

C7  
2

**RESTRICTIVE COVENANT TERMINATION REVIEW SHEET**

**CASE:** C14-81-013(RCT)

**P.C. DATE:** March 13, 2012

**ADDRESS:** 304 East William Cannon Drive and 6607 Circle S Road

**OWNERS AND APPLICANTS:** NB 26 Properties (Joe F. Stafford)  
6607, Inc. (Andrew Hrenick)

**AGENT:** B. Knightly Development, LLC (Mark Tolley)

**EXISTING ZONING:** GR-MU-CO-NP

**AREA:** 5.47 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends a Termination of the Restrictive Covenant.

**PLANNING COMMISSION RECOMMENDATION:**

March 13, 2012:

**ISSUES:**

None at this time.

**DEPARTMENT COMMENTS:**

The Restrictive Covenant area covers a portion of a service station and food sales use, and an undeveloped area. Please refer to Exhibits A and A-1 (Zoning Map and Aerial Map). The properties have frontage on the north side of William Cannon Drive and the east side of Circle S Road, and were originally configured as Lot 2 of the L.I. Powell Subdivision, a plat recorded in 1971. Please refer to Exhibit B. City File # C14-81-013 rezoned Lot 2 of the L.I. Powell Subdivision from Interim "A" Residence First Height and Area District to "O" Office First Height and Area District (Ordinance No. 810416-D). The restrictive covenant attached to the zoning ordinance states that Lot 2 of the L.I. Powell Subdivision may not have residential dwellings at a density in excess of 17 units per acre. Please refer to Exhibit C (1981 Zoning Ordinance and Restrictive Covenant).

In 1984, City File #C14-84-023 rezoned the area addressed in the 1981 case, as well as other land to the west. The property was rezoned to "GR" General Retail, First Height and Area District by Ordinance No. 840816-J. In 2005, a -Mixed Use combining district was added, in conjunction with the development of the South Congress Combined Neighborhood Plan (City File # C14-05-0105; NP-05-0200). In both the 1984 and 2005 rezonings, the Restrictive Covenant was not changed with this rezoning and thus, continues to apply to the property. Please refer to Exhibit D (1984 Zoning Ordinance).

The area covered by the Restrictive Covenant was replatted in 1997 and now consists of portions of Lots 1 and 2, Block A of Racetrac Subdivision No. 1. This subdivision was created under City File #C8-96-100.0A, and recorded in Travis County Deed Records, Volume 99, Pages 256-7, on August 15, 1997. Please refer to Exhibit E (1997 Plat Covering the Restrictive Covenant Area).

A site plan was approved for Lots 1 and 2 of the Racetrac Subdivision in 1997. Under City File # SP-96-0241C, a service station/food sales use was designed with most of the improvements on Lot 1, but shares a driveway and water quality features with Lot 2. Any future development on the subject tract cannot adversely affect compliance by the previously approved site development permit. Except for the shared driveway and water quality features, Lot 2 has remained undeveloped. Please refer to Exhibit F (Existing Site Plan).

The owner of Lot 2 now wishes to proceed with multi-family residential development at a density greater than 17 units per acre, and has obtained the signature of the owner of Lot 1 to join the application for removal of the Restrictive Covenant. The original Restrictive Covenant was approved prior to the construction of West William Cannon Drive and at a time when several of the surrounding properties were undeveloped. The current GR-MU-CO-NP zoning on the property allows residential development approximating MF-3/MF-4 density (up to 36 and 54 units per acre, respectively). The adjacent property to the east is zoned MF-2 and the property across William Cannon Drive to the south has MF-3 zoning. For these reasons, Staff supports the Applicants' request for termination of the Restrictive Covenant.

#### **EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b>    | <b>LAND USES</b>  |
|--------------|------------------|---|
| <i>Site</i>  | GR-MU-CO-NP      | Undeveloped; Portion of a site developed with a service station with food sales |
| <i>North</i> | SF-6-NP, SF-3-NP | Restaurant, A few residences, Vehicle storage                                   |
| <i>South</i> | P, SF-3, MF-3    | Library, Undeveloped, Multi-family residences                                   |
| <i>East</i>  | MF-2-NP          | Multi-family residences   |
| <i>West</i>  | GR-MU-CO-NP      | Glass shop; Restaurant (limited); General retail                                |

**NEIGHBORHOOD PLANNING AREA:** South Congress Combined **TIA:** Not required  
(Sweetbriar)

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
627 – Onion Creek Homeowners Association  
742 – Austin Independent School District

786 – Home Builders Association of Greater Austin  
 1037 – Homeless Neighborhood Association      1075 – League of Bicycling Voters  
 1113 – Austin Parks Foundation  
 1173 – South Congress Combined Neighborhood Planning Contact Team  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project      1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.      1340 – Austin Heritage Tree Foundation  
 1363 – SEL Texas

**SCHOOLS:**

Pleasant Hill Elementary School      Bedichek Middle School      Crockett High School

**CASE HISTORIES:**

| NUMBER  | REQUEST                       | COMMISSION | CITY COUNCIL        |
|---|-------------------------------|------------|---------------------|
| C14-05-0105 – Sweetbriar Neighborhood Planning Area Rezoning – Stassney Lane to the North; IH-35 to the east; William Cannon Drive on the south, South 1st Street on the west | Rezoning of 43 tracts of land | To Grant   | Approved (8-18-05). |

**RELATED CASES:**

Please refer to Pages 1 and 2 of this report.

