

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 4700 CITY PARK ROAD, NORTH OF THE  
3 INTERSECTION OF CITY PARK ROAD AND WESTMINSTER GLEN AVENUE,  
4 FROM DEVELOPMENT RESERVE (DR) DISTRICT TO SINGLE FAMILY  
5 RESIDENCE LARGE LOT-CONDITIONAL OVERLAY (SF-1-CO) COMBINING  
6 DISTRICT.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
9

10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from development reserve (DR) district to single family residence  
12 large lot-conditional overlay (SF-1-CO) combining district on the property described in  
13 Zoning Case No. C14-2007-0014, on file at the Neighborhood Planning and Zoning  
14 Department, as follows:

15  
16 A 167.499 acre tract of land, more or less, out of the James P. Cole Survey 542,  
17 Abstract 165, Travis County, the tract of land being more particularly described by  
18 metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),  
19

20 locally known as 4700 City Park Road, north of the intersection of City Park Road and  
21 Westminster Glen Avenue, in the City of Austin, Travis County, Texas, and generally  
22 identified in the map attached as Exhibit "B".  
23

24 PART 2. The Property within the boundaries of the conditional overlay combining district  
25 established by this ordinance is subject to the following conditions:  
26

- 27 A. Development of the Property may not exceed 76 single family residential units.  
28  
29 B. The minimum lot size area is one acre.  
30  
31 C. A 20-foot minimum rear yard setback shall be established for development  
32 along the west property line that abuts the adjacent lots fronting Westminster  
33 Glen Avenue.  
34  
35 D. The maximum density of the portion of the Property within the Water Supply  
36 Rural Watershed may not exceed one residential unit for each two acres of net  
37 site area.

1  
2 E. Development of the portion of the Property within the Water Supply Suburban  
3 Watershed may not exceed 30 percent impervious cover.  
4

5 F. A site plan or building permit for the Property may not be approved, released,  
6 or issued, if the completed development or uses of the Property, considered  
7 cumulatively with all existing or previously authorized development and uses,  
8 generate traffic that exceeds 2,000 trips per day.  
9

10 Except as specifically restricted under this ordinance, the Property may be developed and  
11 used in accordance with the regulations established for the single family residence large lot  
12 (SF-1) base district and other applicable requirements of the City Code.  
13

14 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2007.  
15  
16

17 **PASSED AND APPROVED**  
18

19 §  
20 §  
21 \_\_\_\_\_, 2007 § \_\_\_\_\_  
22 Will Wynn  
23 Mayor  
24

25  
26 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
27 David Allan Smith Shirley A. Gentry  
28 City Attorney City Clerk



**Professional Land Surveying, Inc.  
Surveying and Mapping**

*EXHIBIT A*

Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

**167.499 ACRES**

**JAMES P. COLE SURVEY NO. 542, ABSTRACT NO. 165  
TRAVIS COUNTY, TEXAS**

A SURVEY OF 167.499 ACRES (APPROXIMATELY 7,296,266 S.F.) OUT OF THE JAMES P. COLE SURVEY 542, ABSTRACT 165, TRAVIS COUNTY, TEXAS, CONSISTING OF:

ALL OF A 1.99 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO LETHA WEBB DATED MAY 31ST, 1991, AND RECORDED IN VOLUME 11450, PAGE 902 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

ALL OF A 59.11 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO BETTY WEBB FOSTER DATED AUGUST 17, 1988, AND RECORDED IN VOLUME 10757, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

ALL OF A 2.00 ACRE TRACT DESCRIBED IN A DEED TO WILLIAM R. WEBB JR., DATED AUGUST 16, 1988, AND RECORDED IN VOLUME 10755, PAGE 38 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS;

A PORTION OF A 105.57 ACRE TRACT DESCRIBED IN A CORRECTION GENERAL WARRANTY DEED TO K&W WEBB FAMILY PARTNERSHIP DATED MAY 1, 2002, AND RECORDED IN DOCUMENT NO. 2002081961 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

ALL OF A 1.000 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO LETHA WEBB DATED JANUARY 18TH, 2000, AND RECORDED IN DOCUMENT NO. 2001014063 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

AND ALL OF A 2.00 ACRE TRACT DESCRIBED IN A CORRECTION SPECIAL WARRANTY DEED TO GARY WEBB DATED MAY 1, 2002, AND RECORDED IN DOCUMENT NO. 2002081962, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

