

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-1  
AGENDA DATE: Thu 12/15/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0135 - Highway 183/Highway 71/Ben White - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200-1324 Dalton Lane; 1301-1421 Bastrop Highway Service Road (Carson Creek Watershed) from interim-rural residence (I-RR) district zoning and general commercial services (CS) district zoning to commercial highway (CH) district zoning. Zoning and Platting Commission Recommendation: To grant commercial highway-conditional overlay (CH-CO) combining district zoning with conditions. Applicant: JHX2/Lampting Joint Venture (C.W. Hetherly). Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro). City Staff: Wendy Walsh, 974-7719.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0135

**Z.P.C. DATE:** October 18, 2005  
November 1, 2005

**ADDRESS:** 1200 – 1324 Dalton Lane; 1301 – 1421 Bastrop Highway Service Road

**OWNER:** JHX2 / Lampting Joint Venture  
(C.W. Hetherly)

**AGENT:** Graves, Dougherty, Hearon &  
Moody P.C.  
(Peter J. Cesaro)

**ZONING FROM:** I-RR; CS

**TO:** CH

**AREA:** 30.300 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial highway services – conditional overlay (CH-CO) combining district zoning. The Conditional Overlay would prohibit the following uses: bed and breakfast (groups 1 and 2); condominium residential; group residential; multi-family residential and townhouse residential.

The Restrictive Covenant: 1) includes all recommendations listed in the Traffic Impact Analysis memorandum, dated November 18, 2005 as provided in Attachment A.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

October 18, 2005: *APPROVED A POSTPONEMENT TO 11/1/05 (STAFF)*  
*[J. MARTINEZ; J. GOHIL – 2<sup>ND</sup>] (9-0)*

November 1, 2005: *APPROVED CH-CO DISTRICT ZONING WITH CONDITIONS OF THE TIA MEMO AS RECOMMENDED BY STAFF, WITH AN ADDITIONAL CONDITIONAL OVERLAY LIMITING HEIGHT TO 90 FEET.*

### **ISSUES:**

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

Austin First Church, UPC and the President of the Richland Estates Neighborhood Association have written letters of support for the requested CH zoning change and are attached at the back of the Staff report.

### **DEPARTMENT COMMENTS:**

The subject tract is undeveloped and zoned general commercial services (CS) district along the Old Bastrop Highway frontage and interim – rural residence (I-RR) district for the remainder. The tract is situated at the intersection of Dalton Lane and Old Bastrop Highway,

both of which are classified as collector streets, and is accessible to the State Highway 71 / U.S. Highway 183 interchange. Carson Creek and its floodplain extend along the northern portion of the tract. There is undeveloped property to the west and north, and single family residences, a greenhouse and nursery to the east, across Dalton Lane. The property is also located within Airport Overlay Zones 2 and 3 (AO-2 consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of at least 65 DNL decibels and not more than 70 DNL decibels; AO-3 is also known as the ½ mile buffer zone). Neither allow for new residential development to occur. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Location of Floodplain and Airport Zones).

The applicant proposes general community highway (CH) district zoning for office, a service station with convenience store, restaurant, shopping center, hotel, and warehouse uses. Given its accessibility to the SH 71 / U.S. Highway 183 interchange, proposed commercial uses that would support the nearby Austin Bergstrom International Airport and location within the airport overlay zones, Staff recommends CH-CO district zoning, along with the conditions of the Traffic Impact Analysis that will require fiscal to upgrade Old Bastrop Highway and Dalton Lane, at subsequent development phases. The Conditional Overlay prohibits residential uses, due to its location within the airport overlay zones.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS; I-RR	Undeveloped
<i>North</i>	RR; LI-CO	Undeveloped; Auto auction
<i>South</i>	Not Applicable; CS; SF-3; CS-1	Right-of-way for SH 71 and U.S. Highway 183; Undeveloped
<i>East</i>	I-SF-2; RR; SF-3; CS	Single family residences; Undeveloped
<i>West</i>	CS; I-RR; I-SF-2	Construction sales and services; Adult lounge; Automotive repair; Undeveloped

**AREA STUDY:** N / A

**TIA:** Is required – Please refer to Attachment A

**WATERSHED:** Carson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** SH 71 is a Scenic Roadway

**NEIGHBORHOOD ORGANIZATIONS:**

200 – Carson Creek Neighborhood Association  
 228 – Richland Estates Neighborhood Association, Inc.  
 511 – Austin Neighborhoods Council  
 742 – Austin Independent School District

**SCHOOLS:**

Del Valle ISD – Elementary School; Middle School; and High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-02-0174	I-RR to LI for Tract 1; CS-1 for Tract 2	To Grant IP-CO district zoning for Tracts 1 and 2, with CO for 2,000 trips.	Approved LI-CO for Tract 1; CS-1-CO for Tract 2, with the CO for trips (11-20-03).
C14-02-0145a & C14-02-0145b	I-RR to LI	To Grant GR-CO with 2,000 trips per day and list of prohibited uses	Approved LI-CO for C14-02-0145a located at 1000 Dalton Lane – CO is for 2,000 trips (7-31-03) Approved LI-CO for C14-02-0145b located at 912 Dalton Lane – CO is for 360 trips and list of prohibited uses: Commercial off-street parking; Exterminating services. Indoor sports and recreation; Indoor & Outdoor Entertainment; Off-site accessory parking; Pawn shop services; Personal improvement services; Restaurant – drive-in, fast food (2-13-03)
C14-99-2116 (City – initiated)	I-RR to RR	To Grant RR	Approved RR (9-7-00).
C14-99-0134	I-RR to RR for Tract 1 and LI for Tract 2	To Grant LI and to prohibit auto-related uses.	Approved RR for Tract 1 and LI-CO for Tract 2 with the CO for 2,000 trips and prohibiting auto-related uses; adult-oriented uses and scrap and salvage (2-1-01).

