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AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT NORTH F.M. 620 ROAD AND RIDGELINE BOULEVARD FROM LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT, COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT, GENERAL COMMERCIAL SERVICES (CS) DISTRICT, AND COMMERCIAL HIGHWAY (CH) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT FOR TRACT ONE AND LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT FOR TRACT TWO.

## 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 on the property (the "Property") described in Zoning Case No C14-06-0134, on file at the Neighborhood Planning and Zoning Department, as follows

Tract One From limited office-conditional overlay (LO-CO) combining district, community commercial-conditional overlay (GR-CO) combining district, general commercial services (CS) district, and commercial highway (CH) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district.

A 56 04 acre tract of land, more or less, out of the Rachel Saul Survey, Abstract No 551, Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, Save and Except a 2 579 acre tract described in Tract Two in this ordinance, and

Tract Two From limited office-conditional overlay (LO-CO) combining district, community commercial conditional overlay (GR-CO) combining district, general commercial services (CS) district, and commercial highway (CH) district to limited office-conditional overlay (LO-CO) combining district

A 2 579 acre tract of land, more or less, being a part of a 56 04 acre tract out of the Rachel Saul Survey, Abstract No 551, Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance,

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locally known as the property located at North F M 620 Road and Ridgeline Boulevard, in the City of Austin, Williamson County, Texas, and generally identified in the map attached as Exhibit "C"

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

- Tract Two shall be preserved as a buffer between development on Tract One and the adjoining residential properties to the west of the tract identified as Shenandoah Section 5 Subdivision ("Shenandoah") A 50-foot wide vegetative buffer shall be provided and maintained in a natural state for its entire length Improvements permitted within the buffer zone are limited to a fence, drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance
- 2 An eight foot high fence shall be provided and maintained along the west property line of Tract Two
- Outdoor sports and recreation use and outdoor entertainment use are prohibited uses of the Property
- 4 Vehicular access from the Property to Jackson Drive is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
- 5 Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent properties
- Within an area 300 feet from the eastern property line of Shenandoah, the following uses are prohibited uses of Tract One

Automotive repair services Restaurant (general) Theater Club or lodge Automotive washing (of any type) Restaurant (limited) Indoor entertainment

A building setback line shall be established on Tract One 100 feet from the eastern property line of Shenandoah to run in a north-south direction only the length of Shenandoah

Page 2 of 3

COA Law Department

8	The he	ight of a building or structu	re on Tract C	one shall be	
	a)	30 feet above ground lev line established in Subparand		<del>-</del>	
	b)	45 feet above ground l beginning at 200 feet from			within the area
use	d in acc	pecifically restricted under ordance with the regulationable requirements of the Ci	ns establishe		•
PAI	RT 3. T.	his ordinance takes effect o	n	t t	, 2006
PAS	SSED A	ND APPROVED			
		, 2006	\$ \$ 5		
		, 2000	3	Will Wynn Mayor	
API	PROVE	D:David Allan Smith	ATTEST	ΓShirley A	Contra
		City Attorney		City Cl	•

#### FIELD NOTE DESDRIPTION

56.04 ACRES OF LAND SITUATED IN THE RACHEL SAUL SURVEY, ABSTRACT NO. 551 IN WILLIAMSON COUNTY, TEXAS, AND BEING THE REMAINDER OF THE TRACT DESCRIBED IN DOCUMENT NO. 2000008709 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A TXDOT CONCRETE MONUMENT FOUND ON THE WEST RIGHT-OF-WAY OF REDGELINE BLVD. AND THE NORTH FUTURE RIGHT-OF-WAY OF RM 620, FOR THE SOUTHBAST CORNER OF THE HEREIN DESCRIBED TRACT:

THENCE WITH THE SAID FM 620 ROW THE FOLLOWING 2 COURSES AND DISTANCES: 1. \$ 26°23'02" W 119.28 FBET TO A TXDOT MONUMENT FOUND.

