

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 6800 BURNET ROAD FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-CO) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general commercial services (CS) district to commercial-liquor sales-conditional overlay (CS-1-CO) combining district on the property described in Zoning Case No. C14-05-0166, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.034 acre tract of land, more or less, out of Lot 7, Block 2, Green Acres Subdivision, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 6800 Burnet Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

Cocktail lounge use is a prohibited use of the Property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the commercial-liquor sales (CS-1) base district and other applicable requirements of the City Code.

1 **PART 4.** This ordinance takes effect on _____, 2006.

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4 **PASSED AND APPROVED**

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6
7
8 _____, 2006

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§
§

9 Will Wynn
10 Mayor

11
12
13 **APPROVED:**

14 David Allan Smith
15 City Attorney

ATTEST:

Shirley A. Gentry
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

0.034 ACRES

LOT 7, BLOCK 2, GREEN ACRES

ZONING DESCRIPTION

A DESCRIPTION OF 0.034 ACRES (1,500 S.F.), BEING A PORTION OF LOT 7, BLOCK 2 OF GREEN ACRES, A SUBDIVISION OF RECORD IN VOLUME 4, PAGE 333 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF 6800 BURNET ROAD, DESCRIBED IN A WARRANTY DEED TO HENDERSON L. BUFORD III DATED JUNE 22, 2004, OF RECORD IN DOCUMENT NO. 2004120933 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.034 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:


COMMENCING, for a point of reference, at a 1/2" rebar found at the common corner of Lots 5, 6, 15 and 16, Block 2, Green Acres, from which a 1/2" rebar found in the west right-of-way line of Burnet Road (120' right-of-way), at the common east corner of said Lots 5 and 6, bears South 60°10'00" East, a distance of 152.74 feet, and from said point of commencement, a 1/2" iron pipe found in the north right-of-way line of Addison Avenue at the common south corner of Lots 10 and 11, Block 2, Green Acres bears South 21°22'15" West, a distance of 303.16 feet;

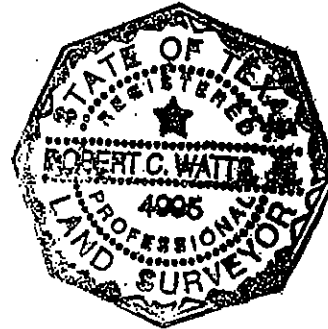
THENCE South 14°10'53" East, over and across said Lots 6 and 7, a distance of 125.91 feet to a calculated point for the north corner of the herein described tract of land and the true **POINT OF BEGINNING** hereof;

THENCE continuing over and across Lot 7, the following four (4) courses:

1. South 68°35'20" East, a distance of 65.00 feet to a calculated point;
2. South 21°24'40" West, a distance of 23.08 feet to a calculated point;
3. North 68°35'20" West, a distance of 65.00 feet to a calculated point;
4. North 21°24'40" East, a distance of 23.08 feet to the **POINT OF BEGINNING**, containing 0.034 acres of land, more or less.

Surveyed on the ground in August 5, 2005. Bearing Basis: Record plat info. from Volume 4, Page 133 of the Plat Records of Travis County, Texas. Attachments: Drawing 488-001-ZON1.


