

Ordinance No. 12-045

An ordinance changing the zoning classification on certain property known as 8101 U.S. 287 Highway by the approval of specific use permit SUP07-14R1 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 and recommended approval of Specific Use Permit SUP07-14R1 on August 1, 2012; 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 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 8101 U.S. 287 Highway, 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 his 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.

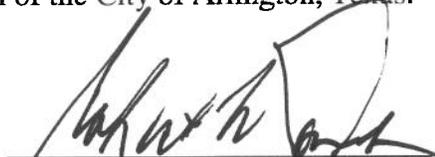
8.

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 ordinance shall become effective upon second publication.

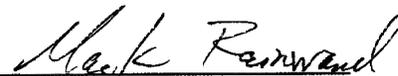
PRESENTED AND GIVEN FIRST READING on the 21st day of August, 2012 at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 4th day of September, 2012 by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP07-14R1

EXHIBIT "A"

Drill Zone

Being a tract of land situated in the L.B. Ledbetter survey, abstract number 964, city of Arlington, Tarrant county, Texas, and being a portion of tract of land described by deed to W.R. Rose Investments, Inc., trustee, recorded in volume 10060, page 979 of county records Tarrant County, Texas, and being more particularly described by metes and bounds as follows;

Commencing at a 5/8 inch iron rod found at the most northerly, southwest corner of said W.R. Rose Investments, Inc., trustee tract, said point also being in the southeasterly right-of-way line of U.S. Highway 287;

Thence south 38°16'35" east, along the southeasterly right-of-way line of said U.S. Highway 287 (a variable width right-of-way), 207.66 Feet;

Thence north 51°43'53" east, departing said right-of-way line 18.73 feet; thence north 89°53'24" east, 237.04 feet;

Thence north 00°47'45" east, 104.70 feet to the **point of beginning**; thence north 00°47'45" east, 30.00 feet;

Thence south 89°30'50" east, 82.00 feet; thence south 00°47'45" west, 20.00 feet; thence south 89°30'50" east, 129.49 feet; thence south 00°47'45" west, 10.00 feet;

Thence north 89°30'50" west, 211.48 feet to the **point of beginning** and containing 3,755 square feet or 0.086 acres of land, more or less.1

Drill Site

BEING a tract of land situated in the L.B. Ledbetter Survey, Abstract No. 964, City of Arlington, Tarrant County, Texas, and being a portion of tract of land described by deed to W.R. Rose Investments, Inc., Trustee, recorded in Volume 10060, Page 979 of County Records Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod found at the most northerly, southwest corner of said W.R. Rose Investments, Inc., Trustee tract, said point also being in the southeasterly right-of-way line of U.S. 287 Highway;

THENCE South 38°16'35" East, 207.66 feet with the southeasterly right-of-way line of said U.S. 287 Highway;

THENCE North 51°43'53" East, 18.73 feet departing said U.S. 287 Highway to the POINT OF BEGINNING;

THENCE North $00^{\circ}06'36''$ West, 300.00 feet;

THENCE North $89^{\circ}53'24''$ East, 550.00 feet;

THENCE South $00^{\circ}06'36''$ East, 300.00 feet;

THENCE South $89^{\circ}53'24''$ West, 550.00 feet to the POINT OF BEGINNING and containing 3.788 acres of land more or less;

AND being generally located east of U.S. 287 Highway and north of Turner Warnell Road, with approximate addresses of 8101 U.S. 287 Highway.

