



Agenda Item Report

Legislative Board: City Council
Date: November 5, 2025
Contact: Blair Murski
Agenda Item ID / Number: 2025-960- / J.7

ITEM TITLE: Deliberation and possible action regarding authorization for the City Manager to file for the termination of the existing restrictive covenant (Document No. 06037793, Vol. 3071, Pg. 812 of the Hays County Official Public Record) for Garison Park (Senior Project Engineer Blair Murski, P.E.) [PUBLIC TESTIMONY]

1. EXECUTIVE SUMMARY

The City of Buda's Garison Park project, on parcel R10635, is currently restricted by a 2006 restrictive covenant prohibiting residential structures within a 150-foot TCEQ-mandated buffer zone along the southern property line next to the wastewater treatment plant. Because the property use is changing from private residential to public parkland owned and maintained by the City, Staff asserts the existing covenant is invalid and must be formally terminated to avoid referencing inaccurate documents in the ongoing platting process.

2. BACKGROUND/HISTORY

Hays County parcel number R10635 was a private residential property and was purchased by the City of Buda in 2016. The property is the location of the 2021 Bond Garison Park project. Staff is currently processing the final design and Garison Park is projected to start advertising for construction bids. The property is directly north of the City's wastewater treatment plant. The Texas Commission on Environmental Quality (TCEQ) requires permittees of wastewater treatment plants to submit sufficient evidence of legal restrictions prohibiting residential structures within the part of the buffer zone not owned by the applicant per Texas Administrative Code (TAC) 309.13(e). To comply with this requirement, a 150 foot buffer zone was recorded as a restrictive covenant in 2006 on the Garison Park property (Document No. 06037793, Vol. 3071, Pg. 812 of the Hays County Official Public Record). This restrictive covenant prohibits building or using any structure, permanently or temporarily, as a residence within the 150 foot buffer zone.

3. ANALYSIS

The subject property is being converted from a residence to a public park that is owned and maintained by the City of Buda. Due to this change in use and ownership, the existing restrictive covenant is invalid and is no longer applicable to the land. City Staff is submitting this termination of a restrictive covenant so that the minor plat being processed for the park does not reference a document not valid for the use of the property. City staff will continue to process the plat in accordance with all laws and regulations and reestablish any additional restrictive easements, buffer zones, or covenants needed for the property if necessary.

4. FINANCIAL IMPACT

Not Applicable.

5. STRATEGIC PLAN/GOALS

FUN EXPERIENCES FOR ALL

6. STRATEGIC PLAN OBJECTIVES

Expand and develop Garison Park with a variety of outdoor amenities

7. PROS AND CONS

Not Applicable.

8. ALTERNATIVES

Not Applicable.

9. REQUESTED ACTION / SUGGESTED MOTION / RECOMMENDATION

Staff recommends the City Council to authorize the City Manager to process and record a termination of restrictive covenant for the existing 150 foot buffer zone over Garison Park.

Attachments:

[Buda Restrictive Covenant Termination.pdf](#)

[Exhibit A-Restrictive Covenant Doc No 06037793.pdf](#)

[Powerpoint Garison Vicinity Map.pdf](#)