

ORDINANCE NO. 354-93

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN TRACTS OF LAND HEREINAFTER MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS INTO THE CITY OF WILLOW PARK, TEXAS FOR ALL MUNICIPAL PURPOSES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas is a Type A general-law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, a Petition Requesting Annexation of a certain tract of land was received by the City of Willow Park; such Petition being attached hereto as Exhibit "A", and incorporated herein for all purposes; and

WHEREAS, the Petition described the area to be annexed by metes and bounds and was acknowledged in the manner required for deeds by each person having an interest in the area; and

WHEREAS, notice was published in the City's official newspaper of general circulation to hold, and such public hearings were held, in accordance with the requirements Chapter 43 of the of Local Government Code; and

WHEREAS, at the time of consideration of this ordinance, not less than 20 nor more than 40 days have passed since the time of such public hearings; and

WHEREAS, all of the property described herein is adjacent to and within one-half mile of the present city limits of the City of Willow Park, Texas, and is within the extraterritorial jurisdiction of the City of Willow Park; and

WHEREAS, the property to be annexed is currently receiving City of Willow Park city services; and

WHEREAS, all requirements of law have been met to require this annexation, including compliance with the provisions of Chapter 43 of the Local Government Code:

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

SECTION 1

That the certain tract of land hereinafter described by metes and bounds and located in Parker County in Texas, and graphically depicted in Exhibit "A" to this ordinance, is hereby annexed to the City of Willow Park as a part of the City for all municipal purposes, and the city limits are hereby extended to include the following territory

Beginning at an iron in the south line of said **MCCARVER SURVEY** and the north line of the **WESLEY FRANKLIN SURVEY**, Abstract No. 468, Parker County, Texas, being the most southerly southwest corner of said Dow tract; **THENCE** N 63 deg. 02 min. 42 sec. W, along a fence line, 380.89 feet to a point; **THENCE** N 17 deg. 22 min. 20 sec. E, along a fence line, 95.16 feet to a point; **THENCE** S 49 deg. 44 min. 17 sec. W, 407.67 feet to the **POINT OF BEGINNING** and containing 0.410 acres (17,870 square feet) of land.

SECTION 2

That the certain tract of land hereinafter described by metes and bounds and located in Parker County in Texas, and graphically depicted in Exhibit "A" to this ordinance, is hereby annexed to the City of Willow Park as a part of the City for all municipal purposes, and the city limits are hereby extended to include the following territory:

BEGINNING at a 1" pipe at the southeast corner of said Dow tract said point being the most westerly corner of Block 12, Willow Wood, an Addition to the City of Willow Park, Parker County, Texas, according to the Plat recorded in Volume 361-A, Page 32, Plat Records, Parker County, Texas, said point also being in the south line of said McCarver Survey and the north line of the Wesley Franklin Survey, Abstract No. 468, Parker County, Texas.

THENCE N 89 deg. 40' 13" W, along the south. line of said Dow tract and along the common line of said McCarver and Franklin Surveys, 752.58 feet to a 1/2" iron;

THENCE N 00 deg. 22' 31" E, 362.89 feet to a 1/2" iron;

THENCE S 89 deg. 40' 13" E, parallel to the south line of said Dow tract, 855.07 feet to a 4" pipe post in the west line of said Block 12, Willow Wood;

THENCE S 16 deg. 08' 35" W, along the west line of said Block 12, a distance of 377.17 feet to the POINT OF BEGINNING and containing 6.697 acres (291,702 square feet) of land, more or less.

SECTION 3

The Service Plan, attached hereto as Exhibit "B," and incorporated herein, is approved in all things and made a part of this ordinance for all purposes.

SECTION 4

This ordinance shall be cumulative of all provisions of ordinances of the City of Willow Park, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5

Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof ineffective or inapplicable as to any territory, unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Willow Park, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of such area, and the City Council hereby declares it to be its purpose to annex to the City of Willow Park every part of the area described in Section 1 and Section 2 of this ordinance, regardless of whether any other part of such described area is hereby effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in Section 1 of this ordinance to be hereby annexed to the City of Willow Park any lands or area which are presently part of and included within the limits of the City of Willow Park, or which are presently part of and included within the limits of any other City, Town or Village, or which are not within the City of Willow Park's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be hereby annexed as fully as if such excluded and excepted area were expressly described herein.

SECTION 6

The City Secretary of the City of Willow Park is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

SECTION 7

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 2ND DAY OF DECEMBER, 1993

William J. Clemens

MAYOR

ATTEST:

Barbara Kilough

CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Walter W. Leonard

City Attorney

Date: 12/2/93

ADOPTED: _____

EFFECTIVE: _____

PETITION REQUESTING ANNEXATION

STATE OF TEXAS §
 §
COUNTY OF PARKER §

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF WILLOW PARK, PARKER COUNTY, TEXAS:

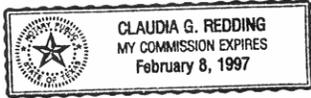
The undersigned owners of the hereinafter described tracts of land, being more particularly described by metes and bounds in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein by reference for all purposes of this Petition, do hereby petition your Honorable Body to annex all parts of the above-referenced tracts of land in the City of Willow Park so that the entire above-referenced tracts shall be included within the incorporated City of Willow Park, Texas, and do hereby certify and represent the following:

1. The tracts described in Exhibit "A" and Exhibit "B" are one-half mile or less in width and contiguous to the City of Willow Park; and
2. The tracts described in Exhibit "A" and Exhibit "B" are vacant and without residents, or fewer than three qualified voters reside thereon; and
3. The tracts described in Exhibit "A" and Exhibit "B" are owned by Trinity Meadows Raceway, Inc., and no other entity or person has an ownership interest in said tracts.
4. This annexation petition is made specifically contingent upon the city granting proper zoning for the operation of a racetrack upon the property so described, as set forth in Ordinance 338-93.
5. Jack Johnson, certifies that he holds the position of President of Trinity Meadows Raceway, Inc. and is the duly authorized agent of said corporation, and as such has the authority to sign this petition on behalf of said corporation

Jack Johnson
President
Trinity Meadows Raceway, Inc.

STATE OF TEXAS §
 §
COUNTY OF PARKER §

This instrument was acknowledged before me on the 6th day of August, 1993, by Jack Johnson, President of Trinity Meadows Raceway, Inc., a Texas corporation, on behalf of said corporation.



My Commission Expires:
2/8/97

Claudia G. Redding
Notary Public in and
State of Texas
Claudia G. Redding
Type or Print Notary's Name