

ORDINANCE NO. O-2020-0015

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN ZONING AND DEVELOPMENT CODE, CHAPTER 2, ARTICLE I, SECTION 2-2(b)(1), CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 5.031 ACRES OF LAND, OUT OF THE ASA THOMAS SURVEY, ABSTRACT NO. 609 IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT PF-3 (PUBLIC FACILITIES – HIGH INTENSITY) TO DISTRICT PUD (PLANNED UNIT DEVELOPMENT) NO. 111; AND TO AMEND ORDINANCE NO. O-2017-4746, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON SEPTEMBER 28, 2017, TO INCLUDE SAID 5.031 ACRES WITHIN PUD NO. 111; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on May 10, 2012, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-12-05-10-H3, which zoned 5.031 acres, attached hereto as Exhibit “1”, as PF-3 (Public Facilities – High Intensity), and

WHEREAS, on September 28, 2017, the City Council of the City of Round Rock, Texas, adopted Ordinance No. O-2017-4746, which established PUD No. 111, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to rezone said 5.031 acres from PF-3 (Public Facilities – High Intensity) zoning district to Planned Unit Development (PUD) No. 111 zoning district, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746 on the 4th day of December, 2019, following lawful publication of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746 be amended, and

WHEREAS, on the 9th day of January, 2020, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746 promotes the health, safety, morals and general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Zoning and Development Code, Chapter 10, Article I, Section 10-2 and Article IV, Section 10-22, Code of Ordinances (2018 Edition), City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the City Council hereby determines that the proposed amendment to Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746 meet the following goals and objectives:

- (1) The amendment to P.U.D. #111 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #111 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

- (3) The amendment to P.U.D. #111 does not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

II.

That the Official Zoning Map adopted in Zoning and Development Code, Chapter 2, Article I, Section 2-2(b)(1), Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended so that the zoning classification of the 5.031 acres described in Exhibit "1", attached hereto and incorporated herein, shall be, and is hereafter designated as included within Planned Unit Development (PUD) No. 111.

III.

That the Development Plan of PUD No. 111, as approved in Ordinance No. O-2017-4746, is hereby amended to include said 5.031 acres, being described in Exhibit "1", attached hereto.

IV.

That Exhibit "C" of the Development Plan of PUD No. 111, as approved in Ordinance No. O-2017-4746, is hereby amended to add an additional reciprocal easement, attached hereto and incorporated herein as Exhibit "C-2".

V.

That Exhibit "D", as approved in Ordinance No. O-2017-4746, is hereby deleted in its entirety, and replaced with the "Revised Exhibit D", attached hereto and incorporated herein.

VI.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

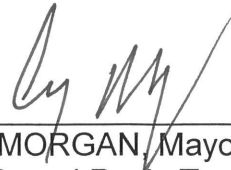
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 9th day of January, 2020.

Alternative 2.

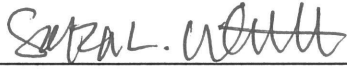
READ and APPROVED on first reading this the _____ day of _____, 2020.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2020.

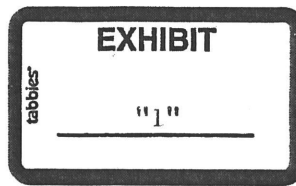


CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk



METES AND BOUNDS DESCRIPTION

FOR A 5.031 ACRE TRACT OF LAND, SITUATED IN THE ASA THOMAS SURVEY, ABSTRACT NO. 609, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE REMNANT PORTION OF THE CALLED 5.32 ACRE TRACT OF LAND CONVEYED TO THE FELLOWSHIP AT FOREST CREEK, RECORDED IN DOCUMENT NO. 2005011271, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 5.031 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found on the southeast corner of said called 5.32 acre THE FELLOWSHIP AT FOREST CREEK tract, same being on the southwest corner of the remnant portion of the called 5.339 acre tract of land conveyed to EVEN ROCK, LLC, recorded in Document No. 2018071636, Official Public Records of Williamson County, Texas, same being on a point in the northerly boundary line of the called 5.524 acre tract of land conveyed to FRED ROBERT ANDERS, JR. and AMANDA ANDERS, HUSBAND and WIFE, recorded in Document No. 2019050712, Official Public Records of Williamson County, Texas, for the southeast corner and **POINT OF BEGINNING** hereof;

THENCE **S 88°00'29' W**, with the southerly boundary line of said called 5.32 acre THE FELLOWSHIP AT FOREST CREEK tract, same being with said northerly boundary line of the called 5.524-acre ANDERS tract, for a distance of **344.10 feet** to the calculated unmonumented southwest corner of said called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being on the calculated unmonumented northwest corner of said 5.524-acre ANDERS tract, same being on an angle point in the easterly right-of-way line of WESTVIEW DRIVE (50' right-of-way width), for the southwest corner hereof, from which a 1/2" iron rod found on the southwest corner of said 5.524-acre ANDERS tract bears S 01°57'45' E for a distance of 349.78 feet;

THENCE **N 02°03'07' W**, with the westerly boundary line of said called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being with said easterly right-of-way line of said WESTVIEW DRIVE, for a distance of **637.69 feet** to an iron rod found with aluminum cap marked "ROW 4933" on the northwest corner of said remnant portion of the called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being on the southeast intersection of said easterly right-of-way line of WESTVIEW DRIVE and the southerly right-of-way line of GATTIS SCHOOL ROAD (right-of-way width varies), same being on the southwest corner of the called 0.301 acre tract of land conveyed to the CITY OF ROUND ROCK, TEXAS, recorded in Document No. 2019017219, Official Public Records of Williamson County, Texas, for the northwest corner hereof;


