

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 9908-10010 ANDERSON MILL ROAD AND
3 CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR)
4 DISTRICT TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO)
5 COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district interim rural residence (I-RR) district to limited office-conditional
11 overlay (LO-CO) combining district on the property (the "Property") described in Zoning
12 Case No. C14-2013-0150, on file at the Planning and Development Review Department, as
13 follows:
14

15 Lot 1, Block A, Bethany Subdivision, a subdivision in the City of Austin,
16 Williamson County, Texas, according to the map or plat of record in Plat Book M,
17 Pages 317-318 of the Plat Records of Williamson County, Texas;
18

19 Lot 1, Block 1, Bethany Two Subdivision, a subdivision in the City of Austin,
20 Williamson County, Texas, according to the map or plat of record in Plat Book Z,
21 Pages 326-328 of the Plat Records of Williamson County, Texas
22

23 Lot 31, Block D, Woodland Village of Anderson Mill Sec 2 Phase 2 Subdivision, a
24 subdivision in the City of Austin, Williamson County, Texas, according to the map
25 or plat of record in Plat Book C, Pages 204-207 of the Plat Records of Williamson
26 County, Texas
27

28 locally known as 9908-10010 Anderson Mill Road in the City of Austin, Williamson
29 County, Texas, and generally identified in the map attached as Exhibit "A".
30

31 **PART 2.** The Property within the boundaries of the conditional overlay combining district
32 established by this ordinance is subject to the following condition:
33

34 A site plan or building permit for the Property may not be approved, released, or
35 issued, if the completed development or uses of the Property, considered cumulatively
36 with all existing or previously authorized development and uses, generate traffic that
37 exceeds 2,000 trips per day.

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

PART 3. This ordinance takes effect on _____, 2014.

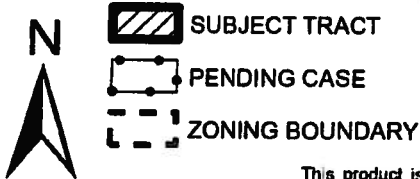
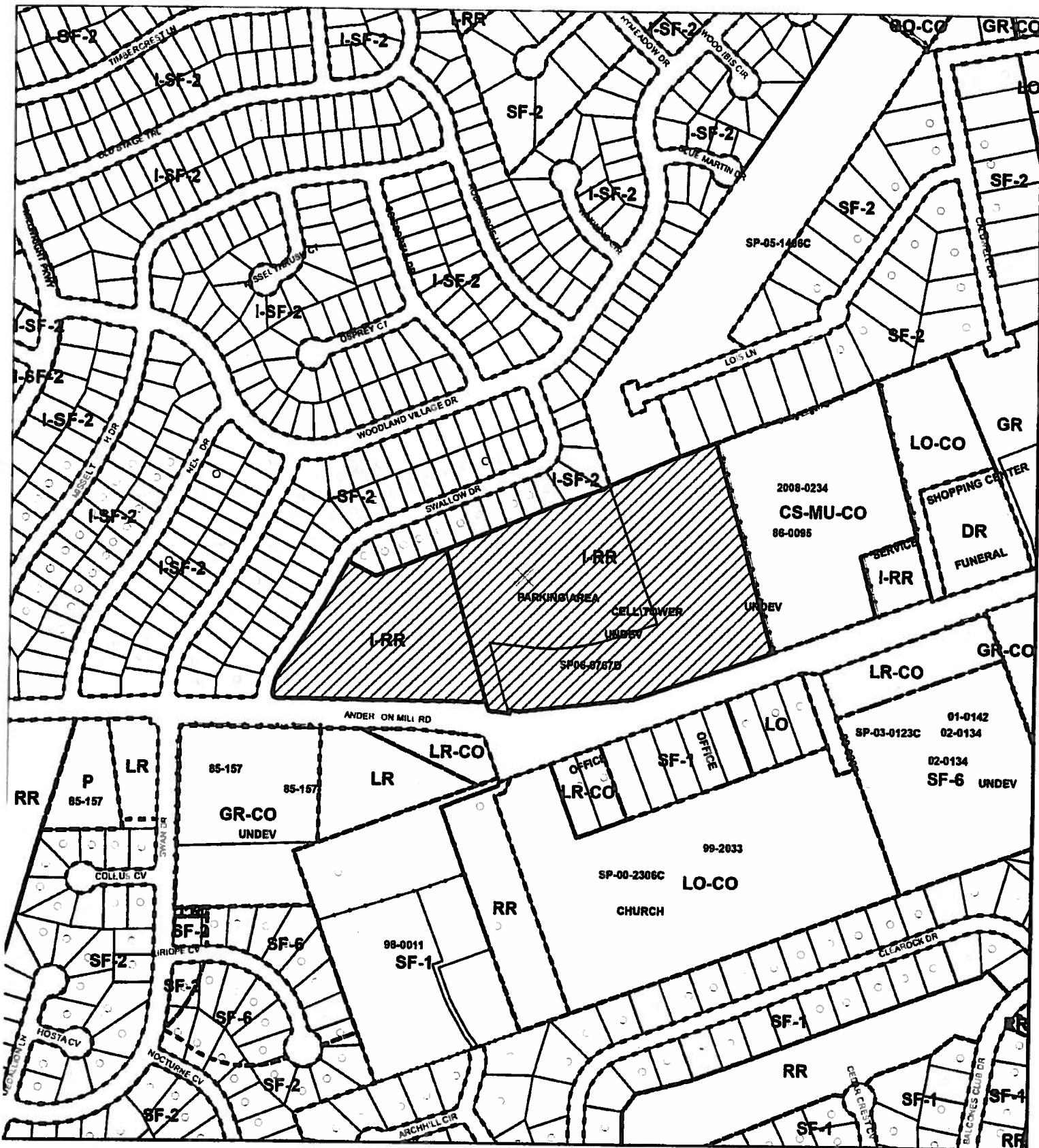
PASSED AND APPROVED

