

ORDINANCE NO. 26-2021

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 24th day of June, 2021.

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 15th day of May, 2021, 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 8th day of July, 2021, 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 8th day of July, 2021.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:

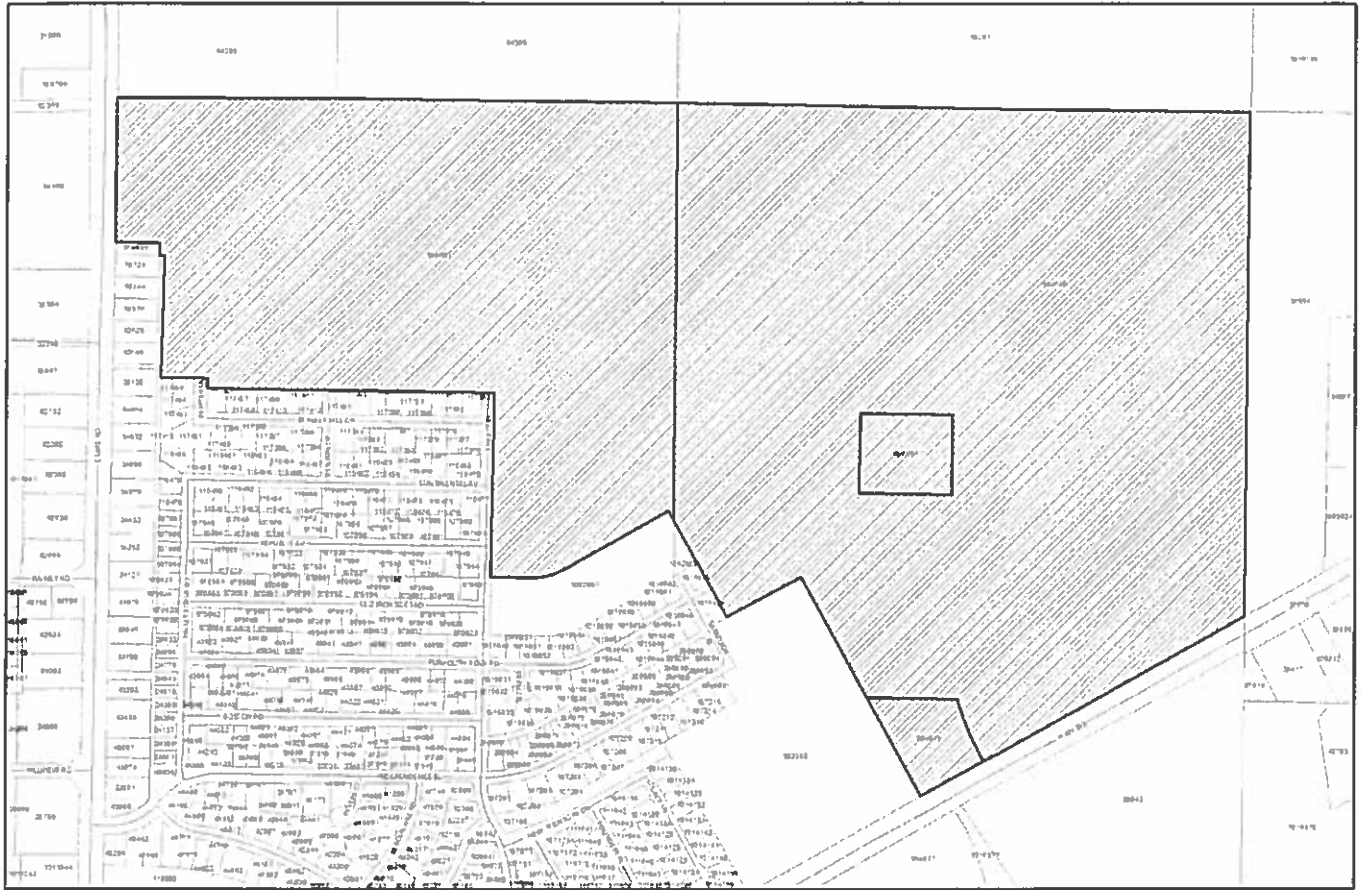


CITY ATTORNEY



EXHIBIT A

Change the zoning classification of the following described 239.658 acres of land, from an Agricultural Open Space (AO) to a Residential Single-Family (RS-6) District:



BEING 253.733 acres of land out of the southwest and southeast quarters of Blind Asylum Lands Section 21 and the northwest and northeast quarters of Blind Asylum Lands Section 25 in the City of Abilene, Taylor County, Texas and containing the follow tracts of land conveyed to Musgrave and Musgrave, LLP: (1) remainder of 223.29 acres recorded on Page 857 in Volume 3121 of Official Public Records of Real Property in Taylor County, Texas; (2) remainder of 20.21 acres described on Instrument Number 2008-15508 of said Official Public Records; (3) a 5.50-acre tract recorded in Instrument Number 2013-11420 of said Official Public Records; and (4) a 79.0-acre tract recorded on Page 967 in Volume 3127 of said Official Public Records; these 253.733 acres being more particularly described by metes-and-bounds as follows:

BEGINNING at a found $\frac{3}{4}$ -inch aluminum rod with 2-inch aluminum Jacob & Martin, Ltd. Cap (henceforth called a standard monument) with Texas State Plane Coordinates of N=6,862,457.92 feet and E=1,605,127.64 feet, and lying in the northwesterly right-of-way line of State Highway No. 351, for the southeasterly corner of Lot 1 in Block A of Heritage Parks Section 9 in the City of Abilene, Taylor County, Texas and as shown on a plat thereof recorded on Slide 121 in Cabinet 4 of Plat Records for said Taylor County, Texas;

THENCE N. $29^{\circ} 08' 50''$ W. along the east line of said Heritage Parks Section 9, same being a southwesterly line of the remainder of said 223.20-acre tract, at 1041.20 feet pass the east line of said 20.21-acre remainder tract, **continuing a total distance of 1147.17 feet** to a found standard monument, for a corner;

THENCE S. $60^{\circ} 53' 12''$ W., at 452.75 feet pass a standard monument found for the northwest corner of said Heritage Parks Section 9, at 527.75 feet pass a standard monument found for the northeast corner of a 20-foot-wide dedicated alley containing 0.694 acres as shown per Replat of Heritage Parks Addition,

Section 5, Block B recorded on Slide 41 in Cabinet 4 of Plat Records for said Taylor County, Texas, and **continuing a total distance of 1355.50 feet** to an iron rod found in the north line of said Section 5;

THENCE continuing along the north line of said 20-foot-wide alley for a southerly line of the herein described 253.733-acre tract, over and across following bearings and distances:

S. 62° 21' 10" W. for a distance of 39.22 feet to a point,

S. 66° 09' 35" W. for a distance of 38.41 feet to a point,

S. 70° 32' 15" W. for a distance of 38.36 feet to a point,

S. 74° 54' 56" W. for a distance of 38.36 feet to a point,

S. 79° 17' 36" W. for a distance of 38.14 feet to a point, and

S. 84° 34' 12" W. for a distance of 52.63 feet to a ½-inch rebar rod with a Jacob & Martin, Ltd. cap set in the east right-of-way line of Liberty Boulevard, same being the west line of said 20.21-acre remainder tract and the northwest corner of said Block B in Heritage Parks Addition, Section 5, and being an interior corner thereof;

THENCE N. 00° 54' 12" E. along the east right-of-way line of Liberty Boulevard, at 561.01 feet pass a 60d nail found for the northwest corner of said 20.21-acre remainder tract, and **continuing a total distance of 1560.44 feet** to a standard monument found for the northeast corner of Heritage Parks Addition, Section 8, as shown on a plat thereof recorded on Slide 365-B in Cabinet 2 of Plat Records for Taylor County, Texas, for an interior corner of this herein described 253.733-acre tract and of said 223.29-acre remainder tract;

