

ORDINANCE NO. 11-2011

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART B, "LAND DEVELOPMENT CODE," 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 Land Development Code 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 March A.D. 2011.

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 16th day of February, 2011, 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 April, 2011 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 April, A.D.2011.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

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EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to PH (Patio Home) zoning.

Legal Description:

BEING 15.174 acres of land out of the west part of Lot 3 of the Alfred and Mary Fasshauer Subdivision of Survey No. 10 of the Lunatic Asylum Lands Survey, Abstract No. 1011, City of Abilene, Taylor County, Texas as shown on the plat of said Alfred and Mary Fasshauer Subdivision recorded in Volume 1, Pages 274 & 275 of the Plat Records of said Taylor County. This tract is the remainder of a 51.060 acre tract, out of Lot Nos. 1, 2 and 3 of said Alfred and Mary Fasshauer Subdivision, described in a Warranty Deed With Vendor's Lien to Villages of Abilene Meadows, LP, a Texas limited partnership, recorded in Volume 3127, Page 256 of the Official Public Records of Taylor County, Texas. Said 15.174 acre tract is more particularly described in metes and bounds as follows:

BEGINNING at an aluminum monument stamped "WEST CO. OF ABILENE" found in the east line of said 51.060 acre tract, in the west line of the now abandoned Abilene & Southern right-of-way, being 4.315 acres (Tract 1) conveyed to the City of Abilene by the Canyon Rock Development Corporation as recorded in Volume 2867, Page 121 of the Official Public Records of Taylor County, Texas, and at the southeast corner of "The Villages of Abilene", an addition to the City of Abilene as shown on the plat thereof recorded in Cabinet 3, Slide 778 of said Plat Records of Taylor County, and at the northeast corner of this tract;

THENCE S09°05'05"W 1440.36 feet along the east line of said 51.060 acre tract and the west line of said 4.315 acre tract to a ½ inch rebar with City of Abilene Cap found in the south line of said Fasshauer Lot 3 and at the northeast corner of a 6.965 acre tract conveyed to Charles W. Russell in a deed recorded in Volume 843, Page 672 of said Taylor County Deed Records;

THENCE N89°39'38"W 338.92 feet along said south line of said Fasshauer Lot 3 and the north line of said 6.965 acre tract to an old axle rod found at the southwest corner of said Fasshauer Lot 3 and said 51.060 acre tract, the northwest corner of said 6.965 acre tract, the southwest corner of this tract and in the east line of Block S of "The Fairways", an addition to the City of Abilene as shown on the plat thereof recorded in Cabinet 2, Slide 295-A of said Plat Records of Taylor County;

THENCE N01°02'43"W 1326.14 feet along the west line of said Fasshauer Lot 3 and said 51.060 acre tract and the east line of said Block S of said "The Fairways" addition, to a ¾ inch aluminum rod with 2 inch aluminum cap stamped "J&M 4247", henceforth called a standard monument, set at the intersection of said east line of said Block S and the south line of Lot 101, a replat of Lot 1 of said "The Fairways" and a 0.007 acre tract out of Fasshauer Lot 5 of said Survey No. 10 and a 0.038 acre tract out of said Fasshauer Lot 3, as shown on the plat of record in Cabinet 1, Slide 729 of said Plat Records of Taylor County, and from said set standard monument an old axle rod found at the southerly base of an old mesquite stump and at the northwest corner of said Fasshauer Lot 3 bears N01°02'43"W 178.20 feet;

THENCE N89°58'14"E 15.31 feet along the south line of said Lot 101 and a south line of said 51.060 acre tract to a standard monument set at the southeast corner of said Lot 101 and at an ell corner of this tract;

THENCE N01°12'51"W 96.45 feet along the east line of said Lot 101 and a west line of said 51.060 acre tract to a standard monument set at the most southerly southwest corner of said The Villages of Abilene Addition and at the most northerly northwest corner of this tract;

THENCE S89°47'40"E 577.26 feet along the south line of said "The Villages of Abilene" to the **POINT OF BEGINNING** and containing 15.174 acres of land more or less.

Location:

Southwest Corner of Innisbrook Dr. and Memorial Dr.

-END-