SAID 167.499 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with cap set in the west right-of-way line of City Park Road (right-of-way width varies) for the most southerly corner of the said 59.11 acre tract;

**THENCE** North 42°57'26" West, with the southwest line of the 59.11 acre tract, and the

northeast line of Westminster Glen, Phase 1, a subdivision of record in Volume 85, Page 101B of the Plat Records of Travis County, Texas, a distance of 2777.00 feet to a 1/2" rebar found for the most northerly corner of Lot 16 of Westminster Glen, Phase 1, being also the easterly corner of Lot 17, Westminster Glen, Phase 1-C, a subdivision of record in Volume 101, Page 383 of the Plat Records of Travis County, Texas;

**THENCE** North 42°58'17" West, with the southwest line of the 59.11 acre tract, being also the northeast lines of said Lot 17 of Westminster Glen, Phase 1-C, and the northeast line of Lots 18-A and 19-A of the Replat of Lots 18, 19 and 20, Westminster Glen, Phase 1-C, a subdivision of record in Volume 103, Page 20 of the Plat Records of Travis County, Texas, a distance of 729.41 feet to a 1/2" rebar found for the most northerly corner of Lot 19-A, being also the easterly corner of Lot 43, Westminster Glen, Phase 1-D, a subdivision of record in Volume 101, Page 386 of the Plat Records of Travis County, Texas;

**THENCE** North 42°56'41" West, with the southwest line of the 59.11 acre tract and the 105.57 acre tract, being also the northeast lines of Westminster Glen, Phase 1-D, and the Replat of Lots 56, 57 and 58, Westminster Glen, Phase 1-D, a subdivision of record in Volume 103, Page 22 of the Plat Records of Travis County, Texas, a distance of 2097.14 feet to a 1/2" rebar found in the east line of Lot 61, River Place, Section 8, a subdivision of record in Volume 96, Page 208 of the Plat Records of Travis County, Texas, for the most westerly corner of the 105.57 acre tract, also being the most northerly corner of Lot 57-A, the Replat of Lots 56, 57 and 58, Westminster Glen, Phase 1-D;

**THENCE** with the northwest line of the 105.57 acre tract, being also the southeast line of River Place, Section 8, the following two (2) courses:

1. North 32°12'45" East, a distance of 4.23 feet to a 1/2" rebar found;
2. North 34°20'19" East, a distance of 1235.40 feet to a 1/2" rebar found for an angle point in the southeast line of Lot 40 of River Place Section 8;

**THENCE** North 34°09'20" East, continuing with the northwest line of the 105.57 acre tract, with the southeast line of River Place, Section 8, and continuing with the southeast line of a 30.494 acre tract described in Document No. 200205744 of the Official Public Records of Travis County, Texas, a distance of 443.02 feet to a 60D nail on a fence post for the most westerly corner of the 30.494 acre tract;

**THENCE** North 41°10'03" East, with the northwest line of the 105.57 acre tract and the southeast edge of an apparent gap in deed lines, a distance of 11.10 feet to a 1/2" rebar found for the most northerly corner of the 105.57 acre tract, also being the south corner of a 170.037 acre tract described in Volume 11848, Page 1718 of the Real Property Records of Travis County, Texas, also being the west corner of a 158.089 acre tract

described in Volume 13279, Page 2957 of the Real Property Records of Travis County, Texas;

**THENCE** South 51°35'02" East, with the northeast line of the 105.57 acre tract and the southwest line of the 158.089 acre tract, a distance of 2676.91 feet to a 1/2" rebar found in the northwest line of a 25.066 acre tract described in Volume 13198, Page 2549 of the Real Property Records of Travis County, Texas, for the south corner of the 158.089 acre tract, also being an angle point in the northeast line of the 105.57 acre tract;

**THENCE** with the common line of the 25.066 acre tract and the 105.57 acre tract, the following two (2) courses:

1. South 38°31'14" West, a distance of 460.16 feet to a 1/2" iron pipe found for the west corner of the 25.066 acre tract;
2. South 61°55'28" East, a distance of 944.73 feet to a 1/2" iron pipe found for the north corner of the said 2.00 acre Gary Webb tract;

**THENCE** South 61°52'09" East, with the southwest line of the 25.066 acre tract and the northeast line of the 2.00 acre tract, a distance of 330.14 feet to a 5/8" rebar found for the west corner of the 2.00 acre tract, for an angle point in the northeast line of the 105.57 acre tract;

