

ORDINANCE NO. 20140130-035

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 710 EAST 41ST STREET IN THE HANCOCK NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (SF-3-CO-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-CO-NP) COMBINING DISTRICT FOR TRACTS 1 AND 2; COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY-HISTORIC LANDMARK-NEIGHBORHOOD PLAN (GR-MU-CO-H-NP) COMBINING DISTRICT FOR TRACT 1A.

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 on the property (the "Property") described in Zoning Case No. C14-2013-0040, on file at the Planning and Development Review Department, as follows:

TRACT 1:

From family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

A 2.74 acre tract of land, more or less, being a portion of Outlot 14, Division "C" of the government outlots, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance.

TRACT 2:

From family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district.

A 1.73 acre tract of land, more or less, being a portion of Outlot 14, Division "C" of the government outlots, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance.

TRACT 1A:

From family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district to community commercial-mixed use-conditional overlay-historic landmark-neighborhood plan (GR-MU-CO-H-NP) combining district.

A 1.21 acre tract of land, more or less, being a portion of Outlot 14, Division "C" of the government outlots, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance.

locally known as 710 East 41st Street in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "D".

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

The following apply to Tracts 1, 1A and 2.

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day for the combined tracts.
- B. Development of the Property may not exceed an impervious coverage of 45 percent.
- C. The maximum height, as defined by City Code, of a building or structure on the property may not exceed two stories or 30 feet.
- D. The following uses are prohibited uses of the Property:

Administrative and business offices	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Business or trade school	Business support services
Commercial off-street parking	Communications services

Consumer convenience services	Consumer repair services
Drop off recycling collection facility	Exterminating services
Financial services	Food preparation
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Indoor sports and recreation	Off-site accessory parking
Medical offices (exceeding 5,000 sq. ft. gross floor area)	Medical offices (not exceeding 5,000 sq. ft. gross floor area)
Outdoor sports and recreation	Pawn shop services
Pet services	Printing and publishing
Professional office	Research services
Restaurant (limited)	Service station
Software development	Theater
College and university facilities	Communication service facilities
Community events	Community recreation (private)
Community recreation (public)	Counseling services
Cultural services	Day care services (commercial)
Day care services (limited)	Duplex residential
Guidance services	Hospital services (limited)
Local utility services	Public primary educational facilities
Public secondary educational facilities	Residential treatment
Safety services	

The following applies to Tract 1:

- A. Vehicular access from Tract 1 to 41st Street is prohibited, except for pedestrian, bicycle and emergency ingress and egress. All vehicular access to Tract 1 shall be from other adjacent public streets or through other adjacent property.
- B. Only residential uses are permitted within 75 feet of the north zoning boundary line except for the eastern most 150 feet, measured from the property line adjacent to Red River Street

The following applies to Tract 2:

- A. Vehicular access from Tract 2 to Red River Street is prohibited, except for pedestrian, bicycle and emergency ingress and egress. All vehicular access to Tract 2 shall be from other adjacent public streets or through other adjacent property.

- B. Only residential uses are allowed within 175 feet of the northern zoning boundary line, SAVE AND EXCEPT underground parking is permitted no closer than 75 feet to the northern zoning boundary line.

The following applies to Tracts 1 and 2:

- A. Development of Tracts 1 and 2 may not exceed a total of 75 residential units or hotel units. No more than 55 of the total units may be hotel units and no more than 20 hotel units may be located on Tract 2.
- B. A short term rental (type 2) use and short term rental (type 3) use are prohibited uses of the Property.

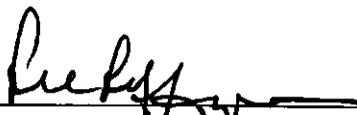
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district, the mixed use combining district, and other applicable requirements of the City Code.

PART 4. The Property is subject to Ordinance No. 040826-59 that established the Hancock neighborhood plan combining district.

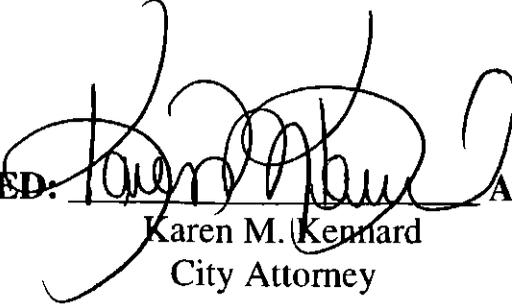
PART 5. This ordinance takes effect on February 10, 2014.

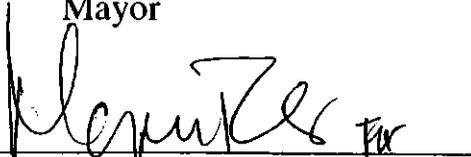
PASSED AND APPROVED

January 30, 2014 §
§
§



Lee Jeffingwell
Mayor

APPROVED: 
Karen M. Kennard
City Attorney

ATTEST: 
Jannette S. Goodall
City Clerk



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**2.743 ACRES
ZONING DESCRIPTION
CITY OF AUSTIN, TEXAS**

A DESCRIPTION OF 2.743 ACRES (APPROXIMATELY 119,481 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.743 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a found 1/2" hole drilled in the concrete cap of a rock post, for the southeast corner of said 9.862 acre tract, same being the southeast corner of said Outlot 14, also being the intersection of the north right-of-way line of East 41st Street (60' right-of-way width) and the west right-of-way line of East Red River Street (80' right-of-way width);

THENCE North 62°30'20" West, with the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 307.00 feet to a calculated point for the southernmost corner of the herein described tract of land, and the true **POINT OF BEGINNING** hereof;

THENCE North 62°30'20" West, continuing with the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 104.44 feet to a calculated point, from which a 1/2" rebar with "Chaparral" cap set for an angle point in the aforementioned line bears North 62°30'20" West, a distance of 150.02 feet;

THENCE over and across said 9.862 acre tract, the following six (6) courses and distances:

1. North 19°19'54" East, a distance of 405.32 feet to a calculated point;
2. South 62°23'58" East, a distance of 56.02 feet to a calculated point;
3. South 62°13'21" East, a distance of 60.03 feet to a calculated point;
4. South 62°40'54" East, a distance of 154.99 feet to a calculated point;

