

**Ordinance No. 08-100**

**An ordinance changing the zoning classification on certain property known as 9501 and 9535 North Holland Road by the approval of specific use permit SUP08-20 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 SUP08-20 and recommended approval of the specific use permit on October 1, 2008;

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 9501 and 9535 North Holland 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 one year after the date of City Council approval, 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 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 4th day of November, 2008 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:

  
\_\_\_\_\_  
KAREN BARLAR, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY   
\_\_\_\_\_

SUP08-20

EXHIBIT "A"

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

BEING a tract of land situated in the Ralph Graves Survey, Abstract No. 569, Tarrant County, Texas and being a portion of that certain tract of land described in Deed to Joe G. Harris recorded in Volume 7544, Page 843, Deed records, Tarrant County, Texas (D.R.T.C.T.) and all of Ralph Graves Addition recorded in Volume 388-203, Page 1, Plat Records of said county and being more particularly described by metes and bounds as follows:

COMMENCING in the west line of said Ralph Graves Survey, also being in the east line of the G. Ray Survey, Abstract 1307, said point being the southwest corner of that certain tract of land described in deed to Southwind Addition recorded in Cabinet A, Slide 11853, Plat Records, D.R.T.C.T;

THENCE North 60°02'55" East, 60.00 feet with said line to the point of beginning;

THENCE North 60°02'55" East, 833.20 feet to the west line of a 20-foot sanitary sewer easement, recorded under County Clerks Number (CC#) D2002271848, said County Records;

THENCE with said west line in the following bearing and distances;

South 52°02'50" East, 69.54 feet with said easement line;

South 34°40'25" East, 231.63 feet with said easement line;

North 55°19'35" East, 24.21 feet to the west line of a twenty foot sanitary sewer easement, recorded in CC# D202162807, of County Records;

South 31°54'00" East, 353.56 feet with said easement to the north line of that certain tract of land described in deed to U.S.A. Tract Number 538-2, recorded in Volume 6975, Page 260, of said County Records;

THENCE South 62°00'29" West, 416.05 feet with said north line to a concrete monument found;

THENCE South  $33^{\circ}17'41''$  West, at 607.33 feet passing a concrete monument found, in all 629.50 feet with said line to the southwest corner of aforesaid Harris tract and being in the approximate centerline of North Holland Road (a variable width right-of-way);

THENCE North  $29^{\circ}44'51''$  West, 625.76 feet with said approximate centerline;

THENCE North  $59^{\circ}58'24''$  East, 60.00 feet departing said approximate centerline;

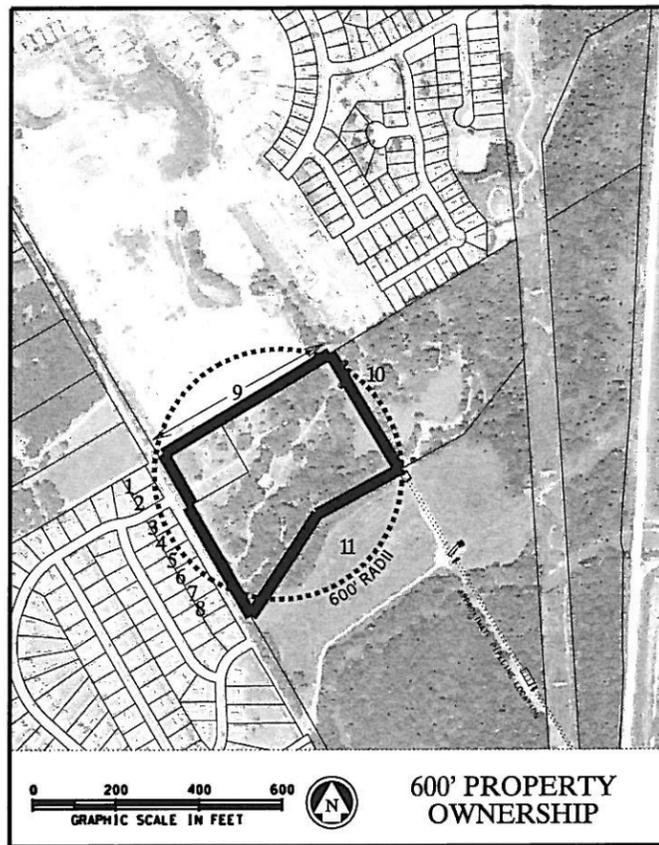
THENCE North  $29^{\circ}44'49''$  West, 289.95 feet to the POINT OF BEGINNING and containing 15.270 acres of land more or less;

AND being generally located east of North Holland Road and west of South Watson Road with the approximate addresses being 9501 and 9535 North Holland Road.

