

**Ordinance No. 08-028**

**An ordinance of the City of Arlington, Texas, amending the Zoning District Map to revise the zoning classification on certain property known as 1001 Ragland Road by the adoption of specific use permit SUP08-2 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 SUP08-2 and recommended approval of the specific use permit on March 12, 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 SUP08-2 for gas drilling is hereby granted for the property known as 1001 Ragland Road described in Exhibit "A" and the Zoning District Map is hereby amended as specified. Development shall be in compliance with the attached site plan conditions stated in Exhibit "B".

2.

If either no gas well permit is issued or drilling activity has not commenced, on the property described in Exhibit "A" within one (1) year of the date of effective date of this Ordinance, 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 1st day of April, 2008, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 22nd day of April, 2008, 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:

  
KAREN BARLAR, Acting City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY   
\_\_\_\_\_

SUP08-2

EXHIBIT "A"

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

BEING All that certain tract or parcel of land lying and being situated in the J.H. Hughes Survey, Abstract No. 732, and the J. Holland Survey, Abstract No. 676, City of Arlington, Tarrant County, Texas, and being a portion of that certain called 38-acre tract of land conveyed to Faye Day Haley, Dorothy Day Byars, Ann Day Andrew and Glenn M. Day, Jr., according to the deed filed of record in Volume 7128, Page 2299, Deed Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a ½-inch iron rod found in the northeasterly line of Ragland Road (County Road No. 2106), the southwest corner of Lot 1, J.H. Hughes Addition, an addition to the City of Arlington, Texas, according to the plat filed of record in Cabinet A, Slide 960, Plat Records of Tarrant County, Texas;

THENCE North 29°41'34" West, along southwest line of said Lot 1, a distance of 72.28 feet;

THENCE South 85°34'18" West, a distance of 279.88 feet to a ½-inch iron rod set for the POINT OF BEGINNING of this tract, said point being in the west line of a 150-foot wide TXU right-of-way easement filed of record in Volume 5214, Page 430, Deed Records of Tarrant County, Texas;

THENCE South 85°34'18" West, a distance of 317.54 feet to a 5/8-inch iron rod with yellow cap stamped "Huitt-Zollars, Inc." found for angle point in the south line of this tract;

THENCE South 59°14'54" West, a distance of 310.06 feet to a ½-inch iron rod set for the southwest corner of this tract;

THENCE North 29°39'42" West, a distance of 432.91 feet to a ½-inch iron rod set for a northwester corner of this tract;

THENCE North 61°35'42" East, a distance of 351.61 feet to a 5/8-inch iron rod with yellow cap stamped "Huitt-Zollars, Inc." found for the most northerly corner of this tract;

THENCE North  $51^{\circ}35'28''$  East, a distance of 137.76 feet to a 5/8-inch iron rod with yellow cap stamped "Huitt-Zollars, Inc." found for the most northerly corner of this tract;

THENCE North  $85^{\circ}42'25''$  East, a distance of 344.43 feet to a 5/8-inch iron rod with yellow cap stamped "Huitt-Zollars, Inc." found in the West line of said TXU right-of-way easement, for the northeast corner of this tract ;

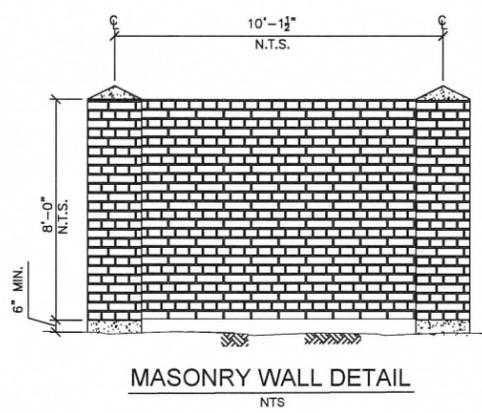
THENCE South  $04^{\circ}26'11''$  East, along the west line of said TXU right-of-way easement, a distance of 473.17 feet to the POINT OF BEGINNING, and containing 7.480 acres of land, more or less, in accordance with the plat of even date herewith, attached hereto, and made a part hereof;

AND being generally located south of Debbie Lane and west of Ragland Road with the approximate address being 1001 Ragland Road.

