

**Ordinance No. 09-007**

**An ordinance changing the zoning classification on certain property known as 5408 U.S. 287 Highway by the approval of specific use permit SUP08-26 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; and providing for severability, governmental immunity, injunctions, publication, and an effective date.**

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP08-26 and recommended denial of the specific use permit on January 7, 2009.

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 5408 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 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 ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the 10th day of March, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 24th day of March, 2009, 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   
\_\_\_\_\_

SUP08-26

EXHIBIT "A"

THAT the following described property now zoned "B" 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 Thomas Beedy Survey, Abstract No. 1781, and the Harvey Hawkins Survey, Abstract No. 729 in the City of Arlington, Tarrant County, Texas, and being all of Lot 2, Block 1, Phase 7 of Highpoint Addition, an addition in the City of Arlington, recorded in Cabinet A, Slide 6300, Plat 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 intersection of the north right-of-way of Median Way (a variable with right-of-way) with the southwest right-of-way of U.S. 287 Highway being the most easterly corner of Lot 3, Block 1 of said Highpoint Addition;

THENCE North 37°36'30" West, 527.71 feet with the southwest line of U.S. 287 Highway to the POINT OF BEGINNING;

THENCE South 52°51'59" West, 678.90 feet departing said southwest right-of-way;

THENCE North 00°16'42" East, 652.76 feet to a 5/8-inch iron rod found at the southwest corner of Lot 1, Block 1, Highpoint Addition, Phase III an addition to the City of Arlington recorded in Cabinet 388-196, Slide 48, of said Plat Records;

THENCE South 89°40'12" East, 368.08 feet with said south line to a 5/8-inch iron rod found in the aforementioned southwest right-of-way, at the southeast corner of said Lot 1, Block 1;

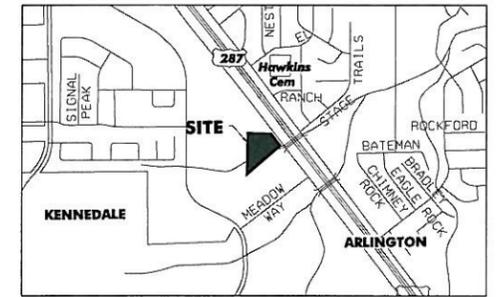
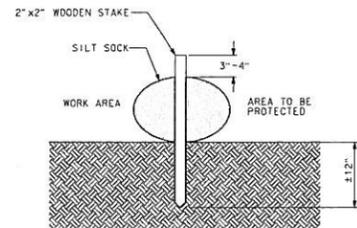
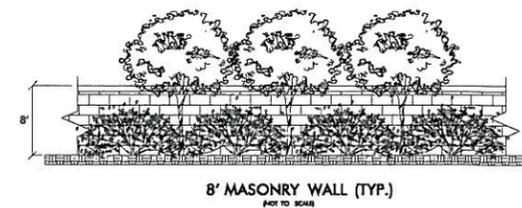
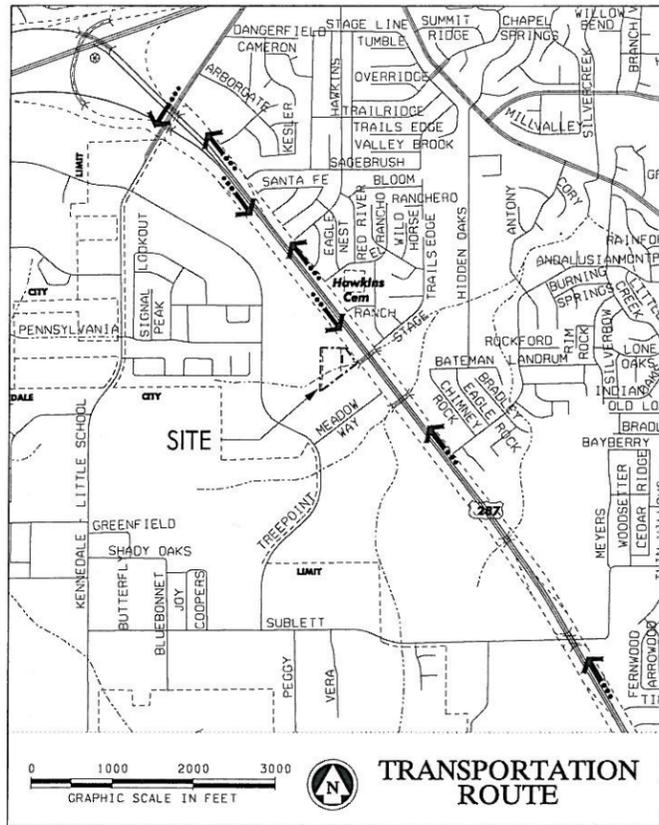
THENCE South 37°36'30" West, 278.81 feet with said southwest right-of-way to the POINT OF BEGINNING and containing 4.847 acres of land more or less;

