

ORDINANCE NO. 3-2005

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, CONCERNING PDD-91 AND ORDINANCE NO. 20-2004 A PLANNED DEVELOPMENT DISTRICT; 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 23, Subpart E, known as the Zoning Ordinance of the City of Abilene, is hereby amended by changing Ordinance No. 20-2004, 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 16th day of December A.D. 2004.

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 28th day of December, 2004, 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 13th day of January, 2005, 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 13 day of January _____, A.D. 2005.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

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EXHIBIT "B"

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Exhibit "A"

1st Amendment to Ordinance No. 20-2004

AMEND: Part 4: Zoning to include the following:

That Chapter 23, Subpart E, Abilene Municipal Code, known as the Zoning Ordinance of the City of Abilene, is hereby further amended by changing the zoning district boundaries, as hereinafter set forth: From HC (Heavy Commercial) to PDD (Planned Development District).

AMEND: Part 5. Legal Description

ADD:

PROPERTY DESCRIPTION - TRACT 3

Being a tract of land situated in the south half of Section 24, Blind Asylum Land, in the N. J. Decker Survey, Abstract No. 957, in the City of Abilene, Taylor County, Texas, and being all of that certain tract of land as described by deed to Marietta Chase Mills, recorded in Volume 1580, Page 984, Deed Records, Taylor County, Texas, and being the same tract of land as described by deed to Eddie Chase, recorded in Volume 1580, Page 990, Deed Records, Taylor County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the southwest corner of Section 1 McKnight Addition, an addition to the City of Abilene, according to the plat recorded in Cabinet 1, Slide 36, Plat Records, Taylor County, Texas, and being in the northwest right of way line of State Highway No. 351 (Ambler Avenue) (a variable width right-of-way, 130 feet wide at this point);

THENCE South 61°24'51" West, with said northwest right-of-way line of State Highway No. 351, a distance of 717.27 feet to a 5/8 inch iron rod with yellow cap stamped "Dunaway Assoc. Inc." set (hereinafter called 5/8 inch iron rod set) for the common south corner of said Chase tract and Lot 1, Block A, Continuation No.1, George & White Associates Subdivision, an addition to the City of Abilene, according to the plat recorded in Cabinet 1, Slide 576, Plat Records, Taylor County, Texas;

THENCE North 01°31'21" East, with the common line of said Chase tract and said Lot 1, a distance of 174.48 feet to a 5/8 inch iron rod set;

THENCE North 88°46'59" West, continuing with said common line, a distance of 190.27 feet to a 5/8 inch iron rod set in the east line of that certain tract of land as described by deed to Frank W. Martin and wife, Louise Martin, recorded in Volume 442, Page 33, Deed Records, Taylor County, Texas;

THENCE North 01°31'21" East, with the common line of said Chase tract and said Martin tract, passing at a distance of 36.03 feet a 5/8 inch iron rod set for the common east corner of said Martin tract and that certain tract of land as described by deed to James D. Self and wife, Beth LaVaughn Self, recorded in Volume 515, Page 238, Deed Records, Taylor County, Texas, with the common line of said Chase tract and said Self tract, in an overall distance of 386.35 feet to the northeast corner of said Self tract and being in the south line of that certain tract of land as described by deed to Millard F. McKnight and LaVorise L. McKnight Revocable Living Trust, recorded in Volume 2209, Page 856, Deed Records, Taylor County, Texas;

THENCE South 88°45'17" East, with the common line of said Chase tract and said McKnight tract, passing at a distance of 739.37 feet a 5/8 inch iron rod set for a west

corner of the aforementioned Section 1, with the common line of said Chase tract and said Section 1, in an overall distance of 802.87 feet to a 1/2 inch iron rod found;

THENCE South 00°41'47" East, continuing with said common line, a distance of 204.04 feet to the POINT OF BEGINNING, containing an area of 309,927 square feet or 7.115 acres of land.

AMEND: Exhibit B

Replace Exhibit B (approved July 22, 2004) with new Exhibit B

-END-

