

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE "LAND DEVELOPMENT CODE" OF THE ABILENE CITY 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 2 (Zoning Regulations) of the Land Development Code 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

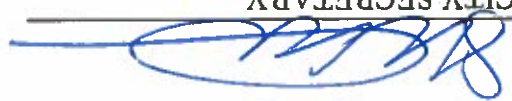
PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING the 23<sup>rd</sup> day of January, 2020.

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 20<sup>th</sup> day of December, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 13<sup>th</sup> day of February, 2020, 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 FINAL READING THIS 13<sup>th</sup> day of February, 2020.

ATTEST:

  
CITY SECRETARY



  
MAYOR

  
APPROVED.  
CITY ATTORNEY

ORDINANCE NO. 03-2020

EXHIBIT A

Change the zoning classification of the following described tract, from an Agricultural Open Space (AO) to a General Commercial (GC) District:

BEING 17.25 acres of land situated in Taylor County, Texas and being out of the southeast quarter of Section 62 of Blind Asylum Lands, Abstract No. 679, and being the remainder of that certain tract described as 98.33 acres conveyed to Musgrave and Musgrave, LLP and recorded in Volume 3151, Page 821 of the Official Public Records of Taylor County, Texas. Said 17.25-acre tract is more particularly described in metes-and-bounds as follows:

BEGINNING at a found ¾-inch aluminum rod with a 2-inch aluminum J&M cap (henceforth called a standard monument) located at the intersection of the southwesterly right-of-way line for Gateway Street, dedicated per plat of Tuscany Village Addition Section 1 as recorded in Cabinet 2, Slide 351-A of Plat Records for Taylor County, Texas and the easterly right-of-way line of Loop 322, and being the northwest corner of this tract;

THENCE along said southwesterly right-of-way line of Gateway Street, same being the north line of this tract and along the following bearings:

- S. 66° 33' 55" E. 66.50 feet to a found standard monument,
- S. 68° 28' 32" E. 120.00 feet to a found standard monument,
- S. 66° 33' 55" E. 153.08 feet to a set ½-inch rebar rod with cap marked "J&M BOUNDARY" and henceforth called a "set ½-inch rebar rod" for the northwest corner of Lot 2 in Block A of Tuscany Village Addition Section 2 (as shown on the subdivision plat of said Section 2 recorded in Cabinet 4, Slide 101 of Plat Records for Taylor County, Texas) and being the most northerly northeast corner of this tract;

THENCE along the common boundary line of said Lot 2 in Block A and of this tract, along the following bearings:

- S. 23° 26' 05" W. 195.14 feet to a set ½-inch rebar rod,
- S. 01° 27' 45" W. 316.82 feet to a set ½-inch rebar rod for a common "L" corner of this tract and of said Lot 2 in Block A of Tuscany Village Addition Section 2,
- S. 88° 32' 15" E., at 482.04 feet pass a set ½-inch rebar rod for reference, and continuing a total distance of 483.04 feet to a found standard monument on the west line of Tuscany Village Section 1, Replat as shown per plat recorded in Cabinet 2, Slide 369-D of said Plat Records;

THENCE S. 01° 27' 45" W. 380.49 feet along said common line of said Tuscany Village Section 1 and of this tract, to a found standard monument for the most easterly and

northerly southeast corner of this tract and being the southwest corner of said Section 1 and being on the north line of the Abilene State School Cemetery, a portion of the remainder of land conveyed from the City of Abilene to the State of Texas, by a deed recorded in Volume 14, Page 127 of Deed Records for said Taylor County, Texas;

THENCE N. 88° 32' 31" W. 598.43 feet along the common line of said Abilene State School Cemetery and the most easterly south line of this tract, to a found standard monument for the northwest corner of said Abilene State School Cemetery and an interior corner of this tract;

THENCE S. 04° 11' 08" W. along the west line of said cemetery and the most southerly east line of this tract, at 511.78 feet pass a found standard monument in the north line of an "Easement Deed to the City of Abilene "for all street and waterline purposes" as recorded in Volume 1246, Page 394 of Deed Records for Taylor County, Texas, at 571.99 feet pass the south line of said "street and waterline" easement, and continuing a total distance of 590.11 feet to a point on the approximate south line of said Section 62 (the location of said survey line determined from highway right-of-way maps);

THENCE N. 88° 55' 59" W. 304.84 feet along the south line of this tract, same being said south line of Section 62, to a point for the southwest corner of this tract;

THENCE N. 04° 13' 43" E. along the most southerly west line of this tract, at 78.81 feet pass a "X" set in a concrete sidewalk in the north line of said "street and waterline" easement, same being the north line of Industrial Boulevard, at 88.80 feet pass a point for the southeast corner of Lot 1 in Block A of Tuscany Village Addition Section 2, as shown on the plat thereof recorded in Cabinet 2, Slide 372-A of said Plat Records, and continuing a total distance of 299.00 feet to a found 5/8-inch capped iron rod for the northeast corner of said Lot 1 in Block A of Tuscany Village Addition Section 2, same being the southeast corner of a called 1.893-acre tract to Handley Family Trust as described in a deed recorded in Volume 3212, Page 302 of Official Public Records of Real Property in Taylor County, Texas;