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

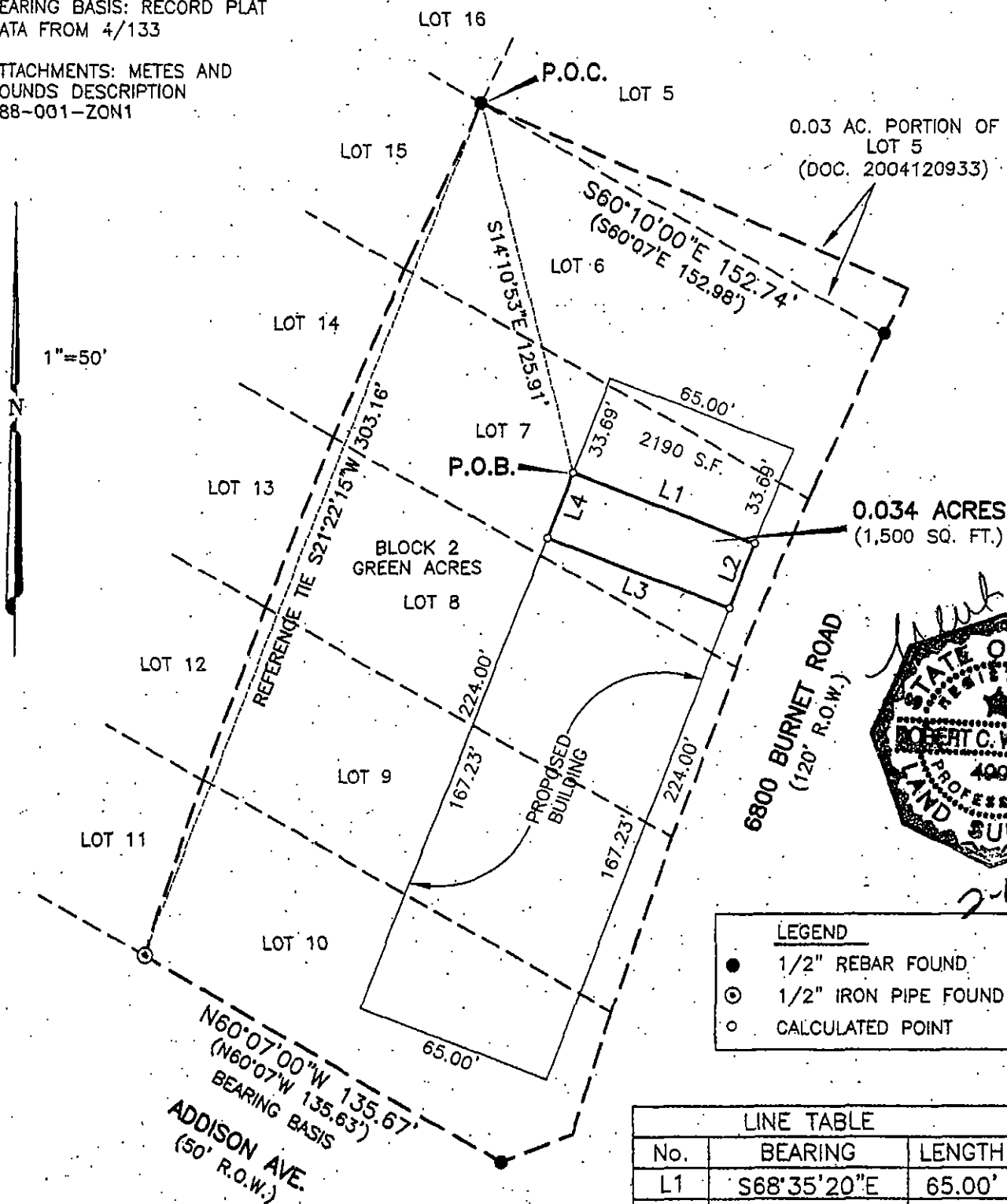


REFERENCES
TCAD Parcel #02-3403-0321
Austin Grid map J-29

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.034 ACRES (1,500 S.F.), BEING A PORTION OF LOT 7, BLOCK 2 OF GREEN ACRES, A SUBDIVISION OF RECORD IN VOLUME 4, PAGE 333 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF 6800 BURNET ROAD, DESCRIBED IN A WARRANTY DEED TO HENDERSON L. BUFORD III DATED JUNE 22, 2004, OF RECORD IN DOCUMENT NO. 2004120933 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: RECORD PLAT
DATA FROM 4/133