5. North $27^{\circ}21'46''$ East, a distance of 42.89 feet to a calculated point;
6. South $62^{\circ}32'40''$ East, a distance of 142.14 feet to a calculated point in the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract and the east line of said Outlot 14, from which a $1/2''$ iron pipe found for the northeast corner of said 9.862 acre tract bears North $21^{\circ}46'50''$ East, a distance of 25.12 feet;

THENCE with the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract and the east line of said Outlot 14, the following two (2) courses and distances:

1. South $21^{\circ}46'50''$ West, a distance of 17.64 feet to a $3/4''$ iron pipe found for an angle point;
2. South $20^{\circ}15'40''$ West, a distance of 286.09 feet to a calculated point, from which said $1/2''$ hole drilled in the concrete cap of a rock post bears South $20^{\circ}15'40''$ West, a distance of 144.04 feet;

THENCE over and across said 9.862 acre tract, the following forty-three (43) courses and distances:

1. North $62^{\circ}05'07''$ West, a distance of 55.53 feet to a calculated point;
2. With a curve to the left, having a radius of 7.19 feet, a delta angle of $93^{\circ}19'33''$, an arc length of 11.71 feet, and a chord which bears North $20^{\circ}19'06''$ West, a distance of 10.46 feet to a calculated point;
3. North $62^{\circ}06'42''$ West, a distance of 10.59 feet to a calculated point;
4. With a curve to the left, having a radius of 7.54 feet, a delta angle of $84^{\circ}41'44''$, an arc length of 11.14 feet, and a chord which bears South $74^{\circ}13'44''$ West, a distance of 10.15 feet to a calculated point;
5. North $62^{\circ}16'04''$ West, a distance of 116.29 feet to a calculated point;
6. North $27^{\circ}37'04''$ East, a distance of 82.12 feet to a calculated point;
7. North $62^{\circ}31'09''$ West, a distance of 17.93 feet to a calculated point;
8. North $27^{\circ}28'51''$ East, a distance of 3.91 feet to a calculated point;
9. With a curve to the left, having a radius of 1.91 feet, a delta angle of $90^{\circ}00'00''$, an arc length of 3.01 feet, and a chord which bears North $17^{\circ}31'09''$ West, a distance of 2.71 feet to a calculated point;

10. North 62°31'09" West, a distance of 20.58 feet to a calculated point;
11. North 27°28'51" East, a distance of 1.70 feet to a calculated point;
12. North 17°49'17" West, a distance of 6.71 feet to a calculated point;
13. North 62°42'02" West, a distance of 8.56 feet to a calculated point;
14. North 27°17'58" East, a distance of 3.40 feet to a calculated point;
15. North 62°42'02" West, a distance of 23.82 feet to a calculated point;
16. South 27°17'58" West, a distance of 3.40 feet to a calculated point;
17. North 62°42'02" West, a distance of 8.56 feet to a calculated point;
18. South 72°23'48" West, a distance of 6.68 feet to a calculated point;
19. South 27°23'48" West, a distance of 1.70 feet to a calculated point;
20. North 62°36'12" West, a distance of 20.60 feet to a calculated point;
21. With a curve to the left, having a radius of 1.94 feet, a delta angle of 88°40'29", an arc length of 3.00 feet, and a chord which bears South 71°44'06" West, a distance of 2.71 feet to a calculated point;
22. South 27°23'51" West, a distance of 3.85 feet to a calculated point;
23. North 63°15'54" West, a distance of 17.07 feet to a calculated point;
24. North 27°22'55" East, a distance of 22.99 feet to a calculated point;
25. North 62°34'54" West, a distance of 19.37 feet to a calculated point;
26. South 27°22'55" West, a distance of 11.53 feet to a calculated point;
27. North 62°37'05" West, a distance of 1.75 feet to a calculated point;
28. South 27°22'55" West, a distance of 9.22 feet to a calculated point;
29. South 62°37'05" East, a distance of 1.75 feet to a calculated point;
30. South 27°22'55" West, a distance of 11.63 feet to a calculated point;
31. South 62°37'05" East, a distance of 18.55 feet to a calculated point;

32. South 27°22'55" West, a distance of 31.59 feet to a calculated point;
33. South 14°13'09" West, a distance of 24.86 feet to a calculated point;
34. With a curve to the left, having a radius of 30.17 feet, a delta angle of 75°23'22", an arc length of 39.69 feet, and a chord which bears South 23°28'33" East, a distance of 36.89 feet to a calculated point;
35. South 61°48'02" East, a distance of 18.79 feet to a calculated point;
36. With a curve to the left, having a radius of 12.22 feet, a delta angle of 48°29'07", an arc length of 10.34 feet, and a chord which bears South 08°18'14" East, a distance of 10.03 feet to a calculated point;
37. South 27°21'50" West, a distance of 34.45 feet to a calculated point;
38. With a curve to the right, having a radius of 376.44 feet, a delta angle of 09°32'05", an arc length of 62.65 feet, and a chord which bears South 34°28'00" West, a distance of 62.57 feet to a calculated point;
39. South 39°14'57" West, a distance of 10.91 feet to a calculated point;
40. South 26°55'55" West, a distance of 10.92 feet to a calculated point;
41. North 63°31'55" West, a distance of 2.24 feet to a calculated point;
42. With a curve to the left, having a radius of 8.00 feet, a delta angle of 86°42'40", an arc length of 12.10 feet, and a chord which bears South 70°42'59" West, a distance of 10.98 feet to a calculated point;
43. South 27°19'03" West, a distance of 2.70 feet to the **POINT OF BEGINNING**, containing 2.743 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z12.

