

ORDINANCE NO. 17-2024

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 A CERTAIN PROPERTY; 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 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 the 28th day of March, 2024.

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 16th day of February, 2024, 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 11th day of April, 2024, 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 11th day of April, 2024.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT A

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

Location: East of Butterfield Meadows Parkway

Legal description being as follows:

BEING a 138.26-acre tract of land, situated in the City of Abilene, Taylor County, Texas and being part of the William M. Bishop Survey No. 43, Abstract No. 18 and the John Adams Survey No. 44, Abstract No. 3 and being a portion of the undivided remainder of a 202.71-acre tract referred to as TRACT ONE in a Special Warranty Deed of Undivided Interest to Butterfield Meadows, LLC recorded as Instrument No. 2009-0008773, Official Public Records, Taylor County, Texas; said 138.26-acre tract being more particularly described in metes and bounds follows:

COMMENCING at a 1/2 inch iron rod (N = 6,833,382.85', E = 1,565,979.96') found on the East right-of-way line of U.S. Highway No. 277, for the southwest corner of Butterfield Meadows, Section 1, as shown on the plat thereof recorded in Plat Cabinet 4, Slide 468, Plat Records, Taylor County, Texas, and further, said iron rod marks the intersection of said right-of-way line with the occupied South line of said Adams Survey, same being the occupied North line of the Sam Ricker Survey No. 45, and further, said iron rod being the northwest corner of a City of Abilene 1.146 acre tract recorded in Volume 1733, Page 621 of the Official Public Records of Taylor County, Texas and said iron rod, and the southwest corner of said 202.71-acre tract; **THENCE** S88°43'42"E along said common, occupied survey lines and the south line of said 202.71 acre tract, at 2221.32 feet pass the southeast corner of Kala Drive, as shown on the plat of Butterfield Meadows, Section 3 recorded in Plat Cabinet 4, Slide 468 of said plat records, and continuing a **total distance of 2402.90 feet** to an angle point in said line; **THENCE** S89°04'48"E 277.09 feet, continuing along said south line of said 202.71 acre tract and said common, occupied survey lines to the **POINT OF BEGINNING** (N = 6,833,325.07', E = 1,568,659.32'), and being in the north line of a parcel referred to as Tract 1 containing 120.712 acres in a deed to Elm Acres Venture, LP., recorded in Volume 2815, Page 536 of said Official Public Records:

THENCE N00°54'23"E 590.22 feet, over and across said 202.71-acre tract to a point for an ell corner of this described tract;

THENCE N88°43'42"W, over and across said 202.71-acre tract, at 563.21 feet pass the northeast corner of Butterfield Meadows, Section 2, as shown on the plat of said Addition recorded in Plat Cabinet 4, Slide 263, Plat Records, Taylor County, Texas, and continuing along the north line of said Section 2 for a **total distance of 595.37 feet** to a point for corner;

THENCE N00°42'04"W, leaving said north line of Section 2 and heading over and across said 202.71-acre tract, at 128.59 feet pass the southeast corner of Butterfield Meadows Parkway as shown on the plat of Butterfield Meadows, Section 5 recorded in Plat Cabinet 4, Slide 728 of said plat records, and continuing along the east line of said Butterfield Meadows Parkway for a **total distance of 208.59 feet** to the northeasterly corner thereof, same being the southeasterly corner of Lot 1, Block G of said Section 5 as shown on said plat thereof;

THENCE along the easterly line of said Section 5, same being the westerly line of this described tract, the following calls:

- N36°23'25"E 106.38 feet to an angle point;
- N38°38'47"E 381.15 feet to the beginning of a curve to the left which is concave to the northwest and having a radius of 696.00 feet, a delta angle of 37°13'07", an arc length of 452.11 feet, and subtended by a chord with a bearing and distance of N20°02'13"E 444.21 feet;
- Northeasterly along said curve to the left, said arc length of 452.11 feet to the end of said curve;
- N00°56'14"E 180.79 feet to a point in the south line of Lot 1, Block A of the Coffield Addition to Abilene, Taylor County, Texas as shown on the plat thereof recorded in Plat Cabinet 3, Slide 43, Plat Records, Taylor County, Texas; and said addition also known as a called 20.00-acre tract described in a deed to the Abilene Independent School District recorded in Volume 1775, Page 426 of said Official Public Records;

THENCE S89°03'33"E 320.23 feet with the general course of a chain-linked fence and said South line of said Lot 1, Block A to a 1/2 inch iron rod with plastic cap stamped "J&M 4247" set for the southeast corner of said Lot 1, Block A and for an interior corner of this described tract;