**THENCE** South 61°58'59" East, with the northeast line of the 105.57 acre tract and the southwest line of the 25.066 acre tract, a distance of 207.77 feet to a 1" iron pipe found in the northwest line of a 292.00 acre tract described in Volume 12735, Page 646 of the Real Property Records of Travis County, Texas, for the south corner of the 25.066 acre tract, also being an angle point in the northeast line of the 105.57 acre tract;

**THENCE** with the common line of the 292.00 acre tract and the 105.57 acre tract, the following two (2) courses:

1. South 02°30'58" West, a distance of 999.81 feet to a 1/2" rebar found;
2. South 83°38'50" East, a distance of 246.13 feet to a 1/2" rebar found for the northwest corner of the said 2.00 acre William R. Webb, Jr. tract, also being an angle point in the east line of the 105.57 acre tract;

**THENCE** with the north line of the 2.00 acre William R. Webb, Jr. tract and the south line of the 292.00 acre tract, the following two (2) courses:

1. South 85°25'31" East, a distance of 84.88 feet to a 1/2" rebar found;
2. South 82°00'34" East, a distance of 88.06 feet to a 1/2" rebar found for the

northeast corner of the 2.00 acre tract, also being the northwest corner of a 13.076 acre tract described in Volume 11848, Page 1711 of the Real Property Records of Travis County, Texas, and an angle point in the south line of the 292.00 acre tract;

**THENCE** South 15°58'28" West, with the east line of the 2.00 acre tract and the west line of the 13.076 acre tract, a distance of 581.03 feet to a 1/2" rebar found for the southernmost corner of the 2.00 acre tract, for an angle point in the southeast line of the 105.57 acre tract;

**THENCE** South 16°00'28" West, with the common line of the 105.57 acre tract and the 13.076 acre tract, a distance of 279.60 feet to a 1/2" rebar with cap set in the apparent west right-of-way line of City Park Road;

**THENCE** South 27°46'47" West, with the southeast line of the 105.57 acre tract and the apparent west line of City Park Road, a distance of 92.36 feet to a 1/2" rebar with cap set for the southeast corner of the 105.57 acre tract;

**THENCE** with the south line of the 105.57 acre tract, the north line of Diamond Sky, a subdivision of record in Volume 90, Page 271 of the Plat Records of Travis County, Texas, and the westerly line of the said 1.99 acre tract, the following eight (8) courses:

1. North 61°33'20" West, passing at a distance of 14.89 feet a 1/2" rebar found for the northeast corner of Lot 1, Diamond Sky, for a total distance of 341.65 feet to a 1/2" rebar found;
2. North 36°42'46" West, a distance of 2576.43 feet to a 1/2" rebar found;
3. North 40°11'54" West, a distance of 145.93 feet to a 1/2" rebar found;
4. North 62°16'31" West, a distance of 295.05 feet to a 1/2" rebar found;
5. North 12°49'59" West, a distance of 241.32 feet to a 1/2" rebar found;
6. North 36°51'14" East, a distance of 360.55 feet to a 1/2" rebar found;
7. North 06°09'13" West, a distance of 167.01 feet to a 1/2" rebar found;
8. North 39°39'02" West, a distance of 729.93 feet to a 1/2" rebar found for the northwest corner of Lot 4, Diamond Sky, the southeast corner of the said 1.000 acre tract, and an angle point in an interior south line of the 59.11 acre tract;

**THENCE** with the common line of the 59.11 acre tract and the 1.000 acre tract continuing with the common line of the 59.11 acre tract and Diamond Sky, the following


three (3) courses:

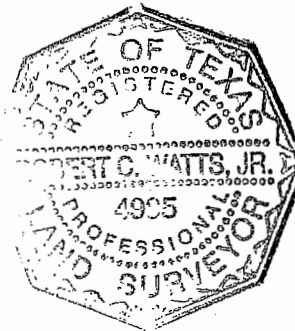
1. South  $32^{\circ}50'42''$  West, a distance of 1131.49 feet to a 1/2" rebar found;
2. South  $45^{\circ}37'02''$  East, a distance of 1527.40 feet to a 1/2" rebar found;
3. South  $39^{\circ}10'56''$  East, passing at a distance of 2781.18 feet a 1/2" rebar found for the southeast corner of Lot 1, Diamond Sky, also being an angle point in the apparent west right-of-way line of City Park Road, for a total distance of 2797.16 feet to a 1/2" rebar with cap set for the northeast corner of the 59.11 acre tract and an angle point in the apparent west right-of-way line of City Park Road;

