

#418
03-24-05

ORDINANCE NO.

1 AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT RELATING
2 TO CITY OF SUNSET VALLEY, TEXAS, SAVE BARTON CREEK
3 ASSOCIATION, INC., AND SAVE OUR SPRINGS ALLIANCE, INC. V. CITY OF
4 AUSTIN, TEXAS AND LOWE'S HOME CENTER, INC., CAUSE NO. GV-400101
5 IN THE 201ST JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS;
6 SUPERSEDING THE REQUIREMENTS OF THE CITY CODE, INCLUDING
7 CHAPTER 25-8, SUBCHAPTER A, ARTICLE 12 (SAVE OUR SPRINGS
8 INITIATIVE), TO THE EXTENT OF CONFLICT WITH THE TERMS OF THE
9 SETTLEMENT AGREEMENT OR THIS ORDINANCE AND PROVIDING FOR
10 EMERGENCY PASSAGE.
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12 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
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14 **PART 1.** The council approves a settlement agreement relating to *City of Sunset Valley,*
15 *Texas, Save Barton Creek Association, Inc. and Save Our Springs Alliance, Inc., v. City*
16 *of Austin, Texas and Lowe's Home Center, Inc.,* Cause No. GV-400101 in the 201st
17 Judicial District Court of Travis County, Texas, in substantially the form attached as
Exhibit A to this ordinance.

19 **PART 2.** The settlement agreement and this ordinance supersede the requirements of the
20 City Code, including Chapter 25-8, Subchapter A, Article 12 (*Save Our Springs*
21 *Initiative*), to the extent of conflict.

22 **PART 3.** This ordinance is approved by a favorable vote of at least six members of the
23 council.
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1 **PART 4.** There is an urgent need for this ordinance to be immediately effective and
2 allow the parties to take the necessary action to have the Court enter appropriate orders
3 permitting the settlement agreement to take effect, which constitutes an emergency.
4 Because of this emergency, this ordinance takes effect immediately upon its passage for
5 the immediate preservation of the public peace, health, and safety.

6 **PASSED AND APPROVED**

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10 _____, 2005

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11 _____
12 **Will Wynn**
13 **Mayor**

14 **APPROVED:** _____

15 **David Allan Smith**
16 **City Attorney**
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ATTEST: _____

Shirley A. Brown
City Clerk

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