

Ordinance No. 12-034

An ordinance changing the zoning classification on certain property known as 150 East Eden Road by the approval of specific use permit SUP08-32R1 for gas drilling; amending the Zoning District Map accordingly; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; declaring an emergency; and providing an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP08-32R1 and recommended approval of the specific use permit on May 16, 2012;

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 the use will: complement or be compatible with the surrounding uses and community facilities; contribute to, enhance or promote the welfare of the area of the SUP and adjacent properties; not be detrimental to the public health, safety or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, 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 amendment be approved. Now therefore

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

1.

A Specific Use Permit for gas drilling is hereby granted for the property known as 150 East Eden Road, described in Exhibit A, and the Zoning District Map shall be amended to reflect the zoning change made by this ordinance. Development and use of the property shall be in compliance with this ordinance, the conditions stated in Exhibit B, and the attached site plan. In the event of a conflict between the provisions in Exhibit B and the provisions in any other exhibit, the provisions in Exhibit B control.

2.

If either no gas well permit is issued or drilling activity has not commenced on the property described in Exhibit A within two years after the date of City Council approval, the Specific Use Permit shall expire. This Specific Use Permit is subject to the periodic review procedure 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 is an ordinance for the immediate preservation of the public peace, property, health and safety, and is an emergency measure within the meaning of Article VII, Sections 11 and 12, of the City Charter; and the City Council, by the affirmative vote of all of its members present and voting, hereby declares that this ordinance is an emergency measure, and the requirement that it be read at two meetings, as specified in Section 11, is hereby waived.

10.

This ordinance shall become effective upon second publication.

PRESENTED, FINALLY PASSED AND APPROVED, on this the 5th day of June, 2012 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:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP08-32R1

EXHIBIT "A"

Drill Zone

Being a tract of land situated in the William Grimmit Survey, Abstract Number 600, Tarrant County, Texas, and being a portion of that tract of land described by deed XTO Energy, Inc. recorded in instrument number d208378424, deed records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a monument disk found at the northeast corner of said XTO Energy, Inc tract, and being the common south right-of-way line of Eden Road (a variable width right-of-way), also being the west line of a 100 foot TESCO right-of way as recorded in volume 7620, page 1983, deed records, Tarrant County, Texas;

Thence south 33°18'41"east, 156.18 feet along the east line of said XTO Energy, Inc. tract and coincident with the common west line of said TESCOA right-of-way;

Thence departing said common line south 56°41'19"west, 129.73 feet to the point of beginning;

Thence south 04°39'49"east, 31.94 feet; thence North 87°50'41"west, 106.72 feet; thence north 03°17'24"east, 30.14 feet;

Thence south 88°43'37"east, 102.35 feet to the point of beginning, containing 0.074 acres or 3,234 square feet of land, more or less.

Drill Site

Being a 6.314 acre tract of land situated in the W.M. Grimmitt Survey Abstract No. 600 in the City of Arlington, Tarrant County, Texas and being that entire tract of land described in deed to XTO Energy Inc., as recorded in Instrument No. D208378424 of the deed records of Tarrant County, Texas (DRTCT), said 6.314 acre tract of land being more particularly described as follows:

Beginning at a concrete monument with disc stamped "TESCO" found at the southeast corner of said 6.314 acre tract, said point being in the north right of way line of Finger Road;

Thence N 89°48'45" W along the common north line of Finger Road a distance of 858.22' to a point for corner at the beginning of a curve to the right having a radius of 75.50';

Thence in a northwesterly direction, along said curve to the right, having a central angle of 31°06'24", a chord bearing and distance of N 74°15'33" W, 40.49' and an arc length of 40.99' to a point for corner in the east right of way line of Matlock Road,

Thence along the common east line of said Matlock Road the following calls:

N 00°25'37" W a distance of 278.07' to a point for corner;

N 89°31'35" E a distance of 19.87' to a point for corner at the beginning of a curve to the right having a radius of 60.00';

In a northeasterly direction, along said curve to the right, having a central angle of 92°04'04", a chord bearing and distance of N 44°35'52" E, 86.37' and an arc length of 96.41' to a 1/2" iron rod capped "RPLS 5400" found for corner in the south right of way line of Eden Road;

Thence along the common south line of said Eden Road the following calls:

N 89°39'21" E a distance of 153.97' to a 1/2" iron rod capped "RPLS 5400" found for corner;

N 88°15'53" E a distance of 250.15' to a 1/2" iron rod capped "RPLS 5400" found for corner;

N 89°35'11" E a distance of 171.01' to a 1/2" iron rod capped "RPLS 5400" found for corner in the west line of a 150' wide TESCO right of way as described in Volume 7820, Page. 1983, DRTCT;

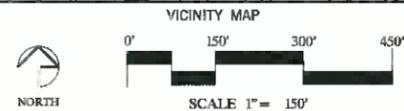
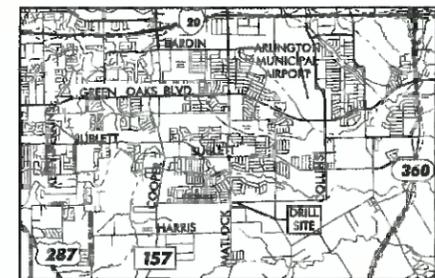
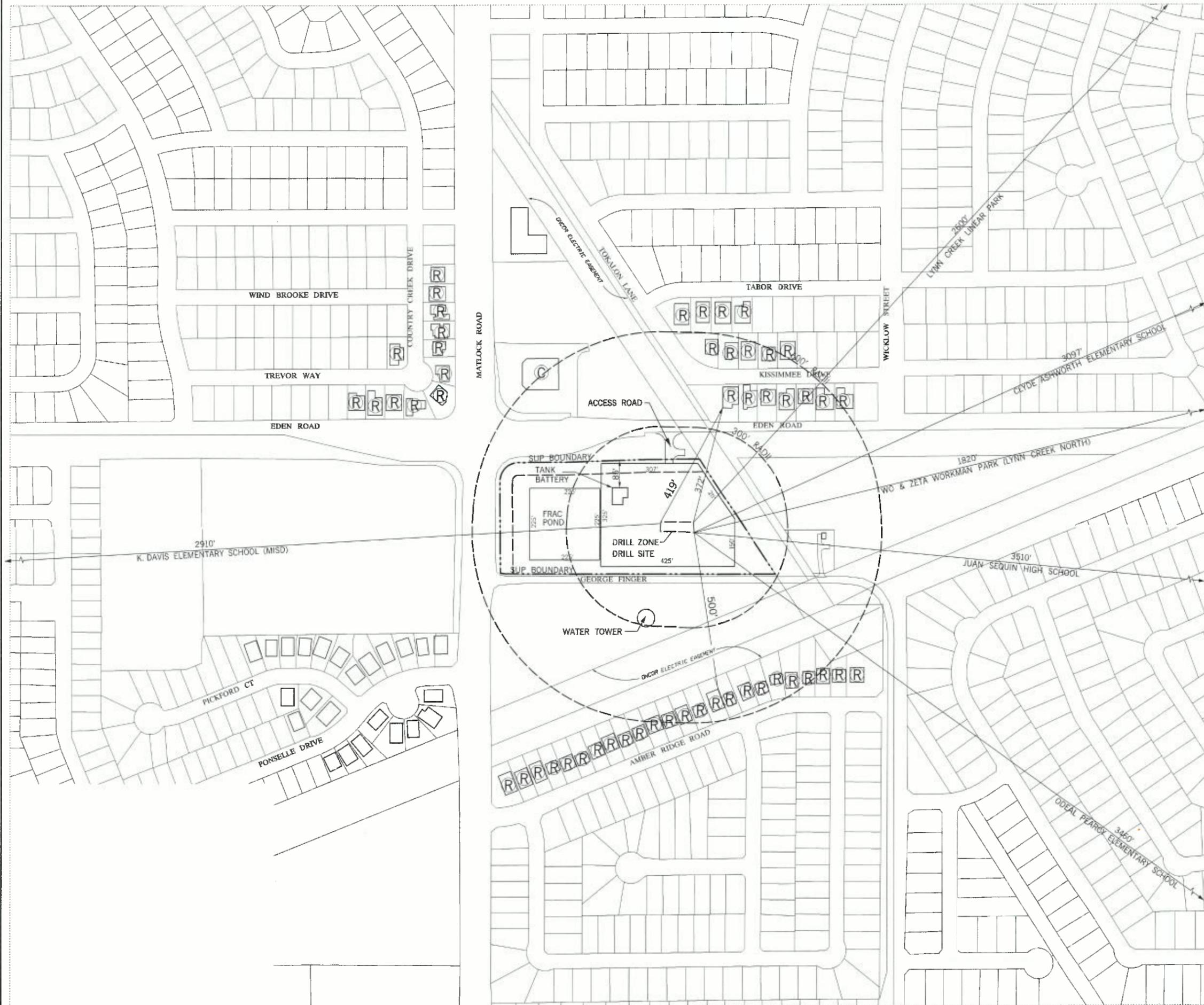
Thence S 33°51'39" E along the common west line of said TESCO right of way a distance of 437.45' to the point of beginning and containing 6.314 acres of land, more or less.

AND being generally located south of Eden Road and east of Matlock Road with the approximate address being 150 East Eden Road.

SUP08-32R1

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.
3. Landscaping will be provided in accordance with the submitted site plan.
4. Use and development of the property must be in compliance with the site plan attached to this ordinance.
5. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B control.



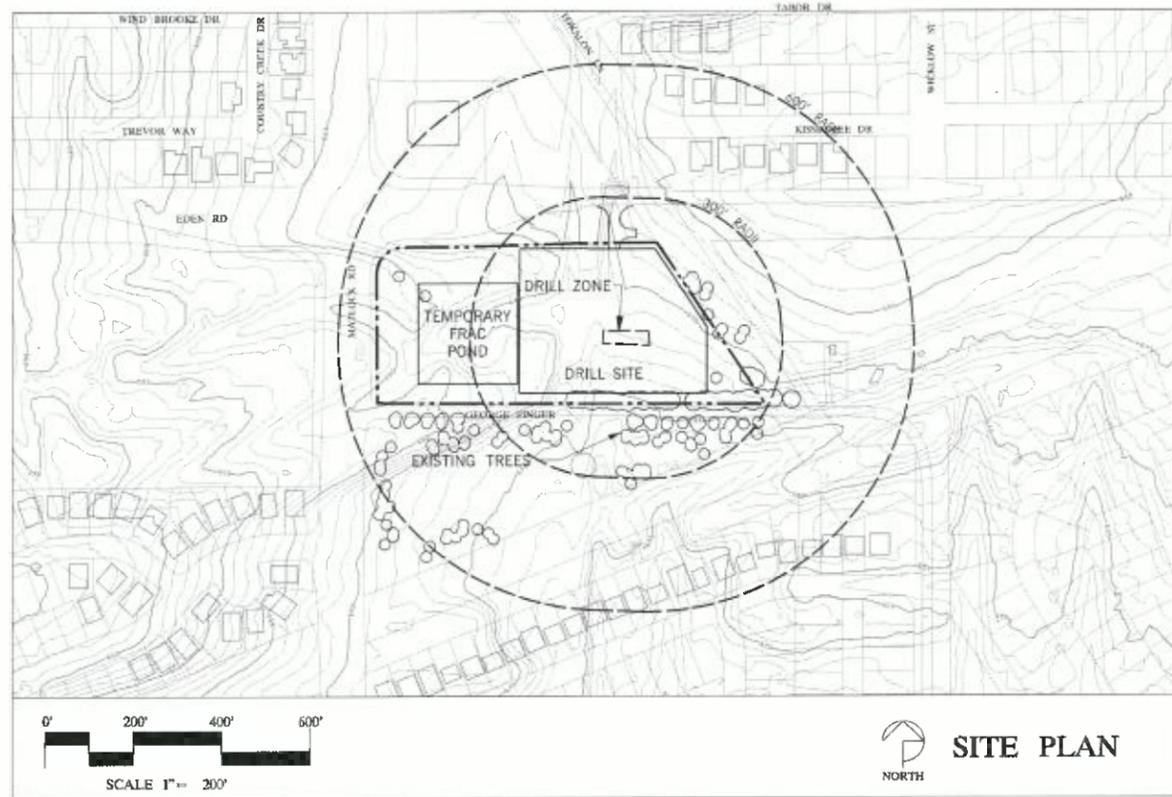
NOTES:
 NEAREST SCHOOL: 2,310'
 K. DAVIS ELEMENTARY SCHOOL
 NEAREST PARK: 1,820'
 W.O. & ZETA WORKMAN PARK

LEGEND
 (R) RESIDENTIAL STRUCTURE
 (C) COMMERCIAL STRUCTURE

EXHIBIT 'E-1'
DETAILED SITE PLAN
XTO ENERGY, INC.
EDEN PADSITE

6.314 ACRES OUT OF THE W.M. GRIMMITT SURVEY, ABSTRACT NO. 600,
 CITY OF ARLINGTON, TARRANT COUNTY, TEXAS,
 MAY 2009

APPLICANT	PLANNER	SURFACE OWNERS
XTO Energy Inc. 810 Houston Street Fort Worth, Texas 76102 800-299-2800 Toll free 817-882-7268 Fax	JACOBS JACOBS ENGINEERING, INC. 777 MAIN STREET FORT WORTH, TX 76102 (817) 735-6000	XTO Energy Inc. 810 Houston Street Fort Worth, Texas 76102 800-299-2800 Toll free 817-882-7268 Fax
PROJECT NO. WFXG2200	DRAWN BY JMV	APPROVED BY TDP
DATE 07/13/10	REV. 11/20/11	



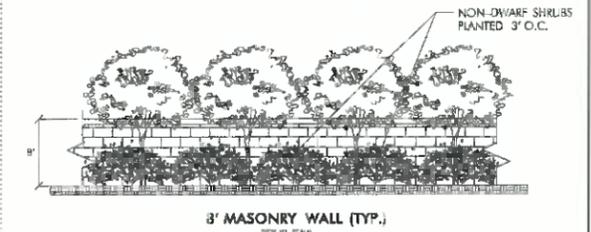
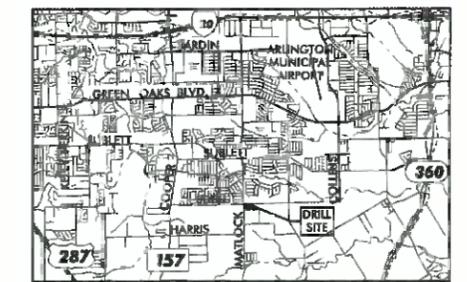
PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COND.	REMARKS
LARGE DECIDUOUS TREES						
QV	26	QUERCUS VIRGINIANA	LIVE OAK	12" CAL. PER	B & B	SPECIMEN QUALITY
UC	27	ULMUS CRASSIFOLIA	CEDAR ELM	12" CAL. PER	B & B	SPECIMEN QUALITY
QT	1	QUERCUS BUCKLEYI	TEXAS RED OAK	12" CAL. PER	B & B	SPECIMEN QUALITY
JV	24	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	12" CAL. PER	B & B	SPECIMEN QUALITY
SD	6	SAPINUS DRUMMONDII	WESTERN SOAPBERRY	12" CAL. PER	B & B	SPECIMEN QUALITY
AP	10	AESCALUS PAVIA	RED BUCKEYE	12" CAL. PER	B & B	SPECIMEN QUALITY
IN	7	ILEX X. NELLIE R. STEVENS	NELLIE R. STEVENS HOLLY	12" CAL. PER	B & B	SPECIMEN QUALITY
CC	6	CERCIS CANADENSIS	REDBLUD	12" CAL. PER	B & B	SPECIMEN QUALITY
LI	9	LAGERSTROEMIA INDICA	CREPE MYRTLE	12" CAL. PER	B & B	SPECIMEN QUALITY

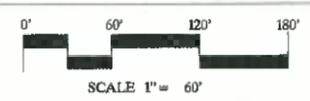
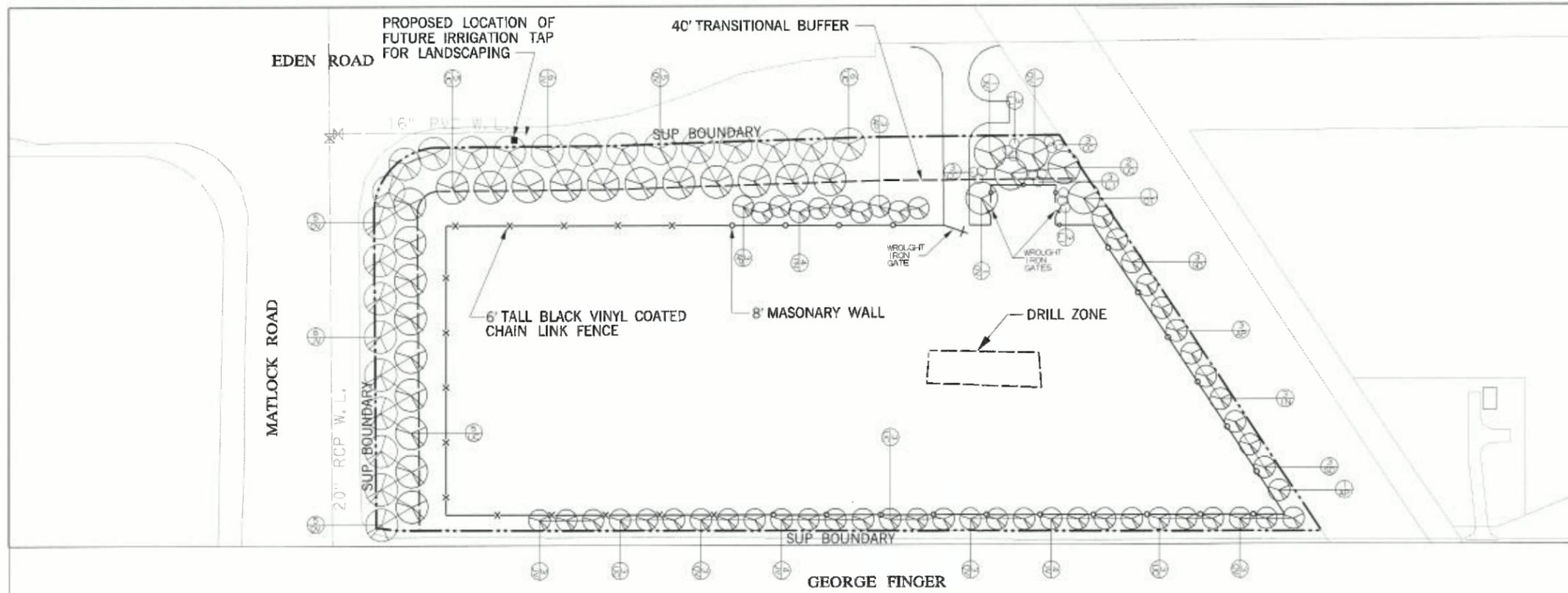
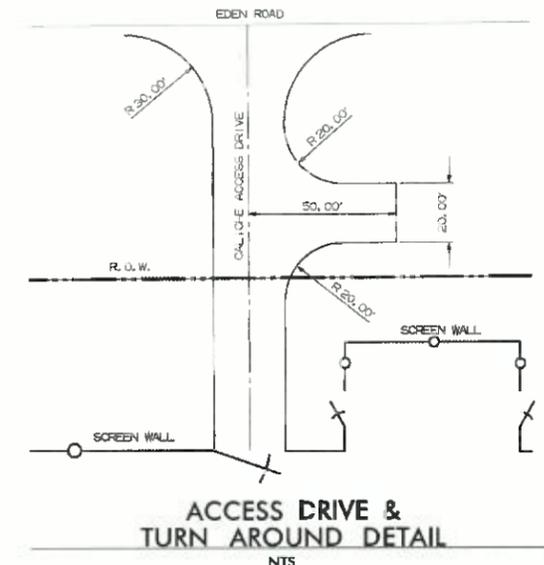
PLANT QUANTITIES ARE TO BE AN AID TO THE BIDDER. BIDDER'S ARE RESPONSIBLE FOR VERIFYING ALL QUANTITIES. PLANT QUANTITIES SHALL SUPERCEDE PLANT SCHEDULE QUANTITIES. PLANT DISCREPANCIES PLANNUMBER ON PLAN SUPERCEDES PLANT SCHEDULE. SIZE: LARGEST SIZE ON PLANT SCHEDULE FOR TYPE PREVAILS. SPECIES: CONSULT OWNER'S REPRESENTATIVE FOR CLARIFICATION.

PLANTING NOTES

- CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES THAT MAY ARISE DURING THE CONSTRUCTION PERIOD. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN THE CONTRACTOR'S LIABILITY TO RELOCATE MATERIALS AS DIRECTED.
- FINAL LOCATION OF PLANT MATERIAL IS SUBJECT FOR REVIEW AND APPROVAL BY OWNER'S REPRESENTATIVE.
- NOTIFY OWNER'S REPRESENTATIVE 48 HOURS IN ADVANCE OF COMMENCING WORK TO COORDINATE PROJECT INSPECTION SCHEDULE.
- REFER TO DETAILS AND SPECIFICATIONS PLANT PIT DIMENSIONS AND BACKFILL REQUIREMENTS.
- ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR. PLANT MATERIALS THAT IS DAMAGED, DESTROYED OR REMOVED SHALL BE REPLACED WITH PLANT MATERIAL OF SIMILAR SIZE AND VARIETY WITHIN 30 DAYS, UNLESS OTHERWISE APPROVED IN WRITING BY THE OWNER OR OWNER'S REPRESENTATIVE.
- ALL NEW PLANT MATERIAL SHALL CONFORM TO THE MINIMUM GUIDELINES ESTABLISHED FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMAN, INC. IN ADDITION, ALL NEW PLANT MATERIAL FOR THE PROJECT SHALL BE OF SPECIMEN QUALITY.
- ALL NEW PLANTS SHALL BE BALLED AND BURLAPPED OR CONTAINER-GROWN, UNLESS OTHERWISE NOTED ON THE PLANT LIST.
- THE GENERAL CONTRACTOR SHALL SUPPLY ALL NEW PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THE DRAWINGS.
- ALL NEW PLANTS SHALL BE TAGGED AND APPROVED BY THE OWNER'S REPRESENTATIVE AT THE NURSERY PRIOR TO DIGGING OR DELIVERY TO THE SITE.
- THE GENERAL CONTRACTOR SHALL LOCATED AND VERIFY ALL EXISTING UTILITY LINES PRIOR TO PLANTING AND SHALL REPORT ANY CONFLICTS TO THE OWNER'S REPRESENTATIVE. VERIFY WITH OWNER PIPE LINES LOCATIONS PRIOR TO DIGGING.
- NO TREES SHALL BE PLANTED BEFORE ACCEPTANCE OF ROUGH GRADING. TREES SHALL BEAR SAME RELATIONSHIP TO FINISH GRADE AS THEY BORE TO PREVIOUS GRADE.
- STAKE THE LOCATION OF ALL PROPOSED PLANTING FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT OF PLANTING.
- ALL PLANTED AREAS TO BE MULCHED AS SPECIFIED.



NOTE:
NO TREES REQUIRING MITIGATION WILL BE REMOVED



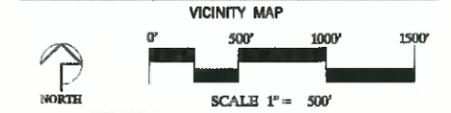
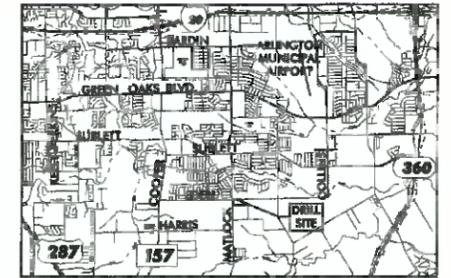
PLANTING PLAN FOR PERMANENT PAD

EXHIBIT 'E-3'
SCREENING & PLANTING PLAN
XTO ENERGY, INC.
EDEN PADSITE

6.314 ACRES OUT OF THE W. A. GRIMMITT SURVEY, ABSTRACT NO. 600, CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, MAY 2009

APPLICANT	PLANNER	SURFACE OWNERS
XTO Energy Inc. 810 Houston Street Fort Worth, Texas 76102 800-299-2800 Toll free 817-882-7268 Fax	JACOBS JACOBS ENGINEERING, INC. 777 MAIN STREET FORT WORTH, TX 76102 (817) 735-5000	XTO Energy Inc. 810 Houston Street Fort Worth, Texas 76102 800-299-2800 Toll free 817-882-7268 Fax

PROJECT NO.	DRAWN BY	APPROVED BY
WFXG2200	MLM	TDP
DATE 07/13/10	REV. 03/26/12	



LEGEND

←... SITE ACCESS / ROUTING

ROUTE MILEAGE:	
COOPER STREET	7349 FT
EDEN ROAD	6896 FT

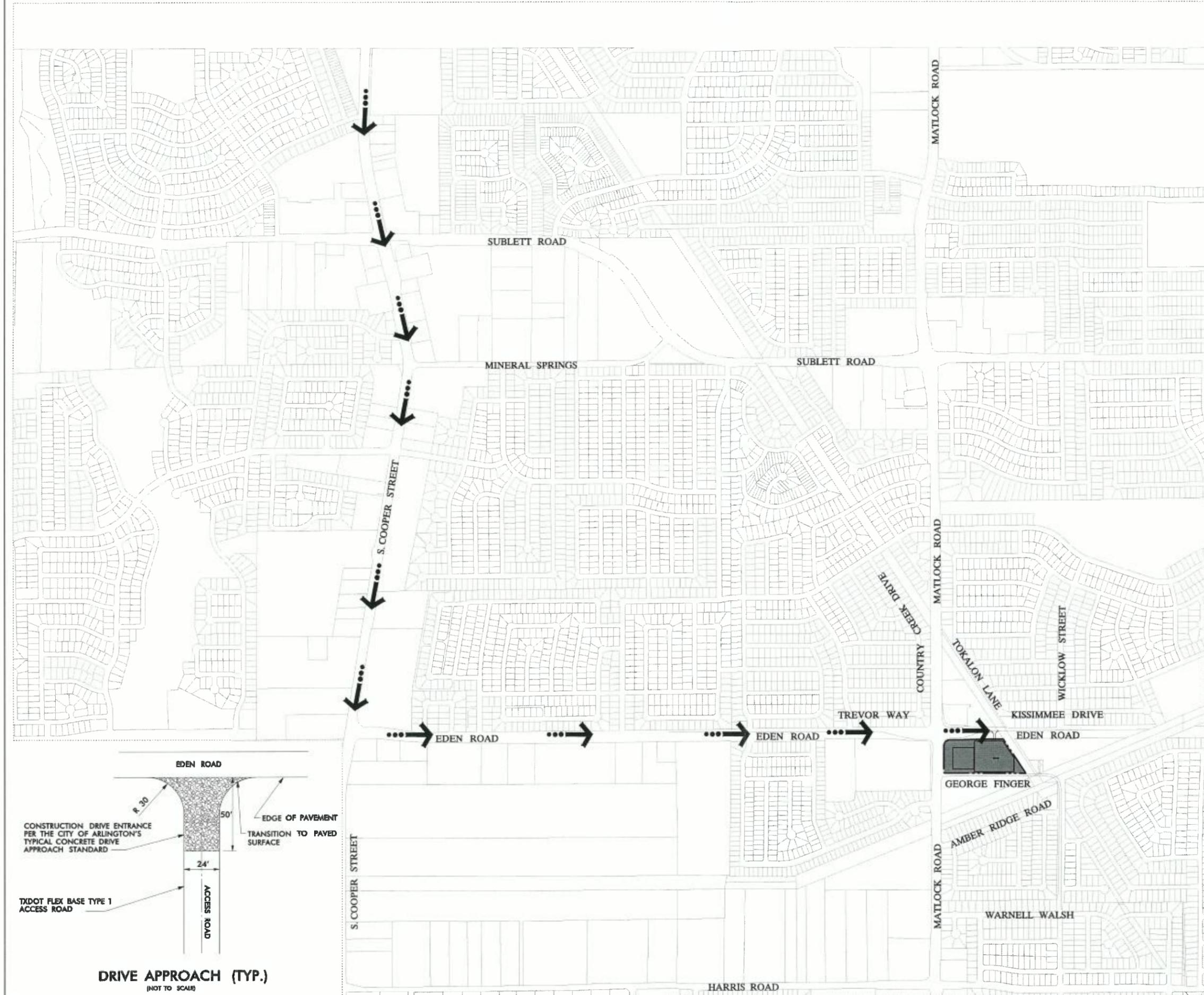
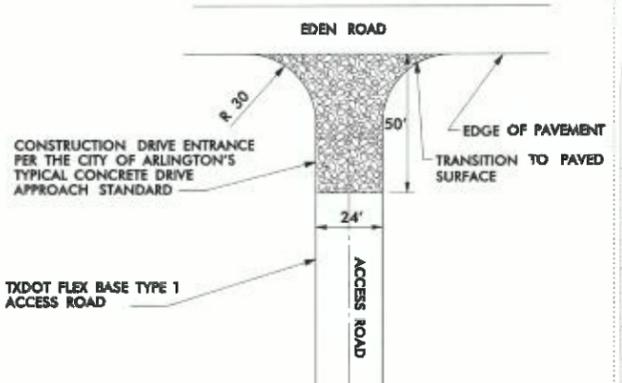


EXHIBIT 'B'
TRANSPORTATION ROUTE
DRILLING PERMIT
XTO ENERGY, INC.
EDEN-EAST SANDLIN UNIT #1H
&
EDEN-WEST SANDLIN UNIT #1H

6.314 ACRES OUT OF THE W.M. GRIMMITT SURVEY, ABSTRACT NO. 600,
 CITY OF ARLINGTON, TARRANT COUNTY, TEXAS
 MAY 2009



DRIVE APPROACH (TYP.)
 (NOT TO SCALE)

APPLICANT	PLANNER	SURFACE OWNERS
XTO Energy Inc. 810 Houston Street Fort Worth, Texas 76102 800-299-2800 Toll free 817-882-7268 Fax	JACOBS JACOBS ENGINEERING, INC. 777 MAIN STREET FORT WORTH, TX 76102 (817) 735-6000	XTO Energy Inc. 810 Houston Street Fort Worth, Texas 76102 800-299-2800 Toll free 817-882-7268 Fax
PROJECT NO. WFXG2200 DATE 07/13/10	DRAWN BY TDP REV. 11/08/10	APPROVED BY

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