SUP08-20

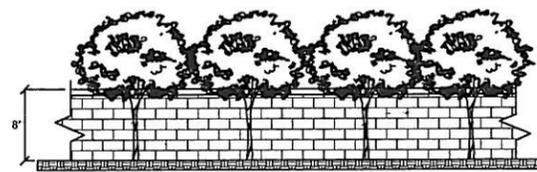
EXHIBIT "B"

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 shall be included on the outside of the masonry screening wall as shown on Exhibit F.
4. Use and development of the property must be in compliance with Exhibit F, which is 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.

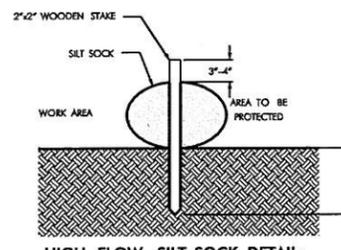


Notes:

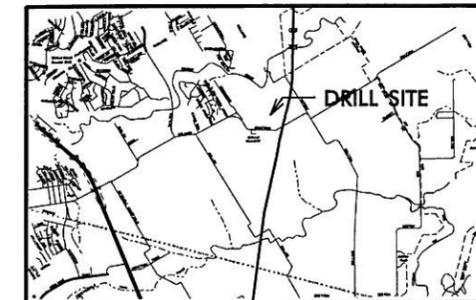
1. Specific Use Permit for High Impact Use gas drilling & production.
2. Site grading will not alter the natural flow. A silt sock (see detail) will be installed as necessary.
3. The access driveway/lease road will be off of North Holland Road.
4. The lease road is 24' wide with 14' overhead clearance.
5. After completion of all wells, a solid masonry wall, a minimum of eight (8') feet will enclose all completed wells and tanks located within an operation site. A minimum of one (1) gate, twelve (12') feet wide, will be installed.



8' MASONRY WALL (TYP.)



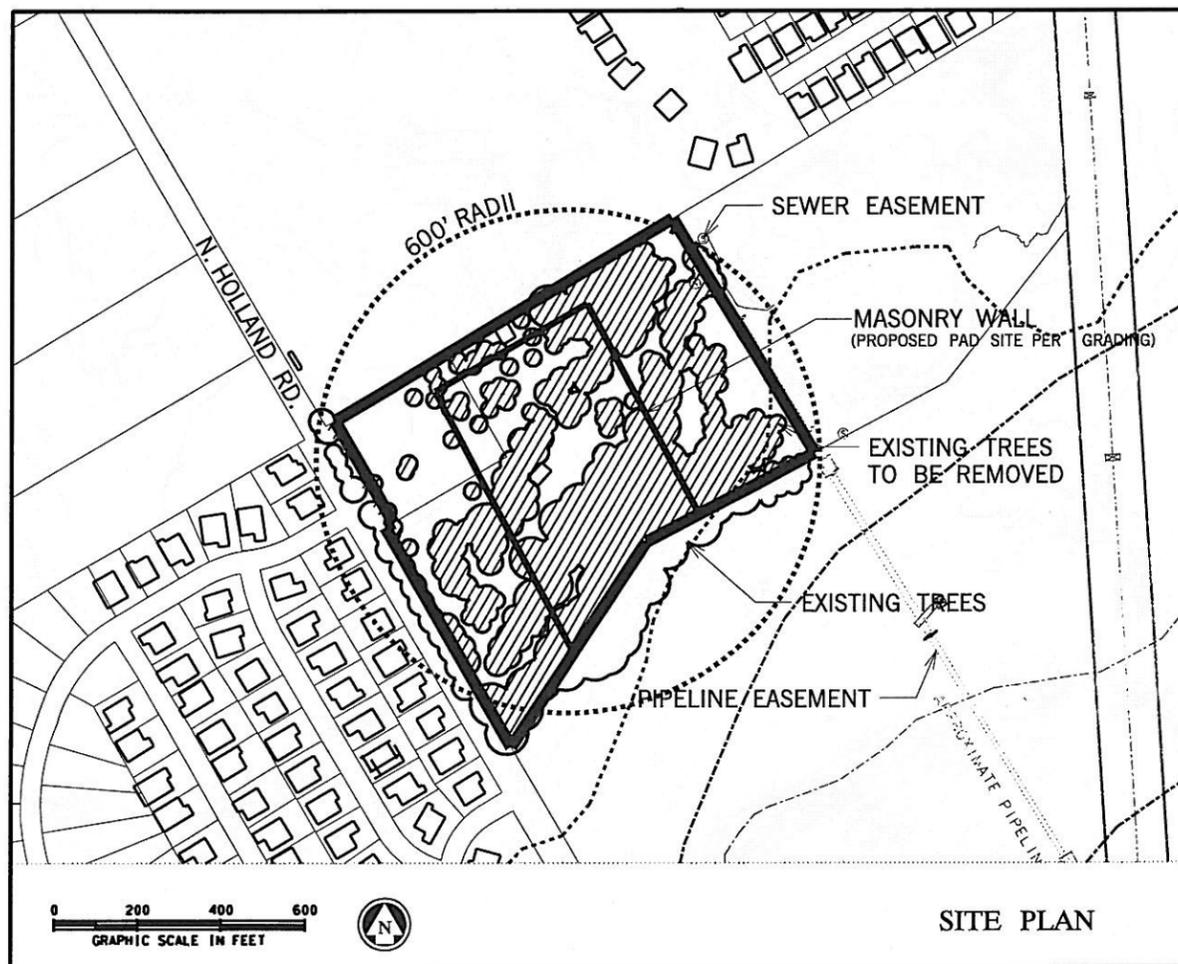
HIGH FLOW SILT SOCK DETAIL:  
TYPICAL TEMPORARY FILTER  
FABRIC FILLED WITH MULCH



