

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND AUTHORIZING EXECUTION OF THE THIRD AMENDMENT TO THE COMPROMISE SETTLEMENT AGREEMENT RELATED TO CAUSE NO. 94-07160, JOSIE ELLEN CHAMPION, ET AL V. CITY OF AUSTIN IN THE 353RD JUDICIAL DISTRICT COURT OF TRAVIS COUNTY; AMENDING ORDINANCE NO. 960613-J, ORDINANCE NO. 20181215-013, AND ORDINANCE NO. 20181101-009; AND MODIFYING PROVISIONS OF THE LAKE AUSTIN WATERSHED REGULATIONS IN ORDINANCE NO. 840301-F.

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

PART 1. In this ordinance:

- (1) ORIGINAL AGREEMENT means the 1996 Compromise Settlement Agreement related to Cause No. 94-07160, Josie Ellen Champion, et al v. City of Austin in the 353rd Judicial District Court of Travis County.
- (2) FIRST AMENDMENT means the First Amendment to the Original Agreement adopted and authorized by City Ordinance No. 20180215-013.
- (3) SECOND AMENDMENT means the Second Amendment to the Original Agreement adopted and authorized by City Ordinance No. 20181101-009.
- (4) THIRD AMENDMENT means the Third Amendment to the Original Agreement attached as **Exhibit “A”** to this ordinance.
- (5) PROPERTY means Lot 1, Block A, Champion City Park East subdivision, a subdivision in Travis County, Texas, as recorded in Document No. 200300122 of the Official Public Records of Travis County, Texas, locally known as 6401 FM 2222 Road in the City of Austin, Travis County, Texas, and referred to as Tract 3 in the Original Agreement.
- (6) OWNER means Champion Assets, Ltd. And Champion-Meier Assets, Ltd., Texas limited partnerships.

PART 2. City Council adopts the Third Amendment, which is attached as **Exhibit “A”** and incorporated herein by reference, and authorizes execution by the City Manager.

PART 3. To the extent that a conflict exists, Ordinance No. 960613-J, Ordinance No. 20180215-013, and Ordinance No. 20181101-009 are amended by the Third Amendment.

PART 4. To effectuate the Third Amendment, City Council modifies the Lake Austin Watershed regulations (Ordinance No. 840301-F), Section 9-10-409 (*Cut and Fill*) subsections (a) and (b) to allow:

A maximum of 55,103.40 square feet of cut over four feet to be allocated as follows; provided that the applicant may transfer the allocated quantities from deeper categories to shallower categories only if the overall allocation does not increase:

- (i) a maximum 34,848 square feet of cut greater than 4 feet, but less than 12 feet;
- (ii) a maximum 17,424 square feet of cut greater than 12 feet, but less than 20 feet;
- (iii) a maximum 2,613.60 square feet of cut greater than 20 feet, but less than 24 feet.
- (iv) a maximum 217.80 square feet of cut greater than 24 feet, but less than 28 feet;

A maximum of 99,970.20 square feet of fill over four feet to be allocated as follows; provided that the applicant may transfer the allocated quantities from the deeper category to the shallower category only if the overall allocation does not increase:

- (i) a maximum 79,932.60 square feet of fill greater than 4 feet, but less than 12 feet; and
- (ii) a maximum 20,037.60 square feet of fill greater than 12 feet, but less than 20 feet.

PART 5. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019 § _____
Steve Adler
Mayor

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APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

DRAFT