

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.53-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 4, FREELAND ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST GOLF COURSE ROAD AND ELKINS ROAD); 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, 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 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 finds that the public health, safety and general welfare will be best served by rezoning a 9.53-acre tract of land out of Lot 1, Block 4, Freeland Addition, Section 6, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit “A”, which is attached hereto and incorporated herein (the “Property”), to CE, Country Estate District, 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 rezone the Property from AE, Agricultural Estate District to CE, Country Estate District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

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parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.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:

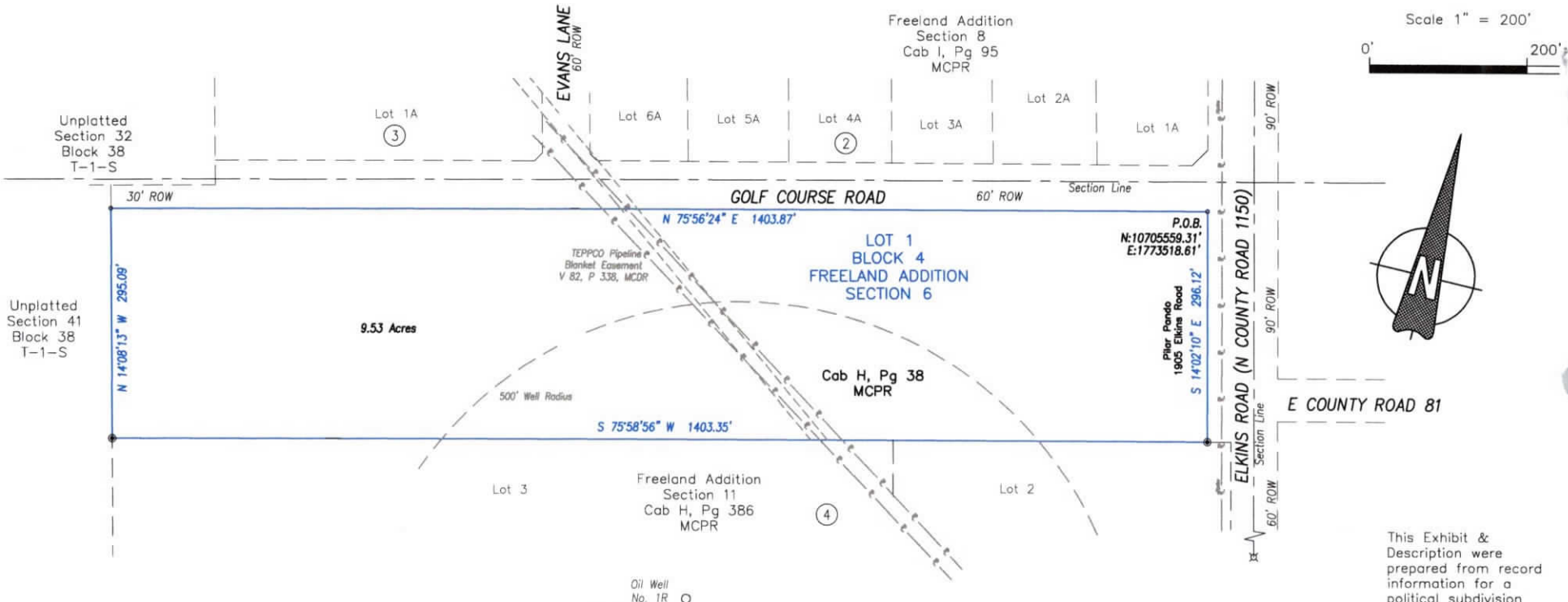
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney



This Exhibit & Description were prepared from record information for a political subdivision (zoning) and do not represent an actual on the ground survey.

EXHIBIT "A"
ZONING EXHIBIT
BEING 9.53 ACRES, ALL OF
LOT 1, BLOCK 4,
FREELAND ADDITION,
SECTION 6,
CITY OF MIDLAND,
MIDLAND COUNTY, TEXAS.



Legal Description for Zoning:

Lot 1, Block 4, Freeland Addition, Section 6 recorded in Cabinet H Page 38, Midland County Plat Records, and located in the City of Midland, Midland County, Texas.

Boundary more fully described by metes and bounds as follows:

Beginning at (N:10705559.31', E:1773518.61') a point in the south right of way line of Golf Course Road and the west right of way line of Elkins Road at the northeast corner of said Lot 1, Block 4, Freeland Addition, Section 6, being the northeast corner of this tract;

Thence South 14°02'10" East with the east line of said Lot 1 and the west right of way line of said Elkins Road, a distance of 296.12 feet to a point at the northeast corner of Lot 2, Block 4, Freeland Addition, Section 11 recorded in Cabinet H Page 386, Midland County Plat Records, for the southeast corner of said Lot 1, being the southeast corner of this tract;

Thence South 75°58'56" West with the south line of said Lot 1 and the north line of said Lot 2, passing the northwest corner of said Lot 2 and the northeast corner Lot 3, said Block 4, Freeland Addition, Section 11, continuing with the south line of said Lot 1 and the north line of said Lot 3 for a total distance of 1403.35 feet to a point at the northwest corner of said Lot 3 for the southwest corner of said Lot 1, being the southwest corner of this tract;

Thence North 14°08'13" West with the west line of said Lot 1, a distance of 295.09 feet to a point in the south right of way line of said Golf Course Road at the northwest corner of said Lot 1, being the northwest corner of this tract;

Thence North 75°56'24" East with the north line of said Lot 1 and the south right of way line of said Golf Course Road, a distance of 1403.87 feet to a to the Point of Beginning.

Containing 9.53 acres of land.

Bearings, distances, and coordinates are relative to the Texas Coordinate System, NAD 83, Central Zone (CORS).

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

11 March 2021



ASB

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

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

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