

**RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET****CASE:** C14-91-0038(RCA) – Dabney-Horne House**P.C. DATE:** January 12, 2016**ADDRESS:** 507 W 23<sup>rd</sup> Street**DISTRICT AREA:** 9**OWNER/APPLICANT:** Austin City Realty LLC (David Kanne)**AGENT:** Mike McHone Real Estate (Mike McHone)**REQUEST:** To amend a 1991 Restrictive Covenant by changing the address that the RC applies to.**SUMMARY STAFF RECOMMENDATION:**

Staff recommends granting the amendment to the restrictive covenant.

**PLANNING COMMISSION RECOMMENDATION:**

January 12, 2016;

**DEPARTMENT COMMENTS:**

The subject property is located on the southeast corner of West 23<sup>rd</sup> Street and Nueces Street and is the location of the Dabney-Horne Historic Landmark House (see Exhibits A & B). The property is surrounded by multifamily, structured parking and office uses.

The Applicant proposes to amend the restrictive covenant by changing the address that the RC applies to, from 507 W 23<sup>rd</sup> Street to 901 Shoal Cliff Court (see Exhibit C).

The subject property is located in the Inner West Campus section of the University Neighborhood Overlay (UNO), and within the West University section of the Central Austin Combined Neighborhood Planning Area. This overlay supersedes zoning regulations wherever standards conflict. The purpose of the UNO district is to promote high density redevelopment in this area, provide a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district.

**History of the Subject Property**

In 1989 historic zoning was initiated with case C14H-89-0010. The Historic Landmark Commission recommended approval of historic designation and a rezoning of the property from MF-4 to MF-4-H (see Exhibit D); however, the case was postponed indefinitely at the request of the owner (see Exhibit E). In 1991 case C14-91-0038 was filed to rezone the property from MF-4 to GO in an attempt to bring the use of the property into compliance with the Land Development Code. The rezoning was approved with the condition that the Dabney-Horne House would be retained on the property. GO-CO zoning was approved and a Restrictive Covenant was executed to satisfy the conditions of the CO (Exhibit F). In April of 1992, the property was formally granted Historic zoning by appending an – H- to the GO-CO zoning with Ordinance No. 920402-F (see Exhibit G).

The owner applied to terminate the 1991 Restrictive Covenant and rezone a portion of the property from GO-CO-H-NP to GO-CO-NP in 2013. The intent was to move the house to a new location on the same lot and then remove the historic zoning for the portion not occupied by the house so that it could be developed. Council denied the request in February of 2014.

On September 28, 2015, a Certificate of Appropriateness was approved by the Historic Landmark Commission to relocate the Dabney-Horne house to 901 Shoal Cliff Court. The approval required a written agreement that the demolition application and letter of opposition to historic zoning of the Clyde and Henrietta Littlefield House, located at 903 Shoal Cliff Court, be withdrawn. With approval of the relocation, the Dabney-Horne House will be restored to its original configuration at the new location and the City of Austin will gain the Clyde and Henrietta Littlefield House as a Historic Landmark Structure.

Since the Restrictive Covenant was put in place primarily to protect the Dabney-Horne House from demolition in the absence of historic zoning designation, the RC should be amended to apply to the new location at 901 Shoal Cliff Court. Staff recommends the amendment to the Restrictive Covenant.

**ISSUES:** None at this time.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO-CO-H-NP	Offices, Historic Landmark
<i>North</i>	MF-4-NP	
<i>South</i>	GO-NP	
<i>East</i>	CS-NP	Structured Parking
<i>West</i>	MF-4-NP	

**NEIGHBORHOOD PLANNING AREA:** West University Neighborhood Planning area (of the Central Austin Combined Neighborhood Plan)

**TIA:** Not Applicable

**WATERSHED:** Shoal Creek - Urban

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

<i>Community Registry Name</i>	ID No.
Bike Austin	1528
Sierra Club, Austin Regional Group	1228
Shoal Creek Conservancy	1497
Friends of Austin Neighborhoods	1530
Central Austin Community Development Corporation	1391
Austin Neighborhoods Council	511
Austin Independent School District	742
Austin Heritage Tree Foundation	1340

My Guadalupe	1510
University Area Partners	69
CANPAC (Central Austin Neigh Plan Area Committee)	754
Preservation Austin	1424
SEL Texas	1363
Friends of Emma Barrientos MACC	1447

**SCHOOLS:** Bryker Woods Elementary, O Henry Middle, Austin High School

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

**ORDINANCE NUMBER:**

**CASE MANAGER:** Victoria Haase

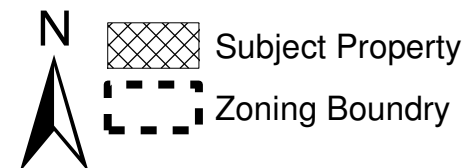
**PHONE:** 512-974-7691

**EMAIL:** [tori.haase@austintexas.gov](mailto:tori.haase@austintexas.gov)



### ZONING MAP - EXHIBIT A

ZONING CASE#: C14-91-0038RCA  
 ZONING CHANGE: An amendment to the RC  
 LOCATION: 507 W 23rd Street



1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







W 23RD ST

SAN ANTONIO ST

NUECES ST

**AERIAL MAP - EXHIBIT B**

ZONING CASE#: C14-91-0038RCA  
 ZONING CHANGE: An amendment to the RC  
 LOCATION: 507 W 23rd Street



Subject Property

1' = 400'



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



C-12

DOC. NO.

91077601

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EXHIBIT C - C14-91-0038RCA  
6 of 29  
13th

Zoning Case No. C14-91-0038

**RESTRICTIVE COVENANT**

OWNER: UNIVERSITY COOPERATIVE SOCIETY, INC., a Texas corporation

ADDRESS: 2246 Guadalupe Street, Austin, Texas, 78705.  
Attn: George Mitchell, President. 3:09 PM 5659 13.00 IND 2 4 09/04/9 910776.01-000

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: Tract 1: North 9 foot tract of land out of Lot 14, Outlot 34, Division D, Louis Horst Subdivision, said North 9 foot tract of land being that same tract of land conveyed to University Cooperative Society, Inc., a Texas corporation, and described in the deed recorded in Volume 4420, at Page 2060, of the Deed Records of Travis County, Texas, said deed being attached as "Exhibit A" and incorporated herein for all purposes.