**RELATED CASES:**

The CS zoned frontage was annexed into the City limits on September 7, 1998. The majority of the property was annexed on September 6, 2001 and assigned I-RR zoning.

**There are no related subdivision or site plan cases on the subject property.**

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>
Bastrop Highway Service Road	100 feet	26 feet	Collector
Dalton Lane	74 feet	22 feet	Residential Collector (4,781 vpd)

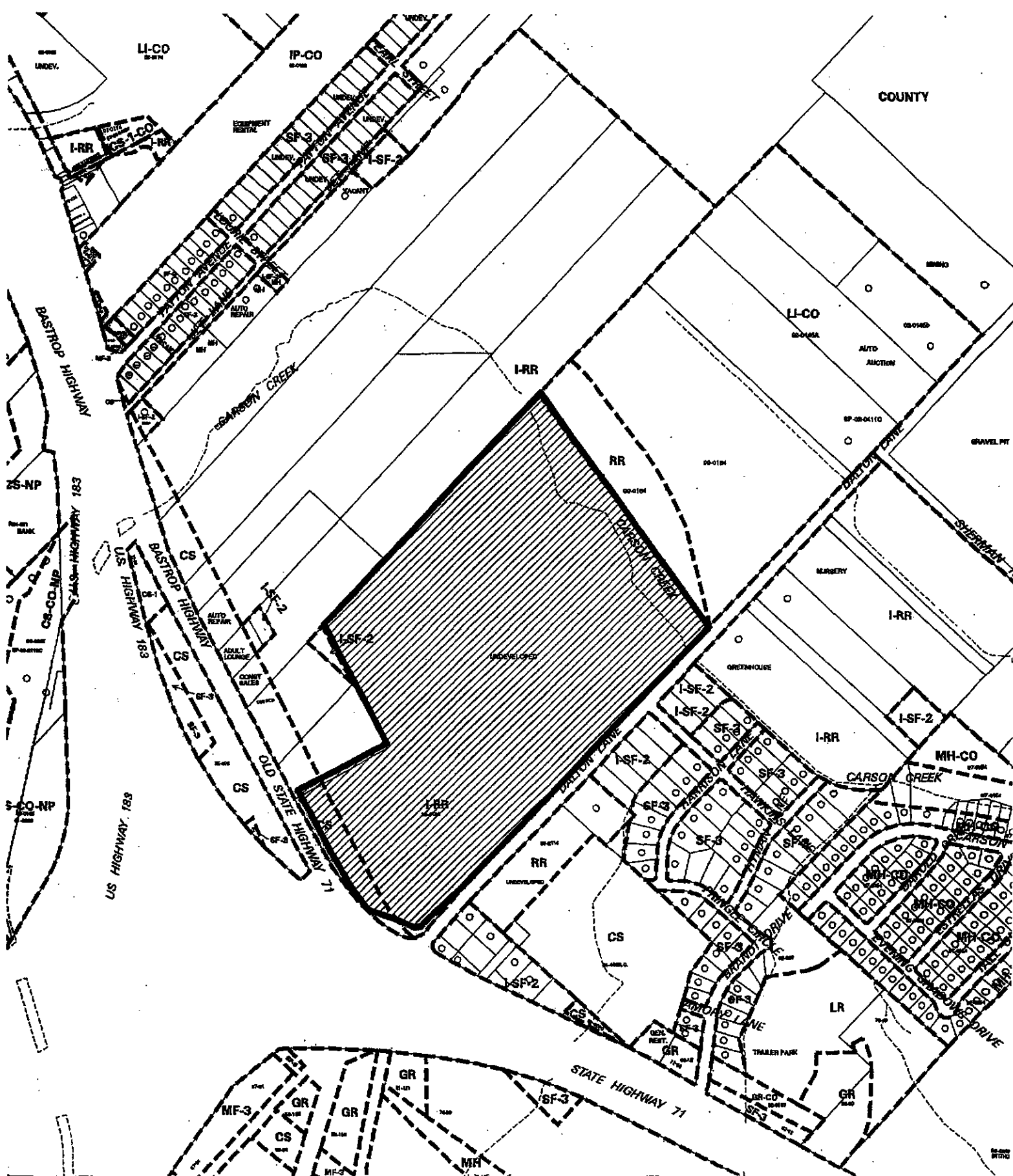
**CITY COUNCIL DATE:** December 1, 2005 **ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