**CITY COUNCIL DATE:** April 5, 2012

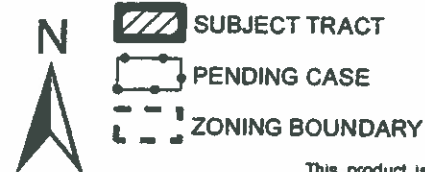
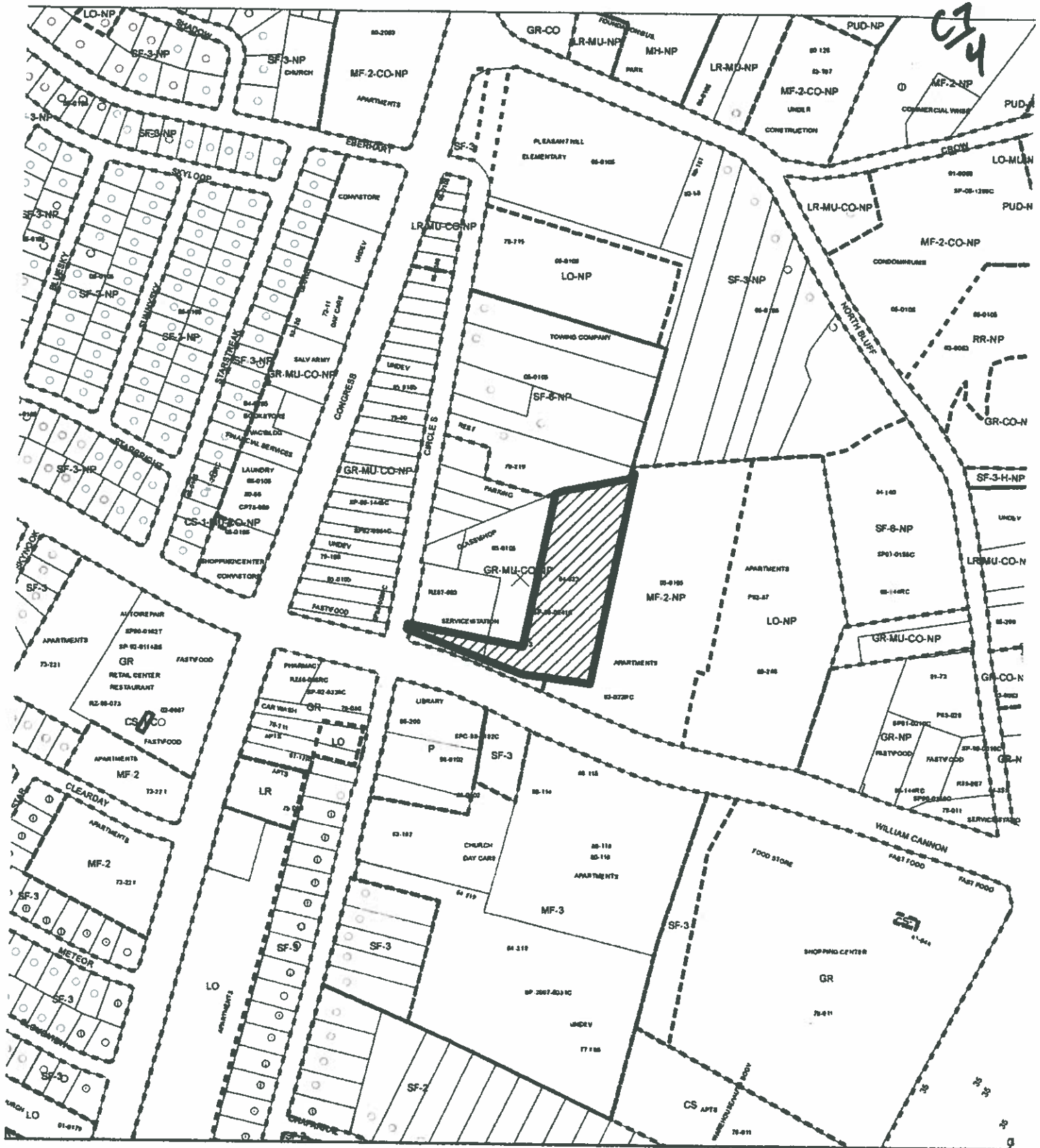
**ACTION:**

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades

**PHONE:** 974-7719

Wendy.rhoades@austintexas.gov



## RESTRICTIVE COVENANT TERMINATION *Exhibit A*

CASE#: C14-81-013(RCT)

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.









# L. I. POWELL SUBDIVISION

## APPROVED FOR ACCEPTANCE

Date: 15 March 1971

**Richard R. Lillie**  
Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE  
CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS  
Date: 15 March 1971

Chairman **W. J. Anderson**  
Secretary **W. J. Anderson**

"In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of streets, roads and other public thoroughfares delineated and shown on this plat, and all drains and culverts necessary to be placed in such streets, roads and other public thoroughfares, or in connection therewith, shall be the responsibility of the owner and/or developer of the tract and covered by this plat, or in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no obligation to build streets, roads and other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith."

## THE STATE OF TEXAS

I, Davis Shropshire, County Clerk of Travis County, Texas, do hereby certify that on the 22 day of March, A.D. 1971, the Commissioners Court of Travis County, Texas, passed an order authorizing the filing of record of this plat and that said order has been duly entered in the minutes of said Court in Book 380 Page 380

WITNESS MY LAND AND SEAL OF OFFICE, this the 22 day of March, A.D. 1971.

By: **David R. Harris** Deputy  
Davis Shropshire  
County Clerk, Travis County, Texas

FILED FOR RECORD  
At 5:45 o'clock P. M. this 23 day of March, A.D. 1971.

By: **Arthur W. Wacker** Deputy  
Davis Shropshire  
County Clerk, Travis County, Texas

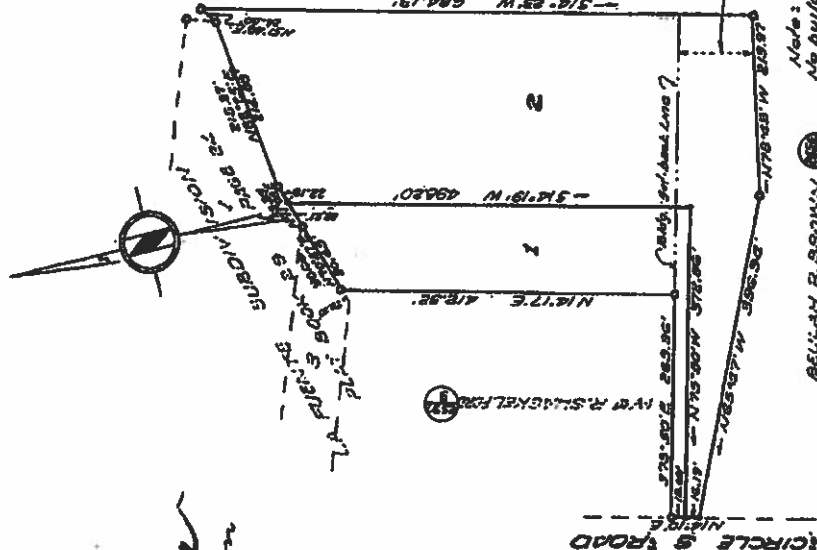
## THE STATE OF TEXAS

I, Davis Shropshire, Clerk of Travis County, Texas, do hereby certify that the within and foregoing instrument of writing with its exhibits of plat and map, duly recorded on the 23 day of March, A.D. 1971 at 5:49 o'clock P. M. in the Public Records of Travis County in Book 53 Page 60.

