

ORDINANCE NO. 11-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY 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 2 (Zoning Regulations) of 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 the 25<sup>th</sup> day of February, 2021.

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 16<sup>th</sup> day of January, 2021, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 11<sup>th</sup> day of March, 2021, 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 FINAL READING THIS 11<sup>th</sup> day of March, 2021.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY

ORDINANCE NO. 11-2021

EXHIBIT A

Change the zoning classification of the following described tract(s), from Agricultural Open Space (AO) District to a Residential Single-Family (RS-6) District (TRACT 1) and General Commercial (GC) District (TRACT 2)

TRACT 1

**BEING** a 165.264 acre zoning tract out of the M. Talbot Survey No. 103, Abstract No. 319, City of Abilene, Taylor County, Texas, and being out of that certain 150.0 acre tract conveyed in a Special Warranty Deed With Vendor's Lien to Abi Harvest, LLC recorded in Instrument No. 202024159, Official Public Records, Taylor County, Texas and also being out of that certain 22.98 acre tract conveyed in a Special Warranty Deed With Vendor's Lien And Mineral Reservation to Abi Harvest, LLC recorded in Instrument No. 202024617 of said Official Public Records. Said 165.264 acre zoning tract also being out of Lot 1, Block A, Butterfield Trail subdivision (which is wholly contained within said 150.0 acre tract) as shown per plat recorded in Cabinet 1, Slide 795, Plat Records, Taylor County Texas, and is more particularly described in metes and bounds as follows:

**BEGINNING** at a point for the northwest corner of this described tract and being in the north line of said 150.0 acre tract, and being in the south line of El Prado Estates as shown per plat recorded in Cabinet 3, Slide 133, of said Plat Records, from which a point at the northwest corner of said 150.0 acre tract bears N89°09'45"W 149.80 feet; **THENCE** S89°09'45"E along the most westerly north line of this described tract, same being the north line of said 150.0 acre tract, same being the south line of said El Prado Estates, a distance of 1482.78 feet to a point for the southeast corner said El Prado Estates, same being the southwest corner of Willow Ridge Addition, Section 4, as shown per plat recorded in Cabinet 3, Slide 581 of said Plat Records;

**THENCE** S89°09'52"E and continuing along the most westerly north line of this described tract, same being the north line of said 150.0 acre tract, same being the south line of said Willow Ridge Addition, Section 4, a distance of 834.46 feet to a point for the southeast corner of said Willow Ridge Addition, Section 4, same being the most southerly southwest corner of Willow Ridge Addition, Section 3, as shown per plat recorded in Cabinet 3, Slide 494 of said Plat Records;

**THENCE** S89°12'43"E and continuing along the most westerly north line of this described tract, same being the north line of said 150.0 acre tract, same being the most easterly south line of said Willow Ridge Addition, Section 3, a distance of 254.22 feet to a point for the southeast corner of said Willow Ridge Addition, Section 3, same being the southwest corner of Willow Ridge Addition, Section 1, as shown per plat recorded in Cabinet 3, Slide 282 of said Plat Records;

**THENCE** S89°09'33"E and continuing along the most westerly north line of this described tract, same being the north line of said 150.0 acre tract, at 257.63 feet pass a point for the southeast corner of said Willow Ridge Addition, Section 1, same being the southwest corner of Willow Bend West Addition, Section 1, as shown per plat recorded in Cabinet 3, Slide 130 of said Plat Records, and continuing on for a total distance of 928.30 feet to a point for the southeast corner of said Willow Bend West Addition, Section 1, same being the southwest corner of a replat of a portion of Country Village, Section 2, as shown per plat recorded in Cabinet 3, Slide 47 of said Plat Records; Page 2 of 2

**THENCE** S89°07'39"E and continuing along the most westerly north line of this described tract, same being the north line of said 150.0 acre tract, at 262.31 feet pass a point for the most southerly southeast corner of said replat of Country Village, Section 2, same being the southwest corner of that certain Drainage And Detention Pond Area (called 1.49 acres) out of Country Village, Section 2, as shown per

plat recorded in Cabinet 1, Slide 485 of said Plat Records, and continuing on for a total distance of 803.55 feet to a point for the most northerly northeast corner of this described tract, and being at northeast corner of said 150.0 acre tract, and being at the southeast corner of said Drainage And Detention Pond Area;

**THENCE** S00°57'05"W along the most northerly east line of this described tract, same being the east line of said 150.0 acre tract, a distance of 317.00 feet to a point for an interior corner of this described tract, and being at the northwest corner of said 22.98 acre tract;

**THENCE** N89°15'00"E along the most easterly north line of this described tract, same being the north line of said 22.98 acre tract, a distance of 622.37 feet to a point for corner of this described tract and of said 22.98 acre tract;

**THENCE** S69°08'37"E and continuing along the most easterly north line of this described tract, same being the north line of said 22.98 acre tract, a distance of 261.28 feet to a point for the most easterly northeast corner of this described tract, same being the northeast corner of said 22.98 acre tract;

**THENCE** S05°28'04"W along the most southerly east line of this described tract, same being the east line of said 22.98 acre tract, a distance of 699.53 feet to a point for corner of this described tract and of said 22.98 acre tract;

**THENCE** S41°48'03"W and continuing along the most southerly east line of this described tract, same being the east line of said 22.98 acre tract, a distance of 999.27 feet to a point for the most southerly corner of this described tract and of said 22.98 acre tract, and being in the common northeasterly line between said 150.0 acre tract and said Lot 1, Block A, Butterfield Trail subdivision, from which a point at the southeast corner of said 150.0 acre tract and said Lot 1, Block A, bears S43°28'11"E 97.22 feet;

**THENCE** N55°14'06"W and crossing into the interior of said 150.0 acre tract and said Lot 1, Block A, a distance of 106.41 feet to a point for corner of this described tract;

**THENCE** N23°07'39"W and continuing across the interior of said 150.0 acre tract and said Lot 1, Block A, at 62.08 feet pass said common northeasterly line between said 150.0 acre tract said Lot 1, Block A, with the southwest line of said 22.98 acre tract, and continuing across the interior of said 22.98 acre tract for a total distance of 77.65 feet to a point for an interior corner of this described tract;

**THENCE** N89°11'19"W and continuing across the interior of said 22.98 acre tract, at 7.58 feet pass said common northeasterly line between said 150.0 acre tract and said Lot 1, Block A, with the southwest line of said 22.98 acre tract, and continuing across the interior of said 150.0 acre tract and said Lot 1, Block A, for a total distance of 1205.44 feet to a point for the most southerly southwest corner of this described tract, and being in the most southerly west line of this described tract, same being the most southerly west line of said 150.0 acre tract, same being the west line of said Lot 1, Block A, from which a point at the most southerly southwest corner of said 150.0 acre tract, same being the southwest corner of said Lot 1, Block A bears S05°28'24"W 200.66 feet;

**THENCE** N05°28'24"E along the most southerly west line of this described tract, same being the most southerly west line of said 150.0 acre tract, same being the west line of said Lot 1, Block A, a distance of 480.77 feet to a point for an interior corner of this described tract and of said 150.0 acre tract;

**THENCE** N89°09'41"W along the most westerly south line of this described tract and of said 150.0 acre tract, a distance of 2844.32 feet to a point for corner of this described tract and of said 150.0 acre tract;

**THENCE** N67°12'54"W and continuing along the most westerly south line of this described tract and of said 150.0 acre tract, a distance of 1071.53 feet to a point for the most westerly corner of this described tract, from which a point for the most westerly corner of said 150.0 acre tract bears N67°12'54"W 368.38 feet;

**THENCE** N39°30'58"E and crossing into the interior of said 150.0 acre tract, a distance of 1065.49 feet to the POINT OF BEGINNING and containing 165.264 acres of land, more or less.

## TRACT 2

**BEING** a 5.947 acre zoning tract out of the M. Talbot Survey No. 103, Abstract No. 319, City of Abilene, Taylor County, Texas, and being out of that certain 150.0 acre tract conveyed in a Special Warranty Deed With Vendor's Lien to Abi Harvest, LLC recorded in Instrument No. 202024159, Official Public Records, Taylor County, Texas and also being out of that certain 22.98 acre tract conveyed in a Special Warranty Deed With Vendor's Lien And Mineral Reservation to Abi Harvest, LLC recorded in Instrument No. 202024617 of said Official Public Records. Said 5.947 acre zoning tract also being out of Lot 1, Block A, Butterfield Trail subdivision (which is wholly contained within said 150.0 acre tract) as shown per plat recorded in Cabinet 1, Slide 795, Plat Records, Taylor County Texas, and is more particularly described in metes and bounds as follows:

**BEGINNING** at a point for the southwest corner of this described tract and being at the most southerly southwest corner of said 150.0 acre tract, and being at the southwest corner of said Lot 1, Block A, and being in the north right-of-way line of FM Highway No. 707;

**THENCE** N05°28'24"E along the west line of this described tract, same being the most southerly west line of said 150.0 acre tract, same being the west line of said Lot 1, Block A, a distance of 200.66 feet to a point for the northwest corner of this described tract;

**THENCE** S89°11'19"E and crossing into the interior of said 150.0 acre tract and said Lot 1, Block A, at 1197.86 feet, pass the common northeasterly line between said 150.0 acre tract and said Lot 1, Block A, with the southwest line of said 22.98 acre tract, and continuing across the interior of said 22.98 acre tract for a total distance of 1205.44 feet to a point for the northeast corner of this described tract;

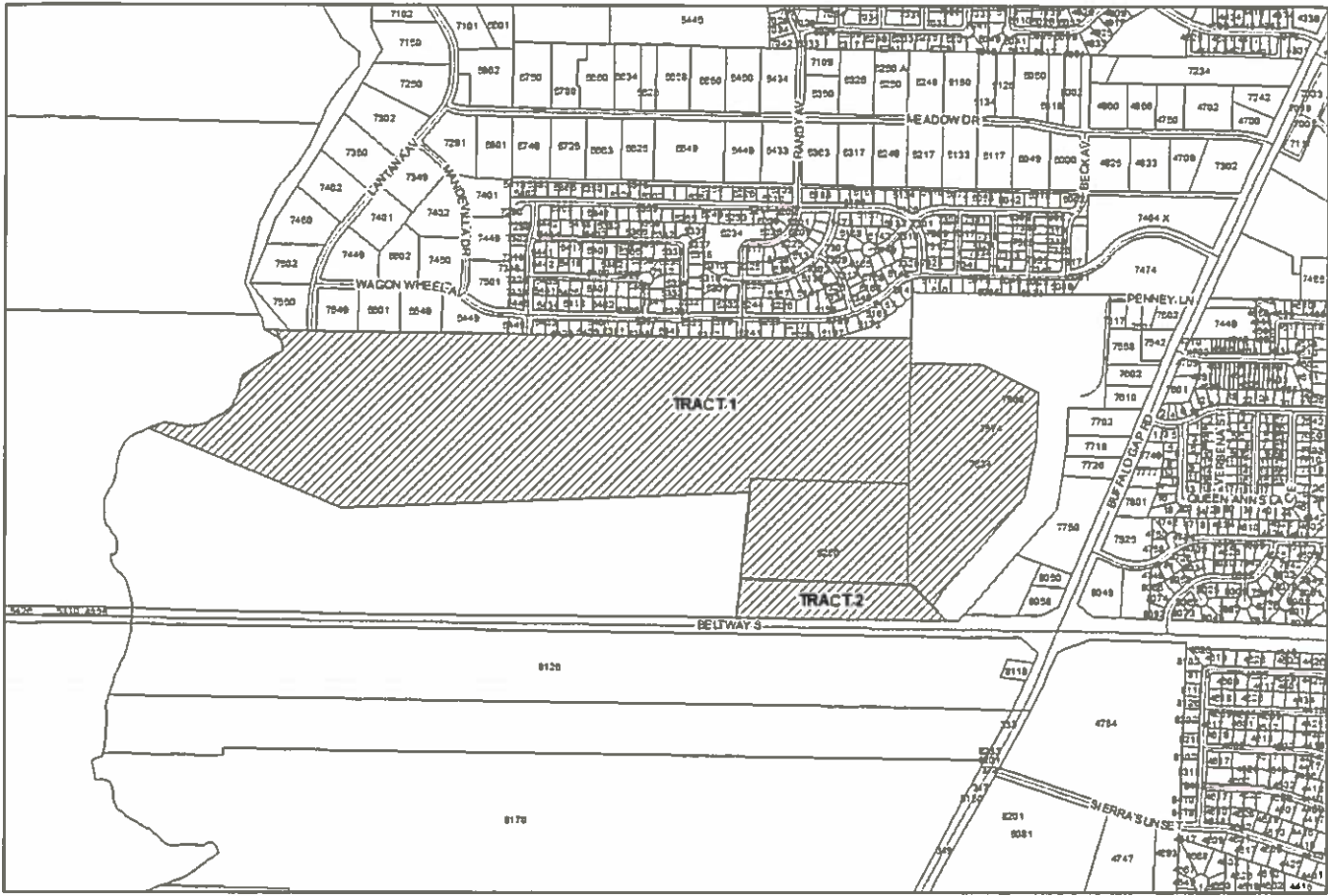
**THENCE** S23°07'39"E along a northeasterly line of this described tract, and continuing across the interior of said 22.98 acre tract, at 15.57 feet, pass said common northeasterly line between said 150.0 acre tract and said Lot 1, Block A, with the southwest line of said 22.98 acre tract, and continuing across the interior of said 150.0 acre tract and said Lot 1, Block A for a total distance of 77.65 feet to a point for an interior corner of this described tract;

**THENCE** S55°14'06"E along a northeasterly line of this described tract, and continuing across the interior of said 150.0 acre tract and said Lot 1, Block A, a distance of 106.41 feet to a point for corner of this described tract, and being in said common northeasterly line between said 150.0 acre tract and said Lot 1, Block A, and being at the south corner of said 22.98 acre tract;

**THENCE** S43°28'11"E along a northeasterly line of this described tract, and continuing along said common northeasterly line between said 150.0 acre tract and said Lot 1, Block A, a distance of 97.22 feet to a point for the southeast corner of this described tract, same being the southeast corner of said 150.0 acre tract, same being the southeast corner of said Lot 1, Block A, and being in the north right-of-way line of said FM Highway No. 707;

**THENCE** N89°11'19"W along the south line of this described tract, same being the most easterly south line of said 150.0 acre tract, same being the south line of said Lot 1, Block A, same being the north

right-of-way line of said FM Highway No. 707, a distance of 1409.39 feet to the POINT OF BEGINNING and containing 5.947 acres of land, more or less.



Located on approximately 171.211 acres near the northwest corner of Beltway South (FM 707) and Buffalo Gap Road (FM 89). Legal description being approximately 165.264 acres in Tract 1 and 5.947 acres in Tract 2 out of Mathew Talbot Section 103, in Abilene, Taylor County, Texas.