_____, 2014

§
§
§

Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
 Karen M. Kennard Jannette S. Goodall
 City Attorney City Clerk



ZONING CASE **C14-2013-0150**

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

This product has been produced by CTM for the sole purpose of geographic reference by the City of Austin regarding specific accuracy or completeness.



STREET DEED

STATE OF TEXAS

§

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COUNTY OF TRAVIS

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KNOW ALL MEN BY THESE PRESENTS

That Bethany United Methodist Church of Austin, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) 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 City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property:

Two tracts of land being a 0.0909 acre tract out of Lot 31, Block D, The Woodland of Anderson Mill Section II Phase 2 Subdivision and a 0.0092 acre tract of land out of Lot 1, Block A, Bethany Subdivision I Subdivision, in Williamson County, Texas, said tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this deed.

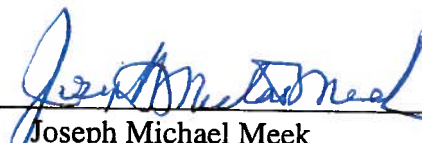
TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and Grantors, whether one or more, do hereby bind themselves, their executors, administrators, successors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

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on the 5 day of May, 2014.

GRANTOR:

**BETHANY UNITED METHODIST CHURCH OF
AUSTIN, a Texas corporation**

By:



Joseph Michael Meek

Chair of Board of Trustees

THE STATE OF TEXAS

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COUNTY OF TRAVIS

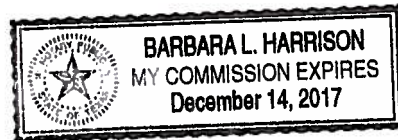
This instrument was acknowledged before me on this the 5th day of May, 2014, by Joseph Michael Meek, Chair of Board of Trustees of Bethany United Methodist Church, a Texas corporation, on behalf of said corporation.

Barbara L. Harrison

Notary Public, State of Texas

Address of Grantors:
10010 Anderson Mill Road
Austin, Texas 78750

APPROVED AS TO FORM:



Assistant City Attorney
City of Austin

AFTER RECORDING RETURN TO:
City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-1088
Attn: Janice Collins, Paralegal

Zoning Case No. C14-2013-0150RC

RESTRICTIVE COVENANT

OWNER: Bethany United Methodist Church of Austin, a Texas corporation

ADDRESS: 10010 Anderson Mill Road, Austin, Texas 78750

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: Lot 1, Block A, Bethany Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Plat Book M, Pages 317-318, of the Plat Records of Williamson County, Texas;

Lot 1, Block 1, Bethany Two Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Plat Book Z, Pages 326-328, of the Plat Records of Williamson County, Texas;

Lot 31, Block D, Woodland Village of Anderson Mill Sec 2 Phase 2 Subdivision, a subdivision in the City of Austin, Williamson County, Texas, according to the map or plat of record in Plat Book C, Pages 204-207, of the Plat Records of Williamson County, Texas;

WHEREAS, the Owner (the "Owner", whether one or more), 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 ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis ("NTA") memorandum from the Transportation Review Section of the Planning and Development Review Department (the "Department"), dated December 16, 2013. The NTA memorandum shall be kept on file at the Department.