Tract 2: Lot 13, Outlot 34, Division D, Louis Horst Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Book Z, Page 613, of the Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions as conditions of zoning for the Property;

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 successors and assigns.

1. The [Dabney-Horne] home existing on the Property on the date of the execution of this restrictive covenant shall be retained on the Property.
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 at the time of such modification, amendment or termination.

11514 0506

REAL PROPERTY RECORDS

Travis County, Texas

All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified. When the context requires, singular nouns and pronouns include the plural.

UNIVERSITY COOPERATIVE SOCIETY, INC.,  
a Texas corporation

BY: George H. Mitchell  
George Mitchell, President

Date: July 23, 1991.

THE STATE OF TEXAS  
COUNTY OF TRAVIS

§  
§

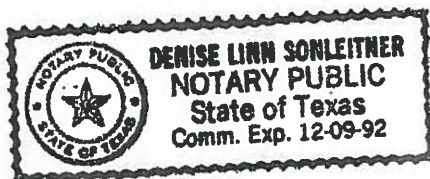
This instrument was acknowledged before me on this the 23<sup>rd</sup> day of July, 1991, by George Mitchell, President of UNIVERSITY COOPERATIVE SOCIETY, INC., a Texas corporation, on behalf of said corporation.

Denise Linn Sonleitner

Notary Public Signature

Type or Print Name of Notary

My Commission Expires: \_\_\_\_\_



After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767  
Attention: Joe Jimenez, Legal Assistant

WARRANTY DEED

THE STATE OF TEXAS |  
COUNTY OF TRAVIS |

KNOW ALL MEN BY THESE PRESENTS:

That, for a good and valuable consideration to me in hand paid by University Cooperative Society, Inc., the receipt of all of which is hereby acknowledged, I, the undersigned, J. BURLESON SMITH, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF RUBY C. SMITH, DECEASED, of Bexar County, Texas, have granted, sold and conveyed and by these presents do grant, sell and convey unto the said UNIVERSITY COOPERATIVE SOCIETY, INC., a Texas corporation of Travis County, Texas, its successors and assigns, the following described premises lying and being situated in Travis County, Texas, to-wit:

Lot No. Thirteen (13) and North Nine (9) feet of Lot No. Fourteen (14), HORST ADDITION, Outlot Thirty-four (34), Division "D", an Addition in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Plat Book 2, Pages 594, and 613, Plat Records of Travis County, Texas.

TO HAVE AND TO HOLD the said premises, together with all rights and appurtenances thereunto in anywise appertaining, unto the said University Cooperative Society, Inc., its successors and assigns, forever. For the same consideration, I, the undersigned, J. Burleson Smith, Independent Executor of the Estate of Ruby C. Smith, Deceased, do covenant and agree that the Estate of Ruby C. Smith, Deceased, will warrant and forever defend title to the said premises against all persons whomsoever lawfully claiming or to claim the same or any part thereof.

The grant hereof is subject to all restrictive covenants, if any, of record in Travis County, Texas, affecting the said premises or any part thereof.

REAL PROPERTY RECORDS  
Travis County, Texas

11514 0508

DEED RECORDS

~~1120 2000~~

"EXHIBIT A" - Page 1 of 3



~~66-7797~~

Possession of the said premises shall be delivered contemporaneously with the delivery hereof.

EXECUTED this 26<sup>th</sup> day of September, 1972.

*J. Burleson Smith*  
J. Burleson Smith, Individually  
and as Independent Executor of  
the Estate of Ruby C. Smith,  
Deceased.

THE STATE OF TEXAS |  
COUNTY OF TRAVIS |  
                                  DEXAR |

BEFORE ME, the undersigned authority, on this day personally appeared J. Burleson Smith, Independent Executor of the Estate and under the Will of Ruby C. Smith, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument, 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 on this the 26<sup>th</sup> day of September, A.D., 1972.

*David Stone*  
Notary Public in and for Travis  
County, Texas.

NOTARY SEAL

STATE OF TEXAS                      COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date and at the place indicated herein above; and was duly  
RECORDED, in the Volume and Page of the named RECORDS  
of Travis County, Texas, as Standing Order by me, on

OCT 4 1972



*David Stone*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED

OCT 4 9 15 AM '72

-2-

11514

0509

~~1120 2061~~

REAL PROPERTY RECORDS  
Travis County, Texas

"EXHIBIT A" - Page 2 of 3

C14-91-0038RCA -Page9

## SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:—

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No.

Nueces & W 23rd St. in the City of Austin, Texas being described as follows:

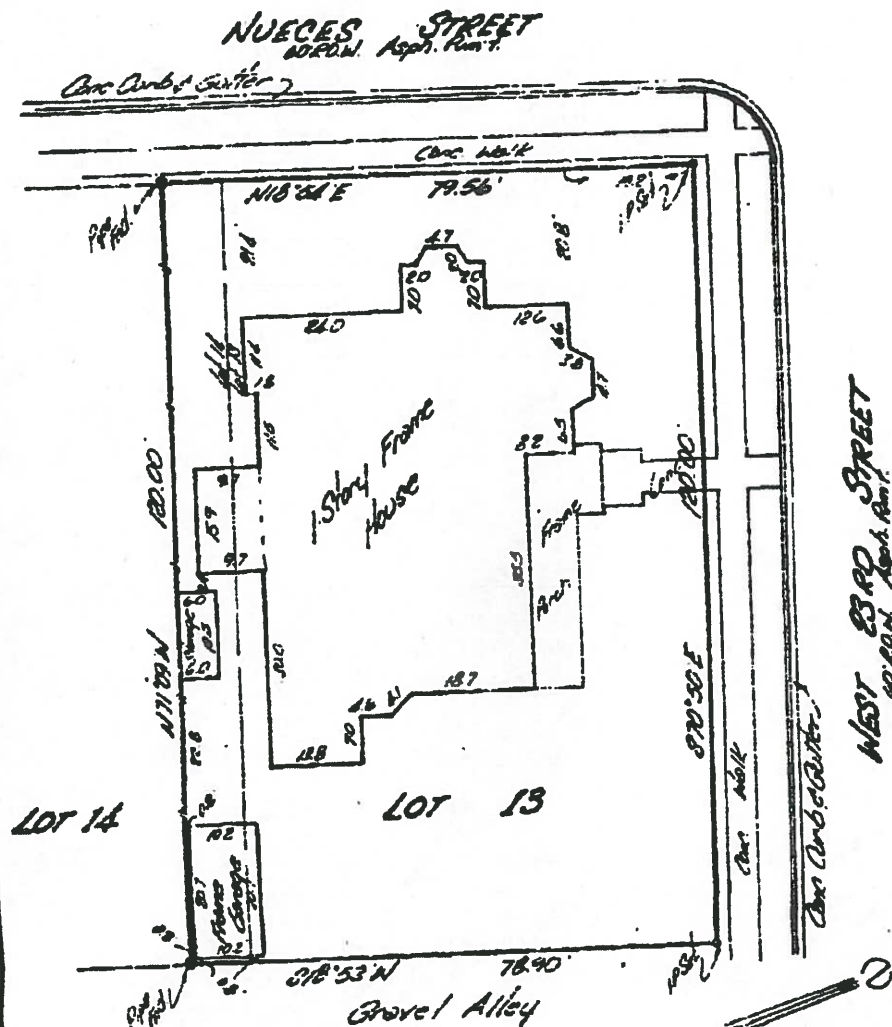
Lot No. 13 & N 9' of Lot 14 Block No. \_\_\_\_\_

