

ORDINANCE NO. 07-08-28-B

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION FROM SINGLE FAMILY RURAL RESIDENTIAL DISTRICT (SF RR) TO PUBLIC USE DISTRICT FOR A TRACT OF LAND BEING APPROXIMATELY 50 ACRES IN THE CITY OF BEE CAVE, TEXAS, MAKING PROVISION FOR COMPLIANCE WITH THE CITY'S ZONING ORDINANCE AND AUTHORIZING THE CITY ADMINISTRATOR TO ESTABLISH THE ZONING ON THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City OF Bee Cave is the Owner of the land described in Exhibit "A" attached hereto (the "Property") and has filed an application to change the zoning of the Property from Single Family Rural Residential ("SF RR") to Public use; and

WHEREAS, the notices as required by the City's Zoning Ordinance have been published in the official newspaper and given to adjacent property owners; and

WHEREAS, public hearings have been held by both the Planning and Zoning Commission and the City Council as required by law and the City Council has considered any comments received by citizens at such public hearings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS:

Section 1. Zoning Classification. The Property, being approximately 50 acres, which is more fully described in Exhibit A, attached hereto and incorporated herein, is hereby declared to be zoned Public.

Section 2. Uses. The permitted uses for this Public District shall be those uses authorized in Section 14.171 as "P". Conditional ("C") uses must be authorized utilizing the procedures found in Section 14.158.

Section 3. Minimum Standards. Standards for Public District uses shall be those standards stated in Section 14.154.

Section 4. Development Standards. Development standards shall be those standards found in Section 14.154.

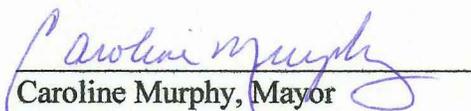
Section 5. The City Administrator is hereby authorized and directed to note the zoning change on the official Zoning Map of the City of Bee Cave, Texas.

Section 6. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid,

the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of Zoning Ordinance or Map as a whole.

Section 8. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 28th day of August, 2007.


Caroline Murphy, Mayor
City of Bee Cave, Texas

ATTEST:


Sherry Mashburn, City Secretary
City of Bee Cave, Texas

(SEAL)

APPROVED AS TO FORM:


Patty L. Akers, City Attorney
City of Bee Cave

50.000 ACRES
BALDWIN PROPERTIES, LTD
BEE CAVE, TEXAS

FN NO. 956R
December 23, 2005
JOB NO. 204-02.52

DESCRIPTION OF A 50.000 ACRE TRACT OF LAND OUT OF THE JOHN HOBSON SURVEY NO. 527, SITUATED IN TRAVIS COUNTY, TEXAS; SAID 50.000 ACRE TRACT OF LAND BEING A PORTION OF A 51.365 ACRE SURVEY OF THAT TRACT DESCRIBED AS 51.510 ACRES IN A DEED TO BALDWIN PROPERTIES, LTD. AS RECORDED IN DOCUMENT #2002105444 OF THE TRAVIS COUNTY OFFICIAL PUBLIC RECORDS; SAID 50.000 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED, BY METES AND BOUNDS, AS FOLLOWS:

BEGINNING at a 1/2" iron rod in concrete found for the northwest corner hereof, same being the northwest corner of the said 51.510 acre tract, also being an ell corner in the south line of Lot 1, Block "B", Replat of the Home Depot Addition, recorded in Document #200200218 of the Travis County Plat Records;

THENCE with the north line of the said 51.510 acre tract, same being the said south line of Lot 1, Block "B", Replat of the Home Depot Addition, S76°39'22"E a distance of 637.05 feet to a 1/2" iron rod found for the northeast corner hereof, same being the northeast corner of the said 51.510 acre tract, also being the most southeast corner of the said Lot 1, Block "B", Replat of the Home Depot Addition, also being the northwest corner of Tract 1, (0.836 acres) in a deed to Shirley Thurman Grumbles as recorded in Document #1999083684 of the Travis County Official Public Records;

THENCE with the east line of the said 51.510 acre tract, same being the west line of the said Grumbles tract, S06°27'13"E a distance of 254.58 feet to a 1/2" iron rod found, same being the southwest corner of the said Grumbles tract, also being the northwest corner of the Ethel Thurman Subdivision, a subdivision of record in Volume 51, Page 81 of the Travis County Plat Records;

THENCE continuing with the said east line of the 51.510 acre tract, same being the west line of said Ethel Thurman Subdivision, same being the west line of a 0.3766 acre tract in a deed to Kim D. Brown as recorded in Document #2004065313 of the Travis County Official Public Records the following two (2) courses and distances:

1) S00°39'14"W a distance of 92.85 feet to a 1/2" iron rod in concrete found, and

