

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

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.

PASSED ON FIRST READING this 10 day of April A.D. 2003.

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 6 day of April 20 03, 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 24 day of April, 20 03, 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 24 day of April, A.D. 20 03.

ATTEST:

Op Moore
CITY SECRETARY

Grady Bass
MAYOR

APPROVED:

Sharon E. Hicks
CITY ATTORNEY

EXHIBIT "A"

Rezone property from AO, RM-2 & RM-3 (Agricultural Open Space & Residential Multi-Family) to RM-3 (Residential Multi-Family) zoning district.

Legal Description:

BEING a 50.743 acre tract out of Subdivision No. 2, of Survey No. 12 of the Alfred and Mary Fasshauer Subdivision of Survey No. 10 and Survey No. 12, Lunatic Asylum Land, Survey No. 65, Blind Asylum Land, and the Northeast Part of C. A. Donavon Pre-emption Survey, Taylor County, Texas, recorded in Volume 1, Page 274, Plat Records, Taylor County, Texas, said 50.743 acre tract being the remainder of a 27.9 acre tract conveyed to Sears Methodist Centers, Inc., recorded in Volume 2503, Page 121, Official Public Records, Taylor County, Texas, together with a 18.21 acre tract conveyed to the Sears Methodist Foundation, recorded in Volume 2538, Page 797, Official Public Records, Taylor County, Texas, together with a 5.351 acre tract conveyed as Tract One to Sears Methodist Centers, Inc., recorded in Volume 2770, Page 620, Official Public Records, Taylor County, Texas, said 50.743 acre tract being more particularly described as follows:

BEGINNING at a fence post on the south right of way of Antilley Road defined in the court case City of Abilene et al. v. Bill C. Haynes et al., No. 11-82-022-CV for the northeast corner of this tract, same being the northwest corner of a 0.702 acre tract conveyed to Central Park-91, LTD, a Texas limited partnership, recorded in Volume 2770, Page 624, Official Public Records, Taylor County, Texas, where the northeast corner of the said 27.9 acre tract bears 213.11' North 88 degrees 48 minutes 38 seconds East, and where a found 1" axle for the southeast corner of the said Subdivision No. 2 bears 345.98' North 88 degrees 41 minutes 26 seconds East and 2656.48' South 00 degrees 00 minutes 48 seconds East;

THENCE South 00 degrees 00 minutes 48 seconds East for a distance of 1693.85 feet to a found 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd", for the northwest corner of the said 5.351 acre tract, and an angle point of this tract;

THENCE North 89 degrees 59 minutes 57 seconds East for a distance of 316.62 feet to a found 30" detachable monument with 2" aluminum cap, stamped "Hibbs & Todd", on the west line of an 100' wide railroad right of way, conveyed to Will Stith, recorded in Volume 51, Page 430, Deed Records, Taylor County, Texas (right of way abandoned under ICC Docket No. AS-3, Sub. No. 107x, Mile Post 4-7), for the northeast corner of the said 5.351 acre tract, and an angle point of this tract;

THENCE South 08 degrees 31 minutes 17 seconds West, along the west line of the said railroad right of way, for a distance of 960.61 feet to a found 3/8" iron rod for the southeast corner of this tract, same being the northeast corner of a tract conveyed to Jack Stricklin and wife, Cozette Gill Stricklin, recorded in Volume 712, Page 114, Deed Records, Taylor County, Texas;

THENCE South 89 degrees 59 minutes 57 seconds West for a distance of 174.06 feet to a found 3/8" iron rod for an angle point in the south line of this tract, being the southwest corner of the said 5.351 acre tract, and being the southeast corner of the said 27.9 acre tract;

THENCE South 89 degrees 49 minutes 56 seconds West for a distance of 842.56 feet to a found 3/8" iron rod for the southwest corner of this tract, being the southwest corner of the said 18.21 acre tract, and being the southeast corner of the remainder of a 10 acre tract described in Volume 843, Page 575, Deed Records, Taylor County, Texas;

THENCE NORTH (being the Reference Bearing for this description) for a distance of 2010.99 feet to a found 3/8" iron rod with plastic cap, stamped "JLW 4885", for the northwest corner of the said 18.21 acre tract, being an angle point of this tract, same being the southwest corner of the remainder of a 12 acre tract conveyed to J. S. Wester and wife Iva L. Wester, recorded in Volume 797, Page 282, Deed Records, Taylor County, Texas;

THENCE North 88 degrees 35 minutes 39 seconds East for a distance of 393.77 feet to a found 3/8" iron rod with plastic cap, stamped "JLW 4885", for the northeast corner of the said 18.21 acre tract, being an angle point of this tract, same being the southeast corner of the remainder of a 12 acre tract conveyed to J. S. Wester and wife Iva L. Wester, recorded in Volume 925, Page 695, Deed Records, Taylor County, Texas;

THENCE North 00 degrees 00 minutes 03 seconds East for a distance of 615.43 feet to a found 3/8" iron rod on the south right of way of Antilley Road for the northwest corner of the said 27.9 acre tract, being the northernmost northwest corner of this tract;

THENCE North 88 degrees 41 minutes 26 seconds East, along the south right of way of Antilley Road, for a distance of 448.40 feet to the Point of Beginning, containing 50.743 acres.

Location:

2600 block of Antilley Road