2. If any person or entity shall violate or attempt to violate this Agreement, 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, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement 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, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 5 day of May, 2014.

OWNER:

**BETHANY UNITED METHODIST
CHURCH OF AUSTIN, a Texas
corporation**

By: 

Joseph Michael Meek
Chair of Board of Trustees

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS

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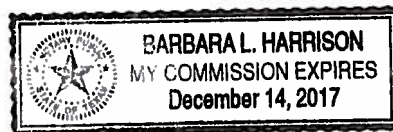
COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 5th day of May, 2014, by Joseph Michael Meek, Chair of Board of Trustees of Bethany United Methodist Church, a Texas corporation, on behalf of said corporation.

Barbara L. Harrison

Notary Public, State of Texas

After recording, please return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: J. Collins, Paralegal



ROW DEDICATION

FIELD NOTES

BEING TWO TRACTS, ONE OUT OF LOT 31, BLOCK D, THE WOODLAND VILLAGE OF ANDERSON MILL SECTION II PHASE 2, A SUBDIVISION IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS, RECORDED IN CABINET C, SLIDES 204-207, PLAT RECORDS, CONVEYED TO BETHANY UNITED METHODIST CHURCH BY DEED RECORDED IN VOLUME 599, PAGE 853, DEED RECORDS, AND ONE OUT OF LOT 1, BLOCK A, BETHANY SUBDIVISION I, A SUBDIVISION IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS RECORDED IN CABINET M, SLIDES 317-318, PLAT RECORDS, CONVEYED TO BETHANY UNITED METHODIST CHURCH BY DEED RECORDED IN DOC#9552624, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS; TRACT 1 BEING 0.0909 ACRE AND TRACT 2 BEING 0.0092 ACRE IN THE NORTH LINE OF ANDERSON MILL ROAD, A VARIABLE WIDTH PUBLIC STREET, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod in concrete found at the point of curvature of a curve, curving to the right with a radius of 15.00 feet in the north line of Anderson Mill Road, being in the south line of Lot 31, Block D, the Woodland Village of Anderson Mill Section II Phase 2, a subdivision in the city of Austin, Williamson County, Texas according to the map or plat recorded in Cabinet C, Slide 204, Plat Records, Williamson County, Texas, for the SW corner hereof;

THENCE 14.12 feet along the arc of said curve with a chord bearing N62°53'06"W at a distance of 13.60 feet to a 1/2" iron rod with cap set, for the NW corner hereof, from which point a 1/2" iron rod found at a point of compound curvature in the SE line of Swallow Drive bears N15°00'59"W at a distance of 10.71 feet;

THENCE the following three (3) courses and distances crossing through said Lot 31, Block D:

1. N89°39'11"E for a distance of 148.68 feet to a 1/2" iron rod with cap set at angle point, for a corner hereof;
2. S89°38'55"E for a distance of 297.50 feet to a 1/2" iron rod with cap set at the point of curvature of a curve, curving to the right with a radius of 4018.23 feet, for the a corner hereof;
3. 127.29 feet along the arc of said curve with a chord bearing S86°00'48"E at a distance of 127.28 feet to a 1/2" iron rod with cap set at a non tangent point in said north line of Anderson Mill Road, for the NE corner hereof, from which point an iron rod found in the west line of Lot 1, Block A, Bethany Subdivision I, a subdivision in the city of Austin, Williamson County, Texas, as recorded in Cabinet M, Slide 317, Plat Records, bears S89°38'06"E at a distance of 97.62 feet;

THENCE N89°38'06"W along the existing north line of Anderson Mill Road for a distance of 658.67 feet to the **POINT OF BEGINNING** of this 0.0909 acre Tract 1;

