

# *CITY OF WILLOW PARK*

ORDINANCE NO. 480-02

## **AN ORDINANCE ABANDONING THAT CERTAIN SANITARY OR WATER EASEMENT RECORDED IN PLAT CABINET A, SLIDE 303 PLAT RECORDS, PARKER COUNTY, TEXAS FOR LOT 43D LAGUNA VISTA ESTATES; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Willow Park is a municipal corporation organized under the laws of the State of Texas; and

**WHEREAS**, it is intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

**WHEREAS**, James M. Squyres and Susan B. Squyres are the owners of property whose address is 4115 Indian Camp Road, such property being further described as Lot 42D and 43D Laguna Vista Estates, an addition to the City of Willow Park, Parker County, Texas according to a plat of said addition filed of record in Volume 359A, page 68 Deed Records, Parker County, Texas and according to a plat recorded in Plat Cabinet A, Slide 303 Plat Records, Parker County, Texas; and

**WHEREAS**, the City has acquired, used, and maintained a water and sanitary easement as shown on Exhibit A, attached hereto, for a municipal water well that the City has abandoned and no longer utilizes; and

**WHEREAS**, the water easement depicted on Exhibit A located in Lot 43D Laguna Vista Estate, an Addition to the City of Willow Park, Parker County, Texas, according to the plat recorded in Plat Cabinet A, Slide 303 Plat Records, Parker County, Texas is not needed for public use and the same should be abandoned and vacated in exchange for a sanitary easement which supports or is associated and is necessary for "Water Well Number 1" as displayed on Exhibit B, attached hereto, which will be conveyed to the City by said James M. Squyres and Susan B. Squyres; and

**WHEREAS**, the City Council of the City of Willow Park is of the opinion that the best interest

and welfare of the public would be served by abandoning and vacating the water easement shown in Exhibit A in exchange for and in consideration of the conveyance of the sanitary easement shown in Exhibit B to the City;

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

### SECTION 1. AUTHORITY

The Mayor, or his designee, is hereby authorized and directed to implement the applicable provisions of this ordinance as relates to the enforcement of the speed zones contained herein, within the municipal boundaries of the City of Willow Park, Texas.

### SECTION 2. ABANDONMENT

The water easement shown and depicted in Exhibit A, which is attached hereto and made a part hereof, that encumbers Lot 43D, Laguna Vista Estates according to plat recorded in Plat Cabinet A, Slide 303 Plat Records, Parker County, Texas is hereby vacated and abandoned.

### SECTION 3. RECORDING

The City Secretary of the City of Willow Park is instructed to file a copy of the amended plat of Lot 43D (which reflects this ordinance no.) with the Real Property Records of the City of Willow Park and the Real Property Records of Parker County, Texas when the City has received the conveyance of the sanitary easement from James M. and Susan B. Squyres as shown in Exhibit B, hereto.

### SECTION 4. RESTRICTIONS

The abandonment provided for herein is made subject to all present zoning and deed restrictions and is subject to all pre-existing rights of others, if any, whether apparent or non-apparent, arial, surface, underground or otherwise.

SECTION 5. BINDING

The terms and conditions contained in this ordinance shall be binding upon the Grantee, its successors and assigns.

SECTION 6. TITLE

The abandonment provided for herein shall extend only to that public right, title, easement and interest and shall be construed only to the extent of that interest which the governing body of the City of Willow Park may legally and lawfully abandon and vacate.

SECTION 7. SEVERABLILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 8. EFFECTIVE DATE

The Willow Park City Council in acting on Ordinance No. 480-02, did on the 16th day of March 2002 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	_____	_____
Scott Rule, Place 1	<u>  X  </u>	_____
Terry Skaggs, Place 2	<u>  X  </u>	_____
Marvin Glasgow, Place 3	<u>  X  </u>	_____
Robin Brown, Place 4	<u>  X  </u>	_____
Gerald Liepert, Place 5	_____	_____

This Ordinance shall be effective on or after its adoption, but is contingent upon the receipt and filing by the City of the sanitary easement described in Exhibit B.

PASSED AND ADOPTED this 16th day of March, 2002.

/s/ James H. Poythress  
Mayor

ATTEST:

/s/ Candice J. Weaver  
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ Rider Scott  
City Attorney