

ORDINANCE NO. 12-2022

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 24th day of March, 2022.

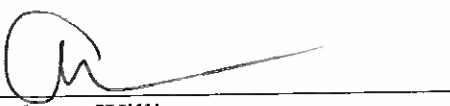
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the *Abilene Reporter-News*, a daily newspaper of general circulation in the City of Abilene, said publication being on the 12th day of February, 2022, the same being more than fifteen (15) days prior to a public hearing at the Abilene Public Library's South Branch in the Mall of Abilene at 4310 Buffalo Gap Road in Abilene, Texas, at 8:30 a.m. on the 14th day of April, 2022, 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 in the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14th day of April, 2022.


ATTEST:



Shawna Atkinson
CITY SECRETARY



Anthony Williams
MAYOR

APPROVED:


Stanley Smith
CITY ATTORNEY

EXHIBIT A

Change the zoning classification of the following described land, from a Heavy Industrial (HI) to a Heavy Commercial (HC) District:

TRACT 1:

BEING the West part of that same tract described in Volume 1322, page 78, Deed records, Taylor County, Texas, and being part of Block 17 of the Bowery Addition to the City of Abilene, Taylor County, Texas, as shown by plat recorded in Volume Y, page 356, Probate Minutes of Taylor County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron pin set at an interior corner of said tract described in Volume 1322, page 78 and the Southwest corner of a tract described in Volume 390, page 163 and being North 271 feet and S 88° 23' W 108.8 feet from the Southeast corner of said Block 17,

THENCE S 2° 17' W 48.17 feet to a 3/8" iron pin set in the SBL of said tract in Volume 1322, page 78 and the WBL of a tract described in Volume 1033, page 682,

THENCE S 89° 06' 20" W (record – West) 140.75 feet to a point on the EBL of South Treadaway Boulevard for the Southwest corner of this tract, N 89° 06' 20" E 2.89 feet from a found 3/8" iron pin,

THENCE in a northeasterly direction along a curve to the right with a radius of 9614.08 feet and a long chord bearing N 17° 17' 41" E 100.1 feet to the Northwest corner of this tract, W 88° 32' 21" E 1.26 feet from a found 1/2" iron pipe,

THENCE N 88° 32' 21" E 126.65 feet (record – East 130 feet) to a 3/8" iron pin set for the record corner of a tract described in Volume 390, page 163,

THENCE S 14° 45' W 50' matching the WBL call for said Volume 390, page 163 to the place of beginning.

TRACT 2:

BEING 0.251 acre out of Block 17, Bowyer Addition to the City of Abilene, Taylor County, Texas, according to the map or plat thereof recorded in Volume 1, Page 618 and/or Cabinet 4, Slide 327, Plat Records of Taylor County, Texas, said 0.251 acre being part of that same land described as Tract 2: First Tract, Second Tract and Third Tract in a Gift Deed to Kathleen Janice Travis in Document No. 2009-275, Official Public Records, Taylor County, Texas, said 0.251 acre being more particularly described as follows:

BEGINNING at a point on the east right-of-way line of South Treadaway Boulevard (U.S. Highway 277-83) (100' ROW) in a curve to the right on the north line of said First Tract and the south line of that certain tract designated Tract 3, conveyed to Bimbo Bakeries USA, Inc., of record in Volume 3401, Page 939, O.P.R.T.C.T., for the northwest corner of this tract, whence a 3" pipe post bears S 71° 31' 26" E 13.5 feet;

THENCE S 71° 31' 26" E 127.95 feet, with the north line of said First Tract and the south line of said Tract 3, to a 5" pipe post found at the northeast corner of said First Tract and the northwest corner of that certain tract designated Tract 4 in said Volume 3401, Page 939, O.P.R.T.C.T., for the northeast corner of this tract;

THENCE in a southwesterly direction with the east line of said First, Second and Third Tract and the west line of said Tract 4, the following two (2) calls:

1. S 18°09'01"W 51.54 feet, to a 4" pipe post found for an angle corner of this tract;
2. S 71°35'34"W 17.57 feet, to a 4" pipe post found at an angle corner of said Second Tract and the southerly northwest corner of said Tract 4, same being the northeast corner of that certain tract designated Exhibit "A", conveyed to Thomas Lee Willis, of record in Document #2009-14082, O.P.R.T.C.T., for an angle corner of this tract;

