

ORDINANCE NO. 20-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 14th day of April A.D. 2005.

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 13th day of April, 2005, 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 8:30 a.m., on the 28th day of April, 2005, 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 28th day of April, A.D. 2005.

ATTEST:

  
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CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:

  
\_\_\_\_\_  
CITY ATTORNEY

## EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RS6 (Single-Family Residential)

## Legal Description:

Being 4.32 acres out of the J. Smith Survey No. 99, Abilene, Taylor County, Texas, and being more particularly described as follows:

Beginning at an old iron pin at the Northwest corner of the Tucker tract described in a deed recorded in Vol. 458, Page 568 of the Deed Records, Taylor County; said beginning point bearing North <sup>56</sup> 578 varas and West 2015.0 varas from the Southeast corner of the said Smith Survey No. 99; <sup>5597.00</sup>

Thence  $N0^{\circ}07'18''E$  526.3' along a line which is an extension of the West line of said Tucker tract to the South line of a 60' street as set out in a deed conveying 28.53 acres from Mrs. Anna Bettes to Kenneth A. Etheridge and Raymond J. Smith, recorded in Vol. 596, Page 620 of the Deed Records, Taylor County;

Thence along the South line of said 60' street as follows:  $N88^{\circ}45'E$  424.9' to the beginning of a curve to the right; Thence around said curve to the right with a radius of 676.6', a central angle of  $16^{\circ}04'$ , an arc length of 189.7' and a long chord bearing  $S83^{\circ}13'E$  189.0' to the end of this curve and the beginning of a curve to the left; Thence around said curve to the left with a radius of 736.6', a central angle of  $9^{\circ}54'$ , an arc length of 127.6' and a chord bearing  $S80^{\circ}08'E$  127.4' to its intersection with an extension of the East line of Blk. 2 of the Continuation No. 1 of Crestview Acres Add; said intersection point bearing  $N88^{\circ}10'W$  79.0' from the East end of said curve;

Thence  $S24^{\circ}53'W$  4.1' along an extension of the East line of said Blk. 2 Cont. No. 1 of Crestview Acres Add; to the Northeast corner of said Blk. 2; a concrete monument;

Thence  $S89^{\circ}01'W$  308.4' along the North line of said Blk. 2 (distance called 305.8' on dedication plat) to the Northwest corner of said Blk. 2; and an iron pin;

Thence  $S24^{\circ}07'W$  407.6' along the West line of said Blk. 2 to an old iron pin at an angle point in said West line of Blk. 2;

Thence  $S1^{\circ}07'W$  110.0' to the Southwest corner of said Blk. 2 on the North line of said Tucker tract; at an old iron pin;

Thence  $N89^{\circ}52'W$  263.0' to the place of beginning and containing 4.32 acres more or less.

*Being* a 0.4132 acre tract out of the West part of a 3 acre tract recorded in Volume 1912, Page 557 of the Official Public Records of Taylor County, being out of Survey No. 99, J. Smith Original Grantee, Taylor County, Texas and said 0.4132 acre tract being more particularly described as follows:

*Beginning* at a 3/8" metal rebar found for the Southwest corner of said 3 acre tract, the Northwest corner of Bettes Lane, 42' Right of Way recorded in Volume 1365, Page 885 of the Deed Records of Taylor County, said point is S 89°44'18" W 369.05' from the Southeast corner of said 3 acre tract, a set 1/2" metal rebar, and said Southeast corner is called to bear 1882.14 <sup>5228.17</sup> varas West of and 470 varas North of the Southeast corner of said J. Smith Survey 99;

*Thence* N 00° 14'23" W with the ~~West~~ line of said 3 acre tract 300.00' to a 1/2" metal rebar found for its Northwest corner and the Southwest corner of a 4.32 acre tract recorded in Volume 712, Page 252 of said Deed Records, for the Northwest corner of this tract;

*Thence* N 89° 50'14" E with the North line of said 3 acre tract and the South line of said 4.32 acre tract 60.00' to a 1/2" metal rebar set for the Northeast corner of this tract;

*Thence* S 00° 14'23" E 60.00' West of and parallel to the West line of said 3 acre tract 299.90' to a 1/2" metal rebar set on it's South line, being the North line of said Bettes Lane for the Southeast corner of this tract;

*Thence* S 89° 44'18" W with the common line of said 3 acre tract and North line of Bettes Lane 60.00' to the point of beginning and containing 0.4132 acre of land.

BEING 8.0 acres out of a 250.75 acre tract recorded in Volume 1882, Page 297, Official Public Records, Taylor County, Texas, out of the J. Smith Survey No. 99, Abilene, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod in concrete found for the NE corner of said 250.75 acre tract on the South boundary line of Gulf Pipeline Easement from which the NW corner of a certain 11.84 acre tract bears N 7°01'E 12.0 feet;

THENCE S 7°01'W 800 feet to a point for the SE corner this tract;

THENCE N 89°52'45"W 450 feet to a point for the SW corner this tract;

THENCE N 9°35'E 388.41 feet to a point;

THENCE 3°50'E 400.78 feet to a point for the NW corner this tract from which a 1/2' iron rod in concrete bears S 88°41'45"W 8.15 feet;

THENCE N 88°41'45"E 455 feet to the POINT OF BEGINNING and containing 8.0 acres of land more or less.

Being 11.84 acres out of the J. Smith Survey No. 99, Abilene, Taylor County, Texas, and being more particularly described as follows: BEGINNING at a 1/2" iron pin, the Northwest corner of the Richard Sharp 5.53 acre tract, said beginning point bearing East 6089.8' and North 7° 01' E 1549.6' from the Southwest corner of said Smith Survey No. 99; THENCE South 89° 51' E 885.5' to the Northeast corner of said 5.53 acre tract, an iron pin; THENCE North 0° 09' East along the West line of a tract formerly in the name of Leo Tucker, and continuing on along the West line of the Coleman Mabray 4.32 acre tract for a total distance of 618.0' to the Northwest corner of said Mabray 4.32 acre tract on the South line of a 60' strip set out as a street reservation in a Deed conveying 28.53 acres from Mrs. Anna Bettes to Kenneth A. Etheridge and Raymond J. Smith, recorded in Volume 596, Page 620, of the Deed Records of Taylor County, Texas; THENCE South 88° 45' West 813.6' along the South line of said 60' strip to an iron pin set in the original East line of the Bill Bettes 397.66 acre tract; THENCE South 7° 01' West 602.1' along the said Bettes 397.66 acre tract East line to the place of beginning and containing 11.84 acres, more or less.

Location:

West of Buffalo Gap Road and South of Chimney Rock Road

-END-