

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: 5.33 ACRE TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 1400 SOUTH LAMAR BOULEVARD, IN THE CITY OF 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 13-2 of the Austin City Code of 1981 is amended to change the base zoning district from "SF-3" Family Residence district to "CS-CO" General Commercial Services district-Conditional Overlay combining district on the property described in File C14-88-0094-CO, as follows:

5.33 acre tract of land out of the Isaac Decker League, said 5.33 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

locally known as 1400 South Lamar Boulevard, in the City of Austin, Travis County, Texas.

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

1. Development of the Property shall be restricted to a maximum floor to area ratio of .30 to 1.
2. The following uses of the Property shall be prohibited:
 - (a) Building maintenance services,
 - (b) Construction sales and services,
 - (c) Equipment sales,
 - (d) Vehicle Storage,
 - (e) Maintenance and Service facilities.
 - (f) Campground,
 - (g) Convenience storage,
 - (h) Kennels,
 - (i) Limited warehousing and distribution.

Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "CS" General Commercial Services base district and other applicable requirements of the Land Development Code.

PART 3. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by 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 separate days shall be waived by the affirmative vote of five 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 days after the date of its final passage.

PASSED AND APPROVED

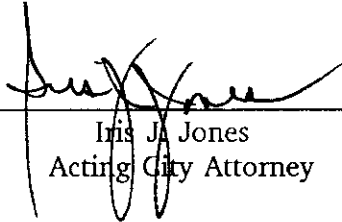
December 14, 1989

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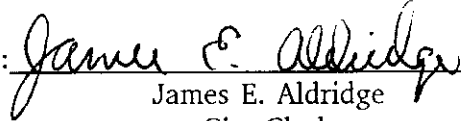
Lee Cooke
Mayor

APPROVED:



Iris J. Jones
Acting City Attorney

ATTEST:



James E. Aldridge
City Clerk

SS/jj

FIELD NOTE DESCRIPTION OF 5.333 ACRES OF LAND SITUATED IN THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS; BEING ALL OF THOSE CERTAIN TRACTS OF LAND DESCRIBED IN EXHIBITS "A", "B", AND "C" IN A DEED TO CHARLES B. MAUFRAS II, H.H. MAUFRAS, E.D. McMULLEN AND J.R. FERGUSON RECORDED IN VOLUME 7162, PAGE 156 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.333 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a nail set on a concrete apron and being in the curving East right-of-way line of South Lamar Boulevard (R.O.W. varies) same being at the Northwest corner of the said Maufrais, McMullen and Ferguson tract described in Exhibit "A" same being the most Northerly corner of the said Maufrais, McMullen and Ferguson tract described in Exhibit "B" for the Northwest corner and POINT OF BEGINNING hereof;

THENCE with the North line of the herein described tract being the North line of the said Maufrais, McMullen and Ferguson tract described in Exhibit "A", S 55° 56' 25" E at a distance of 10.14 feet pass an iron rod found at the Southwest corner of Lot 3, Commercial Square, a subdivision in the City of Austin as recorded in Book 29, Page 26 of the Plat Records of Travis County, Texas, continue on the same course for a total distance of 205.14 feet to an iron rod set for a corner hereof;

THENCE continuing with the North line of the herein described tract being the North line of the said Maufrais, McMullen and Ferguson tract described in Exhibit "A" same being the South line of said Lot 3, the following three (3) courses and distances:

- 1) N 52° 06' 35" E for a distance of 145.30 feet, to an iron rod set for a corner hereof.
- 2) S 62° 12' 25" E for a distance of 60.10 feet, to an iron rod set for a corner hereof;
- 3) S 72° 40' 25" E for a distance of 88.02 feet, to an iron rod set in the West right-of-way line of the International and Great Northern Railroad right-of-way (100' R.O.W.) and being at the Southeast corner of said Lot 3, same being the Northeast corner of the said Maufrais, McMullen and Ferguson tract described in Exhibit "A" for the Northeast corner hereof;

THENCE with the East line of the herein described tract being the East line of the said Maufrais, McMullen and Ferguson tract described in Exhibit "A" same being the West right-of-way line of the said International and Great Northern Railroad right-of-way, the following three courses and distances:

- 1) S 27° 06' 01" W for a distance of 24.35 feet, to an iron rod set at a point of curvature for a corner hereof;
- 2) 492.37 feet along the arc of a curve to the right whose radius is 2814.79 feet and whose chord bears S 32° 06' 41" W for a distance of 491.74 feet to an iron rod set at a point of tangency for a corner hereof;