THENCE S89°15'39"W 134.60 feet, with the south line of said Second Tract and the north line of said Willist tract, to a point in said curve to the right on the east right-of-way line of said South Treadaway Boulevard at the

southwest corner of said Second Tract and the northwest corner of said Willis tract, for the southwest corner of this tract, whence a 4" pipe post bears N89° 15'39" E 5.7 feet;

THENCE in a northeasterly direction with the west line of said Second and Third Tracts, the easts right-of-way line of said South Treadaway Boulevard and along said curve to the right, having a radius of 904.93 feet, an arc length of 107.23 feet and a long chord bearing N25°23'46" E 107.16 feet, to the place of beginning and containing 0.251 acre of land.

TRACT 3

BEING 0.825 acres of land containing Tract 3, Tract 4, Tract 5 and Tract 6, all recorded in Volume 3401, Page 939, Official Public Records, Taylor County, Texas and being all of Block 16 and a portion of Block 17 and all of the right-of-way of South 27th Street between said Block 16 and Block 17 as shown by the Bowyer Addition plat to the City of Abilene, Taylor County, Texas, recorded in Volume 1, Page 618, Plat Records, Taylor County, Texas, and Plat Cabinet 4, Slide 327, Plat Records, Taylor County, Texas. Said 0.825-acre tract being more particularly described as follows:

BEGINNING: at a found ½" metal rebar on a curve on the East line of South Treadaway Boulevard (100' right-of-way) at the Northwest corner of Lot 101, Block A, B&B Polebenders Subdivision recorded in Plat Cabinet 4, Slide 178, Plat Records, Taylor County, Texas, whence a found 3/8" metal rebar on the West line of Palm Street (60' right-of-way) at the South most Northeast corner of said Lot 101 bears S 70°03'32"E 257.47';

THENCE along the East line of South Treadaway Boulevard and with said curve, (to the right), a radius of 895.29' a chord bearing N19°44'55"W 201.46' an arc distance of 201.88' to a set ½" metal rebar on the North line of a 0.251 acre tract recorded in instrument No. 202020812, Official Public Records, Taylor County, Texas, for the North most Southwest corner and POINT OF BEGINNING of this tract, whence the center of a 4" pipe fence corner post, called for a reference on the North line of said 0.251 acre tract bears S72°06'17"E 3.88';

THENCE continuing along the East line of said South Treadaway Boulevard and along said curve to the right a radius of 895.29' a chord bearing N35°19'47"E 283.85' an arc distance of 285.06' to a found concrete right-of-way monument at the end of said curve, whence a found concrete right-of-way monument of the West line of said South Treadaway Boulevard bears N44°15'47"W 101.03';

THENCE N44°58'55"E with the East line of said South Treadaway Boulevard 11.20' to a set ½" metal rebar on the West line of said Palm Street for the North most corner of this tract, whence a found 3/8" metal rebar on the East line of said South Treadaway Boulevard at a point of intersection on the West line of a 5.72 acre tract recorded in Volume 2959, Page 718, Official Public Records, Taylor County, Texas, bears N44°58'55"E 84.47' and from this found 3/8" metal rebar, another found 3/8" metal rebar at the Southwest corner of said 5.72-acre tract bears S00°30'08"E 16.08';

THENCE S00° 11' 57"E with the West line of said Palm Street, 376.11' to a set ½" metal rebar for the Southeast corner of this tract, whence a found 3/8" metal rebar on the West line of said Palm Street at the common East corner of tracts of land recorded in Instrument No. 2017-00012138, and Instrument No. 2019-00013171, Official Public Records, Taylor County, Texas, and being recognized as the Southeast corner of a tract recorded in Volume 1322, Page 78, Official Public Records, Taylor County, Texas, bears S00° 11'57"E 71.00';

THENCE S88°24'59"W 108.57' to a found 3/8" metal rebar at a point of intersection on the East line of a tract recorded in Instrument No. 2009-00014082, Official Public Records, Taylor County, Texas, at the Northwest corner of said tract recorded in Instrument No. 2017-00012138, Official Public Records, Taylor County, Texas, and an interior corner of said tract recorded in Volume 1322, Page 78, Official Public Records, Taylor County, Texas for the South most Southwest corner of this tract;

THENCE N17°56'22"E 50.92' to the center of a 5" pipe fence corner post called to be the Southmost Southeast corner of said 0.251 acre tract and called to be the South most Northwest corner of said Tract 4, recorded in Volume 3401, Page 393, Official Public Records, Taylor County, Texas, for a point of intersection of this tract;

THENCE N67°36'45"E 17.34' to the center of a 5" pipe fence corner post called to be a point of intersection of said 0.251 acre tract for an interior corner of this tract;

THENCE N18°11'57"E 50.80' to the center of a 5" pipe fence corner post called to be the Northeast corner of said 0.251 acre tract and called to be the Northwest corner of said Tract 4 for an interior corner of this tract;

THENCE N72°06'17"W at 114.26' pass the center of a 4" pipe fence corner post and continue on a total distance of 118.14' to the point of beginning and containing 0.825 acres of land.

TRACT 4

BEING the East part of the same tract described in Volume 1322, page 78, Deed Records, Taylor County, Texas, and being part of Block 17 of the Bowyer Addition to the City of Abilene, Taylor County, Texas, as shown by plat recorded in Volume Y, page 356, Probata Minutes of Taylor County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron pin set on the WBL of Palm Street, 200 feet North of the Southeast corner of said Block 17,

THENCE S 89°50'W55.74' to a 3/8" iron pin set for a corner,

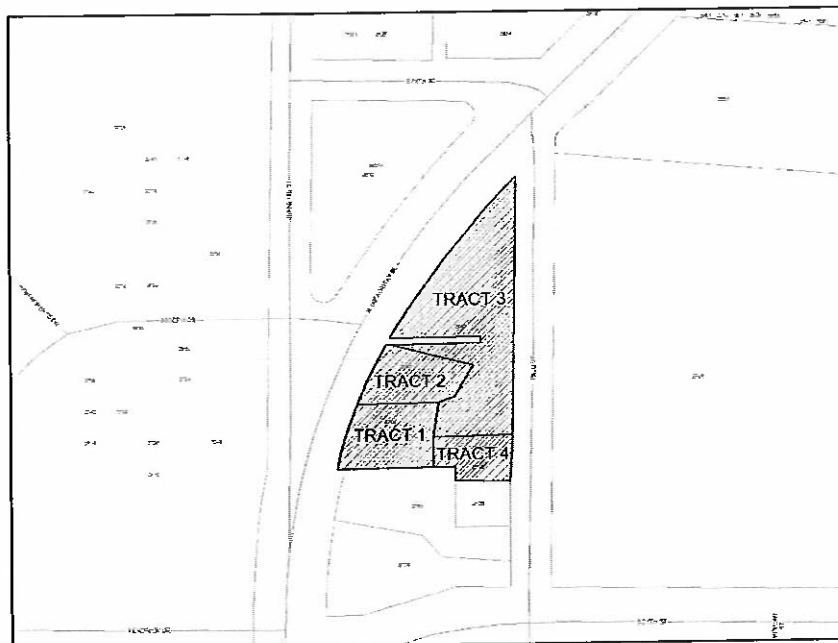
THENCE North 20.82 feet (record = 21 feet) to a 3/8" iron pin found at an interior corner;

THENCE S89°06'20"W(record = west) 54.9' to a 3/8" iron pin set on the SBL of said tract described in Volume 1322, page 78, and the NBL of a tract described in Volume 1033, page 682, Deed Records;

THENCE N2°17'E 48.17 feet to a 3/8" iron pin set by a corner post at an interior corner of said tract in Volume 1322, page 7, Deed Records and the Southwest corner of a tract described in Volume 390, page 163, Deed Records;

THENCE N 88°23' E (record = East) 108.8 feet to a 1/2" iron pine found at the most easterly Northeast corner of said tract in Volume 1322, page 78 and Southeast corner of Volume 390, page 163 on the WBL of Palm Street;

THENCE south 71 feet to the place of beginning.



Location: 2600-2700 Blocks of S. Treadaway Blvd. & 2700 Block of Palm St.

-END-