

CITY OF WILLOW PARK

ORDINANCE NO. 517-04

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A NUNC PRO TUNC CORRECTION OF A CLERICAL ERROR CONTAINED IN THE RECITAL PARAGRAPHS OF ORDINANCE 507-04; AND PROVIDING FOR 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, in recital paragraph six of Ordinance 507-04, adopted by the governing body of the City of Willow Park on January 26, 2004, it reflects that a report of the Planning and Zoning Commission recommending adoption of the Proposed Regulations and Standards of the Interstate Highway 20 Corridor Overlay District was made to the governing body on "September 20, 2004", which is an impossible date and is a clerical or recording error; and

WHEREAS, the governing body of the City of Willow Park, Texas does have the inherent power to enter an Order Nunc Pro Tunc to correct clerical or recording errors, including the date shown in a recital of an ordinance if the clerical error does not correctly reflect the actual and true date when a public hearing was conducted.

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. NUNC PRO TUNC

In Ordinance 507-04, which was adopted by City Council on January 26, 2004, the Report of the Planning and Zoning Commission to the City Council

on the Interstate Highway 20 Corridor Overlay District was made to City Council on "January 26th, 2004" not on "September 20, 2004", which is an impossible date.

The governing body of the City does hereby find that the correct date for the respective report is "January 26th, 2004" and directs that the City Secretary make the correction to Ordinance 507-04 recital paragraph six and that this Ordinance be maintained as part of the formal ordinance record of the City to reflect the Nunc Pro Tunc action taken herein.

SECTION 3. CITY SECRETARY

The City Secretary is hereby directed to correct Ordinance 507-04, adopted by the City Council of the City of Willow Park on January 26, 2004, by replacing in the sixth recital paragraph the date "September 20th, 2004"; which was shown as the date of the Report of the Planning and Zoning Commission to the City Council on the Interstate Highway 20 Corridor Overlay District, with "January 26, 2004" the correct date.

SECTION 4. 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.

SECTION 5. SEVERANCE

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 6. 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 Ordinance.

PASSED AND ADOPTED this 18 day of May, 2004.

James H. Poythress
Mayor
ATTEST:
Andria J. Weaver
City Secretary/Clerk
APPROVED AS TO FORM:
[Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 517-04, did on the 18 day of May 2004 did vote as follows:

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