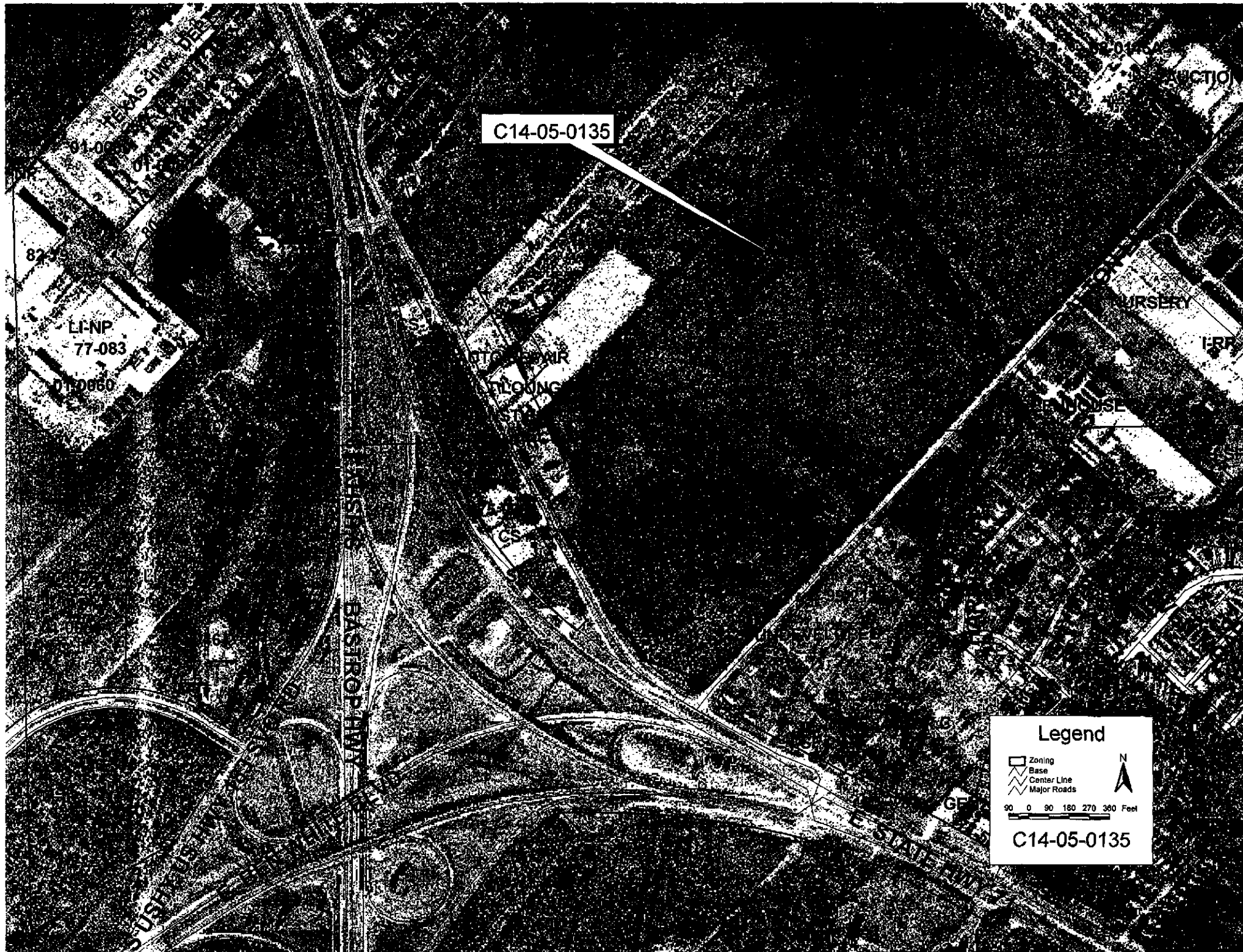
**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719



 1" = 600' CS-NP	SUBJECT TRACT		<b>ZONING</b> <b>Exhibit A</b>	<b>CITY GRID</b> <b>REFERENCE</b> <b>NUMBER</b> M18
	PENDING CASE			
	ZONING BOUNDARY			
	CASE #: C14-05-0135 ADDRESS: 1200-1324 DALTON LANE; 1301-1421 BASTROP HWY SVC RD			
	DATE: 05-10 INTLS: SM			
CASE MGR: W. WALSH SUBJECT AREA (acres): 30.300				



C14-05-0135

01-0060

01-0060

82-95

LI-NP

77-083

01-0060

AIR FLOODING

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# Legend

- Zoning
- Base
- Center Line
- Major Roads



90 0 90 180 270 360 Feet

C14-05-0135









**Date:** November 18, 2005  
**To:** Wendy Walsh, Case Manager  
**CC:** Robert Halls, Robert J. Halls and Associates  
**Reference:** Lampting Tract TIA, C14-05-0135

The Transportation Review Section has reviewed the Traffic Impact Analysis for Lampting Tract, dated November 2005, prepared by Robert Halls of Robert J. Halls and Associates, and offers the following comments:

### **TRIP GENERATION**

The Lampting Tract is a 60-acre development located in south Austin at the northeast corner of SH 71 and US Hwy 183.

The property is currently undeveloped and zoned Interim Rural Residence (I-RR) and Commercial Services (CS). The applicant has requested a zoning change to Commercial Services (CS) for the entire tract. The estimated completion of the project is expected in the year 2012.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 18,997 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

<b>Table 1. Trip Generation</b>				
<b>LAND USE</b>	<b>Size</b>	<b>ADT</b>	<b>AM Peak</b>	<b>PM Peak</b>
Convenience Store with Gas Station	5,000sf	1,940	116	126
Fast Food with Drive Through	3,000sf	707	76	50
Shopping Center	3,000sf	475	15	36
High Turn Over Restaurant	12,000sf	826	74	72
All Suite Hotel	225 Rooms	1,404	117	124
Business Hotel	225 Rooms	1,636	131	140
Office	762,000sf	7,419	1087	1011
Warehouse	68,000sf	601	63	48
<b>Total</b>		<b>15,008</b>	<b>1,679</b>	<b>1,607</b>

