

## AGENDA



Thursday, June 5, 2008

**Watershed Protection and Development Review  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 43**

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**Subject:** Approve an ordinance relating to development of Mission Bethany Subdivision. (This concerns property in the Barton Springs Zone.)

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Patrick Murphy, 974-2821

**Prior Council Action:** 20080424-106 adopted April 24, 2008; Ordinance 980507-A adopted May 7, 1998.

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Council adopted Ordinance No. 20080424-106 on April 24, 2008. The ordinance provided for its expiration if the Church did not submit to the City by May 6, 2008, a restrictive covenant requiring Mission Bethany Subdivision to comply with the new erosion and sedimentation controls that the City wishes to adopt soon. The restrictive covenant was submitted on May 7, 2008. Because the restrictive covenant was not submitted by the due date, the ordinance expired.

Regardless of the submittal date, the underlying intent of the restrictive covenant was met. The Church has requested and staff recommends that Council readopt the provisions of Ordinance No. 20080424-106 and change the expiration date to 10 years after the effective date of the new ordinance, or June 16, 2018.

Because the restrictive covenant has been filed in the deed records, there is no longer a need to make the ordinance contingent in any way on the submittal or filing of the restrictive covenant.