VICINITY MAP  
NOT TO SCALE

PROPERTY OWNERSHIP INFORMATION  
HARRIS TRACT: 15.27 ACRE SITE

- 1) KENNETH ETUX SUZANNE M. VINSON  
C.C.F. NO. D207094947 C.R.T.C.T.  
'A-1' ZONING
- 2) WALTER J. BROOKS  
C.C.F. NO. D207191112 C.R.T.C.T.  
'A-1' ZONING
- 3) SAMUEL J. SMITH  
C.C.F. NO. D207445625 C.R.T.C.T.  
'A-1' ZONING
- 4) CURTIS ETUX SHANESSA BURNS  
C.C.F. NO. D207419853 C.R.T.C.T.  
'A-1' ZONING
- 5) PHILLIP HULL  
C.C.F. NO. D207370153 C.R.T.C.T.  
'A-1' ZONING
- 6) SETH ETUX DIETRA FULLER  
C.C.F. NO. D208123039 C.R.T.C.T.  
'A-1' ZONING
- 7) ALEX J ETUX APRIL SKINNER  
C.C.F. NO. D205344665 C.R.T.C.T.  
'A-1' ZONING
- 8) JASON R. WRIGHT  
C.C.F. NO. D205173674 C.R.T.C.T.  
'A-1' ZONING
- 9) KIMBALL HILL HOMES DALLAS LP  
000000,0000  
'C-1' ZONING (RESIDENTIAL VACANT)
- 10) HOLLAND ROAD PARTNERS, LTD  
C.C.F. NO. D208232351 C.R.T.C.T.  
'E-3' ZONING
- 11) USA
- 12) TRACT:  
HOLLAND ROAD PARTNERS, LTD  
C.C.F. NO. D208232351 C.R.T.C.T.  
'E-3' ZONING



LEGAL DESCRIPTION  
15.27 ACRE  
HARRIS TRACT

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THENCE N 59° 58' 24" E, 60.00 feet departing said approximate centerline;

THENCE N 29° 44' 49"W, 289.95 feet to the POINT OF BEGINNING and containing 665,161 square feet or 15.270 acres of land more or less.

LEGEND

- WELL SITE LOCATION
- ← SITE ACCESS / ROUTING

REQUIRED SIGNAGE  
PERMANENT WATER PROOF SIGNS READING "DANGER NO SMOKING ALLOWED" IN A MINIMUM FOUR INCH (4") LETTERING SHALL BE POSTED AT THE ENTRANCE OF EACH DRILL SITE AND OPERATIONAL SITE. THE SIGN SHALL INCLUDE THE PHONE NUMBER FOR EMERGENCY SERVICE (911), THE NUMBER FOR THE OPERATOR, AND THE WELL DESIGNATOR REQUIRED BY THE RAILROAD COMMISSION IN FOUR INCH (4") LETTERING.

SUP08-20 Exhibit F Page 1 of 1

SITE PLAN FOR  
XTO ENERGY, INC.  
HARRIS LEASE

15.27 ACRES OUT OF THE RALPH GRAVES SURVEY, ABSTRACT NO. 569,  
CITY OF ARLINGTON, TARRANT COUNTY, TEXAS,  
JULY 2008

APPLICANT	PLANNER	SURFACE / MINERAL OWNERS
XTO ENERGY 810 HOUSTON ST. FORT WORTH, TEXAS 76102 PHONE: 1-800-299-2800 FAX: 817-885-2224	CARTER & BURGESS, INC. 777 MAIN STREET FORT WORTH, TX 76102 PHONE: (817) 735-6000 FAX: (817) 735-6148	HOLLAND ROAD PARTNERS, LTD 2229 WEST DIVISION STREET ARLINGTON, TX 76102 PHONE: (817) 469-4868 FAX: (817) 461-6344
PROJECT NO. 016100.005	DRAWN BY BMA	APPROVED BY JWR
DATE 07/10/08	REV. 09/08/08	ZC* SUP08-20

SHEET NO. 1 OF 1