AND being generally located east of Treepoint Drive and southwest of U.S. 287 Highway with the approximate address being 5408 U.S. 287 Highway.

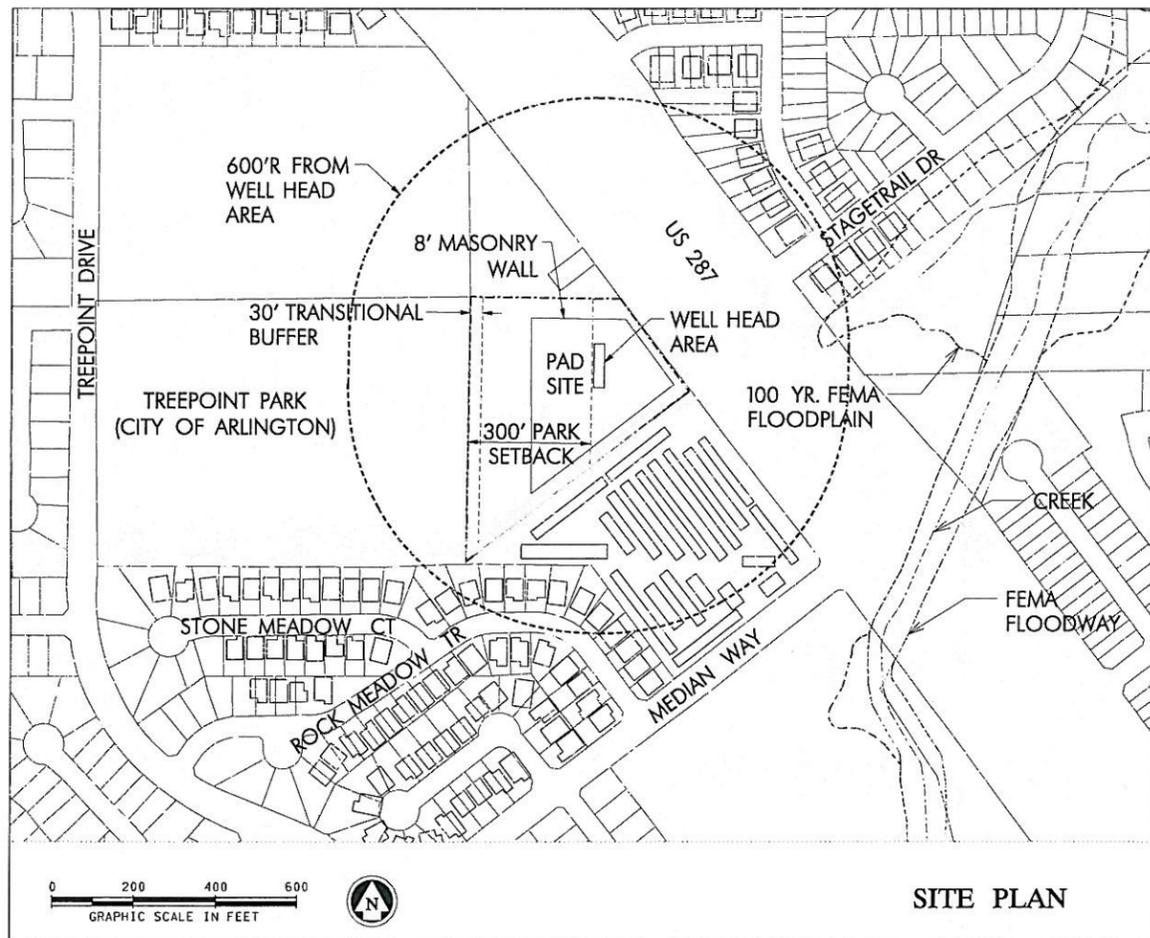
SUP08-26

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 the attached 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.



