

CM Kitchen MOTION SHEET

Amendment to Item 75

Motion for Amendment:

I move to amend the ordinance to add a new Part 2 and renumber the remaining parts.

Part 2. An amended neighborhood traffic analysis is required at the time of site plan to reflect existing traffic (vpd) and projected vpd from approved projects in order to account for the cumulative impact of planned developments on Cooper Lane.

Zoning Case No. C14-2019-0090

RESTRICTIVE COVENANT

OWNER: Scott Branyon and Kathy Stienke

OWNER ADDRESS: Scott Branyon, 7716 El Dorado Drive, Austin, Texas 78737
Kathy Stienke, 4704 Interlachen Lane, Austin, Texas 78747

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 are acknowledged.

PROPERTY: 5.001 acres (approximately 217,857 sq. ft.) in the William Cannon League, Abstract 6, Travis County, Texas, being a portion of Lot No. 3 in the J.G. and Henry Fitzhugh Subdivision, a subdivision in Travis County, Texas, recorded in Volume 1, Page 57, Plat Records of Travis County, Texas, said 5.001 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this covenant, (the "Property").

WHEREAS, the Owner 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 Development Services division of the Austin Transportation Department (the "Department"), dated November 5, 2019. 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 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 _____ day of _____, 2019.

Owner:

Scott Branyon and Kathy Stienke

Scott Branyon

Kathy Stienke

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____ 2019,
by Scott Branyon.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____ 2019,
by Kathy Stienke.

Notary Public, State of Texas

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

EARLY LAND SURVEYING, LLC

P.O. Box 92588

Austin, TX 78709

512-202-8631

TBPLS Firm No. 10194487

5.001 ACRES TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 5.001 ACRES (APPROXIMATELY 217,857 SQ. FT.) IN THE WILLIAM CANNON LEAGUE, ABSTRACT 6, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 3, J.G. AND HENRY FITZHUGH SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 1, PAGE 57 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING ALL OF A FIVE (5) ACRE TRACT CONVEYED TO SCOTT THOMAS BRANYON AND KATHRYN ANN STIENKE IN A TRUSTEE'S DISTRIBUTION DEED EXECUTED ON DECEMBER 30, 2016 AND RECORDED IN DOCUMENT NO. 2017001924 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.001 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the west right-of-way line of Cooper Lane (right-of-way width varies) as shown on E.E. Hale Subdivision No. 1, a subdivision of record in Volume 27, Page 47 of the Plat Records of Travis County, Texas, being in the north line of the said five (5) acre tract, being also the southeast corner of Lot 1, of said E.E. Hale Subdivision No. 1, from which a 1/2" rebar found in the west right-of-way line of Cooper Lane, being a northeast corner of said Lot 1, being also the southeast corner of Lot 2, of said E.E. Hale Subdivision No. 1, bears North 02°57'28" West, a distance of 232.94 feet;

THENCE with the common line of Cooper Lane and the said five (5) acre tract, the following three (3) courses and distances:

1. North 87°35'56" East, a distance of 14.72 feet to a 1/2" rebar with "Early Boundary" cap set for the northeast corner of the said five (5) acre tract, from which a 60d nail found in the edge of asphalt, bears South 46°04'19" East, a distance of 0.62 feet;
2. South 02°42'43" East, a distance of 208.82 feet to a 1/2" rebar with "Early Boundary" cap set for the southeast corner of the said five (5) acre tract, from which a 60d nail found, bears North 89°06'33" East, a distance of 2.56 feet and a 1/2" rebar with "Chaparral" cap found for an angle point in the east right-of-way line of Cooper Lane as described in Document No. 2015129198 of the Official Public Records of Travis County, Texas, bears South 45°37'30" East, a distance of 70.93 feet;

EXHIBIT "A"

3. South $87^{\circ}36'17''$ West, a distance of 9.07 feet to an 80d nail found for the northeast corner of a 90' X 640.5' tract described in Volume 11012, Page 439 of the Real Property Records of Travis County, Texas;

THENCE South $87^{\circ}36'17''$ West with the south line of the said five (5) acre tract, the north line of the said 90' X 640.5' tract and the north line of a 17.95 acre tract described in Document No. 2007010093 of the Official Public Records of Travis County, Texas, a distance of 743.34 feet to a 1/2" rebar with "Windrose Austin" cap found for the northeast corner of a 5.011 acre tract described in Document No. 2010157106 of the Official Public Records of Travis County, Texas;