BEGINNING #2 at a 1/2" iron rod with cap set in the new curving north line of Anderson Mill Road, said curve having a radius of 4018.23 feet, being an angle point and the NW corner of Tract 2, from which point, the aforementioned 1/2" iron rod found in the existing north line of said road, same being in the west line of said Lot 1, Block A bears N15°23'57"W at a distance of 9.56 feet;

THENCE 68.42 feet along the arc of said curve to the right with a chord bearing S83°10'59"E at a distance of 68.41 feet to a 1/2" iron rod with cap set in the SW line of said Lot 1 Block 1, Bethany Two, a subdivision in the city of Austin, Williamson County, Texas, according to the plat or map thereof recorded in Document No. 2004098184, Official Public Records, Williamson County, Texas, for the NE corner hereof, from which point, a 1/2" iron rod found at an angle point in said line bears N23°10'20"W at a distance of 24.34 feet;

THENCE S23°10'20"E along said Bethany Two for a distance of 6.87 feet to a point in the existing north line of Anderson Mill Road, being the most southerly SE corner of said Proposed Lot 1, for the SE corner hereof;

REFERENCES

WCAD Parcel No. R078303
AUSTIN GRID 433 MF-37

Exhibit "___"
Page 2 of 3
J10615ROW
SP-2013-0155C

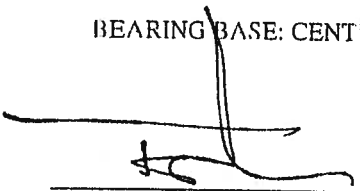
ROW DEDICATION
BETHANY UNITED METHODIST CHURCH
TO CITY OF AUSTIN

FIELD NOTES CONTINUED

THENCE N82°45'23"W along said exiting north line for a distance of 69.63 feet to point, for the SW corner hereof;

THENCE N15°23'57"W for a distance of 5.87 feet to the **POINT OF BEGINNING** of Tract 2, containing 0.0092 acre of land.

BEARING BASE: CENTRAL TEXAS ZONE STATE PLANE COORDINATES


Thomas P. Dixon R.P.L.S. 4324
Waterloo Surveyors, Inc.
P.O. Box 160176
Austin, Tx 78716
(512) 481-9602

4/30/14
Date



REFERENCES

WCAD Parcel No. R078303
AUSTIN GRID 433 MF-37

ROW DEDICATION

Sketch to Accompany Field Notes

SP-2013-0155C

Page 3 of 3

LEGAL DESCRIPTION:

BEING TWO TRACTS, ONE OUT OF LOT 31, BLOCK D, VILLAGE OF ANDERSON MILL SECTION II PHASE 2, A SUBDIVISION IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS, RECORDED IN CABINET C, SLIDES 204-207, PLAT RECORDS, CONVEYED TO BETHANY UNITED METHODIST CHURCH BY DEED RECORDED IN VOLUME 599, PAGE 853, DEED RECORDS, AND ONE OUT OF LOT 1, BLOCK A, BETHANY SUBDIVISION I, A SUBDIVISION IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS, RECORDED IN CABINET M, SLIDES 317-318, PLAT RECORDS, WILLIAMSON COUNTY, TEXAS, CONVEYED TO BETHANY UNITED METHODIST CHURCH BY DEED RECORDED IN DOC# 9552624, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS; TRACT 1 BEING 0.0909 ACRE AND TRACT 2 BEING 0.0092 ACRE IN THE NORTH LINE OF ANDERSON MILL ROAD, A VARIABLE WIDTH PUBLIC STREET.

LEGEND

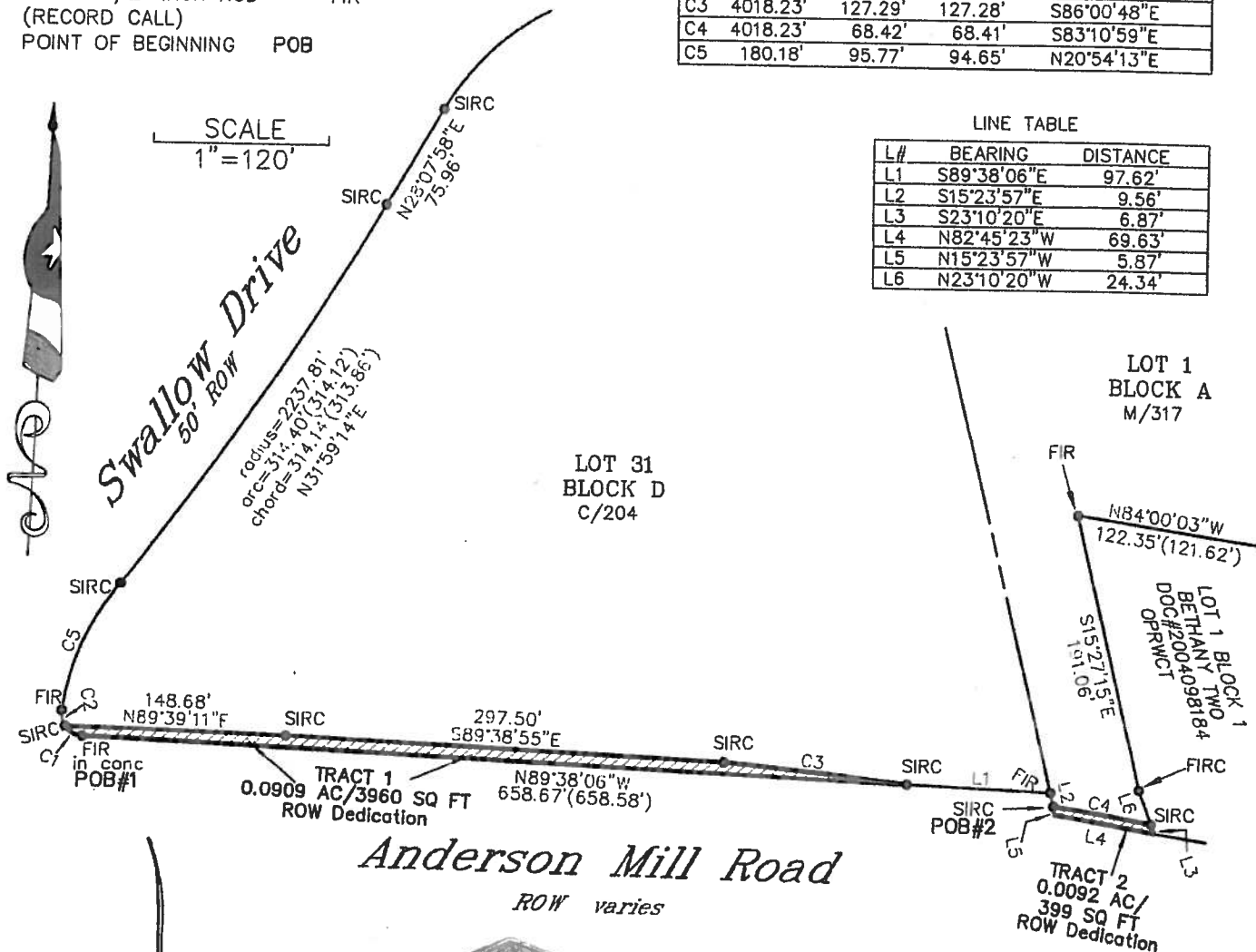
SET 1/2" IRON ROD WITH CAP SIRC
 LABELED "WATERLOO RPLS 4324"
 FOUND IRON ROD WITH CAP FIR
 FOUND 1/2" IRON ROD FIR
 (RECORD CALL)
 POINT OF BEGINNING POB

CURVE TABLE

C#	RADIUS	ARC	CHORD	BEARING
C1	15.00'	14.12'	13.60'	N62°53'06"W
C2	15.00'	10.95'	10.71'	N15°00'59"W
C3	4018.23'	127.29'	127.28'	S86°00'48"E
C4	4018.23'	68.42'	68.41'	S83°10'59"E
C5	180.18'	95.77'	94.65'	N20°54'13"E

LINE TABLE

L#	BEARING	DISTANCE
L1	S89°38'06"E	97.62'
L2	S15°23'57"E	9.56'
L3	S23°10'20"E	6.87'
L4	N82°45'23"W	69.63'
L5	N15°23'57"W	5.87'
L6	N23°10'20"W	24.34'



THOMAS P. DIXON RPLS 4324
 WATERLOO SURVEYORS INC.
 P.O. BOX 160176
 AUSTIN, TEXAS 78746
 Phone: 512-481-9602
 J10615ROW

