

Ordinance No. 08-003

An ordinance of the City of Arlington, Texas, amending the Zoning District Map to revise the zoning classification on certain property known as 7301 Silo Road by the adoption of specific use permit SUP07-10 for gas drilling; 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 an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP07-10 (formerly PD07-24) and recommended approval of the specific use permit on November 14, 2007; 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 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 District Map be amended. Now therefore

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

1.

That a Specific Use Permit SUP 07-10 for gas drilling is hereby granted for the property known as 7301 Silo Road, and described on Exhibit "A" and the Zoning District Map is hereby amended as specified. Development shall be in compliance with the conditions stated in Exhibit "B".

2.

If either no gas well permit is issued or drilling activity has not commenced on the property described on Exhibit "A" within one (1) year of the date of second publication of this Ordinance, 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.

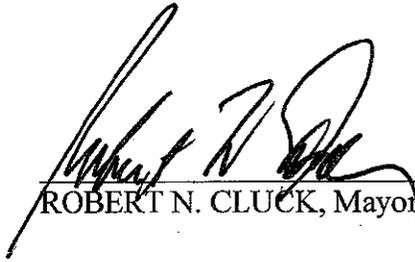
8.

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.

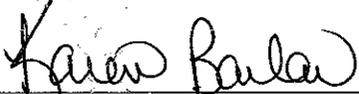
9.

This ordinance shall become effective upon second publication.

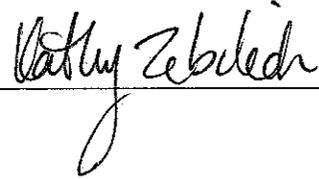
PRESENTED AND GIVEN FIRST READING on the 18th day of December, 2007, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 8th day of January, 2008, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BARLAR, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP07-10

EXHIBIT "A"

THAT the following described property now zoned "A" 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 6.143-acre tract of land located in the R.M. Walsh Survey, Abstract No. 1708, in the City of Arlington, Tarrant County, Texas, being a portion of a called 58.12-acre tract of land (Tract I) as described in the Affidavit of Heirship and Conveyance to Carileta Mayfield Ross, Jeanette Mayfield Coker, Janice Mayfield Fink, Donald Mayfield, Cecil Weldon Mayfield, Nancy Mayfield Sprouse, Elise Moore Byrom, Louise Moore Grace, filed for record in Volume 14177, Page 184, Deed Records, Tarrant County, Texas, said 6.143-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½-inch iron rod found for the easternmost corner of Lot 2, R.M. Walsh Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 5595, Plat Records, Tarrant County, Texas;

THENCE South 83°42'07" East, a distance of 117.32 feet, to the POINT OF BEGINNING for the herein described tract of land;

THENCE North 59°15'49" East, a distance of 250.00 feet, to a point for corner;

THENCE South 30°44'11" East, a distance of 375.00 feet, to a point for corner, from which a ½-inch iron rod found for the westernmost corner of Lot 4, R.M. Walsh Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slides 8833-8834, of said Plat Records, bears North 47°56'29" East, a distance of 148.99 feet;

THENCE South 30°07'22" East, a distance of 875.95 feet, to a point for corner in Mansfield Webb Road, a variable width right-of-way, from which a ½-inch iron rod found for the southernmost corner of said Lot 4, bears North 46°35'12" East, a distance of 152.25 feet;

THENCE South 59°52'38" West, a distance of 30.00 feet, to a point for corner in said Mansfield Webb Road;

THENCE North 30°07'22" West, departing said Mansfield Webb Road, a distance of 525.61 feet, to a point for corner;

THENCE South 59°15'49" West, a distance of 419.79 feet, to a point for corner;

THENCE North 30°44'11" West, a distance of 350.00 feet, to a point for corner;

THENCE North 59°15'49" East, a distance of 203.54 feet, to a point for corner;

THENCE North 30°44'11" West, a distance of 375.00 feet, to the POINT OF BEGINNING and containing 6.143 acres of land;

AND being generally north of Mansfield Webb Road and east of Silo Road, with the approximate address being 7301 Silo Road.

SUP07-10

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. The SUP is granted for a 6.143-acre site, zoned "A" (Agriculture), and located at 7301 Silo Road.
2. At the permit stage, a Road Damage Assessment Study is required to mitigate any impacts to the street system during drilling.