

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.494-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 5, AND A 0.14-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MH, MANUFACTURED HOUSING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MONTGOMERY AVENUE AND MORAN STREET); 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 1.494-acre tract of land out of the west half of Tract 5, and a 0.14-acre tract of land out of the west half of Tract 6, Lindsay Acres Addition, 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 SF-3, Single-Family Dwelling 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 MH, Manufactured Housing District to SF-3, Single-Family Dwelling 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parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.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

Exhibit A

FIELD NOTE DESCRIPTION OF THE SURVEY OF A 1.494 ACRE TRACT OF LAND OUT OF THE WEST/2 OF TRACT 5, AND THE 0.14 ACRE TRACT OF LAND OUT OF THE WEST/2 OF TRACT 6, LINDSAY ACRES, AN ADDITION TO THE CITY OF MIDLAND, AS PER PLAT OF RECORD IN VOLUME 101, PAGE 85, DEED RECORDS, MIDLAND COUNTY, TEXAS, SAID TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT, A 1/2" REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT AT THE INTERSECTION OF THE NORTH LINE OF A 20 FOOT ALLEY, BEING THE NORTHEAST CORNER OF BLOCK 6, LINDSAY ACRES SECTION 4, WITH THE WEST RIGHT OF WAY LINE OF CAMP STREET;

THENCE SOUTH 76°06'53" WEST 304.01 FEET TO A 1/2" REINF BAR FOUND FOR CORNER OF THIS TRACT OF LAND;

THENCE SOUTH 13°53'06" EAST 20.00 FEET TO A 1/2" REINF BAR SET FOR A CORNER OF THIS TRACT;

THENCE SOUTH 76°06'53" WEST 304.01.01 FEET TO A 1/2" REINF BAR MARKED "RPLS 4170" FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT IN THE EAST RIGHT OF WAY LINE OF MORAN STREET;

THENCE NORTH 13°53'07" WEST 120.00 FEET TO A 1/2" REINF BAR SET FOR THE NORTHWEST CORNER OF THIS TRACT AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF MORAN STREET WITH THE SOUTH RIGHT OF WAY LINE OF WEST MONTGOMERY AVENUE;

THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF WEST MONTGOMERY AVENUE AS FOLLOWS: NORTH 76°06'53" EAST 381.36 FEET TO A 1/2" REINF BAR SET AT THE "PC" OF A CURVE TO THE LEFT; 126.44 FEET ALONG SAID CURVE TO THE LEFT (CURVE DATA AS FOLLOWS: RADIUS=325.00'; DELTA=22°17'24"; CHORD=N64°58'11"E 125.64 FEET) TO A 1/2" REINF BAR SET AT A CURVE TO THE RIGHT; 104.32 FEET ALONG SAID CURVE TO THE RIGHT (CURVE DATA AS FOLLOWS: RADIUS=325.00'; DELTA=18°23'29"; CHORD=N70°31'29"E 103.88') TO A 1/2" REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF WEST MONTGOMERY AVENUE WITH THE WEST RIGHT OF WAY LINE OF CAMP STREET;

THENCE SOUTH 13°53'07" EAST 134.40 FEET ALONG THE WEST RIGHT OF WAY LINE OF CAMP STREET TO THE PLACE OF BEGINNING.