

ORDINANCE NO. 01-2017

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "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, part 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.

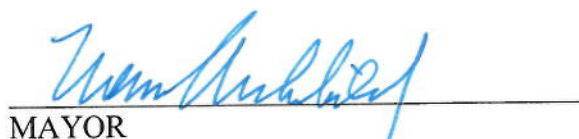
PASSED ON FIRST READING this 15th day of December, A.D. 2016.

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 23rd day of December, 2016, 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 12th day of January, 2017 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 12th day of January, A.D. 2017.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ORDINANCE NO. 01-2017

EXHIBIT "A"

Rezone the base zoning districts of property from AO (Agricultural Open Space) and PD 37 (Planned Development) to GR (General Retail), NR (Neighborhood Retail), and MD (Residential Medium Density). Any overlay zones superimposed on the property are not amended or changed by this ordinance.

Legal Description:

The legal description for the property rezone to base zoning district GR (General Retail) is set out in Exhibit "B", attached hereto.

Legal descriptions for the property rezone to base zoning district NR (Neighborhood Retail) are set out in Exhibit "C" and Exhibit "D", attached hereto.

The legal description for the property rezone to base zoning district MD (Residential Medium Density) is set out in Exhibit "E", attached hereto.



Location:

The 7300-7400 Blocks (east side) of Buffalo Gap Rd, south of Mesa Springs Retirement, and north of Mesquite Forest Subdivision

-END-

Exhibit "B"

Z-2016-42; GR

**FIELD NOTES
FOR
A 3.180-ACRE TRACT
OUT OF
M. TALBOT SURVEY NO. 102
TAYLOR COUNTY, TEXAS**

BEING a 3.180-acre tract out of the M. Talbot Survey No. 102, Taylor County, Texas. The said 3.180-acre tract being more particularly described as follows:

BEGINNING at a point of intersection of the east right of way of Buffalo Gap Road and the south line of the said M. Talbot Survey No. 102 for the southwest corner of this tract;

THENCE North 25 degrees 05 minutes 00 seconds East, along the east right of way of Buffalo Gap Road, for a distance of 518.62 feet to a point for the westernmost southwest corner of Lot 1, Block "A", Kingdom Park Subdivision, Abilene, Taylor County, Texas, recorded in Cabinet 4, Slide 79, Plat Records, Taylor County, Texas;

THENCE South 64 degrees 55 minutes 00 seconds East for a distance of 308.08 feet to a point on the south line of the said Lot 1;

THENCE South 25 degrees 05 minutes 00 seconds West for a distance of 380.55 feet to a point for the northwest corner of Lot 6, Block "A", Continuation No. 2, Mesquite Forest Estate, Abilene, Taylor County, Texas, recorded in Cabinet 1, Slide 327, Plat Records, Taylor County, Texas;

THENCE North 89 degrees 03 minutes 25 seconds West for a distance of 337.61 feet to the Point of Beginning, containing 3.180 acres or 138509 square feet.

The above legal description is for zoning purposes only and does not represent a survey on the ground.

Exhibit "C"

Z-2016-42: NR-1

FIELD NOTES
FOR
A 2.520-ACRE TRACT
OUT OF
M. TALBOT SURVEY NO. 103
TAYLOR COUNTY, TEXAS

BEING a 2.520-acre tract out of the M. Talbot Survey No. 103, Taylor County, Texas. The said 2.520-acre tract being more particularly described as follows:

BEGINNING at a point of intersection of the east right of way of Buffalo Gap Road and the north line of the said M. Talbot Survey No. 103 for the northwest corner of this tract;

THENCE South 89 degrees 03 minutes 25 seconds East, along the north line of the said M. Talbot Survey No. 103, for a distance of 337.61 feet to a point for the northwest corner of Lot 6, Block "A", Continuation No. 2, Mesquite Forest Estate, Abilene, Taylor County, Texas, recorded in Cabinet 1, Slide 327, Plat Records, Taylor County, Texas;

THENCE South 00 degrees 57 minutes 00 seconds West for a distance of 275.79 feet to a point for the southwest corner of Lot 9, said Block "A", Continuation No. 2, Mesquite Forest Estate;

THENCE North 89 degrees 01 minutes 46 seconds West for a distance of 457.38 feet to a point on the east right of way of Buffalo Gap Road for the southwest corner of this tract, same being the northwest corner of Lot 18, said Block "A", Continuation No. 2, Mesquite Forest Estate;

THENCE along the east right of way of Buffalo Gap Road, being along a curve to the right having a radius of 11399.16 feet, and an arc length of 277.10 feet, being subtended by a chord of North 24 degrees 23 minutes 13 seconds East for a distance of 277.10 feet to a point of tangency;

THENCE North 25 degrees 05 minutes 00 seconds East, along the east right of way of Buffalo Gap Road, for a distance of 23.40 feet to the Point of Beginning, containing 2.520 acres or 109785 square feet.

The above legal description is for zoning purposes only and does not represent a survey on the ground.

Exhibit "D"

Z-2016-42; NR-2

**FIELD NOTES
FOR
A 1.538-ACRE TRACT
OUT OF
M. TALBOT SURVEY NO. 102
TAYLOR COUNTY, TEXAS**

BEING a 1.538-acre tract out of the M. Talbot Survey No. 102, Taylor County, Texas. The said 1.538-acre tract being more particularly described as follows:

BEGINNING at a point on the south line of the M. Talbot Survey No. 102, for the northwest corner of Lot 6, Block "A", Continuation No. 2, Mesquite Forest Estate, Abilene, Taylor County, Texas, recorded in Cabinet 1, Slide 327, Plat Records, Taylor County, Texas;

THENCE North 25 degrees 05 minutes 00 seconds East, running parallel to the east right of way of Buffalo Gap Road, for a distance of 380.55 feet to a point on the southwest line of Lot 1, Block "A", Kingdom Park Subdivision, Abilene, Taylor County, Texas, recorded in Cabinet 4, Slide 79, Plat Records, Taylor County, Texas;

THENCE South 64 degrees 55 minutes 00 seconds East for a distance of 95.79 feet to an angle point in the south line of the said Lot 1, Block "A", Kingdom Park Subdivision;

THENCE South 00 degrees 56 minutes 35 seconds West for a distance of 119.09 feet to an angle point in the south line of the said Lot 1, Block "A", Kingdom Park Subdivision;

THENCE South 89 degrees 03 minutes 25 seconds East for a distance of 60.00 feet to an angle point in the south line of the said Lot 1, Block "A", Kingdom Park Subdivision;

THENCE South 00 degrees 56 minutes 35 seconds West for a distance of 189.00 feet to a point on the south line of the said M. Talbot Survey No. 102, same being the north line of Block "A", Continuation No. 2, Mesquite Forest Estate, Abilene, Taylor County, Texas, recorded in Cabinet 1, Slide 327, Plat Records, Taylor County, Texas;

THENCE North 89 degrees 03 minutes 25 seconds West for a distance of 303.05 feet to the Point of Beginning, containing 1.538 acres or 67007 square feet.

The above legal description is for zoning purposes only and does not represent a survey on the ground.

Exhibit "E"

Z-2016-42: MD

**FIELD NOTES
FOR
A 4.995-ACRE TRACT
OUT OF
M. TALBOT SURVEY NO. 102 AND THE G. E. HARLAN SURVEY
TAYLOR COUNTY, TEXAS**

BEING a 4.995-acre tract out of the M. Talbot Survey No. 102, and the G. E. Harlan Survey, Taylor County, Texas. The said 4.995-acre tract being more particularly described as follows:

BEGINNING at a point on the south line of the G. E. Harlan Survey, for the northeast corner of Lot 8, Block "B", Section 3, Mesquite Forest Estates, Abilene, Taylor County, Texas, recorded in Cabinet 1, Slide 103, Plat Records, Taylor County, Texas, same being the northwest corner of the right of way of Thompson Parkway, for the southeast corner of this tract;

THENCE North 89 degrees 03 minutes 25 seconds West for a distance of 706.99 feet to a point on the south line of the said M. Talbot Survey No. 102, same being the north line of Block "A", Continuation No. 2, Mesquite Forest Estate, Abilene, Taylor County, Texas, recorded in Cabinet 1, Slide 327, Plat Records, Taylor County, Texas;

THENCE North 00 degrees 56 minutes 35 seconds East for a distance of 308.09 feet to an angle point on the south line of Lot 1, Block "A", Kingdom Park Subdivision, Abilene, Taylor County, Texas, recorded in Cabinet 4, Slide 79, Plat Records, Taylor County, Texas;

THENCE South 89 degrees 03 minutes 25 seconds East for a distance of 704.87 feet to the southeast corner of the said Lot 1, Block "A", Kingdom Park Subdivision a 10-AC;

THENCE South 00 degrees 56 minutes 35 seconds West for a distance of 119.09 feet to a point;

THENCE South 89 degrees 03 minutes 25 seconds East for a distance of 2.13 feet to a point;

THENCE South 00 degrees 56 minutes 35 seconds West for a distance of 189.00 feet to the Point of Beginning, containing 4.995 acres or 217567 square feet.

The above legal description is for zoning purposes only and does not represent a survey on the ground.