

**Ordinance No. 08-045**

**An ordinance of the City of Arlington, Texas, amending the Zoning District Map to revise the zoning classification on certain property known as 4011 West Division Street by the adoption of specific use permit SUP08-4 for gas drilling; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative, providing for severability, governmental immunity, injunctions, publication and an effective date.**

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP08-4 and recommended approval of the specific use permit on May 7, 2008; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the Zoning District Map be amended. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That a Specific Use Permit SUP08-4 for gas drilling is hereby granted for the property known as 4011 West Division Street described in Exhibit "A" and the Zoning District Map is hereby amended as specified. Development shall be in compliance with the conditions stated in Exhibit "B" and the attached site plan.

2.

If either no gas well permit is issued or drilling activity has not commenced, on the property described in Exhibit "A" within one year after the date of City Council approval, the Specific Use Permit shall expire, unless the director of Community Development and Planning grants an extension as provided in Section 5-500(F) of the Zoning Chapter of the Arlington City Code.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective upon second publication.

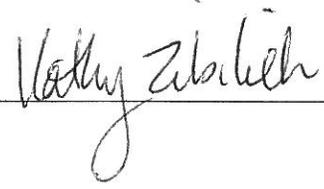
PRESENTED AND GIVEN FIRST READING on the 3rd day of June, 2008 at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 17th day of June, 2008 by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
ROBERT N. CLUCK, Mayor

ATTEST:

  
KAREN BARLAR, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY 

SUP08-4

EXHIBIT "A"

THAT the following described property now zoned "B" be modified by the addition of a Specific Use Permit for gas drilling, and that the official zoning map, adopted and described in Article VI, "Zoning" Chapter, Arlington City Code of 1987, be revised accordingly:

BEING a 5.142-acre tract of land located in the R.R. Ramey Survey, Abstract No. 1341, in the City of Arlington, Tarrant County, Texas, and being a portion of a called 18.397-acre tract of land as described in the Special Warranty Deed to Chesapeake Land Company, LLC, filed for record in County Clerk Instrument No. D207265437, Deed Records, Tarrant County, Texas, said 5.142-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch capped iron rod stamped "Boundary Mark " for the southwest corner of Lot 1, Block 1, Arlington West Industrial Park, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-82, Page 24, Plat Records, Tarrant County, Texas;

THENCE North 43°38'26" West, a distance of 130.89 feet, to the POINT OF BEGINNING, from which a ½-inch iron rod found for the southeast corner of said called 18.397-acre tract of land bears South 33°33'53" East, a distance of 135.42 feet;

THENCE over and across said called 18.397-acre tract of land, the following calls:

South 86°04'52" West, a distance of 400.00 feet, to a point for corner;

North 03°55'08" West, a distance of 560.00 feet, to a point for corner, from which a ½-inch iron rod found for the northwest corner of said called 18.397-acre tract of land bears North 46°19'17" West, a distance of 473.35 feet;

North 86°04'52" East, a distance of 400.00 feet, to a point for corner;

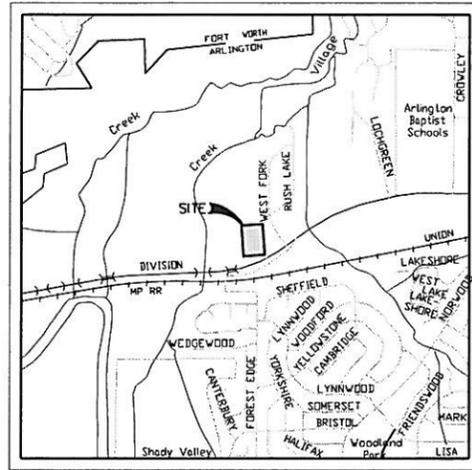
South 03°55'08" East, a distance of 560.00 feet, to the POINT OF BEGINNING and containing 5.142 acres of land;

AND being generally located north of West Division Street and east of West Green Oaks Boulevard with the approximate address being 4011 West Division Street.

SUP08-4

EXHIBIT "B"

1. Operation of a gas drilling use must comply with all requirements in the Gas Drilling and Production Chapter of the Arlington City Code.
2. At the permit stage, a Road Damage Assessment Study is required to mitigate any impacts to the street system during drilling.



VICINITY MAP  
NTS

**CURRENT ZONING**

"B" BUSINESS

**PROPOSED ZONING**

"B" BUSINESS WITH A SPECIFIC USE PERMIT FOR GAS DRILLING.

**OWNER**

CHESAPEAKE LAND COMPANY LLC  
6100 N. WESTERN AVE  
OKLAHOMA CITY, OK 73118  
CONTACT: HEATHER BARCIA  
TEL: 817-870-1250  
FAX: 817-810-9485

**DEVELOPER**

CHESAPEAKE ENERGY CORPORATION  
301 COMMERCE STREET, SUITE 600  
FORT WORTH, TEXAS 76102  
CONTACT: HEATHER BARCIA  
TEL: 817-870-1250  
FAX: 817-810-9485

**ENGINEER/SURVEYOR**

MYCOSKIE+MCINNIS ASSOCIATES  
200 E. ABRAM STREET  
ARLINGTON, TEXAS 76010  
CONTACT: JACOB SUMPTER  
TEL: 817-469-1671  
FAX: 817-274-8757

**LEGAL DESCRIPTION**

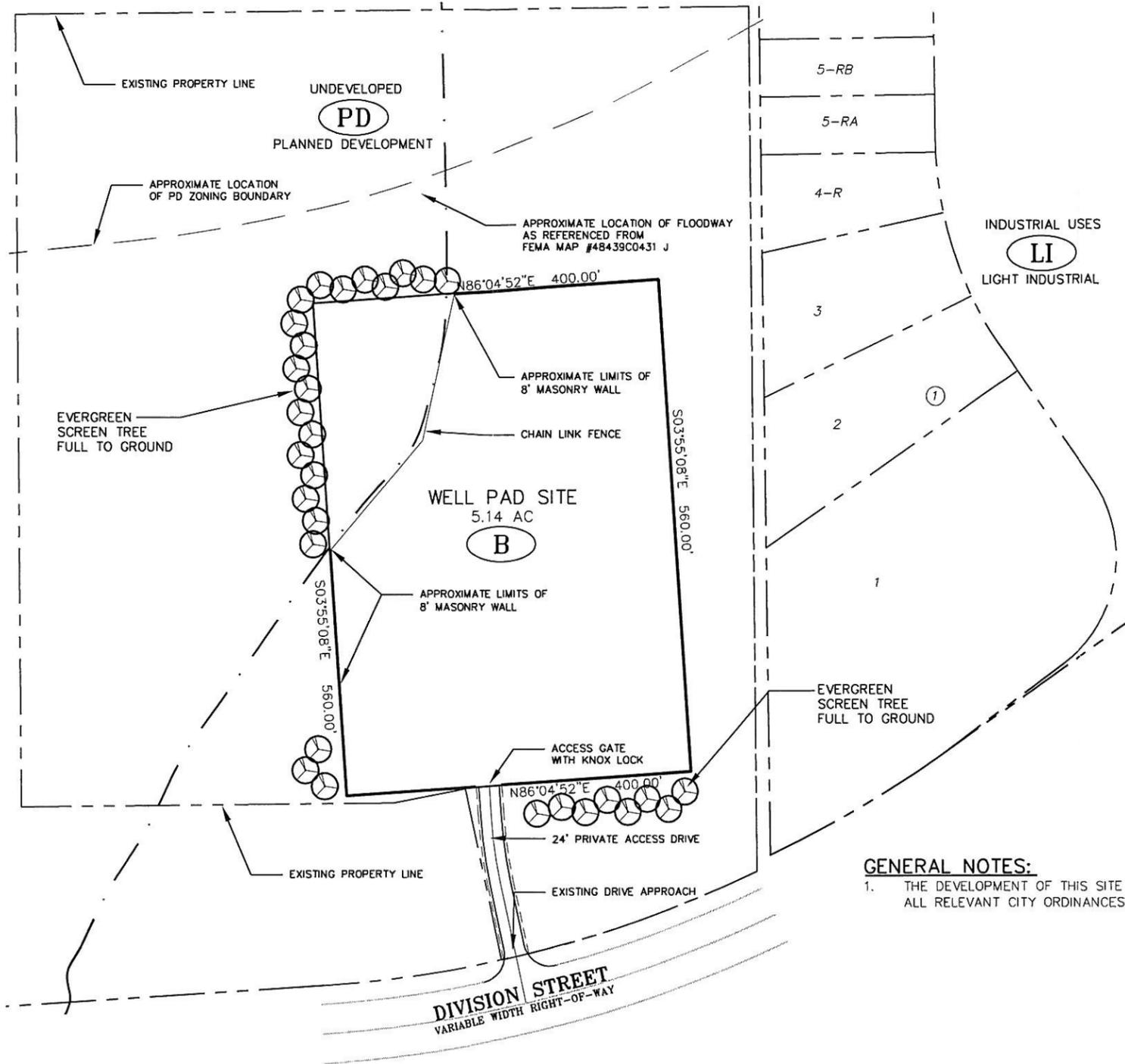
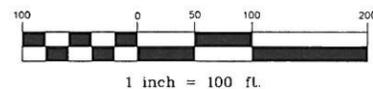
A PORTION OF TRACT 32A2A OF THE R.R.  
RAMEY SURVEY, ABSTRACT 1341

**LAND USE**

1. WELL PAD SITE 5.142 AC

**LEGEND**

SCREEN TREE  
10' HEIGHT AT TIME OF INSTALLATION



**GENERAL NOTES:**

1. THE DEVELOPMENT OF THIS SITE MUST MEET ALL RELEVANT CITY ORDINANCES.

REV.	DATE	DESCRIP.	BY
3	03/24/08	DRC COMMENTS	JWS
2	03/18/08	DRC COMMENTS	JWS
1	03/10/08	DRC COMMENTS	JWS

THIS DOCUMENT IS RELEASED FOR SPECIFIC USE PERMIT APPROVAL BY THE CITY OF ARLINGTON AND IS NOT INTENDED FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.

**BARRON DRILL SITE  
SPECIFIC USE PERMIT**  
4011 W. DIVISION STREET  
ARLINGTON, TX

PROJECT TITLE:  
**BARRON DRILL SITE  
SPECIFIC USE PERMIT**

**m|ma**

mycoskie + mcinnis | associates  
civil engineering surveying landscape architecture planning  
200 east abram  
arlington, texas 76010  
817-469-1671  
fax: 817-274-8757  
www.mmalex.com

PROJECT NUMBER: 2345-0-1  
PROJECT MANAGER: J.SUMPTER  
DRAWN BY: J.SUMPTER  
CHECKED BY: C.MYCOSKIE  
ISSUE DATE: 02/22/08

SHEET CONTENT:  
**SUP PLAN  
CASE # SUP08-4**

SHEET NO:

**1 OF 1**

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W. DIVISION  
STREET/RAILROAD  
**(A)**  
AGRICULTURE

UNDEVELOPED  
**(B)**  
BUSINESS

INDUSTRIAL USES  
**(LI)**  
LIGHT INDUSTRIAL

UNDEVELOPED  
**(PD)**  
PLANNED DEVELOPMENT