2. 8 71°17'25" W 758.22 FEET TO AN IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT:

THENCE N 18°11'54" W 118,64 FEET TO AN IRON PIPE FOUND AT THE SOUTHEAST CORNER OF A 12 4738 ACRE TRACT RECORDED IN DOC NO 9533689 OPRWC:

THENCE WITH THE EAST LINE OF THE SAID 12 4739 ACRE TRACT THE FOLLOWING 3 COURSES AND DISTANCES:

- 1. N 18°09'28" W 152.59 FEET TO AN IRON ROD FOUND
- 2. N 18°06'32" W 281.30 FEBT TO AN IRON ROD FOUND.

()

3. N 17°59'38" W 99.26 FEET TO AN IRON ROD FOUND AT THE SOUTHEAST CORNER OF A 7 05 ACRE TRACT RECORDED IN VOLUME 888, PAGE 796 OPRWC;

THENCE N 18°16'54" W 524.79 FEET TO AN IRON ROD FOUND AT THE SOUTHEAST CORNER OF SHENANDOAH SUBDIVISION, SECTION 4,

THENCE N 18°07'58" W 1710.62 FEBT TO AN IRON ROD FOUND AT THE SOUTHWEST CORNER OF A 10 45 ACRE TRACT RECORDED IN VOLUME 1624, PAGE 217 OPRWC;

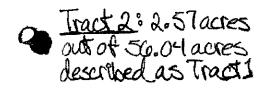
THENCE WITH THE SOUTH LINE OF THE SAID 10.45 ACRE TRACT THE FOLLOWING 3 COURSES AND DISTANCES:

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- 2. N 35°21'03" E 179.23 FEET TO AN IRON ROD FOUND
- 3 N 65°51'24" E 469 80 FEET TO AN IRON ROD FOUND AT THE SOUTHWEST CORNER OF A 1.115 ACRE TRACT RECORDED IN DOC NO 9807932 OPRWC,

THENCE S 78°07'45" E 524.00 FEET TO AN IRON ROD FOUND AT THE SOUTHEAST CORNER OF A 3.04 ACRE TRACT RECORDED IN VOLUME 2717, PAGE 262 OPRWC, AND BEING ALSO ON THE WEST SAID RIGHT-OF-WAY OF RIDGELINE BLD, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT:

THENCE WITH THE SAID ROW THE FOLLOWING 14 COURSES AND DISTANCES: 1. S 04°41'03" E 27.58 FEET TO AN IRON ROD FOUND.

- 2. WITH A CURVE TO THE RIGHT WHOSE RADIUS=604.15 FEET, TANGENTS=193.78 FEET, ARC=975.04 FEBT AND WHOSE CHORD BEARS 8 07°10'47" W 369.05 FEET TO AN IRON ROD FOUND.
- 3. S 24°12'56" W 306.62 FEET TO AN IRON ROD FOUND.
- 4. WITH A CURVE TO THE LEFT WHOSE RADIUS=1015.66 FEET, TANGENTS=384.76 PEET, ARC=735.59 FEET AND WHOSE CHORD BEARS S 04°09'06" W 719.62 FEET TO AN IRON ROD FOUND.
- 5. S 16"35"19" E 500.51 FEET TO AN IRON ROD FOUND.
- 6. WITH A CURVE TO THE LEFT WHOSE RADIUS-1111.80 FEET, TANGENTS-236.29 FEET, ARC-465.64 FEET AND WHOSE CHORD BEARS S 28°33'31" E 462.25 FEET TO AN IRON ROD FOUND.
- 7. S40°45'12"E 14.12 FEET TO AN IRON ROD FOUND.
- 8. WITH A CURVE TO THE LEFT WHOSE RADIUS=301.50 FEET, TANGENTS=22.14 FEET, ARC=44.19 FEET AND WHOSE CHORD BEARS \$ 36°02'34" E 44.15 FEET TO AN IRON ROD FOUND.
- 9. S 38°51'43" B 95 59 FEET TO AN IRON ROD FOUND
- 10. WITH A CURVE TO THE LEFT WHOSE RADIUS-959.83 FEET, TANGENTS-2.14 FEET, ARC-4.27 FEET AND WHOSE CHORD BEARS \$ 38°14'49" E 4.27 FEET TO A PK NAIL FOUND.
- 11. S 43°11'38" E 144 40 FEET TO AN IRON ROD FOUND
- 12. S 40°31'46" E 159.12 FEET TO AN IRON ROD FOUND.
- 13. WITH A CURVE TO THE RIGHT WHOSE RADIUS=600.00 FEBT, TANGENTS=117.39 FEET, ARC=231.86 FEET AND WHOSE CHORD BEARS S 29°31'30" E 230.42 FEBT TO AN IRON ROD FOUND
- 14. S 18°27'24" E 147.93 FEBT TO THE POINT OF BEGINNING, CONTAINING 56.04 ACRES OF LAND, MORE OR LESS



