

**Ordinance No. 12-035**

**An ordinance changing the zoning classification on certain property known as 1809 Southeast Parkway by the approval of specific use permit SUP09-24R1 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 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 SUP09-24R1 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 1809 Southeast Parkway, 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.

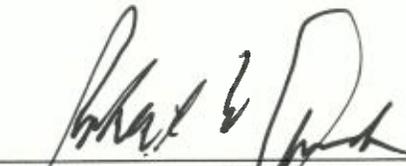
9.

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.

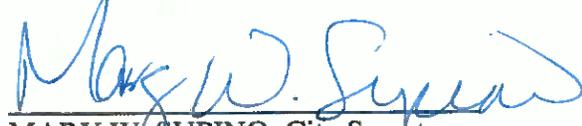
10.

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 

SUP09-24R1

EXHIBIT "A"

**Drill Zone**

BEING a tract of land situated in the P. Rouche Survey, Abstract Number 1339, City of Arlington, Tarrant County, Texas, and being a portion of that tract of land described by deed to Geneva Sue Barnett recorded in volume 7165, page 1756, county records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 3/4 inch iron pipe found at the northeast corner of said Geneva Sue Barnett tract also being in the southerly line of a 150 foot Texas Electric Service Company right-of-way as recorded in volume 3847, page 288, said county records;

THENCE south 00°11'40"east, with the east line of said Geneva Sue Barnett tract 273.44 feet;

THENCE departing said east line south 89°48'20"west, 117.03 feet to the point of beginning;

THENCE south 00°05'54"east, 94.02 feet; THENCE south 89°53'02"west, 40.07 feet; THENCE north 00°03'44"west, 93.94 feet;

THENCE north 89°46'15"east, 40.01 feet to the point of beginning and containing 0.086 acres or 3,763 square feet of land, more or less.

**Drill Site**

BEING a tract of land situated in the P. Rouche Survey, Abstract Number 1339, City of Arlington, Tarrant County, Texas, and being a portion of that tract of land described by deed to Geneva Sue Barnett recorded in Volume 7165, Page 1756 of County Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/4-inch iron pipe found at the northeast corner of said Geneva Sue Barnett tract and being in the southerly line of a 150-foot Texas Electric Service Company right-of-way as recorded in Volume 3847, Page 288, said County Records;

THENCE South 00°09'44" East, 502.81 feet with the east line of said Geneva Sue Barnett tract;

THENCE South 89°56'02" West, 350.24 feet departing said east line;

THENCE North 00°47'28" West, 31.48 feet;

THENCE South 89°56'02" West, 68.71 feet;

THENCE North 00°47'28" West, 304.04 feet to the north line of said Geneva Sue Barnett tract and southerly line of said Texas Electric Service Company right-of-way;

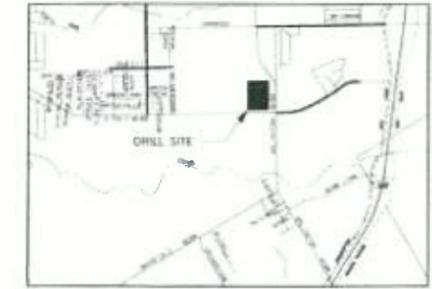
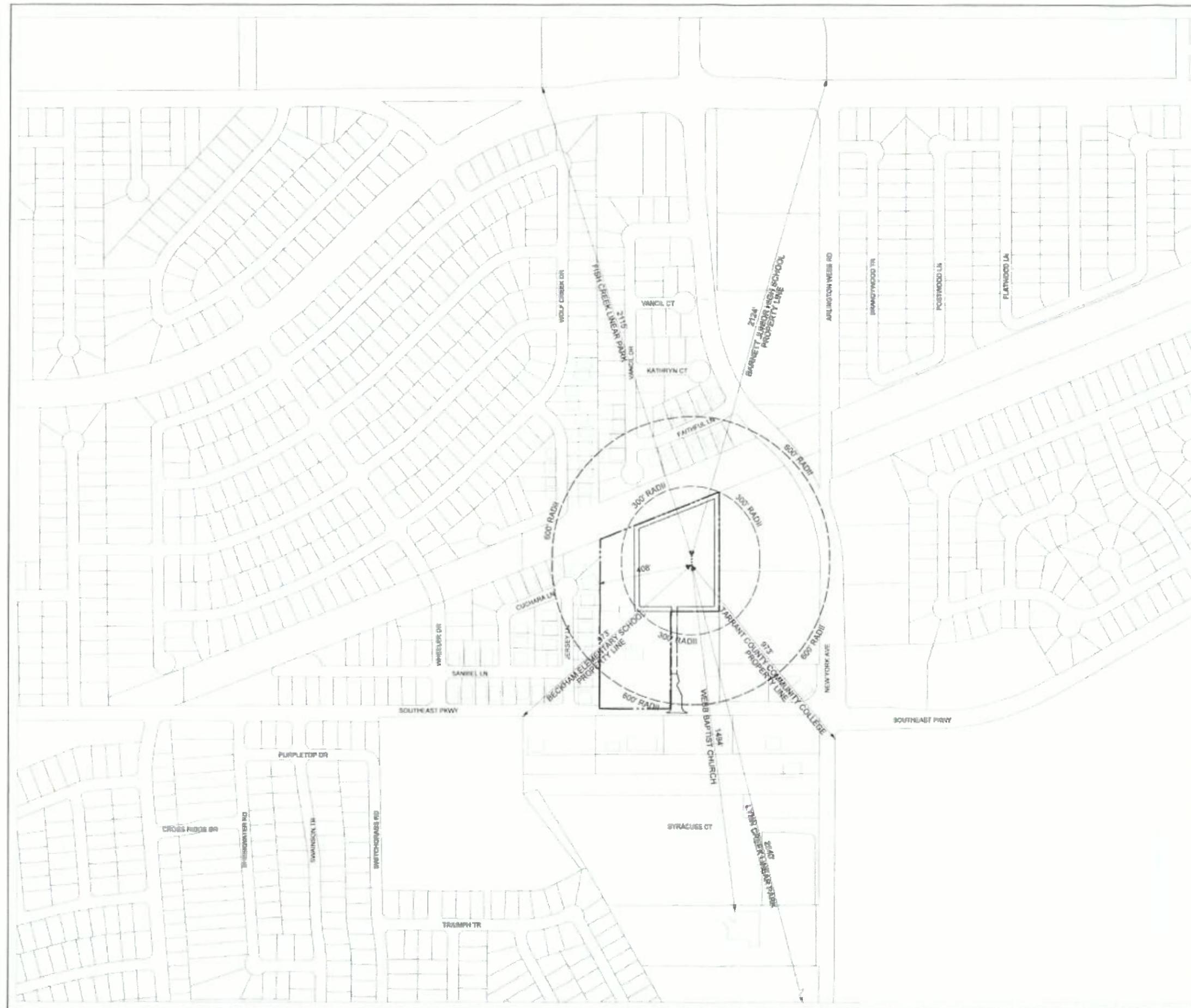
THENCE North 68°19'24" East, 454.28 feet with said north line and southerly right-of-way line to the POINT OF BEGINNING and containing 4.003 acres of land, more or less;

AND being generally located north of Southeast Parkway and west of New York Avenue with the approximate address being 1809 Southeast Parkway.

SUP09-24R1

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.



**NEAREST**

<b>SCHOOLS:</b>	
BECKHAM ELEMENTARY SCHOOL	973'
BARNETT JUNIOR HIGH	2,124'
TARRANT COUNTY COMMUNITY COLLEGE	973'
<b>CHURCH:</b>	
WEBB BAPTIST CHURCH	1,494'
<b>PARK:</b>	
FISH CREEK LINEAR PARK	2,115'
LYNN CREEK LINEAR PARK	2,540'

GW10-14\_GW10-17

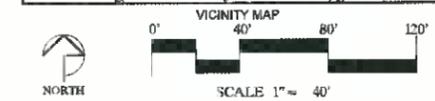
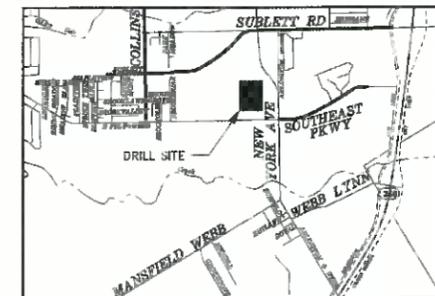
**EXHIBIT E-1  
 DETAILED SITE PLAN  
 DRILLING PERMIT  
 XTO ENERGY, INC.  
 SUE BARNETT UNIT**

4.013 ACRES OUT OF THE P. ROUCHE SURVEY, ABSTRACT NO. 1336,  
 CITY OF ARLINGTON, TARRANT COUNTY, TEXAS.  
 DECEMBER 2009

<b>APPLICANT</b>  XTO ENERGY, INC. 810 HEUSTON STREET FORT WORTH, TX 76102 800-299-2800 TOLL FREE 817-883-7268 FAX	<b>PLANNER</b> <b>JACOBS</b> JACOBS ENGINEERING 777 MAIN STREET FORT WORTH, TX 76102 817-735-4000 817-735-6148 FAX	<b>SURFACE OWNERS</b> GENEVIE SUE BARNETT P.O. BOX 185112 ARLINGTON, TX 76008  1/3
PROJECT NO. 014-1110 DATE 12/02/09	DRAWN BY HSM REV.	APPROVED BY JBT

**PLANT SCHEDULE**

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COND.	REMARKS
<b>TREES</b>						
QV	21	QUERCUS VIRGINIANA	LIVE OAK	3" - 3.5" CALIPER	B & B	SPECIMEN QUALITY
QM	15	QUERCUS MACROCARPA	BUR OAK	3" - 3.5" CALIPER	B & B	SPECIMEN QUALITY
QS	17	QUERCUS SHUMARDII	SHUMARD RED OAK	3" - 3.5" CALIPER	B & B	SPECIMEN QUALITY
JV	17	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	3" - 3.5" CALIPER	B & B	SPECIMEN QUALITY
PC	14	PISTACIA CHINENSIS	CHINESE PISTACHE	3" - 3.5" CALIPER	B & B	SPECIMEN QUALITY



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

- CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES THAT MAY ARISE DURING THE CONSTRUCTION PERIOD. FAILURE TO MAKE SUCH DISCREPANCIES 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 FOR PLANT FIT 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 NURSEYMAN, INC. IN ADDITION, ALL NEW PLANT MATERIAL FOR THE PROJECT SHALL BE OF SPECIMENS 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 LOADING OR DELIVERY TO THE SITE.
- THE GENERAL CONTRACTOR SHALL LOCATE AND VERIFY ALL EXISTING UTILITY LINES PRIOR TO PLANTING AND SHALL REPORT ANY CONFLICTS TO THE OWNER'S REPRESENTATIVE. VERIFY WITH OWNER BEFORE 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.

**LEVEL 1 TRANSITIONAL BUFFER**

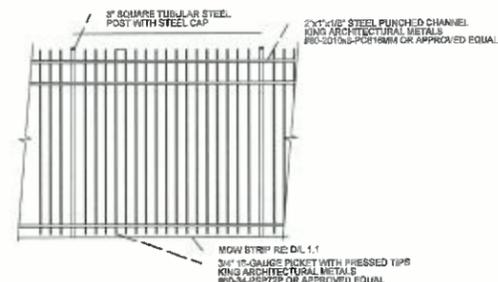
- MINIMUM WIDTH: 20'
- ONE (1) TREE PER EVERY 600 SQUARE FEET OF TRANSITIONAL BUFFER

13,783 SQUARE FEET (TRANSITIONAL BUFFER)  
 1 TREE PER 600 SQ. FT.  
 23 TREES ALONG THE WEST & SOUTH PAD BOUNDARIES

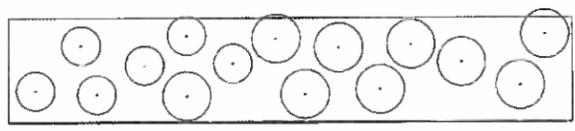
**EXHIBIT E-2  
 DETAILED SITE PLAN  
 DRILLING PERMIT  
 XTO ENERGY, INC.  
 SUE BARNETT UNIT**

4.000 ACRES OUT OF THE P. ROUCHE SURVEY, ABSTRACT NO. 1339,  
 CITY OF ARLINGTON, TARRANT COUNTY, TEXAS;  
 DECEMBER 2009

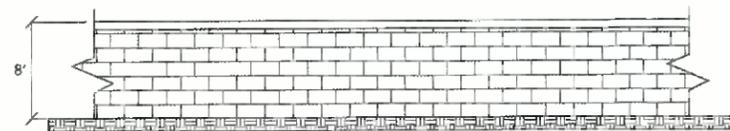
APPLICANT	PLANNER	SURFACE OWNERS
<b>XTO ENERGY</b> XTO ENERGY, INC. 810 HOUSTON STREET FORT WORTH, TX 76102 800-295-2800 TOLL FREE 817-682-7208 FAX	<b>JACOBS</b> JACOBS ENGINEERING 777 MAIN STREET FORT WORTH, TX 76102 817-735-8000 817-735-8148 FAX	GENEVE SUE BARNETT P.O. BOX 180112 ARLINGTON, TX 76099
PROJECT NO. WFXG3300 DATE 04/06/10	DRAWN BY JMY REV. 07/13/11	APPROVED BY TDP



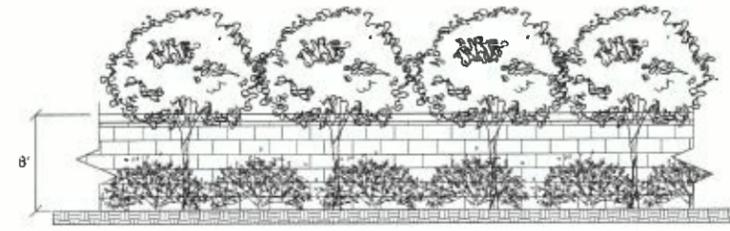
**ORNAMENTAL IRON FENCE**  
 (NOT TO SCALE)



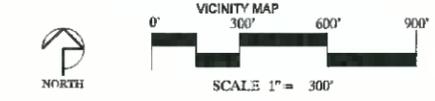
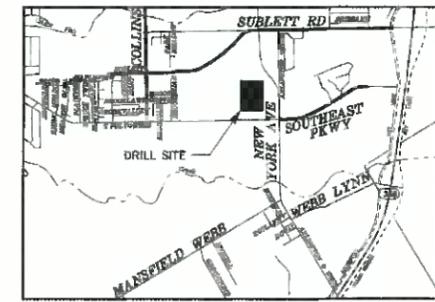
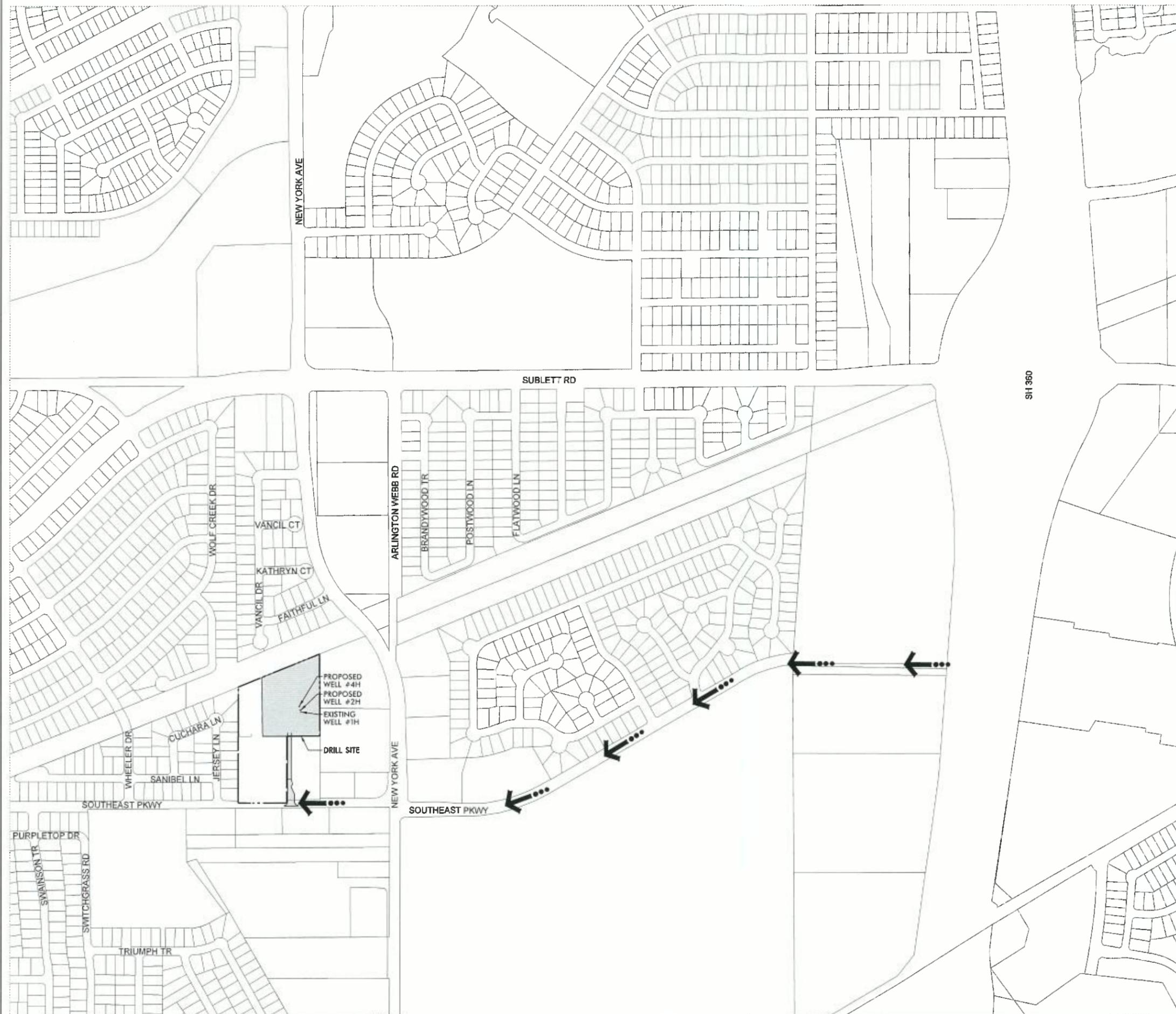
**PLANTING PLAN DETAIL**  
 (NOT TO SCALE)



**8' MASONRY WALL (TYPICAL)**  
 (NOT TO SCALE)



**PLANTING DETAIL (TYPICAL)**  
 (NOT TO SCALE)

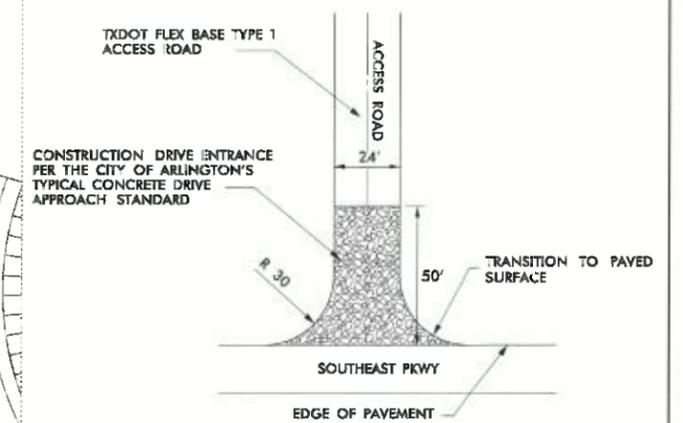


**LEGEND**

←... SITE ACCESS / ROUTING

ROUTE MILEAGE:  
SOUTHEAST PARKWAY..... 3.408

**NOTE:**  
1. LIMITED TRUCK TRAFFIC WILL APPLY BETWEEN THE HOURS OF 7-9AM AND 2:30-4:30PM. THESE LIMITED TRAFFIC HOURS ONLY APPLY TO REGULARLY SCHEDULED SCHOOL DAYS.



**DRIVE APPROACH (TYP.)**  
(NOT TO SCALE)

**EXHIBIT B**  
**TRANSPORTATION ROUTE**  
**DRILLING PERMIT**  
**XTO ENERGY, INC.**  
**SUE BARNETT UNIT**

4.003 ACRES OUT OF THE P. ROUCHE SURVEY, ABSTRACT NO. 1339,  
CITY OF ARLINGTON, TARRANT COUNTY, TEXAS;  
DECEMBER 2009

APPLICANT	PLANNER	SURFACE OWNERS
<b>XTO ENERGY</b> XTO ENERGY, INC. 810 HOUSTON STREET FORT WORTH, TX 76102 800-299-2800 *TOLL FREE 817-482-7268 FAX	<b>JACOBS</b> JACOBS ENGINEERING 777 MAIN STREET FORT WORTH, TX 76102 817-735-8000 817-735-6148 FAX	GENEVE SUE BARNETT P.O. BOX 150112 ARLINGTON, TX 76098
PROJECT NO. WFXG3300	DRAWN BY JMV	APPROVED BY TDP
DATE 04/29/11	REV. 7/13/11	

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