

ORDINANCE NO.

AN ORDINANCE ADOPTING AND AUTHORIZING EXECUTION OF AN IMPERVIOUS COVER TRANSFER AGREEMENT REGARDING ACE SALVAGE LOCATED AT 6308 SPICEWOOD SPRINGS ROAD; AND WAIVING CERTAIN SECTIONS OF CITY CODE CHAPTERS 25-5 AND 25-8.

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

PART 1. In this ordinance:

- (1) AGREEMENT means the Impervious Cover Transfer Agreement Regarding Ace Salvage attached as **EXHIBIT 1** to this ordinance.
- (2) OWNER means Roy and Cynthia Cavanaugh.

PART 2. City Council finds:

- (1) Ace Auto Salvage has been in operation since the 1970's and was annexed into the City in 2013.
- (2) The land use is undesirable for the environment and is not compatible with the surrounding neighborhoods.
- (3) Under State law, absent the Agreement, the use can continue until the Owner, or subsequent owner, ceases operations.
- (4) The Agreement provides environmental benefit for the area, adds public recreational uses, and eliminates uses that were detrimental to water quality and incompatible with neighborhoods, while allowing Owner to retain some beneficial use from the Property.

PART 3. City Council adopts the Agreement, which is attached as **EXHIBIT 1** and incorporated herein by reference, and authorizes execution by the City Manager. City Council further authorizes the City Manager to accept the Restrictive Covenant Running with the Land and the Sidewalk, Trail, and Recreational Easement associated with the Agreement.

PART 4. City Council waives, to the minimum extent necessary to implement the Agreement, the following City Code provisions.

AS ADOPTED ON SECOND READING MAY 14, 2015

- (1) Suburban Watersheds: City Code Sections 25-8-392 (*Uplands Zone*) and 25-8-393 (*Transfer of Development Intensity*);
- (2) Water Supply Suburban Watersheds: City Code Sections 25-8-423 (*Uplands Zone*) and 25-8-424 (*Transfer of Development Intensity*);
- (3) Water Supply Rural Watersheds: City Code Sections 25-8-453 (*Uplands Zone*) and 25-8-454 (*Transfer of Development Intensity*);
and
- (4) City Code Section 25-5-81 (*Site Plan Expiration*).

PART 5. This ordinance becomes effective on _____, 2015.

PASSED AND APPROVED

_____, 2015 §
Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
Interim City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk