

RESOLUTION NO. 20231214-069

WHEREAS, the City owns property along Wagon Bend, described as Lot 5 Block B Comal Bluff Subdivision Section 1, Austin, Texas, which is subject to a protective covenant; and

WHEREAS, the protective covenant for the Comal Bluff Subdivision prohibits buildings taller than four stories, among other private restrictions; and

WHEREAS, a certified Affordability Unlocked project is proposed at 1701 Nelms Drive, within the Comal Bluff Subdivision, to provide affordable housing for seniors; and

WHEREAS, the site located at 1701 Nelms Drive includes several environmental features, which the project is only able to accommodate by developing with four stories of height; and

WHEREAS, pursuant to paragraph 13 of the Protective Covenants, the Covenants may be terminated or modified by the agreement of owners of 75 percent of the square footage within Comal Bluff Subdivision;

WHEREAS, the City-owned property within the subdivision amounts to 21 percent of the square footage of the subdivision; and

WHEREAS, owners of approximately 58 percent of the remainder of the subdivision have signed or agreed to sign documents agreeing to terminate the protective covenant related to the height limitation, and none have opposed, allowing the Affordability Unlocked project at 1701 Nelms Drive to move forward; and

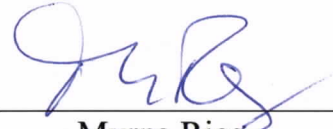
WHEREAS, the Southeast Combined Neighborhood Plan Contact Team supports this Affordability Unlocked project and affordable housing for seniors at 1701 Nelms Drive; **NOW, THEREFORE**,

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

The City Council authorizes the City Manager to execute documents necessary to terminate the City's interest in a protective covenant for property it owns on Wagon Bend in the Comal Bluff Subdivision, which is recorded as Document No. 0895800716 in Official Public Records of Travis County, Texas.

ADOPTED: December 14, 2023

ATTEST:



Myrna Rios
City Clerk