of Louis Horst's Sub. an addition to the City of Austin

Texas, according to the final plat thereof recorded in Vol. 7 at page 594 of the Deed

XXIX Records of Travis County, Texas.

Ref. Ruby Smith Estate



The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

There are no encroachments upon this lot.

Date Sept. 20, 1978 Invoice No. 18886 Work Order No. 16851

11514 0510

REAL PROPERTY RECORDS  
Travis County, Texas

"EXHIBIT A" - Page 3 of 3

C14-91-0038RCA -Page10

FILED

1991 SEP -4 PM 3 16

DANA DE BEAUMONT  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS                      COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
date and at the time stamped hereon by me; and  
is duly RECORDED, in the Volume and Page of the  
said RECORDS of Travis County, Texas, on

SEP 4 1991



*Dana DeBeaumont*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM - At the time of  
recording this instrument was found to be inadequate  
for the best photographic reproduction, because of  
illegibility, carbon or photo copy, discolored paper,  
etc. All blockouts, additions and changes were present  
at the time the instrument was filed and recorded.

11514 0511

REAL PROPERTY RECORDS

Travis County, Texas

**UNIVERSITY CO-OPERATIVE SOCIETY**

2246 GUADALUPE STREET • P.O. DRAWER 7520 • AUSTIN, TEXAS 78713 • 512 476-7211

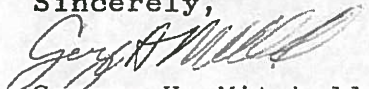
May 8, 1989

Norman R. Standerfer  
Acting Director of Planning Dept.  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

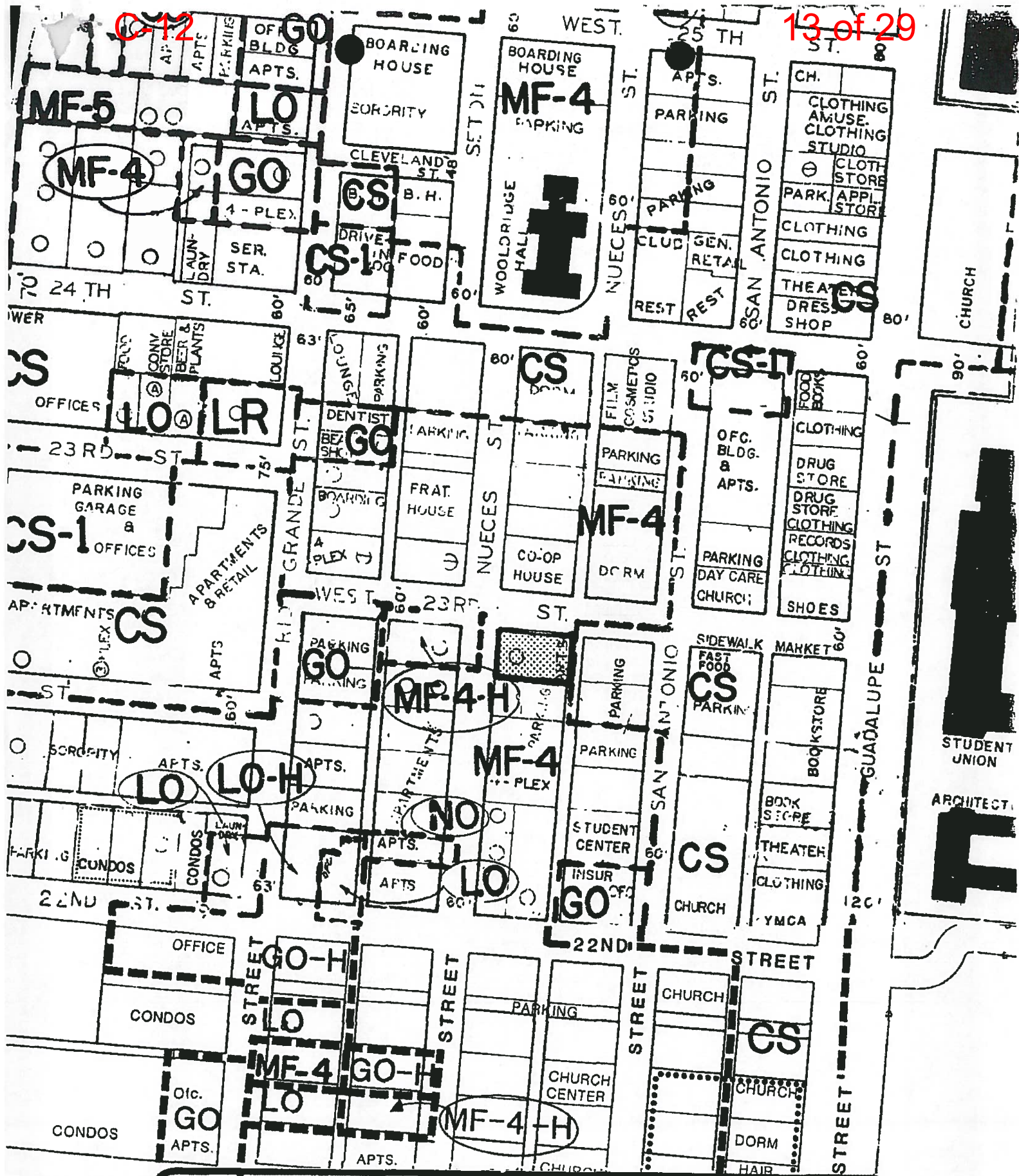
Dear Sir:


On behalf of the owners, I request determination of the historical value of the property of existing house at 507 West 23rd St. in Austin, Texas.