### **ASSUMPTIONS**

1. Background traffic volumes for 2005 included estimated traffic volumes for the following projects:

SP-03-0113C Parking Express

SP-02-0411C Insurance Auto Auctions

SP-03-0447D Austin Reclaimed Materials 15 Acre Tract

**ATTACHMENT A**

SP-03-0448D Austin Reclaimed Materials 41 Acre Tract  
 SP-04-0082D AD Bolm Estate 31 Acre Tract  
 SP-04-0866D Hergotz Storage Site Plan  
 SP-03-0438C Exxon Tigermart  
 SP-03-0053C Waffle House  
 SP-05-0920C Courtyard Marriot  
 C14-05-0026 1805 Frontier Valley Drive  
 SP-00-2127C ABI Park and Ride  
 SP-00-2359C Don Stewart Office Building and Warehouse

2. Pass-by and internal capture reductions were taken for the following uses:

<b>Table 2. Summary of Pass-By and Internal Capture</b>			
<b>Land Use</b>	<b>Pass-By Reduction %</b>		<b>Internal Capture Reduction %</b>
	<b>AM Peak</b>	<b>PM Peak</b>	
Convenience Store with Gas Station	46%	56%	5%
Fast Food with Drive Through	50%	50%	5%
Shopping Center	24%	34%	5%
High Turn-Over Sit Down Restaurant	43%	43%	5%

3. No reductions were taken for transit use.

### **EXISTING AND PLANNED ROADWAYS**

**SH 71** – This highway is currently classified as a six-lane major divided arterial. The Austin Metropolitan Area Transportation Plan (AMATP) calls for a six-lane freeway with three-lane frontage roads by the year 2025. Year 2003 traffic volumes along SH 71 were 46,000 vehicles per day (vpd) west of US Hwy 183 and 63,000 vpd east of US Hwy 183.

**US Hwy 183** – This roadway lies west of the site and is currently classified as a six-lane divided major arterial. The AMATP recommends an eight-lane freeway with three-lane frontage roads by 2025. Traffic volumes north of SH 71 were 65,000 vpd in 2003.

**Riverside Drive** – This roadway is located west of the site and its current cross section consists of a six-lane major divided arterial. The AMATP calls for an eight-lane major divided arterial by 2025.

**Dalton Lane** – This roadway forms the eastern boundary of the site and is classified as a residential collector street with 74 feet of right-of-way and 22 feet of pavement. Current traffic volumes on Dalton Lane are 4,781 vpd.

**Patton Avenue** – This roadway is classified as a local street with 50 feet of right-of-way and 28 feet of pavement.

**Old Bastrop Highway** – This roadway will form the western boundary of the site. Currently, Old Bastrop Highway consists of two lanes and parallels the current alignments of US 183 and SH 71.

**Thornberry Road** – This roadway is located east of the site and is classified as a collector street with 70 feet of right-of-way and 20 feet of pavement.

**Presidential Boulevard** – The roadway is located east of the proposed site and provides main access to the Austin Bergstrom International Airport.

### **INTERSECTION LEVEL OF SERVICE (LOS)**

The TIA analyzed 11 intersections, 3 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

<b>Table 3. Level of Service</b>				
<b>Intersection</b>	<b>2005 Existing</b>		<b>2012 Site + Forecasted</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
Dalton Lane/Old Bastrop Highway/SH 71 NSR	B	B	A	A
Riverside Drive/SH 71*	C	E	C	C
Patton Avenue/US Hwy 183	F	E	A	A
Presidential Boulevard/SH 71*	B	B	C	B
Thornberry Road/SH 71*	D	A	D	B
Driveway 1/Dalton Lane			B	C
Driveway 2/Old Bastrop Highway			A	A
Driveway 3/ Old Bastrop Highway			A	A
Driveway 4/Dalton Lane			B	C
Driveway 5/Dalton Lane			B	D
Driveway 6/Dalton Lane			A	B

\*= SIGNALIZED

### **NEIGHBORHOOD IMPACT ANALYSIS**

A neighborhood traffic impact analysis was performed for the portion of Dalton Lane between US Hwy 183 and Sherman Road. This segment of Dalton Lane is considered a residential collector because at least 50 % of the frontage located within 1500 feet or less from the proposed project's property line has an urban family residential district (SF-5) or more restrictive zoning designation. Dalton Lane currently consists of 22 feet of pavement and the daily traffic volume is 4,781 vpd. The 2012 projected daily volume on Dalton Lane between the site's northern boundary and SH 71 will be 11,000 vpd.

Section 25-6-116 of the Land Development Code states that traffic on a residential collector street less than 30 feet in width is operating at a desirable level if it does not exceed 1,200 vehicle trips per day. Based upon existing and projected traffic volumes on Dalton Lane, the street is currently operating at an undesirable level and will continue to function undesirably after completion of site development. To mitigate impacts on Dalton Lane from site traffic, expansion of Dalton Lane to a four-lane commercial collector street is proposed.

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## **RECOMMENDATIONS**

- 1) Boundary street fiscal will be required for construction of one-half of a 4-lane commercial collector for both Dalton Lane and Old Bastrop Highway at the time of subdivision or site plan.
- 2) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2628.

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Amy Link  
Sr. Planner - Transportation Review Staff  
Watershed Protection and Development Review

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant commercial highway services – conditional overlay (CH-CO) combining district zoning. The Conditional Overlay would prohibit the following uses: bed and breakfast (groups 1 and 2); condominium residential; group residential; multi-family residential and townhouse residential.

The Restrictive Covenant: 1) includes all recommendations listed in the Traffic Impact Analysis memorandum, dated November 18, 2005 as provided in Attachment A.

