, Texas, said tract of land being more particularly described by metes and bounds in Exhibit "B"; and,

TRACT 2-B. 31,890 square feet of land, being all of that certain parcel or tract of land being all of Lot 3 and a portion of Lots 1 and 2, Caperton Addition, a subdivision in the City of Austin, Travis County, Texas as recorded in Plat Book 11, Page 77 of the Plat Records of Travis County, Texas, said tract of land

being more particularly described by metes and bounds in Exhibit "B", attached hereto and incorporated herein for all purposes,

locally known as the 1100 block of Springdale Road in the City of Austin, Travis County, Texas.

PART 2. The property zoned by this Ordinance shall be accomplished in accordance with the Planned Unit Development site plan on file with the Office of Land Development Services and approved by the City Council of the City of Austin.

PART 3. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

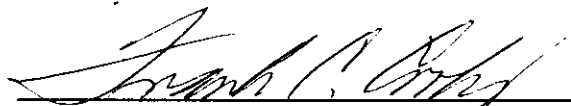
PART 4. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three (3) separate days shall be waived by the affirmative vote of five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 5. This ordinance shall be effective ten (10) days following the date of its final passage.

PASSED AND APPROVED

August 27, 1987

§
§
§
§


Frank C. Cooksey
Mayor

APPROVED


Barney L. Knight
City Attorney

ATTEST:


James E. Aldridge
City Clerk

SJH:saf
87-004.pud/4

↓
EXHIBIT A

TRACT ONE:

10.64 acres of land, being out of and a part of the J.C. Tannehill League, same being a portion of that tract of land described by deed in Volume 843, at page 376, Deed Records, Travis County, Texas, said 10.64 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument found at the southeast corner of the Travis Howard Subdivision of record in Plat Book 6, at Page 53, Plat Records, Travis County, Texas, said monument also being in the north right-of-way line of the MK&T Railroad;

THENCE N 30° 13' E 150.00 feet to an iron pipe set at the northeast corner of the said Travis Howard Subdivision;

THENCE N 59° 47' W 156.14 feet pass a pipe set for the northwest corner of the said Travis Howard Subdivision, a total distance of 170.82 feet to an iron pipe set in the east line of Springdale Road, for the southwest corner of the tract herein described;

THENCE following a line 25 feet east of and parallel to the monumented centerline of Springdale Road, as established by the Department of Public Works of the City of Austin, Texas, N 30° 13' E 936.18 feet to an iron pipe set, marking the northwest corner this tract, said pipe being S 59° 31' E 3.21 feet from an iron pipe found;

THENCE S 59° 31' E 234.48 feet to an iron pipe found in the west line of Airport Boulevard marking the northeast corner of the tract herein described;

THENCE S 13° 30' E 27.66 feet to a concrete right-of-way monument found;

THENCE S 9° 12' E 200.32 feet to a concrete right-of-way monument found;

THENCE S 13° 29' E 471.03 feet to an iron pipe found for the most easterly corner of this tract;

THENCE S 73° 26' W 781.84 feet to the place of BEGINNING, containing 10.64 acres of land, and being the same property conveyed from Green Tree Investment Company to Frostex Frozen Food Co. by a deed dated May 2, 1966, on record in Volume 3121 at Page 1538 of the Deed Records of Travis County, Texas.

Save and except that certain parcel of land consisting of 0.322 of one acre of land out of the above described tract heretofore conveyed by Frostex Frozen Food Co. to the City of Austin for street purposes by deed dated the 30th day of March, 1967, and recorded in book 3121 at page 1538 of the Travis County Deed Records, said property being more particularly described as follows:

BEGINNING at the northwest corner of Lot 1, Travis Howard Subdivision, a subdivision of record in Book 6 at Page 53 of the Plat Records of Travis County, Texas, same being the intersection of the present east line of Springdale Road with the proposed east line of Springdale Road, same also being the southeast corner of the herein described tract of land, and which point of beginning is in the most westerly south line of the said Frostex Frozen Food Company tract of land;

THENCE, N 59° 47' W 15.00 feet to a point in the present east line of Springdale Road, which point is the most westerly southwest corner of the said Frostex Frozen Food Company tract of land, for the southwest corner of the herein described tract of land;

THENCE, with said present east line of Springdale Road, N 30° 13' E 936.18 feet to the northwest corner of the said Frostex Frozen Food Company tract of land, for the northwest corner of the herein described tract of land;

THENCE, with the north line of the said Frostex Frozen Food Company tract of land, S 59° 31' E 15.00 feet to a point in the aforesaid proposed east line of Springdale Road, for the northeast corner of the herein described tract of land;

THENCE, with said proposed east line of Springdale Road, S 30° 13' W 936.11 feet to the point of beginning.

