

CITY OF WILLOW PARK

ORDINANCE NO. 521-04

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM: "AGRICULTURE" CLASSIFICATION AND USE DESIGNATION TO A SPECIAL PURPOSE: "PD" PLANNED DEVELOPMENT (DISTRICT) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 48.3 ACRES OF LAND, MORE OR LESS, SITUATED IN THE PLANNED DEVELOPMENT DISTRICT, MORE COMMONLY REFERRED TO AS STAGE COACH ADDITION (132 LOTS) AND SADDLE RIDGE ADDITION (32 LOTS), BOTH SINGLE FAMILY RESIDENTIAL DEVELOPMENTS, PROPOSED FOR WILLOW PARK, TEXAS AS LOCATED IN THE G.G. TEETER SURVEY, ABSTRACT NO. 486 AND THE JOHN FROMAN SURVEY, ABSTRACT NO. 471 IN THE CITY OF WILLOW PARK, TEXAS; PROVIDING FOR A PENALTY A 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 comprehensive zoning plans and to amend said plans for the purposes of promoting the health, safety and welfare of the City; and

WHEREAS, Crown Point Properties, L.P. (Developer) has applied for a change in zoning for that certain 48.3 tract of land, more fully described by metes and bounds in Exhibit "A" and depicted in Exhibit "B", both attached hereto, located in the G.G. Teeter and John Froman Surveys and more commonly known as Stage Coach Addition (132 lots) and Saddle Ridge Addition (32 lots) (the "Property") from "Agriculture" zoning district classification and use designation to Special Purpose: "PD", Planned Development District zoning district classification and use designation; and

WHEREAS, a public hearing on the zoning change was held by the Planning and Zoning Commission of the City of Willow Park on July 13, 2004 and a final report for recommendations was submitted to the governing body of the City; and

WHEREAS, the City of Willow Park held a public hearing subsequent to that of the Planning and Zoning Commission on July 20, 2004 and subsequent to receiving the final report and recommendations of the Planning and Zoning Commission with respect to the application for a zoning change; and

WHEREAS, the City Council finds that the change is consistent with surrounding zoning as shown in the Comprehensive Plan; and

WHEREAS, all requirements concerning notice to adjacent property owners, publication and other procedural requirements have been complied with in accordance with Chapter 211, TEXAS LOCAL GOVERNMENT CODE; and

WHEREAS, the City of Willow Park, Texas does hereby deem it advisable and in the public interest to grant the specific use permit to the applicant upon the conditions set forth herein and with the intent that said specific use permit be finalized into a planned development district zoning, which final plat may be approved by the City Council; and

WHEREAS, the City of Willow Park has adopted a Comprehensive Plan for the long range development of the municipality and inclusion of the planned development district described herein is consistent with that long range plan; and

WHEREAS, Ordinance 503-03 lapsed for failure to timely execute a Development Agreement.

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. LAND USE PERMITTED

The zoning district classification and use designation of the Property described in Exhibit "A" and depicted in Exhibit "B" is hereby changed from Agriculture zoning district classification and use designation to Special Purpose "PD", Planned Development District zoning district classification and use.

SECTION 3. TERM

The change in zoning district classification and use designation is made expressly contingent upon a condition subsequent, the execution of a Development Agreement between Developer and the City concerning the terms and conditions of development within the "PD" District reasonably consistent, but not necessarily the same as the standards of similar "PD" Districts recently granted by the City. If a Development Agreement is not entered into between the Developer and the City 90 days after the adoption of this Ordinance, then this Ordinance shall be null and void and the subject property will retain and revert to its agriculture zoning designation. Further, construction of the single family developments, Stage Coach Addition and Saddle Ridge Addition, shall commence within six months after the execution of the Development Agreement or the zoning and land use granted herein will expire and become void.

SECTION 4. ASSIGNMENT

The rights established hereunder between the City and the Developer are not assignable or transferable to any other person or entity except upon the express written permission and approval of the governing body of the City.

