

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.994-ACRE TRACT OF LAND OUT OF SECTION 33, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT, IN PART, AND C, COMMERCIAL DISTRICT, IN PART, TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST WALL STREET AND SOUTH MIDKIFF 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 0.994-acre tract of land out of Section 33, Block 39, T-1-S, T&P RR Co. Survey, 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 RR, Regional Retail 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 RR, Regional Retail District, in part, and C, Commercial District, in part, to RR, Regional Retail 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parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.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., 2025; 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., 2025, at a regular meeting of the City Council:

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2025.

Lori Merritt Blong, Mayor

ATTEST:

Marcia Bentley-German, City Secretary

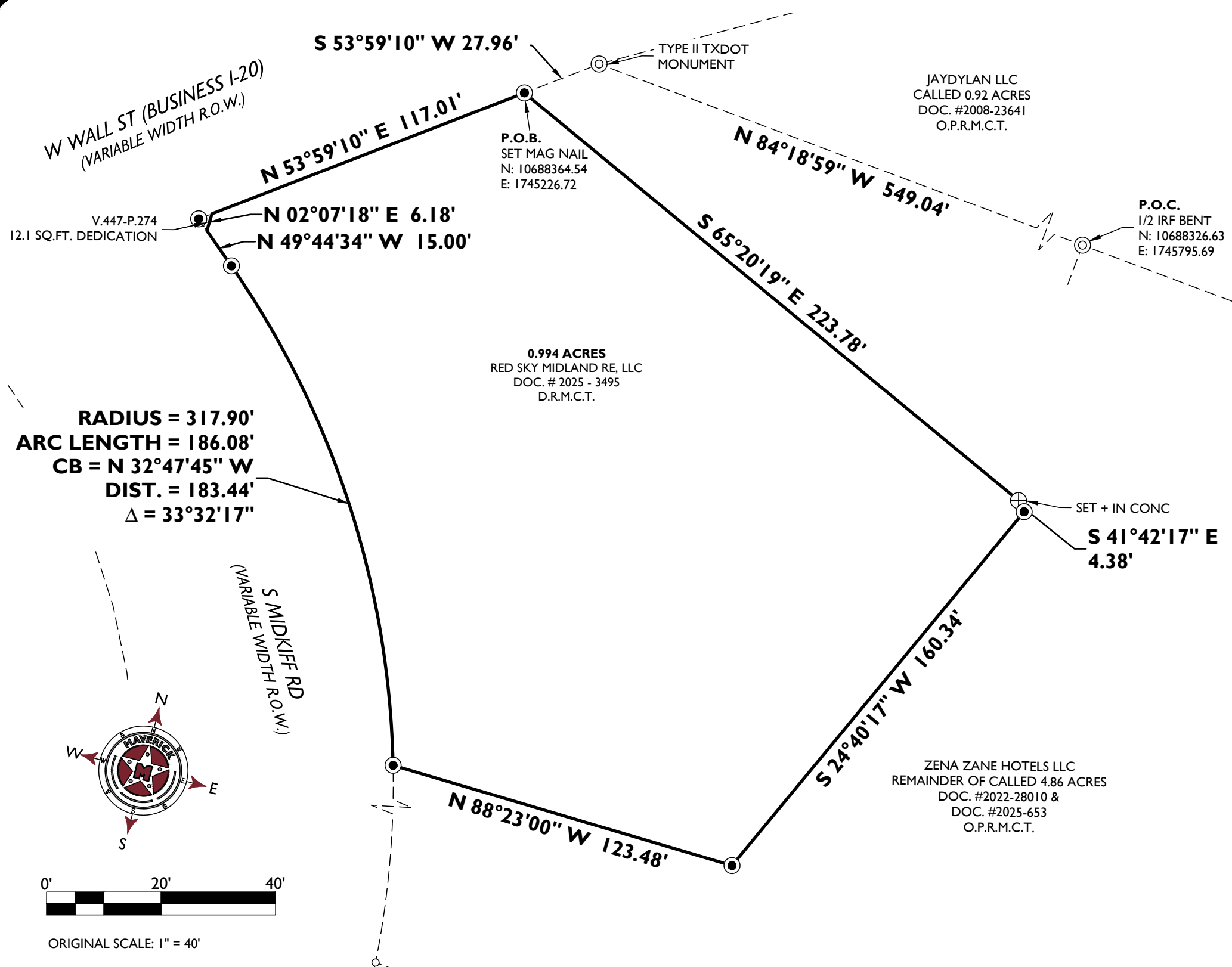
APPROVED AS TO CONTENT
AND COMPLETENESS:

Elizabeth Triggs, Planning and Development Officer

APPROVED ONLY AS TO FORM:

Nicholas Toulet, Interim City Attorney

Drawing: F:\2024\240162-RED SKY HOLDINGS-MURPHY'S MIDLAND-MIDKIFF AND WALL STREET\DRAWINGS\EXHIBIT\240162 - ZONING EXHIBIT.DWG Last Saved By: ADevine on 2/18/25