Eric J. Dannheim 9/05/2013

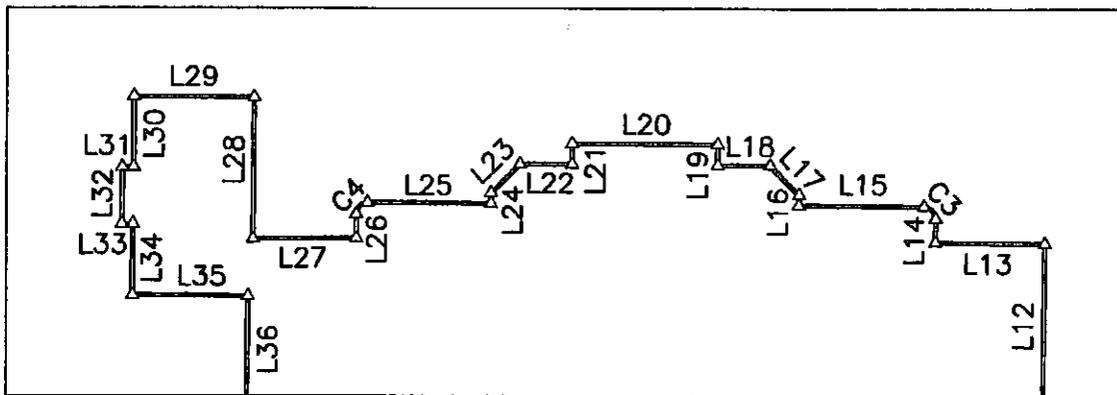
Eric J. Dannheim
Registered Professional Land Surveyor
State of Texas No. 6075



SKETCH TO ACCOMPANY A DESCRIPTION OF 2.743 ACRES (APPROXIMATELY 119,481 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 793-001-Z12



DETAIL B
(1"=30)

LEGEND

- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- △ CALCULATED POINT
- ⊠ FOUND 1/2" HOLE DRILLED IN THE CONCRETE CAP OF A ROCK POST
- ⊗ PROPERTY OWNER INFORMATION

Ⓝ

HAL F. MORRIS AND WIFE, LORIE FRIEND
TRACT II
(12239/1633)
(DESCRIBED IN 8334/173)
(915/249)

Ⓚ

MAYRENE HENDERSON
(7978/982)
(912/240)

Ⓡ

MICHAEL DONALD KITLEY
SECOND TRACT
(2003122977)
(1152/544)

Ⓞ

ALLAN HUGH COLE, JR.
AND TRACEY M. COLE
TRACT TWO
(2003179008)
(909/423)

Ⓟ

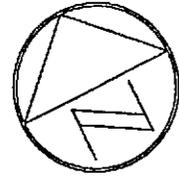
DANIEL LESTER SMITH
AND LAURA HEATH SMITH
TRACT TWO
(8077/85)
(915/47)



EJ 9/05/2013

DATE OF SURVEY: 03/03/11
PLOT DATE: 09/05/13
DRAWING NO.: 793-001-Z12
PROJECT NO.: 793-001
DRAWN BY: EJD
SHEET 1 OF 3

Chaparral

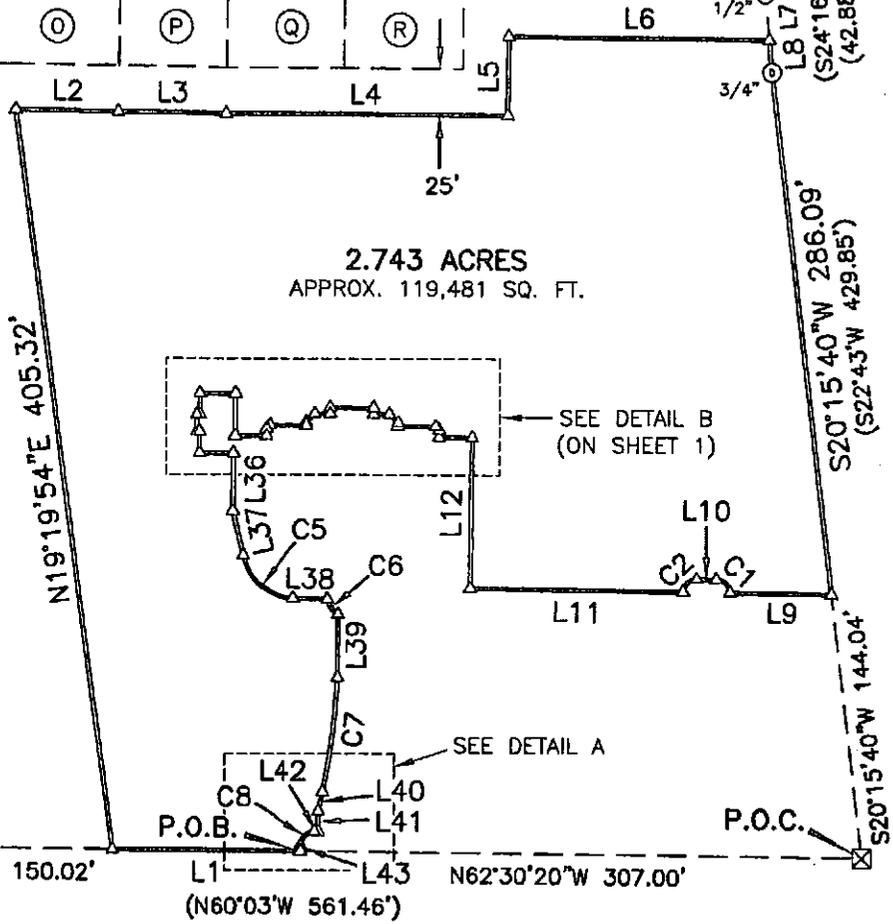


1" = 100'

BLOCK 23
PERRY ESTATES
(3/152)

LOT 28 LOT 29 LOT 30 LOT 31 LOT 32 LOT 33 LOT 34

(N) (O) (P) (Q) (R)

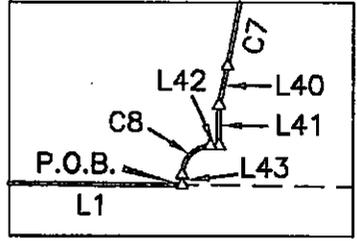


2.743 ACRES
APPROX. 119,481 SQ. FT.

PERRY ESTATE, LLC
9.862 ACRES
(2011032668)

EAST RED RIVER STREET
(80' R.O.W. WIDTH)

EAST 41ST STREET
(60' R.O.W. WIDTH)



DETAIL A
(1"=50')



EV 9/05/2013

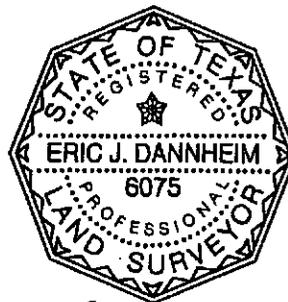
DATE OF SURVEY: 03/03/11
PLOT DATE: 09/05/13
DRAWING NO.: 793-001-Z12
PROJECT NO.: 793-001
DRAWN BY: EJD
SHEET 2 OF 3