THENCE, with the northerly boundary line of said remnant portion of the called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being with the southerly boundary line of said 0.301-acre CITY OF ROUND ROCK, TEXAS tract recorded in said Document No. 2019017219, same being with said southerly right-of-way line of GATTIS SCHOOL ROAD the following two (2) courses and distances:

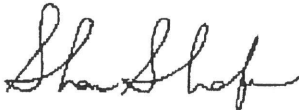
1. **N 88°54'54" E** for a distance of **113.00 feet** to an iron rod found with aluminum cap marked "ROW 4933", for an angle point hereof
2. **N 87°46'47" E** for a distance of **231.52 feet** to an iron rod found with aluminum cap marked "ROW 4933" on the northeast corner of said remnant portion of the called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being on the southeast corner of said 0.301-acre CITY OF ROUND ROCK, TEXAS tract, recorded in said Document No. 2019017219, same being on the southwest corner of a called 0.301 acre tract of land conveyed to the CITY OF ROUND ROCK, TEXAS, recorded in Document No. 2019018799, Official Public Records of Williamson County, Texas, same being on a point in said southerly right-of-way line of GATTIS SCHOOL ROAD, same being on the northwest corner of aforementioned remnant portion of the called 5.339-acre EVEN ROCK, LLC tract, for the northeast corner hereof

THENCE **S 02°00'56" E**, with the common boundary line of said called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract and said 5.339-acre EVEN ROCK, LLC tract, for a distance of **636.83 feet** to the **POINT OF BEGINNING** hereof and containing 5.031 acres of land more or less.

BEARING BASIS: NAD-83, TEXAS CENTRAL (4203), STATE PLANE SYSTEM. All distances are surface distances. Combined Surface Adjustment Factor used for this survey is 1.00011.

A drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100
T.B.P.L.S. FIRM NO. 10006900



November 11, 2019

SHANE SHAFER, R.P.L.S. NO. 5281

DATE



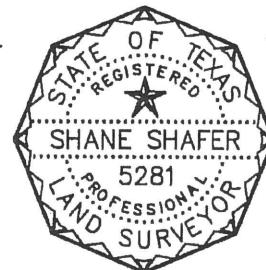
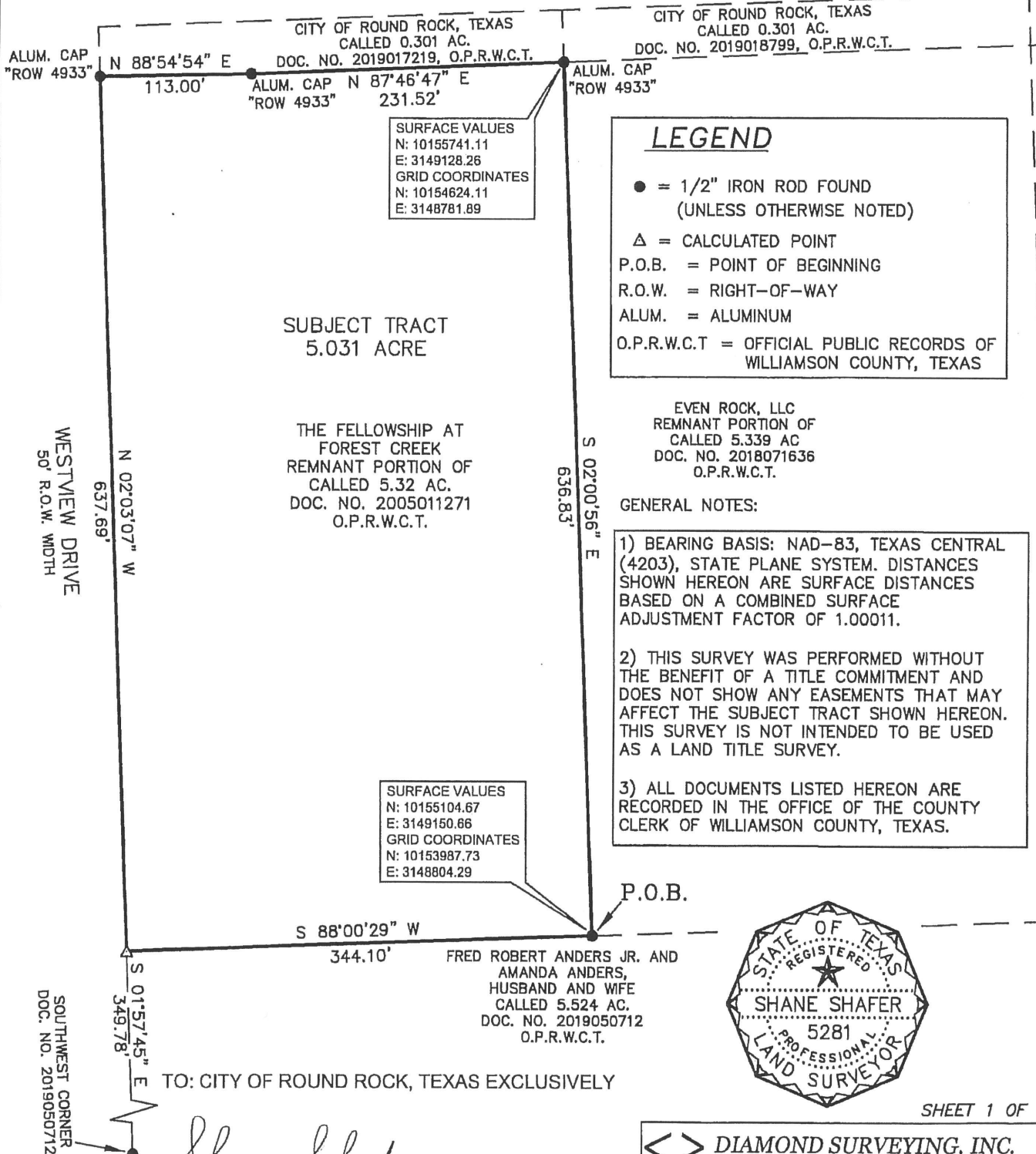
Z:\WAELTZ & PRETE\GATTIS SCHOOL ROAD\PROJECT 2 -3415 & 3467 GATTIS SCHOOL RD - ATLIN VILLAGE TOWNHOMES\11-11-2019 3415 GATTIS SCHOOL ROAD REZONE TRACT M&B.doc

