

Ordinance No. 12-048

An ordinance establishing a Drilling Zone on certain property known as 3701 West Interstate 20 Highway and 4221 Park Springs Boulevard by the approval of a revised specific use permit SUP09-7R2 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, publication; and providing an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP09-7R2 and recommended approval of the Drilling Zone to the specific use permit on August 15, 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 3701 West Interstate 20 Highway and 4221 Park Springs Boulevard, 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.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the 4th day of September, 2012, 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, 2012, by a vote of 9 ayes, 0 nays, and 0 abstentions at a regular meeting of the City Council of the City of Arlington, Texas.



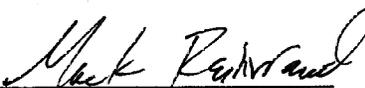
ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP09-7R2

EXHIBIT "A"

Drill Zone

BEING a 0.155 acre tract of land located in the O. D. Beall Survey, Abstract No. 208, in the City of Arlington, Tarrant County, Texas, being a portion of a called 2.293 acre tract of land as described in the Special Warranty Deed to Apple Nine Ventures Ownership, Inc., a Virginia corporation, filed for record in County Clerk's Instrument No. D210038189, Official Public Records, Tarrant County, Texas, and being a portion of Lot 7R2, O. D. Beall Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in County Clerk's Instrument No. D210036526, of said Official Public Records, said 0.155 acre tract of land being more particularly described by metes & bounds as follows:

COMMENCING at 1/2 inch iron rod found for the southeast corner of Lot 7R1, of said O. D. Beall Addition, same being the southwest corner of Lot 23, Block 1, Glen Springs Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-111, Page 90, Plat Records, Tarrant County, Texas, and being on the northeast right- of-way line of West Interstate Highway No. 20, a variable width right-of-way, (City of Arlington GPS grid coordinates – N: 6,931,363.6 – E: 2,379,763.4);

THENCE North 42 degrees 40 minutes 51 seconds West, over and across said Lots 7R1 and 7R2, a distance of 520.47 feet, to the **POINT OF BEGINNING** and being the southeast corner of the herein described Drill Zone legal description;

THENCE continuing over and across said Lot 7R2, the following calls:

North 84 degrees 42 minutes 42 seconds West, a distance of 75.05 feet, to a point for corner;

North 05 degrees 17 minutes 18 seconds East, a distance of 90.04 feet, to a point for corner;

South 84 degrees 42 minutes 42 seconds East, a distance of 75.05 feet, to a point for corner, from which a 5/8 inch capped iron rod found stamped "Dunaway & Assoc." for the common rear corner for Lots 16 & 17, Block 1, of said Glen Springs Addition, bears North 77 degrees 51 minutes 01 seconds East, a distance of 346.81 feet;

South 05 degrees 17 minutes 18 seconds West, a distance of 90.04 feet, to the **POINT OF BEGINNING** and containing 0.155 acres (6,758 square feet) of land, more or less.

Drill Site

BEING a 0.877-acre tract of land located in the O.D. Beall Survey, Abstract No. 208, in the City of Arlington, Tarrant County, Texas, being a portion of a called 11.08-acre tract of land as described in the Special Warranty Deed to Fort Worth Land, LLC, a Texas

limited liability company, filed for record in County Clerk's Instrument No. D208206601, Official Public Records, Tarrant County, Texas, and being a portion of Lot 7R1, O.D. Beall Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in County Clerk's Instrument No. D210036526, of said Official Public Records, said 0.877-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at ½-inch iron rod found for the southeast corner of said Lot 7R1, same being the southwest corner of Lot 23, Block 1, Glen Springs Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-111, Page 90, Plat Records, Tarrant County, Texas, and being on the northeast right-of-way line of West Interstate 20 Highway, a variable width right-of-way;

THENCE North 37°15'55" West, a distance of 364.57 feet, to the **POINT OF BEGINNING** and being the southeast corner of Lot 7R2, of said O.D. Beall Addition;

THENCE North 05°15'08" East, along the east line of said Lot 7R2, a distance of 270.00 feet, being the northeast corner of said Lot 7R2, from which a ½-inch iron rod found for the northeast corner of said Lot 7R1, bears North 10°39'01" East, a distance of 236.06 feet;

THENCE easterly, southerly and northwesterly, and over and across said Lot 7R1, the following calls:

South 84°44'52" East, a distance of 17.17 feet, to a point for corner;

South 61°24'14" East, a distance of 57.54 feet, to a point for corner, from which a 5/8-inch capped iron rod found stamped "Dunaway & Assoc." for the common rear corner for Lots 16 & 17, Block 1, of said Glen Springs Addition, bears North 82°51'13" East, a distance of 123.87 feet;

South 05°15'08" West, a distance of 322.20 feet, to a point for corner;

North 84°44'52" West, a distance of 100.63 feet, to a point for corner;

North 71°54'29" West, a distance of 337.50 feet, to a point for corner on the south line of said Lot 7R2, from which a 5/8-inch capped iron rod found stamped "Dunaway & Assoc." for the southernmost southwest corner of said Lot 7R1, bears North 74°05'22" West, a distance of 221.14 feet;

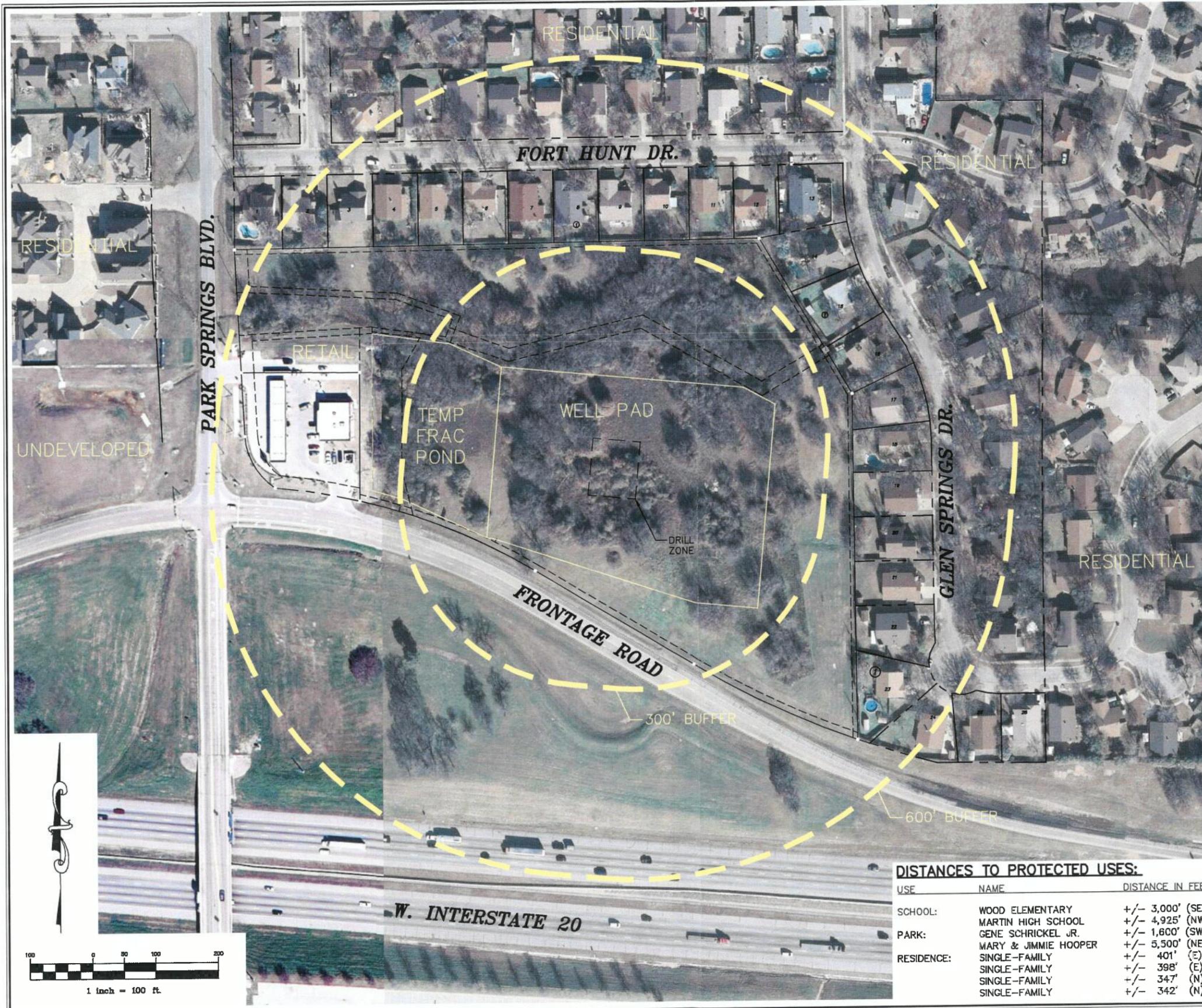
South 84°44'52" East, along the south line of said Lot 7R2, a distance of 359.69 feet, to the **POINT OF BEGINNING** and containing 0.877 of land, more or less.

AND being generally located north of West Interstate 20 Highway and east of Park Springs Boulevard with the approximate address being 4221 Park Springs Boulevard.

SUP09-7R2

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. At the permit stage, all required tree mitigation will be met.
4. After completion of all wells, a solid masonry wall will enclose all completed wells and tanks located within the operation site. Per the Gas Drilling and Production Ordinance, a solid masonry wall and vegetation will completely enclose the operation site. Landscaping shall consist of trees and shrubs which must be chosen from the Texas Smartscape list. One tree shall be provided every 35 feet and shrubs shall be placed no greater than three-feet on center. A detailed landscape plan and plant schedule must be provided upon drilling permit submittal.
5. Six additional trees must be planted immediately east of the expansion.
6. The operator/property owner shall be responsible for the installation, preservation, and maintenance of all landscaping and physical features shown on this site plan.
7. Use and development of the property must be in compliance with the attached site plan (three pages).
8. 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.



**BRUDER DRILL SITE
 SPECIFIC USE PERMIT
 4221 PARK SPRINGS BLVD.
 ARLINGTON, TX**

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

m m a
 mycoskie mcinnis associates
 civil engineering surveying landscape architecture planning
 lpa registration number: f-2758
 200 east abram
 arlington, texas 78010
 817-488-1671
 fax: 817-274-8767
 www.mmatxds.com



PROJECT NUMBER: 2424-0-2
 PROJECT MANAGER: J.SUMPTER
 DRAWN BY: J.SUMPTER
 CHECKED BY: C.MYCOSKIE
 ISSUE DATE: 05/30/2012

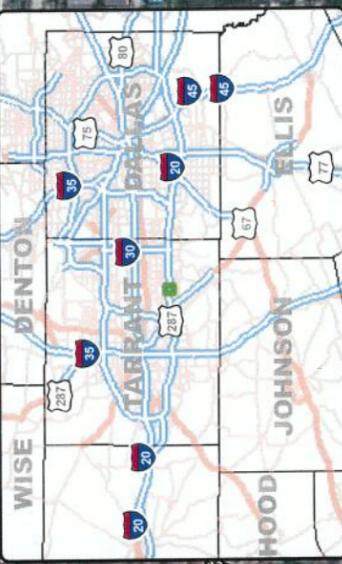
SHEET CONTENT:
**600' BUFFER
 EXHIBIT**

SHEET NO:
2 OF 3

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DISTANCES TO PROTECTED USES:

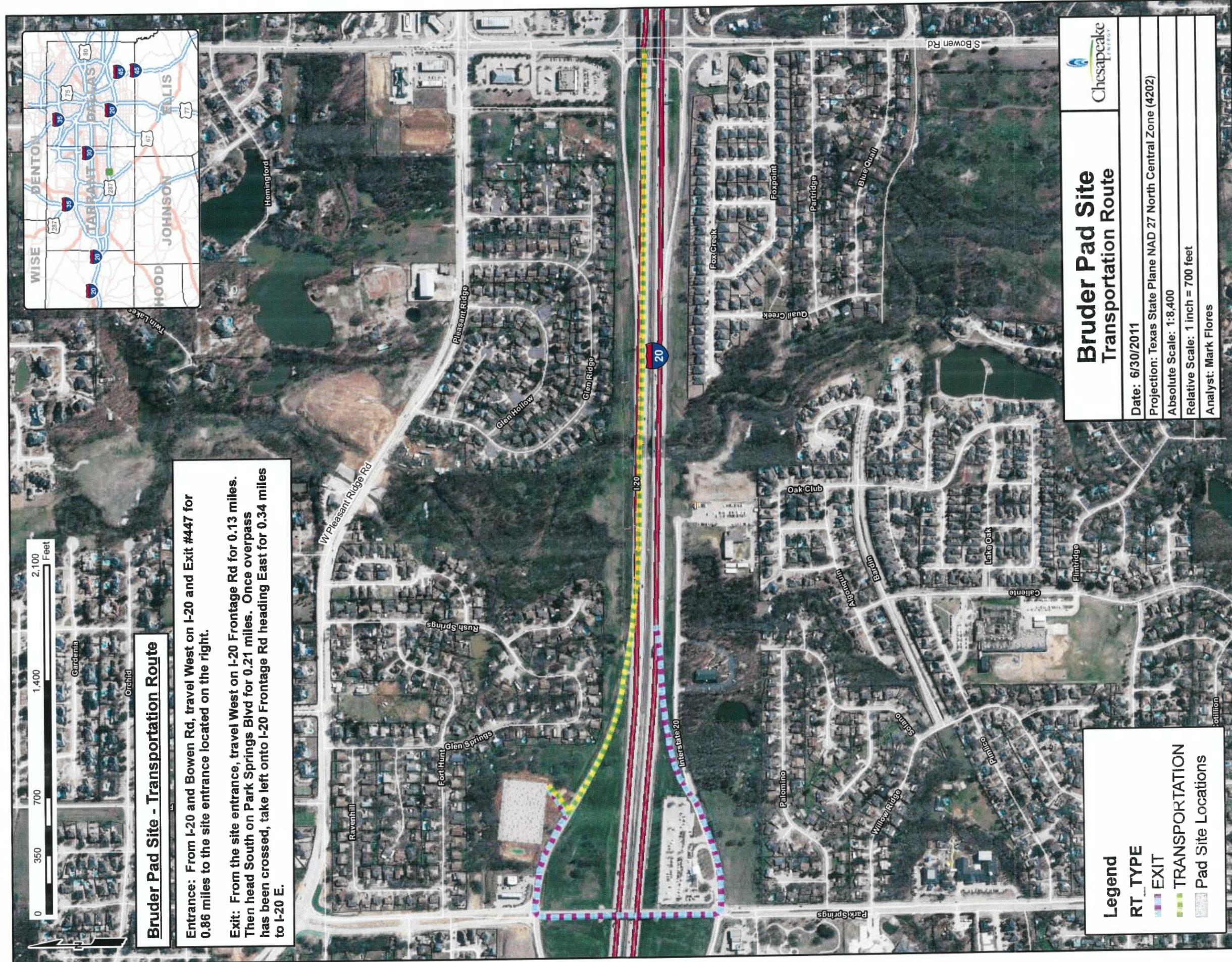
USE	NAME	DISTANCE IN FEET
SCHOOL:	WOOD ELEMENTARY	+/- 3,000' (SE)
	MARTIN HIGH SCHOOL	+/- 4,925' (NW)
PARK:	GENE SCHRICKEL JR.	+/- 1,600' (SW)
	MARY & JIMMIE HOOPER	+/- 5,500' (NE)
RESIDENCE:	SINGLE-FAMILY	+/- 401' (E)
	SINGLE-FAMILY	+/- 398' (E)
	SINGLE-FAMILY	+/- 347' (N)
	SINGLE-FAMILY	+/- 342' (N)



Bruder Pad Site - Transportation Route

Entrance: From I-20 and Bowen Rd, travel West on I-20 and Exit #447 for 0.86 miles to the site entrance located on the right.

Exit: From the site entrance, travel West on I-20 Frontage Rd for 0.13 miles. Then head South on Park Springs Blvd for 0.21 miles. Once overpass has been crossed, take left onto I-20 Frontage Rd heading East for 0.34 miles to I-20 E.



Bruder Pad Site Transportation Route



Date: 6/30/2011
 Projection: Texas State Plane NAD 27 North Central Zone (4202)
 Absolute Scale: 1:8,400
 Relative Scale: 1 inch = 700 feet
 Analyst: Mark Flores

Legend

RT TYPE

- EXIT
- TRANSPORTATION
- Pad Site Locations