Chaparral

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	7.19'	93°19'33"	11.71'	N20°19'06"W	10.46'
C2	7.54'	84°41'44"	11.14'	S74°13'44"W	10.15'
C3	1.91'	90°00'00"	3.01'	N17°31'09"W	2.71'
C4	1.94'	88°40'29"	3.00'	S71°44'06"W	2.71'
C5	30.17'	75°23'22"	39.69'	S23°28'33"E	36.89'
C6	12.22'	48°29'07"	10.34'	S08°18'14"E	10.03'
C7	376.44'	9°32'05"	62.65'	S34°28'00"W	62.57'
C8	8.00'	86°42'40"	12.10'	S70°42'59"W	10.98'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N62°30'20"W	104.44'
L2	S62°23'58"E	56.02'
L3	S62°13'21"E	60.03'
L4	S62°40'54"E	154.99'
L5	N27°21'46"E	42.89'
L6	S62°32'40"E	142.14'
L7	N21°46'50"E	25.12'
L8	S21°46'50"W	17.64'
L9	N62°05'07"W	55.53'
L10	N62°06'42"W	10.59'
L11	N62°16'04"W	116.29'
L12	N27°37'04"E	82.12'
L13	N62°31'09"W	17.93'
L14	N27°28'51"E	3.91'
L15	N62°31'09"W	20.58'
L16	N27°28'51"E	1.70'
L17	N17°49'17"W	6.71'
L18	N62°42'02"W	8.56'
L19	N27°17'58"E	3.40'
L20	N62°42'02"W	23.82'
L21	S27°17'58"W	3.40'
L22	N62°42'02"W	8.56'
L23	S72°23'48"W	6.68'
L24	S27°23'48"W	1.70'
L25	N62°36'12"W	20.60'

LINE TABLE		
LINE	BEARING	DISTANCE
L26	S27°23'51"W	3.85'
L27	N63°15'54"W	17.07'
L28	N27°22'55"E	22.99'
L29	N62°34'54"W	19.37'
L30	S27°22'55"W	11.53'
L31	N62°37'05"W	1.75'
L32	S27°22'55"W	9.22'
L33	S62°37'05"E	1.75'
L34	S27°22'55"W	11.63'
L35	S62°37'05"E	18.55'
L36	S27°22'55"W	31.59'
L37	S14°13'09"W	24.86'
L38	S61°48'02"E	18.79'
L39	S27°21'50"W	34.45'
L40	S39°14'57"W	10.91'
L41	S26°55'55"W	10.92'
L42	N63°31'55"W	2.24'
L43	S27°19'03"W	2.70'



Eu 9/05/2013

DATE OF SURVEY: 03/03/11
 PLOT DATE: 09/05/13
 DRAWING NO.: 793-001-Z12
 PROJECT NO.: 793-001
 DRAWN BY: EJD
 SHEET 3 OF 3

Chaparral



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**1.730 ACRES
ZONING DESCRIPTION
CITY OF AUSTIN, TEXAS**

A DESCRIPTION OF 1.730 ACRES (APPROXIMATELY 75,345 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.730 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with "Chaparral" cap set for an angle point in the north right-of-way line of East 41st Street (60' right-of-way width), same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, from which a 1/2" rebar found for the southwest corner of said 9.862 acre tract, same being the southeast corner of a tract described in a deed recorded in Volume 12627, Page 1577 of the Real Property Records of Travis County, Texas, and conveyed to Karen Killeen in a deed recorded in Document No. 2002043761 of the Official Public Records of Travis County, Texas, bears North 62°19'14" West, a distance of 470.67 feet;

THENCE over and across said 9.862 acre tract, the following twenty-two (22) courses and distances:

1. North 09°13'25" West, a distance of 18.31 feet to a calculated point;
2. North 27°23'33" East, a distance of 42.52 feet to a calculated point;
3. North 14°57'13" East, a distance of 17.49 feet to a calculated point;
4. North 04°52'47" East, a distance of 20.12 feet to a calculated point;
5. North 24°52'40" East, a distance of 27.54 feet to a calculated point;
6. North 14°14'45" East, a distance of 57.42 feet to a calculated point;
7. North 02°45'08" East, a distance of 53.61 feet to a calculated point;

8. North 31°06'04" West, a distance of 28.66 feet to a calculated point;
9. North 04°27'21" East, a distance of 14.82 feet to a calculated point;
10. North 28°25'03" East, a distance of 35.29 feet to a calculated point;
11. North 23°31'14" West, a distance of 17.18 feet to a calculated point;
12. North 04°34'46" East, a distance of 15.28 feet to a calculated point;
13. North 21°32'20" West, a distance of 17.73 feet to a calculated point;
14. North 03°52'39" West, a distance of 28.67 feet to a calculated point;
15. North 17°40'08" West, a distance of 18.29 feet to a calculated point;
16. North 31°09'31" West, a distance of 35.33 feet to a calculated point;
17. North 27°32'30" West, a distance of 33.03 feet to a calculated point;
18. South 62°28'12" East, a distance of 123.75 feet to a calculated point;
19. South 62°28'41" East, a distance of 75.56 feet to a calculated point;
20. South 63°25'03" East, a distance of 86.64 feet to a calculated point;
21. South 62°23'58" East, a distance of 13.46 feet to a calculated point;
22. South 19°19'54" West, a distance of 405.32 feet to a calculated point in the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, from which a found 1/2" hole drilled in the concrete cap of a rock post, for the southeast corner of said 9.862 acre tract, same being the intersection of the north right-of-way line of East 41st Street and the west right-of-way line of East Red River Street (80' right-of-way width), bears South 62°30'20" East, a distance of 411.44 feet;

THENCE North 62°30'20" West, with the north right-of-way line of East 41st Street, same being the south line of said Outlot 14, also being the south line of said 9.862 acre tract, a distance of 150.02 feet to the **POINT OF BEGINNING**, containing 1.730 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z10.

