

RESTRICTIVE COVENANT TRMINATION REVIEW SHEET**CASE:** C14-82-091(RCT)**P.C. DATE:** April 24, 2007**ADDRESS:** 2101, 2103 and 2105 Rio Grande Street**OWNER:** David M Fender Family Partnership**AGENT:** Mike McHone**EXISTING ZONING:** LO-NP (Limited Office-Neighborhood plan)**AREA:** Approximately 8,672 square feet**REQUEST:** Terminate existing restrictive covenant under File No. C14-82-091 requiring site plan approval by the Austin City Council for redevelopment on the site.**SUMMARY PLANNING COMMISSION RECOMMENDATION:****April 24, 2007*****APPROVED STAFF'S RECOMMENDATION TO TERMINATE THE RESTRICTIVE COVENANT; BY CONSENT.******[J.REDDY, P.CAVAZOS 2ND] (9-0)*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends termination of the existing restrictive covenant on the subject property. The termination of the existing restrictive covenant will not have a detrimental impact on the existing land uses in the area and will be compatible with surrounding development.

DEPARTMENT COMMENTS:

The subject property consists of an approximate 8,672 square feet site fronting Rio Grande Street zoned LO-NP. On April 21, 1983, the property was rezoned from "B" Residence – 1st Height and Area to "O-1" Office – 1st Height and Area by Ordinance No. 83-0421-I (Please see Attachment A). Along with the rezoning, a restrictive covenant was imposed requiring site plan approval by the Austin City Council for redevelopment on the site.

In 2004, the City Council enacted the Central Austin Combined neighborhood Plan which also implemented the University Neighborhood Overlay (UNO) district. In 2006, additional height was granted for this site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-NP	Offices
<i>North</i>	MF-4-NP	Apartments
<i>South</i>	MF-4-NP	Apartments
<i>East</i>	MF-4-NP	Apartments
<i>West</i>	NO-NP / GO-NP	Offices

WATERSHED: Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

69--University Area Partners
 511--Austin Neighborhoods Council
 698--West Campus Neighborhood Association
 742--Austin Independent School District
 744--Sentral Plus East Austin Koalition (SPEAK)
 754--Central Austin Neighborhoods Planning Area Committee
 786--Home Builders Association of Greater Austin
 937--Taking Action Inc.

SCHOOLS:

Austin Independent School District

- Bryker Woods Elementary School
- O. Henry Middle School
- Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-82-091	"B" Residence -- 1 st Height and Area to "O-1" Office 1 st Height and Area	APVD. O-1, 1ST H&A	08/05/82: APVD O-1, 1ST H&A; 1ST RDG. 04/21/83: APVD O-1, 1ST H&A; 2ND/3RD RDG

CITY COUNCIL DATE:

June 7, 2007

ACTION:

Postponed to June 21, 2007 at the request
of the Staff.

June 21, 2007

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:**CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us

ORDINANCE NO. 83 -0421-I

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

A PORTION OF LOT 5, LOUIS HORST'S SUBDIVISION OF OUTLOT 23½, DIVISION D, LOCALLY KNOWN AS 2103 RIO GRANDE STREET, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "O-1" OFFICE, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING 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 hereby amended to change the USE and HEIGHT and AREA designations from "B" Residence, Second Height and Area District to "O-1" Office, First Height and Area District on the property described in File C14-82-091, to-wit:

All of that certain tract or parcel of land being a portion of Lot 5, Louis Horst's Subdivision of Outlot 23½, Division "D", a subdivision in the City of Austin, Travis County, Texas, as recorded in Volume Z, Pages 594 and 613 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 pipe found at the southwest corner of the said Lot 5, being at the northwest corner of Lot 6, being in the east r.o.w. line of Rio Grande Street for the southwest corner hereof;

THENCE, along the west line of said Lot 5, being the east line of Rio Grande Street, as found developed on the ground, N 18° 54' E for a distance of 35.00 feet to an X cut in a concrete drive for the northwest corner hereof;

THENCE, along the north line of the herein described tract, S 70° 58' E for a distance of 122.54 feet to an iron pin set in the east line of the said Lot 5, being in the west line of a 20 foot alley for the northeast corner hereof;

THENCE, along the east line of said Lot 5, being the west line of the said 20 foot alley, S 19° 00' W for a distance of 35.00 feet to an iron pipe found at the southeast corner of the said Lot 5, being at the northeast corner of the said Lot 6 for the southeast corner hereof;

ATTACHMENT A

THENCE, along the south line of said Lot 5, being the north line of said Lot 6, N 70° 58' W for a distance of 122.48 feet to the PLACE OF BEGINNING,

locally known as 2103 Rio Grande Street in the City of Austin, Travis County, Texas.

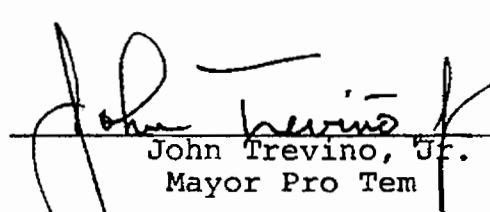
PART 2. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 13-2 of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

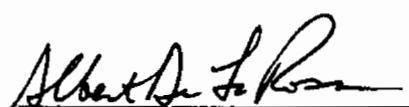
PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

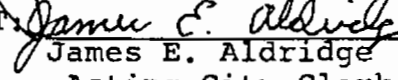
PASSED AND APPROVED

April 21, 1983

X
X
X
X


John Trevino, Jr.
Mayor Pro Tem

APPROVED: 
Albert DeLaRosa
City Attorney

ATTEST: 
James E. Aldridge
Acting City Clerk

:saf

MAY 2 6 85

RESTRICTIVE COVENANT

THE STATE OF TEXAS

COUNTY OF TRAVIS MAY-2-83 6509

3-18-4771

11.00
2.00
no sig

WHEREAS, Frederick B. Parke of Travis County, Texas, is the owner of the following described property, to-wit:

Portion of Lot 5, Louis Horst Subdivision of outlot 23 1/2, Division D, more particularly described by metes and bounds in Exhibit "A" which is attached hereto and made a part hereof.

