

CITY OF WILLOW PARK

ORDINANCE NO. 514-04

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR THE ADOPTION OF A SPECIAL EXCEPTION USE FOR THAT CERTAIN TRACT OF LAND, LOT 1, BLOCK 100, EL CHICO ADDITION OF THE CITY OF WILLOW PARK, TEXAS; PROVIDING FOR A PENALTY, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE

WHEREAS, the City of Willow Park, is a municipal corporation duly and legally formed in the State of Texas; and

WHEREAS, the City is a general law municipality with specific powers delegated to it to protect the health, safety and general welfare of its citizens; and,

WHEREAS, pursuant to Chapter 211 TEXAS LOCAL GOVERNMENT CODE, the City of Willow Park has the authority to adopt uniform zoning districts and to amend said districts for the purposes of promoting the health, safety and welfare of the City; and

WHEREAS, the City is delegated the authority to adopt zoning regulations and districts to protect the public health, safety, morals and general welfare of the City pursuant to §211.002 TEX. LOCAL GOVT. CODE, and

WHEREAS, the location and use of buildings or other structures is a permissible regulation under the zoning authorization delegated to the City pursuant to §211.003(a)(5) *id.*; and

WHEREAS, the City has developed both a Comprehensive Plan consistent with §213.001 *et seq. id.* and adopted Chapter 12 "Zoning" to the Municipal Code of Ordinances of the City of Willow Park, Texas (Ordinance 414-97; Dec. 16, 1997); and

WHEREAS, §12.504 provides for Class II Zoning Districts further defined as "Residential: R-1 Single Family Districts" which contain Special Exception Uses in subparagraph A, a special exception subclause 9; and

WHEREAS, Planning and Zoning Commission of the City of Willow Park, Texas has conducted a public hearing concerning the

application submitted on behalf of Stockman Group, L.L.C. for that certain tract of land generally described by Warranty Deed filed of record in volume 2056, page 1748 Real Property Records of Parker County concerning proposed use of the property, modifications, construction, improvements, erosion control and mitigation; and

WHEREAS, subject to the conditions imposed by Planning and Zoning Commission, a recommendation has been made to the City Council to grant the Special Exception Use as conditioned.

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

SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. SPECIAL EXCEPTION USE

1. A Special Exception Use is hereby granted to that certain tract described in Exhibit "A" and shown in Exhibit "B", specifically subject to the conditions recommended by the Planning and Zoning Commission and adopted by the City Council as enumerated in Exhibit "C" hereto.

2. The Special Exception Use is granted for the specific purpose of providing emergency medical services for the City of Willow Park and surrounding areas through the location of emergency medical equipment of various trauma levels to be staged or located on the subject tract.

3. Should the Subject tract granted the Special Exception Use herein cease to be used as a facility to stage and dispatch emergency medical equipment of

various trauma levels indicated, the Special Exception Use granted herein shall terminate and become void.

4. Special exception use granted herein does not run with the land and is not transferable or assignable by the owner of the property except with the explicit written permission of the City, in the City's sole discretion.

SECTION 3. LAWFUL COMPLIANCE

1. The Applicant or Owner of the property granted the special exception use herein is solely responsible for compliance with all restrictive covenants, laws, regulations, standards, conditions or rules concerning the use of the property so approved.

2. Any violation of the laws, regulations, rules conditions, covenants or standards above shall be remedied by the property owner or occupant within fourteen (14) days after notice. Failure to remedy or cure any violation so noticed shall be deemed a violation of the Special Exception Use and subject same to cancellation at the sole discretion of the City.

SECTION 4. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of other provisions or applications, and to this end the provisions of this ordinance are severable.

The Willow Park City Council in acting on Ordinance No. 514-04, did on the 20th day of April 2004 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
James H. Poythress, Mayor	_____	_____
Scott Rule, Place 1	_____	_____
Terry Skaggs, Place 2	<u>X</u>	_____
Brad Johnson, Place 3	<u>K</u>	_____
Jason Ellerbusch, Place 4	<u>X</u>	_____
Marvin Glasgow, Place 5	<u>X</u>	_____

SECTION 5. 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 6. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Willow Park and after publication as required herein.

PASSED AND ADOPTED this 20th day of April, 2004.