By: **Arthur W. Wacker** Deputy  
Davis Shropshire  
County Clerk, Travis County, Texas



10.00 P. 2  
PLAN 1202



Note:  
No building shall be erected within this area.

THE STATE OF TEXAS  
COUNTY OF TRAVIS  
Know all men by these presents: That I, Mrs. Willie E. Powell, being the owner of that certain tract out of the West Cannon League in Travis County, Texas, conveyed to Leroy Powell by deed of record in Volume 1301, Page 38, and that 1,098 acre tract out of the West Cannon League in Travis County, Texas, conveyed to L. I. Powell by deed of record in Volume 1777, Page 7, Travis County deed records, do hereby set out this map or plat as my subdivision of said tract, to be known and designated as L. I. POWELL SUBDIVISION and I do hereby dedicate to the public all of the streets and easements as shown hereon.

WITNESS MY LAND this the 13th day of March, A.D. 1971.

## THE STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared Mrs. Willie E. Powell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she had executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 13th day of March, A.D. 1971.



Notary Public in and for Travis County, Texas

## SEPTIC TANK NOTE

Each house constructed in this subdivision shall be connected to a septic tank with a capacity of not less than 750 gallons and with a clean out of not less than 120 feet, and shall be installed in accordance with the regulations of the City-County Health Officer. This restriction is ordered by the City or Austin-Travis County Health Officer for the subdivision.



## LEGEND

- Iron Stake Set
- Iron Stake Found
- Travis County Deed Records
- Scale 1" = 100 Feet

Survey Completed Feb. 23, 1971.  
Fennell B. Gail  
Reg. Public Surveyor #599  
Austin, Texas

U/7

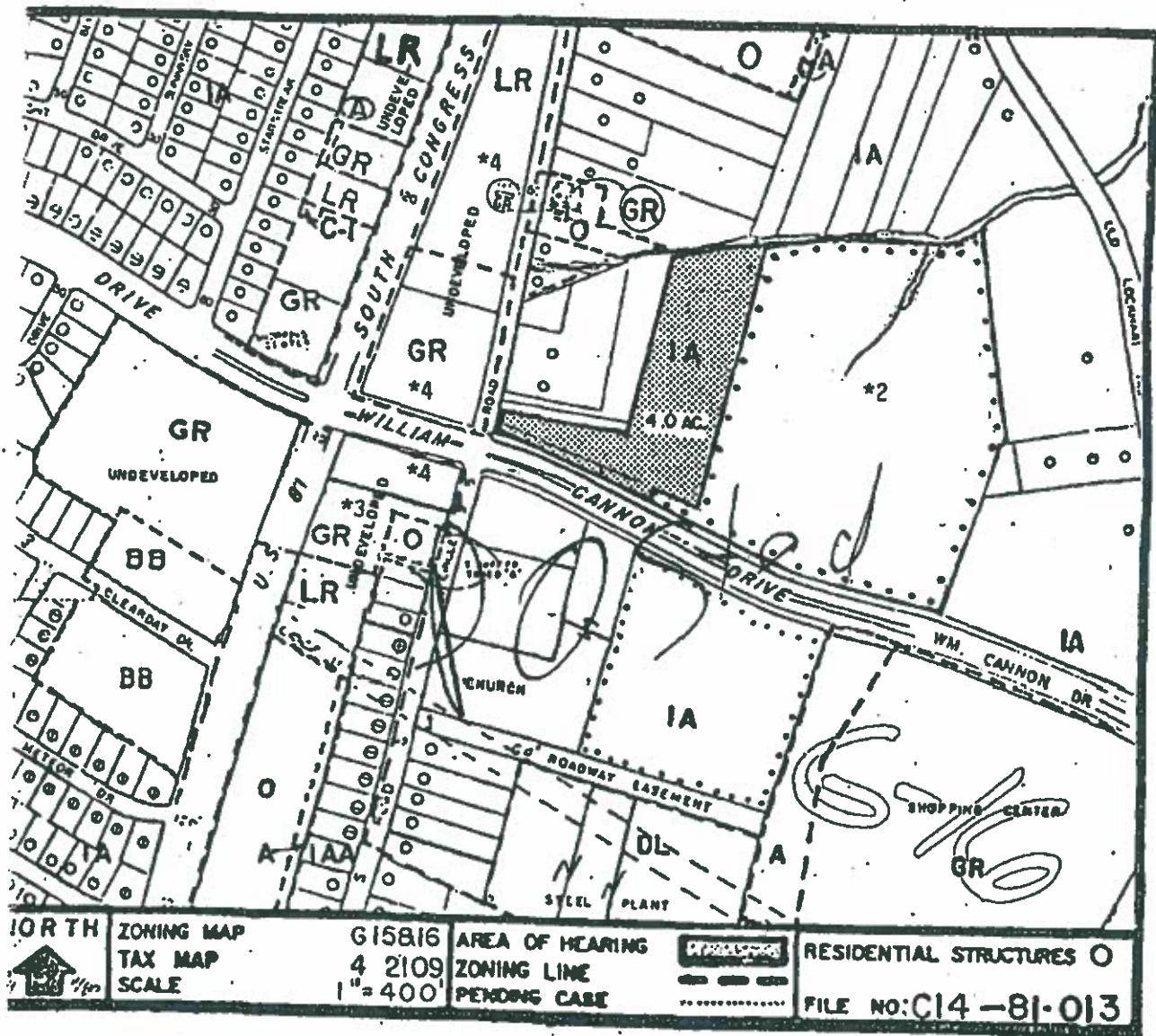


EXHIBIT C

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 2, L. I. POWELL SUBDIVISION, AND AN APPROXIMATE .23 ACRE TRACT OF LAND AND AN .11 ACRE TRACT OF LAND, LOCALLY KNOWN AS 200-306 EAST WILLIAM CANNON DRIVE AND 6603 CIRCLE S ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

**PART 1.** Chapter 45 of the Austin City Code of 1967 is hereby amended to change the USE and HEIGHT and AREA designations from Interim "A" Residence, Interim First Height and Area District to "O" Office, First Height and Area District on the property described in File # ~~2018-0005~~ to-wit:

Lot 2, L. I. Powell Subdivision, a subdivision in the City of Austin, Travis County, Texas, as recorded in Volume 4411, at Page 1344 of the Deed Records of Travis County, Texas; and,