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 5.031 ACRE TRACT OF LAND, SITUATED IN THE ASA THOMAS SURVEY,
ABSTRACT NO. 609, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE
REMNANT PORTION OF THE CALLED 5.32 ACRE TRACT OF LAND CONVEYED TO
THE FELLOWSHIP AT FOREST CREEK, RECORDED IN DOCUMENT NO. 2005011271,
OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

ADDRESS: 3415 GATTIS SCHOLL ROAD, ROUND ROCK, TEXAS 78664

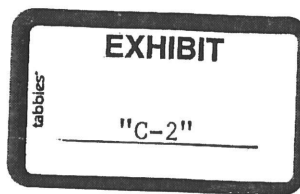
GATTIS SCHOOL ROAD SCALE: 1" = 100'
R.O.W. WIDTH VARIES



SHEET 1 OF 1

Shane Shafer
Shane Shafer, R.P.L.S. NO. 5281
NOVEMBER 11, 2019
DATE

<> **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628
(512) 931-3100
T.B.P.L.S. FIRM NO. 10006900



RECIPROCAL ACCESS EASEMENT

STATE OF TEXAS

COUNTY OF WILLIAMSON

EVEN ROCK LLC whose mailing address is P.O. Box 8127, Round Rock, Texas 78683, LYNNWOOD VIEW LLC, whose mailing address is P.O. Box 8127, Round Rock, Texas 78683, RAMSWAROOP BODDU & RAMSI SURENDRAN BODDU ("Boddu"), whose mailing address is 3517 Gattis School Road, Round Rock, Texas 78664, and DOUGLAS E. MARTIN ("Martin"), whose mailing address is 3525 Gattis School Road, Round Rock, Texas 78664, convey reciprocal easements to each other, on the basis of the following facts and understandings.

RECITALS

1. EVEN ROCK LLC owns certain property ("Property A") located in Round Rock, Texas, and described as:

Being approximately 5.339 acres out of the Asa Thomas Survey, Abstract No. 609, in Williamson County, Texas, and being that same tract of land described in a deed to EVEN ROCK LLC, recorded in Document Number 2018071636 of the Williamson County Official Public Records.

2. LYNNWOOD VIEW LLC owns certain other property ("Property B") located in Round Rock, Texas. Property B is described as:

Being approximately 5.20 acres out of the Asa Thomas Survey, Abstract No. 609, in Williamson County, Texas, and being that same tract of land described in a deed to LYNNWOOD VIEW LLC, recorded in Document Number 2019063781 of the Williamson County Official Public Records.

3. Boddu owns certain other property ("Property C") located in Round Rock, Texas. Property C is described as:

Being approximately 5.32 acres out of the Asa Thomas Survey, Abstract No. 609, in Williamson County, Texas, and being that same tract of land described in a deed to Ramswaroop R. Boddu and Resmi Surdendran, husband and wife, recorded in Document Number 2013003409 of the Williamson County Official Public Records.

4. Martin owns certain other property ("Property D"). Property D is described as:

Being approximately 5.32 acres out of the Asa Thomas Survey, Abstract No. 609, in Williamson County, Texas, and being that same tract of land described in a deed to Douglas E. Martin and wife, Martha J. Martin, of record in Volume 821, Page 258, Deed Records, Williamson County, Texas.

5. EVEN ROCK LLC, LYNNWOOD VIEW LLC, Boddu, and Martin are hereinafter collectively referred to as the "Parties".
6. Property A, Property B, Property C, and Property D are hereinafter collectively referred to as the "Properties".
7. The Properties are all located adjacent to and have access to Gattis School Road
8. The City of Round Rock has plans to further develop and widen Gattis School Road, which may impact the Properties' access to Gattis School Road.
9. The Parties wish to grant twenty-six (26) foot wide reciprocal access easements parallel and adjacent to the Gattis School Road right-of-way, over, under, and across those portions of the Properties directly to the south of the Gattis School Road right-of-way (the "Easement Area").
10. The Parties desire to have the mutual and reciprocal right to use the entire surface of the Road for purposes of ingress and egress.

THE PARTIES THEREFORE AGREE, in consideration of the mutual and reciprocal grants and agreements made here, as follows:

CONVEYANCE

Grant of Reciprocal Access Easements

1. The Parties hereby grant to each other a permanent, non-exclusive easement for vehicular and pedestrian access within the Easement Area located from time to time on their respective property (the "Reciprocal Easements"). Except to abate an emergency, no trees, permanent buildings, structures, fences or other barriers shall be placed in the Easement Area or shall be allowed to prevent, hinder or interfere in any way with the free flow and passage of vehicular and pedestrian traffic over, to, and from the Easement Area, and no change of grade elevation or excavation shall be made upon the Easement Area, without the prior approval of each Property Owner, which approval shall not be unreasonably withheld or delayed.

Purpose of Easement

2. This access easement, with its rights and privileges, shall be used only for the purpose of providing pedestrian and vehicular ingress and egress over and across said properties.

Duration of Easement

3. This easement shall be perpetual.

Warranty of Title

4. Each Party's heirs, personal representatives, successors, and assigns are and shall be bound to warrant and forever defend the easement and rights conveyed in this instrument to the other Party's heirs, personal representatives, successors, and assigns against every person lawfully claiming or to claim all or any part of the interest in the Property.