EJ 8/15/2013

Eric J. Dannheim
Registered Professional Land Surveyor
State of Texas No. 6075



SKETCH TO ACCOMPANY A DESCRIPTION OF 1.730 ACRES (APPROXIMATELY 75,345 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 793-001-Z10



EJ
8/15/2013

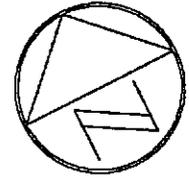
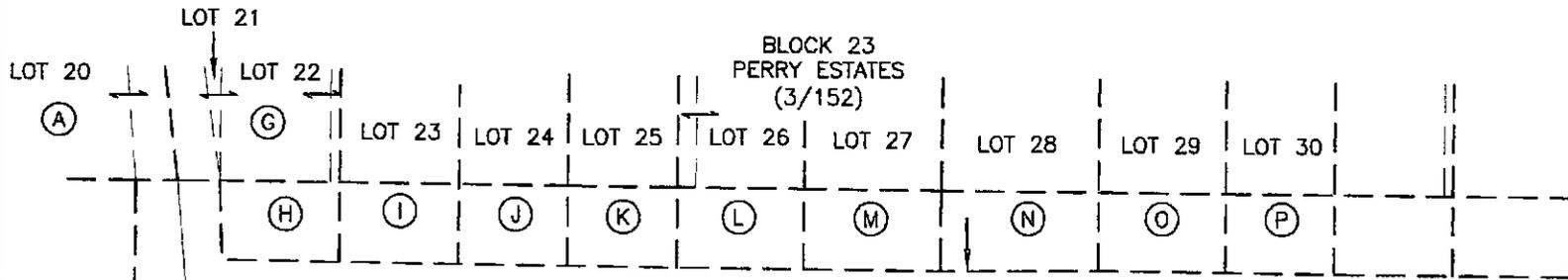
LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- △ CALCULATED POINT
- ☒ FOUND 1/2" HOLE DRILLED IN THE CONCRETE CAP OF A ROCK POST
- ⊗ PROPERTY OWNER INFORMATION, SEE SHEET 3 OF 3

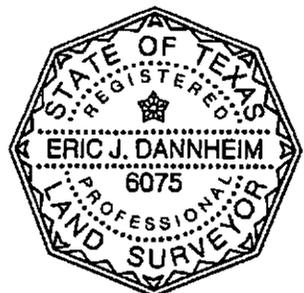
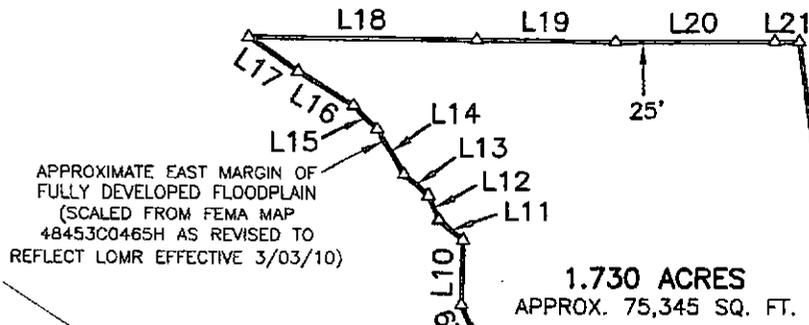
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N09°13'25"W	18.31'
L2	N27°23'33"E	42.52'
L3	N14°57'13"E	17.49'
L4	N04°52'47"E	20.12'
L5	N24°52'40"E	27.54'
L6	N14°14'45"E	57.42'
L7	N02°45'08"E	53.61'
L8	N31°06'04"W	28.66'
L9	N04°27'21"E	14.82'
L10	N28°25'03"E	35.29'
L11	N23°31'14"W	17.18'
L12	N04°34'46"E	15.28'
L13	N21°32'20"W	17.73'
L14	N03°52'39"W	28.67'
L15	N17°40'08"W	18.29'
L16	N31°09'31"W	35.33'
L17	N27°32'30"W	33.03'
L18	S62°28'12"E	123.75'
L19	S62°28'41"E	75.56'
L20	S63°25'03"E	86.64'
L21	S62°23'58"E	13.46'
L22	S19°19'54"W	405.32'
L23	N62°30'20"W	150.02'

DATE OF SURVEY: 03/03/11
 PLOT DATE: 08/15/13
 DRAWING NO.: 793-001-Z10
 PROJECT NO.: 793-001
 DRAWN BY: CWV & EJD
 SHEET 1 OF 3

Chaparral



1" = 100'



EJ
8/15/2013

PERRY ESTATE, LLC
9.862 ACRES
(2011032668)

PERRY ESTATE, LLC
9.862 ACRES
(2011032668)

EAST RED RIVER STREET
(80' R.O.W. WIDTH)

N62°19'14"W 470.67'
(N59°53'W 470.19')

L1
P.O.B.

L23
(N60°03'W 561.46')

S62°30'20"E 411.44'

EAST 41ST STREET
(60' R.O.W. WIDTH)

DATE OF SURVEY: 03/03/11
PLOT DATE: 08/15/13
DRAWING NO.: 793-001-Z10
PROJECT NO.: 793-001
DRAWN BY: CWW & EJD
SHEET 2 OF 3

Chaparral

(A)

THE EAST 7.5 FEET OF LOT 18 AND ALL OF
LOTS 19 AND 20, TOGETHER WITH ADJACENT
WEST HALF OF WALLER CREEK

HENDERSON LIVING TRUST DATED MAY 3, 2008
(2008132042)

(B)

HENDERSON LIVING TRUST DATED MAY 3, 2008
29,456 SQUARE FEET
(DOC. NO. 2008132040)
(DESCRIBED IN 3388/29)

(F)

KAREN KILLEEN
(2002043761)
(DESCRIBED IN 12627/1577)

(G)

LOTS 21 AND 22 AND THE
WEST 5 FEET OF LOT 23,
TOGETHER WITH THE
EAST 1/2 OF WALLER CREEK

BRUCE H. FAIRCHILD
AND WIFE, CATHY M. FAIRCHILD
(7234/42)

(H)

BRUCE H. FAIRCHILD
AND WIFE, CATHY M. FAIRCHILD
TRACT TWO
(7234/42)
(914/257)

(I)

GEORGE A. ELDER, JR. AND
ELIZABETH R. SANSOM ELDER
SECOND TRACT
(11306/333)
(DESCRIBED IN 2566/210)

(J)

LAVERNE HENDERSON
SECOND TRACT
(11101/965)
(915/416)

(K)

RUSSELL E. SCHULZ
(13181/1946)
(1109/86)

(L)

LEA C. NOELKE AND SPOUSE,
HOLLY C. NOELKE
TRACT 2
(2007102194)
(DESCRIBED IN 10760/610)

(M)

PATTYE HENDERSON
14,446 SQUARE FEET
(10035/165)
(913/33)

(N)

HAL F. MORRIS AND
WIFE, LORIE FRIEND
TRACT II
(12239/1633)
(DESCRIBED IN 8334/173)
(915/249)

