

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, PROVIDING FOR AN EXTENSION OF TIME TO CONTINUE GAS WELL DRILLING AND PRODUCTION ACTIVITIES PURSUANT TO SPECIFIC USE PERMIT ORDINANCE NO. 1709-08; PROVIDING FOR SUPPLEMENTAL CONDITIONS TO THE EXTENSION OF TIME; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

**WHEREAS**, on September 8, 2008 the City Council of the City of Mansfield approved Specific Use Permit Ordinance No. 1709-08, which governs the oil and gas well drilling and production activities on property described as 7.525 acres out of the Henry McGehee Survey, Abstract No. 998, City of Mansfield, Tarrant County, Texas; and

**WHEREAS**, Specific Use Permit Ordinance No. 1709-08 provides, in relevant part, that up to 36 wells “will be drilled within five years of approval date or require reauthorization of the SUP;”

**WHEREAS**, the applicant for Specific Use Permit Ordinance No. 1709-08 now seeks “reauthorization of the SUP;” and

**WHEREAS**, the City Council of the City of Mansfield Texas, has evaluated the request and has determined that it is in the best interest of the public health, safety and general welfare to approve such request, subject to the conditions and criteria set forth herein.

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

**SECTION 1.**

That the gas well drilling and production activities authorized pursuant to Specific Use Permit Ordinance No. 1709-08 for property described as 7.525 acres out of the Henry McGehee Survey, Abstract No. 998, City of Mansfield, Tarrant County, Texas (the “Property”) are hereby approved beginning on September 9, 2013 and continuing for a period of five (5) years from the date of the third and final reading of this ordinance. Not sooner than the four year anniversary and prior to the five year anniversary of the third and final reading of this ordinance, an

additional extension of time, not to exceed five years in duration, may be sought, subject to the following procedural requirements:

1. An additional extension must be approved by Ordinance, duly adopted by the City Council of the City of Mansfield; and

2. A public hearing must be conducted. Written notice of the public hearing shall be sent by mail through the United States Postal Service to the owners of real property, as they appear on the last approved City tax roll, lying within two hundred (200) feet from the boundary of the Property, not less than fifteen (15) days prior to the date of the hearing. In addition, notice of the public hearing shall published be in the official newspaper, or a paper of general circulation, in the City of Mansfield not less than fifteen (15) days prior to the date of the hearing.

Additional extensions of time may be sought subject to the limitations set forth in this Section 1.

## **SECTION 2.**

That the gas well drilling and production activities on the Property must be conducted in accordance with: 1) the supplemental conditions set forth of the site plan depicted in Exhibit “A,” attached hereto and made a part hereof for all purposes; and 2) Specific Use Permit Ordinance No. 1709-08, as modified by this Ordinance.

## **SECTION 3.**

That Exhibit “A,” attached hereto and made a part hereof for all purposes, and the conditions imposed by this Ordinance do not constitute a material change to the project approved by Specific Use Permit Ordinance No. 1709-08, and that the project approved by Specific Use Permit Ordinance No. 1709-08 and this Ordinance (the “Project”) is subject to vested rights pursuant to Chapter 245 of the Texas Local Government Code, and shall not be adversely impacted by the future establishment of a park use or trail in the area south of the frac pond, as shown on Exhibit “A,” or the future adoption, if any, of an ordinance by the City of Mansfield enacting any requirement that impacts gas well drilling and production on the Property based on its proximity to a park use or trail. The gas well drilling and production activities authorized and strictly governed by this Ordinance are permitted regardless of whether a park use or trail is established in the area shown on the dedication exhibit attached as part of Exhibit “A.” The proximity or setback of such a park use or trail shall not be a valid basis for denying a request for an extension pursuant to Section 1 of this Ordinance. This Section 3 shall be broadly construed to prevent any impairment of the Project; provided, however, nothing in this Section 3 shall be construed to prevent the otherwise lawful denial of a request for an extension pursuant to Section 1 of this Ordinance.

## **SECTION 4.**

That this ordinance shall be cumulative of all other ordinances of the City of Mansfield and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

## **SECTION 5.**

That all rights or remedies of the City of Mansfield, Texas, are expressly saved as to any and all violations of the City Code or any amendments thereto regarding oil and gas well drilling and production activities that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

## **SECTION 6.**

Any person, firm or corporation violating any of the provisions of this ordinance or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

## **SECTION 7.**

The City Secretary of the City of Mansfield is hereby directed to publish the caption and penalty clause of this ordinance at least once in the official newspaper of the City of Mansfield.

## **SECTION 8.**

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the 8<sup>th</sup> day of December, 2014.

Second reading approved on the \_\_\_\_ day of \_\_\_\_\_, 2015.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**David L. Cook, Mayor**

ATTEST:

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**Vicki Collins, City Secretary**

APPROVED AS TO FORM AND LEGALITY

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**Allen Taylor, City Attorney**