

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 0.91-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 966 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation Without Term for a 0.91-acre tract of land out of Section 5, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, said tract being the tract identified as “0.91 Acres” out of the 1.66-acre tract described by metes and bounds in Exhibit “A”, which is attached hereto and incorporated herein (the “Property”) as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation Without Term for Automobile or other Motorized Vehicle Sales and Service (the “Specific Use”), together with

the uses permitted in the present RR, Regional Retail District.

SECTION TWO. That the Property shall be subject to the following conditions and restrictions:

- A. That the use and development of the Property for the Specific Use shall significantly conform to the site plan, which is attached hereto as Exhibit “B” and incorporated herein for all purposes.
- B. That the use and development of the Property for the Specific Use shall conform to the development standards of Section 11-1-4.04.A.6 of the City Code.
- C. That the days and hours of operation of the Specific Use shall be limited to Monday through Friday from 8:00 a.m. to 6:00 p.m.
- D. That off-street parking shall be provided on the Property in accordance with Section 11-1-6.02.E of the City Code.
- E. That the applicant shall obtain a Certificate of Occupancy prior to using the Property for the Specific Use to ensure that the conditions of this Specific Use Designation Without Term are satisfied.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars (\$2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the

descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting “AYE”:

Council members voting “NAY”:

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2021, at a regular meeting of the City Council:

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

Patrick N. Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

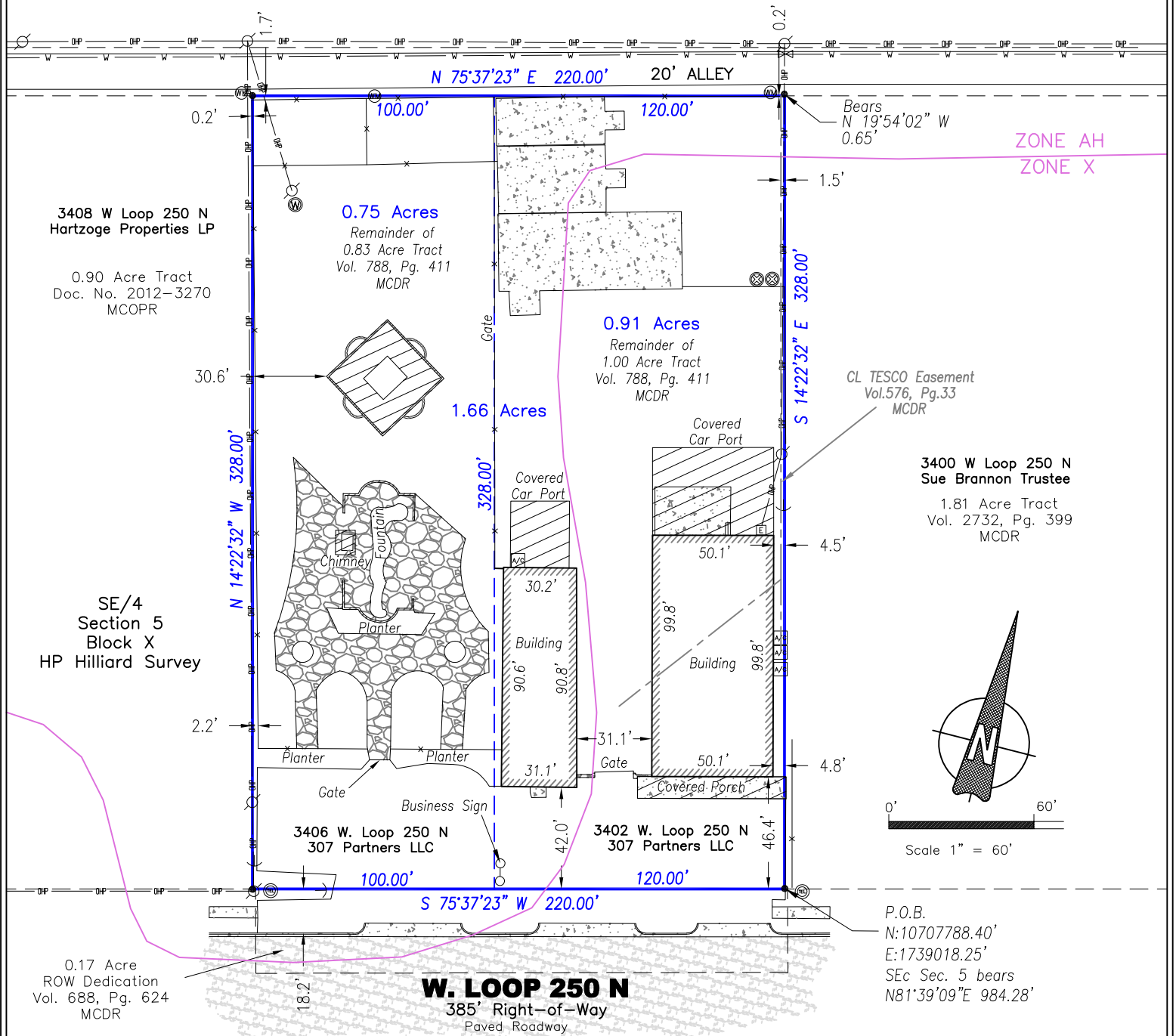
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney

EXHIBIT "A"

TITLE SURVEY OF A 1.66 ACRE TRACT OF LAND IN THE SE/4 OF SECTION 5, BLOCK X, HP HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS



SURVEY BASED ON TITLE COMMITMENT GF NO.
WTA-80C-48802014909 PROVIDED BY WEST TEXAS ABSTRACT
TITLE COMPANY ISSUED NOVEMBER 20, 2020 WITH AN
EFFECTIVE DATE OF NOVEMBER 6, 2020.
SCHEDULE B (survey related items):
10.
b. Right of Way Easement to Gulf Refining Company,
recorded in V82, P323, MCDR. - DOES NOT AFFECT
c. Right of Way to State of Texas, recorded in V115, P612,
MCDR. - DOES NOT AFFECT
d. Easement and Right of Way to Texas Electric Service
Company, recorded in V292, P326, MCDR. - DOES NOT
AFFECT
e. Easement to Gulf Pipe Line Company and Gulf Gulf
Production Company, recorded in V406, P720, MCDR. -
DOES NOT AFFECT
f. Easement to Texas Electric Service Company, recorded in
V430, P353, MCDR. - DOES NOT AFFECT
g. Guy and Anchorage Permit to Texas Electric Service
Company, recorded in V464, P218, MCDR. - DOES NOT
AFFECT
h. Easement and Right of Way to The Public, recorded in
V567, P112 and V568, P1, MCDR. - DOES NOT AFFECT
i. Easement and Right of Way to Texas Electric Service
Company, recorded in V568, P246, MCDR. - DOES NOT
AFFECT
j. Easement and Right of Way to Texas Electric Service
Company, recorded in V576, P33, MCDR. - AFFECTS, SHOWN

FLOOD NOTE:
Part of this Property is in Zone AH
and DOES LIE within a Special Flood
Hazard Area as graphically scaled
onto FEMA Map No. 48329C0067F,
Dated September 16, 2005, Prepared
for Midland County, Texas.

I, Aaron S. Burrell, do hereby certify:
This plat represents a legal survey made on the ground on
December 02, 2020, by me, of the property legally
described hereon. All information shown is true and correct
to the best of my knowledge and belief.

08 December 2020



Aaron S. Burrell
Registered Professional Land Surveyor
Texas No. 5689

LEGEND

- $Fd \frac{1}{2}$ " Iron Rod
- ⊗ Power Pole
- ⊙ Water Meter
- ⊙ Water Well
- ⊙ Air Conditioner
- ⊙ Sewer Cleanout
- ↓ Guy Wire
- ⊙ Electric Meter
- ⊙ Telephone Ped.
- Fence
- ⊙ Rock

Bearings shown on this survey are relative
to the Texas Coordinate System, NAD 1983,
Central Zone (CORS).

Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
TBPLS Firm No. 10194217

415 W. Wall St., Suite 204 P.O. Box 81041
Midland, Texas 79701 Midland, Texas 79708

432-848-4439
www.asbsurveyors.com

Page 1 of 2
2020-842



**METES & BOUNDS DESCRIPTION
OF A 1.66 ACRE TRACT OF LAND
IN THE SE/4 OF SECTION 5, BLOCK X,
HP HILLIARD SURVEY,
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS**

Legal Description: 1.66 Acres of Land in the Southeast Quarter of Section 5, Block X, HP Hilliard Survey and Being All of a 1.00 Acre Tract and a 0.83 Acre Tract recorded in Volume 788 Page 411, Deed Records, Less and Except a 0.17 Acre Right of Way Dedication recorded in Volume 688 Page 624, Deed Records, all in the City of Midland, Midland County, Texas.

Boundary more fully described by metes and bounds as follows:

Beginning at (N:10707788.40', E:1739018.25') a 1/2" iron rod found in the north right of way line of W. Loop 250 N in the east line of said 1.00 acre tract and the west line of a 1.81 acre tract recorded in Volume 2732 page 399, Deed Records, being the southeast corner of this tract, whence the southeast corner of said Section 5 bears North 81°39'09" East, a distance of 984.28 feet;

Thence South 75°37'23" West with the north right of way line of said W. Loop 250 N, at a distance of 120.00 feet pass the west line of said 1.00 acre tract and the east line of said 0.83 acre tract, continuing for a total distance of 220.00 feet to a 1/2" iron rod found in the west line of said 0.83 acre tract and the east line of a 0.90 acre tract recorded in Document No. 2012-3270, Official Public Records, being the southwest corner of this tract;

Thence North 14°22'32" West with the west line of said 0.83 acre tract and the east line of said 0.90 acre tract, a distance of 328.00 feet to a 1/2" iron rod found in the south line of a 20 Foot Alley at the northwest corner of said 0.83 acre tract and the northeast corner of said 0.90 acre tract, being the northwest corner of this tract;

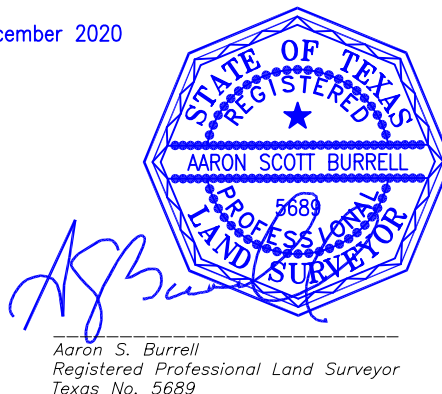
Thence North 75°37'23" East with the south line of said 20 Foot Alley, at a distance of 100.00 feet pass the northeast corner of said 0.83 acre tract and the northwest corner of said 1.00 acre tract, continuing for a total distance of 220.00 feet to a point for the northeast corner of said 1.00 acre tract and the northwest corner of said 1.81 acre tract, being the northeast corner of this tract, whence a 1/2" iron rod found near this corner bears North 19°54'02" West, a distance of 0.65 feet;

Thence South 14°22'32" East with the east line of said 1.00 acre tract and the west line of said 1.81 acre tract, a distance of 328.00 feet to the Point of Beginning;

Containing 1.66 acres of land.

Bearings, Distances, and Coordinates are based on the Texas Coordinate System, NAD 83, Central Zone (CORS).

08 December 2020



Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
TBPLS Firm No. 10194217
415 W. Wall St., Suite 204 P.O. Box 81041
Midland, Texas 79701 Midland, Texas 79708
432-848-4439
www.asbsurveyors.com

Page 2 of 2
2020-842

EXHIBIT "B"

Parcel#: 0001080.391.0010
Address: 3402 W Loop 250 North
City, State, ZIP: Midland, Texas 79707
Purpose : Specific Use Designation
Application

Scale: 1"=30'

Owners: HERITAGE PROPERTIES

**Legal Info.: SEC: 5 SE/4 SURV: H P
HILLIARD BLK: X**

Land Use Cat.: MISCELLANEOUS

