

ORDINANCE NO. 38-2009

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 19th day of November A.D. 2009.

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 14th day of October, 2009, 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 3rd day of December, 2009, 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.

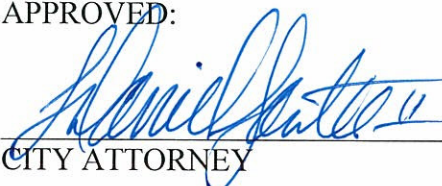
PASSED ON SECOND AND FINAL READING THIS 3rd day of December, A.D. 2009.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

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EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to RS-6 (Single Family Residential) zoning.

Legal Description:

BEING 12.394 acres of land out of a 54.768 acre tract out of the southeast one-quarter of Section 67, Blind Asylum Lands, Abstract No. 1461, City of Abilene, Taylor County, Texas, with said 54.768 acre tract being described in a certain Warranty Deed from Gerald L. Johnson to Aaron Waldrop recorded as Document No. 2007-16523 of the Official Public Records of Taylor County, Texas. Said 12.394 acre tract is more particularly described in metes and bounds as follows:

COMMENCING at a ½ inch iron rod found at the northeast corner of said 54.768 acre tract, same being the northwest corner of the Indian Wells Addition, Section 2, Block D per plat thereof recorded in Cabinet 2, Slide 354-D of the Plat Records of Taylor County, Texas, same being the southeast corner of a 15.85 acre tract described in a deed to Stockard Investments, Inc. recorded in Volume 3218, Page 38 of said Official Public Records and same being the southwest corner of a 5.32 acre tract which is also described in said deed to Stockard Investments, Inc. recorded in said Volume 3218, Page 38 of said Official Public Records;

THENCE S00°43'09"W along the east line of said 54.768 acre tract, same being the west line of said Indian Wells Addition, Section Nos. 2, 3, and 4, at 1166.38 pass the calculated southwest corner of said Section 4 of said Indian Wells Addition, same being the northwest corner of the remainder of a 50.000 acre tract described in a deed to William Stephen West recorded in Volume 3144, Page 546 of said Official Public Records, and continuing along said east line of said 54.768 acre tract and said west line of said 50.000 acre tract a total distance of 1445.00 feet to a set ¾ inch aluminum rod with 2 inch aluminum cap marked "J&M 4247", henceforth called a standard monument and being at the **POINT OF BEGINNING** for this metes and bounds description;

THENCE S00°43'09"W, continuing along said east line of said 54.768 acre tract and said west line of said 50.000 acre tract a distance 694.16 feet to a nail with washer found in the asphalt surface of Hardison Lane and at the southeast corner of said 54.768 acre tract, same being the southwest corner of said 50.000 acre tract and in the south line of said Section 67 and from said nail with washer the southeast corner of said Section 67 bears S89°30'14"E 1415.19 feet;

THENCE N89°30'14"W 778.66 feet along the south line of said 54,768 acre tract and said Section 67, same being the north line of Section 8, Lunatic Asylum Lands, Abstract no. 803 and of a tract described in a deed to Garth and Wanda McLeod recorded in Volume 2841, Page 266 of said Official Public Records, to a nail with washer found at the most southerly southwest corner of said 54,768 acre tract, same being the southeast corner of a 6.339 acre tract deeded to West Texas Gulf Pipe Line Company;

THENCE N00°50'49"E 589.96 feet along the most southerly west line of said 54,768 acre tract, same being the east line of said 6.339 acre tract to a standard monument set at the northeast corner of said 6.339 acre tract, same being an interior corner of said 54,768 acre tract;

THENCE N46°48'38"E 190.59 feet to a set standard monument for corner;

THENCE S89°16'51"E 175.00 feet to a set standard monument for corner;

THENCE S00°43'09"W 25.00 feet to a set standard monument for corner;

THENCE S89°16'51"E 465.00 feet to said **POINT OF BEGINNING** and containing 12.394 acres of land.

Location:

Adjacent to the west side of Indian Wells Subdivision and south of Dakota Springs Section 1

-END-