FIELD NOTES FOR ZONING RACHEL SAUL SURVEY 2.579 ACRES, 50' STRIP OUT OF TRACT 26 PAGE 1 OF 1

# EXHIBIT B DESCRIPTION

DESCRIPTION OF 2.579 ACRES OF LAND LOCATED IN THE RACHEL SAUL SURVEY, ABSTRACT NO 551, WILLIAMSON COUNTY, TEXAS, SAME BEING A PORTION OF A CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO BEW VACKAR PARTNERSHIP AS TRACTS "B" and "C", IN VOLUME 1164, PAGE 919, SAID 2 579 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a concrete monument found in the west line of said B&W Vackar Partnership tract from which monument an iron rod found at the southwest corner of tract "D" described in said B&W Vackar Partnership deed bears \$20°34'55"E, 1,003.25 feet;

THENCE, along said west line N20°34'55"W, passing an iron rod found (0 18' right of said bearing) at 1,147 86 feet for a total distance of 2,185 05 feet to an iron rod set,

THENCE, N1°23'17"E, 133 65 feet with the south line of a tract of land described in a deed to the City of Austin as recorded in Volume 1624, Page 217 of the Deed Records of Williamson County, Texas, and through the interior of said B&W Vackar Partnership tract "B" to a point,

THENCE, through the interior of said B&W Vackar Partnership, tracts "B" and "C", S20°34'55"E, 2,308.97 feet to a point on the southern line of Tract 26,

THENCE, continuing through the interior of said B&W Vackar Partnership, tract "C", S69°23'58"W, 50 00 feet to THE POINT OF BEGINNING and containing 2.579 acres of land

The bearing basis for this survey is the east line of Lot 4, Lakeline, Section One, a subdivision of record in Cabinet "H", Slides 173-175, Plat Records of Williamson County, Texas