SUP08-2

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.



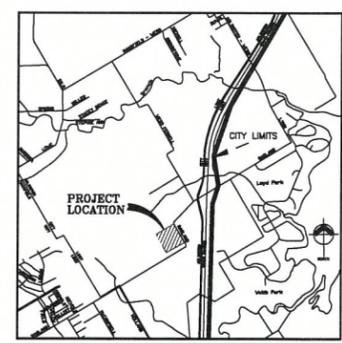
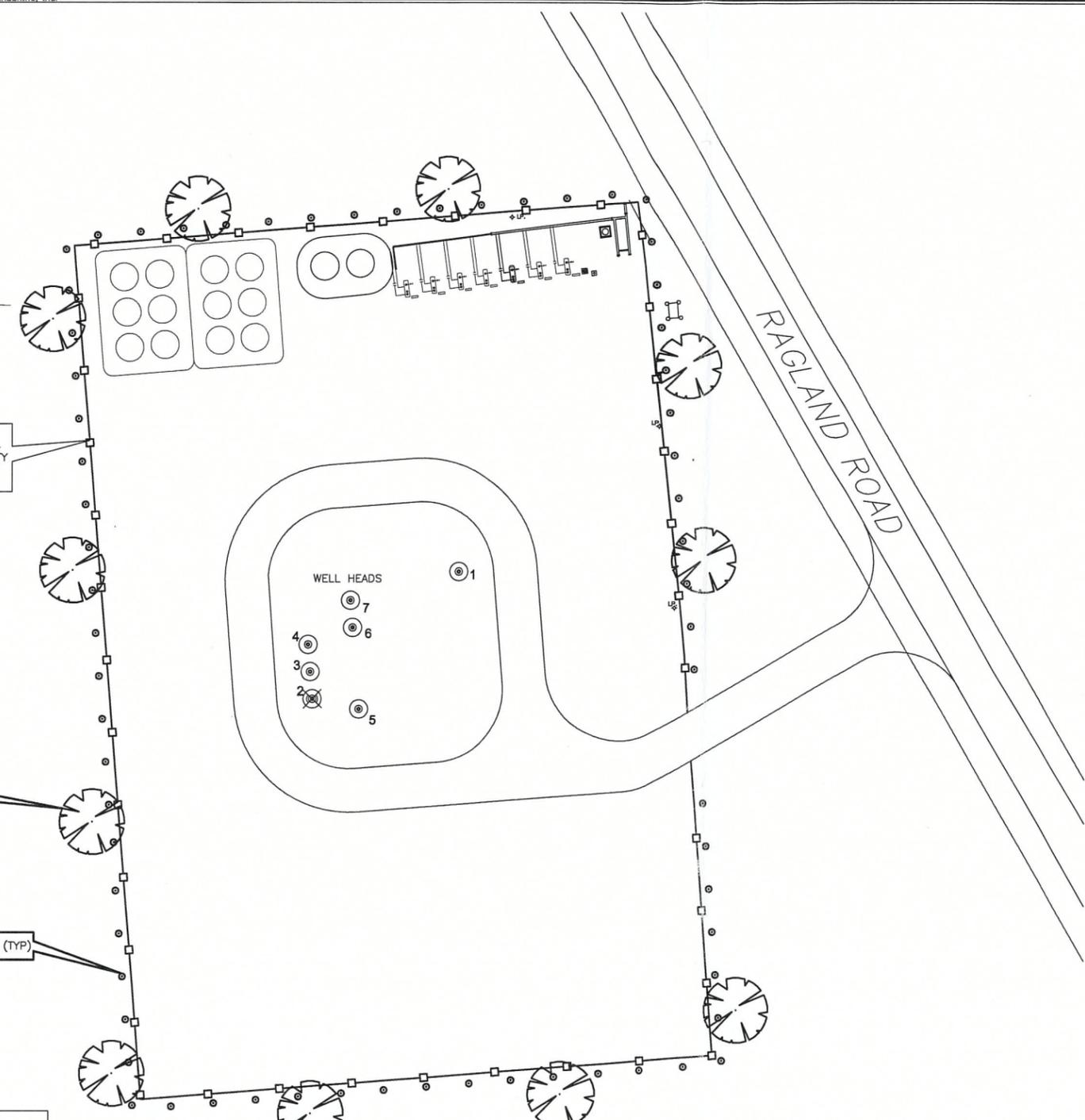
MASONRY WALL DETAIL  
NTS

PROVIDE AND INSTALL APPROX. 1547 L.F. MASONRY WALL. WALL IS TO BE 8' IN HEIGHT PER CITY REQUIREMENTS. CONTRACTOR TO PROVIDE SHOP DRAWINGS.

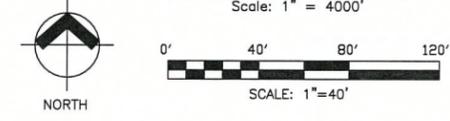
**NOTE:**  
SCREENING SHRUBS SHALL BE INSTALLED COMPLETELY AROUND THE WELL SITE AND ALL FENCES AND BE SUFFICIENT TO SCREEN FROM VIEW THE STRUCTURES SOUGHT TO BE SCREENED.  
SCREENING SHRUBS SHALL BE A MINIMUM OF FIVE (5) FEET IN HEIGHT AT PLANTING, HAVE THE POTENTIAL TO GROW TO A MATURE HEIGHT EQUAL TO OR GREATER THAN THE HEIGHT OF THE TALLEST STRUCTURE, INCLUDING FENCING.

PLANT LEGEND			
LEGEND	QUANTITY	COMMON NAME	SCIENTIFIC NAME
	67	RED-TIP PHOTINIA	PHOTINIA FRASERI
	12	TEXAS RED OAK	QUERCUS TEXANA

LANDSCAPING REQUIREMENTS PER SECTION 7.6-3	
<b>SCREENING TREES</b>	
1	RED OAK TREE 40 Lf
<b>SCREENING SHRUBS</b>	
1	SHRUB DWARF BURFORD 4 Ft (C-C)



VICINITY MAP  
Scale: 1" = 4000'



**LANDSCAPE NOTES :**

- All existing trees within limits of construction shall have 4' height protection fencing where indicated on the plan or as directed by project manager. Fencing shall be orange plastic type anchored to metal tee posts spaced at 6' on center minimum. Fence shall be maintained throughout construction. No storage of equipment or materials will be permitted within fencing.
- All landscape areas damaged as a result of construction operations shall be reclaimed by contractor. All areas shall be fine graded and hydroseeded with bermuda or approved product. Turf establishment in all reclaimed areas shall be responsibility of Contractor.
- Contractor shall coordinate planting work with irrigation work. Plant only when irrigation and work of other trades are completely installed and operational.
- No substitutes in specified materials or products shall be made without written approval by Owner.
- All landscape layout and planting locations require field approval by Owner's representative prior to installation.

**Materials:**

- Prepared soil shall be from approved source. Material shall be a mixture of partially decomposed organic matter, sandy loam topsoil as prepared by Vital Earth, Soil Building Systems, Silver Creek etc. A representative sample of material and literature on chemical and physical analysis of same required approval by Owner prior to installation.
- All plant materials shall conform to specification requirements and be healthy, vigorous stock grown in a recognized nursery in accordance with sound horticultural practices, free of disease, insects and defects such as knots, sun scald, abrasions or disfigurements. Provide representative samples of materials with certification as to horticultural authenticity and characteristics. Materials may be reviewed at off site locations if schedules for same can be coordinated with Owner's representative.
- Topsoil, where required, shall be sandy loam as approved by Owner.

**Execution:**

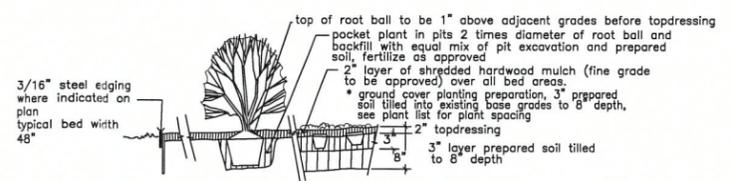
- All bed grades shall be lowered or raised to required levels to accommodate prepared soil, plants and topdressing. Site base grades shall be responsibility of contractor. Contractor shall clean all grades of construction debris before backfilling with topsoil and prepared soil materials.
- Deliver plants and planting products to project site when said plants or products are ready for application or installation. No delivered plants shall remain unplanted for more than 24 hours, unless they are healed in with approved materials and methods. Plant only under desirable environmental and horticultural conditions and use equipment appropriate for the specific planting or preparation task required.

**Maintenance:**

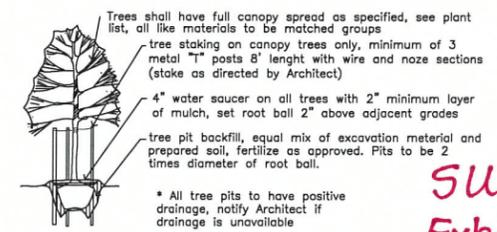
- Throughout scope of construction, Contractor shall maintain all landscape areas in a neat and orderly manner at all times. Maintenance shall include mowing, edging, pruning, fertilizing, watering, weeding, and any other typical activity common to the maintenance of landscaping. All areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscaping. All trash and maintenance debris from the entire project area shall be removed on a daily basis.
- After Final Acceptance of the work Owner shall assume responsibility of all maintenance operations including mowing, weeding, edging, fertilizing, watering and any other typical activity common to the maintenance of landscaping.

**Warranty:**

Warranty period shall commence upon 'Final Acceptance' by Owner. Warranty all trees for one full year and lawn areas for complete cover as approved by Owner. Any warranty replacements shall be warranted as per the original materials. Any damage to project components as a result of warranty work shall be remedied by contractor at no cost to Owner.



SHRUB AND GROUND COVER PLANTING DETAIL  
N.T.S.



TREE PLANTING DETAIL  
N.T.S.

**SUP08-2**  
**Exhibit "C"**  
**Site Plan**

PRELIMINARY FOR REVIEW ONLY  
 These documents are for design review and not intended for construction. Any reproduction or use without the approval of JEA/HydroTech Engineering, Inc. is prohibited.  
 JEA/HydroTech Engineering, Inc.  
 02/20/2008

**JEA / HydroTech Engineering, Inc.**  
 Engineers • Surveyors • Planners • Hydrologists  
 Suite 100  
 6625 Manhattan Blvd.  
 Houston, TX 77030  
 ph: (817) 451-8000  
 fax: (817) 451-9003  
 web: jea-hydro.com  
 email: jea-hydro@jea-hydro.com

**METROPLEX BARNETT SHALE, LLC**  
 P.O. BOX 4368  
 HOUSTON, TX 77210-4368  
 2500 North 287  
 Mansfield, Texas 76063-4830

REVISIONS:	

DATE: JUNE, 2007  
 DRAWN BY: JE/HS/VS  
 DESIGN BY: AZ/HS  
 REVISED BY: ME

**ZONING CASE SUP08-02**  
 IN THE J.H. HUGHES SURVEY, A-732  
 AND J.N. HOLLAND SURVEY, A-676  
 CITY OF ARLINGTON, TARRANT COUNTY, TEXAS

**LANDSCAPE PLAN**

PROJECT No.: **71024**  
 SHEET: **L-1.0**



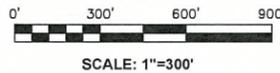
VICINITY MAP  
NOT TO SCALE

**LEGEND**

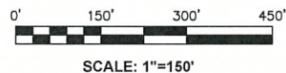
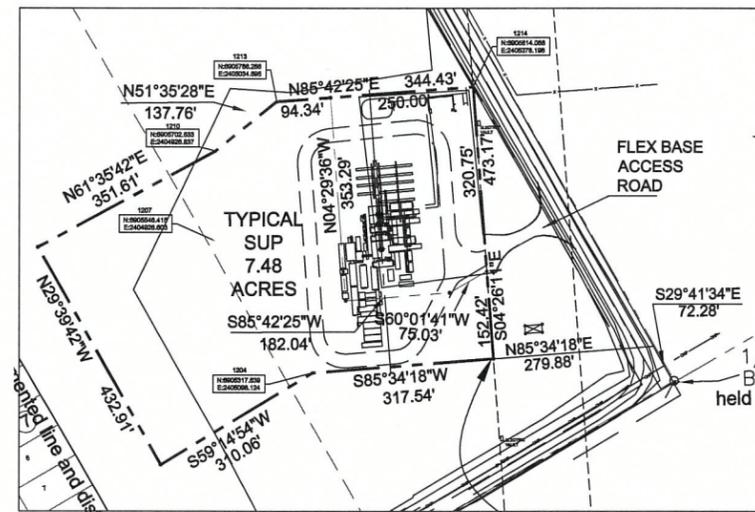
- IRF - IRON ROD FOUND
- IRS - IRON ROD SET
- IPF - IRON PIPE FOUND
- MON - MONUMENT FOUND
- CC# - COUNTY CLERK FILE NO.
- DRTCT - DEED RECORDS TARRANT COUNTY, TEXAS
- PRCTCT - PLAT RECORDS TARRANT COUNTY, TEXAS
- (N XX°XXX' W) - RECORD DATA

**NOTES:**

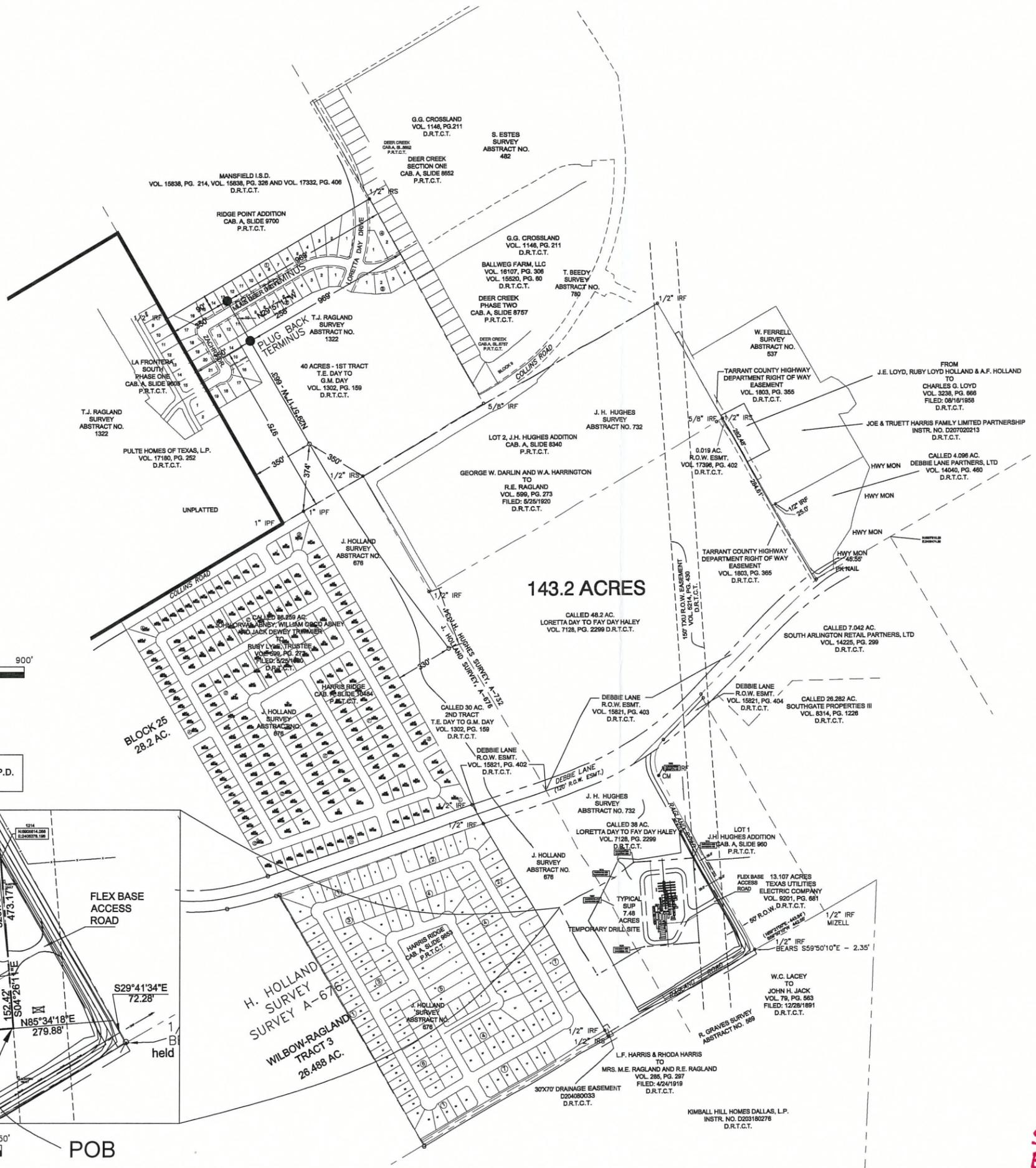
1. Bearings are based on City of Arlington, Texas GPS Monuments AR-30 and AR - 57 as referenced hereon.



NOTE: DRAINAGE APPROVED PER PREVIOUS P.D.



POB



143.2 ACRES

**BENCHMARKS:**

1. CITY OF ARLINGTON BM AR 30 - BERNTSEN TOP SECURITY MONUMENT WITH ACCESS COVER STAMPED AR 30. LOCATED IN TESCO EASEMENT, NORTH OF RAGLAND ROAD AND WEST OF WEBB FERRELL ROAD. MONUMENT IS UNDER OVERHEAD POWER LINES 51.4' NORTH OF RAGLAND ROAD AND 800± WEST OF WEBB FERRELL ROAD. ELEV=605.26
2. CITY OF ARLINGTON BM AR 57 - BERNTSEN TOP SECURITY MONUMENT WITH ACCESS COVER STAMPED AR 57. LOCATED AT THE NORTHEAST CORNER OF S MATLOCK AND MANSFIELD-WEBB. MONUMENT IS 85' EAST OF THE CENTERLINE OF MATLOCK AND 300± NORTH OF MANSFIELD-WEBB. MONUMENT IS 5' SOUTH OF FENCE LINE AND 15' EAST OF FENCE CORNER. ELEV=644.28

FIELD NOTES  
7.480 AC. OF LAND  
J.H. HUGHES SURVEY,  
ABSTRACT NO. 732 and the  
J. HOLLAND SURVEY, ABSTRACT NO. 676  
CITY OF ARLINGTON, TARRANT COUNTY,  
TEXAS

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SUP ZONING EXHIBIT, DAY PAD SITE  
ZONING CASE No. SUP08-02  
BEING a portion of Tract 2 in the  
**J.H. HUGHES SURVEY, ABSTRACT No. 732**  
and  
BEING a portion of Tract 1 of the  
**J.N. HOLLAND SURVEY, ABSTRACT No. 676**  
CITY OF ARLINGTON  
TARRANT COUNTY,  
TEXAS



6825 Manhattan Blvd. Suite 100  
Forth Worth, Texas 76120  
ph (817) 451-9000 fax (817) 451-9003  
web: jea-hydro.com email: jea-hydro@jea-hydro.com

JOB No. 71024 DATE: 02/03/08

SUP08-2  
Exhibit "C"