**THENCE** with the apparent west right-of-way line of City Park Road and the east line of the 59.11 acre tract, the following three (3) courses:

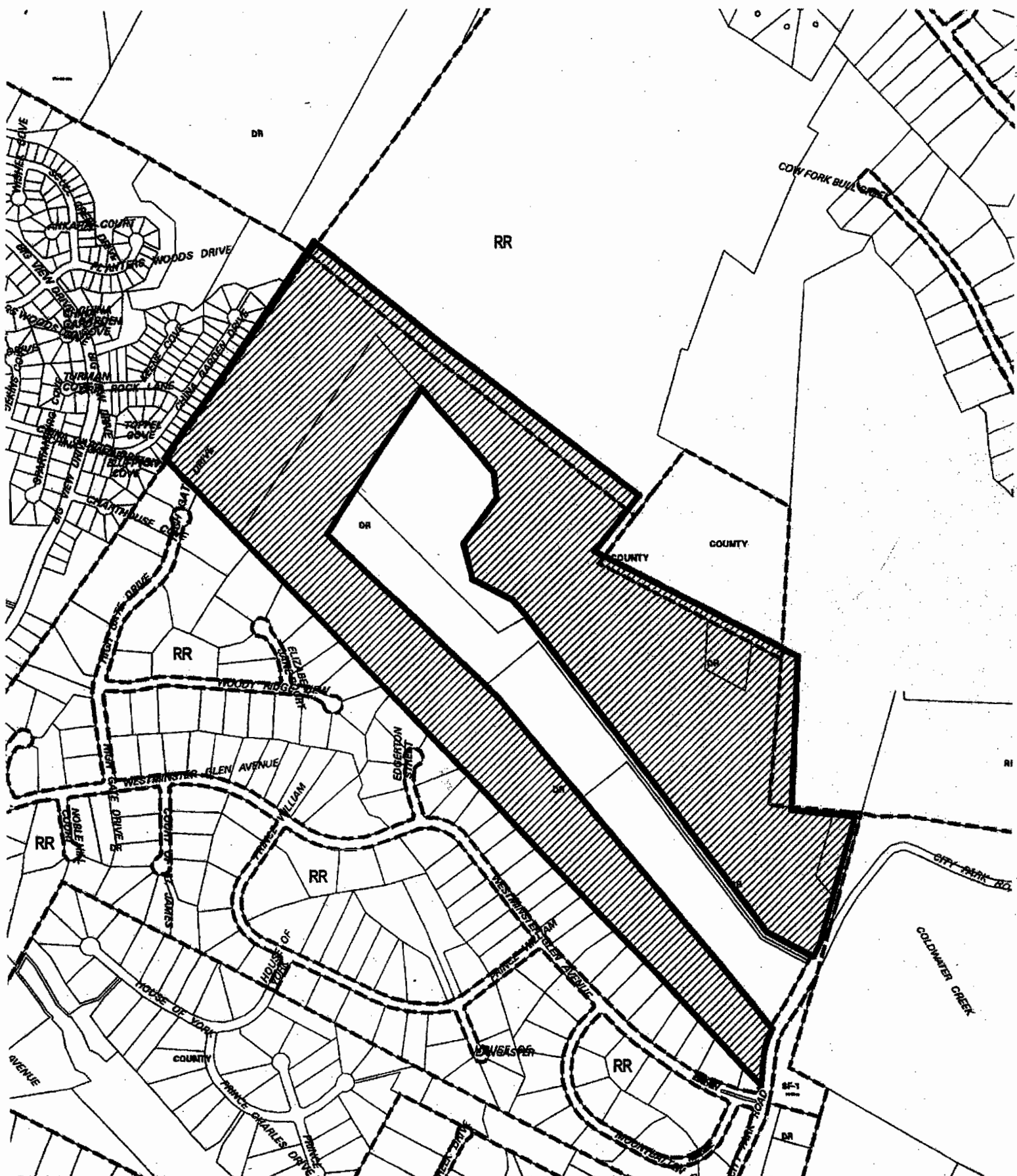
1. With a curve to the left, having a radius of 413.37 feet, an arc length of 175.29 feet and a chord which bears South  $18^{\circ}15'28''$  West, a distance of 173.98 feet to a 1/2" rebar with cap set;
2. South  $06^{\circ}13'34''$  West, a distance of 199.22 feet to a 1/2" rebar with cap set ;
3. With a curve to the left, having a radius of 1249.26 feet, an arc length of 2.75 feet and a chord which bears South  $05^{\circ}57'34''$  West, a distance of 2.75 feet to the **POINT OF BEGINNING**, containing an area of 167.499 acres of land, more or less.