THENCE N. 89° 05' 45" W. for a distance of 1299.55 feet along a north line of said Heritage Parks Addition, Section 8 and a southerly line of said 223.29-acre remainder tract, to a standard monument found for an ell corner of this herein described 253.733-acre tract and of said 223.29-acre remainder tract;

THENCE N. 00° 34' 13" E. for a distance of 44.81 feet along the east right-of-way line of Pewter Lane, to a standard monument found for an interior corner of this herein described tract and of said 223.29-acre remainder tract, and being the most westerly northeast corner of said Heritage Parks Addition, Section 8;

THENCE N. 89° 06' 22" W. for a distance of 209.84 feet along the most westerly and northerly north line of said Section 8, to a standard monument found for the northwest corner thereof, same being on the east line of a 20-foot-wide alley and on the east line of Harvest Hill Addition, Section 1, according to a plat thereof recorded on Slide 188-D in Cabinet 2 of Plat Records for Taylor County, Texas;

THENCE N. 00° 47' 47" E. for a distance of 555.94 feet along said 20-foot-wide alley, to a ½-inch rebar rod with a Jacob & Martin, Ltd. cap set for the northeast corner of Quail Valley Northeast, Section 2, according to a plat thereof recorded on Slide 475 in Cabinet 1 of Plat Records for Taylor County, Texas;

THENCE N. 89° 08' 20" W. for a distance of 19.77 feet along the north line of said Quail Valley Northeast, Section 2, to a ½-inch rebar rod with a Jacob & Martin, Ltd. cap found for the southeast corner of a called 0.321-acre tract conveyed to J.D. Wilson and described on Page 175 in Volume 3119 of Official Public Records of Real Property in Taylor County, Texas;

THENCE N. 00° 47' 28" E. for a distance of 69.95 feet along the east line of said 0.321-acre tract, to a ½-inch rebar rod with Jacob & Martin, Ltd. cap found for the northeast corner of said 0.321-acre tract, for an interior corner of this 253.733-acre tract and of said 223.29-acre remainder tract;

THENCE N. 89° 06' 54" W. for a distance of 199.95 feet along the north line of said 0.321-acre tract, to a found rebar rod with cap marked "CHASE" for the northwest corner of said 0.321-acre tract and being located on the east right-of-way line of East Lake Road (a.k.a. F.M. Hwy. 2833) and the west line of said 223.29-acre tract;

THENCE N. 00° 58' 00" E. for a distance of 641.74 feet along said east right-of-way line and the west line of said 223.29-acre tract, to a found 3/8-inch rebar rod in the half-section line of said Blind Asylum Lands Section 21, for the northwest corner of said 223.29-acre tract, the same being the southwest corner of the Max C. King (et ux) property described and recorded on Page 58 in Volume 711 of Deed Records for Taylor County, Texas;

THENCE S. 89° 21' 23" E. along said half-section and the common line between said 223.29-acre tract to the south and said "King" tract to the north, at 2606.29 feet pass the southeast corner of said "King" tract, the same being the southwest corner of a called 160-acre tract conveyed to Charles Atkinson Revocable Living Trust, as recorded on Instrument Number 2010-5789 of Official Public Records of Real Property in Taylor County, Texas, at 3861.16 feet pass the northeast corner of said 223.29-acre tract, the same being the northwest corner of said 79.0-acre tract, and **continuing a total distance of 5105.85 feet** to a found 5-inch square pipe gate post on the east line of said Section 21 and on the west line of Blind Asylum Lands Section 20, for the northeast corner of the herein described 253.733-acre tract and of said 79.0-acre tract, the same being the northwest corner of a called 37.5-acre tract conveyed to Rob H. Hailey (et ux) and described on Page 342 in Volume 970 of Deed Records for Taylor County, Texas, and being the southwest corner of a called 160-acre tract conveyed to Janice Harkins and described on Page 660 in Volume 1361 of said Deed Records;