2) S09°21'16"E a distance of 21.24 feet to a 1/2" iron rod in concrete found for the northwest corner of the remainder portion of a 0.995 tract in a deed to Baldwin Properties, Ltd. as recorded in Document #2002105442 of the Travis County Official Public Records;

THENCE continuing with the said common line between the 51.510 acre tract and the Ethel Thurman Subdivision, the following two (2) courses and distances:

1) S10°43'39"E a distance of 79.41 feet to a 1/2" iron rod found, and

2) S10°51'49"E a distance of 142.89 feet to a 1/2" iron rod in concrete found for the southwest corner of the said 0.995 acre tract, same being the northwest corner of ALE Investment, LLC. as recorded in Document #2002157158 of the Travis County Official Public Records;

THENCE continuing with the said common line between the 51.510 acre tract and the Ethel Thurman Subdivision, same being the west line of said ALE Investments, LLC. the following three (3) courses and distances:

1) S13°15'34"E a distance of 57.26 feet to a 1/2" iron rod in concrete found, same being the common west corner of said Lot 2 and Lot 1 of said Ethel Thurman Subdivision,

2) S14°34'35"E a distance of 217.54 feet to a 1/2" iron rod found, and

3) S18°07'37"E a distance of 72.47 feet to a 1/2" iron rod in concrete found for the southwest corner of the said Ethel Thurman Subdivision, same also being the southwest corner of said ALE Investments, LLC., same also being the northwest corner of a 2.884 acre tract in a deed to Adobe, LLC, as recorded in Document #2003290254 of the Travis County Official Public Records;

THENCE continuing with the said east line of the 51.510 acre tract, same being the west line of the said 2.884 acre tract, S12°28'54"E a distance of 292.26 feet to a 1/2" iron rod in concrete found for the southwest corner of the said 2.884 acre tract, same being the northwest corner of a 2.908 acre tract in a deed to FM 620 Venture as recorded in Volume 11196, Page 1605 of the Travis County Real Property Records;

THENCE continuing with the said east line of the 51.510 acre tract, same being the west line of the said 2.908 acre tract, the following two (2) courses and distances:

1) S12°51'24"E a distance of 262.30 feet to a 3/4" iron pipe found, and

2) S60°59'49"E a distance of 48.34 feet to a nail found for the southwest corner of the said 2.908 acre tract, same being in the north line of a public roadway as dedicated by Volume 5647, Page 869 of the Travis County Deed Records;

THENCE continuing with the said east line of the 51.510 acre tract, same being the north and west lines of the said public roadway, the following two (2) courses and distances:

1) S69°19'22"W a distance of 157.36 feet to a 1/2" iron rod found for the northwest corner of the said public roadway, and

2) S20°20'15"E a distance of 49.87 feet to a 1/2" iron rod found for the southwest corner of the said public roadway, same being in the north line of a 3.68 acre tract in a deed to Rockwood as recorded in Volume 11977, Page 1369 of the Travis County Real Property Records;

THENCE continuing with the said east line of the 51.510 acre tract, same being the said north line of the 3.68 acre tract, S69°33'24"W a distance of 163.17 feet to a 1/2" iron rod set in the centerline of a creek for the northwest corner of the said 3.68 acre tract;

THENCE continuing with the said east line of the 51.510 acre tract, same being the west line of the said 3.68 acre tract, also being the surveyed centerline of a creek as called for in a Boundary Line Agreement as recorded in Volume 11778, Page 318 of the Travis County Real Property Records, the following six (6) courses and distances:

- 1) S08°04'37"E a distance of 7.93 feet,
- 2) S09°27'56"W a distance of 45.90 feet,
- 3) S27°11'35"E a distance of 49.14 feet,
- 4) S42°10'51"E a distance of 49.74 feet,
- 5) S38°31'21"E a distance of 77.76 feet, and
- 6) S23°02'02"E a distance of 86.80 feet to a 1/2" iron rod found for the southwest corner of the said 3.68 acre tract, same being the northwest corner of the remainder portion of a 8.80 acre tract in a deed to Burton as recorded in Volume 5478, Page 2200 of the Travis County Deed Records;

THENCE continuing with the said east line of the 51.510 acre tract, same being the said west line of the 8.80 acre tract, also being the said surveyed centerline of a creek as called for in a Boundary Line Agreement recorded in Volume 11778, Page 318 of the Travis County Real Property Records, the following thirteen (13) courses and distances:

- 1) S35°31'20"W a distance of 132.57 feet,
- 2) S03°30'32"E a distance of 28.35 feet,
- 3) S22°51'00"E a distance of 93.97 feet,
- 4) S12°01'25"E a distance of 75.00 feet,
- 5) S03°43'37"E a distance of 63.87 feet,

