

ORDINANCE NO. 20170831-020

AN ORDINANCE ADOPTING AN AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT FOR 5200 MCKINNEY FALLS PARKWAY CONSISTING OF 69 ACRES OF LAND IN TRAVIS COUNTY, TEXAS.

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

PART 1. The Council finds that:

- (A) In 2009, the City and the owner of the area referred to as the McKinney Falls Parkway Annexation and Development Agreement Area entered into an Annexation and Development Agreement.
- (B) On June 2, 2017, the owner of the area submitted a request to amend the Annexation and Development Agreement.

PART 2. The Amendment allows the owner to install a telecommunications tower and related equipment located generally in the western part of Tract Two.

PART 3. The Amendment to the Annexation and Development Agreement is attached as Exhibit A and incorporated as part of this ordinance.

PART 4. This ordinance takes effect on September 11, 2017.

PASSED AND APPROVED

August 31, 2017

§
§
§

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

EXHIBIT A

FIRST AMENDMENT TO 5200 MCKINNEY FALLS PARKWAY ANNEXATION AND DEVELOPMENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOWN BY ALL THESE PRESENTS:

THIS FIRST AMENDMENT TO THE 5200 MCKINNEY FALLS PARKWAY ANNEXATION AND DEVELOPMENT AGREEMENT ("Amendment") is entered into between the City of Austin, Texas, a home rule municipality (the "City"), acting by and through its City Manager; and PAP REALTY PARTNERSHIP, a Texas General Partnership, WP & AP, Ltd., a Texas Limited Partnership (a/k/a THE WP & AP, Ltd.), MVE VENTURE, Ltd., A Texas Limited Partnership (f/k/a MVE Venture, a Texas general partnership and converted to a limited partnership on July 27, 2004, including without limitation its successors, assigns, agents, and affiliated entities ("PAP Realty"), and the undersigned individuals and entities as the owners of the Property, including, without limitation their respective successors, assigns, and agents, and affiliated entities (collectively, PAP Realty and the undersigned individuals and entities will be known as ("Owners"). By the signatures of their respective authorized representatives below, PAP Realty warrants and represents that there are no other owners of any portion of the Property and no other third-parties holding an interest therein.

RECITALS

NOW, THEREFORE, for and in consideration of the mutual agreement of the parties contained in the Annexation and Development Agreement and this Amendment, and other good and valuable consideration, the City and the Owners agree as follows, and all other terms and conditions remain as stated in the Annexation and Development Agreement:

AMENDMENTS TO ANNEXATION AND DEVELOPMENT AGREEMENT

1. Amendment to Section 2.01 (D). Section 2.01 Uses (D), is amended to read as follows:
 - D. The Owners covenant and agree not to construct, or allow to be constructed, any buildings on the Property that would require a building permit if the Property were in the city limits that is inconsistent with the City's agriculture (AG) zoning requirements. Notwithstanding these restrictions, the owner is allowed to install a telecommunications tower with associated equipment for its operation, to be located generally in the western part of Tract Two.

[Signature Pages to Follow]

IN WITNESS WHEREOF, the authorized representative of each party has signed this Amendment as of the date(s) indicated below.

CITY OF AUSTIN, TEXAS:

By: _____

Name: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

By: _____

Name:

Title: Assistant City Attorney

Date: _____

OWNER:

PAP REALTY PARTNERSHIP,
A Texas General Partnership

By: _____
Kay Thurman, Managing Partner

Date: _____

WP & AP, LTD.,
A Texas Limited Partnership

By: _____
Jerry W. Pearson, _____

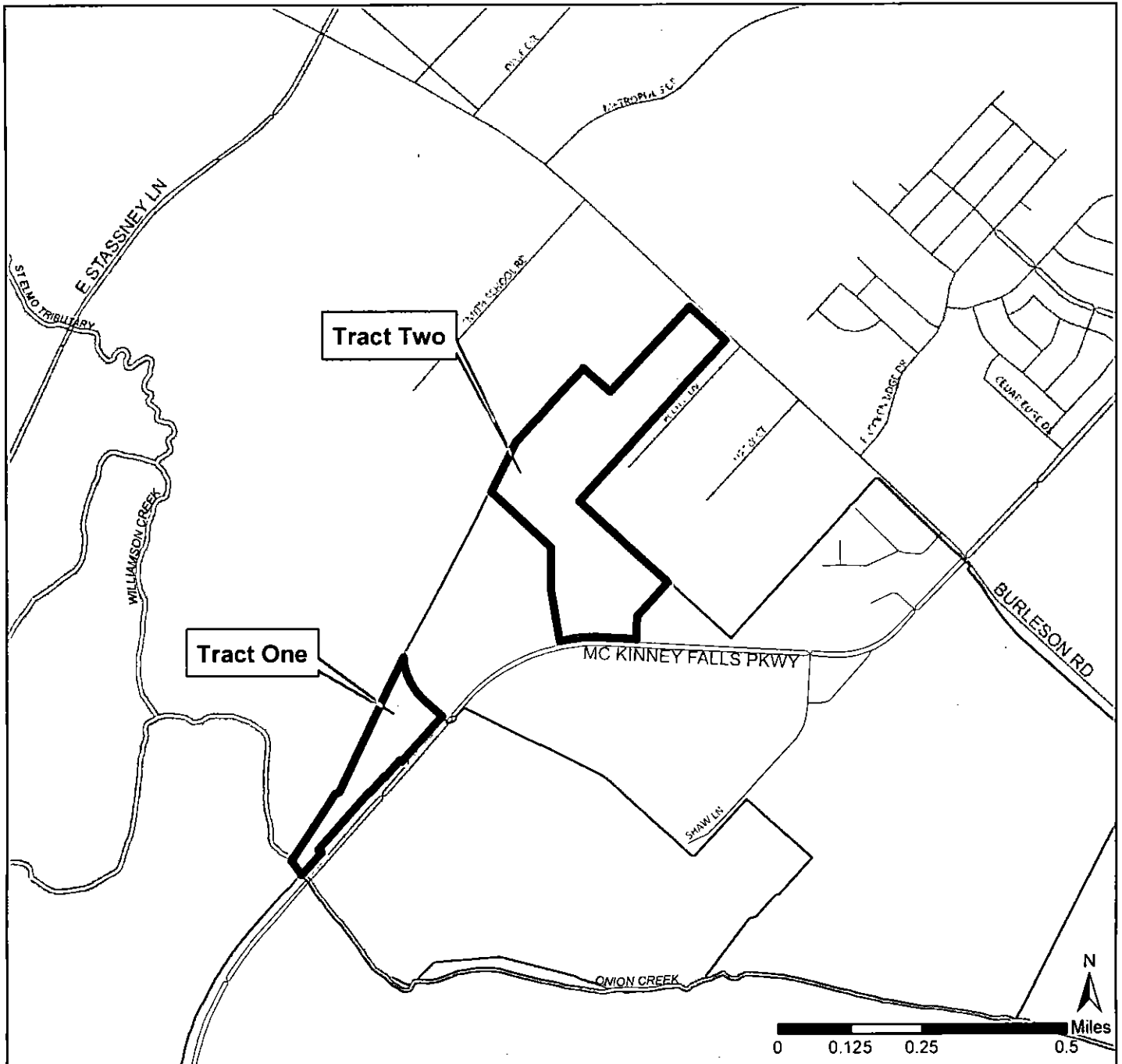
Date: _____

MVE Venture, Ltd.
A Texas Limited Partnership




By: MVE Venture GP, LLC
its General Partner

Dean Goodnight, Member




Date: _____



5200 McKinney Falls Parkway Annexation and Development Agreement Location Map

-  Tracts One and Two
-  Streets
-  Major Creeks

Jurisdictions

-  Austin Full Purpose
-  Austin Limited Purpose
-  Austin ETJ

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness. All data by City of Austin except where otherwise indicated.

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.



City Council Districts



City of Austin
Planning and Zoning Department
June 2017