A portion of a 1.51 acre tract out of the William Cannon League conveyed to Hudson Properties by Mike Eledge - 33 LTD by Deed dated May 31, 1974 and recorded in Vol. 4926, Page 623 of the Deed Records of Travis County, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING AT A POINT being the southwest corner of Lot 2, L. I. Powell Subdivision as recorded in Book 53, Page 60 of the Plat Records of Travis County, Texas;

THENCE in a southerly direction N 12° 58' E, 39.88 feet at the point of intersection of Circle "S" Road and William Cannon Drive;

THENCE in a southerly direction  $N 74^{\circ} 58' W$ , 43.92 feet;

THENCE continuing in an easterly direction along a curve N 69° 37' E, 210.4 feet:

THENCE continuing in an easterly direction  $N 64^{\circ} 22' W$ , 60.84 feet;

THENCE in a northerly direction N 12° 58' E, 24.83 feet to a point in the south property line of Lot 2, L. I. Powell Subdivision;



THENCE in a westerly direction N 66° 39' W, 317.01 feet to a POINT OF BEGINNING and containing more or less .23 acres; and,

A 0.11 acre tract out of a tract in William Cannon League conveyed to Hudson Properties by the Pleasant Hill Baptist Church by Deed dated October 23, 1974 and recorded in Volume 5172, Page 1049 in the Deed Records of Travis County, said 0.11 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING AT A POINT in the south property line of Lot 2, L. I. Powell Subdivision and being the northeast corner of a 1.51 acre tract out of the William Cannon League conveyed to Hudson Properties by Mike Eledge - 33 Ltd by Deed dated May 31, 1974 and recorded in Volume 4926, Page 623 of the Deed Records of Travis County;

THENCE in a southerly direction N 12° 58' <sup>S</sup> E, 24.83 feet;

THENCE in an easterly direction N 64° 22' <sup>S</sup> W, 152.30 feet;

THENCE in a northerly direction N 12° 58' E, 47.46 feet to a point in the south property line of Lot 2, L. I. Powell Subdivision;

THENCE in a westerly direction N 79° 38' W, 70.42 feet;

THENCE in a westerly direction N 67° 00' W, 79.88 feet to the POINT OF BEGINNING;

all of the above property being locally known as 200-306 East William Cannon Drive and 6603 Circle S Road, in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 45 of the Austin City Code of 1967 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, which emergency requires the suspension of the rule providing for the reading of an ordinance on three separate days, and requires that this ordinance become effective immediately upon its passage; therefore, the rule requiring the reading on three separate days is hereby suspended and this ordinance shall become effective immediately upon its passage as provided by the Charter of the City of Austin.

PASSED AND APPROVED

April 16, 1981

*Charles R. Kates, Jr.*  
Mayor

APPROVED:

*Albert D. L. R.*  
City Attorney

ATTEST:

*Grace Monahan*  
City Clerk

:cf

ZONING CASE NO. C14-81-013

RESTRICTIVE COVENANT

THE STATE OF TEXAS: 1981 (1)  
COUNTY OF TRAVIS (1)

2-55-2641

WHEREAS, DWIGHT DAVID SLOAN and wife, CYNTHIA M. SLOAN, of Travis County, Texas, are the owners of the following described property, to-wit:

MAY 8 '81

Lot 2, L. I. Powell Subdivision, City of Austin, Travis County, Texas

PLANNING DEPT.

WHEREAS, the City of Austin and DWIGHT DAVID SLOAN and CYNTHIA M. SLOAN have agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW THEREFORE, DWIGHT DAVID SLOAN and CYNTHIA M. SLOAN for and in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on them, their successors and assigns, as follows, to-wit:

1. In the event apartments or other residential dwellings are constructed upon the property, they shall be constructed at a density of 17 single family units or less per acre.

2. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempt-

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ing to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

3. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

4. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owners of the above described property at the time of such modification, amendment or termination.

EXECUTED, this the 24 day of March, 1981.

  
DWIGHT DAVID SLOAN

  
CYNTHIA M. SLOAN

THE STATE OF TEXAS       ()  
                                      ()  
COUNTY OF TRAVIS       ()

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared DWIGHT DAVID SLOAN and CYNTHIA M. SLOAN, known to



C7/12

2-56-2643

me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 24<sup>th</sup> day of March, 1981.

