

ORDINANCE NO. 6134

AN ORDINANCE AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED "PLANNED DISTRICT" FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED "PLANNED DISTRICT" FOR A HOUSING DEVELOPMENT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; PROVIDING THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE SITE PLAN, ORDINANCES AND OTHER SPECIFICATIONS SET OUT AND REFERRED TO HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; 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 and the State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map 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 the creation of the "Planned District" set out hereinafter and subject to the conditions and restrictions set out hereinafter;

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

SECTION ONE. That Chapter One, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned "Planned District" for a Housing Development, and it shall be used as an Amended "Planned District" for a Housing Development, subject to the special conditions and restrictions hereinafter set out.

Said property is described as follows:

A 15.017 acre tract of land in Section 2, Block X, H. P. Hilliard Survey, Midland County, Texas, being more fully described by metes and bounds as follows:

Beginning at a point which bears N. 15° 20' 52" W. a distance of 1,886.19 feet and N. 74° 41' 08" a distance of 50.00' from the SW corner of said Section 2, said point being the NW corner of this tract;

24

Thence N. 74° 39' 38" E. a distance of 1,792.42 feet to a point being the NE corner of this tract;

Thence S. 15° 13' 11" E., a distance of 400.81 feet to a point being the SE corner of this tract;

Thence S. 74° 46' 49" W. a distance of 472.09 feet to a point of curvature;

Thence along a curve, said curve having a radius of 10.00 feet, a delta angle of 90° 00' 00", tangent lengths of 10.00 feet, and a chord of 14.14 feet bearing S. 29° 46' 49" W., to a point;

Thence N. 15° 13' 11" W. a distance of 60.00 feet to a point;

Thence S. 74° 46' 49" W. a distance of 1,123.04 feet to a point of curvature;

Thence along a curve to the left, said curve having a radius of 140.00 feet, a delta angle of 20° 15' 36", tangent length of 25.01 feet, and a chord of 49.25 feet bearing S. 64° 39' 01" W., to a point;

Thence S. 54° 31' 13" W., a distance of 103.22 feet to a point of curvature;

Thence around a curve to the right, said curve having a radius of 90.00 feet, a delta angle of 20° 15' 36", tangent lengths of 16.08 feet, and a chord of 31.66 feet bearing S. 64° 23' 39" W., to a point of curvature;

Thence around a curve to the right, said curve having a radius of 10.00 feet, a delta angle of 90° 07' 41", tangent lengths of 10.02 feet, and a chord of 14.16 feet bearing N. 60° 24' 43" W., to a point;

Thence N. 15° 20' 52" W., a distance of 387.26 feet to the place of beginning.

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

1. That said "Planned District" for a Housing Development shall consist of one-family detached dwellings, accessory buildings and uses to serve the residents of the "Planned District". In addition, a detailed site plan for Block 3 is hereby adopted, attached hereto, marked Exhibit "A" and made a part hereof for all legal purposes and that said exhibit shall become a part of this "Planned District" for all purposes and under the rules and regulations promulgated herein.
2. That the site plan shall be complied with in all respects.
3. That, in order to maintain the common areas and facilities thereon, a home-owners' association will be formed. The common areas will be conveyed without charge and free of all liens and encumbrances to a non-profit corporation of which each lot owner will become a member. Provisions shall be made for regular assessments to cover the expense of such maintenance.

4. That, prior to development of any portion of the "Planned District" a subdivision plat or plats, substantially conforming to the site plan, shall be submitted to and approved by the Planning and Zoning Commission of the City of Midland; and, in connection with said plat or plats, restrictive covenants covering said homeowners' association shall be submitted to and approved by the Planning and Zoning Commission and recorded by the City with the final plat.

5. That the following special conditions and restrictions shall apply to Area I as designated on the site plan:

That development and use of said property shall be in accordance with the regulations applicable to a "1F-1", One-Family Dwelling District, as set out in the City Code, except as otherwise provided herein or as permitted or required on the site plan for said development.

SECTION THREE. That 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 FOUR. 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 FIVE. 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 SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance, together with the general penalty provision contained in Section 1-3-1 of the City Code of Midland, Texas, in the manner and for the length of time prescribed by law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 14th day of December, A.D., 1982; and passed to second reading on motion of Councilman Sloan, seconded by Councilman Thomas, by the following vote:

Councilmen voting "AYE": Sloan, Thomas, Davidson, Hatfield, Akins and Marcum

Councilmen voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Councilman Sloan, seconded by Councilman Davidson, on the 11th day of January, A.D., 1983, at a regular meeting of the City Council:


Councilmen voting "AYE": Sloan, Davidson, Marcum, Akins and Hatfield

Councilmen voting "NAY": None

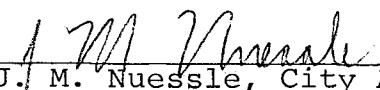
PASSED AND APPROVED THIS 11th day of January, A.D., 1983.


G. Thane Akins, Mayor

ATTEST:


J. W. McCullough, City Secretary

APPROVED AS TO FORM:


J. M. Nuessle, City Attorney