**BACKGROUND**

The subject tract is undeveloped and zoned general commercial services (CS) district along the Old Bastrop Highway frontage and interim – rural residence (I-RR) district for the remainder. The tract is situated at the intersection of Dalton Lane and Old Bastrop Highway, both of which are classified as collector streets, and is accessible to the State Highway 71 / U.S. Highway 183 interchange. Carson Creek and its floodplain extend along the northern portion of the tract. There is undeveloped property to the west and north, and single family residences, a greenhouse and nursery to the east, across Dalton Lane. The property is also located within Airport Overlay Zones 2 and 3 (AO-2 consists of the portions of the controlled compatible land use area that have a yearly day-night average sound level of at least 65 DNL decibels and not more than 70 DNL decibels; AO-3 is also known as the ½ mile buffer zone). Neither allow for new residential development to occur.

The applicant proposes general community highway (CH) district zoning for office, a service station with convenience store, restaurant, shopping center, hotel, and warehouse uses. Given its accessibility to the SH 71 / U.S. Highway 183 interchange, proposed commercial uses that would support the nearby Austin Bergstrom International Airport and location within the airport overlay zones, Staff recommends CH-CO district zoning, along with the conditions of the Traffic Impact Analysis that will require fiscal to upgrade Old Bastrop Highway and Dalton Lane, at subsequent development phases. The Conditional Overlay prohibits residential uses, due to its location within the airport overlay zones.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

Commercial highway services (CH) district is the designation for a use that has operating and traffic generation characteristics that require that the use be located at the intersection of state maintained highways other than scenic arterial roadways. A CH district designation may be applied to a single major mixed use development of a service nature that includes any combination of office, retail, commercial, and residential uses. A CH district may include a high density residential use. Site development regulations and performance standards applicable to a CH district are designed to ensure adequate access to and from all uses.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Given its accessibility to the SH 71 / U.S. Highway 183 interchange, proposed commercial uses that would support the nearby Austin Bergstrom International Airport and location within the airport overlay zones, Staff recommends CH-CO district zoning, along with the conditions of the Traffic Impact Analysis that will require fiscal to upgrade Old Bastrop Highway and Dalton Lane, at subsequent development phases. The Conditional Overlay prohibits residential uses, due to its location within the airport overlay zones.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The property is undeveloped and drains to Carson Creek, which traverses the northern part of the property.

### **Impervious Cover**

The maximum impervious cover allowed by the CH zoning district would be 80%, which is based on the more restrictive zoning regulations.

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

### **Right-of-Way Management**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded City of Austin Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) projects only. A comment from this reviewer that no right-of-way is needed applies only to needs for these categories, and does not preclude the need to dedicate right-of-way to satisfy requirements by others. There are separate right-of-way dedication and reservation requirements enforced by other City Departments and other governmental jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan that may not yet be funded, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

No aspect of the proposed project is being considered or approved as part of this review other than the need for right-of-way for City-funded roadway projects. If the configuration of the site/subdivision/plan will require any variances to Transportation Criteria Manual standards, the variance request(s) must be submitted separately through the assigned City of Austin case manager.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility location, and utility



adjustments, to serve the site land use, and each lot. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the east property line, the following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line of single family zoned or use.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line of single family zoned or use.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection. Additional design regulations will be enforced at the time a site plan is submitted.

The property zoned RR to the north was zoned RR due to the floodplain. The property to the west is zoned I-RR and I-SF-2 and appears to be used commercial uses, not single family; therefore interim zoning would not trigger compatibility.

This property is within the Airport Overlay Zones AO-2 and AO-3. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures. For more information, contact Joe Medici, Airport Planner, 530-6563.

## AUSTIN FIRST CHURCH, UPC

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1203 OLD BASTROP HWY.

P.O. BOX 17096

AUSTIN, TEXAS 78760

PHONE: (512) 385-8995

PASTOR: REV. CHARLES STEPHENS

EMAIL: CSTEPHENS6@AUSTIN.RR.COM

August 22, 2005

City Council and Zoning and Platting Commission

Re: C-14-05-0135; The rezoning of the JHX2/Lampting Joint Venture Property,  
located at the intersection of Highway 183, Highway 71, and Ben White in Austin,  
Texas 78742 (the "property")

Dear members of the Zoning and Platting Commission and City Council:

I met with Mr. Dan Davidson on August 16, 20005 and heard a presentation regarding the above-referenced case. Our church owns the adjacent property. On behalf of our church, I would like to state, we fully support the rezoning of the property in the above-referenced case to the CH zoning category. We hope that the Zoning and Platting Commission and City Council will approve the rezoning of the Property.

Sincerely,

AUSTIN FIRST CHURCH  
UNITED PENTECOSTAL CHURCH

Charles Stephens



Pastor

FROM :

PHONE NO. : 5123455658

Oct. 18 2005 11:08AM P2

*Hand Copy*

Mr. William Hightower  
1308 Hyman Lane  
Austin, Tx 78742

October 16, 2005

To: The Land Use Commission and City Council

Ref: C-14-05-0135 The rezoning of the property located just north-east of intersections of Highway 183, Highway 71, Old Bastrop Highway and Ben White Boulevard.

The undersigned and two other homeowners in the Richland Estate Neighborhood met with Mr. Dan Davidson on October 12, 2005. Mr. Davidson is one of the owners of the property in question. We heard a thorough presentation concerning the type of development for the referenced property. As three of the homeowners, we would support the rezoning to the CH zoning category.