Field Notes Prepared by URBAN DESIGN GROUP

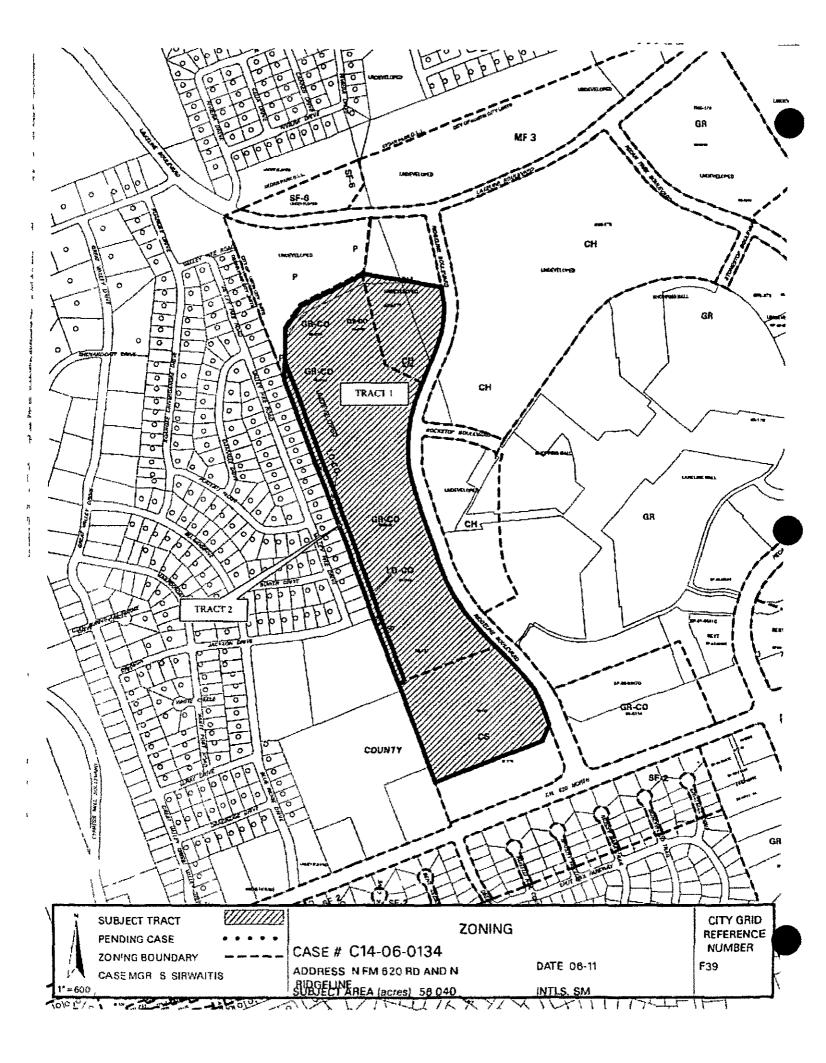
P O Pox 26912

Austin, Texas 78755 (512) 346-2353

Date

John Noell, R P L S. #2433

LAKELINE\RACHELSA PY



Item#45

# Zoning Case No. C14-06-0134

## RESTRICTIVE COVENANT

OWNER

Lakeline Austin Development, Ltd., a Texas limited partnership

**ADDRESS** 

1508 South Lamar Boulevard, Austin, Texas 78704

CONSIDERATION

Ten and No/100 Dollars (\$1000) 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 56 04 acre tract of land, more or less, out of the Rachel Saul Survey, Abstract No 551, Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant, Save and Except a 2 579 acre tract described in Tract Two in this covenant, and

A 2 579 acre tract of land, more or less, being a part of a 56.04 acre tract out of the Rachel Saul Survey, Abstract No 551, Williamson County, the tract of land being more particularly described by metes and bounds in Exhibit "B" attached and 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

- Owner shall provide and maintain an eight-foot high stone or masonry fence along the west property line adjacent to Shenandoah Section 5 Subdivision
- 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
- 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
- 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	a majority of the members of the	City C to the n	d, or terminated only by joint action of both (a Council of the City of Austin, and (b) by the nodification, amendment or termination at the ermination
	EXECUTED this the 27th day	of <u>/</u>	Dovembel 2006
		OWN	NER·
		Lake a Tex	line Austin Development, Ltd., as limited partnership
		Ву	GP Lakeline Austin Development, Inc. a Texas corporation, its sole general partner
			By Ralph Reed, Vice President
APPR	OVED AS TO FORM		
	ant City Attorney f Austin		
THE S	STATE OF TEXAS §		
COUN	NTY OF TRAVIS §		
corpor	This instrument was acknowledged by Ralph Reed, Vice President of ation, general partner of Lakeline Au alf of the corporation and the partner	istin De	me on this the 27 day of Newber akeline Austin Development, Inc., a Texas evelopment, Ltd., a Texas limited partnership,
F		$\int$	indr das
	CINDY GRAY Notary Public, State of Texas My Commission Expires April 10, 2009	Notar	Public, State of Toxas

#### FIELD NOTE DESCRIPTION

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(Tract 2: 2.579 acres act of 500.04 acres descri as tract 1

FIELD NOTES FOR ZONING
RACHEL SAUL SURVEY
2.579 ACRES, 50' STRIP OUT OF TRACT 26
PAGE 1 OF 1

#### DESCRIPTION

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The bearing basis for this survey is the east line of Lot 4, Lakeline, Section One, a subdivision of record in Cabinet "H", Slides 173-175, Plat Records of Williamson County, Texas

Field Notes Prepared by

URBAN DESIGN GROUP P O. Box 26912

Austin, Texas 78755

(512) 346-2353

LAKELINE\RACHELSA PN

John Woell, R P.L S #2433

Hate. 8-26-0

9727 -

After Recording, Please Return to City of Austin Department of Law P O Box 1088 Austin, Lexas 78767 Attention' Diana Minter, Paralegal