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- 6) S24°26'09"E a distance of 64.28 feet,
- 7) S25°32'50"E a distance of 47.01 feet,
- 8) S36°47'21"E a distance of 55.33 feet,
- 9) S12°46'18"E a distance of 23.70 feet,
- 10) S02°44'04"E a distance of 39.92 feet,
- 11) S12°01'10"W a distance of 71.45 feet,
- 12) S67°41'11"W a distance of 26.75 feet, and
- 13) S21°32'46"W a distance of 12.44 feet to a point for the southwest corner of the said 8.80 acre tract, same being in the north line of a 2.03 acre tract, save & except 0.445 acres, in a deed to Arriaga as recorded in Volume 9381, Page 670 of the Travis County Real Property Records, from which a 3/4" iron pipe found bears S77°39'40"E a distance of 95.24 feet;

THENCE continuing with the said east line of the 51.510 acre tract, same being the north line of the said 2.03 acre tract, N77°39'40"W a distance of 156.03 feet to a point for the northeast corner of the said 0.445 acre save & except tract, from which a 1/2" iron rod in concrete found bears S40°42'16"E a distance of 0.91 feet.

THENCE departing the said east line of the 51.510 acre tract, and over, and across the said 51.510 acre tract the following three (3) courses and distances:

- 1) N04°53'32"E a distance of 67.53 feet to a 1/2" iron rod set with plastic surveyors cap (Interstate Surveying, Inc.) for an ell corner herein;
- 2) N77°23'53"W a distance of 211.18 feet to a 1/2" iron rod set with plastic surveyors cap (Interstate Surveying, Inc.) for an ell corner herein, and

- 3) S12°02'16"W a distance of 219.01 feet to a 1/2" iron rod found for the northwest corner of Tract 2 and northeast corner Tract 1 of the Viola Marshall Subdivision, recorded in Volume 87, Page 44D of the Travis County Plat Records, same being in the south line of said 51.510 acre tract;

THENCE with the said south line of the 51.510 acre tract, same being the north line of the said Viola Marshall Subdivision, the following four (4) courses and distances:

- 1) N77°33'27"W a distance of 180.93 feet to a 1/2" iron rod found,
- 2) N76°20'18"W a distance of 62.82 feet to a nail found,
- 3) N77°57'38"W a distance of 223.19 feet to a 1/2" iron rod found, and
- 4) N78°44'55"W a distance of 78.89 feet to a nail in concrete found for the northwest corner of the said Viola Marshall Subdivision, same being the northeast corner of a 3.020 acre tract in a deed to Kinsella and recorded in Volume 7319, Page 95 of the Travis County Deed Records;

THENCE continuing with the said south line of the 51.510 acre tract, same being the north line of the said 3.020 acre tract, N78°46'27"W a distance of 75.28 feet to a nail found for the southwest corner hereof, same being the southwest corner of the said 51.510 acre tract, also being the southeast corner of a 56.628 acre tract in a deed to Reese Commercial Properties, Ltd. as recorded in Document #2001091446 of the Travis County Official Public Records;

THENCE with the west line of the said 51.510 acre tract, same being the east line of the said 56.628 acre tract, the following four (4) courses and distances:

- 1) N12°46'42"E a distance of 96.45 feet to a nail found,

2) N12°16'32"E a distance of 546.91 feet to a 1/2" iron rod in concrete found,

3) N11°54'37"E a distance of 152.70 feet to a 1/2" iron rod in concrete found, and

4) N04°02'30"W a distance of 1379.50 feet to a hex bolt found for the northeast corner of the said 56.628 acre tract, same being an ell corner in the said south line of Lot 1, Block "B", Replat of the Home Depot Addition;

THENCE continuing with the said west line of the said 51.510 acre tract, same being the said south line of Lot 1, Block "B", Replat of the Home Depot Addition, N12°38'17"E a distance of 521.02 feet to the **POINT OF BEGINNING**, and containing 50.000 acres of land.

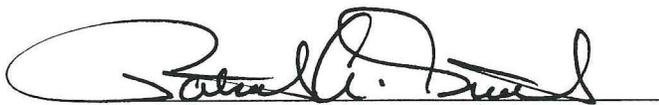
STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

That I, Patrick A. Smith, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief, and is prepared from a survey made on the ground, during July, 1998, and updated April, 2005 and December 2005, under my direction and supervision.

Witness my hand and seal this the 23RD day of DECEMBER, 2005.



Patrick A. Smith, Registered Professional Land Surveyor
No. 4280 - State of Texas
Interstate Surveying Inc.
13740 North Hwy 183
Bldg. L-4
Austin, TX 78750
(512)219-5955