THENCE South $87^{\circ}36'17''$ West with the south line of the said five (5) acre tract and the north line of the said 5.011 acre tract, a distance of 291.15 feet to a 1" axle in concrete found for the southwest corner of the said five (5) acre tract, being the easternmost corner of Lot 25, Block D, Elm Wood Estates, a subdivision of record in Volume 6, Page 140 of the Plat Records of Travis County, Texas, being also the southernmost corner of Lot 26, Block D, of said Elm Wood Estates;


THENCE North $02^{\circ}42'43''$ West with the west line of the said five (5) acre tract and the east line of said Lot 26, a distance of 208.71 feet to a 1/2" rebar with "Early Boundary" cap set for the northwest corner of the said five (5) acre tract, being the southwest corner of Lot 1, of said E.E. Hale Subdivision No. 1;

THENCE North $87^{\circ}35'56''$ East with the north line of the said five (5) acre tract and the south line of Lot 1, of said E.E. Hale Subdivision No. 1, a distance of 1028.85 feet to the **POINT OF BEGINNING**, containing 5.001 acres of land, more or less.

Surveyed on the ground on June 20, 2019.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1001-005-5AC

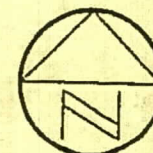

Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016
TBPLS Firm No. 10194487

8/28/19

Date



SKETCH TO ACCOMPANY A DESCRIPTION OF 5.001 ACRES (APPROXIMATELY 217,857 SQ. FT.) IN THE WILLIAM CANNON LEAGUE, ABSTRACT 6, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 3, J.G. AND HENRY FITZHUGH SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 1, PAGE 57 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING ALL OF A FIVE (5) ACRE TRACT CONVEYED TO SCOTT THOMAS BRANYON AND KATHRYN ANN STIENKE IN A TRUSTEE'S DISTRIBUTION DEED EXECUTED ON DECEMBER 30, 2016 AND RECORDED IN DOCUMENT NO. 2017001924 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



1" = 200'

8/28/19

EARLY LAND SURVEYING, LLC

P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
FIRM NO.10194487

LOT 1
E.E. HALE SUBDIVISION NO. 1
(27/47)

LOT 2
E.E. HALE
SUBDIVISION
NO. 1
(27/47)

WOOD CLIFF DRIVE

LOT 27
BLOCK D
ELM WOOD ESTATES
(6/140)

LOT 26
BLOCK D
ELM WOOD ESTATES
(6/140)

LOT 25
BLOCK D
ELM WOOD ESTATES
(6/140)



N87°35'56"E 1028.85' (S89°41'E 1029.17')

(S89°41'E 1043.57')

5.001 ACRES
APPROX. 217,857 SQ. FT.
FIVE (5) ACRES
(2017001924)

N02°42'43"W
208.71'
(NORTH
208.71')

S87°36'17"W
291.15'

DAN F. CALLAN AND
KATHERINE L. CALLAN
5.011 ACRES
(2010157106)

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- WA ● 1/2" REBAR WITH "WINDROSE AUSTIN" CAP FOUND
- CH ● 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- 1/2" REBAR WITH "EARLY BOUNDARY" CAP SET
- ⊙ 1" AXLE IN CONCRETE FOUND
- ▲ 80D NAIL FOUND NEXT TO 4" CEDAR POST (OR AS NOTED)

() RECORD INFORMATION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N87°35'56"E	14.72'
L2	S87°36'17"W	9.07'
L3	S45°37'30"E	70.93'

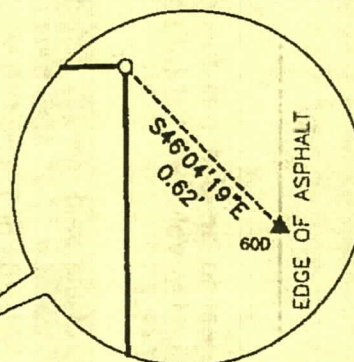
17.95 ACRES
(2007010093)

90' X 640.5'
TRACT
(11012/439)

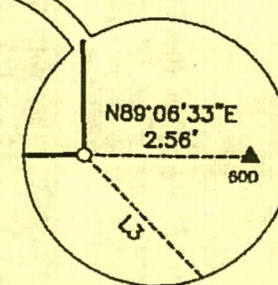
N02°57'28"W 232.94'
(N00°16'W 232.57')

P.O.B.

S02°42'43"E
208.82'
(SOUTH
208.71')



COOPER LANE
(R.O.W. WIDTH VARIES)
(27/47) (2015129198)



DATE OF SURVEY: 6/20/19
PLOT DATE: 8/28/19
DRAWING NO.: 1001-005-5AC
DRAWN BY: JBE
SHEET 1 OF 1

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83),
CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1001-005-5AC

After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: C. Curtis, Paralegal