James H. Poythress
/s/ _____
Mayor

ATTEST:
Candice Weaver
/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

ALAMO TITLE COMPANY
8700088-CB-Alamo

Doc Bk Vol Pg
88462764 DR 2056 1748

CASH WARRANTY DEED

Date: November 1, 2002

Grantor: May Advertising Corporation of Texas

Grantor's Mailing Address (including county):
P.O. Box 161789
Fort Worth, Texas 76161

Grantee: Stockman Group, LLC

Grantee's Mailing Address (including county)
113 McKinzie Lane
Weatherford, Parker County Texas 76087

Consideration:

TEN AND NO/100 DOLLARS and other good and valuable consideration the receipt of which is hereby acknowledged.

Property (including any improvements):

Lot 1, Block 100, El Chico Addition, an addition to the City of Willow Park, Parker County, Texas, according to the plat recorded in Volume 360-A, page B. Plat Records, Parker County, Texas.

Reservations From and Exceptions to Conveyance and Warranty:

Easements, rights-of-way and reservations, if any, affecting the Property which appear of record; all laws, rules, ordinances and regulations, if any, of any governmental authority to which the property is subject; and all taxes assessed against the property for the year 2002 which Grantee, having received credit from Grantor for its prorata share of such taxes at the time of the delivery of this deed, assumes and agrees to pay when due.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators,

successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to

Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

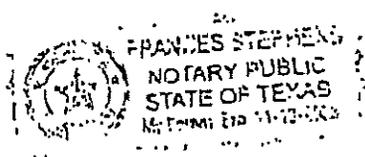
May Advertising Corporation of Texas

By: [Signature]
Don J. Horn, President

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF PARKER §

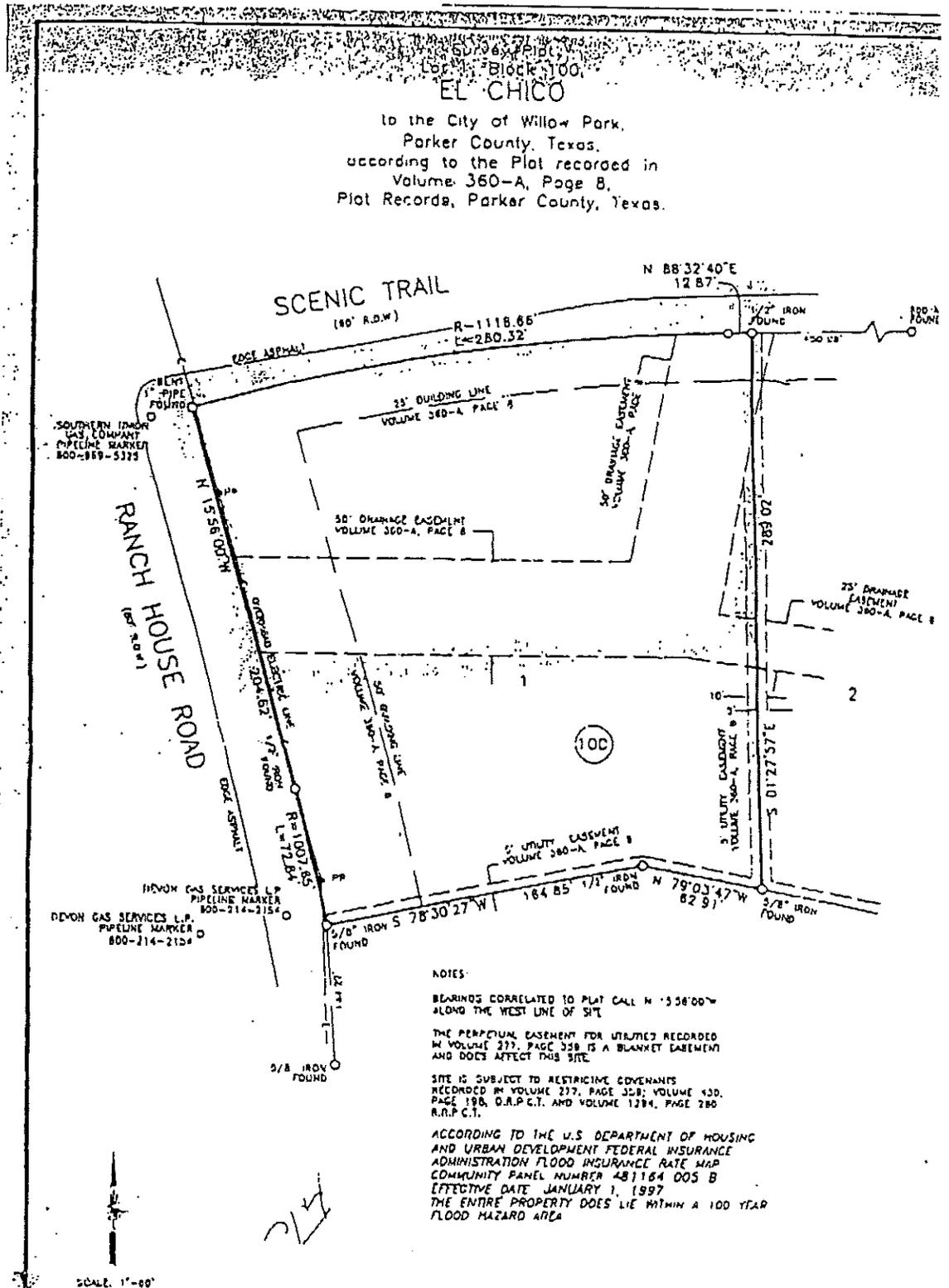
This instrument was acknowledged before me on November 1, 2002, by Don J. Horn, President of May Advertising Corporation of Texas, a Texas Corporation.



[Signature]
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Stockman Group, LLC
113 McKinzie Lane
Weatherford, Texas 76087

Block 100
EL CHICO
 to the City of Willow Park,
 Parker County, Texas,
 according to the Plat recorded in
 Volume 360-A, Page 8,
 Plat Records, Parker County, Texas.



THE PLAT HEREIN WAS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND OF THE LEGALLY DESCRIBED PROPERTY AS SHOWN HEREIN. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT, THE SIZE, LOCATION AND TYPE OF BUILDINGS AND APPROXIMATE AREAS SHOWN, ALL ENCROACHMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY, EXCEPT AS SHOWN SET BACK FROM THE PROPERTY LINES THE DISTANCES INDICATED, AND THE DISTANCE FROM THE NEAREST INTERSECTING STREET OR ROAD AS SHOWN ON SAID PLAT, THERE ARE NO ENCROACHMENTS, PROTRUSIONS, OR APPARENT EASEMENTS EXCEPT AS SHOWN.

MIZELL BAND SURVEYING, INC.

Brent A. Mizell
BRENT A. MIZELL
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 1047

Exhibit 'B'



Special Exception Use, Residential: 'R-1' Single Family Conditions for Development

This Special Exception Use is conditionally granted for a Special Exception Use by a political subdivision or special district providing medical related emergency health services for the benefit of the general public including residents of Willow Park, Texas. The exception is granted subject to the following enumerated conditions and requirements, non-compliance with any conditions shall void the exception granted.

- Structure is to be designed similar to and consistent with residential structures in the immediate proximity
- Structure, exclusive of bay or garage openings, is to be covered with 75% masonry
- Roof line must be pitched and covered with composite shingles similar to residential structures in the immediate proximity
- Vehicles utilized by the District shall be contained within the structure; the bay or garage doors will remain closed at all times except when such vehicles are operational
- Employees of the District providing services at the facility shall not park on Scenic Trail
- The grounds of the structure shall be landscaped similar to single family residential structures including grass or vegetative cover, with three minimum 8" diameter trees planted
- No external illumination shall be permitted except that which is reasonably necessary when an emergency vehicle is in actual use
- Emergency equipment on a vehicle shall not be engaged until the vehicle has entered onto Ranch House Road
- Landscape and ground cover shall be maintained in a presentable fashion at all times
- No signage shall be allowed on the property or structure other than standard street address and mail box without the express recommendation of the Planning & Zoning Commission and the approval of the City Council
- All other conditions attached to 'R-1' Single Family Residential shall be met by the structure
- The special exception provided for the use identified herein is specific and restricted to the public use identified; it is not transferable or assignable; should the use for medical related emergency services terminate, the structure will be deemed non-conforming and will not be granted pre-existing status and the special exception will be extinguished
- The structure shall be used for the benefit of a district authorized and created by the Texas Legislature that assumes the full responsibility for providing medical care for needy inhabitants pursuant to Acts, March 10, 1969, 59th Leg., R.S., ch. 35, §1, 1965 TEX. GEN. LAWS

Exhibit 'C'