ATTACHMENTS: METES AND
BOUNDS DESCRIPTION
488-001-ZON1



LEGEND

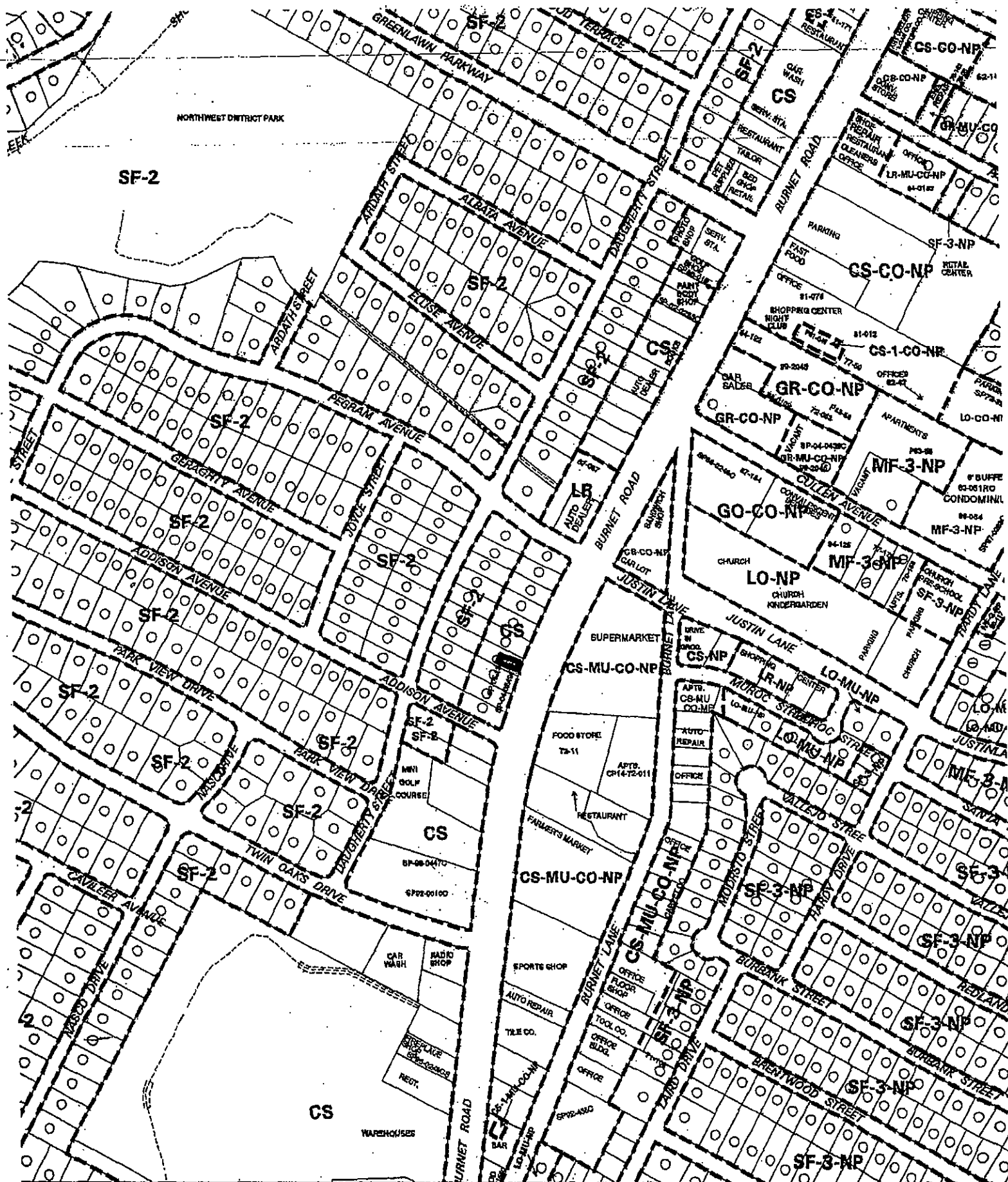
- 1/2" REBAR FOUND
- ⊙ 1/2" IRON PIPE FOUND
- CALCULATED POINT




LINE TABLE

No.	BEARING	LENGTH
L1	S68°35'20"E	65.00'
L2	S21°24'40"W	23.08'
L3	N68°35'20"W	65.00'
L4	N21°24'40"E	23.08'

DATE OF SURVEY: 8/5/05
PLOT DATE: 8/18/05, REV. 2/16/06
DRAWING NO.: 488-001
PROJECT NO.: 488-001-ZON1

Chaparral



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: J. ROUSSELIN

CASE #: C14-05-0166
 ADDRESS: 6800 BURNET RD
 SUBJECT AREA (acres): 0.034

ZONING EXHIBIT B
 DATE: 05-09
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 J29

RESTRICTIVE COVENANT

OWNER: Asia-Ana, Ltd., a Texas limited partnership

ADDRESS: 400 West 15th Street, Suite 300, Austin, TX 78701

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 0.034 acre tract of land, more or less, out of Lot 7, Block 2, Green Acres Subdivision, City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner 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 Owner 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 Owner of the Property, its heirs, successors, and assigns.

1. If use of the Property as a liquor sales use is discontinued for 180 consecutive days, the Owner of the Property will not object to the City of Austin rezoning the Property to general commercial services district as defined in Chapter 25-2 of the City Code. Normal seasonal cessation of a use or temporary discontinuance for purposes of maintenance or rebuilding of the Property after damage or destruction may not be used in calculating the period of discontinuance.
2. 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.
3. 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.
4. 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.
5. 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 7 day of MARCH, 2006.

OWNER:

**Asia-Ana, Ltd.,
a Texas limited partnership**

By: Burnet Road, L.L.C.,
a Texas limited liability company,
its general partner

By: Henderson L. Buford III
Henderson L. Buford III,
its Manager

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 7th day of MARCH, 2006 by Henderson L. Buford III, Manager of Burnet Road, L.L.C., a Texas limited liability company, general partner of Asia-Ana, Ltd., a Texas limited partnership, on behalf of the company and the partnership.



