RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C14-79-019(RCT) – 701 and 703 E. 55th St. Public RC Termination – Parcel D

DISTRICT: 4

ADDRESS: 701 and 703 E. 55th Street

EXISTING ZONING: CS-V-CO-NP

SITE AREA: 1.08 acres

PROPERTY OWNER: River City Partners, Ltd. (T.J. Schultz)

AGENT: Dubois Bryant & Campbell, LLP (David Hartman)

CASE MANAGER: Marcelle Boudreaux (512-974-8094,

marcelle.boudreaux@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends granting a Termination of the Restrictive Covenant.

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 25, 2025: APPROVED RESTRICTIVE COVENANT TERMINATION AS STAFF RECOMMENDED, BY CONSENT. [AZHAR; MAXWELL -2^{ND}] (11-0) LAN - ABSENT; ONE VACANCY

March 11, 2025: APPROVED APPLICANT POSTPONEMENT REQUEST TO MARCH 25, 2025 PLANNING COMMISSION. HANEY; MAXWELL -2^{ND} ; (9-0) AZHAR, COX, PHILLIPS, HAYNES - ABSENT

CITY COUNCIL ACTION:

May 8, 2025:

April 24, 2025: APPROVED APPLICANT POSTPONEMENT REQUEST TO MAY 8, 2025,

VOTE: [CM VELA; MAYOR PRO TEM FUENTES- 2nd] (11-0)

RESTRICTIVE COVENANT TERMINATION RECORDING NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The proposed Restrictive Covenant Termination area is comprised of approximately 1.08 acres and is adjacent to Airport Boulevard, a transit-rich Imagine Austin corridor. The subject area is currently zoned CS-V-CO-NP (general commercial services – vertical mixed use building – conditional overlay – neighborhood plan) combining district. The property is located within the North Loop Neighborhood Plan Area, and is located within an area that was initiated by the City to zone certain tracts within the Neighborhood Plan area to accommodate the -V zoning district in 2008 (Ordinance No. 20080605-069). It is currently developed with an automobile parts retail store.

The Restrictive Covenant states that the property should be developed in accordance with a site plan approved March 6, 1979, which relates to the existing development on the property.

The Applicant proposes to terminate the Restrictive Covenant to allow for development of a multifamily project on the property.

Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and C (1979 Restrictive Covenant).

BASIS OF RECOMMENDATION:

Staff supports the Termination request. A rezoning request is also on file for this Parcel (C14-2025-0012) from CS-V-CO-NP to CS-V-CO-DB90-NP. A building constructed under density bonus 90 (–DB90) standards allows for a mix of residential uses and commercial uses, and the result is typically retail, restaurants and offices on the ground floor, and residential units on upper levels. City Council has provided policy and direction for having more residential density and increased affordability, as well as incentivizing vertical mixed use buildings throughout the City. Further, City Council previously approved rezoning this property to allow for vertical mixed-use buildings in 2008. Therefore, the 1979 Restrictive Covenant is no longer required on the site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-V-CO-NP	Automobile Parts retail
North	CS-V-CO-NP	Undeveloped; Parking
South	CS-V-CO-NP	Automobile sales; Business support services
East	CS-V-CO-NP	Multifamily residential
West	SF-3-NP	Railroad tracks; Family residential

NEIGHBORHOOD PLANNING AREA: North Loop

WATERSHED: Tannehill Branch

<u>CAPITOL VIEW CORRIDOR:</u> No <u>SCENIC ROADWAY:</u> No

SCHOOLS: Austin Independent School District

Reilly Elementary Lamar Middle School McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Friends of Austin Neighborhoods, Homeless Neighborhood Association, North Austin Neighborhood Alliance, North Loop Neighborhood Association, North Loop Neighborhood Plan Contact Team, Preservation Austin, Save Our Springs Alliance, Highland Neighborhood Association, Skyview Neighborhood, Ridgetop Neighborhood Association, Red Line Parkway Initiative, Highland/ Skyview Neigh. Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2024-0114 -	GR-CO-NP to	To Grant GR-MU-V-	Pending Council
5210 Bruning	GR-MU-V-CO-	CO-DB90-NP, as staff	hearing April 10, 2025
	DB90-NP	recommended,	
		maintaining CO's from	
		NP rezonings	
C14-2024-0113 –	CS-CO-NP to	To Grant CS-MU-V-	Pending Council
704 E 53 rd St	CS-MU-V-CO-	CO-DB90-NP, as staff	hearing April 10, 2025
	DB90-NP	recommended,	
		maintaining CO's from	
		NP rezonings	
C14-2024-0112 –	CS-CO-NP &	To Grant CS-MU-V-	Pending Council
5301 Martin Ave	SF-3-NP to CS-	CO-NP, as staff	hearing April 10, 2025
	MU-V-CO-NP	recommended,	
	(as amended)	maintaining CO's from	
		NP rezonings	
C14-2008-0002.001			Apvd. June 5, 2008
– Northloop NP			
Area Vertical			
Mixed Use			
Building (V)			
Zoning opt in Part 2			
C14-2008-0002 -			Apvd. March 20, 2008
Northloop NP Area			
Vertical Mixed Use			
Building (V)			
Zoning opt in			
C14-02-0009 -			Apvd 2002
North Loop NP			

Combining District		
rezonings		

RELATED CASES:

C14-2024-0167 – Parcel A rezoning request from CS-MU-V-CO-NP & CS-V-CO-NP to CS-MU-V-CO-DB90-NP; 5600 Middle Fiskville Road; 700 E 56th Street; 702 E 56th Street; 600 E 56th Street; 501 E Koenig Ln Svrb; 629 E Koenig Ln; 5601 1/2 Middle Fiskville Road; 5608 1/2 Middle Fiskville Road

C14-2025-0010 – Parcel B rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 605 E 56th Street

C14-2025-0014 – Parcel C rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 5500 Martin Avenue

C14-2025-0012 – Parcel D rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 701 & 703 E. 55th Street

C14-2025-0015 – Parcel E rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 5509 Martin Avenue & 707 E 56th Street

C14-2025-0017 – Parcel F rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 713 E 56th Street; 5508 Middle Fiskville Road & 5502 Middle Fiskville Road

C14-2025-0016 – Parcel G rezoning request from CS-V-CO-NP to CS-V-CO-DB90-NP; 5500 Airport Road; 5512 Middle Fiskville Road; 5515 Middle Fiskville Road

ADDITIONAL STAFF COMMENTS:

PARD – Planning & Design Review:

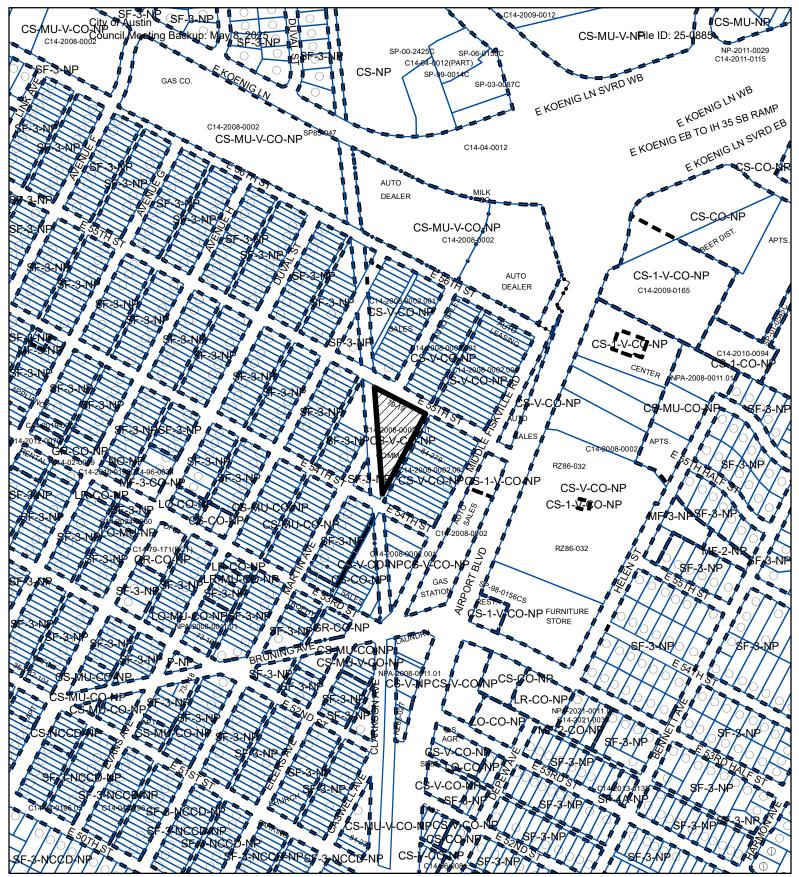
Parkland dedication will be required per the comments made for zoning case C14-2025-0012 - Airport & Koenig Tracts DB90 Rezoning - Parcel D.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map Exhibit A-1: Aerial Map

Exhibit B: Applicant's Summary Letter Exhibit C: 1979 Restrictive Covenant

Public Correspondence





Restrictive Covenant Termination

ZONING CASE#: C14-79-019(RCT)

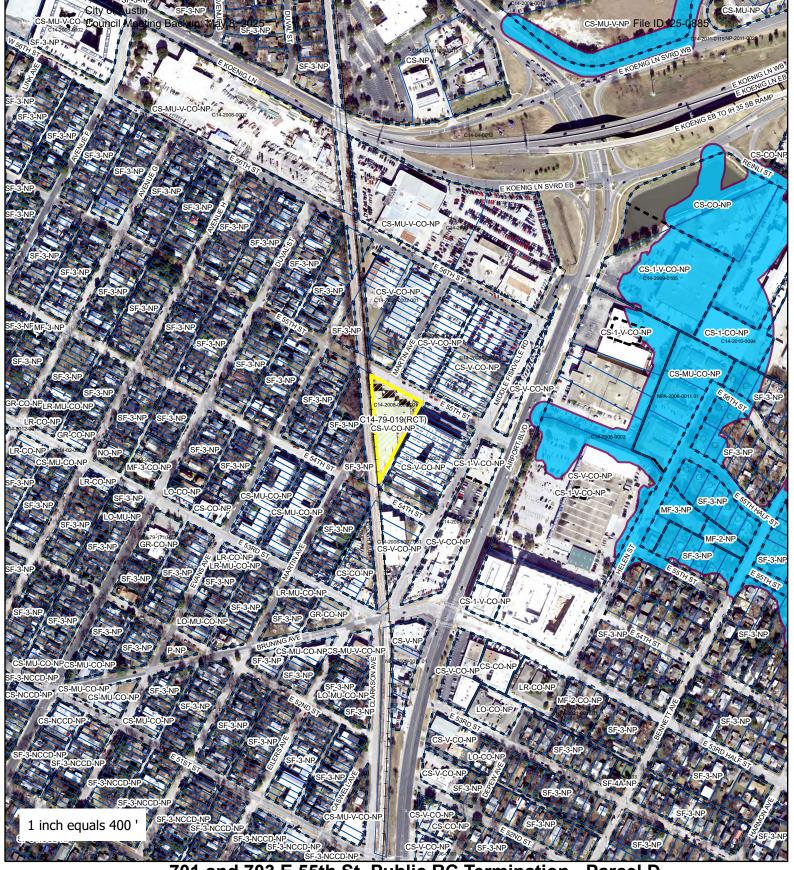
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



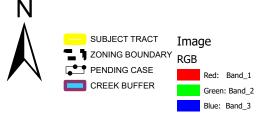
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Created: 1/24/2025



701 and 703 E 55th St. Public RC Termination - Parcel D



ZONING CASE#: C14-79-019(RCT) LOCATION: 701 and 703 E 55th St

SUBJECT AREA: 1.0935 Acres

MANAGER: Marcelle Boudreaux



Created: 2/25/2025

City of Austin
Council Meeting Backup: May 8, 2025



File ID: 25-0885 **David Hartman**(512) 685-3409

<u>dhartman@dbcllp.com</u>
303 Colorado, Suite 2300

Austin, TX 78701

www.dbcllp.com

November 7, 2024

Lauren Middleton-Pratt Director, Planning Department City of Austin 6310 Wilhelmina Delco Drive Austin, Texas 78752

Re: Public Restrictive Covenant Termination Application for 1.080 acres located at 701 and

703 E 55th Street, Austin, Texas 78751 - Parcel D ("Property")

Dear Ms. Middleton-Pratt:

We respectfully submit the enclosed Public Restrictive Covenant Termination application for 1.08 acres located at 701 and 703 E 55th Street ("RC Termination Application") as representatives of the owner of the above stated Property.

The RC Termination Application is submitted to terminate the Public Restrictive Covenant covering 1.080 acres recorded on April 6, 1979, in Volume 6516, Page 2153 of the Deed Records of Travis County, Texas ("RC"). The RC includes the entire Property, and provides in Section 1 and 2 that the Property should be developed in accordance with a site plan approved by Planning Commission on March 6, 1979. An automotive parts store currently exists on the Property, in accordance with the site plan referenced in the RC. Sec. 6 of the RC states that it can be modified, amended, or terminated only by joint action by the City Council and the owner of the property. We are proposing to terminate the RC so that the Property will no longer be encumbered by the site plan set forth in the RC, to allow for development of a multifamily project on the Property.

If you have any questions about this application or need additional information, please do not hesitate to contact me at your convenience.

Very truly yours,

David Hartman

cc: Marcelle Boudreaux, Planning Department (via electronic delivery)
Joi Harden, Planning Department (via electronic delivery)

ID: 25-0885

RESTRICTIVE COVENANT

1-99-2523

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

WHEREAS, WILSON RAVEN, of Travis County, Texas, is the owner of the following described property, to-wit:

Field Notes for 1.107 acres of land being all of Lot Twenty-Six (26)
Block Twenty-Nine (29) and all of Lots 2, 3, 4, 5, 6, 7, 8, and 9 of Block
Twenty-Eight (28) of the Highlands, a subdivision in the City of Austin, Travis
County, Texas, according to a plat of record in Book 3 at Page 55 of the Plat
Records of Travis County, Texas, and also including a portion of Martin Avenue
which has been vacated by the City Council of the City of Austin; which tract
of land containing 1.107 acres is more particularly described by metes and
bounds as follows:

BEGINNING at a cross cut in concrete at the most westerly corner of said Lot 26, Block 29, said cross cut in concrete being the point of intersection of the east right-of-way line of H. & T. C. R.R. with the south line of East 55th Street;

THENCE, with the south line of East 55th Street, S59 deg. 30°E. 251.76 feet to an iron stake at the northeast corner of Lot 9, Block 28, The Highlands;

THENCE, with the east line of said Block 28, The Highlands, S30 deg. 28 W. 383.38 feet to an iron stake, set at the south corner of Lot 2 Block 28, The Highlands, said iron stake being in the east right-of-way line of H. & T. C. R.R.;

THENCE, with the east line of H. & T. C. R.R., N02 deg. 49° W. 458.70 feet to the POINT OF BEGINNING.

WHEREAS, the City of Austin and WILSON RAVEN have agreed that the above described property should be impressed with certain convenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, WILSON RAVEN, for and in consideration of One and no/100 (\$1.00) Dollar and other good and valuable consideration in hand

00:64 + SEE6 -SEE-9-BM

DEED RECORDS

to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on him, his successors and assigns, as follows, to-wit:

- Prior to the development of the above described property, the site plan, which was reviewed by the Planning Commission at its regular meeting on March 6, 1979, and attached hereto as Exhibit "A", shall be submitted and approved by the City Council of the City of Austin.
- 2. The undersigned hereby agrees that if the site plans should change from that which was approved by the Planning Commission on March 6, 1979, he will re-submit a site plan for review to the Planning Commission of the City of Austin.
- 3. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.
- 4. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in no wise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.
- 5. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

6. 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, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner of the above described property at the time of such modification, amendment or termination.

EXECUTED this 26th day of March, 1979.

WILSON RAVEN

STATE OF TEXAS

COUNTY OF TRAVIS

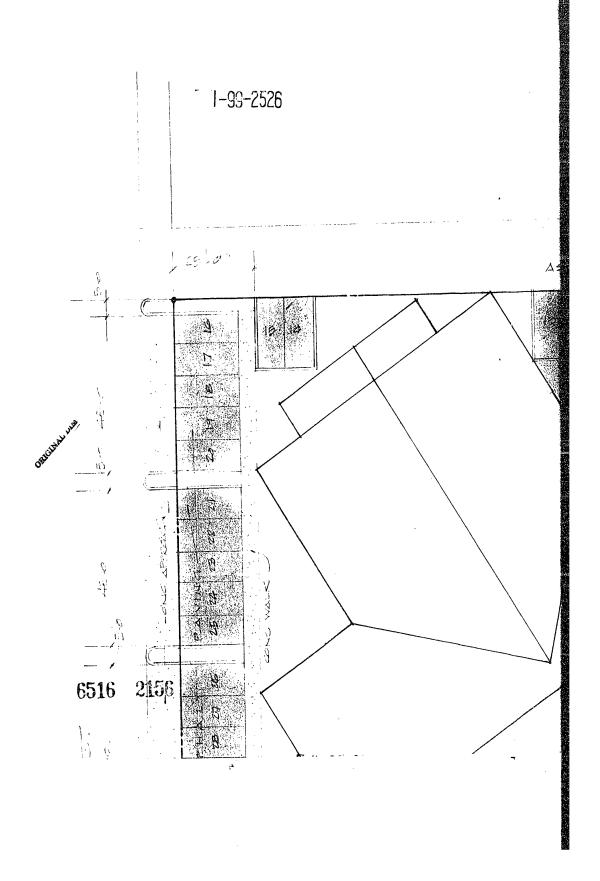
BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared WILSON RAVEN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration theretin expressed.

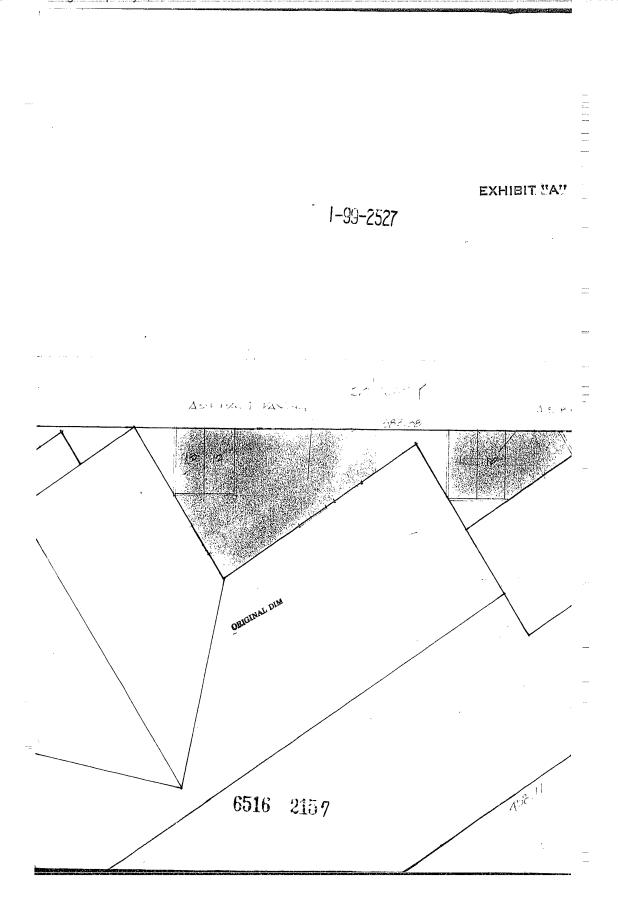
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 26th day of March, 1979.

NOTARY SEAL

Notary Public in and for Travis County, Texas

My Commission Expires 11-30-80

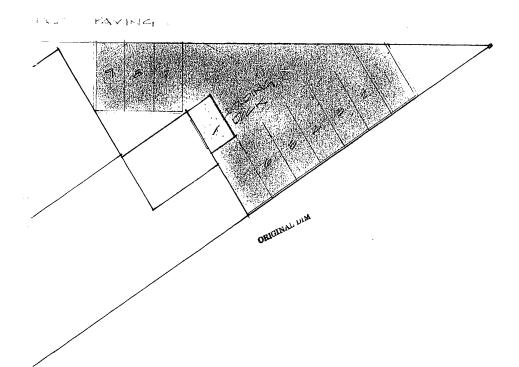


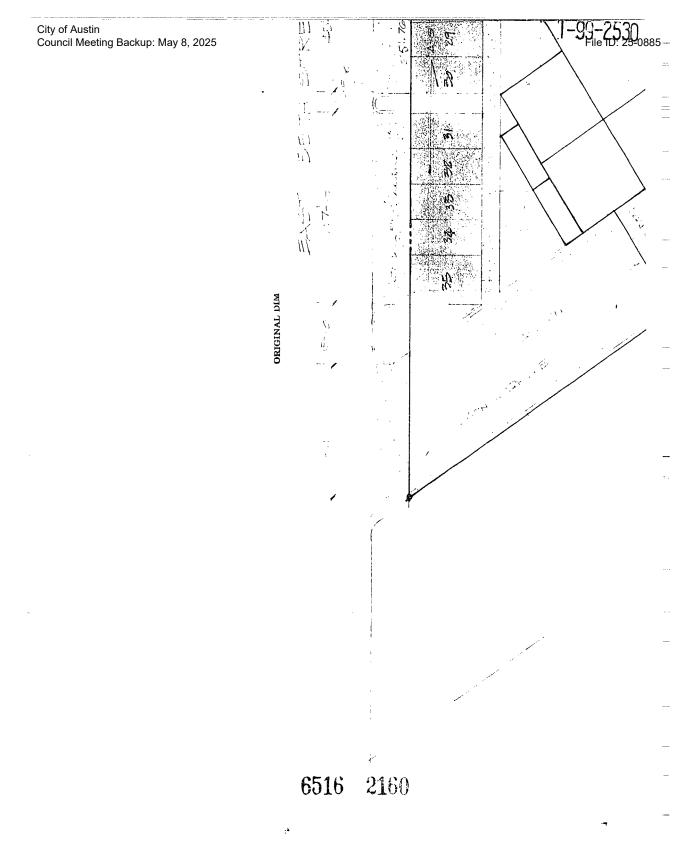


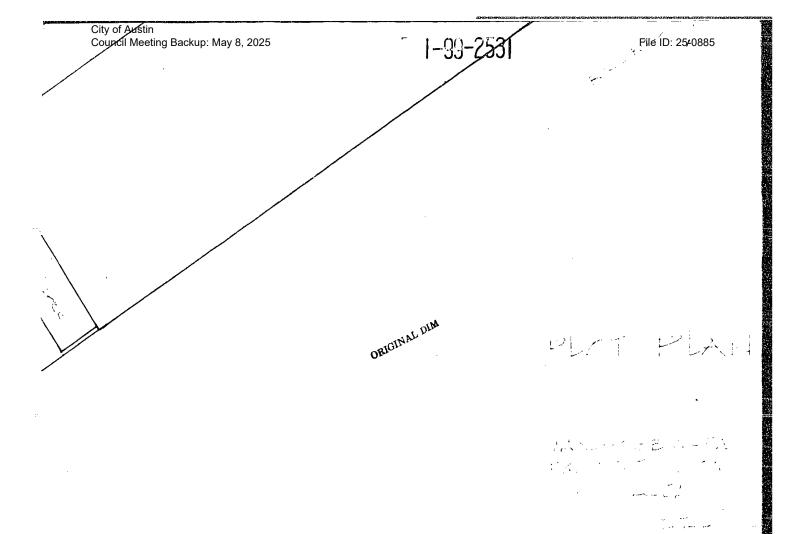
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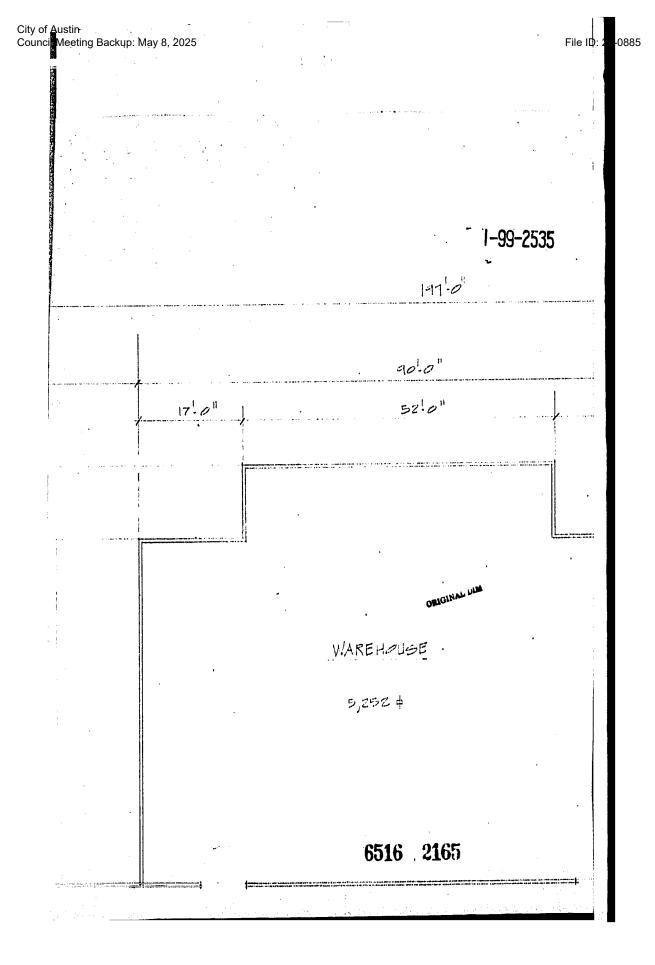
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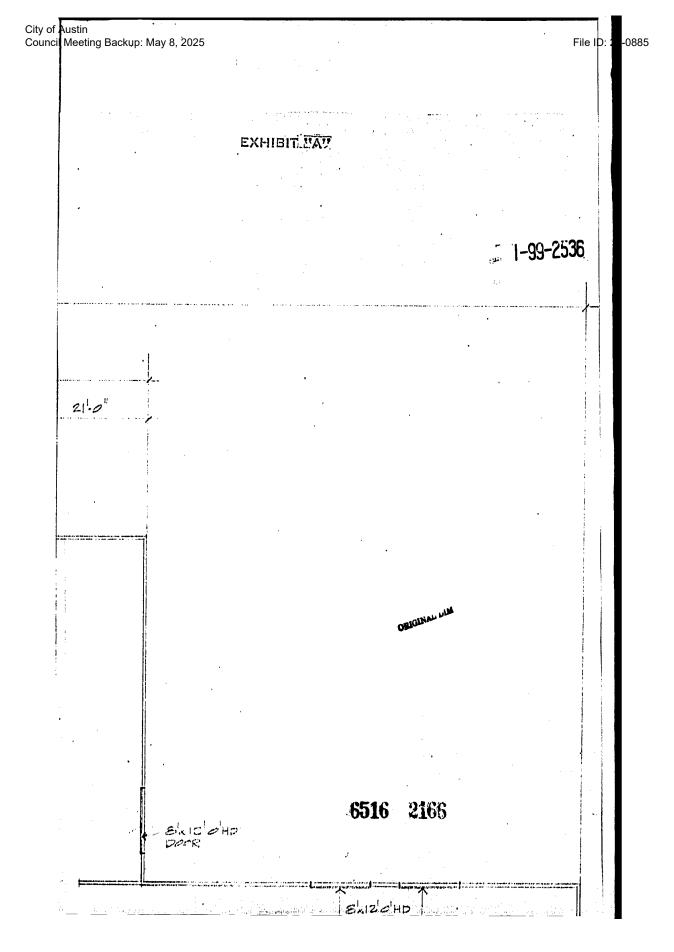
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PRELIMINARY DRAWINGS

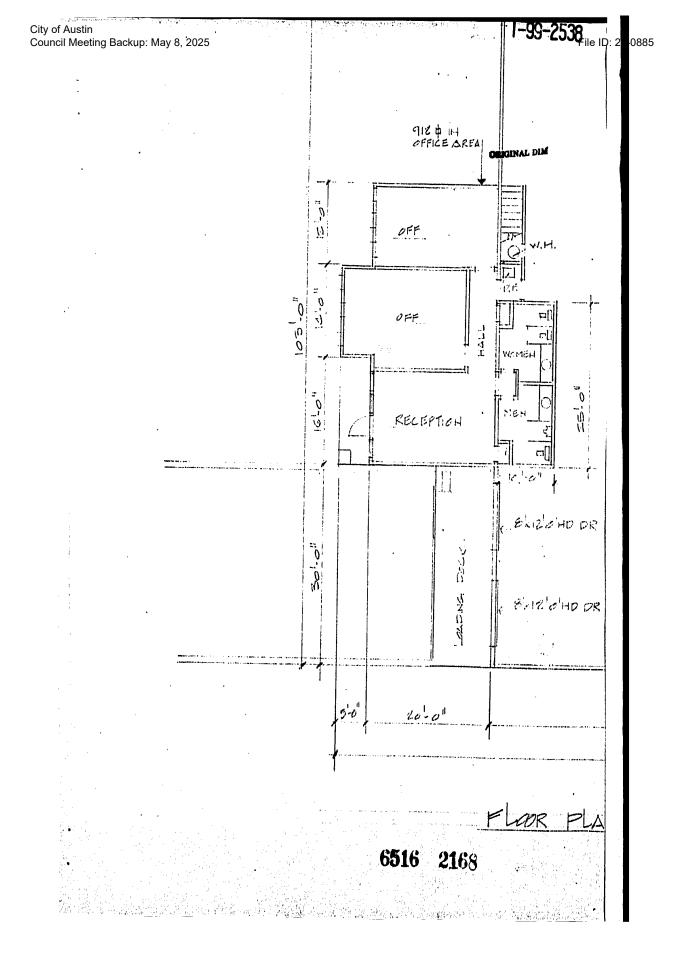
KENNETH L. ALDRICH & ASSOCIATES
ARCHITECT & PLANNER
6516 2163



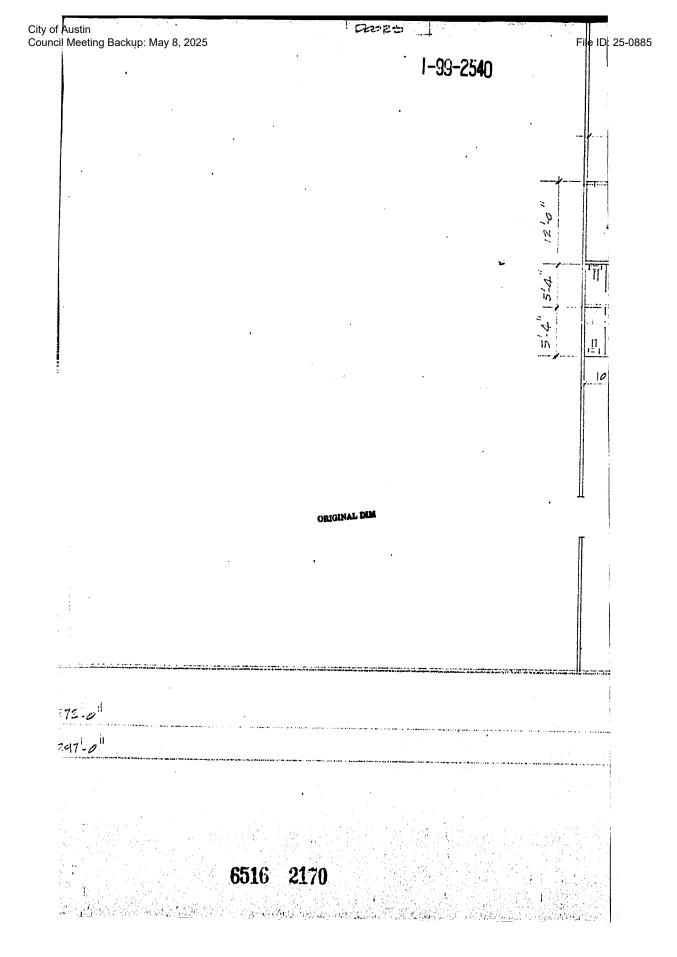


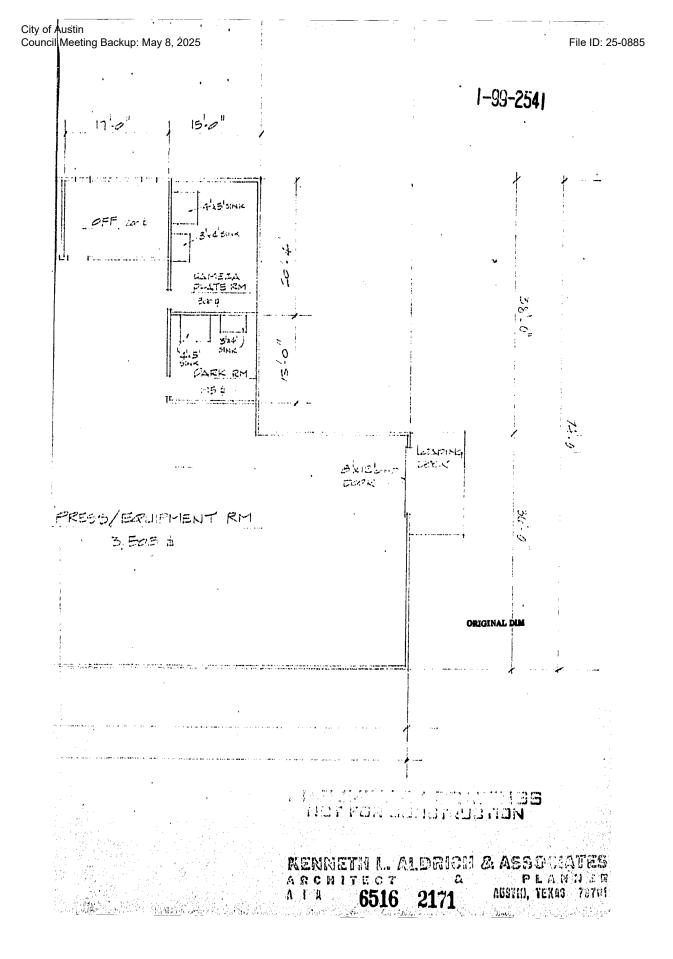
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STATE OF TEXAS

thereby certify that this instrument was FILED on the thereby certify that this instrument was FILED on the thereby certify that the instrument was FILED on the thereby certify that the time stamped hereon by me; and was duly decompled in the Volume and Page of the named RECORDS RECORDED, in the Volume and Page of the named RECORDS of Trevia County, Toxas, as Stamped hereon by me, on

APR 6 1919

COUNTY CLERK TRAVIS COUNTY, TEXAS



6 March 2025

To the Board Members of the Planning Commission:

My name is Brian Bedrosian. I am the Chair of the North Loop Neighborhood Plan Contact Team (NLNPCT – the "neighborhood"). I am writing this letter on behalf of the NLNPCT in support of United Properties' (the "applicant") request for DB90 zoning to be added to the combined properties north of 56th Street, south of Koenig Lane, east of the CapMetro Red Line tracks and west of Airport Blvd (collectively referred to as the "northern parcels")— properties in the north-central sector of our plan area.

On February 26th the NLNPCT held a Special Session devoted to the greater project that United Properties is proposing to build in this area of the neighborhood. The project area includes the northern parcels mentioned above, as well as additional properties within the same east-west boundaries down to 55th Street, along with a triangle of land between the Red Line tracks and the FLORA development just south of 55th (collectively referred to as the "southern parcels").

Stephen Buchanan of United Properties was in attendance at our meeting and presented the applicant's current plans for the project. After much discussion, the eligible NLNPCT voting members present, representing a quorum of the overall NLNPCT membership, voted unanimously to support the applicant's zoning requests contingent upon the signing of a Memorandum Of Understanding (MOU) between United Properties and the NLNPCT.

In order to provide sufficient time to negotiate the contents of this MOU, the NLNPCT voted to permit the applicant to proceed with presenting their zoning case for the northern parcels to the Planning Commission and in exchange United Properties has agreed to postpone the hearing on the southern parcels until the MOU is signed and approved by both parties.

We believe that this project has the opportunity to achieve the goals of North Loop Neighborhood Plan which targeted this area in our FLUM as a Neighborhood Urban Center. This land use category would provide increased density and affordability, new retail and commercial offerings, and rich public spaces – acting as an extension of our already successful urban corridor along North Loop Boulevard (53rd Street). We are concurrently working with the Parks and Recreation Department (PARD), ATP, TPW, CapMetro, the Redline Parkway Initiative, and Council District 4 to ensure that this project offers a complete urban experience that:

- 1. supports multimodal transportation
- 2. anticipates future pathways including the new pedestrian bridge over the I35 expansion, the Redline Parkway, the new multi-use paths along Airport Blvd and Koenig Lane
- 3. provides engaging public civic spaces along its streets and green spaces
- 4. knits itself into the existing neighborhoods of North Loop to the east, Ridgetop to the west and Skyview to the north
- 5. and replaces an automotive dealership with market rate and affordable housing for new neighbors in a thriving central neighborhood in our city.

We encourage the Planning Commission to grant United Properties the DB90 zoning for the northern parcels. Please do not hesitate to reach out with any questions you might have.

Sincerely,

Brian Bedrosian NLNPCT Chair brian@baldridge-architects.com From: **David Hartman** Boudreaux, Marcelle To: Cc: Harden, Joi; Thomas, Eric

Subject: March 11, 2025 PC Mtg. - Applicant request for two week postponement of agenda items #5-11 (Parcel B

through Parcel G) from March 11 to March 25 2025 PC mtg.

Friday, March 7, 2025 4:53:23 PM Date:

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image003.png

March 11 2025 PC agenda Airport & Koenig tracts agenda items #4 thru 11.pdf

External Email - Exercise Caution

Good afternoon Marcelle:

On behalf of the applicant, I respectfully request that that March 11, 2025 PC agenda items #5-11 covering Parcel B through Parcel G be postponed for two weeks to the March 25, 2025 PC meeting to allow for more time for discussion with the North Loop Neighborhood Association and Contact Team. See excerpt of agenda posting for these agenda items #5-11 covering Parcel B through Parcel G excerpted immediately below for convenience.

Best, David

5. Rezoning: C14-2025-0010 - Airport & Koenig DB90 Tracts Rezoning - Parcel

605 E 56th Street, Tannehill Branch Watershed; North Loop Location: Neighborhood Planning Area Johnson Special Land, Ltd. (T.J. Schultz), River City Partners, Ltd.

Owner/Applicant: (T.J. Schultz), Leif Johnson Ford, Inc. FKA Armstrong-Johnson, Inc.

(T.J. Schultz)

Dubois Bryant & Campbell, LLP (David Hartman) Agent: Request: CS-V-CO-NP to CS-V-CO-DB90-NP

Staff Rec.:

Staff: Marcelle Boudreaux, 512-974-8094,

Planning Department

C14-2025-0014 - Airport & Koenig DB90 Tracts Rezoning - Parcel Rezoning:

Location: 5500 Martin Avenue, Tannehill Branch Watershed; North Loop

Neighborhood Planning Area Johnson Special Land, Ltd. (T

Owner/Applicant: nson Special Land, Ltd. (T.J. Schultz) Dubois Bryant & Campbell, LLP (David Hartman) CS-V-CO-NP to CS-V-CO-DB90-NP Agent:

Request: Staff Rec.:

Recommended Marcelle Boudreaux, 512-974-8094, Staff:

marcelle.boudreaux@au

Planning Department

C14-2025-0012 - Airport & Koenig DB90 Tracts Rezoning - Parcel 7. Rezoning:

Location: 701 and 703 E 55th Street, Tannehill Branch Watershed; North Loop

Neighborhood Planning Area River City Partners, Ltd. (T.J. Schultz) Owner/Applicant:

Dubois Bryant & Campbell, LLP (David Hartman) CS-V-CO-NP to CS-V-CO-DB90-NP Agent:

Request:

Staff Rec.: Staff:

Marcelle Boudreaux, 512-974-8094, marcelle.boudreaux@austintexas.gov

Planning Department

8. Rezoning: C14-79-019(RCT) - 701 and 703 E. 55th St. Public RC

Location:

Termination – Parcel D 701 and 703 E 55th Street, Tannehill Branch Watershed; North Loop

Neighborhood Planning Area River City Partners, Ltd. (T.J. Schultz)

Owner/Applicant: Dubois Bryant & Campbell, LLP (David Hartman) Agent:

Request: Terminate Restrictive Covenant

Staff Rec.: Recommended

Marcelle Boudreaux, 512-974-8094, Staff:

marcelle.boudremx@austintexa

Planning Department

C14-2025-0015 - Airport & Koenig DB90 Tracts Rezoning - Parcel 9. Rezoning:

5509 Martin Avenue; 707 E 56th Street, Tannehill Branch Watershed; Location: North Loop Neighborhood Planning Area Johnson Special Land, Ltd. (T.J. Schultz), River City Partners, Ltd. (T.J. Schultz)

Owner/Applicant:

Dubois Bryant & Campbell, LLP (David Hartman) Agent:

Request: Staff Rec.: CS-V-CO-NP to CS-V-CO-DB90-NP

Recommended Staff:

Marcelle Boudreaux, 512-974-8094,

marcelle.boudreaux@austintexas.gov Planning Department

C14-2025-0017 - Airport & Koenig DB90 Tracts Rezoning - Parcel 10. Rezoning:

713 E 56th Street; 5502, 5508 and 5522 1/2 Middle Fiskville Road, Tannehill Branch Watershed; North Loop Neighborhood Planning Location:

Owner/Applicant: Johnson Special Land, Ltd. (T.J. Schultz), River City Partners, Ltd.

(T.J. Schultz)

Dubois Bryant & Campbell, LLP (David Hartman) CS-V-CO-NP to CS-V-CO-DB90-NP Agent:

Request: Staff Rec.:

Recommended Marcelle Boudreaux, 512-974-8094, Staff: marcelle.boudreaux@austintexas.gov

Planning Department

11. Rezoning: C14-2025-0016 - Airport & Koenig DB90 Tracts Rezoning - Parcel

5500 Airport Boulevard; 5512 and 5515 Middle Fiskville Road, Location: Tannehill Branch Watershed; North Loop Neighborhood Planning

Area Johnson Special Land, Ltd. (T.J. Schultz), River City Partners, Ltd. (T.J. Schultz), BUP 501 Austin Owner LLC (Victor Young, Phil

Cattanach)

Agent: Dubois Bryant & Campbell, LLP (David Hartman) CS-V-CO-NP to CS-V-CO-DB90-NP

Request: Staff Rec.: Recommended Staff:

Owner/Applicant:

Marcelle Boudreaux, 512-974-8094.

marcelle.boudreaux@aus Planning Department

David Hartman

Partner

Dubois Bryant & Campbell

303 Colorado, Suite 2300

Austin, TX 78701

0:(512) 457-8000

D:(512) 685-3409

M:(512) 297-5640

F:(512) 457-8008

bio vcard



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David Hartman

Partner

Dubois Bryant & Campbell

303 Colorado, Suite 2300 Austin, TX 78701 **0**:(512) 457-8000 **D**:(512) 685-3409

M:(512) 297-5640 **F**:(512) 457-8008

<u>bio</u>

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