(O)

ALLAN HUGH COLE, JR.
AND TRACEY M. COLE
TRACT TWO
(2003179008)
(909/423)

(P)

DANIEL LESTER SMITH
AND LAURA HEATH SMITH
TRACT TWO
(8077/85)
(915/47)



EW
8/15/2013

DATE OF SURVEY: 03/03/11
PLOT DATE: 08/15/13
DRAWING NO.: 793-001-Z10
PROJECT NO.: 793-001
DRAWN BY: CWW & EJD
SHEET 3 OF 3

Chaparral



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724

Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

**1.219 ACRES
ZONING DESCRIPTION
OUTLOT 14, DIVISION "C"**

A DESCRIPTION OF 1.219 ACRES OF LAND (APPROXIMATELY 53,092 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.219 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a found 1/2" hole drilled in the concrete cap of a rock post for the intersection of the north right-of-way line of East 41st Street (60' right-of-way width) and the west right-of-way line of East Red River Street (80' right-of-way width), for the southeast corner of said 9.862 acre tract;

THENCE North 62°30'20" West, with the north right-of-way line of East 41st Street, same being the south line of said 9.862 acre tract, a distance of 307.00 feet to a calculated point, from which, a 1/2" rebar with Chaparral cap set for an angle point in the aforementioned line bears North 62°30'20" West, a distance of 254.46 feet;

THENCE crossing said 9.862 acre tract, the following forty-three (43) courses and distances:

1. North 27°19'03" East, a distance of 2.70 feet to a calculated point;
2. With a curve to the right, having a radius of 8.00 feet, a delta angle of 86°42'40", an arc length of 12.10 feet, and a chord which bears North 70°42'59" East, a distance of 10.98 feet to a calculated point;
3. South 63°31'55" East, a distance of 2.24 feet to a calculated point;
4. North 26°55'55" East, a distance of 10.92 feet to a calculated point;
5. North 39°14'57" East, a distance of 10.91 feet to a calculated point;
6. With a curve to the left, having a radius of 376.44 feet, a delta angle of

- 09°32'05", an arc length of 62.65 feet, and a chord which bears North 34°28'00" East, a distance of 62.57 feet to a calculated point;
7. North 27°21'50" East, a distance of 34.45 feet to a calculated point;
 8. With a curve to the right, having a radius of 12.22 feet, a delta angle of 48°29'07", an arc length of 10.34 feet, and a chord which bears North 08°18'14" West, a distance of 10.03 feet to a calculated point;
 9. North 61°48'02" West, a distance of 18.79 feet to a calculated point;
 10. With a curve to the right, having a radius of 30.17 feet, a delta angle of 75°23'22", an arc length of 39.69 feet, and a chord which bears North 23°28'33" West, a distance of 36.89 feet to a calculated point;
 11. North 14°13'09" East, a distance of 24.86 feet to a calculated point;
 12. North 27°22'55" East, a distance of 31.59 feet to a calculated point;
 13. North 62°37'05" West, a distance of 18.55 feet to a calculated point;
 14. North 27°22'55" East, a distance of 11.63 feet to a calculated point;
 15. North 62°37'05" West, a distance of 1.75 feet to a calculated point;
 16. North 27°22'55" East, a distance of 9.22 feet to a calculated point;
 17. South 62°37'05" East, a distance of 1.75 feet to a calculated point;
 18. North 27°22'55" East, a distance of 11.53 feet to a calculated point;
 19. South 62°34'54" East, a distance of 19.37 feet to a calculated point;
 20. South 27°22'55" West, a distance of 22.99 feet to a calculated point;
 21. South 63°15'54" East, a distance of 17.07 feet to a calculated point;
 22. North 27°23'51" East, a distance of 3.85 feet to a calculated point;
 23. With a curve to the right, having a radius of 1.94 feet, a delta angle of 88°40'29", an arc length of 3.00 feet, and a chord which bears North 71°44'06"

- East, a distance of 2.71 feet to a calculated point;
24. South $62^{\circ}36'12''$ East, a distance of 20.60 feet to a calculated point;
 25. North $27^{\circ}23'48''$ East, a distance of 1.70 feet to a calculated point;
 26. North $72^{\circ}23'48''$ East, a distance of 6.68 feet to a calculated point;
 27. South $62^{\circ}42'02''$ East, a distance of 8.56 feet to a calculated point;
 28. North $27^{\circ}17'58''$ East, a distance of 3.40 feet to a calculated point;
 29. South $62^{\circ}42'02''$ East, a distance of 23.82 feet to a calculated point;
 30. South $27^{\circ}17'58''$ West, a distance of 3.40 feet to a calculated point;
 31. South $62^{\circ}42'02''$ East, a distance of 8.56 feet to a calculated point;
 32. South $17^{\circ}49'17''$ East, a distance of 6.71 feet to a calculated point;
 33. South $27^{\circ}28'51''$ West, a distance of 1.70 feet to a calculated point;
 34. South $62^{\circ}31'09''$ East, a distance of 20.58 feet to a calculated point;
 35. With a curve to the right, having a radius of 1.91 feet, a delta angle of $90^{\circ}00'00''$, an arc length of 3.01 feet, and a chord which bears South $17^{\circ}31'09''$ East, a distance of 2.71 feet to a calculated point;
 36. South $27^{\circ}28'51''$ West, a distance of 3.91 feet to a calculated point;
 37. South $62^{\circ}31'09''$ East, a distance of 17.93 feet to a calculated point;
 38. South $27^{\circ}37'04''$ West, a distance of 82.12 feet to a calculated point;
 39. South $62^{\circ}16'04''$ East, a distance of 116.29 feet to a calculated point;
 40. With a curve to the right, having a radius of 7.54 feet, a delta angle of $84^{\circ}41'44''$, an arc length of 11.14 feet, and a chord which bears North $74^{\circ}13'44''$ East, a distance of 10.15 feet to a calculated point;
 41. South $62^{\circ}06'42''$ East, a distance of 10.59 feet to a calculated point;

42. With a curve to the right, having a radius of 7.19 feet, a delta angle of $93^{\circ}19'33''$, an arc length of 11.71 feet, and a chord which bears South $20^{\circ}19'06''$ East, a distance of 10.46 feet to a calculated point;

43. South $62^{\circ}05'07''$ East, a distance of 55.53 feet to a calculated point in the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract, from which, a $3/4''$ iron pipe found for angle point in same line bears North $20^{\circ}15'40''$ East, a distance of 286.09 feet;

THENCE South $20^{\circ}15'40''$ West, with the west right-of-way line of East Red River Street, same being the east line of said 9.862 acre tract, a distance of 144.04 feet to the **POINT OF BEGINNING**, containing 1.219 acres of land, more or less.