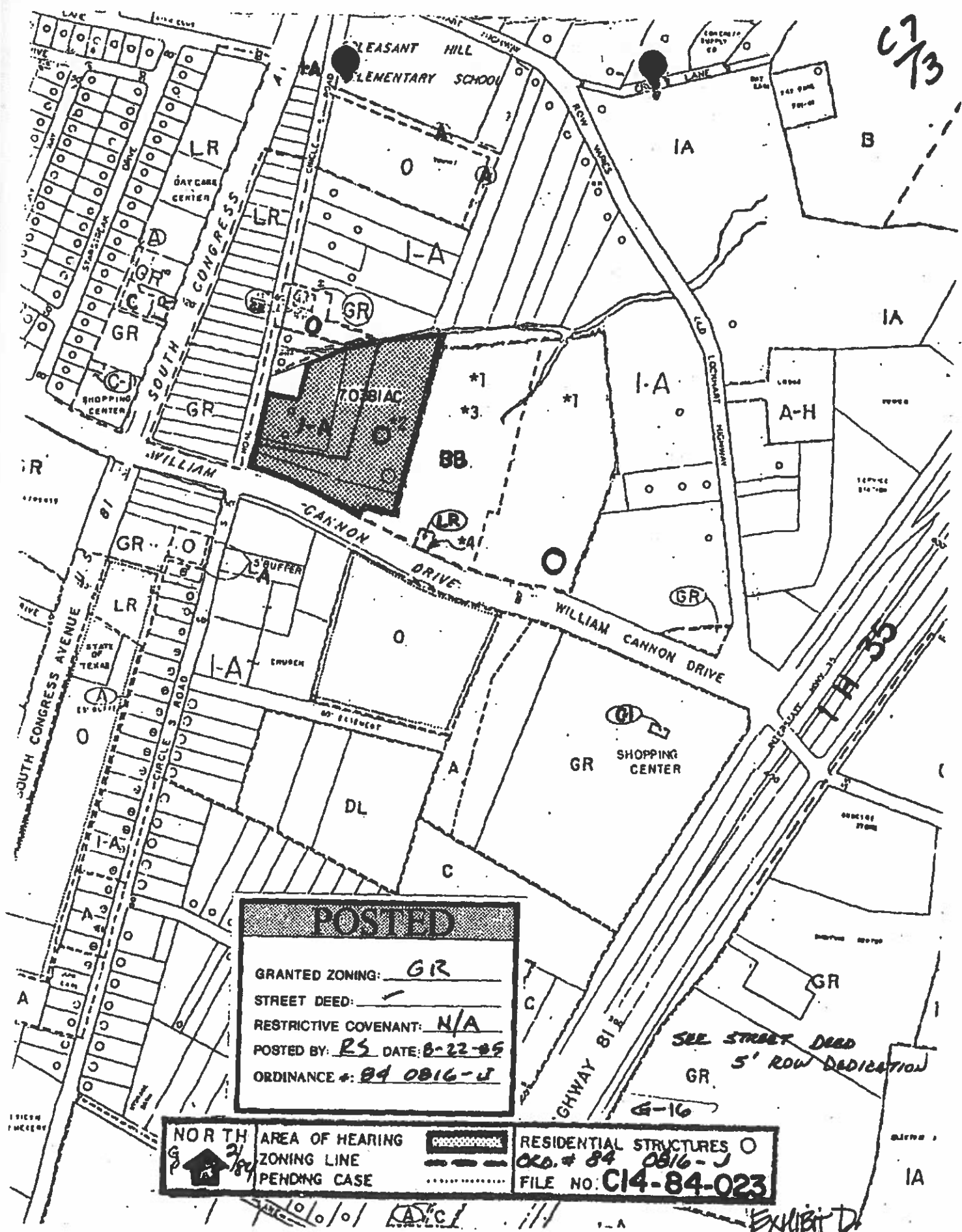
NOTARY SEAL

*Gwendolyn E. Barton*  
Notary Public in and for Travis  
County, Texas  
GWENDOLYN E. BARTON  
My commission expires:  
11-23-83



FILED  
APR 29 8 25 AM '81  
*Gwendolyn E. Barton*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

C7/3



**POSTED**

GRANTED ZONING: GR

STREET DEED: ✓

RESTRICTIVE COVENANT: N/A

POSTED BY: RS DATE: 8-22-85

ORDINANCE #: 84 0816-J

SEE STREET DEED  
5' ROW DEDICATION

|  |                 |  |                            |
|--|-----------------|--|----------------------------|
|  | AREA OF HEARING |  | RESIDENTIAL STRUCTURES     |
|  | ZONING LINE     |  | ORD. # <u>84 0816-J</u>    |
|  | PENDING CASE    |  | FILE NO. <u>C14-84-023</u> |

EXHIBIT D

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:  
LOTS 1 AND 2, L.I. POWELL SUBDIVISION; AND,  
LOT 1, ANNIE SHACKLEFORD SUBDIVISION; AND,  
7,768 SQUARE FEET OF LAND OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE; AND,  
4,787 SQUARE FEET OF LAND, MORE OR LESS OUT OF THE WILLIAM CANNON LEAGUE, FROM INTERIM "A" RESIDENCE AND "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT, ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 6603-6609 CIRCLE S ROAD AND 200-300 WILLIAM CANNON DRIVE; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. CHAPTER 13-2 of the Austin City Code of 1981 is hereby amended to change the USE and HEIGHT and AREA designations from Interim "A" Residence and "O" Office, First Height and Area District to "GR" General Retail, First Height and Area District on the property described in File C14-84-023, to-wit:

Lots 1 and 2, L.I. Powell Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 53, Page 60 of the Plat Records of Travis County, Texas; and,

Lot 1, Annie Shackleford Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 64, Page 60 of the Plat Records of Travis County, Texas; and,

All of that certain parcel or tract of land being 7,768 square feet of land, same being out of and a part of that certain tract of land out of the William Cannon League in the City of Austin, Travis County, Texas, which tract of land was conveyed to the City of Austin, a municipal corporation, by Constable's Deed dated June 22, 1981 of record in Volume 7474, Page 198 of the Deed Records of Travis County, Texas; said 7,768 square feet of land being more



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particularly described by metes and bounds as follows:

BEGINNING, at the northwest corner of the herein described tract of land, same being the intersection of the north line of said City of Austin tract of land, which line is the south line of Lot 2, L.I. Powell Subdivision, a subdivision of record in Book 53 at Page 60 of the Plat Records of Travis County, Texas, with the proposed east line of Circle S Road, said line being ten (10.00) feet east of and parallel to the present east line of said Circle S Road, and from which point of beginning the southwest corner of said Lot 2 bears N 65° 47' 00" W 10.16 feet and N 13° 50' 00" E 16.26 feet;

THENCE, with the south line of said Lot 2, L.I. Powell Subdivision, S 65° 47' 00" E 306.85 feet to an iron pin found at the northeast corner of said City of Austin tract of land, same being the northeast corner of the herein described tract of land;

THENCE, with the east line of said city of Austin tract of land, S 14° 20' 00" W 24.83 feet to an iron pin found at the southeast corner of the herein described tract of land, same being a point in the north line of William Cannon Drive;

THENCE, with said north line of William Cannon Drive, N 63° 30' 00" W 60.84 feet to an iron pin found at the point of curvature of a curve having an angle of intersection of 10° 30', a radius of 1,148.29 feet and a tangent distance of 105.51 feet;

THENCE, continuing with the north line of William Cannon Drive along said curve to the left an arc distance of 210.44 feet, the long chord of which arc bears N 68° 45' 00" W 210.14 feet to an iron pin found at the point of tangency of said curve;

THENCE, continuing with the north line of William Cannon Drive, N 74° 00' 00" W 33.92 feet to the southwest corner of the herein described tract of land, same being the aforesaid proposed east line of Circle S Road;

THENCE, with said proposed east line of Circle S Road, N 13° 50' 00" E 38.43 feet to the POINT OF BEGINNING; and,

All of that certain parcel or tract of land being 4737 square feet out of the William Cannon League in Travis County, Texas, being a portion of that certain 0.53 acre tract described in Volume 5172, Page 1049 of the Deed Records of Travis County, Texas, and being more

particularly described by metes and bounds as follows:

BEGINNING, at an iron pin found in the north r.o.w. line of William Cannon Drive, and in the east line of said 0.53 acre tract for the southeast corner and PLACE OF BEGINNING hereof;

