

ORDINANCE NO.

**AN ORDINANCE AUTHORIZING REIMBURSEMENT OF PAYMENT
INSTEAD OF STRUCTURAL CONTROLS MADE UNDER CITY CODE
SECTION 25-8-214 FOR THE SHOALVIEW ADDITION RESUBDIVISION,
LOCATED AT 5519 MONTVIEW STREET.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Council makes the following findings:

(1) Under City Code Section 25-8-214 (*Optional Payment Instead of Structural Controls in Urban Watersheds*), an applicant for a project in an urban watershed may request approval to deposit with the City a nonrefundable cash payment into the Urban Watersheds Structural Control Fund instead of providing water quality controls for the project on-site.

(2) In May of 2009, the applicant for the Shoalview Addition resubdivision, pursuant to section 25-8-214, deposited \$11,599.20 into the Urban Watersheds Structural Control Fund.

(3) In November of 2009, the Zoning and Platting Commission approved the Shoalview Addition resubdivision, city file number C8-2008-0240.OA; to date, the approved resubdivision has not been filed in the Official Public Records of Travis County, Texas.

(4) The applicant for the Shoalview Addition resubdivision was sued by neighbors based on a private deed restriction prohibiting resubdivision; as part of the settlement of the lawsuit, the applicant agreed not to proceed with development of the Shoalview Addition resubdivision.

(5) The applicant for the Shoalview Addition resubdivision has requested that, upon enactment of this Ordinance, the City agree that the approved resubdivision never be filed of record, and that it be destroyed in accordance with records retention requirements.

PART 2. The City Council authorizes the City Manager to reimburse to the applicant for the Shoalview Addition resubdivision, city file number C8-2008-0240.OA, the payment made under City Code Section 25-8-214 in the amount of \$11,599.20 plus interest earned.

PART 3 Approval of this Ordinance does not constitute a variance from any City Code requirements. Future development of the property located at 5519 Montview Street must comply with all applicable City regulations.

PART 4. This ordinance takes effect on _____.

PASSED AND APPROVED

_____, 2011 §
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 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____ **ATTEST:** _____
 Karen M. Kennard Shirley A. Gentry
 City Attorney City Clerk