Surveyed on the ground March 3, 2011. Bearing Basis: The Texas Coordinate System of 1983, Central Zone, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 793-001-Z4.

Eric J. Dannheim 1/28/13

Eric J. Dannheim
Registered Professional Land Surveyor
State of Texas No. 6075



A SKETCH TO ACCOMPANY A DESCRIPTION OF 1.219 ACRES OF LAND (APPROXIMATELY 53,092 SQ. FT.), BEING A PORTION OF OUTLOT 14, DIVISION "C" OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF A 9.862 ACRE TRACT CONVEYED TO PERRY ESTATE, LLC IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED MARCH 4, 2011 AND RECORDED IN DOCUMENT NO. 2011032668 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD	TANGENT
C1	8.00'	86°42'40"	12.10'	N70°42'59"E	10.98'	7.55'
C2	376.44'	9°32'05"	62.65'	N34°28'00"E	62.57'	31.40'
C3	12.22'	48°29'07"	10.34'	N08°18'14"W	10.03'	5.50'
C4	30.17'	75°23'22"	39.69'	N23°28'33"W	36.89'	23.31'
C5	1.94'	88°40'29"	3.00'	N71°44'06"E	2.71'	1.89'
C6	1.91'	90°00'00"	3.01'	S17°31'09"E	2.71'	1.91'
C7	7.54'	84°41'44"	11.14'	N74°13'44"E	10.15'	6.87'
C8	7.19'	93°19'33"	11.71'	S20°19'06"E	10.46'	7.62'

LEGEND	
△	CALCULATED POINT
⊙	IRON PIPE FOUND (SIZE NOTED)
○	1/2" REBAR WITH CHAPARRAL CAP SET
☒	FOUND 1/2" DRILLED HOLE IN CONCRETE CAP OF ROCK POST
()	RECORD INFORMATION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N27°19'03"E	2.70'
L2	S63°31'55"E	2.24'
L3	N26°55'55"E	10.92'
L4	N39°14'57"E	10.91'
L5	N27°21'50"E	34.45'
L6	N61°48'02"W	18.79'
L7	N14°13'09"E	24.86'
L8	N27°22'55"E	31.59'
L9	N62°37'05"W	18.55'
L10	N27°22'55"E	11.63'
L11	N62°37'05"W	1.75'
L12	N27°22'55"E	9.22'
L13	S62°37'05"E	1.75'
L14	N27°22'55"E	11.53'
L15	S62°34'54"E	19.37'
L16	S27°22'55"W	22.99'
L17	S63°15'54"E	17.07'
L18	N27°23'51"E	3.85'
L19	S62°36'12"E	20.60'

LINE TABLE		
LINE	BEARING	DISTANCE
L20	N27°23'48"E	1.70'
L21	N72°23'48"E	6.68'
L22	S62°42'02"E	8.56'
L23	N27°17'58"E	3.40'
L24	S62°42'02"E	23.82'
L25	S27°17'58"W	3.40'
L26	S62°42'02"E	8.56'
L27	S17°49'17"E	6.71'
L28	S27°28'51"W	1.70'
L29	S62°31'09"E	20.58'
L30	S27°28'51"W	3.91'
L31	S62°31'09"E	17.93'
L32	S27°37'04"W	82.12'
L33	S62°16'04"E	116.29'
L34	S62°06'42"E	10.59'
L35	S62°05'07"E	55.53'



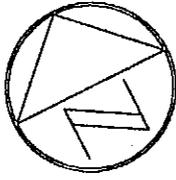
EW
1/28/13

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 793-001-Z4

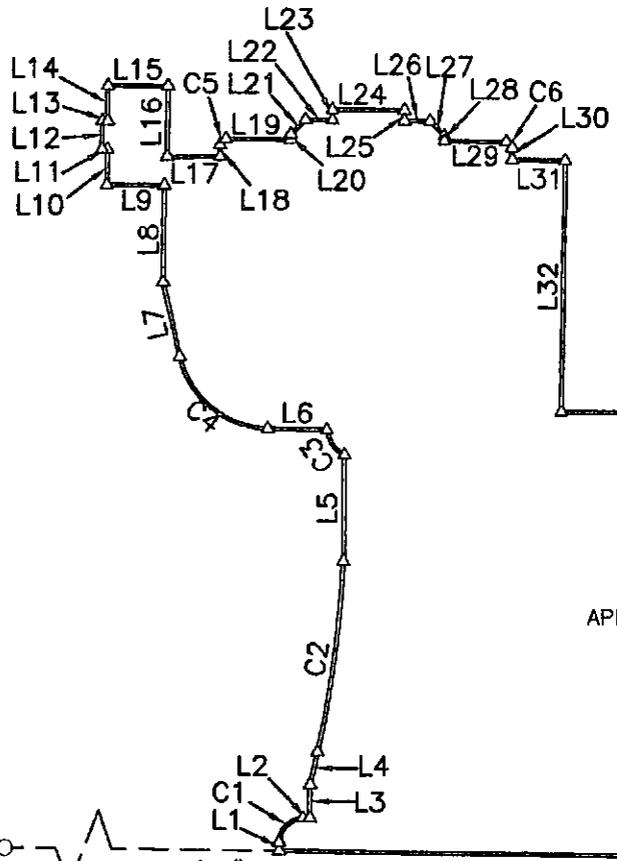
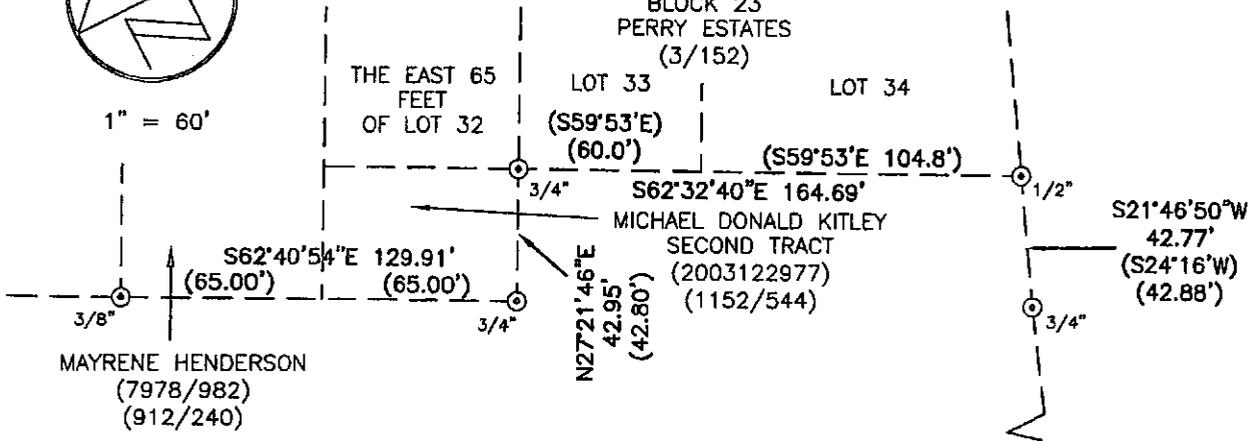
DATE OF SURVEY: 03/03/11
 PLOT DATE: 01/25/13
 DRAWING NO.: 793-001-Z4
 PROJECT NO.: 793-001
 DRAWN BY: CWW
 SHEET 1 OF 2