THENCE, with the north r.o.w. line of William Cannon Drive, N 64° 21' 35" W for a distance of 152.17 feet to an iron pin found for the southwest corner hereof;

THENCE, N 13° 29' 39" E for a distance of 25.23 feet to an iron pin found in the south line of Lot 2, L.I. Powell Subdivision, a subdivision in the City of Austin, as recorded in PlatBook 53, Page 60 of the Plat Records of Travis County, Texas, for the northwest corner hereof;

THENCE, with the south line of said Lot 2, the following two (2) calls:

S 66° 43' 28" E for a distance of 79.88 feet to an iron pipe found;

S 79° 36' 20" E for a distance of 70.34 feet to an iron pin found for the northeast corner hereof;

THENCE, S 13° 43' 06" W for a distance of 47.48 feet to the PLACE OF BEGINNING and containing 4,787 square feet of land, more or less,

locally known as 6603 - 6609 Circle S. Road and 200 - 300 William Cannon Drive in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 13-2 of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED


August 16, 1984

X  
X  
X  
X



Ron Mullen  
Mayor

APPROVED:

  
Paul C. Isham  
City Attorney

ATTEST:

  
James E. Aldridge  
City Clerk

WMC:saf

17/17

1122

STREET DEED

THE STATE OF TEXAS § 2804.55 5955 § \* 11.00  
COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS:

3-79-5718

That KRASOFF DEVELOPMENT CORPORATION, a private corporation, duly incorporated and doing business under the laws of the State of Texas, acting herein by and through its duly authorized officers, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, to Grantors in hand paid by the City of Austin, Texas, P.O. Box 1088, Austin, Texas 78767-8828, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day Granted, Sold and Conveyed, and by these presents do hereby Grant, Sell and Convey, unto the said City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property, to-wit:

All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "A" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property.

To HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and, Grantors, whether one or more, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the said premises unto the said City of Austin, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this the 20 day of July, 1984.

KRASOFF DEVELOPMENT CORPORATION

BY: [Signature] President

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared John H. Krasoff, known to me to be the person whose name is subscribed to the foregoing instrument as President of KRASOFF DEVELOPMENT CORPORATION, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 20<sup>th</sup> day of July, 1984

NOTARY SEAL

Stacy Locke  
Notary Public, State of Texas

Stacy Locke  
Typed or Printed Name of Notary Public

REAL PROPERTY RECORDS  
Travis County, Texas

8624 860



5.00 Foot Additional ROW  
William Cannon Plaza

67/18  
FN 1739 (MAC)  
June 12, 1984  
EN&A Job No. 4436-32

DESCRIPTION OF A 5.00 FOOT WIDE RIGHT-OF-WAY DEDICATION OUT OF THE WILLIAM CANNON LEAGUE AND BEING A PORTION OF LOT 1 OF THE ANNE E. SHACKELFORD SUBDIVISION, BOOK 64, PAGE 60, LOTS 1 AND 2 OF THE L. L. POWELL SUBDIVISION, BOOK 83, PAGE 60, BOTH OF THE ABOVE BEING RECORDED IN THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 0.19 ACRE TRACT AS DESCRIBED IN A DEED CONVEYED TO PASCO MORTGAGE CORPORATION, INC. AND RECORDED IN VOLUME 8239, PAGE 104 OF THE TRAVIS COUNTY, TEXAS DEED RECORDS, SAID 5.00 FOOT WIDE RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/4 inch pipe found on the Southwest corner of the aforementioned 0.19 acre tract, the same being the intersection of the North line of William Cannon Drive (120 foot ROW) and the East line of Circle S Road (60 foot ROW);

THENCE, N 12° 57' 22" E, along the aforementioned East line of Circle S Road, a distance of 39.81 feet to a 1/4 inch iron rod found for the Northwest corner of said 0.19 acre tract;

THENCE, N 13° 02' 30" E, along said East line of Circle S Road, same being the most Westerly line of the aforementioned Lot 2 of said L. L. Powell Subdivision, a distance of 16.27 feet to a 1/4 inch iron rod found for the most Northwestern corner of said Lot 2;

THENCE, N 13° 34' 35" E, along said East line of Circle S Road, the same being the most Westerly line of said Lot 1 of the L. L. Powell Subdivision, a distance of 17.97 feet to a 1/4 inch iron pipe found at the most Northwestern corner of said Lot 1, same being the most Southwesterly corner of Lot 1 of said Anne E. Shackelford Subdivision;

THENCE, N 13° 10' 50" E, along the said East line of Circle S Road, same being the most Westerly line of the aforementioned Lot 1 of said Anne E. Shackelford Subdivision, a distance of 181.95 feet to a 1/4 inch iron pipe found for the most Northwestern corner of said Lot 1, of the Anne E. Shackelford Subdivision, same being the Southwest corner of Lot 2 of said Anne E. Shackelford Subdivision;

THENCE, S 76° 22' 49" E, leaving the aforementioned East line of Circle S Road, along the most Northwestern line of said Lot 1, same being the South line of said Lot 2, a distance of 5.00 feet to a 1/4 inch iron rod set for the Northeast corner of the herein described 5.00 foot wide right-of-way dedication;

THENCE, S 13° 10' 12" W, leaving the South line of the said Lot 2 at a distance of 181.93 feet crossing the most Southerly line of said Lot 1 of the Anne E. Shackelford Subdivision, same being the most Northwestern line of said Lot 1 of the L. L. Powell Subdivision, at a distance of 199.89 feet crossing the most Southwesterly line of said Lot 1 of the L. L. Powell Subdivision, same being the most Northwestern line of said Lot 2 of the L. L. Powell Subdivision, at a distance of 217.07 feet crossing the most Southwesterly line of said Lot 2 of the L. L. Powell Subdivision, same line being the North line of said 0.19 acre tract, for a total distance of 236.79 feet to an iron rod set for a point of curvature to the left;

THENCE, with said curve an arc distance of 30.75 feet whose central angle is 88° 04' 13" having a radius of 20.00 feet of which the chord bears S 30° 51' 55" E a distance of 27.80 feet to an iron rod set for a point of tangency, same point being at the North line of William Cannon Drive (120 foot right-of-way), same line being the South line of said 0.19 acre tract;

5.00 Foot Additional ROW  
William Cannon Plaza

PN 1739 (MAC)  
June 12, 1984  
EH&A Job No. 4436-32

THENCE, N 74° 54' 02" W, along the north line of William Cannon Drive (120 foot ROW) same being the tangent of said curve a distance of 24.34 feet to the POINT OF BEGINNING, containing within these metes and bounds 0.03 acres of land more or less.


