

City of Magnolia, Texas

Ordinance No. 2008-139

AN ORDINANCE AMENDING ORDINANCE NUMBER 340 OF THE CITY OF MAGNOLIA, TEXAS, PROVIDING IT UNLAWFUL FOR ANY PERSON TO CAUSE OR PERMIT THE DRILLING OF ANY WELL FOR THE EXPLORATION OR PRODUCTION OF OIL, GAS, OR OTHER HYDROCARBON WITHIN 400 FEET OF ANY RESIDENCE OR COMMERCIAL BUILDING, OR ANY LOT CREATED PURSUANT TO A SUBDIVISION PLAT DULY APPROVED BY THE CITY, AND FILED OF RECORD WITH THE COUNTY CLERK OF MONTGOMERY COUNTY, TEXAS, AND WHICH LOT IS RESTRICTED TO SINGLE FAMILY RESIDENTIAL USE; PENALTIES; AND OTHER PROVISIONS RELATING THERETO, BY ADDING A NEW SUBSECTION (e) TO SECTION 2 OF ORDINANCE NUMBER 340.

WHEREAS, the City Council of the City of Magnolia, Texas has heretofore adopted an ordinance providing for regulation of the drilling of any well for the exploration or production of oil, gas or other hydrocarbon, being Ordinance Number 340 on the 25th day of May, 2004, and

WHEREAS, said Ordinance Number 340, Section 2 provides for drill site set-backs;

WHEREAS, the City Council of the City of Magnolia has determined that said ordinance should be amended to add public parks for drill site set-backs to apply; and

WHEREAS, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; and

AND NOW THEREFORE, BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

1. The City Council of the City of Magnolia having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein.
2. Ordinance Number 340 of the City of Magnolia, Texas is hereby amended by adding the following new Subsection (e) to Section 2. Drill Site Set-Backs:

Section 2. Drill Site Set-Backs.

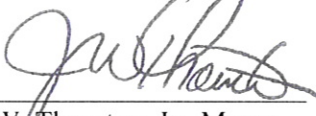
(e) any public park within the City of Magnolia, Texas.

3. The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act.
The City Secretary is instructed to publish the Caption of this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code at which time this Ordinance takes effect. The City Secretary is directed to attach the notice and date of publication to this Ordinance.

PRESENTED on the 10th day of November, 2008, and passed and approved by a vote of 3 ayes and 0 nays at a regular meeting of the City Council of the City of Magnolia, Texas.

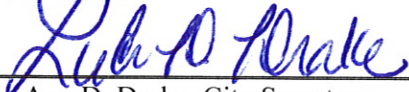
APPROVED and **EXECUTED** this, the 10th day of November, 2008.

CITY OF MAGNOLIA, TEXAS



Jimmy W. Thornton, Jr., Mayor

Attest:



LuAnn D. Drake, City Secretary

City Seal