- Notes:
1. Site grading will not alter the natural flow. A silt sock (see detail) will be installed as necessary.
  2. The access driveway/lease road will be off of US 287 Frontage Road.
  3. After completion of all wells, a solid masonry wall, a minimum of eight (8) feet and landscaping as detailed on this sheet will enclose the operation site. A minimum of one (1) gate, twelve (12) feet wide, will be installed.
  4. Trees and shrubs shown in the detail on this sheet will be chosen from the Texas Smartscapes List and shrubs spaced no greater than 3' on center. Detailed landscape plan and plant schedule will be provided upon drilling permit submittal.
  5. All required tree mitigation will be met at the permitting stage.



LEGAL DESCRIPTION  
4.847 ACRE  
CARRIZO - SWAPO II

Being a tract of land situated in the Thomas Beedy Survey, Abstract Number 1781, and the Harvey Hawkins Survey, Abstract Number 729 in the City of Arlington, Tarrant County, Texas, and being all of Lot 2, Block 1, Phase 7 of Highpoint Addition, an addition in the City of Arlington, recorded in Cabinet A, Slide 6300, Plat 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 intersection of the north right-of-way of Median Way (a variable with right-of-way) with the southwest right-of-way of U.S. Highway 287 being the most easterly corner of Lot 3, Block 1 of said Highpoint Addition:

THENCE N 37°36'30"W, 527.71 feet with the southwest line of U.S. Highway No. 287 to the POINT OF BEGINNING;

THENCE S 52°51'59"W, 678.90 feet departing said southwest right-of-way;

THENCE N 00°16'42"E, 652.76 feet to a 5/8 inch iron rod found at the southwest corner of Lot 1, Block 1, Highpoint Addition, Phase III an addition to the City of Arlington recorded in Cabinet 388-196, Slide 48, of said Plat Records;

THENCE S 89°40'12"E, 368.08 feet with said south line to a 5/8 inch iron rod found in the aforementioned southwest right-of-way, at the southeast corner of said Lot 1, Block 1;

THENCE S 37°36'30"W, 278.81 feet with said southwest right-of-way to the Point of Beginning and containing 211,135 square feet or 4.847 acres of land more or less.

LEGEND  
←... 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.

SUP08-26

**SITE PLAN FOR SUP CARRIZO OIL & GAS SWAPO II PAD**

4.847 ACRES OUT OF THE THOMAS BEEDY SURVEY, ABSTRACT NO. 1781 AND THE HARVEY HAWKINS SURVEY, ABSTRACT NO. 729, CITY OF ARLINGTON, TARRANT COUNTY, TEXAS; NOVEMBER 2008

APPLICANT	PLANNER	SURFACE / MINERAL OWNERS
CARRIZO OIL & GAS 1000 LOUISIANA ST. SUITE 1500 HOUSTON, TX 77002 PHONE: 713-328-1000 FAX: 713-328-1060	<b>JACOBS</b> Carter Burgess CARTER & BURGESS, INC. 777 MAIN STREET FORT WORTH, TX 76102 PHONE: (817) 735-6000 FAX: (817) 735-6148	CARRIZO OIL & GAS 1000 LOUISIANA ST. SUITE 1500 HOUSTON, TX 77002 PHONE: 713-328-1000 FAX: 713-328-1060
PROJECT NO. CB015605 DATE 10/03/08	DRAWN BY REV. 11/06/08	APPROVED BY SOK SUP# 08-26

SHEET NO. 1 OF 1