

ORDINANCE NO. 54-2007

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.

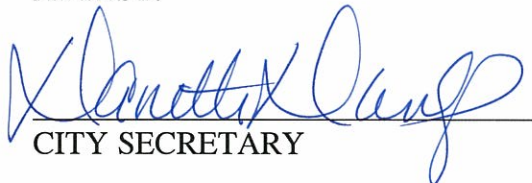
PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 6th day of December A.D. 2007.

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 17th day of October, 2007, 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 20th day of December, 2007, 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 20th day of December, A.D. 2007.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:  
  
CITY ATTORNEY

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EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to GC (General Commercial), SC (Shopping Center), O (Office), RS-6 (Single-Family Residential), RS-6/PH (Single-Family Residential with Patio Home Overlay), and RM-3 (Multi-Family Residential) zoning district.

Legal Description:

The following tract shall be zoned GC (General Commercial):

**BEING** 14.929 acres out of 202.71 acres situated in the City of Abilene, Taylor County, Texas and being part of the John Adams Survey No. 44, Abstract No. 3 of said Taylor County, Texas. Said 202.71 acres is conveyed to Seymour Beitscher in a deed recorded as Document Number 2007-00016129 of the Official Public Records of said Taylor County, Texas. Said 14.929 acres is more particularly described in metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod (N = 6,833,382.85', E = 1,565,979.96') found being the Southwest corner of said 202.71 acre tract and on the easterly right-of-way line of U.S. Highway No. 277 at its intersection with the South line of said Adams Survey, same being the North line of the Sam Ricker Survey No. 45 and further said iron rod being the Northwest corner of a 1.146 acre tract conveyed to the City of Abilene in a deed recorded in Volume 1733, Page 621 of the Official Public Records of Taylor County, Texas;

**THENCE** N38°38'47"E along said easterly right-of-way line a distance of 1646.56 feet to a point for the Northwest corner of said 14.929 acre tract;

**THENCE** S51°21'13"E 268.00 feet to a point for the Northeast corner of said tract;

**THENCE** S38°38'47"W 1050.76 feet to an angle point in the East line of said tract;

**THENCE** S01°45'12"W 310.80 feet to a point in the South line of said 202.17 acre tract being the Southeast corner of said 14.929 acre tract;

**THENCE** N88°43'41"W 572.03 feet along said South line of said 201.17 acre tract to the **POINT OF BEGINNING** and containing 650,295 square feet or 14.929 acres of land.

The Following Tract shall be zoned SC (Shopping Center):

**BEING** 2.444 acres out of a 7.56 acre tract and a 202.71 acre tract, both situated in the City of Abilene, Taylor County, Texas and being part of the John Adams Survey No. 44, Abstract No. 3

of said Taylor County, Texas. Said 7.56 acre tract is conveyed to Roarcida-Dashan, L.P. in a deed recorded in Volume 2541, Page 931 of the Official Public Records of said Taylor County, Texas and said 202.71 acre tract is conveyed to Seymour Beitscher in a deed recorded as Document Number 2007-00016129 of said Official Public Records. Said 2.444 acre tract is more particularly described in metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod (N = 6,833,382.85', E = 1,565,979.96') found at the Southwest corner of said 202.71 acre tract on the easterly right-of-way line of U.S. Highway No. 277 at its intersection with the South line of said Adams Survey, same being the North line of the Sam Ricker Survey No. 45 and further said iron rod being the Northwest corner of a 1.146 acre tract conveyed to the City of Abilene in a deed recorded in Volume 1733, Page 621 of the Official Public Records of Taylor County, Texas. Thence N38°38'47"E along said easterly right-of-way line a distance of 1646.56 to the **POINT OF BEGINNING** of said 2.444 acre tract;

**THENCE** N38°38'47"E along said easterly right-of-way line, at a distance of 200.00 feet pass a ½ inch iron rod found at the Northwest corner of said 202.71 acre tract, same being the Southwest corner of said 7.56 acre tract, and continuing a total distance of 330.00 feet to a point for the Northwest corner of said 2.444 acre tract;

**THENCE** S69°58'16"E 297.57 feet to a point being the Northeast corner of said tract;

**THENCE** S38°38'47"W 425.00 feet to a point being the Southeast corner of said tract;

**THENCE** N51°21'13"W 282.00 feet to the **POINT OF BEGINNING** and containing 106,455 square feet or 2.444 acres of land.