THE STATE OF TEXAS |  
COUNTY OF TRAVIS |

KNOW ALL MEN BY THESE PRESENTS:

That I, Carlos M. Jimenez, a Registered Public Surveyor, do hereby certify that the above description was prepared from public records and not from an on the ground survey under my direction and supervision and is true and correct to the best of my knowledge.

WITNESS MY HAND AND SEAL AT Austin, Travis County, Texas this  
the 14 day of JULY, 1984, A.D.

ESPEY, HUSTON & ASSOCIATES, INC.  
Engineering & Environmental Consultants  
916 South Loop 360 P.O. Box 519  
Austin, Texas 78767

  
Carlos M. Jimenez  
Registered Public Surveyor  
No. 3950 - State of Texas

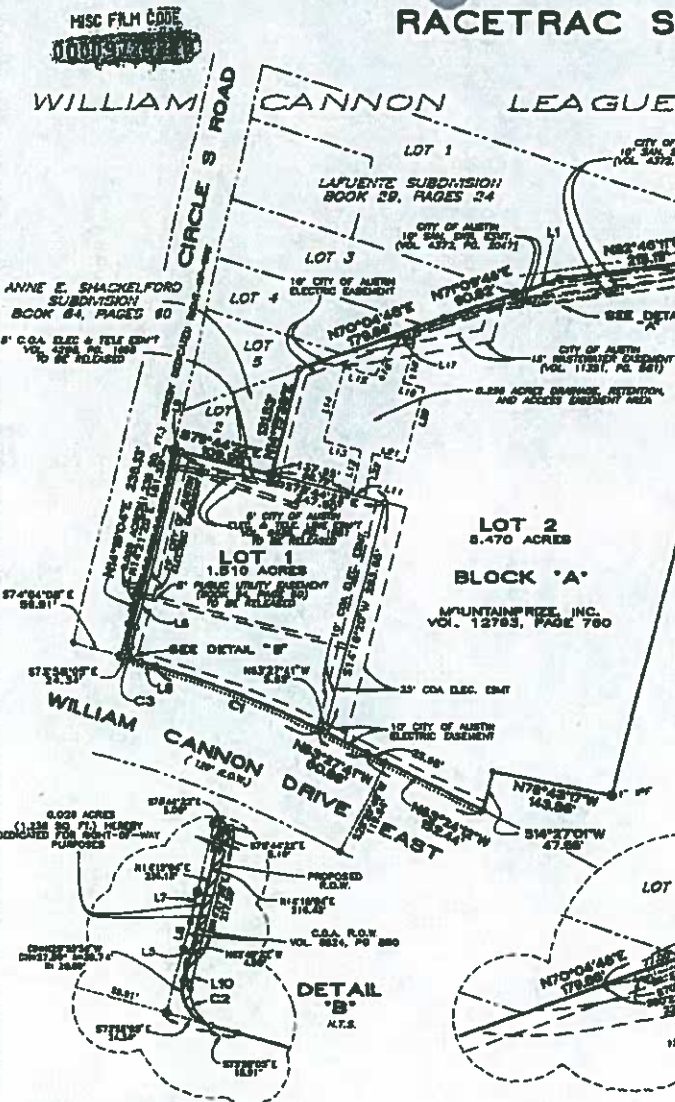
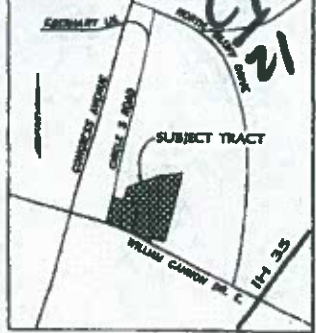
883



# RACETRAC SUBDIVISION NO.1

## VICINITY MAP

Not to Scale



**LOT ACREAGE**

|              |                  |
|--------------|------------------|
| LOT 1        | 1.510 AC.        |
| LOT 2        | 8.470 AC.        |
| R.O.W.       | 0.028 AC.        |
| <b>TOTAL</b> | <b>7.008 AC.</b> |

**LINE TABLE**

| Line No. | Bearing     | Distance |
|----------|-------------|----------|
| L1       | N70°25'57"E | 54.85'   |
| L2       | N57°25'41"E | 24.90'   |
| L3       | N73°55'05"W | 18.81'   |
| L4       | N59°45'53"W | 10.18'   |
| L5       | N44°20'31"E | 18.06'   |
| L6       | N3°54'33"E  | 18.19'   |
| L7       | N4°21'20"E  | 27.25'   |
| L8       | S78°47'22"E | 10.18'   |
| L9       | N53°55'59"E | 22.89'   |
| L10      | N75°44'23"W | 18.03'   |
| L11      | N10°25'07"E | 53.78'   |
| L12      | N75°00'00"W | 44.42'   |
| L13      | N5°00'00"E  | 52.32'   |
| L14      | S75°00'00"E | 58.60'   |
| L15      | N32°44'18"E | 59.22'   |
| L16      | S78°00'00"E | 17.37'   |
| L17      | S18°00'00"E | 22.95'   |
| L18      | S75°00'00"E | 28.80'   |
| L19      | S5°00'00"W  | 52.84'   |
| L20      | N75°00'00"W | 57.82'   |
| L21      | S10°25'07"W | 53.94'   |
| L22      |             |          |

**CURVE DATA**

| No. | Chord Bearing | Chord   | Radius  | Arc    |
|-----|---------------|---------|---------|--------|
| C1  | N55°42'55"W   | 210.87' | 146.23' | 21.10° |
| C2  | S25°47'05"E   | 20.73'  | 18.00'  | 22.89° |
| C3  | N25°55'58"W   | 27.60'  | 20.00'  | 30.74° |