- 3) S 37° 07' 21" W for a distance of 207.03 feet to an iron rod set at the Northeast corner of that certain tract of land described as containing 4.46 acres of land in a deed to George B. Shepherd recorded in Volume 5471, Page 47 of the Deed Records of Travis County, Texas, same being the Southeast corner of the said Maufrais, McMullen and Ferguson tract described in Exhibit "A" for the Southeast corner hereof;

THENCE with the South line of the herein described tract being the South line of the said Maufrais, McMullen and Ferguson tract described as Exhibit "A" same being the North line of the said 4.46 acre Shepherd tract the following five (5) courses and distances;

- 1) N 47° 55' 24" W for a distance of 69.59 feet, to an iron rod set for a corner hereof;
- 2) N 31° 46' 24" W for a distance of 152.95 feet, to an iron rod set for a corner hereof;
- 3) N 27° 22' 24" W for a distance of 99.13 feet, to an iron rod set for a corner hereof;
- 4) N 69° 46' 24" W for a distance of 76.57 feet, to an iron rod set for a corner hereof;
- 5) N 43° 02' 24" W for a distance of 13.63 feet, to an iron rod set at the Northwest corner of the said 4.46 acre Shepherd and being in the East line of that certain tract of land described in a deed to George Shepherd recorded in Volume 6758, Page 1220 of the Deed Records of Travis County, Texas also being the Southwest corner of the said Maufrais, McMullen and Ferguson tract described in Exhibit "A" for a corner hereof;

THENCE continuing with the South line of the herein described tract being the West line of the said Maufrais, McMullen and Ferguson tract described in Exhibit "A" same being the East line of the last mentioned Shepherd tract, N 28° 22' 36" E for a distance of 26.34 feet to an iron rod set at the Northeast corner of the said Shepherd tract same being the Southeast corner of the said Maufrais, McMullen and Ferguson tract described in Exhibit "C" for a corner hereof;

THENCE continuing with the South line of the herein described tract being the South line of the said Maufrais, McMullen and Ferguson tract described in Exhibit "C" same being the East line of the last mentioned Shepherd tract, N 61° 37' 24" W for a distance of 45.89 feet to an iron rod set in the East right-of-way line of South Lamar Boulevard and being at the Northwest corner of the said Shepherd tract same being the Southwest corner of the said Maufrais, McMullen and Ferguson tract described in Exhibit "C" for the Southwest corner hereof;

THENCE with the West line of the herein described tract being the West line of the said Maufrais, McMullen and Ferguson tracts described in Exhibits "C" and "B" respectively, same being the East right-of-way line South Lamar Boulevard the following two (2) courses and distances:

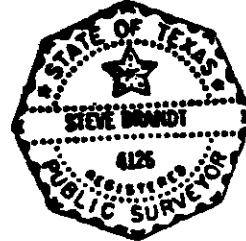
- 1) N 39° 38' 00" E for a distance of 203.05 feet, to an iron rod set at a point of curvature for a corner hereof;

- 2) 224.40 feet along the arc of a curve to the left whose radius is 1949.93 feet and whose chord bears, N 36° 20' 12" E for a distance of 224.27 feet to the POINT OF BEGINNING and containing 5.333 acres of land, more or less.

The undersigned does hereby certify that the above description represents the results of an actual survey made on the ground of the property legally described herein, it is true and correct to the best of my knowledge and belief.

Steve Brandt

Steve Brandt, Registered Public Surveyor
No. 4126 State of Texas
April 16, 1987



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:

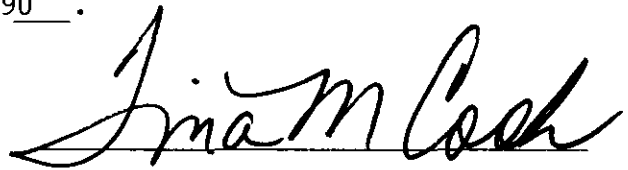
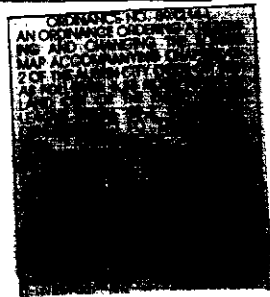
January 2nd, 1990

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



SWORN AND SUBSCRIBED TO BEFORE ME, this the 3rd

Day of January A.D. 1990.



Notary Public in and for
TRAVIS COUNTY, TEXAS

Tina M. Cook
(Type or Print Name of Notary)

10/20/90
(My Commission Expires:)