THENCE S 00° 02' 24" W. for a distance of 2271.03 feet along the east line of said Section 21, the east line of said 79.0-acre tract, the west line of said 37.5-acre tract and the east line of the herein described 253.733-acre tract, to a found 1/2-inch rebar rod located on the northwesterly right-of-way line of State Highway 351, for the southeast corner of said 79.0-acre tract, the southwest corner of said 37.5-acre tract, and from which a found 3/8-inch rebar rod at the southeast corner of said Section 21 bears S. 00° 02' 24" W. 375.9 feet;

THENCE S. 60° 48' 21" W. for a distance of 1654.80 feet along said right-of-way line and the southerly line of said 79.0-acre tract and said 223.29-acre tract, to the **POINT OF BEGINNING** and containing 253.733 acres of land, more or less;

SAVE AND EXCEPT those portions of the above-described 253.733 acres already encompassed within a Residential Single-Family (RS-6) zoning district, which include both the following tracts:

8.174 acres of land embraced by the subdivision of Heritage Parks Addition, Section 9, Continuation 1 and represented on a plat recorded on Slide 375 in Cabinet 4 of Plat Records for Taylor County, Texas; and

5.901 acres of land embraced by a proposed subdivision of Heritage Park, Section 10 and which is more particularly described by metes-and-bounds as follows:

BEGINNING at a set 1/2-inch rebar rod with a plastic cap stamped "J&M BOUNDARY" and henceforth known as a SET REBAR for the southwest corner of this described tract and the northwest corner of Heritage Parks Addition, Section 9, Continuation 1 as shown per plat recorded on Slide 375 in Cabinet 4 of Plat Records for Taylor County, Texas and being in the east right-of-way line of Liberty Boulevard;

THENCE N. 00° 53' 51" E. for a distance of 265.33 feet along the west line of this described tract, the above-described 253.733-acre tract and the east right-of-way line of said Liberty Boulevard, to a SET REBAR for the northwest corner of this described tract;

THENCE along the northerly line of this described tract, over and across the following bearings and distances:

S. 89° 06' 09" E. for a distance of 200.73 feet to a SET REBAR;

N. 82° 12' 55" E. for a distance of 51.37 feet to a SET REBAR;

N. 74° 49' 37" E. for a distance of 31.45 feet to a SET REBAR;

N. 70° 04' 06" E. for a distance of 18.37 feet to a SET REBAR;

N. 63° 39' 15" E. for a distance of 57.82 feet to a SET REBAR; and

N. 60° 53' 12" E. for a distance of 522.07 feet to a SET REBAR, for the northeast corner of this described tract;

THENCE S. 29° 06' 48" E. for a distance of 270.00 feet along the easterly line of this described tract, to a found ½-inch rebar rod with a plastic cap stamped "J&M BOUNDARY" and henceforth known as FOUND REBAR for the southeast corner of this described tract and being the northeast corner of said Heritage Parks Addition, Section 9, Continuation 1;

THENCE along the southerly line of this described tract and the northerly line of said Heritage Parks Addition, Section 9, Continuation 1, over and across the following bearings and distances:

S. 60° 53' 12" W. for a distance of 593.00 feet to a FOUND REBAR;

S. 63° 57' 34" W. for a distance of 55.69 feet to a FOUND REBAR;

S. 74° 59' 08" W. for a distance of 54.98 feet to a FOUND REBAR;

S. 85° 26' 31" W. for a distance of 54.978 feet to a FOUND REBAR; and

N. 89° 06' 09" W. for a distance of 266.87 feet to the **POINT OF BEGINNING** and containing 5.901 acres of land, more or less.

-END-