Sincerely,

  
George H. Mitchell  
President





	NORTH	PENDING CASE .....	SUBJECT TRACT.....	GRID
		ZONING LINE .....	SUBJECT ACREAGE .....	J
		CYCLE 6/89 INTLS jramos	CASE NO: C14H-89-0010	23,24

## Historic Landmark Commission MINUTES - March 22, 1989

## 3. C14h-89-010

Dabney-Horne House  
507 W. 23rd Street

Staff reported that the house was placed on the agenda by the owner. The historical association of this structure and the contributions to the city by its owners are highly significant and apparent. The structure appears to meet Items (1), (6), (8), (9), (11) and (12) of the criteria; item (13) would be met if the structure were restored. Staff is recommending historic zoning.

Two persons spoke in favor of historic zoning:

Eugenia Schoch - former Landmark Commission member  
Mike McHone - Save University Neighborhoods

Both persons spoke to urge the Commission to zone the structure historic, and Mr. McHone urged that the maximum number of uses per permitted for this structure if it was zoned historic.

Speaking in opposition, B.J. Cornelius, representing the University Co-op (owners), showed slides of the house, and stated that it was the wish of the owners to move the house to a different location to make way for more parking for the business. They presently have two offers to purchase the structure and to relocate it. The owners are not interested in restoring the structure and will board it up within two months. The structure has been used in the immediate past as rental property, but because the structure is deemed as unsafe, that use has ceased. The owners do not feel the house is architecturally significant, and that it does not warrant historic zoning.

Commissioners Blake Alexander and Sharon Judge both stated that the house was in good condition with the Co-op acquired it, and it is the Co-op that has allowed it to deteriorate to this degree. Both felt that the owners should not be rewarded for allowing this deterioration.

COMMISSION ACTION: Christianson/Judge

Motion: To recommend historic zoning.

Ayes: Unanimous  
Absent: Creer, Fowler

THE MOTION PASSED BY A VOTE OF 8-0.

## 4. C14h-89-009

Preston-Garcia House  
1214 Newning Avenue

Staff reported that this is an owner-initiated request. Staff and Commission have been aware of its significance for some time, and the recent restoration and ownership by an individual who is supportive of historic zoning are welcome. The structure was built around 1886, and appears to meet Items (1), (3), (4), (6), (9), (11), (12), and (13) of the criteria, and is recommended for historic zoning. This is only the second structure with Hispanic ownership to be recommended. C14-91-0038RCA -Page14



**UNIVERSITY CO-OPERATIVE SOCIETY**

2246 GUADALUPE STREET • P.O. DRAWER 7520 • AUSTIN, TEXAS 78713 • 512 476-7211

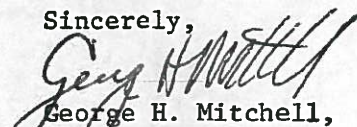
May 30, 1989

Norman R. Standerfer  
Acting Director of Planning Dept.  
City Of Austin  
P.O.Box 1088  
Austin, Texas 78767

Dear Sir:

On behalf of the University Co-Operative Society, I request that case # CIAH-89-0010 not be scheduled for the planning commission, and further request an indefinite postponement.

Sincerely,

  
George H. Mitchell,  
President

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: LOTS 13, 14, AND 15, OUTLOT 34, DIVISION D, LOUIS HORST SUBDIVISION, FROM "MF-4" MULTIFAMILY RESIDENCE (MODERATE-HIGH DENSITY) DISTRICT TO "GO-CO" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 507 WEST 23RD AND 2211-2217 NUECES STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING 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 amended to change the base zoning district from "MF-4" Multifamily Residence (Moderate-High Density) district to "GO-CO" General Office district-Conditional Overlay combining district on the property described in File C14-91-0038, as follows:

Lots 13, 14, and 15, Outlot 34, Division D, Louis Horst Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book Z, Page 613, of the Plat Records of Travis County, Texas,

locally known as 507 West 23rd and 2211-2217 Nueces Street, in the City of Austin, Travis County, Texas.

**PART 2.** The property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following condition:

1. No structure of any kind shall be built to a height greater than 40 feet above ground level on the Property.

Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "GO" General Office base district and other applicable requirements of the Land Development Code.

**PART 3.** It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

**PART 4.** The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

**PART 5.** This ordinance shall be effective ten days after the date of its final passage.

PASSED AND APPROVED:

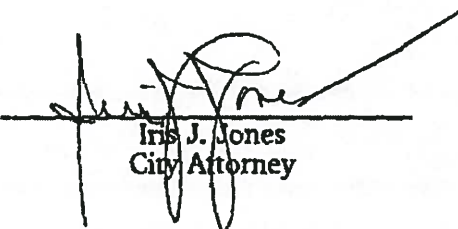
August 1, 1991

55555




Bruce Todd  
Mayor

APPROVED:

  
Iris J. Jones  
City Attorney

ATTEST:

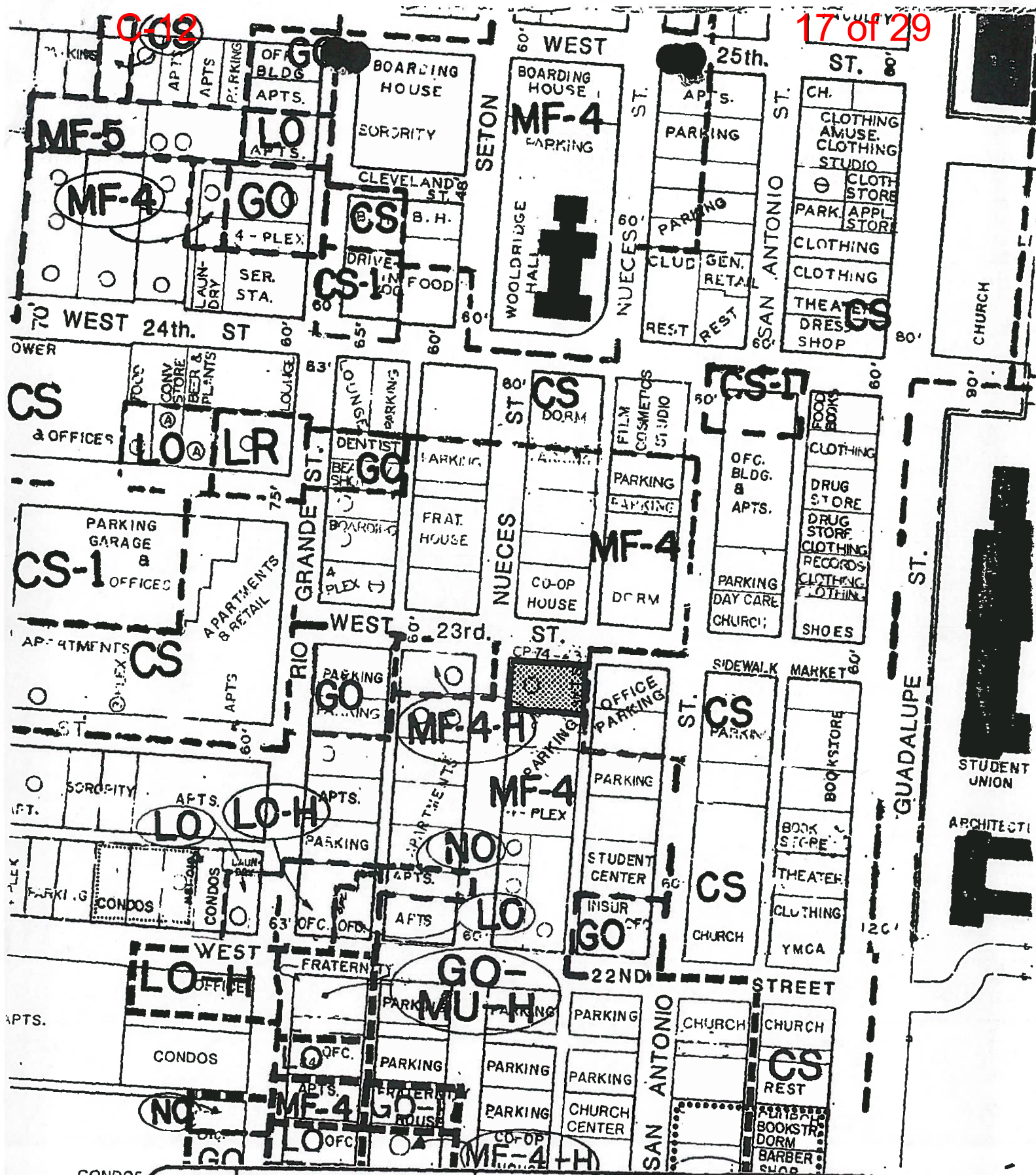
  
James E. Aldridge  
City Clerk

1AUG91  
ME/jj



0418

17 of 29



Pending Case:.....  
Zoning Boundary:---  
Cycle 5/91 Intls frames

Subject Tract   
Subject Acreage: 0.199  
Case No: C14-91-0038

Grid  
J 24

C14-91-0038RCA-1417L

RESTRICTIVE COVENANT

OWNER: UNIVERSITY COOPERATIVE SOCIETY, INC., a Texas corporation

ADDRESS: 2246 Guadalupe Street, Austin, Texas, 78705.  
Attn: George Mitchell, President.

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: Tract 1: North 9 foot tract of land out of Lot 14, Outlot 34, Division D, Louis Horst Subdivision, said North 9 foot tract of land being that same tract of land conveyed to University Cooperative Society, Inc., a Texas corporation, and described in the deed recorded in Volume 4420, at Page 2060, of the Deed Records of Travis County, Texas, said deed being attached as "Exhibit A" and incorporated herein for all purposes.

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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 at the time of such modification, amendment or termination.

11514 0506

REAL PROPERTY RECORDS  
Travis County, Texas

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UNIVERSITY COOPERATIVE SOCIETY, INC.,  
a Texas corporation

BY: George H. Mitchell  
George Mitchell, President

Date: July 23, 1991.

THE STATE OF TEXAS  
COUNTY OF TRAVIS

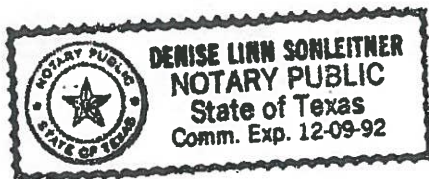
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This instrument was acknowledged before me on this the 23<sup>rd</sup> day of July, 1991, by George Mitchell, President of UNIVERSITY COOPERATIVE SOCIETY, INC., a Texas corporation, on behalf of said corporation.

Denise Linn Sonleitner

Notary Public Signature

Type or Print Name of Notary  
My Commission Expires: \_\_\_\_\_



After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767  
Attention: Joe Jimenez, Legal Assistant



WARRANTY DEED

THE STATE OF TEXAS    |  
 COUNTY OF TRAVIS      |

KNOW ALL MEN BY THESE PRESENTS:

That, for a good and valuable consideration to me in hand paid by University Cooperative Society, Inc., the receipt of all of which is hereby acknowledged, I, the undersigned, J. BURLESON SMITH, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF RUBY C. SMITH, DECEASED, of Bexar County, Texas, have granted, sold and conveyed and by these presents do grant, sell and convey unto the said UNIVERSITY COOPERATIVE SOCIETY, INC., a Texas corporation of Travis County, Texas, its successors and assigns, the following described premises lying and being situated in Travis County, Texas, to-wit:

Lot No. Thirteen (13) and North Nine (9) feet of Lot No. Fourteen (14), HORST ADDITION, Outlot Thirty-four (34), Division "D", an Addition in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Plat Book 2, Pages 594, and 613, Plat Records of Travis County, Texas.

TO HAVE AND TO HOLD the said premises, together with all rights and appurtenances thereunto in anywise appertaining, unto the said University Cooperative Society, Inc., its successors and assigns, forever. For the same consideration, I, the undersigned, J. Burleson Smith, Independent Executor of the Estate of Ruby C. Smith, Deceased, do covenant and agree that the Estate of Ruby C. Smith, Deceased, will warrant and forever defend title to the said premises against all persons whomsoever lawfully claiming or to claim the same or any part thereof.