Chaparral



1" = 60'

BLOCK 23
PERRY ESTATES
(3/152)
LOT 33
LOT 34



PERRY ESTATE, LLC
9.862 ACRES
(2011032668)

1.219 ACRES
APPROX. 53,092 SQ. FT.

EAST RED RIVER STREET
(80' R.O.W. WIDTH)

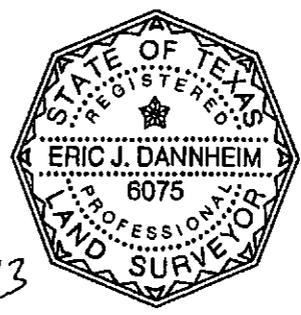
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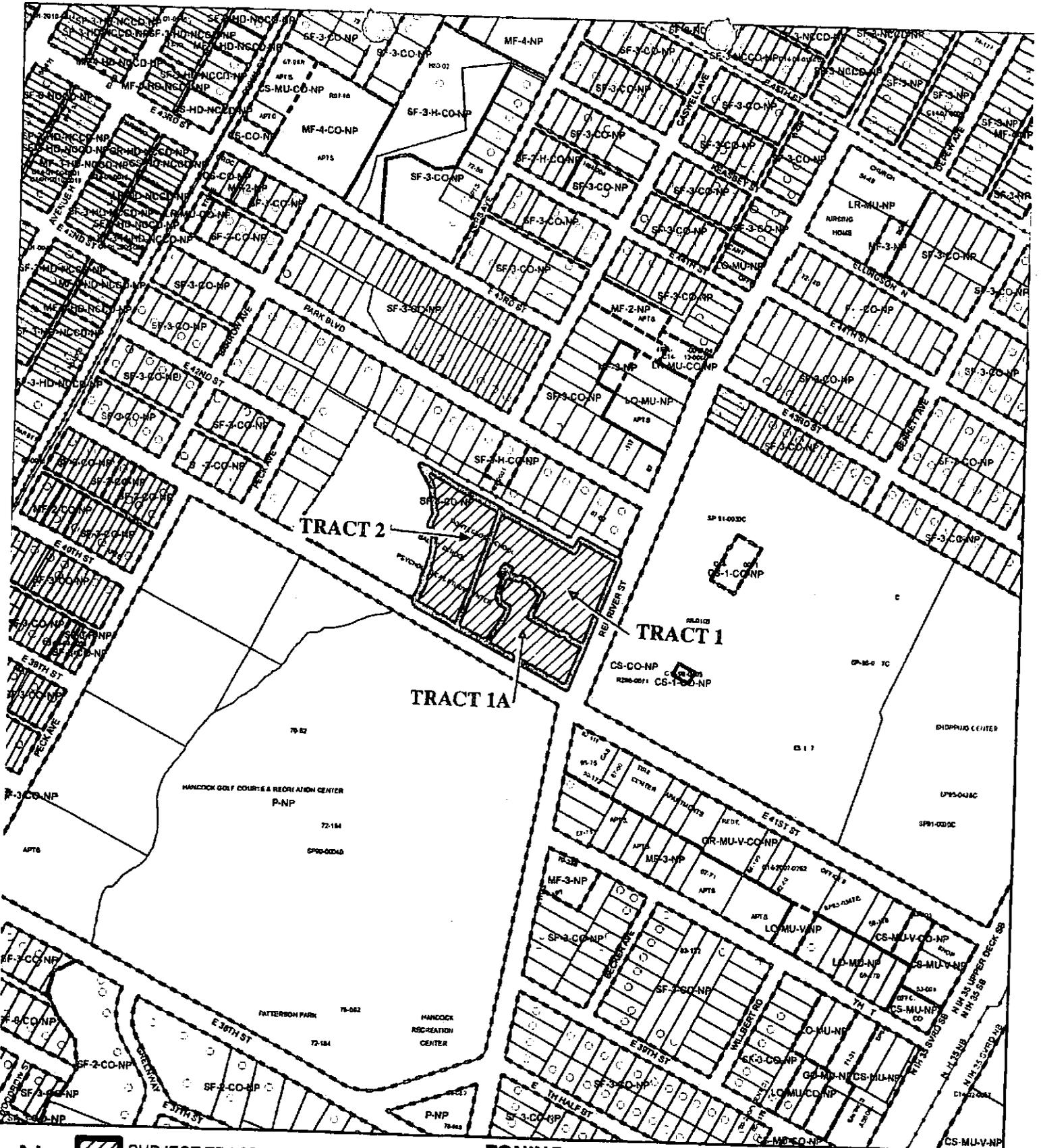
DATE OF SURVEY: 03/03/11
PLOT DATE: 01/25/13
DRAWING NO.: 793-001-Z4
PROJECT NO.: 793-001
DRAWN BY: CWV
SHEET 2 OF 2

EAST 41ST STREET
(60' R.O.W. WIDTH)

Chaparral

EW
1/28/13





-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2013-0040

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geogrc by the City of Austin regarding specific accuracy or completeness

Exhibit D