THENCE N00°56'41"E 739.86 feet with the general course of a chain-linked fence and the east line of said Lot 1, Block A to a 1/2 inch iron rod with cap stamped "J&M" set at the northeast corner thereof and on the south line of Lot 101, Block A, Elliott Hamil Garden of Memories Addition to said City of Abilene, the plat thereof recorded in Plat Cabinet 3, Slide 279 of said Plat Records, Taylor County, Texas and said iron rod further being the most easterly northwest corner of this described tract;

THENCE S89°10'10"E with the general course of a fence and the south lines, respectively, of said Lot 101, Block A of said Elliot Hamil Garden of Memories Addition and then of a 43.259-acre tract described in a deed to Directors Cemetery, Inc. recorded in Volume 2129, Page 655 of said Official Public Records, said line further being the most easterly North line of this tract, at 2154.96 feet pass a found 1/2 inch iron rod, at 2197.26 feet pass a 1/2 inch iron rod with cap stamped "J&M" set for reference on the high bank of Elm Creek, and continuing a **total distance of 2387.83 feet** to a point in the centerline of said Elm Creek being the Southeast corner of said 43.259-acre tract, said centerline further being the east line of said William Bishop Survey, and the west line of both the L. Beason Survey No. 94 and of Section 3 of the Wyndrock Addition to said City of Abilene, the plat thereof recorded in Plat Cabinet 2, Slide 33B of said Plat Records, Taylor County, Texas;

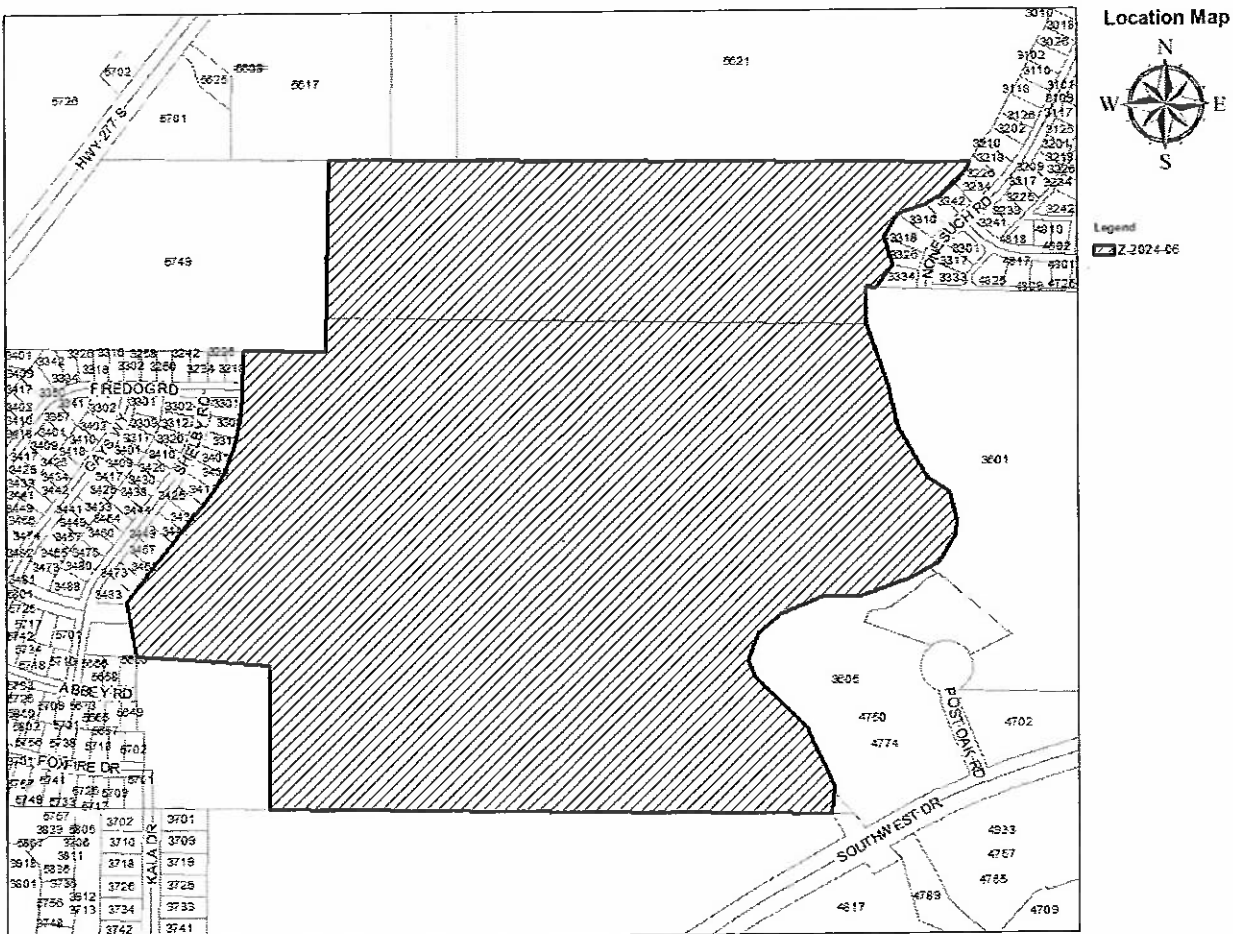
THENCE with said centerline of Elm Creek, same being the east lines of said Bishop Survey and said Adams Survey, respectively, and the West lines of said L. Beason Survey, the John C. Donley Survey 95, Abstract No. 466 and the J.E. Sheppard Survey No. 96, Abstract No. 243, respectively, same also being the east line of said original 202.71-acre tract and the west lines, respectively, of said Wyndrock Addition, Section 3 and of a 104 acre tract referred to as Tract 2 in a deed to the Kickapoo Land Company recorded in Volume 1551, Page 823 of said Deed Records, the following calls:

S64°15'48"W 102.81 feet to a point;
S68°30'38"W 47.46 feet to a point;
S57°57'55"W 108.26 feet to a point;
S51°39'32"W 57.22 feet to a point;
S48°42'30"W 32.48 feet to a point;
S22°23'21"W 30.22 feet to a point;
S10°03'59"W 93.10 feet to a point;
S11°20'13"W 76.69 feet to a point;

S09°07'25"E 123.30 feet to a point;
S16°38'01"E 122.16 feet to a point;
S21°33'54"E 216.65 feet to a point;
S15°29'53"E 72.87 feet to a point;
S13°39'13"E 90.62 feet to a point;
S17°03'00"E 71.52 feet to a point;
S02°34'48"E 99.79 feet to a point;
S14°24'39"E 47.24 feet to a point;
S83°43'20"E 33.53 feet to a point;
S72°53'49"E 35.26 feet to a point;
S66°13'39"E 52.46 feet to a point;
S28°43'27"E 117.23 feet to a point;
S03°02'48"E 90.65 feet to a point;
S02°51'52"E 29.66 feet to a point;
S17°30'36"E 21.76 feet to a point;
S28°42'03"W 54.93 feet to a point;
S54°43'47"W 84.90 feet to a point;
S70°21'43"W 95.01 feet to a point;
S69°31'13"W 108.47 feet to a point;
S78°09'14"W 101.36 feet to a point;
S69°47'59"W 24.13 feet to a point;
N88°04'39"W 27.96 feet to a point;
N85°19'37"W 79.91 feet to a point;
S71°45'01"W 66.61 feet to a point;
S47°39'31"W 65.42 feet to a point;
S42°54'04"W 45.62 feet to a point;
S64°30'40"W 54.32 feet to a point;
S53°38'14"W 66.27 feet to a point;
S32°48'03"W 54.46 feet to a point;
S14°40'12"W 62.37 feet to a point;
S16°00'02"E 50.76 feet to a point;
S28°51'10"E 47.01 feet to a point;
S45°31'00"E 62.72 feet to a point;
S44°27'52"E 135.61 feet to a point;
S41°24'19"E 79.19 feet to a point;
S39°32'34"E 82.14 feet to a point;
S37°03'47"E 31.82 feet to a point;
S12°05'44"E 72.71 feet to a point;
S22°18'49"E 59.97 feet to a point for the northwest corner of a called 0.080-acre tract described in deed to the City of Abilene recorded in Vol. 1400, Page 206 of said Deed Records and said point being an exterior corner of this described tract and from which a 1/2 inch iron rod with cap marked "RPLS 2547", found for reference near the high bank of said Elm Creek, bears S01°30'11"W 77.80 feet;

THENCE S01°30'11"W 104.48 feet with the west line of said 0.080-acre tract to a 1/2 inch iron rod with cap stamped "RPLS 2547" (N = 6,833,290.18', E = 1,570,831.87') found in said occupied lines of said Adams Survey, and said Ricker Survey and said south line of said 202.71-acre tract and the north line of a parcel referred to as Tract 1 containing 120.712 acres in a deed to Elm Acres Venture, LP., recorded in Volume 2815, Page 536 of said Official Public Records, and further, said iron rod being the southwest corner of said 0.080-acre tract and the southeast corner of this described tract;

THENCE N89°04'48"W 2172.83 feet with the general course of a fence and said common south lines of said Adams Survey and said 202.71-acre tract, same being the common north lines of said Ricker Survey and said 120.712-acre tract to said **POINT OF BEGINNING** and containing 138.26 acres of land, more or less.



END