Surveyed on the ground April, 2005. Revised February 14, 2007 to include additional 2.00 acre tracts. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Survey Drawing No. 477-001-BD1.

  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



2-14-07



 1" = 800'	SUBJECT TRACT		<b>ZONING EXHIBIT B</b>  <b>CASE #: C14-2007-0014</b> <b>ADDRESS:</b> 4700 City Park Road; North of the intersection of City Park Road and Westmionster Glen Avenue <b>SUBJECT AREA (acres): 167.499</b>  <b>DATE: 07-03</b>  <b>INTLS: SM</b>	<b>CITY GRID REFERENCE NUMBER</b>  <b>D31</b>
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: J. ROUSSELIN			



# DRAFT

Zoning Case No. C14-2007-0014

## RESTRICTIVE COVENANT

OWNERS: K & W Webb Family Partnership, Ltd., a Texas limited partnership  
Letha Webb  
Gary Webb  
William Webb  
Heirs of Betty Webb Foster: Elizabeth Foster, Suzanne Moore, and  
Richard Foster

ADDRESS: 4914 City Park Road, Austin, Texas 78730

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 167.499 acre tract of land, more or less, out of the James P. Cole Survey 542, Abstract 165, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its successors and assigns.

1. Impervious cover on each residential lot may not exceed 5,000 square feet, exclusive of roadways, drives, walkways and uncovered patios.
2. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. No development may occur on a portion of the Property, described in Exhibit "B" attached to this covenant, which shall be undisturbed and remain in its natural state.
4. Owners shall provide an educational plan with guidelines for protection of habitat land.
5. The following applies to development along the west property line that abuts the adjacent lots in the Westminster Glen Subdivision:
  - a. subdivided lots shall line up with and match the existing adjacent lots;
  - b. drainage from the subdivided lots shall not adversely impact adjacent properties;  
and
  - c. a 20-foot minimum rear yard setback shall be established.

## DRAFT

6. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin 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.
7. If any part of this agreement or covenant is 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.
8. If at any time the City of Austin 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.
9. 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, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

### OWNERS:

**K & W Webb Family Partnership, Ltd.,  
a Texas limited partnership**

By: K & W Webb Management, LLC,  
a Texas limited liability company,  
General Partner

By: \_\_\_\_\_  
Letha Webb,  
Manager

**Letha Webb**

\_\_\_\_\_  
Letha Webb

**William Webb**

\_\_\_\_\_  
William Webb

**DRAFT**

**Heirs of Betty Webb Foster**

**Elizabeth Foster**

By: \_\_\_\_\_  
James Boanerges, Attorney-in-Fact for  
Elizabeth Foster

**Suzanne Moore**

By: \_\_\_\_\_  
James Boanerges, Attorney-in-Fact for  
Suzanne Moore

**Richard Foster**

By: \_\_\_\_\_  
James Boanerges, Attorney-in-Fact for  
Richard Foster

**Gary Webb**

By: \_\_\_\_\_  
Mike Kanetzky, Attorney-in-Fact for  
Gary Webb

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**DRAFT**

**THE STATE OF TEXAS                   §**

**COUNTY OF TRAVIS                   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Letha Webb, Manager of K & W Webb Management, LLC, a Texas limited liability company, General Partner of K & W Webb Family Partnership, LP, a Texas limited partnership, on behalf of the company and the partnership.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS                   §**

**COUNTY OF TRAVIS                   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Letha Webb, individually.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS                   §**

**COUNTY OF TRAVIS                   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by William Webb.

\_\_\_\_\_  
Notary Public, State of Texas

**DRAFT**

**THE STATE OF TEXAS                   §**

**COUNTY OF TRAVIS                   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by James Boanerges, as Attorney-in-Fact, for Elizabeth Foster.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS                   §**

**COUNTY OF TRAVIS                   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by James Boanerges, as Attorney-in-Fact, for Suzanne Moore.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS                   §**

**COUNTY OF TRAVIS                   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by James Boanerges, as Attorney-in-Fact, for Richard Foster.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS                   §**

**COUNTY OF TRAVIS                   §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Mike Kanetzky, as Attorney-in-Fact, for Gary Webb.

\_\_\_\_\_  
Notary Public, State of Texas

# **DRAFT**

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Diana Minter, Paralegal**