As President of the Richland Estates Neighborhood Association, I have informed each homeowner of the presentation by Mr. Davidson via letter. Also they were given the date and time of the rezoning hearing which will give them the opportunity to hear Mr. Davidson's presentation.

Sincerely,

*William Hightower*  
William Hightower

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 1200-1324 DALTON LANE AND 1301-1421 BASTROP HIGHWAY SERVICE ROAD AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT AND GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO COMMERCIAL HIGHWAY-CONDITIONAL OVERLAY (CH-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 interim rural residence (I-RR) district and general commercial services (CS) district to commercial highway-conditional overlay (CH-CO) combining district on the property described in Zoning Case No. C14-05-0135, on file at the Neighborhood Planning and Zoning Department, as follows:

A 60.052 acre tract of land, more or less, out of the Santiago del Valle Grant in Travis County, Save and Except a 28.989 acre tract of land out of the Santiago del Valle Grant, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1200-1324 Dalton Lane and 1301-1421 Bastrop Highway Service Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The maximum height of a building or structure is 90 feet from ground level.
2. The following uses are prohibited uses of the Property:

Bed and breakfast residential (Group 1)  
Bed and breakfast residential (Group 2)  
Multifamily residential

Condominium residential  
Group residential  
Townhouse residential

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

**PART 3.** This ordinance takes effect on January 1, 2005, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005

Will Wyman  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith Shirley A. Brown  
City Attorney City Clerk



Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

60.052 ACRES  
SANTIAGO DEL VALLE GRANT

A DESCRIPTION OF A 60.052 ACRE TRACT OF LAND SITUATED IN THE SANTIAGO DEL VALLE GRANT, BEING A PORTION OF A 60.289 ACRE TRACT OF LAND CONVEYED TO BETTY HILL COOK IN A GENERAL WARRANTY DEED, DATED NOVEMBER 18, 1998 AND RECORDED IN VOLUME 13317, PAGE 63 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 60.052 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the northwest right-of-way line of Dalton Lane (right-of-way width varies), being the east corner of the said 60.289 acre tract, being also the south corner of a 27.610 acre tract of land described in Volume 12606, Page 1471 of the Real Property Records of Travis County, Texas;

THENCE with the northwest right-of-way line of Dalton Lane and the southeast line of the said 60.289 acre tract the following two (2) courses:

1. South 42°41'29" West, a distance of 70.58 feet to a 1/2" rebar found;
2. South 42°47'36" West, a distance of 1663.94 feet to a TxDot type II disk found in the southeast line of the said 60.289 acre tract, being also the east corner of a 0.256 acre tract of land described in Document No. 2003072561 of the Official Public Records of Travis County, Texas;

THENCE with the northwest right-of-way line of Dalton Lane, the northwest line of the said 0.256 acre tract and over and across the said 60.289 acre tract the following three (3) courses:

1. South 47°39'24" West, a distance of 231.21 feet to a TxDot type II disk found;
2. South 42°58'45" West, a distance of 43.09 feet to a TxDot type II disk found;
3. South 79°06'15" West, a distance of 32.86 feet to a TxDot type II disk found for the intersection point of Dalton Lane and U. S. Highway No. 183 (right-of-way width varies);

THENCE with northeast right-of-way line of U. S. Highway No. 183, the northeast line of the said 0.256 acre tract and over and across the said 60.289 acre tract, along a curve to the left, an arc length of 225.19 feet, having a radius of 1295.24 feet and a chord which bears North 69°57'26" West, a distance of 224.91 feet to a 1/2" rebar with cap set in the southwest line of the said 60.289 acre tract, being also the west corner of the said 0.256 acre tract;

THENCE North 56°04'17" West with the northeast right-of-way line of U. S. Highway No. 183 and the southwest line of the said 60.289 acre tract, a distance of 25.28 feet to a concrete highway monument found for the intersection point of U. S. Highway No. 183 and Old State Highway No. 71;

THENCE with the northeast right-of-way line of Old State Highway No. 71 and the southwest line of the said 60.289 acre tract the following two (2) courses:

1. Along a curve to the right, arc length of 290.11 feet, having a radius of 1468.16 feet and a chord which bears North 33°22'58" West, a distance of 289.64 feet to a concrete highway monument found;
2. North 27°36'32" West, a distance of 377.82 feet to a 1/2" rebar found for a west corner of the said 60.289 acre tract, being the south corner of a 2.983 acre tract of land described in Volume 10129, Page 590 of the Real Property Records of Travis County, Texas;

THENCE with the common line of the said 60.289 acre tract and the said 2.983 acre tract, the following two (2) courses:

1. North 62°12'19" East, a distance of 484.92 feet to a 1/2" rebar found for an interior corner of the said 60.289 acre tract, being the east corner of the said 2.983 acre tract;
2. North 27°47'40" West, a distance of 656.18 feet to a 1/2" rebar found for a west corner of the said 60.289 acre tract, being the north corner of the said 2.983 acre tract, being also in the southeast line of a 5.762 acre tract of land described in Volume 8338, Page 553 of the Deed Records of Travis County, Texas;

THENCE North 43°11'28" East with the northwest line of the said 60.289 acre tract and the southeast line of the said 5.762 acre tract, a distance of 444.39 feet to a 1/2" rebar found for an angle point in the northwest line of the said 60.289 acre tract, being the east corner of the said 5.762 acre tract, being also the south corner of a 26.04 acre tract of land described in Volume 9665, Page 120 of the Real Property Records of Travis County, Texas;



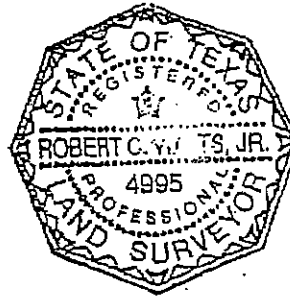
THENCE North 42°35'03" East with the northwest line of the said 60.289 acre tract and the southeast line of the said 26.04 acre tract, a distance of 1088.57 feet to a 1" square bolt found for the north corner of the said 60.289 acre tract, being an angle point in the southeast line of the said 26.04 acre tract, being also the west corner of the said 27.610 acre tract;

THENCE South 35°40'26" East with the northeast line of the said 60.289 acre tract and the southwest line of the said 27.610 acre tract, a distance of 1395.42 feet to the POINT OF BEGINNING, and containing 60.052 acres of land, more or less.

