

CITY OF WILLOW PARK

ORDINANCE NO. 482-02

AN ORDINANCE VACATING THAT CERTAIN PLAT THAT IS A SUBDIVISION OF A TRACT OF LAND IN THE JOHN COLE SURVEY ABSTRACT NO. 218 FILED OF RECORD PLAT CABINET A, SLIDE 613 PARKER COUNTY REAL PROPERTY RECORD 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, Jeffery B. Duke is the record owner of all lots and property contained within the boundaries of the plat entitled Willow Park Health Center, a subdivision of a tract of land in the John Cole Survey, Abstract No. 218 filed of record in Plat Cabinet A, Slide 613, Parker County Real Property Records. Said plat, being Lot 1, Block 1, Willow Park Health Center, was approved by the City Council of the City of Willow Park on April 6, 1987 and the parent tract, shown as James D. Atchley, Trustee as recorded in Vol. 1331, pg. 1748 Parker County Real Property Records; and

WHEREAS, Jeffrey B. Duke signed an affidavit that he is the record owner of all property contained within the boundaries of the plat and Atchley tract containing approximately 4.144 acres as depicted on Exhibit A hereto. There are no other owners of lots or other property within the subdivision plat and property as described save and except for that owned by the aforementioned Jeffrey B. Duke; and

WHEREAS, the said Jeffrey B. Duke has properly applied for vacation of the plat herein described as Willow Park Heath Center. All conditions precedent

thereto, as required by Chapter 211, TEXAS GOVERNMENT CODE, including notice to adjacent property owners, notice by publication and public hearing and all oilier procedural requirements have been met; and

WHEREAS, more than 15 years have transpired since the platting of Lot 1, Block 1, Willow Park Health Center on April 6, 1987 and no construction or improvement of any nature has been built thereon during that period; and

WHEREAS, the City Council of the City of Willow Park is of the opinion that the best interests and welfare of the public would be served by vacating the said plat and all dedications and conveyances thereon described as Lot 1, Block 1, Willow Park Health Center, as filed in Plat Cabinet A, Slide 613, Parker County Real Property Records, to allow subsequent development of the subject property and property adjacent thereto.

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 speed zones contained herein, within the municipal boundaries of the City of Willow Park, Texas.

SECTION 2. VACATING PLAT

All that certain subdivision plat described as Willow Park Health Center that certain tract of land in the John A. Cole survey Number 218, Willow Park Health Center Lot 1, Block 1, approved by the Willow Park City Council on April 6, 1987, and filed of record in Plat Cabinet A, Slide 613 is hereby vacated along with all dedications and conveyances thereon.

SECTION 3. RECORDING

The City Secretary of the City of Willow Park is hereby instructed to file a copy of the plat entitled Willow Park Health Center, Lot 1, Block 1 with the inscription "vacated by Ordinance 482-02, May 21, 2002, City of Willow Park" with the Real Property Records of the City and the Real Property Records of Parker County, Texas.

SECTION 4. RESTRICTIONS

The plat vacation 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 plat vacation 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. SEVERABILITY

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. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 9. EFFECTIVE DATE

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 21st day of May, 2002.

/s/ James H. Poythress
Mayor

ATTEST:

/s/ Candice J. Weaver
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ Rider Scott
City Attorney

The Willow Park City Council in acting on Ordinance No. 482-02, did on the 21st day of May 2002 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	_____	_____
Scott Rule, Place 1	<u> xxx </u>	_____
Terry Skaggs, Place 2	<u> xxx </u>	_____
Brad Johnson, Place 3	<u> xxx </u>	_____
Jason Ellerbusch, Place 4	<u> xxx </u>	_____
Hale Alderman, Place 5	<u> xxx </u>	_____