

Ordinance No. 07-061

An ordinance of the City of Arlington, Texas, amending the Zoning District Map to revise the zoning classification on certain property by the adoption of specific use permit SUP07-4; authorizing the building official to issue permits upon final approval; 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 SUP07-4 and recommended approval of the specific use permit on August 1, 2007; 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 is hereby granted for the use and property described on Exhibit "A" and the Zoning District Map is hereby amended as specified.

2.

The Building Official is hereby authorized and directed to issue permits in conformance with the specifications attached as Exhibit "B" immediately upon presentation and approval.

3.

If no building permit is issued for a Specific Use Permit granted by this change within three (3) years of the date of second publication of this Ordinance, the Specific Use Permit shall expire.

4.

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.

5.

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of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

6.

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.

7.

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.

8.

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.

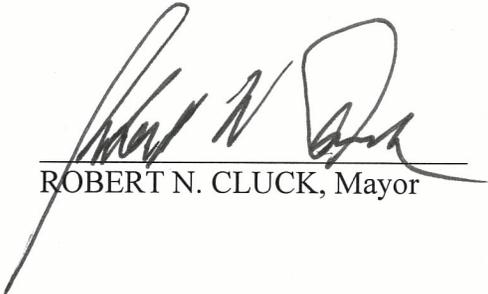
9.

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.

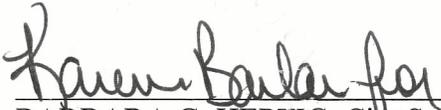
10.

Except as provided in Paragraph 2 above, this ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the 28th day of August, 2007, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 18th day of September, 2007, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY



SUP07-4

EXHIBIT "A"

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

BEING a 5.24-acre tract of land out of the M.T. Johnson Survey, Abstract No. 863, and the R.R. Ramey Survey, Abstract No. 1341 in Tarrant County, Texas, and being a portion of a 18.45 acre tract of land conveyed to Donald E. Williams (Williams' Tract) by deed and recorded as in Volume 4512, Page 898 of the Deed Records of Tarrant County, Texas (D.R.T.C.T.) said tract being tied to the Texas Coordinate System, North Central Zone, NAD83, bearings are grid, distances are horizontal ground measurements and being more particularly described as follows:

BEGINNING at a point in the north right-of-way line of Spur Highway No. 303 (West Pioneer Parkway) at the most southerly southeast corner of Tract 1R1, Lake Arlington Industrial Park an addition to the City of Arlington as recorded in Volume 388-211, Page 41 of the Plat Records of Tarrant County, Texas, said point of beginning being the southwest corner of said Williams' Tract;

THENCE, North $00^{\circ}02'12''$ East, along the west line of said Williams' Tract, 844.16 feet to the northwest corner of said Williams' Tract in the south right-of-way line of a tract of land conveyed to Texas and Pacific Railway said point being on a curve to the left whose center bears North $02^{\circ}08'30''$ East, 6,100.08 feet;

THENCE, easterly along said curve to the left through a central angle of $4^{\circ}21'28''$ and an arc length of 463.95 feet;

THENCE, South $00^{\circ}02'12''$ West, 470.87 feet;

THENCE, North $89^{\circ}57'49''$ West, 433.83 feet;

THENCE, South $00^{\circ}02'12''$ West, 387.83 feet to a point in the north right-of-way line of Spur Highway No. 303 said point being on a curve to the right whose center bears North $24^{\circ}47'49''$ East, a distance of 5,425.80 feet;

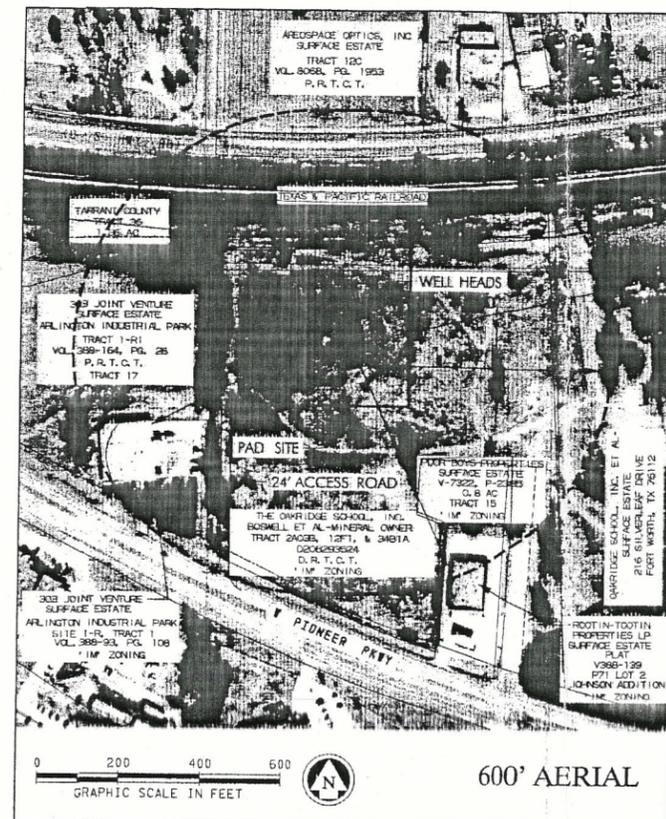
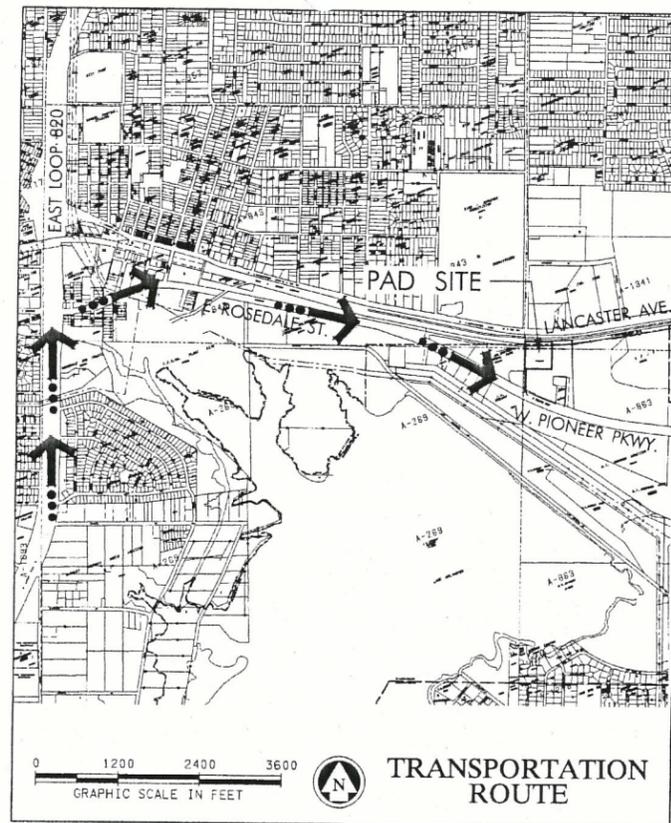
THENCE, northwesterly along the north right-of-way line of Spur Highway No. 303 and along said curve to the right through a central angle of $00^{\circ}20'58''$ and an arc length of 33.08 feet to the POINT OF BEGINNING and containing 5.24 acres of land;

AND being generally located north of West Pioneer Parkway and west of Oakridge Place with the approximate addresses being 5917 and 5951 West Pioneer Parkway.

SUP07-4

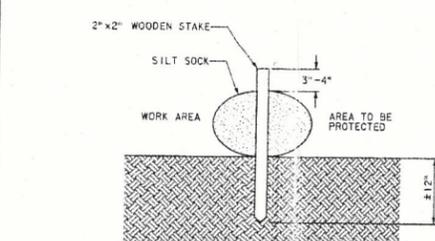
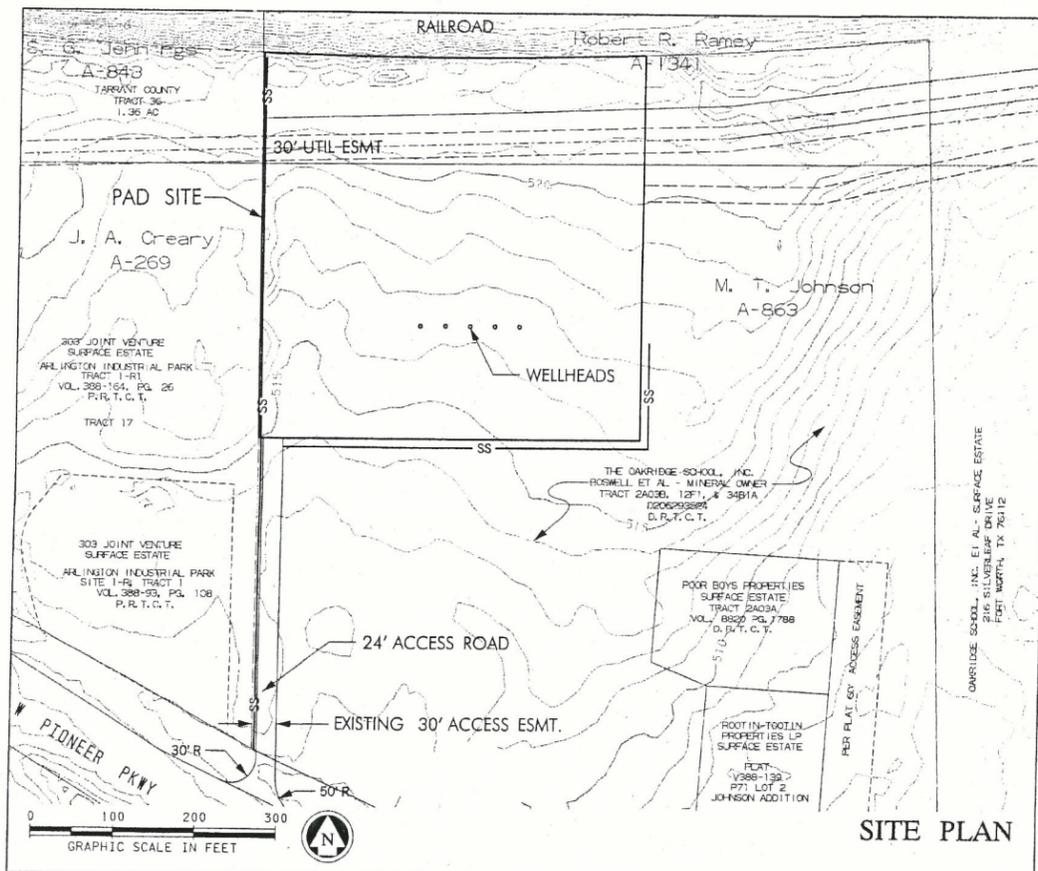
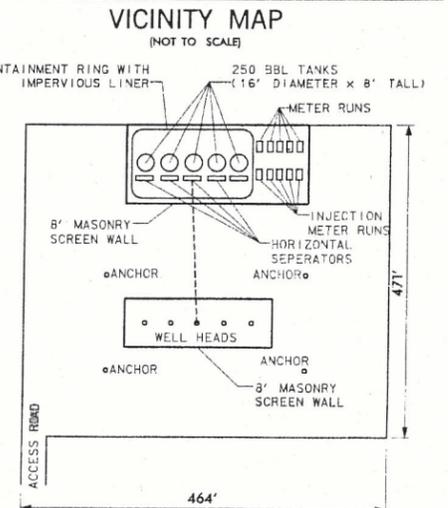
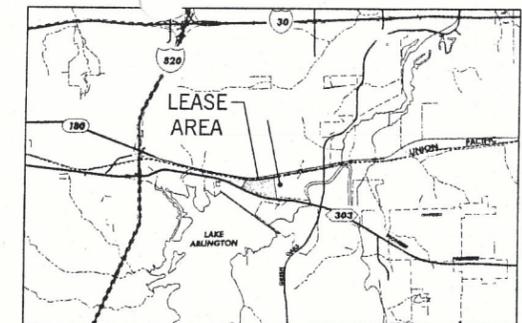
Exhibit "B"

1. One point of access is provided from West Pioneer Parkway. The access road will be 24-feet wide and surfaced with asphalt, gravel, or cliche-based material.
2. A minimum six-foot chain-link fence will enclose the gas well permit area during the initial drilling as depicted on the development plan. In addition, a minimum eight-foot solid masonry wall, not to exceed ten feet in height, will enclose all completed wells and tanks located within the operation site.
3. A chain-link gate will be provided during the initial drilling as depicted on the development plan. In addition, the masonry wall will be equipped with at least one security gate. A 12-foot wide gate will be located at the entry way of the well pad site. The gates provided will be kept locked except when being used and the operator is required to provide the City Fire Chief with a Knox padlock or Knox box.
4. The lights will not shine directly on public roads, adjacent property, or property in the general vicinity.
5. The hours of operation will be between 6:00 a.m. and 7:00 p.m. and sound levels produced will not exceed 78Db (decibels). Some form of sound abatement (blanketing) technique will be used on this site.
6. The top of the tanks will be no higher than eight feet above the terrain and all tanks will be set back as required by the Railroad Commission, at least 25 feet from any public right-of-way or property line.
7. The setback distance will be no less than 300 feet from any public park, residence, church, hospital, public or private school.
8. Tank batteries, well facilities and equipment will be located at least 100 feet from any public park, residence, church, hospital, public or private school.
9. A sign will be displayed at the gate stating the well number, the name and number of the operator, the emergency 911 number, and the telephone number of two contacts.
10. Upon completion of drilling, all wells will be abandoned in accordance with the rules of the Railroad Commission.
11. Required parking will be designated on the site.
12. No equipment will be stored on the drilling or production operation site unless it is necessary to everyday operation of the well.

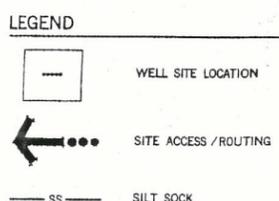


Notes:

1. West Pioneer Pkwy. shall be used for the access to the pad site.
2. Site grading will not alter the natural flow. A silt fence (see detail) will be installed as necessary.
3. The lease road and driveway will be off of Pioneer Pkwy.
4. The lease road is 24' wide with 14' overhead clearance.
5. At time of permit, a signed road repair contract supplied by the city that provides that the operator shall repair, at this own expense, any damage to the road, streets, or highways caused by the use of heavy vehicles for any activity associated with the preparation, drilling, production, and operation of gas wells.
6. No drilling products or byproducts shall be dumped, deposited, or placed within public right-of-way.
7. The operator shall at all times comply with the rules and regulations of the Railroad Commission.
8. No gas well permit shall be issued for any well to be drilled within any floodways.
9. No gas well shall be drilled, the center of which, at the surface of the ground is located within 300' from any public park, residence, church, hospital, or public or private school.
10. Site development, other than drilling operations, shall be conducted between 6AM and 7PM.
11. No drilling, production, or other operations shall produce a sound level greater than 78dB(a) when measured at a distance of 300' from the production equipment in question.
12. All tanks and permanent structures shall conform to American Petroleum Institute specifications. The top of the tanks shall be not higher than eight feet above the terrain surrounding the tanks and be at least 25' from any public ROW or property line. Tanks shall be at least 100' from any church, hospital, public or private school, or combustible structure.
13. Signage shall include two contact numbers that may be contacted in case of emergency.
14. No on site storage is permitted, unless it is necessary to the everyday operation of the well.
15. After completion of the drilling operations, the site will not require lighting.
16. Drilling of all wells on the pad shall be done utilizing a closed loop system.
17. A minimum of two above ground frac tank will be stored on site holding approximately 40,000 gallons of water for temporary fire protection. This water must remain in place and accessible for the duration of the drilling and fracturing operations. Once fracturing operations are complete the tanks will no longer be required.
18. Each well site shall have one on-site parking space.
19. After completion of all wells, a solid masonry wall, a minimum of eight (8') feet will enclose all completed wells and tanks located within an operation site. A minimum of one (1) gate, twelve (12') feet wide, will be installed.
20. A secured entry gate will be provided with 24 hour supervision. If 24 hour supervision cannot be adequately provided, a temporary 6' security fence shall be constructed.



**HIGH FLOW SILT SOCK DETAIL:
TYPICAL TEMPORARY FILTER
FABRIC FILLED WITH MULCH**
NOT TO SCALE



REQUIRED SIGNAGE
PERMANENT PROOF SIGNS READING "DANGER NO SMOKING ALLOWED" IN A MINIMUM FOUR INCH (4") LETTERING SHALL BE POSTED AT THE ENTRANCE OF EACH DRILL SITE AND OPERATIONAL SITE. THE SIGN SHALL INCLUDE THE PHONE NUMBER FOR EMERGENCY SERVICE (911), THE NUMBER FOR THE OPERATOR, AND THE WELL DESIGNATOR REQUIRED BY THE RAILROAD COMMISSION IN FOUR INCH (4") LETTERING.

**BOUNDARY DESCRIPTION FOR
BOSWELL WELLS SOUTH DRILLSITE
5.24 ACRES OF LAND OUT OF THE
M. T. JOHNSON SURVEY, ABSTRACT NO. 863 AND
THE R. R. RAMEY SURVEY, ABSTRACT NO. 1341
TARRANT COUNTY TEXAS.**

BEING a 5.24 acre tract of land out of the M. T. Johnson Survey, Abstract No. 863, and the R. R. Ramey Survey, Abstract No. 1341 in Tarrant County, Texas, and being a portion of a 18.45 acre tract of land conveyed to Donald E. Williams (Williams Tract) by deed and recorded as in Volume 4512, Page 898 of the Deed Records of Tarrant County, Texas (D.R.T.C.T.) said tract being tied to the Texas Coordinate System, North Central Zone, NAD83, bearings are grid, distances are horizontal ground measurements and being more particularly described as follows:

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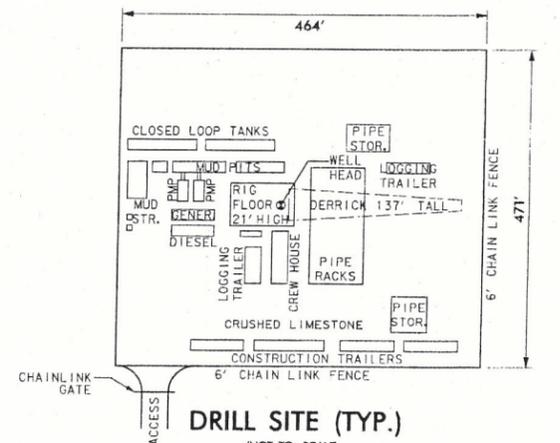
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THENCE, South 00°02'12" West, 387.83 feet to a point in the north right-of-way line of Spur Highway No. 303 said point being on a curve to the right whose center bears North 24°47'49" East, a distance of 5425.80 feet:

THENCE, Northwesterly along the north right-of-way line of Spur Highway No. 303 and along said curve to the right through a central angle of 0°20'58" and an arc length of 33.08 feet to the Point of Beginning and containing 5.24 acres (228,335 square feet) of land:



**SITE PLAN FOR SUP
QUICKSILVER RESOURCES, INC.
BOSWELL LEASE**

5.24 ACRES OUT OF THE M. T. JOHNSON SURVEY, ABSTRACT NO. 863, AND THE R. R. RAMEY SURVEY, ABSTRACT NO. 1341, CITY OF ARLINGTON, TARRANT COUNTY, TEXAS; JUNE 2007

APPLICANT	PLANNER	SURFACE OWNERS
QUICKSILVER, INC. 777 WEST ROSEDALE ST., SUITE 300 FORT WORTH, TEXAS 76104 PHONE: (817) 665-5000 FAX: (817) 665-5013	Carter & Burgess, Inc. 777 MAIN STREET FORT WORTH, TX 76102 PHONE: (817) 735-6000 FAX: (817) 735-6148	VIVIENNE BOSWELL WILLIAMS 5843 MERRYMOUNT RD. FORT WORTH, TX 76107 PHONE: (817) 732-2715
PROJECT NO. 014994.011 DATE: 05/01/07	DRAWN BY JWH REV.	APPROVED BY AAH

THIS SUBSTITUTE LANDSCAPE PLAN
WAS APPROVED BY
PLANNING & ZONING ON
8-1-07
AND FILED ON
7-13-07

SUP07-04

SHEET NO. 1 OF 1