Surveyed on the ground June 21, 2000 and updated March 26, 2004. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN Values from LCRA control network. Attachments: Survey Drawing 014-090-T1.

*Robert C. Watts, Jr.*

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



**SAVE AND EXCEPT  
THE FOLLOWING 28.989 ACRES**

FIELD NOTES  
FOR

28.989 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 60.289 ACRE TRACT OF LAND DESCRIBED IN VOLUME 13317, PAGE 63 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron pin found at the Southeast corner of said 60.289 acre tract, being in the North r.o.w. line of Dalton Lane for the Southeast corner and PLACE OF BEGINNING hereof;

THENCE along the South line of said 60.289 acre tract, being along the North r.o.w. line of Dalton Lane, S 42°41'29" W for a distance of 70.58 feet to a ½ inch iron pin found and S 42°49'28" W for a distance of 735.00 feet to a point for the Southwest corner hereof;

THENCE along the West line of the herein described tract for the following courses:

S 76°07'50"W for a distance of 22.95 feet to an angle point  
N 73°00'00" W for a distance of 100.00 feet to an angle point  
N 80°00'00" W for a distance of 73.00 feet to an angle point  
N 71°20'00" W for a distance of 60.00 feet to an angle point  
N 63°20'00" W for a distance of 57.50 feet to an angle point  
N 55°50'00" W for a distance of 62.00 feet to an angle point  
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N 34°30'00" W for a distance of 193.00 feet to an angle point  
N 42°15'00" W for a distance of 65.00 feet to an angle point  
N 35°10'00" W for a distance of 119.00 feet to an angle point  
N 38°20'00" W for a distance of 182.00 feet to an angle point  
N 29°30'00" W for a distance of 45.00 feet to an angle point  
N 03°30'00" W for a distance of 23.00 feet to an angle point  
N 25°10'00" E for a distance of 25.00 feet to an angle point

FIELD NOTES  
FOR

28.989 ACRES OF LAND

N 35°50'00" E for a distance of 85.00 feet to an angle point

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N 48°45'00" W for a distance of 23.50 feet to an angle point

N 24°55'00" W for a distance of 31.50 feet to an angle point

N 19°40'00" W for a distance of 50.00 feet to a point in the North line of said 60.289 acre tract for the Northwest corner hereof;

THENCE along the North line of said 60.289 acre tract, N 42°35'03" E for a distance of 675.00 feet to an iron bolt found at the Northeast corner of said 60.289 acre tract, for the Northeast corner hereof;

THENCE along the East line of said 60.289 acre tract, S 35°40'26" E for a distance of 1395.42 feet to the PLACE OF BEGINNING and containing 28.989 of land, more or less.

SURVEYED BY:

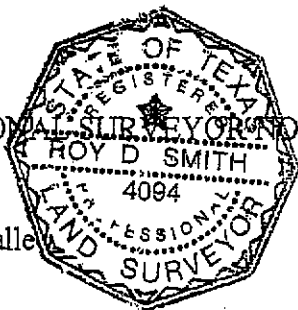
Roy D. Smith Surveyors, P.C.