FBO

WHEREAS, the City of Austin and Frederick B. Parke have agreed that the above described property should be impressed with certain covenants and restriction running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, Frederick B. Parke for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and shall be binding on him, his successors and assigns, as follows, to-wit:

1. No improvements shall be constructed on the above described property except those indicated on a site plan heretofore approved by the Austin City Council, a copy of which plan is attached hereto and made a part hereof, marked EXHIBIT B.

FBO

2. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing 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 said person, or entity violating or attempting to violate such

agreement or covenant and to prevent said person or entity from

4. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so. 3-18-4772

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 owners of the above described property at the time of such modification, amendment or termination.

EXECUTED, this the 31 day of MARCH, 1983.

Frederick B. Parke
(Owner's Signature)

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared FREDERICK B. PARKE known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31 day of MARCH, 1983.

Kathleen A. Nick

**FIELD NOTES
FOR
STEWART TITLE COMPANY**

3-18-4773

PORTION OF LOT 5

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF LOT 5, LOUIS HORST'S SUBDIVISION OF OUTLOT 23 1/2, DIVISION "D", A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 2, PAGE 594 AND 2, PAGE 613 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 pipe found at the Southwest corner of the said Lot 5, being at the Northwest corner of Lot 6, being in the East r.o.w. line of Rio Grande Street for the Southwest corner hereof;

THENCE along the West line of said Lot 5, being the East line of Rio Grande Street, as found developed on the ground, N 18° 54' E for a distance of 35.00 feet to an X cut in a concrete drive for the Northwest corner hereof;

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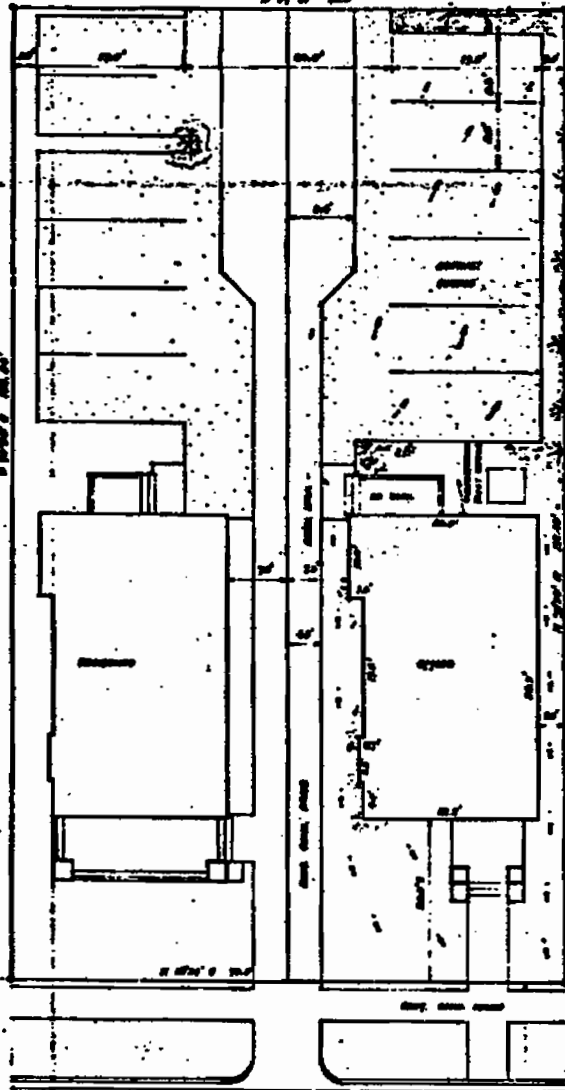
THENCE along the South line of said Lot 5, being the North line of said Lot 6, N 70° 58' W for a distance of 122.48 feet to the PLACE OF BEGINNING.

AS SURVEYED BY:

W. Harvey Smith

W. HARVEY SMITH
REGISTERED PUBLIC SURVEYOR NO. 720
January 25, 1982





IN OF THE OFFICE THAT ON, JAMES C. AND
 BEING A PORTION OF LOT 2, SAID REPORT'S
 DESCRIPTION OF SAID 20.5, SECTION 9,
 A QUARTER IN THE CITY OF AUSTIN,
 BURNS COUNTY, TEXAS, AS DESCRIBED
 IN PLAT BOOK 2, PAGE 577, AND IN
 PLAT BOOK 2, PAGE 68 AND 70, THE
 RECORDS OF BURNS COUNTY, TEXAS.
 A BURN COUNTY, TEXAS.

RECONSTRUCTIONAL STRUCTURES O
FILE NO: C14-82-91

FILE NO: C14-82-91

* NOTE - See
Restrictive To
ORDINANCE No. 83-0421

CM-82-91



