

ORDINANCE NO. 11-2010

AN ORDINANCE AMENDING CHAPTER 21, SECTION 21-26 THE CITY OF ABILENE MUNICIPAL CODE BY AMENDING THE SECTION AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, Chapter 21, Section 21-26 of the City of Abilene Code of Ordinances establishes a prohibition for drilling oil and gas wells, and

WHEREAS, by Resolution 27-2008, the City Council authorized the application for a grant from the Texas Parks and Wildlife Department and resolved that the City of Abilene commit "to dedicating non park portions of the area near Sea Bee Park . . . upon award of a Texas Parks and Wildlife Grant, for public park and recreation purposes or as natural preserves in perpetuity," and

WHEREAS, in 2009 the Texas Parks and Wildlife Department approved the grant proposal for the for the improvement of the Lake Fort Phantom Parks, and the City of Abilene entered into a project agreement with the Texas Parks and Wildlife Department, and

WHEREAS, the aforementioned grant requires the City to prohibit surface drilling on land owned by the City of Abilene and used for park purposes at Lake Fort Phantom Hill.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS

PART 1: That Chapter 21, Section 21-26 of the Code of Ordinances, City of Abilene, Texas, is hereby replaced as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

PART 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 3: That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.


PART 4: Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. 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.

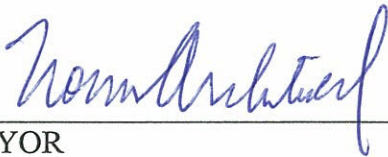
PASSED ON FIRST READING this 27th day of May 2010.

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 th day of May, 2010, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 10th day of June, 2010, to permit the public to be heard. 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 10th day of June, 2010.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

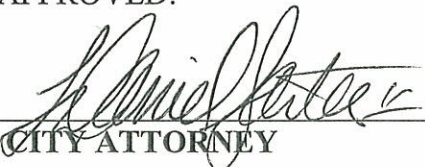

CITY ATTORNEY

EXHIBIT A

ADD

Sec. 21-26. Prohibition.

(a) Under no conditions shall an oil and gas well drill bore be allowed within two hundred (200) feet of any existing building or buildings without a variance from city council.

(b) Under no conditions shall an oil and gas well drill bore be allowed on land owned by the City of Abilene and used for park purposes at Lake Fort Phantom Hill.