Nonexclusivity of Easement

5. The easement, rights, and privileges granted by this conveyance are nonexclusive, and each Party reserves and retains the right to convey similar rights and easements to such other persons as each Party may deem proper.

Indemnity

6. Each Party shall hold harmless, defend, and indemnify the other Party against any suits, liabilities, claims, demands or damages, including but not limited to personal injuries and attorneys' fees, arising from any Party's exercise of easement rights granted by this instrument.

Maintenance

7. Each Property Owner shall pay the expense of maintaining and repairing the Easement Area on their respective property, including the payment of all real estate taxes and assessments.

Rights Reserved

8. Each Party retains, reserves, and shall continue to enjoy the use of the surface of the easement area described in Paragraph 4 of this Agreement for any and all purposes that do not interfere with and prevent other Party's use of the easement. This includes, without limitation, the right to build and use the surface of the easement area for drainage ditches and private streets, roads, driveways, alleys, walks, gardens, lawns, planting or parking areas, and other like uses and to

dedicate all or any part of the easement area to any city for use as a public street, road, or alley.

Covenants Running with Land

9. The rights contained within this Reciprocal Access Easement shall run with the land and inure to and be for the benefit of each Property Owner, their successors and assigns, and the tenants, agents, employees, sub-tenants, licensees, concessionaires, mortgagees in possession, customers and business invitees of such persons. The rights conferred hereby shall be enforceable by injunction in the appropriate court in the event of their breach.

Entire Agreement

10. This Reciprocal Access Easement contains the entire agreement between the parties relating to its subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by the Parties.

Executed this 16th day of 12, 2019.

(signature pages follow)

Property A:

By: [Signature]
EVEN ROCK LLC

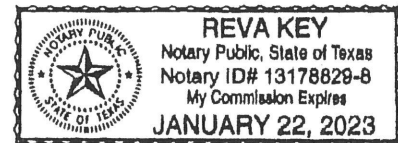
Date: 12/16/19

ACKNOWLEDGMENT

STATE OF TEXAS

§
§
§

COUNTY OF Williamson



This instrument was acknowledged before me on this the 16 day of December, 2019 by STEVEN TONG, MANAGER OF EVEN ROCK LLC, in the capacity and for the purposes and consideration recited therein.

Reva L. Key
Notary Public, State of Texas

Property B:

By: [Signature]
LYNNWOOD VIEW LLC

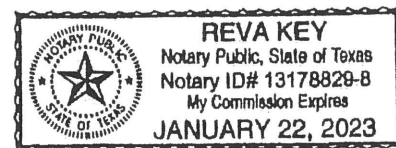
Date: 12/16/19

ACKNOWLEDGMENT

STATE OF TEXAS

§
§
§

COUNTY OF Williamson



This instrument was acknowledged before me on this the 16 day of December, 2019 by STEVEN TONG, MANAGER OF LYNNWOOD VIEW LLC, in the capacity and for the purposes and consideration recited therein.

Reva L. Key
Notary Public, State of Texas

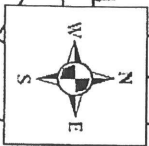


EXHIBIT
Revised
Exhibit "D"

