

ORDINANCE NO. 2010-

AN ORDINANCE AMENDING ORDINANCE NO. 2005-24 FOR A SPECIAL USE PERMIT (SUP10-04 SOUTH HAMMOCK #4) FOR "MINING AND DRILLING" USE [OIL AND GAS] IN THE "IL" (LIMITED INDUSTRIAL) ZONING DISTRICT ON APPROXIMATELY 2.8 ACRES, LEGALLY DESCRIBED AS PORTIONS OF LOTS 27-1 AND 27-2 OF THE LEAGUE CITY DIVISION C, GENERALLY LOCATED NORTH OF AUSTIN STREET AND EAST OF TEXAS AVENUE, WITH THE APPROXIMATE ADDRESS BEING 920 TEXAS AVENUE

WHEREAS, at the May 1, 1999 General Election the qualified voters of the City of League City voted that staff proceed with the concept of zoning for the City; and

WHEREAS, on August 10, 1999, the City Council of the City of League City, Texas (the "City Council") adopted Ordinance No. 99-52 amending the Code of Ordinances of the City of League City to add Chapter 125 regarding zoning; and

WHEREAS, on August 30, 2005, the City Council adopted Ordinance No. 2005-24 amending Chapter 125 of the Code of Ordinances of the City of League City and adopting zoning ordinances consistent with the Comprehensive Plan for the City of League City, Texas; and

WHEREAS, Chapter 125, Section 125-50 provides that the City Council of the City of League City Texas may grant a special use permit for special uses that are otherwise prohibited by this section and may impose appropriate conditions and safeguards to conserve and protect property and property values in the neighborhood; and

WHEREAS, the owners of that certain 2.8-acre parcel of land legally described as portions of Lots 27-1 and 27-2 of the League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue, are requesting a special use permit for mining and drilling use (oil and gas); and

WHEREAS, the City Council of the City of League City, considered the affirmative recommendation of the Planning and Zoning Commission and duly conducted a public hearing as required by law; and

WHEREAS, the applicant presented adequate testimony that the proposed use for "mining and drilling" use [oil and gas] is consistent with the standards for issuance of a special use permit; and

WHEREAS, the City Council of the City of League City has discretionary authority under Chapter 125, Section 125-50 and applicable law to grant or withhold approval of a special use permit.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, that:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. That a special use permit is hereby granted and the 2.8-acre parcel of land, legally described as portions of Lots 27-1 and 27-2 of the League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue as depicted on the notification map attached as Exhibit "A," is hereby conferred a permitted special use for a "mining and drilling" use [oil and gas] subject to the following conditions:

1. Prior to final reading of this ordinance, the applicant shall post a bond for Austin Street and Texas Avenue.
2. Prior to final reading of this ordinance, the applicant shall remit \$7,500 as a license fee.
3. Prior to final reading of this ordinance, the applicant shall submit proof of public liability insurance covering all of their operations within the City in bodily injury limits of not less than \$10,000,000 for each person and not less than \$3,000,000 for each accident.
4. At completion of drilling, the applicant shall restore the site, request rezoning of the property to a zoning district compatible with the surrounding area at the time, and provide a copy of the plugging report as submitted to the Texas Railroad Commission.
5. The applicant shall provide to the Engineering Department copies of Form W-1 prior to obtaining their drilling permit and Form W-2 after completion of drilling as submitted to the Texas Railroad Commission.
6. After the 25-day drilling period, the applicant shall schedule deliveries and/or pickups between 6:00 a.m. and 10:00 p.m. and shall observe routes as denoted on the Traffic Routing and Management Plan.
7. If and when the well is operational, the applicant shall plant no less than 3-inch caliper trees in the buffer yard.
8. Prior to drilling, the applicant shall increase the width of the right-of-way along Texas Avenue and at the intersection of Texas Avenue and Austin Street with temporary materials to accommodate the turning radius of large trucks at the site entrance.
9. The applicant shall ensure no venting of natural gas at any time from this site.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on first reading the ____ day of _____, 2010.

PASSED on second reading the ____ day of _____, 2010.

PASSED AND ADOPTED on the _____ day of _____, 2010.

TONI RANDALL
Mayor

ATTEST:

BARBARA F. LONG
City Secretary