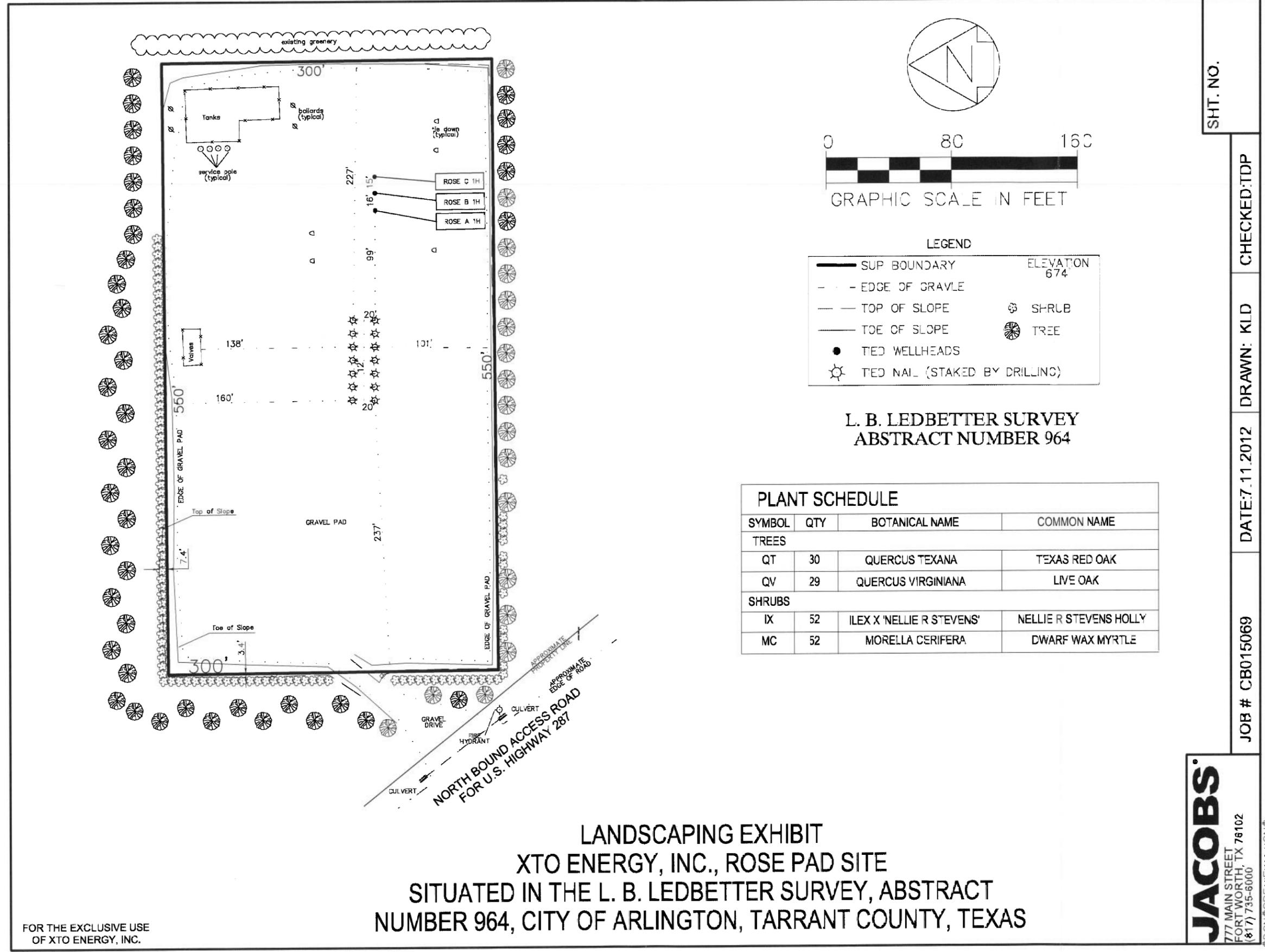
SUP07-14R1

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. Thirty (30) Texas Red Oak and Twenty-nine (29) Live Oak trees; and Fifty-two (52) Nellie R. Stevens Holly and Fifty-two (52) Dwarf Wax Myrtle shrubs planted along the perimeter of the drill site. The site is enclosed by an eight-foot tall masonry wall along the northern boundary and a chain link fence on the remaining sides. An eight-foot masonry wall with 75% capacity around the perimeter of the drill site and gate shall be installed within 30 days after drilling the first well on this site.

Alternative fence and vegetation may be approved by City Council as a condition of the gas well permit.

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.



LEGEND

—	SUP BOUNDARY	ELEVATION 674
- - -	EDGE OF GRAVEL	
- - -	TOP OF SLOPE	⊗ SHRUB
- - -	TOE OF SLOPE	⊗ TREE
●	TED WELLHEADS	
⊗	TED NAIL (STAKED BY DRILLING)	

L. B. LEDBETTER SURVEY
ABSTRACT NUMBER 964

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME
TREES			
QT	30	QUERCUS TEXANA	TEXAS RED OAK
QV	29	QUERCUS VIRGINIANA	LIVE OAK
SHRUBS			
IX	52	ILEX X 'NELLIE R STEVENS'	NELLIE R STEVENS HOLLY
MC	52	MORELLA CERIFERA	DWARF WAX MYRTLE

LANDSCAPING EXHIBIT
XTO ENERGY, INC., ROSE PAD SITE
SITUATED IN THE L. B. LEDBETTER SURVEY, ABSTRACT
NUMBER 964, CITY OF ARLINGTON, TARRANT COUNTY, TEXAS

FOR THE EXCLUSIVE USE
OF XTO ENERGY, INC.

JACOBS
777 MAIN STREET
FORT WORTH, TX 76102
(817) 735-6000

SHT. NO.

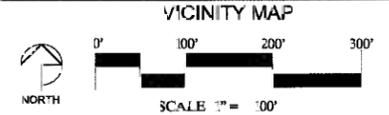
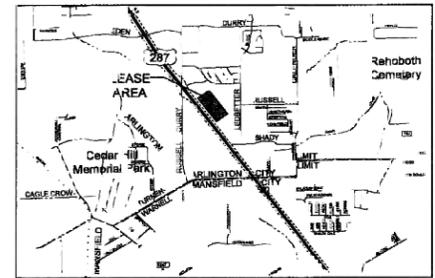
CHECKED: TDP