The Following Tract shall be zoned O (Office):

**BEING** 2.147 acres out of a 7.56 acre tract located in the City of Abilene, Taylor County, Texas and being part of the John Adams Survey No. 44, Abstract No. 3 of said Taylor County, Texas. Said 7.56 acre tract is conveyed to Roarcida-Dashan, L.P. in a deed recorded in Volume 2541, Page 931 of the Official Public Records of said Taylor County, Texas. Said 2.147 acre tract is more particularly described in metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod (N = 6,833,382.85', E = 1,565,979.96') found at the Southwest corner of a 202.71 acre tract conveyed to Seymour Beitscher in a deed recorded as Document Number 2007-00016129 of said Official Public Records and being on the easterly right-of-way line of U.S. Highway No. 277 at its intersection with the South line of said Adams Survey, same being the North line of the Sam Ricker Survey No. 45. Thence N38°38'47"E along said easterly right-of-way line, at 1846.56 feet pass the most westerly Northwest corner of said 202.71 acre tract, same being the Southwest corner of said 7.56 acre tract, and continuing a total distance of 1976.56 feet to a point being the **POINT OF BEGINNING** of said 2.147 acre tract;

**THENCE** N38°38'47"E along said easterly right-of-way line a distance of 270.10 feet to a ½ inch iron rod found at the Northwest corner of said 7.56 acre tract;

**THENCE** S89°03'33"E along the North line of said 7.56 acre tract a distance of 356.44 feet to a point for the Northeast corner of said tract;

**THENCE** S38°38'47"W 393.10 feet to a point for the Southeast corner of said tract;

**THENCE** N69°58'16"W 297.57 feet to the **POINT OF BEGINNING** and containing 93,511 square feet or 2.147 acres of land.

The following tract shall be zoned RM-3 (Multi-Family Residential):

**BEING** 9.516 acres out of 202.71 acres situated in the City of Abilene, Taylor County, Texas and being part of the John Adams Survey No. 44, Abstract No. 3 of said Taylor County, Texas. Said 202.71 acres is conveyed to Seymour Beitscher in a deed recorded as Document Number 2007-00016129 of the Official Public Records of said Taylor County, Texas. Said 9.516 acres is more particularly described in metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod (N = 6,833,382.85', E = 1,565,979.96') found at the Southwest corner of said 202.71 acre tract on the East right-of-way line of U.S. Highway No. 277 at its intersection with the South line of said Adams Survey, same being the North line of the Sam Ricker Survey No. 45 and further said iron rod being the Northwest corner of a 1.146 acre tract conveyed to the City of Abilene in a deed recorded in Volume 1733, Page 621 of the Official Public Records of Taylor County, Texas. Thence S88°43'42"E along the South line of said 202.71 acre tract a distance of 572.03 feet to the **POINT OF BEGINNING** of said 9.516 acre tract and being the Southwest corner thereof;

**THENCE** N01°45'12"E 310.80 feet to an angle point in the West line of said tract;

**THENCE** N38°38'47"E 1050.76 feet to a point being the Northwest corner of said tract;

**THENCE** S51°22'49"E 328.00 feet to a point being the Northeast corner of said tract;

**THENCE** S38°38'47"W 908.21 feet to an angle point in the East line of said tract;

**THENCE** S01°45'12"W 225.09 feet to a point in said South line of said 202.71 acre tract;

**THENCE** N88°43'42"W 348.00 feet to the **POINT OF BEGINNING** and containing 414,513 square feet or 9.516 acres of land.

The following tract shall be zoned RS-6 (Single-Family Residential):

**BEING** 13.133 acres out of a 7.56 acre tract and a 202.71 acre tract, both situated in the City of Abilene, Taylor County, Texas and being part of the John Adams Survey No. 44, Abstract No. 3 of said Taylor County, Texas. Said 7.56 acre tract is conveyed to Roarcida-Dashan, L.P. in a deed recorded in Volume 2541, Page 931 of the Official Public Records of said Taylor County, Texas and said 202.71 acre tract is conveyed to Seymour Beitscher in a deed recorded as Document Number 2007-00016129 of said Official Public Records. Said 13.133 acre tract is more particularly described in metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod (N = 6,833,382.85', E = 1,565,979.96') found on the Southwest corner of said 202.71 acre tract on the East right-of-way line of U.S. Highway No. 277 at its intersection with the South line of said Adams Survey, same being the North line of the Sam Ricker Survey No. 45 and further said iron rod being the Northwest corner of a 1.146 acre tract conveyed to the City Of Abilene in a deed recorded in Volume 1733, Page 621 of the Official Public Records of Taylor County, Texas. Thence N38°38'47"E along said easterly right-of-way line a distance of 2246.66 feet to a 1/2 inch iron rod found at the Northwest corner of said 7.56 acre tract; thence S89°03'33"E along the North line of said 7.56 acre tract a distance of 356.44 feet to the **POINT OF BEGINNING** of said 13.133 acre tract and being the Northwest corner thereof;

**THENCE** S89°03'33"E along the North line of said 7.56 acre tract a distance of 513.85 feet to a point being the Northeast corner of said 13.133 acre tract;

**THENCE** S00°56'32"W 180.00 feet to a point for corner;

**THENCE** N89°03'28"W 31.71 feet to a point being an interior corner of said tract and the beginning of a non-tangent curve to the right;

**THENCE** in a south-southwesterly direction along the arc of said curve to the right which has a radius of 390.00 feet, a delta angle of 36°59'12" and an arc length of 251.76 feet, passing the South line of said 7.56 acre tract, same being the North line of said 202.71 acre tract, to a point being the end of said curve, said curve has a long chord which bears S20°09'15"W 247.41 feet;

**THENCE** S38°38'47"W 426.67 feet to the beginning of a curve to the left;

**THENCE** in a southwesterly direction along the arc of said curve to the left which has a radius of 750.00 feet, a delta angle of 16°49'42", an arc length of 220.28 feet to a point, said curve has a long chord which bears S30°14'00"W 219.49 feet,

**THENCE** S19°16'13"W 80.00 feet to a point being the beginning of a non-tangent curve to the right;

**THENCE** in a northwesterly direction along the arc of said curve to the right which has a radius of 1000.00 feet, a delta angle of 17°35'37" and an arc length of 307.07 feet to a point being the end of said curve, said curve has a long chord which bears N61°55'59"W 305.86 feet;

**THENCE** N51°21'09"W 14.00 feet to a point for corner;

**THENCE** N38°38'47"E 39.67 feet to a point for corner;

**THENCE** N51°22'49"W 314.00 feet to a point being the Southwest corner of said 13.133 acre tract;

**THENCE** N38°38'47"E, at 418.03 feet pass said North line of said 202.71 acre tract, same being the South line of said 7.56 acre tract, and continuing a total distance of 818.09 feet to the **POINT OF BEGINNING** and containing 572,053 square feet or 13.133 acres of land.

The following tract shall be zoned RS-6/PH (Single-Family Residential with Patio Home Overlay):

**BEING** 7.212 acres out of 202.71 acres situated in the City of Abilene, Taylor County, Texas and being part of the John Adams Survey No. 44, Abstract No. 3 of said Taylor County, Texas. Said 202.71 acres is conveyed to Seymour Beitscher in a deed recorded as Document Number 2007-00016129 of the Official Public Records of said Taylor County, Texas. Said 7.212 acre tract is more particularly described in metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod (N = 6,833,382.85', E = 1,565,979.96') found at Southwest corner of said 202.71 acre tract on the easterly right-of-way line of U.S. Highway No. 277 at its intersection with the South line of said Adams Survey, same being the North line of the Sam Ricker Survey No. 45 and further said iron rod being the Northwest corner of a 1.146 acre tract conveyed to the City of Abilene in a deed recorded in Volume 1733, Page 621 of the Official Public Records of Taylor County, Texas. Thence S88°43'42"E along the South line of said 202.71 acre tract a distance of 920.03 feet to the **POINT OF BEGINNING** of said 7.212 acre tract also being the Southwest corner thereof;

**THENCE** N01°45'12"E 225.09 feet to a point for corner;

**THENCE** N38°38'47"E 448.16 feet to a point being the Northwest corner of said tract and the beginning of a non-tangent curve to the left;

**THENCE** in a southeasterly direction along the arc of said curve to the left which has a radius of 1420.00 feet, a delta angle of 22°18'47" and an arc length of 553.00 feet to a point for corner, said curve has a long chord which bears S63°12'05"E 549.51 feet;

**THENCE** S15°50'08"W 355.86 feet to a point in said South line of said 202.71 acre tract and being the Southeast corner of said 7.212 acre tract;

**THENCE** N88°43'42"W along said South line of said 202.71 acre tract a distance of 680.32 feet to the **POINT OF BEGINNING** and containing 314,134 square feet or 7.212 acres of land.

Location:

Adjacent to HWY 277, just north of Dub Wright Blvd..

-END-