SCALE: 1" = 100'  
DATE: MARCH, 1997

STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL BY THESE PRESENTS

That Mountainprize, Inc. acting by and through Max Lenker, President of Mountainprize, Inc. owner of 7.008 acres of land out of the William Cannon League, City of Austin, Travis County, Texas, being that same tract of land as conveyed in Mountainprize, Inc. by deed recorded in Volume 12783, Page 760 of the Real Property Records of Travis County, Texas; said 7.008 acres being all of that tract of land as conveyed to Texas Commerce Bank by deed recorded in Volume 19570, Page 538 of the Real Property Records of Travis County, Texas, and being more particularly described as follows: all of Lots 1 and 2, L. I. Powell Subdivision, (Tracts I and II) as recorded in Book 53, Page 60 of the Plat Records of Travis County, Texas and all of Lot 2, Anne E. Shackelford Subdivision (Tract IV) as recorded in Book 64, Page 60 of the Plat Records of Travis County, Texas, 7.768 Square Feet (Tract V), more or less, out of William Cannon League and 4,787 Square Feet (Tract III) more or less, out of the William Cannon League; said Lot 1, Anne E. Shackelford Subdivision and Lots 1 and 2, L. I. Powell Subdivision having been pooled by instruments recorded in Volume 12783, Page 760 and Volume 12791, Page 622 of the Real Property Records of Travis County, Texas, pursuant to Chapter 512.013 of the Local Government Code, do hereby resubdivide said 7.008 acres of land to be known as RACETRAC SUBDIVISION NO. 1, and do hereby dedicate to the public the use of streets and easements shown hereon, subject to any restrictions and easements heretofore granted but not released, pursuant to Chapter 512 of the Texas Local Government Code and Title 13 of the Austin City Code.

WITNESS OUR HANDS, this the 2 day of May, 1997, A.D.

Max Lenker President  
Max Lenker, President  
Mountainprize, Inc.  
P.O. Box 300  
Technology Court  
Smyrna, Georgia 30082

WITNESS OUR HANDS, this the 2 day of May, 1997, A.D.

STATE OF GEORGIA  
COUNTY OF TRAVIS

Before me, the undersigned authority on this day personally appeared Max Lenker known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated

Jessica Anderson  
Notary Public, State of Georgia  
Jessica Anderson  
Notary's Name  
My Commission Expires: April 29, 2000



EXHIBIT E

**Landmark**  
SURVEYING, INC.

1301 S. CAPITAL OF TEXAS HWY.  
BUILDING A, SUITE 231  
AUSTIN, TEXAS 78746  
PH (512)328-7411 FAX (512)328-7413

17/22

JOB NO. 100-1000  
DATE: 10/1/77  
DESIGNED BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]

RACETRAC  
CONVENIENCE STORE AND GAS STATION  
6807 CIRCLE S ROAD  
LANOUSE PLAN

**Garrett/Associates Engineering, Inc.**  
1000 WEST 10TH STREET, SUITE 100  
AUSTIN, TEXAS 78703  
TELEPHONE: 512-442-1000  
FACSIMILE: 512-442-1001

SHEET NUMBER  
2 of 14

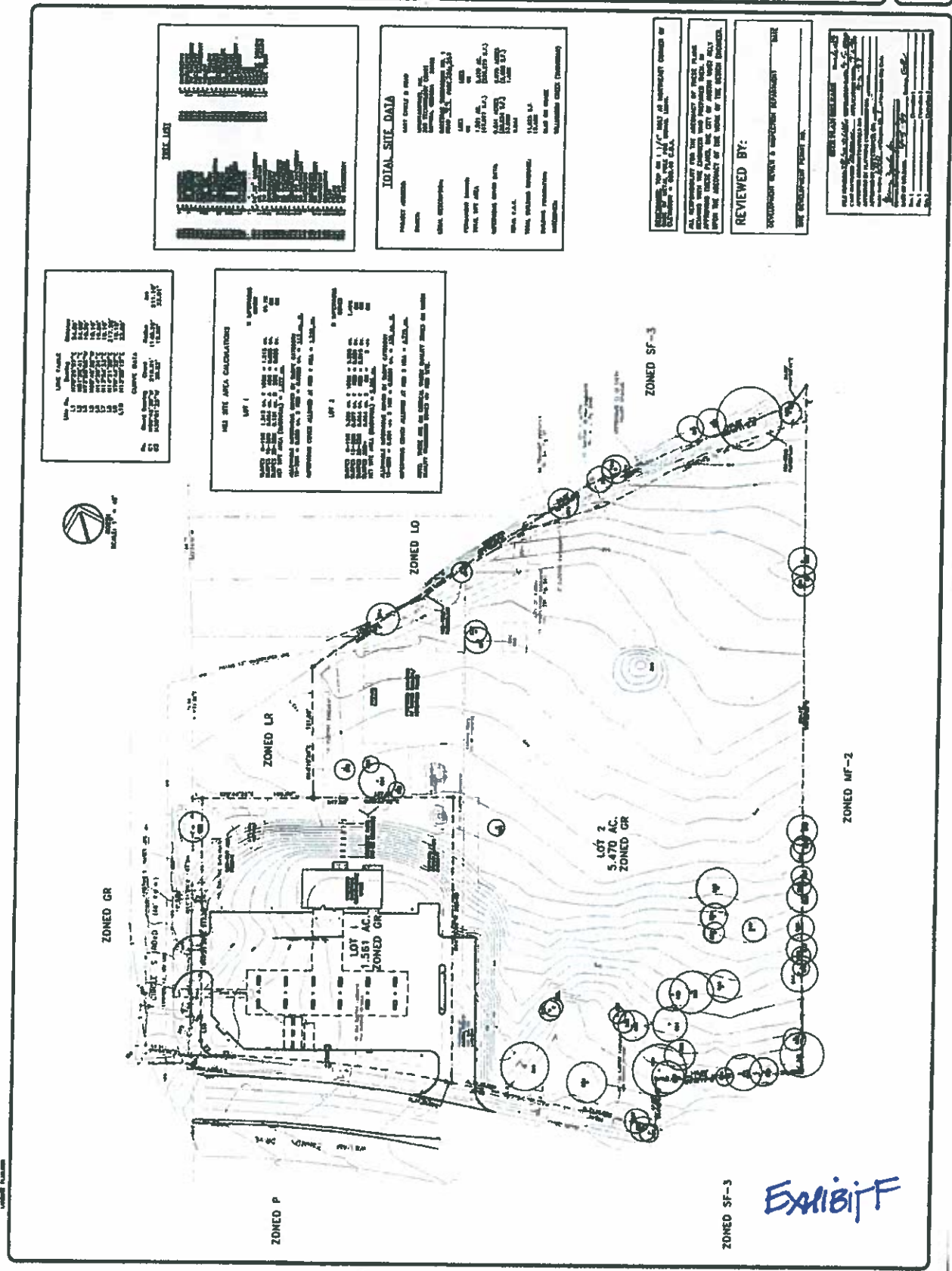


Exhibit F