LEGEND

⊗	"+" SET IN CONCRETE	—	PROPOSED EASEMENT
●	MAG NAIL SET	- - -	PROPERTY LINES
⊙	FOUND MONUMENT AS NOTED	O.P.R.M.C.T.	OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
○	LOT CORNER		

METES & BOUNDS

FIELD NOTE DESCRIPTION OF A 0.994 ACRE TRACT OF LAND, SITUATED IN SECTION 33, BLOCK 39, TOWNSHIP 1 SOUTH, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, MIDLAND COUNTY, TEXAS AND BEING A PORTION OF A CALLED 4.86 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 2022-28010 AND CORRECTED IN DOCUMENT NUMBER 2025-653 OF THE OFFICIAL PUBLIC RECORDS (OPR) OF SAID MIDLAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT N.(y):10688326.63, E.(x):1745795.69, A BENT ONE HALF INCH IRON ROD FOUND IN THE SOUTH LINE OF LOT 2, BLOCK 6, BANKHEAD ADDITION SECTION 12 AS SHOWN ON A PLAT RECORDED IN CABINET M ON PAGE 43 OF THE PLAT RECORDS OF SAID MIDLAND COUNTY, AT THE NORTHWEST CORNER OF A CALLED 1 ACRE TRACT AS DESCRIBED IN VOLUME 1030 ON PAGE 342 OF SAID "OPR", BEING THE NORTHEAST CORNER OF SAID CALLED 4.86 ACRE TRACT, **THENCE** N.84°18'59"W, 549.04 FEET (550.00') TO A TYPE II TxDOT MONUMENT, FOUND ON THE SOUTHEAST LINE OF BUSINESS IH 20, **THENCE** S.53°59'10"W, 27.96 FEET TO A MAG NAIL SET FOR THE **POINT OF BEGINNING** AND BEING THE NORTH CORNER HEREOF;

THENCE S.65°20'19"E, SEVERING SAID 4.86 ACRE TRACT, 223.78 FEET TO A "+" MARKED IN CONCRETE FOR THE NORTH, NORTHEAST CORNER HEREOF;

THENCE S.41°42'17"E, 4.38 FEET TO A MAG NAIL SET FOR THE SOUTH, NORTHEAST CORNER HEREOF;

THENCE S.24°40'17"W, 160.34 FEET TO A MAG NAIL SET FOR THE SOUTHEAST CORNER HEREOF;

THENCE N.88°23'00"W, 123.48 FEET TO A MAG NAIL SET IN THE EAST LINE OF MIDKIFF ROAD FOR A POINT OF DEFLECTION RIGHT FOR A CURVE TO THE LEFT HAVING A RADIUS OF 317.90 FEET AND A CHORD BEARING AND DISTANCE OF N.32°47'45"W, 175.08 FEET;

THENCE ALONG THE ARC OF SAID CURVE BEING CONCAVE TO THIS TRACT AN ARC DISTANCE OF 186.08 FEET TO A MAG NAIL SET AT THE POINT OF TANGENCY HEREOF;

THENCE N.49°44'34"W, ALONG SAID MIDKIFF ROAD, 15.00 FEET TO A POINT AS DESCRIBED IN A DEDICATION DEED RECORDED IN VOLUME 447 ON PAGE 274 OF SAID "OPR" FOR A CUTBACK CORNER HEREOF;

THENCE N.02°07'18"E, ACROSS SAID CUTBACK, 6.18 FEET TO A POINT IN THE SOUTHEAST LINE OF BUSINESS IH 20 FOR THE MOST NORTHERLY WEST CORNER HEREOF;

THENCE N.53°59'10"E, ALONG SAID BUSINESS IH 20 117.01 FEET TO THE **POINT OF BEGINNING** CONTAINING 43,322 SQUARE FEET OR 0.994 ACRE OF LAND.

SURVEY NOTES:

1. BASIS OF BEARING, COORDINATES, DISTANCES AND ACREAGE ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE, NORTH AMERICAN DATUM 1983, U.S. SURVEY FOOT, WITH A CONVERGENCE ANGLE (theta) OF -0°54'48.40" AND A COMBINED SCALE FACTOR OF 0.999896911 AT NGS MIDLAND.



MAVERICK

CIVIL ENGINEERING / LAND SURVEYING

1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

JOB NO.: 240162 FIELD WORK: 10.4.24 DRAWN BY: BK REV 1: REV 2:

I THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE SURVEY INFORMATION FOUND ON THIS PLAT WAS DERIVED FROM FIELD NOTES OR ELECTRONIC DATA OF AN ACTUAL ON-THE-GROUND SURVEY MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. NO WARRANTY IS MADE OR INTENDED FOR THE LOCATION OF ANY OR ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.

GREGORY W. SHOULTS, RPLS #5356
FIRM NO. TX #10194514

FEBRUARY 18, 2025



EXHIBIT A

ZONING BOUNDARY EXHIBIT

BEING A 0.994 ACRE TRACT OF LAND, SITUATED IN SECTION 33, BLOCK 39, TOWNSHIP 1 SOUTH, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, MIDLAND COUNTY TEXAS.