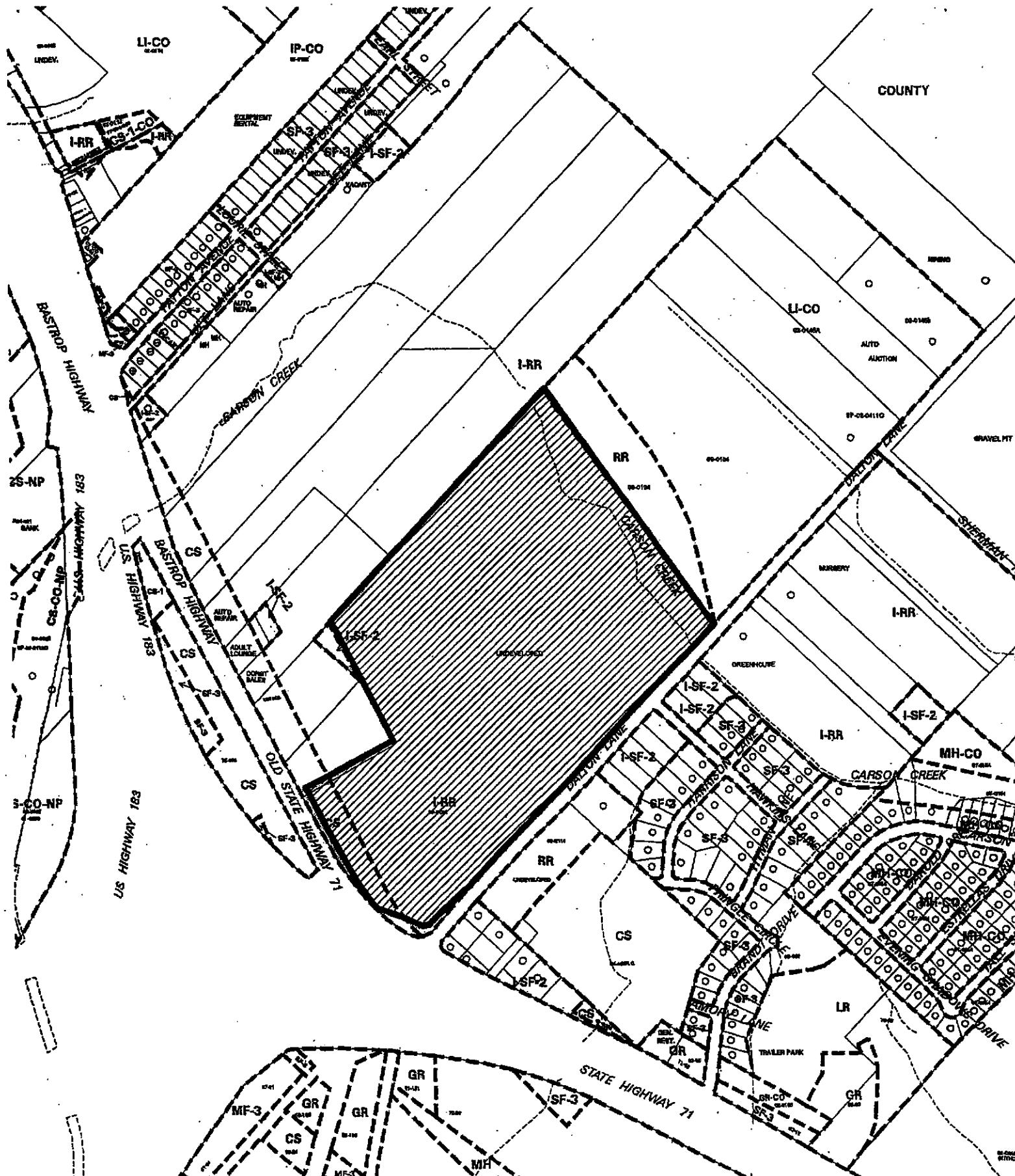
  
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094

June 29, 2005

28.989 ac. - Santiago del Valle





 1" = 600'	<b>SUBJECT TRACT</b> 	<b>ZONING</b>  <b>CASE #: C14-05-0135</b> <b>ADDRESS:</b> 1200-1324 DALTON LANE; 1301-1421 BASTROP HWY SVC RD <b>SUBJECT AREA (acres): 30.300</b>	<b>CITY GRID REFERENCE NUMBER</b>  <b>M18</b>	
	<b>PENDING CASE</b> 			<b>DATE: 05-10</b>
	<b>ZONING BOUNDARY</b> 			<b>INTLS: SM</b>
	<b>CASE MGR: W. WALSH</b>			

**RESTRICTIVE COVENANT**

**OWNER:** JHX2/Lampting Joint Venture, a Texas joint venture

**ADDRESS:** P.O. Box 26676, Austin, Texas 78755-0676

**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 60.052 acre tract of land, more or less, out of the Santiago del Valle Grant in Travis County, Save and Except a 28.989 acre tract of land out of the Santiago del Valle Grant, the tracts of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

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

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Robert J. Halls and Associates, dated November 2005, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 18, 2005. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
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 \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**OWNER:**

**JHX2/Lampting Joint Venture,  
a Texas joint venture**

By: Lampting, Inc.,  
a Texas corporation,  
Managing Venturer

By: \_\_\_\_\_  
C.W. Hetherly, Jr.,  
President

**THE STATE OF TEXAS           §**

**COUNTY OF TRAVIS           §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2005, by C.W. Hetherly, Jr., President, of Lampting, Inc., a Texas corporation, on behalf of the corporation, and the corporation acknowledged this covenant as Managing Venturer, on behalf of JHX2/Lampting Joint Venture, a Texas joint venture.

\_\_\_\_\_  
Notary Public, State of Texas

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

Restrictive covenant  
Lampting Tract



Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

60.052 ACRES  
SANTIAGO DEL VALLE GRANT

A DESCRIPTION OF A 60.052 ACRE TRACT OF LAND SITUATED IN THE SANTIAGO DEL VALLE GRANT, BEING A PORTION OF A 60.289 ACRE TRACT OF LAND CONVEYED TO BETTY HILL COOK IN A GENERAL WARRANTY DEED, DATED NOVEMBER 18, 1998 AND RECORDED IN VOLUME 13317, PAGE 63 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 60.052 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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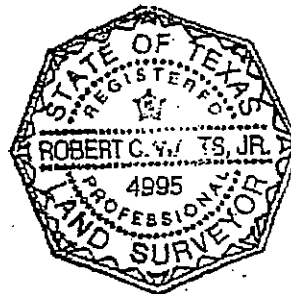
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*Robert C. Watts, Jr.*

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



**SAVE AND EXCEPT  
THE FOLLOWING 28.989 ACRES**

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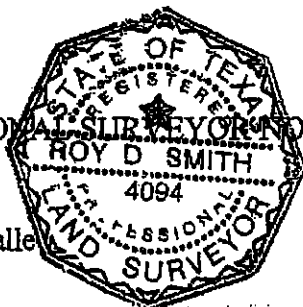
Roy D. Smith Surveyors, P.C.

*Roy D. Smith*  
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094

June 29, 2005

28.989 ac. - Santiago del Valle



**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**  
**Lampting Tract**