tabbies

Gattis School Rd

Rusk Rd

Westview Dr

Driveway Exhibit

Driveway 1

Driveway 2

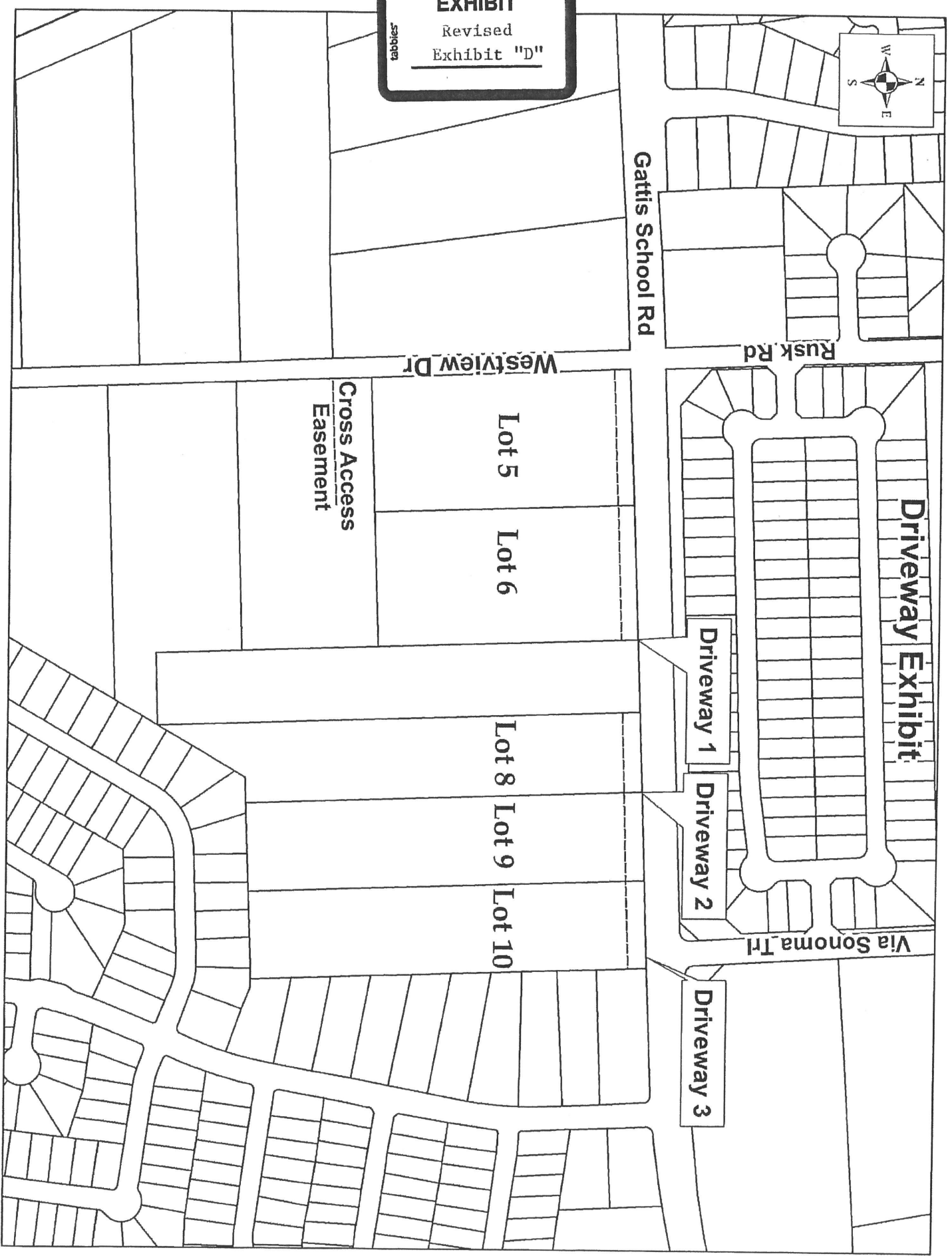
Driveway 3

Via Sonoma Trl

Lot 5 Lot 6

Lot 8 Lot 9 Lot 10

Cross Access
Easement



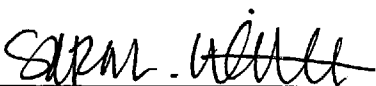
THE STATE OF TEXAS *

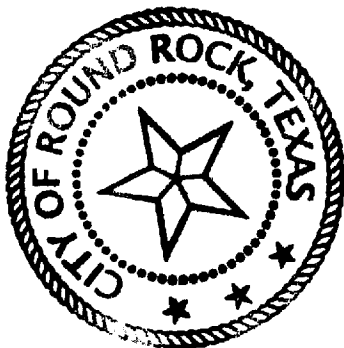
COUNTY OF WILLIAMSON *

CITY OF ROUND ROCK *

I, SARA L. WHITE, City Clerk of the City of Round Rock, Texas, do hereby certify that I am the custodian of the public records maintained by the City of Round Rock and the attached is a true and correct copy of Ordinance No. O-2020-0015 which rezones approximately 5.031 acres of land to PUD (Planned Unit Development) No. 111 and amends PUD No. 111. This ordinance was approved and adopted at a regular meeting held by the City Council on the 9th day of January 2020 and recorded in the City Council minute book no. 62.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 14th day of January 2020.


SARA L. WHITE, TRMC, City Clerk



ORDINANCE NO. O-2020-0015

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN ZONING AND DEVELOPMENT CODE, CHAPTER 2, ARTICLE I, SECTION 2-2(b)(1), CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 5.031 ACRES OF LAND, OUT OF THE ASA THOMAS SURVEY, ABSTRACT NO. 609 IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT PF-3 (PUBLIC FACILITIES – HIGH INTENSITY) TO DISTRICT PUD (PLANNED UNIT DEVELOPMENT) NO. 111; AND TO AMEND ORDINANCE NO. O-2017-4746, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON SEPTEMBER 28, 2017, TO INCLUDE SAID 5.031 ACRES WITHIN PUD NO. 111; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on May 10, 2012, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-12-05-10-H3, which zoned 5.031 acres, attached hereto as Exhibit “1”, as PF-3 (Public Facilities – High Intensity), and

WHEREAS, on September 28, 2017, the City Council of the City of Round Rock, Texas, adopted Ordinance No. O-2017-4746, which established PUD No. 111, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to rezone said 5.031 acres from PF-3 (Public Facilities – High Intensity) zoning district to Planned Unit Development (PUD) No. 111 zoning district, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746 on the 4th day of December, 2019, following lawful publication of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746 be amended, and

WHEREAS, on the 9th day of January, 2020, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746 promotes the health, safety, morals and general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Zoning and Development Code, Chapter 10, Article I, Section 10-2 and Article IV, Section 10-22, Code of Ordinances (2018 Edition), City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the City Council hereby determines that the proposed amendment to Ordinance No. Z-12-05-10-H3 and Ordinance No. O-2017-4746 meet the following goals and objectives:

- (1) The amendment to P.U.D. #111 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #111 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

- (3) The amendment to P.U.D. #111 does not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

II.

That the Official Zoning Map adopted in Zoning and Development Code, Chapter 2, Article I, Section 2-2(b)(1), Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended so that the zoning classification of the 5.031 acres described in Exhibit "1", attached hereto and incorporated herein, shall be, and is hereafter designated as included within Planned Unit Development (PUD) No. 111.

III.

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IV.

That Exhibit "C" of the Development Plan of PUD No. 111, as approved in Ordinance No. O-2017-4746, is hereby amended to add an additional reciprocal easement, attached hereto and incorporated herein as Exhibit "C-2".

V.

That Exhibit "D", as approved in Ordinance No. O-2017-4746, is hereby deleted in its entirety, and replaced with the "Revised Exhibit D", attached hereto and incorporated herein.

VI.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 9th day of January, 2020.

Alternative 2.

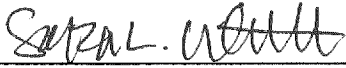
READ and APPROVED on first reading this the _____ day of _____, 2020.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2020.

