

CITY OF WILLOW PARK

ORDINANCE NO. 534-05

AN ORDINANCE PROVIDING FOR THE AUTHORIZATION OF AN AGREEMENT BETWEEN BOSWELL INTERESTS, LTD. (BOSWELL), A TEXAS LIMITED PARTNERSHIP, AND THE CITY OF WILLOW PARK, TEXAS (CITY), RELATING TO THE STATUS OF THAT CERTAIN 787.833 ACRE TRACT (Vol. 1976, Pg. 331, REAL PROPERTY RECORDS, PARKER COUNTY, TEXAS); PROVIDING FOR CERTAIN RIGHTS AND RESPONSIBILITIES BY AND BETWEEN THE PARTIES; 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, the governing body of the municipality may adopt an Ordinance or Regulation that benefits the efficient provision of government or trade and commerce of the municipality pursuant to § 51.801(2) TEX LOCAL GOVT CODE; and

WHEREAS, a municipality is specifically authorized, pursuant to § 51.014 TEX LOCAL GOVT CODE, to contract with other persons; and

WHEREAS, Boswell is a Texas Limited Partnership, and therefore is such a person with which the City may enter into a contract with; and

WHEREAS, a municipality is delegated the authority to take or hold property located both inside or outside the municipality to carry out a valid municipal purpose, as established herein, pursuant to §51.015(a) TEX LOCAL GOVT CODE; and

WHEREAS, the extraterritorial jurisdiction of the municipality may expand to include an area contiguous to the existing extraterritorial jurisdiction of the municipality, without width limitation, if the owners of the area request such inclusion pursuant to § 42.022(b) TEX LOCAL GOVT CODE; and

WHEREAS, Boswell has requested through the Agreement between the parties, the extension of the extraterritorial jurisdiction of the City to the Boswell tract, pending the lawful completion of certain prerequisite actions, including the release of

the Boswell tract from any preexisting extraterritorial jurisdiction; and

WHEREAS, the parties have, in the Agreement, authorized and contracted for certain mutually beneficial terms and conditions that are adequate and sufficient consideration between the parties and which are beneficial to the operation, management and comprehensive plan of the City.

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

SECTION 1. AUTHORIZATION

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

SECTION 2. APPROVAL

The governing body of the City of Willow Park, Texas does hereby find that the provisions of the Agreement attached hereto as Exhibit A and incorporated herein for all purposes, are beneficial to and in the best interests of the City and the obligations, regulations and restrictions imposed therein are reasonable and are hereby approved.

SECTION 3. SIGNATURE

The Mayor is hereby authorized to execute duplicate originals of the Agreement for and on behalf of the City of Willow Park, Texas, as permitted by law.

SECTION 4. 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 5. 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.

PASSED AND APPROVED this 17th day of May, 2005.

/s/ Terry J. Skaggs
Mayor
Pro-Tem

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

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. 534-05, did on the 17th day of May, 2005 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 | _____✓ | _____ |