

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

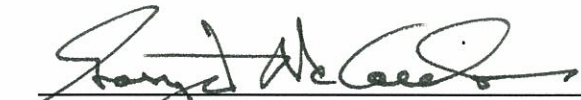
PASSED ON FIRST READING this 8 day of August A.D. 1996.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 4 day of August, 1996, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 22 day of August, 1996, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 22 day of August, A.D. 1996.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 43-1996

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to Tract 1-RM-2, Tract 2-RS-6/PH and Tract 3-LC (Residential Multi-Family, Residential Single Family with Patio Home Overlay & Limited Commercial) zoning district.

Legal Description:

TRACT 1:

BEING 12.39 acres out of a 76.1 acre tract, recorded in Volume 1454, Page 402, Deed Records, Taylor County, out of a 303 acre tract, recorded in Volume 935, Page 648, Deed Records, Taylor County, out of Lot 6, J. M. Cunningham Subdivision of the J. Blakemore Survey No. 97, according to plat recorded in Volume 1, Page 292, Plat Book Records, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod, set, at the intersection of the west boundary line of Catclaw Drive, as dedicated by plat recorded in Plat Cabinet 1, Slide 759, Taylor County Plat Records, and the recognized north boundary line of the J. Blakemore Survey No. 97, same being the south boundary line of a certain 122.376 acre tract, recorded in Volume 1093, Page 818, Deed Records, Taylor County, for the northeast corner of this tract, from which the southwest corner of said 122.376 acre tract bears S 89°17'49" W 702.17 feet.

THENCE S 36°01' W 54.19 feet (called 53.76 feet) along the west boundary line of Catclaw Drive to a 1/2" iron rod, set, for corner;

THENCE S 34°35' W 160.05 feet along the west boundary line of Catclaw Drive to a 1/2" iron rod, set, for corner;

THENCE S 36°01' W 310.47 feet along the west boundary line of Catclaw Drive to a 1/2" iron rod, set for the PC of a curve to the left;

THENCE along said curve to the left, having a partial delta of 35°36', a radius of 550.26, on a chord bearing of S 18°13' W 336.42 feet for an arc distance of 341.90 feet to a 1/2" iron rod, found, for the northeast corner of a certain 13.426 acre tract, from which the PT of said curve, a 1/2" iron rod, found, bears S 0°05'35" E 9.79 feet;

THENCE S 89°23'50" W 470.07 feet (called 470.09 feet) to a 1/2" iron rod, found, for a corner of said 13.426 acre tract;

THENCE S 50°55'05" W 196.64 feet (called 196.59 feet) to a point by a 4" steel corner post;

THENCE N 11° 50' 53" W 125.00 feet (called N 11° 52' 55" E 225.00 feet by 180.61 acre deed) to a 3/8" iron rod, found by a manhole, for a corner of a certain 180.61 acre tract, recorded in Volume 1195, Page 661, Deed Records, same being the west boundary line of said 76.1 acre tract;

THENCE N 22° 19' 06" E 175.64 feet (called N 22° 17' 04" E 175.65 feet by 180.61 acre deed) to a 3/8" iron rod, found by a manhole;

THENCE N 22° 48' 03" E 524.55 feet (called N 22° 46' E 524.55 feet by 180.61 acre deed) to a 3/8" iron rod, found in old fence, for the northwest corner of said 76.1 acre tract and the northeast corner of said 180.61 acre tract;

THENCE N 89° 49' 03" E 107.24 feet to an old 1/2" iron rod, found by a corner post, same being the called for southwest corner of said 122.376 acre tract;

THENCE N 89° 17' 49" E 702.17 feet to the POINT OF BEGINNING, and containing 12.39 acres of land, more or less. Bearings based on N 0° 36' 10" W 804.93 feet (called 804.99 feet) along the west boundary line of Catclaw Drive, as platted.

TRACT 2:

BEING 6.92 acres out of a 76.1 acre tract, recorded in Volume 1454, Page 402, Deed Records, Taylor County, out of a 303 acre tract, recorded in Volume 935, Page 648, Deed Records, Taylor County, out of Lot 6, J. M. Cunningham Subdivision of the J. Blakemore Survey No. 97, according to plat recorded in Volume 1, Page 292, Plat Book Records, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a point . set, on the reestablished west boundary line of a certain 12 acre school tract, recorded in Volume 674, Page 86, Deed Records, Taylor County, same being the southeast corner of a certain 0.2336 acre tract, surveyed by Gary Hudson. R.P.L.S. No. 4389, for street and drainage donation deed to the City of Abilene, from which the southwest corner of a certain 122.376 acre tract out of the J. Shepherd Survey No. 96 bears N 0° 00' 41" W 42.14 feet and S 89° 17' 49" W 1082.92 feet (called S 89° 17' 07" W 1084.33 feet).

THENCE S 0°38'52" E at 650.23 feet to a 3/8" iron rod, set, for the southwest corner of Lot 1, Block A, Pennington Addition, recorded in Cabinet 3, Slide 41, Plat Records, Taylor County, on the north boundary line of Paint Brush Drive, from which the northeast corner of a certain 14.653 acre tract, recorded in Volume 1931, Page 98, Official Public Records, Taylor County, bears S 89°23'50" W 9.25 feet, continuing in all 680.23 feet to a point in Paint Brush Drive;

THENCE S 89°30'56" W 9.28 feet to a point in the east boundary line of said 14.653 acre tract;

THENCE N 0°36'10" W 29.98 feet to a 3/8" iron rod, set, for the northeast corner of said 14.653 acre tract;

THENCE S 89°23'50" W 718.59 feet along the north boundary line of said 14.653 acre tract to a 3/8" iron rod, set, for the southwest corner of this tract, on the east boundary line of Catclaw Drive, as dedicated by plat recorded in Cabinet 1, Slide 759, Plat Records, Taylor County, in a curve to the right;

THENCE along said curve to the right, having a partial delta of 29°27'17", a radius of 481.26, on a chord bearing of N 21°17'21" E 244.69 feet for an arc distance of 247.41 feet (called 247.43 feet) to a 1/2" iron rod, set, for the P.T. of said curve;

THENCE N 36°01' E 121.84 feet to a 3/8" iron rod, set, on the east boundary line of Catclaw Drive and the north boundary line of a proposed 28 foot alley, and the south boundary line of a certain 1.397 acre tract, surveyed this same day;

THENCE along the north and west boundary lines of said 28 foot alley and the south and east boundary lines of said 1.397 acres as follows:

S 53°59' E 14.81,
N 89°23'50' E 215.80 feet,
N 44°22'29" E 28.27 feet,
N 0°38'52" W 172.58 feet,
N 44°21'08" E 44.41 feet,
N 89°21'08" E 103.94 feet to a 3/8" iron rod, set, on a curve to the right;

THENCE along said curve to the right, having a partial delta of 0°08'24", a radius of 1286.66, on a chord bearing of N 2°52'51" E 3.15 feet for an arc distance of 3.15 feet to the end of said curve;

THENCE N 2°57'05" E 106.90 feet to a 1/2" iron rod, set, on the south boundary line of said 0.2336 acre tract;

THENCE N 89°17'45" E 173.75 feet to the POINT OF BEGINNING, and containing 6.92 acres of land, more or less. Bearings based on N 0°36'10" W 804.93 feet (called 804.99 feet) along the west boundary line of Catclaw Drive, as platted.

TRACT 3:

BEING 1.397 acres out of a 76.1 acre tract, recorded in Volume 1454, Page 402, Deed Records, Taylor County, out of a 303 acre tract, recorded in Volume 935, Page 648, Deed Records, Taylor County, out of lot 6, J. M. Cunningham Subdivision of the J. Blakemore Survey No. 97, according to plat recorded in Volume 1, Page 292, Plat Book Records, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod, set, at the intersection of the east boundary line of Catclaw Drive, as dedicated by plat recorded in Plat Cabinet 1, Slide 759, Taylor County Plat Records, and the recognized north boundary line of the J. Blakemore Survey No. 97, same being the south boundary line of a certain 122.376 acre tract, recorded in Volume 1093, Page 818, Deed Records, Taylor County, for the northeast corner of this tract, from which the southwest corner of said 122.376 acre tract bears S 89°17'49" W 798.24 feet.

THENCE N 89°17'49" E 16.67 feet to a point for a corner of a certain 0.2336 acre tract, surveyed by Gary Hudson, R.P.L.S. No. 4389, for street and drainage donation deed to the City of Abilene, from which a 1/2" iron rod, found, bears N 53°54'29" W 0.19 feet;

THENCE S 53°54'29" E-70.35 feet to a, found, 1/2" iron rod with surveyors cap No. 4389;

THENCE N 89°17'45" E 38.83 feet to a 3/8" iron rod, set, on the south boundary line of said 0.2336 acre tract, same being the northeast corner of this tract and the northwest corner of a certain 6.92 acre tract, surveyed this same day;

THENCE S 2°57'05" E 106.90 feet to a point for the PC of a curve to the left;

THENCE along said curve to the left, having a partial delta of 0°08'24", a radius of 1286.66, on a chord bearing of S 2°52'51" W 3.15 feet for an arc length of 3.15 feet to a 3/8" iron rod, set, on the north boundary line of a 28 foot alley, same being a corner of said 6.92 acre tract:

THENCE along the north and west side of said 28 foot alley and said 6.92 acre tract as follows:

S 89°21'08" W 103.94 feet,
S 44°21'08" W 44.41 feet,
S 0°38'52" E 172.58 feet,
S 44°22'29" W 28.27 feet,
S 89°23'50" W 215.80 feet,
N 53°59' W 14.81 feet;

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THENCE N 36°01' E 188.63 feet to a 1/2" iron rod, set, on the east boundary line of Catclaw Drive;

THENCE N 37°27' E 160.05 feet to a 1/2" iron rod, set, on the east boundary line of Catclaw Drive;

THENCE N 36°01' E 111.63 feet to the POINT OF BEGINNING, and containing 1.397 acre of land, more or less.
Bearing based on N 0°36'10" W 804.93 feet (called 804.99 feet) along the west boundary line of Catclaw Drive, as platted.

Location:

Catclaw and Rolling Green Drives

-END-