SECTION 5. COMPREHENSIVE PLAN

Pursuant to §213.003(b) TEX. LOCAL GOVT. CODE, the City does hereby amend the Comprehensive Plan of the City of Willow Park pursuant to this Ordinance and the findings herein and directs the City Secretary to make all required changes thereto.

SECTION 6. MAP AMENDMENT

The City Secretary is hereby directed to amend the official zoning map to reflect the adoption of the specific use permit approved herein consistent with markings as specified by Municipal Code of Ordinances of the City of Willow Park.

SECTION 7. 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.

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. PUBLICATION

The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of the City of Willow Park the caption hereof and the effective date of this ordinance as required by Section 52.011 of the LOCAL GOVERNMENT CODE.

SECTION 10. 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, only if and when the condition subsequent in Section 3 has been met.

PASSED AND ADOPTED this 20th day of July 2004.

ATTEST:

/s/


City Secretary/Clerk

APPROVED AS TO FORM:

/s/


City Attorney

The Willow Park City Council in acting on Ordinance No. 521-04, did on the 20th day of July 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	_____✓	_____

Exhibit "A"

PROPERTY DESCRIPTION

Being a tract of land situated in the G.G. Teeter Survey, Abstract No. 486 and the John Froman Survey, Abstract No. 471, City of Willow Park, Texas, as shown by deed to Roy Lynch and Gary B. Smith recorded in Volume 1501, Page 278 and Volume 1525, Page 1174, and by deed to Lee A. Joyner, recorded in Volume 1560, Page 11, Real Records, Parker County, Texas, and being a more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of West Stagecoach Trail for the southeast corner of said tract:

Thence along the north line of said West Stagecoach Trail the following courses and distances:

S 45°20'42" W	-	336.70 feet
S 48°08'41" W	-	479.16 feet
S 47°12'32" W	-	346.09 feet
S 44°58'50" W	-	198.19 feet
S 54°04'46" W	-	115.59 feet too point for corner;

Thence departing the north line of West Stagecoach Trail, N 71°23'59" W, a distance of 1095.34 feet, to a point for corner;

Thence N 03°57'00" E, a distance of 61.26 feet, to a point for corner;

Thence N 45°48'42" E, a distance of 1084.04 feet, to a point for corner;

Thence N 02°08'14" E, a distance of 798.00 feet, to a point for corner;

Thence N 88°18'52" E, a distance of 60.13 feet, to a point for corner;

Thence N 89°38'03" E, a distance of 660.57 feet, to a point for corner;

Thence S 02°56'30" E, a distance of 541.02 feet, to a point for corner;

Thence S 88°38'03" E, a distance of 58.65 feet, to a point for corner;

Thence S 49°29'04" E, a distance of 658.56 feet to the POINT OF BEGINNING, and containing 48.3 acres of land, more or less.

THOMPSON COE

ATTORNEYS & COUNSELORS

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Austin
Dallas
Houston
St. Paul

July 30, 2004

Candice J. Weaver
City Secretary
City of Willow Park
101 Stagecoach Trail
Willow Park, TX 76087

Re: Stage Coach and Saddle Ridge Estates

Dear Ms. Weaver:

After multiple requests, we received on July 27, 2004, a signed and sealed boundary survey of the above-described subdivisions. The City Council at the regularly scheduled Council meeting of July 20, 2004 adopted Ordinance 521-04 providing for a zoning change for the above property.

The Ordinance was adopted contingent upon submission of a legal boundary survey and substitution of the existing Exhibit 'A' and 'B', with the updated documentation. Enclosed are an Exhibit 'A' and 'B' derived from the submitted boundary survey, to be substituted for the exhibits to Ordinance 521-04.

Please note that the Ordinance also calls for modification of the official zoning map to reflect the zoning change authorized by adoption of the ordinance.

Sincerely yours,



Rider Scott

Enclosure

cc: C. Arnold

Property Description

Whereas Crown Properties, L.P., is the sole owner of two tracts of land situated in the G.G. Teeter Survey, Abstract No. 486 and the John Froman Survey, Abstract No. 471, City of Willow Park, Texas being all of an 40 acre tract as shown by deed from Roy Lynch and Gary B. Smith as recorded in Book 2163, Page 76, and being all of an 8.3 acre tract as shown by deed from Lee A. Joyner, as recorded in Book 2195, Page 1315, Real Records, Parker County, Texas (RRPCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch capped iron pin (1967) found in the east line of Lot 1, Block 2, Trinity Meadows Addition to the City of Willow Park as recorded in Cabinet A, Slide 740, Plat Records, Parker County, Texas;

THENCE North 45 degrees 48 minutes 35 seconds East, along an east line of said Trinity Meadows a distance of 1084.11 feet, to a ½ inch iron pin found (1967) for corner;

THENCE North 02 degrees 09 minutes 03 seconds East, a distance of 797.98 feet, to a ½ inch capped iron pin (1967) found for the northwest corner of said tracts;

THENCE North 87 degrees 58 minutes 32 seconds East, a distance of 59.94 feet, to a ¾ inch iron pipe found for corner;

THENCE North 89 degrees 28 minutes 50 seconds East, a distance of 210.39 feet, to a 5/8 inch iron pin set for corner;

THENCE North 89 degrees 28 minutes 50 seconds East, a distance of 207.67 feet, to a 3/8 inch iron pin found for corner;

THENCE North 89 degrees 48 minutes 31 seconds East, a distance of 164.34 feet, to a 3/8 inch iron pin found for corner;

THENCE North 89 degrees 58 minutes 17 seconds East, a distance of 78.07 feet, to a 1/2 inch iron pin found for corner;

THENCE South 02 degrees 52 minutes 38 seconds East, a distance of 541.48 feet, to a ½ inch iron pin found (1276) for corner;

THENCE South 88 degrees 20 minutes 04 seconds East, a distance of 59.42 feet, to a 5/8 inch iron pin found for corner;

THENCE South 49 degrees 29 minutes 20 seconds East, a distance of 658.67 feet, to a 3/8 inch iron pin found in the north line of West Stagecoach Trail

THENCE South 45 degrees 18 minutes 40 seconds West, along said north line a distance of 336.78 feet, to a wood post found for corner in the north line of West Stagecoach Trail;

THENCE South 48 degrees 10 minutes 50 seconds West, continuing along the north line of said West Stagecoach Trail a distance of 478.91 feet, to a ½ inch iron pin found for corner;

THENCE South 47 degrees 14 minutes 53 seconds West, a distance of 44.08 feet, to a 5/8 inch iron pin set for corner in the north line of West Stagecoach Trail;

THENCE South 47 degrees 14 minutes 53 seconds West, a distance of 302.19 feet, to a ½ inch iron pin found for corner in the north line of West Stagecoach Trail;

THENCE South 44 degrees 58 minutes 51 seconds West, continuing along the north line of a said West Stagecoach Trail a distance of 198.39 feet, to a ½ inch iron pin found for corner;

THENCE South 53 degrees 48 minutes 56 seconds West, continuing along the north line of said West Stagecoach Trail a distance of 114.89 feet, to a ½ inch iron pin found for corner;

THENCE North 71 degrees 24 minutes 12 seconds West, departing from the north line of said West Stagecoach Trail a distance of 692.08 feet, to a ½ inch iron rod pin found for corner;

THENCE North 71 degrees 26 minutes 48 seconds West, a distance of 404.12 feet, to a ½ inch iron pin found for corner, said point being in the beginning of a curve to the left having a central angle of 02°30'45" and a radius of 1400.00 feet, with a long chord bearing N07°70'56"E a distance of 61.39 feet;

THENCE Northeasterly along said curve to the left an arc length of 61.39 feet, to the POINT OF BEGINNING, and containing 48.336 acres of land, more or less.

Exhibit 'A'