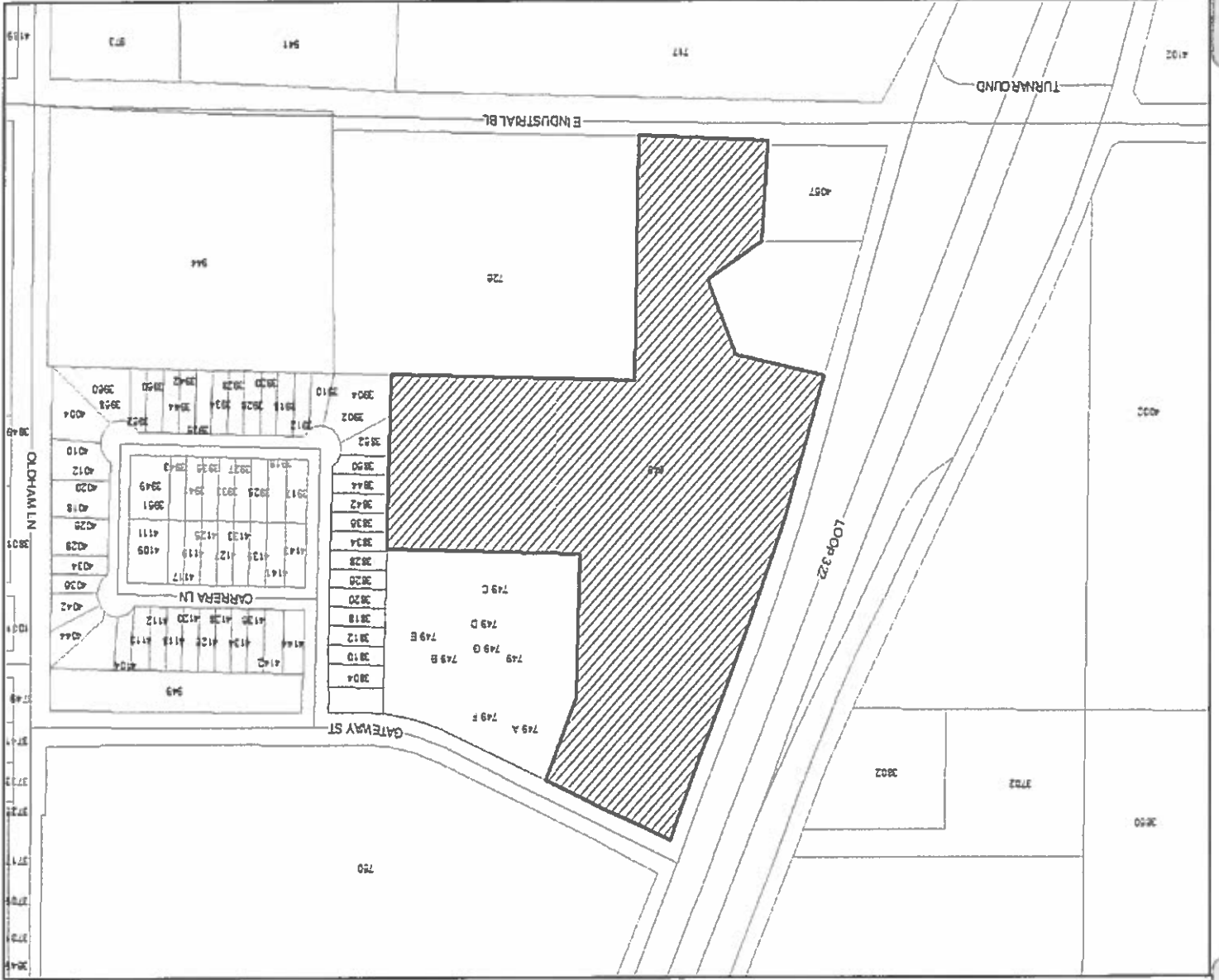
THENCE along the east line of said 1.893-acre tract and the following bearings:

- N. 58° 03' 26" E. 159.98 feet to a found standard monument,
- N. 22° 12' 25" W. 177.95 feet to a found standard monument for the northeast corner of said 1.893-acre tract and an interior corner of this described tract;

THENCE N. 77° 41' 43" W. 231.93 feet along the north line of said 1.893-acre tract (and the most westerly south line of this described tract) to a set 1/2-inch rebar rod for the northwest corner of said 1.893-acre tract and being on said easterly right-of-way line for Loop 322;

THENCE along easterly right-of-way line, same being the westerly line of this tract, and the following bearings:

- N. 17° 19' 59" E. 326.98 feet to a set 1/2-inch rebar rod for an angle point,
- N. 21° 41' 22" E. 289.91 feet to a found concrete right-of-way marker,
- N. 23° 24' 23" E. 445.59 feet to the POINT OF BEGINNING and containing 17.855 acres of land with 0.549 acre located in right-of-way for said Industrial Boulevard, leaving a net area of 17.306 acres, more or less.



located near northeast corner of Loop 322 and Industrial Boulevard, south from Gateway Street

-END-