The grant hereof is subject to all restrictive covenants, if any, of record in Travis County, Texas, affecting the said premises or any part thereof.

REAL PROPERTY RECORDS  
 Travis County, Texas

11514

0508

DEED RECORDS

11:30 2060

"EXHIBIT A" - Page 1 of 3



~~66-7797~~

Possession of the said premises shall be delivered contemporaneously with the delivery hereof.

EXECUTED this 26<sup>th</sup> day of September, 1972.

*J. Burleson Smith*  
J. Burleson Smith, Individually  
and as Independent Executor of  
the Estate of Ruby C. Smith,  
Deceased.

THE STATE OF TEXAS |  
COUNTY OF TRAVIS |  
                                  DEXAR |

BEFORE ME, the undersigned authority, on this day personally appeared J. Burleson Smith, Independent Executor of the Estate and under the Will of Ruby C. Smith, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument, 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 on this the 26<sup>th</sup> day of September, A.D., 1972.

*David Stone*  
Notary Public in and for Travis  
County, Texas.

NOTARY SEAL

STATE OF TEXAS                      COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on the  
date set out in the above captioned instrument, and was duly  
RECORDED, in the Volume and Page of the named RECORDS  
at Travis County, Texas, as Stated herein by me, on

OCT 2 1972



*David Stone*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED

OCT 4 9 15 AM '72

-2-

11514

0509

1120 2061

REAL PROPERTY RECORDS  
Travis County, Texas

"EXHIBIT A" - Page 2 of 3

C14-91-0038RCA -Page21

## SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:—

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No.

Nueces & W 23rd St. in the City of Austin, Texas, being described as follows:

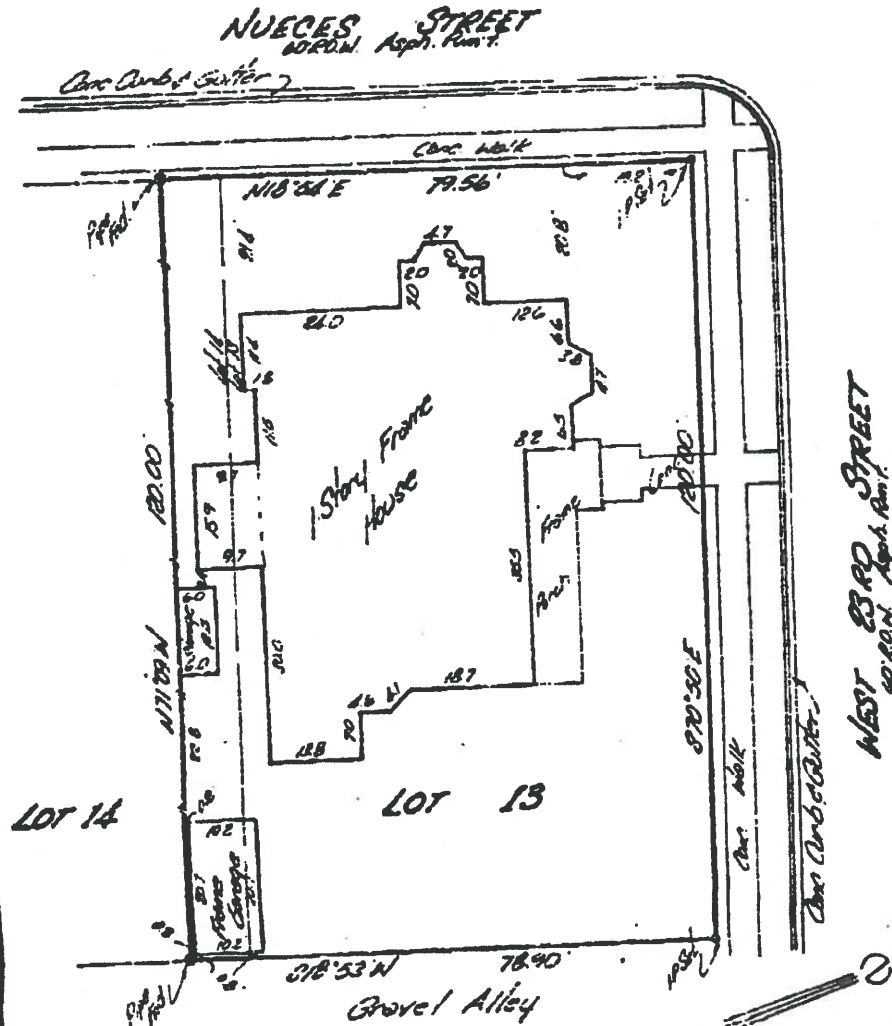
Lot No. 13 & N 9' of Lot 14, Block No. \_\_\_\_\_

of Louis Horst's Sub., \_\_\_\_\_ an addition to the City of Austin

Texas, according to the final plat thereof recorded in Vol. 7 at page 594 of the Reed

Records of Travis County, Texas.

Ref. Ruby Smith Estate



The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

There are no encroachments upon this lot.

Date Sept. 20, 1978 Invoice No. 18886 Work Order No. 16851

W. Harvey Smith  
Surveyor  
Austin, Texas 78703

11514 0510

REAL PROPERTY RECORDS  
Travis County, Texas

"EXHIBIT A" - Page 3 of 3

C14-91-0038RCA -Page22

FILED

1991 SEP -4 PM 3 16

DANA DE BEAUMONT  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

STATE OF TEXAS      COUNTY OF TRAVIS  
 hereby certify that this instrument was FILED on  
 date and at the time stamped hereon by me; and  
 is duly RECORDED, in the Volume and Page of the  
 said RECORDS of Travis County, Texas, on

SEP 4 1991



*Dana De Beaumont*  
 COUNTY CLERK  
 TRAVIS COUNTY, TEXAS

RECORDER'S MEMORANDUM - At the time of  
 recordation this instrument was found to be inadequate  
 for the best photographic reproduction, because of  
 illegibility, carbon or photo copy, discolored paper,  
 etc. All blockouts, additions and changes were present  
 at the time the instrument was filed and recorded.