EXHIBIT "B"

FIELD NOTES
FOR
STEWART TITLE COMPANY

12,787 Square Foot Tract - Buckner Tract

ALL OF THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PORTION OF OUTLOT 41, DIVISION "A" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO AMY NYGARD BY DEED RECORDED IN VOLUME 755, PAGE 540 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin set in the West r.o.w. line of Springdale Road, being the Northwest corner of that certain tract of land as conveyed to the City of Austin by deed recorded in Volume 4835, Page 1843 of the deed records of Travis County, Texas, for the Northeast corner and PLACE OF BEGINNING hereof;

THENCE with the West r.o.w. line of Springdale Road, and the West line of the City of Austin tract, S 30°13' W for a distance of 78.20 feet to an iron pin set at the Southwest corner of the City of Austin tract, for the Southeast corner herof;

THENCE with the South line of the Nygard tract, N 66°49' W for a distance of 164.35 feet to an iron pin found at the Southeast corner of that certain tract of land as conveyed to the Austin Independent School District by deed recorded in Volume 4614, Page 1886 of the deed records of Travis County, Texas, for the Southwest corner hereof;

THENCE with the East line of the Austin Independent School District tract, N 30°41' E for a distance of 78.90 feet to an iron pin set in the South line of Lot 3, Caperton Addition, a Subdivision in the City of Austin, as recorded in Plat Book 11, Page 77 of the Plat Records in Travis County, Texas, same being the Northeast corner of the Austin Independent School District tract, for the Northwest corner hereof;

THENCE with the North line of the Nygard tract, same being the South line of Caperton Addition the following courses:

S 62°42' E for a distance of 43.50 feet to an iron pin found at the Southeast corner of Lot 3 and the Southwest corner of Lot 2, for an angle point;

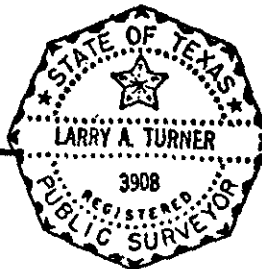
S 66°33' E for a distance 120.12 feet to the PLACE OF BEGINNING and containing 12,787 square feet of land, more or less.

SURVEYED BY:

W. HARVEY SMITH SURVEYOR, INC.

Larry A. Turner

LARRY A. TURNER
Registered Public Surveyor No. 3908
June 23, 1987



Job No. 35804 - 32

EXHIBIT "B"

FIELD NOTES
FOR
STEWART TITLE COMPANY

31,890 Square Foot Tract - Caperton Addition

ALL OF THAT CERTAIN PARCEL OR TRACT OF LAND BEING ALL OF LOT 3 AND A PORTION OF LOTS 1 AND 2, CAPERTON ADDITION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AS RECORDED IN PLAT BOOK 11, PAGE 77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin set at the intersection of the West r.o.w. line of Springdale Road with the South r.o.w. line of Govalle Avenue, same being the Northwest corner of that certain tract of land as conveyed to the City of Austin by deed recorded in Volume 4835, Page 1815 of the deed records of Travis County, Texas, for the Northeast corner and POINT OF BEGINNING hereof;

THENCE with the West r.o.w. line of Springdale Road, same being the West line of the City of Austin tract, S 30°13' W for a distance of 187.13 feet to an iron pin set at the Southwest corner of said City of Austin tract, same being the Northwest corner of that certain tract of land as conveyed to the City of Austin by deed recorded in Volume 4835, Page 1843 of the deed records of Travis County, Texas, for the Southeast corner hereof;

THENCE with the South line of Caperton Addition, the following courses:

N 66°33' W for a distance of 120.12 feet to an iron pin found at the Southwest corner of Lot 2 and the Southeast corner of Lot 3 for an angle point;

N 66°42' W for a distance of 43.50 feet pass an iron pin set at the Northeast corner of that certain tract of land as conveyed to the Austin Independent School District by deed recorded in Volume 4614, Page 1886 of the deed records of Travis County, Texas, for a total distance of 50.43 feet to an iron pin found at the Southwest corner of Lot 3 and the Southeast corner of Lot 4, for the Southwest corner hereof;

THENCE with the West line of Lot 3, same being the East line of Lot 4, N 29°14' E for a distance of 185.74 feet to an iron pin set in the South r.o.w. line of Govalle Avenue at the Northwest corner of said Lot 3 and the Northeast corner of Lot 4 for the Northwest corner hereof;

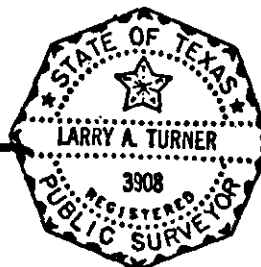
THENCE with the South r.o.w. line of Govalle Avenue and the North line of Caperton Addition, S 66°56' E for a distance of 173.86 feet to the PLACE OF BEGINNING and containing 31,890 square feet of land, more or less.

SURVEYED BY:

W. HARVEY SMITH SURVEYOR, INC.



LARRY A. TURNER
Registered Public Surveyor No. 3908
June 23, 1987



Job No. 35801 - 32

RESTRICTIVE COVENANT

Owner: Frostex Foods, Inc., a Texas corporation

Owner's Address: 1179-A Springdale Road, Austin, Texas 78762

Consideration: One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

Property: Tract 1: All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "A" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property; and

Tract 2: All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "B" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property.

Owner of the Property, for the consideration, impresses the Property with these covenants and restrictions running with the land:

1. Tracts 1 and 2 of the Property shall be considered a single site when any modifications of all or part of the Site Plan approved for those tracts, as part of PUD Zoning Case No. C814-87-004, are reviewed administratively in accordance with Sections 6100 through 6199 of Chapter 13-2A of the Austin City Code, so that any such review shall require review of all of tracts 1 and 2 as a single site. This provision exists in spite of the definition of site in Section 1334 of Chapter 13-2A of the Austin City Code.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant shall be 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, its successors or assigns, 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, or

such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) of the Property at the time of such modification, amendment or termination.

All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 3rd day of August, 1987.

William P. Boone
William P. Boone
President, Frostex Foods, Inc.

THE STATE OF TEXAS

§

This instrument was acknowledged before me on August 3rd, 1987, by William P. Boone, President of Frostex Foods, Inc., a Texas corporation, on behalf of said corporation.

Peggy Hampton Clarke
Notary Public, State of Texas
Notary's name (printed):
Peggy Hampton Clarke
Notary's commission expires:
7/28/90

81487004.RC

FIELD NOTES
FOR
STEWART TITLE COMPANY

31,890 Square Foot Tract - Caperton Addition

ALL OF THAT CERTAIN PARCEL OR TRACT OF LAND BEING ALL OF LOT 3 AND A PORTION OF LOTS 1 AND 2, CAPERTON ADDITION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AS RECORDED IN PLAT BOOK 11, PAGE 77 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin set at the intersection of the West r.o.w. line of Springdale Road with the South r.o.w. line of Govalle Avenue, same being the Northwest corner of that certain tract of land as conveyed to the City of Austin by deed recorded in Volume 4835, Page 1815 of the deed records of Travis County, Texas, for the Northeast corner and POINT OF BEGINNING hereof;

THENCE with the West r.o.w. line of Springdale Road, same being the West line of the City of Austin tract, S 30°13' W for a distance of 187.13 feet to an iron pin set at the Southwest corner of said City of Austin tract, same being the Northwest corner of that certain tract of land as conveyed to the City of Austin by deed recorded in Volume 4835, Page 1843 of the deed records of Travis County, Texas, for the Southeast corner hereof;

THENCE with the South line of Caperton Addition, the following courses:

N 66°33' W for a distance of 120.12 feet to an iron pin found at the Southwest corner of Lot 2 and the Southeast corner of Lot 3 for an angle point;

N 66°42' W for a distance of 43.50 feet pass an iron pin set at the Northeast corner of that certain tract of land as conveyed to the Austin Independent School District by deed recorded in Volume 4614, Page 1886 of the deed records of Travis County, Texas, for a total distance of 50.43 feet to an iron pin found at the Southwest corner of Lot 3 and the Southeast corner of Lot 4, for the Southwest corner hereof;

THENCE with the West line of Lot 3, same being the East line of Lot 4, N 29°14' E for a distance of 185.74 feet to an iron pin set in the South r.o.w. line of Govalle Avenue at the Northwest corner of said Lot 3 and the Northeast corner of Lot 4 for the Northwest corner hereof;

THENCE with the South r.o.w. line of Govalle Avenue and the North line of Caperton Addition, S 66°56' E for a distance of 173.86 feet to the PLACE OF BEGINNING and containing 31,890 square feet of land, more or less.

SURVEYED BY:

W. HARVEY SMITH SURVEYOR, INC.



LARRY A. TURNER
Registered Public Surveyor No. 3908
June 23, 1987

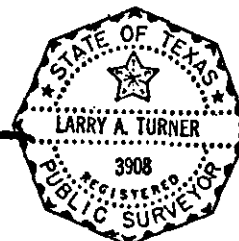


EXHIBIT B

FIELD NOTES
FOR
STEWART TITLE COMPANY

12,787 Square Foot Tract - Buckner Tract

ALL OF THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PORTION OF OUTLOT 41, DIVISION "A" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO AMY NYGARD BY DEED RECORDED IN VOLUME 755, PAGE 540 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin set in the West r.o.w. line of Springdale Road, being the Northwest corner of that certain tract of land as conveyed to the City of Austin by deed recorded in Volume 4835, Page 1843 of the deed records of Travis County, Texas, for the Northeast corner and PLACE OF BEGINNING hereof;

THENCE with the West r.o.w. line of Springdale Road, and the West line of the City of Austin tract, S 30°13' W for a distance of 78.20 feet to an iron pin set at the Southwest corner of the City of Austin tract, for the Southeast corner herof;

THENCE with the South line of the Nygard tract, N 66°49' W for a distance of 164.35 feet to an iron pin found at the Southeast corner of that certain tract of land as conveyed to the Austin Independent School District by deed recorded in Volume 4614, Page 1886 of the deed records of Travis County, Texas, for the Southwest corner hereof;

THENCE with the East line of the Austin Independant School District tract, N 30°41' E for a distance of 78.90 feet to an iron pin set in the South line of Lot 3, Caperton Addition, a Subdivision in the City of Austin, as recorded in Plat Book 11, Page 77 of the Plat Records in Travis County, Texas, same being the Northeast corner of the Austin Independant School District tract, for the Northwest corner hereof;

THENCE with the North line of the Nygard tract, same being the South line of Caperton Addition the following courses:

S 62°42' E for a distance of 43.50 feet to an iron pin found at the Southeast corner of Lot 3 and the Southwest corner of Lot 2, for an angle point;

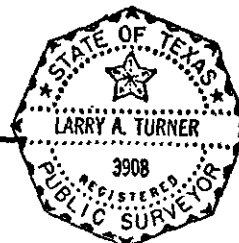
S 66°33' E for a distance 120.12 feet to the PLACE OF BEGINNING and containing 12,787 square feet of land, more or less.

SURVEYED BY:

W. HARVEY SMITH SURVEYOR, INC.

Larry A. Turner

LARRY A. TURNER
Registered Public Surveyor No. 3908
June 23, 1987



Job No. 35804 - 32

Austin American-Statesman

City of Austin

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:

James R. Frizzell

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

September 21st, 1987

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

SWORN AND SUBSCRIBED TO BEFORE ME, this the 21st

Day of September A.D. 1987.

Denise Stegall
(Type or Print Name of Notary)

Denise Stegall
Notary Public in and for
TRAVIS COUNTY, TEXAS

3/3/90
(My Commission Expires:)