

ORDINANCE NO. 46-2006

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL 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 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 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 this 24th day of August A.D. 2006.

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 19th day of July, 2006, 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 14th day of September, 2006, 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 14th day of September, A.D. 2006.

ATTEST:

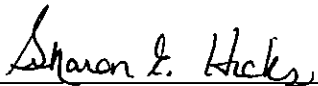


CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

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EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to HC (Heavy Commercial) on the southern 4.77 acre tract and to GC (General Commercial) zoning district on the northern 5.68 acre tract.

Legal Description:

BEING a 4.77 acre tract out of a 10.45 acre tract out of P. Z. Guerra Survey No. 27, Abilene, Taylor County, Texas, and described by metes and bounds as follows:

BEGINNING at an iron rod, set, in a county road known as Shirley Road for the NW corner of this tract, from which the NE corner of P. Z. Guerra Survey No. 27 bears N 0°10' E 390.92 feet and thence N 89°54'36" E 1775 feet;

THENCE N 89°10'32" W at 582.64 feet pass a 3/8" iron rod, set, on the west line of a 150 foot channel easement and continue in all 657.64 feet to a point in the centerline of said channel for the NE corner of this tract;

THENCE S 0°09'20" W along said centerline 62.37 feet to a point for the beginning of a curve to the right, said curve having a delta of 63°00', a radius of 299.78 feet, a chord bearing of 31°59'28" W, and an arc length of 316.20 feet to a point for the SE corner of this tract;

THENCE S 89°57' W at 195.33 feet pass a 3/8" iron rod, set, in the west line of said channel and continue in all a distance of 489.95 feet to a 3/8" iron rod, set, at a point in said county road;

THENCE N 0°10' E 340.49 feet to the PLACE OF BEGINNING, and containing 4.77 acres of land, more or less.

and

BEING 5.68 acres of land out of a 38.55 acre tract out of Lots 9 & 11, Steffens Subdivision of Merchants Pasture out of the P.Z. Guerra Survey No. 27; Abilene, Taylor County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod, set, for the northwest corner of this tract, more or less in the center of Shirley Road, from which a corner post bears N 89°54'36" E 28.8 feet, the southeast corner of a certain 61.286 acre tract bears N 0°10' E 235.2 feet and the northwest corner of the P.Z. Guerra Survey No. 27 bears N 89°54'36" E 1775 feet (called 1781 feet in said 38.55 acre tract description) and the called for northeast corner of said Lot 11 bears N 89°54'36" E 1444.4 feet;

THENCE N 89°54'36" E (called N 89°52' E) 656.63 feet along the north boundary line of said 38.55 acre tract to a point in the centerline of a 150 foot Elm Creek Channel easement, same being on the north line of said Guerra Survey No. 27, for the northeast corner of this tract;

THENCE S 0°09'20" W along the centerline of said channel easement 381.41 feet to a point for the southeast corner of this tract, same being the northeast corner of a certain 4.77 acre tract, surveyed this same day;

THENCE N 89°10'32" W at 75 feet pass a 3/8" iron rod, set, on the west line of said channel easement, continuing in all 657.64 feet to a 3/8" iron rod, set, in Shirley Road for the southwest corner of this tract, same being the northwest corner of said 4.77 acre tract;

THENCE N 0°10' E 370.92 feet to the POINT OF BEGINNING, and containing 5.68 acres of land, more or less.

Location:
2549 Shirley Road

-END-