

CITY OF WILLOW PARK

ORDINANCE NO. 524-04

AN ORDINANCE VACATING AND ABANDONING THAT CERTAIN ROADWAY EASEMENT LOCATED AT NORTH PROPERTY LINE OF LOT 3, BLOCK 3 AND TWO UTILITY EASEMENTS, ONE BETWEEN LOTS 3-4 AND THE OTHER BETWEEN LOTS 4-5, BLOCK 3 OF THE EL CHICO SOUTH SUBDIVISION, AN ADDITION TO THE CITY OF WILLOW PARK, PARKER COUNTY, TEXAS; DETERMINING THAT THERE IS NO CURRENT NOR PROJECTED FUTURE NEED FOR SAID EASEMENTS; REQUIRING A HOLD HARMLESS AGREEMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

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

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

WHEREAS, Aledo Retail Properties, Ltd. 4200 South Hulen Street, Suite 534, Fort Worth, TX 76109, is the sole and current owner of Lots 3, 4 and a portion of 5R, Block 3 El Chico South, an addition to the City of Willow Park, Parker County, Texas and has requested that the City abandon and vacate all right, title and interest to certain easements described herein; and

WHEREAS, the roadway and utility easements depicted on Exhibit "A" and described in Exhibit "B" attached hereto are located in Lots 3, 4 and 5R, Block 3 El Chico South, an addition to the City of Willow Park, Parker County, Texas, and are not needed for current or future use and the same should be abandoned and vacated; and

WHEREAS, the City Council of the City of Willow Park has determined that the two ten foot wide utility easements, depicted on Exhibit "A" and described on Exhibit "B", are not needed for access to or maintenance of any public improvements in said easement and TXU Electric Delivery Company has by correspondence dated September 1, 2004 concurred in that decision; and

WHEREAS, the City Council of the City of Willow Park has determined that the 75 foot roadway easement, depicted in Exhibit "A" and described in Exhibit "B", is not needed for access to or maintenance of any public improvements in said easement.

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

SECTION 1. AUTHORITY

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

SECTION 2. ABANDONMENT

A. The roadway easement, depicted in Exhibit 'A' and described in Exhibit 'B', which are attached hereto and made a part hereof, that encumbers Lot 3, Block 3, El Chico South, an addition to the City of Willow Park, Parker County, Texas is hereby vacated and abandoned.

B. The utility easement, depicted in Exhibit 'A' and described in Exhibit "B", which are attached hereto and made a part hereof, that encumbers the south boundary of Lot 3 where adjacent to the north boundary of Lot 4, Block 3, El Chico South, an addition to the City of Willow Park, Parker County, Texas is hereby vacated and abandoned.

C. The utility easement, depicted in Exhibit A and described in Exhibit "B", which are attached hereto and made a part hereof, that encumbers the south line of Lot 4 where adjacent to the north boundary of Lot 5R, Block 3, El Chico South, an addition to the City of Willow Park, 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 Lots

3, 4 and 5R, Block 3, El Chico South, (recorded Plat Cabinet B, Slide 97 and 523 Plat Records Parker County, Texas) which reflects with notations made thereon the abandonments authorized by this ordinance with the Real Property Records of the City of Willow Park and the Real Property Records of Parker County, Texas.

SECTION 4. RESTRICTIONS

A. 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, aerial, surface, underground or otherwise.

B. The abandonment provided for herein is subject to and conditioned upon Aledo Retail Properties, Ltd. through its general partner, Serca Farms, Inc. by its President James A. Sammons, indemnifying and holding harmless the City as a result of the vacation, closing and abandonment of the identified easements.

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. 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.

SECTION 8. 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 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 September 2004.

/s/ James H. Poythress

 Mayor

ATTEST:

/s/ Candice A. Scott

 City Secretary/Clerk

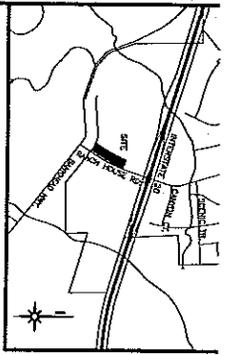
APPROVED AS TO FORM:

/s/ [Signature]

 City Attorney

The Willow Park City Council in acting on Ordinance No. 524-04, did on the 21st day of September 2004 vote as follows:

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

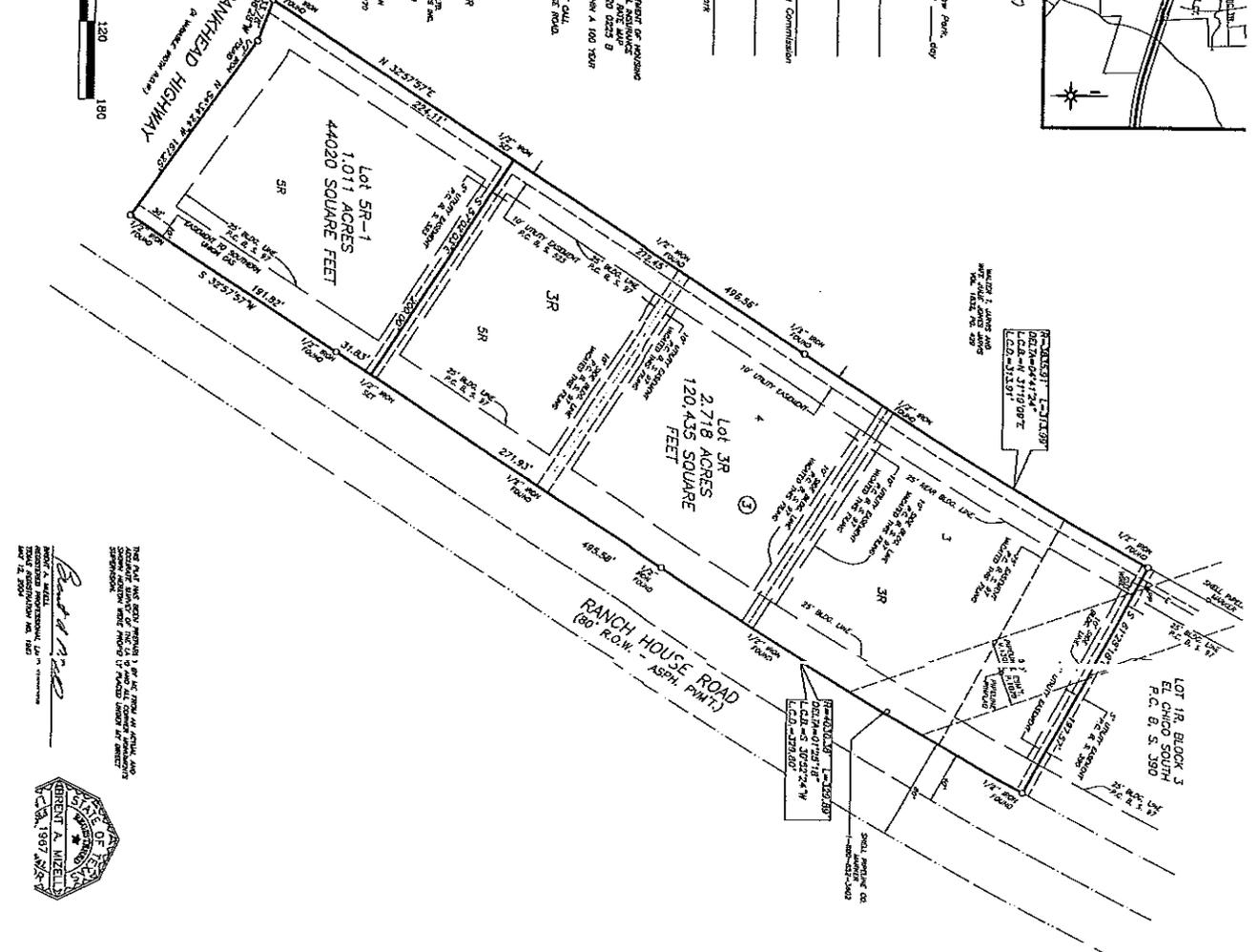


APPROVED BY THE CITY OF WILLOW PARK, PARKER COUNTY, TEXAS, THIS DAY OF _____ 20__

Mayor, City of Willow Park
 City Secretary
 Chairman, Planning and Zoning Commission
 City Engineer

NOTES:
 1. THIS MAP IS THE PROPERTY OF THE CITY OF WILLOW PARK, TEXAS. IT IS TO BE KEPT IN THE OFFICE OF THE CITY ENGINEER AND IS TO BE LOANED TO ANY PERSON INTERESTED IN THE PROPERTY SHOWN HEREON.
 2. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREON.
 3. REVISIONS TO THIS MAP SHALL BE MADE BY THE CITY ENGINEER.

GRAPHIC SCALE - FEET
 0 80 120 160 180
 ARIZONA LAND SURVEYING, INC.
 117 John Street
 P.O. Box 1023
 El Chico, Texas 76029
 817-441-0100 Fax 817-441-0805



THE STATE OF TEXAS, COUNTY OF PARKER, BEING A REPORT OF LOTS 1, 4 AND 5R, BLOCK 3, EL CHICO SOUTH, PARKER COUNTY, TEXAS, PREPARED BY ARIZONA LAND SURVEYING, INC., A PROFESSIONAL CORPORATION, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 100,000, AND APPROVED BY THE CITY OF WILLOW PARK, TEXAS, THIS DAY OF _____ 20__.



STATE OF TEXAS
 COUNTY OF PARKER
 KNOW ALL MEN BY THESE PRESENTS, That Arizo Real Properties, Ltd. General Partner-Sears Forms Inc., and Dallas General Corporation, each being in severally the owners of the following described real property, to wit:

Lot 1, 4 and 5R, Block 3
 EL CHICO SOUTH
 Parker County, Texas

AND, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That Arizo Real Properties, Ltd. General Partner-Sears Forms Inc., and Dallas General Corporation, each being in severally the owners of the following described real property, do hereby agree:

1. That the above described real property be and the same be conveyed to the City of Willow Park, Texas, for the purposes and consideration therein stated and as the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 20__.

Arizo Real Properties, Ltd.
 General Partner-Sears Forms Inc.
 John A. Simmons, President

STATE OF TEXAS
 COUNTY OF PARKER
 Dallas General Corporation
 John A. Simmons, President

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 20__.

Mayor Public, Parker County, Texas
 My Commission Expires _____

STATE OF TENNESSEE
 COUNTY OF _____
 Deliver General Corporation

BEFORE ME, the undersigned authority, on this day personally appeared _____, a person whose name is subscribed to the above and foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein stated and as the act and deed of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 20__.

Notary Public, Parker County, Texas
 My Commission Expires _____

Being a Report of Lots 1, 4 and 5R, Block 3
 EL CHICO SOUTH
 Parker County, Texas
 An Addition to The City of Willow Park,
 Parker County, Texas
 According to Plats Recorded in Plat Cabinet B, Side 97, and
 Plat Records, Parker County, Texas.

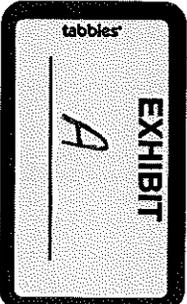


EXHIBIT "B"

Tract 1 – Roadway Easement

A seventy-five (75) foot wide easement over, under and across Lot 3, Block 3, EL CHICO SOUTH, an Addition to the City of Willow Park, Parker County, Texas, according to the Plat recorded in Plat Cabinet B, Slide 97, Plat Records, Parker County, Texas, being more particularly described as follows:

Beginning at a ½" iron found at the northwest corner of said Lot 3, said point being the southwest corner of Lot 1R, Block 3, EL CHICO SOUTH, according to Plat recorded in Plat Cabinet B, Slide 97, Plat Records, Parker County, Texas;

THENCE, S 61°28'18"E, along the north line of said Lot 3, a distance of 197.57 feet to a ½" iron found at the northeast corner of said Lot 3 in the northeast line of Ranch House Road (a 80 foot R.O.W.) at the beginning of a non-tangent curve to the right whose radius is 4030.38 feet and whose long chord bears S29°03'41", 74.99';

THENCE along northwest line of said Ranch House Road and along said curve, in a southwesterly direction, through a central angle of 01°03'58", a distance of 74.99 feet to the end of said curve;

THENCE N 61°28'17"W, 198.19 feet to a point in the west line of said Lot 3 at the beginning of a curve to the left whose radius is 3835.91 feet and whose long chord bears N 29°32'03"E, 75.00 feet;

THENCE along the west line of said Lot 3 and along said curve in a northerly direction through a central angle of 01°07'13", a distance of 75.00 feet to the POINT OF BEGINNING and containing a 0.341 acres (14.839 square feet) of land.

Tract 2 – Utility Easement

A ten (10) foot wide utility easement over, under and across Lots 3 and 4, Block 3, EL CHICO SOUTH, an Addition to the City of Willow Park, Parker County, Texas, according to Plat recorded in Plat Cabinet B, Slide 97, Plat Records, Parker County, Texas, the centerline of said utility easement being more particularly described as follows:

Beginning at a ½" iron found at the southeast corner of said Lot 3 and the northeast corner of said Lot 4 in the northwest line of Ranch House Road (a 80 foot R.O.W.);

THENCE N57°33'36"W, northeast and southwest corner line of said Lots 3 and 4, a distance of 199.41 feet to the end of the herein described centerline, said utility easement containing 0.050 acre (1994 square feet) of land.

Tract 3 - Utility Easement

A ten (10) foot wide utility easement over, under and across Lot 4, Block 3, EL CHICO SOUTH, and Lot 5R, EL CHICO SOUTH, an Addition to the City of Willow Park, Parker County, Texas, according to Plat recorded in Plat Cabinet B, Slide 97, and Plat Cabinet B, Slide 523 (Respectively), Plat Records, Parker County, Texas, the centerline of said utility easement being more particularly described as follows:

Beginning at a ½" iron found at the southeast corner of said Lot 4 and the northeast corner of said Lot 5R in the northwest line of Ranch House Road (an 80 foot R.O.W.);

THENCE N57°02'03"W, northeast and southwest corner line of the common line of said Lots 4 and 5R, a distance of 200.00 feet to the end of the herein described centerline, said utility easement containing 0.050 acre (2000 square feet) of land.