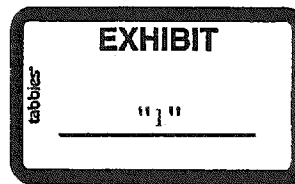


CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk



METES AND BOUNDS DESCRIPTION

FOR A 5.031 ACRE TRACT OF LAND, SITUATED IN THE ASA THOMAS SURVEY, ABSTRACT NO. 609, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE REMNANT PORTION OF THE CALLED 5.32 ACRE TRACT OF LAND CONVEYED TO THE FELLOWSHIP AT FOREST CREEK, RECORDED IN DOCUMENT NO. 2005011271, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 5.031 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found on the southeast corner of said called 5.32 acre THE FELLOWSHIP AT FOREST CREEK tract, same being on the southwest corner of the remnant portion of the called 5.339 acre tract of land conveyed to EVEN ROCK, LLC, recorded in Document No. 2018071636, Official Public Records of Williamson County, Texas, same being on a point in the northerly boundary line of the called 5.524 acre tract of land conveyed to FRED ROBERT ANDERS, JR. and AMANDA ANDERS, HUSBAND and WIFE, recorded in Document No. 2019050712, Official Public Records of Williamson County, Texas, for the southeast corner and **POINT OF BEGINNING** hereof;

THENCE **S 88°00'29" W**, with the southerly boundary line of said called 5.32 acre THE FELLOWSHIP AT FOREST CREEK tract, same being with said northerly boundary line of the called 5.524-acre ANDERS tract, for a distance of **344.10 feet** to the calculated unmonumented southwest corner of said called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being on the calculated unmonumented northwest corner of said 5.524-acre ANDERS tract, same being on an angle point in the easterly right-of-way line of WESTVIEW DRIVE (50' right-of-way width), for the southwest corner hereof, from which a 1/2" iron rod found on the southwest corner of said 5.524-acre ANDERS tract bears **S 01°57'45" E** for a distance of 349.78 feet;

THENCE **N 02°03'07" W**, with the westerly boundary line of said called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being with said easterly right-of-way line of said WESTVIEW DRIVE, for a distance of **637.69 feet** to an iron rod found with aluminum cap marked "ROW 4933" on the northwest corner of said remnant portion of the called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being on the southeast intersection of said easterly right-of-way line of WESTVIEW DRIVE and the southerly right-of-way line of GATTIS SCHOOL ROAD (right-of-way width varies), same being on the southwest corner of the called 0.301 acre tract of land conveyed to the CITY OF ROUND ROCK, TEXAS, recorded in Document No. 2019017219, Official Public Records of Williamson County, Texas, for the northwest corner hereof;


THENCE, with the northerly boundary line of said remnant portion of the called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being with the southerly boundary line of said 0.301-acre CITY OF ROUND ROCK, TEXAS tract recorded in said Document No. 2019017219, same being with said southerly right-of-way line of GATTIS SCHOOL ROAD the following two (2) courses and distances:

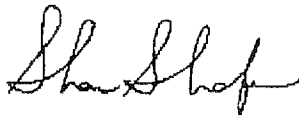
1. **N 88°54'54" E** for a distance of **113.00 feet** to an iron rod found with aluminum cap marked "ROW 4933", for an angle point hereof
2. **N 87°46'47" E** for a distance of **231.52 feet** to an iron rod found with aluminum cap marked "ROW 4933" on the northeast corner of said remnant portion of the called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract, same being on the southeast corner of said 0.301-acre CITY OF ROUND ROCK, TEXAS tract, recorded in said Document No. 2019017219, same being on the southwest corner of a called 0.301 acre tract of land conveyed to the CITY OF ROUND ROCK, TEXAS, recorded in Document No. 2019018799, Official Public Records of Williamson County, Texas, same being on a point in said southerly right-of-way line of GATTIS SCHOOL ROAD, same being on the northwest corner of aforementioned remnant portion of the called 5.339-acre EVEN ROCK, LLC tract, for the northeast corner hereof

THENCE **S 02°00'56" E**, with the common boundary line of said called 5.32-acre THE FELLOWSHIP AT FOREST CREEK tract and said 5.339-acre EVEN ROCK, LLC tract, for a distance of **636.83 feet** to the **POINT OF BEGINNING** hereof and containing 5.031 acres of land more or less.

BEARING BASIS: NAD-83, TEXAS CENTRAL (4203), STATE PLANE SYSTEM. All distances are surface distances. Combined Surface Adjustment Factor used for this survey is 1.00011.

A drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100
T.B.P.L.S. FIRM NO. 10006900



November 11, 2019

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



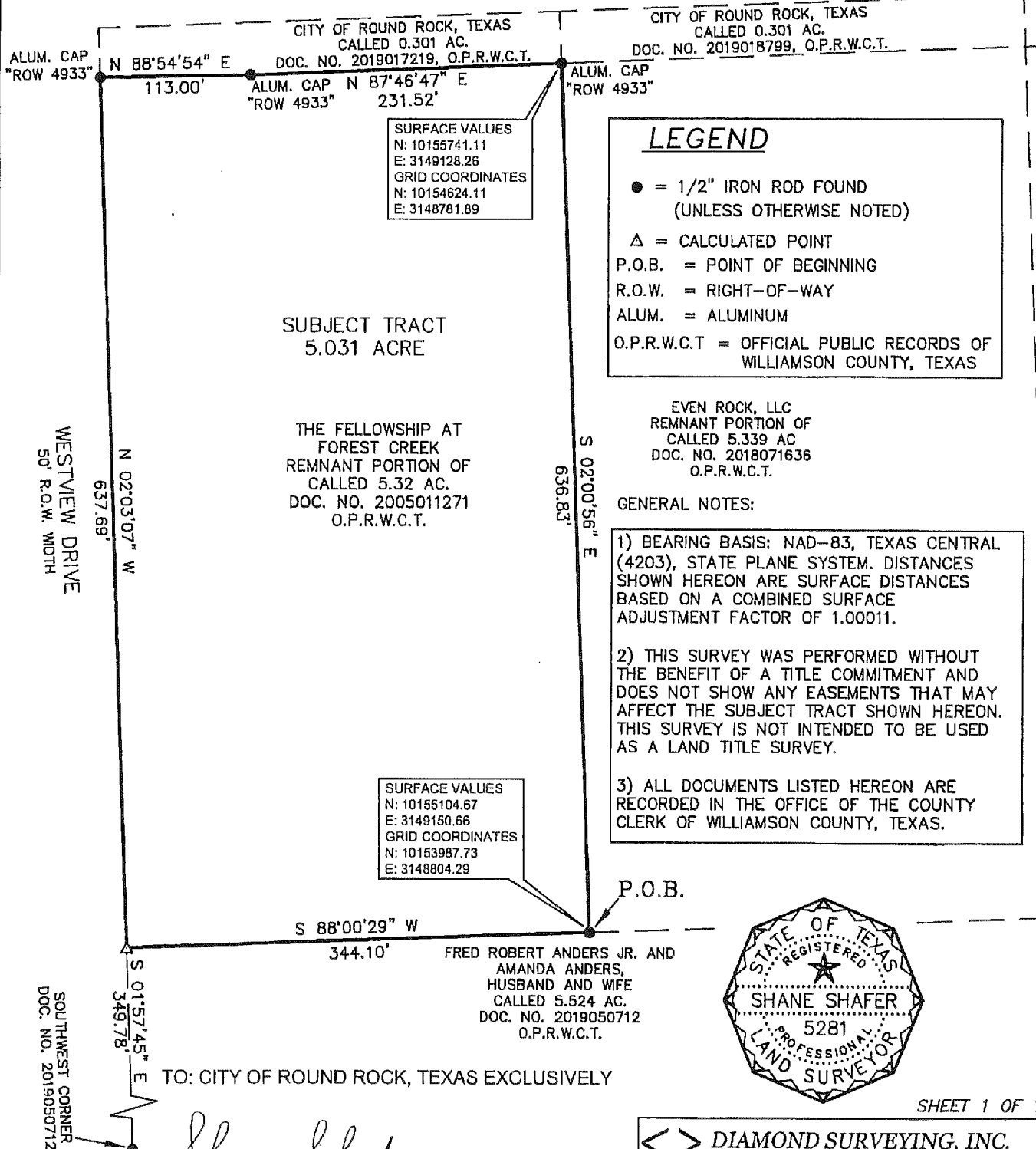
Z:\WAELTZ & PRETE\GATTIS SCHOOL ROAD\PROJECT 2 -3415 & 3467 GATTIS SCHOOL RD - ATLIN VILLAGE TOWNHOMES\11-11-2019 3415 GATTIS SCHOOL ROAD REZONE TRACT M&B.doc

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 5.031 ACRE TRACT OF LAND, SITUATED IN THE ASA THOMAS SURVEY,
ABSTRACT NO. 609, IN WILLIAMSON COUNTY, TEXAS, BEING ALL OF THE
REMNANT PORTION OF THE CALLED 5.32 ACRE TRACT OF LAND CONVEYED TO
THE FELLOWSHIP AT FOREST CREEK, RECORDED IN DOCUMENT NO. 2005011271,
OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

ADDRESS: 3415 GATTIS SCHOLL ROAD, ROUND ROCK, TEXAS 78664

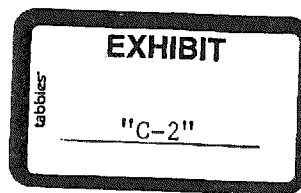
GATTIS SCHOOL ROAD SCALE: 1" = 100'
R.O.W. WIDTH VARIES



Shane Shafer
Shane Shafer, R.P.L.S. NO. 5281
NOVEMBER 11, 2019
DATE

<> **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628
(512) 931-3100
T.B.P.L.S. FIRM NO. 10006900

SHEET 1 OF 1



RECIPROCAL ACCESS EASEMENT

STATE OF TEXAS

COUNTY OF WILLIAMSON

EVEN ROCK LLC whose mailing address is P.O. Box 8127, Round Rock, Texas 78683, LYNNWOOD VIEW LLC, whose mailing address is P.O. Box 8127, Round Rock, Texas 78683, RAMSWAROOP BODDU & RAMSI SURENDRAN BODDU ("Boddu"), whose mailing address is 3517 Gattis School Road, Round Rock, Texas 78664, and DOUGLAS E. MARTIN ("Martin"), whose mailing address is 3525 Gattis School Road, Round Rock, Texas 78664, convey reciprocal easements to each other, on the basis of the following facts and understandings.

RECITALS

1. EVEN ROCK LLC owns certain property ("Property A") located in Round Rock, Texas, and described as:

Being approximately 5.339 acres out of the Asa Thomas Survey, Abstract No. 609, in Williamson County, Texas, and being that same tract of land described in a deed to EVEN ROCK LLC, recorded in Document Number 2018071636 of the Williamson County Official Public Records.

2. LYNNWOOD VIEW LLC owns certain other property ("Property B") located in Round Rock, Texas. Property B is described as:

Being approximately 5.20 acres out of the Asa Thomas Survey, Abstract No. 609, in Williamson County, Texas, and being that same tract of land described in a deed to LYNNWOOD VIEW LLC, recorded in Document Number 2019063781 of the Williamson County Official Public Records.

3. Boddu owns certain other property ("Property C") located in Round Rock, Texas. Property C is described as:

Being approximately 5.32 acres out of the Asa Thomas Survey, Abstract No. 609, in Williamson County, Texas, and being that same tract of land described in a deed to Ramswaroop R. Boddu and Resmi Surdendran, husband and wife, recorded in Document Number 2013003409 of the Williamson County Official Public Records.

4. Martin owns certain other property ("Property D"). Property D is described as:

Being approximately 5.32 acres out of the Asa Thomas Survey, Abstract No. 609, in Williamson County, Texas, and being that same tract of land described in a deed to Douglas E. Martin and wife, Martha J. Martin, of record in Volume 821, Page 258, Deed Records, Williamson County, Texas.

5. EVEN ROCK LLC, LYNNWOOD VIEW LLC, Boddu, and Martin are hereinafter collectively referred to as the "Parties".
6. Property A, Property B, Property C, and Property D are hereinafter collectively referred to as the "Properties".
7. The Properties are all located adjacent to and have access to Gattis School Road
8. The City of Round Rock has plans to further develop and widen Gattis School Road, which may impact the Properties' access to Gattis School Road.
9. The Parties wish to grant twenty-six (26) foot wide reciprocal access easements parallel and adjacent to the Gattis School Road right-of-way, over, under, and across those portions of the Properties directly to the south of the Gattis School Road right-of-way (the "Easement Area").
10. The Parties desire to have the mutual and reciprocal right to use the entire surface of the Road for purposes of ingress and egress.

THE PARTIES THEREFORE AGREE, in consideration of the mutual and reciprocal grants and agreements made here, as follows:

CONVEYANCE

Grant of Reciprocal Access Easements

1. The Parties hereby grant to each other a permanent, non-exclusive easement for vehicular and pedestrian access within the Easement Area located from time to time on their respective property (the "Reciprocal Easements"). Except to abate an emergency, no trees, permanent buildings, structures, fences or other barriers shall be placed in the Easement Area or shall be allowed to prevent, hinder or interfere in any way with the free flow and passage of vehicular and pedestrian traffic over, to, and from the Easement Area, and no change of grade elevation or excavation shall be made upon the Easement Area, without the prior approval of each Property Owner, which approval shall not be unreasonably withheld or delayed.

Purpose of Easement

2. This access easement, with its rights and privileges, shall be used only for the purpose of providing pedestrian and vehicular ingress and egress over and across said properties.

Duration of Easement

3. This easement shall be perpetual.

Warranty of Title

4. Each Party's heirs, personal representatives, successors, and assigns are and shall be bound to warrant and forever defend the easement and rights conveyed in this instrument to the other Party's heirs, personal representatives, successors, and assigns against every person lawfully claiming or to claim all or any part of the interest in the Property.

Nonexclusivity of Easement

5. The easement, rights, and privileges granted by this conveyance are nonexclusive, and each Party reserves and retains the right to convey similar rights and easements to such other persons as each Party may deem proper.

Indemnity

6. Each Party shall hold harmless, defend, and indemnify the other Party against any suits, liabilities, claims, demands or damages, including but not limited to personal injuries and attorneys' fees, arising from any Party's exercise of easement rights granted by this instrument.

Maintenance

7. Each Property Owner shall pay the expense of maintaining and repairing the Easement Area on their respective property, including the payment of all real estate taxes and assessments.

Rights Reserved

8. Each Party retains, reserves, and shall continue to enjoy the use of the surface of the easement area described in Paragraph 4 of this Agreement for any and all purposes that do not interfere with and prevent other Party's use of the easement. This includes, without limitation, the right to build and use the surface of the easement area for drainage ditches and private streets, roads, driveways, alleys, walks, gardens, lawns, planting or parking areas, and other like uses and to

dedicate all or any part of the easement area to any city for use as a public street, road, or alley.

Covenants Running with Land

9. The rights contained within this Reciprocal Access Easement shall run with the land and inure to and be for the benefit of each Property Owner, their successors and assigns, and the tenants, agents, employees, sub-tenants, licensees, concessionaires, mortgagees in possession, customers and business invitees of such persons. The rights conferred hereby shall be enforceable by injunction in the appropriate court in the event of their breach.

Entire Agreement

10. This Reciprocal Access Easement contains the entire agreement between the parties relating to its subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by the Parties.

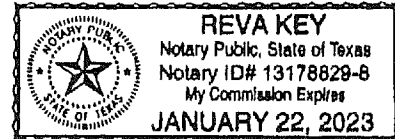
Executed this 16th day of 12, 2019.

(signature pages follow)

Property A:

By: [Signature]
EVEN ROCK LLCDate: 12/16/19**ACKNOWLEDGMENT**

STATE OF TEXAS

§
§
§COUNTY OF Williamson

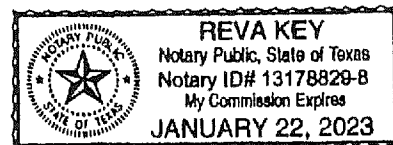
This instrument was acknowledged before me on this the 16 day of December, 2019 by STEVEN TONG, MANAGER OF EVEN ROCK LLC, in the capacity and for the purposes and consideration recited therein.

Reva L. Key
Notary Public, State of Texas

Property B:

By: [Signature]
LYNNWOOD VIEW LLCDate: 12/16/19**ACKNOWLEDGMENT**

STATE OF TEXAS

§
§
§COUNTY OF Williamson

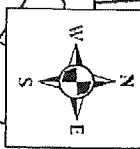
This instrument was acknowledged before me on this the 16 day of December, 2019 by STEVEN TONG, MANAGER OF LYNNWOOD VIEW LLC, in the capacity and for the purposes and consideration recited therein.

Reva L. Key
Notary Public, State of Texas

EXHIBIT

Revised
Exhibit "D"

599991



Gattis School Rd

Rusk Rd

Westview Dr

Driveway Exhibit

Driveway 1

Driveway 2

Driveway 3

Via Sonoma Trl

Lot 5

Lot 6

Lot 8 Lot 9 Lot 10

Cross Access
Easement



**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2020041091

Pages: 16 Fee: \$77.00
04/23/2020 10:28 AM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas