

ORDINANCE NO. 44-2005

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 11th day of August 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 20th day of July, 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 25th day of August, 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 25th day of August, A.D. 2005.

ATTEST:




CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) and RS6 (Residential Single-Family) to RS-12 (Residential Single-Family) zoning district.

Legal Description:

FIELD NOTES OF 35.888 ACRES OF LAND OUT OF LOTS 1, 2 AND 3 OUT OF SURVEY NUMBER 10, A-1355, OF THE LUNATIC ASYLUM LANDS SURVEY, AS SHOWN BY THE ALFRED AND MARY FASSHAUER SUBDIVISION, AS RECORDED IN VOLUME 1, PAGE 274 OF THE TAYLOR COUNTY PLAT RECORDS. THIS TRACT BEING THE REMAINDER (aka 35.61 ACRES) OF A CALLED 81.652 ACRE TRACT, AS DESCRIBED IN ADMINISTRATORS DEED FROM FIRST STATE BANK, ABILENE, TEXAS, ADMINISTRATOR OF THE ESTATE OF BEN J. W TO I.S. GATHRIGHT, AS RECORDED IN VOLUME 1033, PAGE 426, DEED RECORDS OF TAYLOR COUNTY, AND THE REMAINDER (aka 14.35 ACRES) OF A CALLED 77.250 ACRE TRACT CONVEYED FROM JAMES L. MANSFIELD, ET, AL, TO I.S. GATHRIGHT. TRUSTEE RECORDED IN VOLUME 1083, PAGE 405, DEED RECORDS OF TAYLOR COUNTY, TEXAS.

BEGINNING at a 1/2-inch rebar set in concrete (N. 6825946.621, E. 1583355.538), recovered for the northeast corner of Lot 4, Block "G", Continuation Number Two, Section One, Waterside at Wyndham, as recorded in Plat Cabinet 3, Slide 433, being the south line of a 100' wide Gulf Oil Pipeline Right-of-Way, as recorded in Volume 215, Page 189, Deed Records of Taylor County, for the northwest corner of said 35.61 acres and of this tract. Said point bears 830.08 feet, S 89°28'49" E, from a "pk" nail recovered for the northwest corner of said Fasshauer Lot 1.

THENCE S 89°29'40" E, along the north line of said Fasshauer Lot 1 for a distance of 897.33 feet to a 1/2-inch rebar (bent) recovered on the west right-of-way of the now abandoned Abilene & Southern Right-of-Way, being a 4.315 acre (Tract 1) conveyed to the City of Abilene by Canyon Rock Development Corporation, as described in Volume 2867, Page 121, Official Public Records of Taylor County, for the northeast corner of said 81.652 acre tract and of this tract;

THENCE S 09°05'22" W, along said Right-of-Way, at 1152.80 feet pass the south line of said Fasshauer Lot 1, at 2302.36 feet (call 2298.47 feet), pass 0.24 feet, east of a 3/8-inch rebar recovered for the southeast corner of said 81.652 tract on the north line of said 77.250 acre tract, continue same course for a total distance of 2317.52 feet, to a set 1/2-inch rebar for the southeast corner of this tract;

THENCE N 89°48'16" W, 595.02 feet to a set 1/2-inch rebar in the eastern boundary of a called 0.038 acre tract conveyed from I.S. Gathright, Trustee to J.H. Construction & Design, Inc., as described in Volume 1505, Page 219, Deed Records of Taylor County, for a corner this tract;

THENCE N 01°12'50" W, for a distance of 14.66 feet to a 3/8-inch rebar recovered under a fallen mesquite tree, for the northeast corner of said 0.038 acre tract; said Lot 101 and a corner of this tract;

THENCE N 88°29'15" W, for a distance of 15.00 feet to an axel recovered for the northwest corner of said Fasshauer Lot 3, the southwest corner of said 35.61 acres, the northwest corner of said 77.250 acre tract, and said 0.038 acre tract, for the southwest corner of this tract;

THENCE N 00°56'28" E, being partially along the east line of Blocks "C" & "A", Wyndham Place Addition, as recorded in Plat Cabinet 3, Slide 69, for a distance of 985.26 feet to a 1/2-inch rebar with cap marked "Sheppard 3697" set for the northeast corner of Lot 6 of said Block "A" on the south line of Block "A", Wyndham Place Addition, Section 2, as recorded in Plat Cabinet 3, Slide 129, for an ell corner of this tract;

THENCE S 89°05'00" E, along the south line of said Block "A", Section 2, for a distance of 440.97 feet to a 1/2-inch rebar (bent) recovered for the southeast corner of Lot 8, Block "A", Wyndham Place Addition, Section 2, for an ell corner of this tract;

THENCE N 09°07'56" E, for a distance of 324.25 feet to a 1/2-inch rebar recovered for the northeast corner of Lot 9, Block "A", said Section 2 of Wyndham Place for an ell corner of this tract;

THENCE N 89°04'51" W, for a distance of 462.71 feet to a 1/2-inch rebar with cap marked "Sheppard 3697" set on the north line of Lot 11, said Block "A", Section 2 of Wyndham Place, the southeast corner of Block "F" amended Plat of Section 1 of Waterside at Wyndham Addition, as recorded in Plat Cabinet 3, Slide 368, for an ell corner of this tract;

THENCE N 00°55'09" E, along the east line of Block "F" and "A" of amended Plat of Section 1, Waterside at Wyndham, and Block "G" of Continuation Number 2, Section 1, Waterside at Wyndham, for a distance of 973.78 feet to the Place of Beginning and containing 35.888 acres of land more or less. Being 19.635 acres out of Fasshauer Lot 1, 16.055 acres out of Fasshauer Lot 2, and 0.198 acres out of Fasshauer Lot 3.

Location:

A 35.888-acre tract east of Wyndham Place and Waterside at Wyndham subdivisions at the end of Lynbrook Drive

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