11514 0511

REAL PROPERTY RECORDS  
 Travis County, Texas

ORDINANCE NO. 920402- F

EXHIBIT G - C14-91-0038RCA

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1: NORTH 9 FOOT TRACT OF LAND OUT OF LOT 14, OUTLOT 34, DIVISION D, LOUIS HORST SUBDIVISION, FROM "GO-CO" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "GO-CO-H" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT-HISTORIC; AND,

TRACT 2: LOT 13, OUTLOT 34, DIVISION D, LOUIS HORST SUBDIVISION, FROM "GO-CO" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "GO-CO-H" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT-HISTORIC,

LOCALLY KNOWN AS 507 WEST 23RD STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WAIVING 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. That Chapter 13-2 of the Austin City Code of 1981 is amended to change the respective base zoning districts on all the property described in File C14h-89-0010, as follows:

Tract 1: From "GO-CO" General Office district-Conditional Overlay combining district to "GO-CO-H" General Office district-Conditional Overlay combining district-Historic.

North 9 foot tract of land out of Lot 14, Outlot 34, Division D, Louis Horst Subdivision, said North 9 foot tract of land being that same tract of land conveyed to University Cooperative Society, Inc., a Texas corporation, and described in the deed recorded in Volume 4420, at Page 2060, of the Deed Records of Travis County, Texas, said deed being attached as "Exhibit A" and incorporated herein for all purposes.

Tract 2: From "GO-CO" General Office district-Conditional Overlay combining district to "GO-CO-H" General Office district-Conditional Overlay combining district-Historic.

Lot 13, Outlot 34, Division D, Louis Horst Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Book Z, Page 613, of the Plat Records of Travis County, Texas.

locally known as 507 West 23rd Street, in the City of Austin, Travis County, Texas.

PART 2. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1981 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 3. That the requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days shall be waived by the affirmative vote of five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 4. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage.



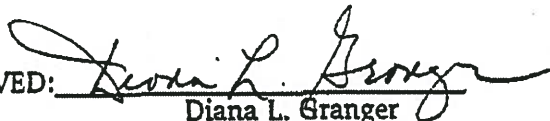
PASSED AND APPROVED:

April 2, 1992

SECTION 501

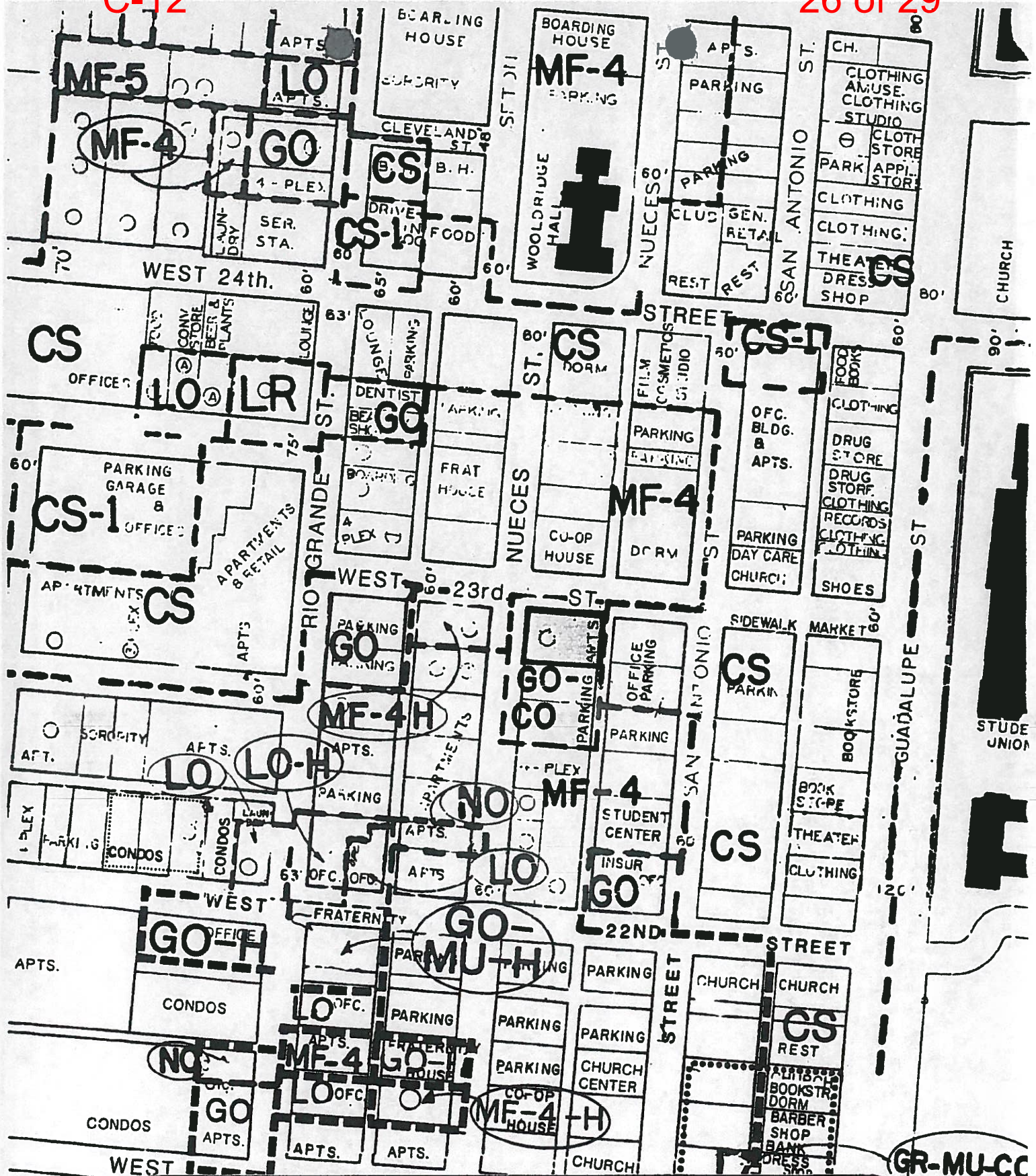
Bruce Todd  
Mayor

APPROVED:

Diana L. Granger  
Acting City Attorney

ATTEST:

James E. Aldridge  
City Clerk2Apr92  
ME/jj



APARTMENT NORTH



PENDING CASE .....

ZONING LINE - - - -

Case Manager: Antonio Gonzalez

CYCLE: 02/92 INTLS: J. R.

SUBJECT TRACT

SUBJECT ACREAGE .217

Address: 507 West 23rd. Street

CASE No: C14H-89-0010

GRID(s):

J

24

DORM.  
MALL



WARRANTY DEED

THE STATE OF TEXAS |  
COUNTY OF TRAVIS |

KNOW ALL MEN BY THESE PRESENTS:

That, for a good and valuable consideration to me in hand paid by University Cooperative Society, Inc., the receipt of all of which is hereby acknowledged, I, the undersigned, J. BURLESON SMITH, INDIVIDUALLY AND AS INDEPENDENT EXECUTOR OF THE ESTATE OF RUBY C. SMITH, DECEASED, of Bexar County, Texas, have granted, sold and conveyed and by these presents do grant, sell and convey unto the said UNIVERSITY COOPERATIVE SOCIETY, INC., a Texas corporation of Travis County, Texas, its successors and assigns, the following described premises lying and being situated in Travis County, Texas, to-wit:

Lot No. Thirteen (13) and North Nine (9) feet of Lot No. Fourteen (14), HORST ADDITION, Outlot Thirty-four (34), Division "D", an Addition in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Plat Book 2, Pages 594, and 613, Plat Records of Travis County, Texas.

TO HAVE AND TO HOLD the said premises, together with all rights and appurtenances thereunto in anywise appertaining, unto the said University Cooperative Society, Inc., its successors and assigns, forever. For the same consideration, I, the undersigned, J. Burleson Smith, Independent Executor of the Estate of Ruby C. Smith, Deceased, do covenant and agree that the Estate of Ruby C. Smith, Deceased, will warrant and forever defend title to the said premises against all persons whomsoever lawfully claiming or to claim the same or any part thereof.

The grant hereof is subject to all restrictive covenants, of record in Travis County, Texas, affecting the said or any part thereof.



Possession of the said premises shall be delivered contemporaneously with the delivery hereof.

EXECUTED this 26<sup>th</sup> day of September, 1972.

*J. Burleson Smith*  
J. Burleson Smith, Individually  
and as Independent Executor of  
the Estate of Ruby C. Smith,  
Deceased.

THE STATE OF TEXAS |  
COUNTY OF <sup>TEXAS</sup> ~~DEKAR~~ |

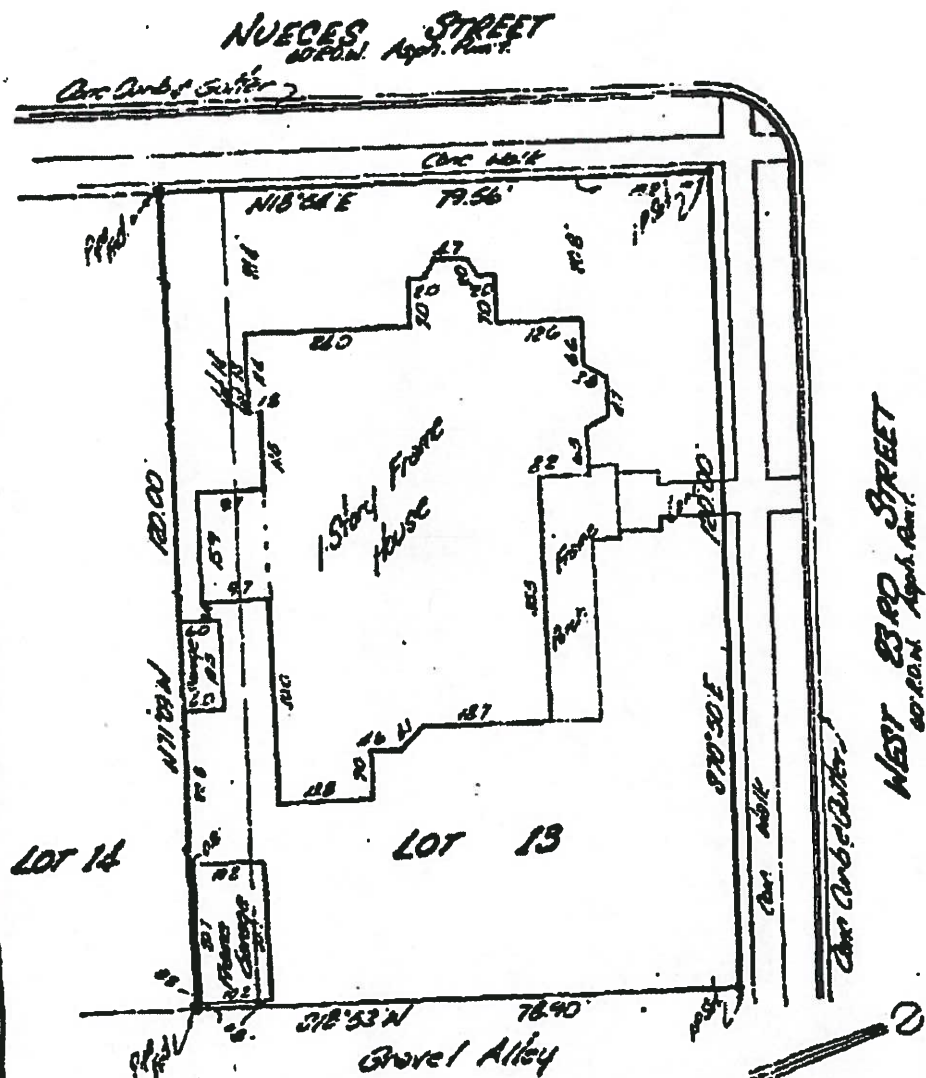
BEFORE ME, the undersigned authority, on this day personally appeared J. Burleson Smith, Independent Executor of the Estate and under the Will of Ruby C. Smith, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office on this the 26<sup>th</sup> day of September, A.D., 1972.

*David L. Stone*  
Notary Public in and for ~~DeKalb~~ <sup>Gravis</sup>  
County, Texas.

NOTARY SEAL

TO PARTIES INTERESTED IN PREMISES SURVEYED—  
 This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No.  
Nueces & W 23rd St. in the City of Austin, Texas being described as follows:  
Lot No. 13 & N 9' of Lot 14 Block No. \_\_\_\_\_  
of Louis Horst's Sub. on addition to the City of Austin  
 Texas, according to the final plat thereof recorded in Vol. 7 at page 594 of the Reed  
1910 Records of Travis County, Texas. Ref. Ruby Smith Estate



The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown hereon, and that the property has access to and from a dedicated roadway, except as shown hereon.

There are no encroachments upon this lot.

Date Sept. 21, 1970 Service No. 18896 Work Order No. 16851