Cathy Stivers
Notary Public, State of Texas

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

Restrictive covenant – Asia-Ana. Ltd.



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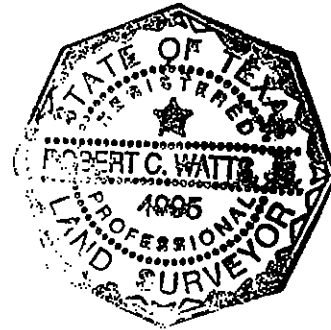
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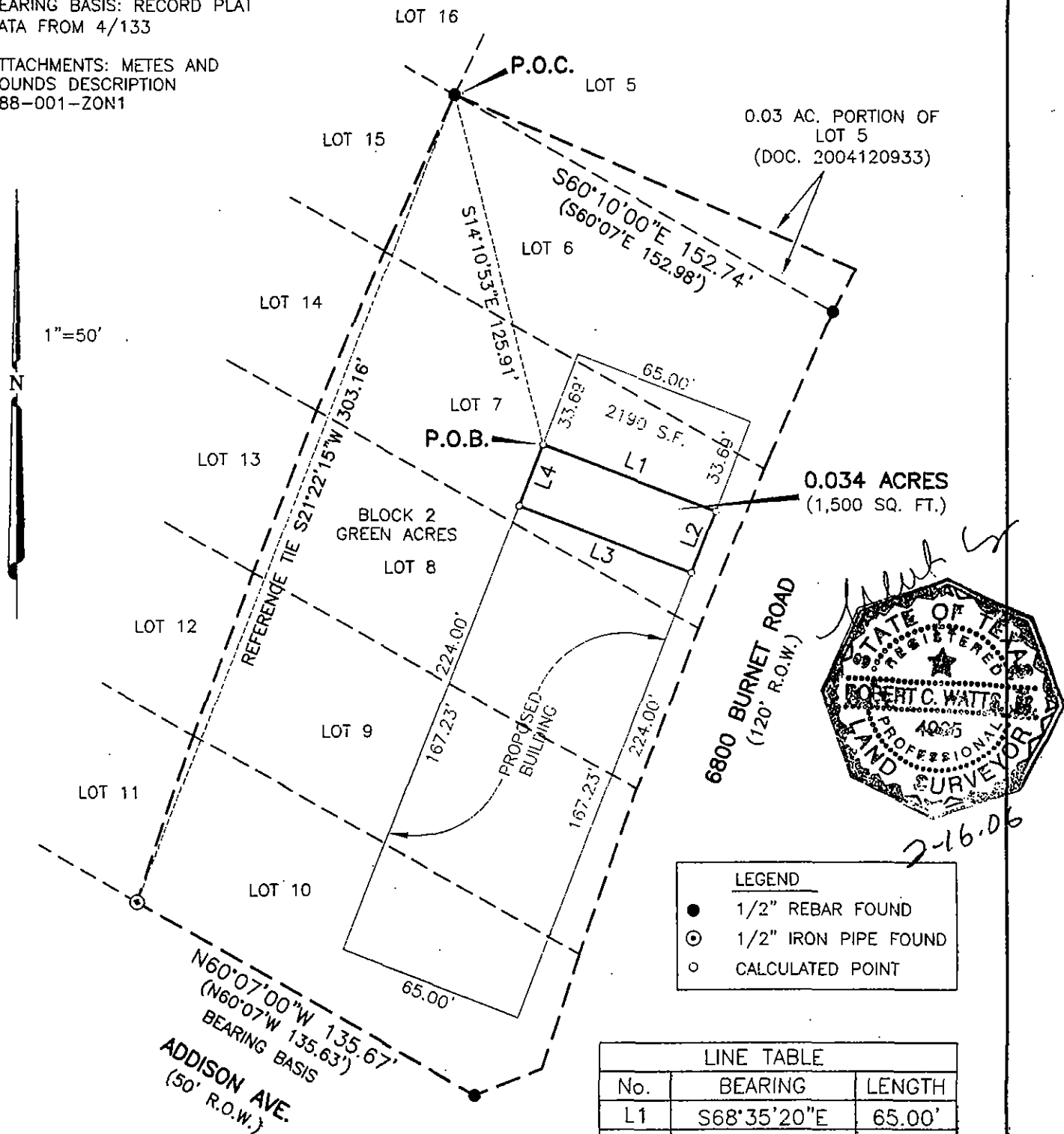


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