DRAWN: KLD

DATE: 7.11.2012

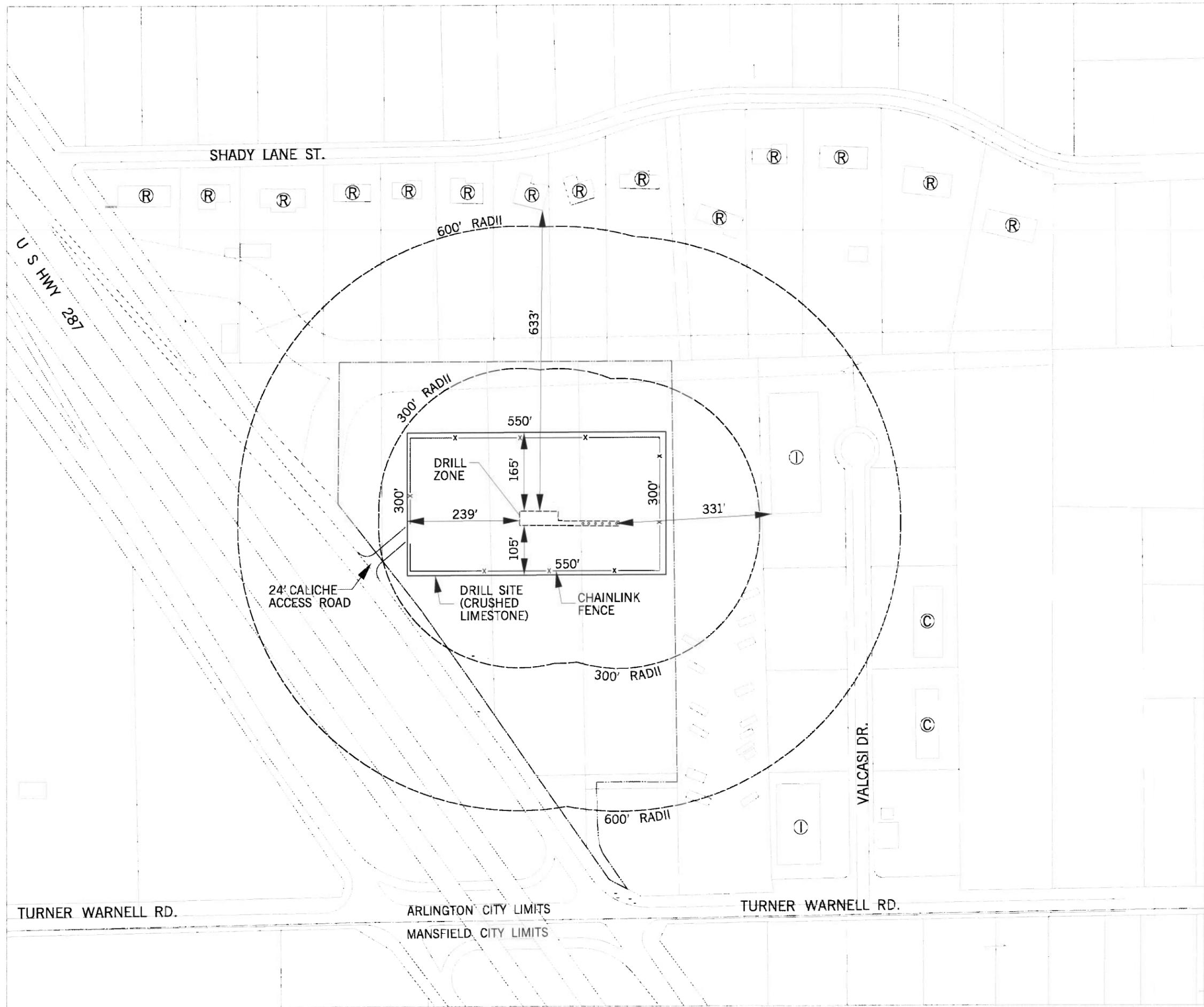
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LEGEND

- Ⓡ INDUSTRIAL STRUCTURE
- Ⓡ RESIDENTIAL STRUCTURE
- Ⓢ COMMERCIAL STRUCTURE



**EXHIBIT E-1
 DETAILED SITE PLAN
 DRILLING PERMIT
 XTO ENERGY
 W. R. ROSE LEASE**

3.788 ACRES OUT OF THE L.S. LEDBETTER SURVEY, ABSTRACT NO. 964,
 CITY OF ARLINGTON, TARRANT COUNTY, TEXAS;
 SEPTEMBER 2007

APPLICANT	PLANNER	SURFACE OWNERS
XTO ENERGY 810 HOLSTON ST. FORT WORTH, TX 76102 PHONE: 1-800-299-2800 FAX: 817-385-2224	JACOBS 777 MAIN STREET FORT WORTH, TX 76102 PHONE: (817) 735-5000 FAX: (817) 735-8148	W.R. ROSE INVESTMENT INC. 5440 HAVES' HILL RD. DALLAS, TX 75230 PHONE: 214-354-1100
PROJECT NO. 013069 DATE 08/27/10	DRAWN BY M.L.W. REV. 05/08/10	APPROVED BY TDP