

# *CITY OF WILLOW PARK*

ORDINANCE NO. 540-05

**AN ORDINANCE PROVIDING FOR GRANTING THE PETITION OF ANNEXATION FILED WITH THE CITY OF WILLOW PARK, TEXAS BY WILLOW PARK FIRE DEPT., A NON-PROFIT CORPORATION, ORGANIZED UNDER THE LAWS OF THE STATE OF TEXAS, THE OWNER OF THAT CERTAIN 0.405 ACRE TRACT OF LAND SITUATED IN THE I.G.&N. RR SURVEY ABSTRACT NO. 1998, PARKER COUNTY, TEXAS; PROVIDING FOR ENCOMPASSING THE AREA DESCRIBED BY THE PETITION WITHIN THE MUNICIPAL LIMITS OF THE CITY AND EXTENDING TO THE INHABITANTS OF THE AREA THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF THE MUNICIPALITY AND EXTENDING THE JURISDICTION OF THE ORDINANCES AND REGULATIONS OF THE CITY TO SAID 0.405 ACRE TRACT; AND PROVIDING FOR RECORDATION 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**, the owner of that certain 0.405 acre tract of land, the Willow Park Fire Department, a Texas Non-Profit Corporation, did file with the City of Willow Park a petition for Annexation in which the authorized agent of Willow Park Fire Department stated under oath that Willow Park Fire Department was the sole owner of the property described therein, was ½ mile or less in width, contiguous to the City of Willow Park, Texas and that fewer than three qualified voters reside in or on the 0.405 acre tract, in an Affidavit filed with the Mayor of the City; and

**WHEREAS**, the Mayor of the City of Willow Park did receive the Petition and Affidavit attesting to the above facts; and

**WHEREAS**, notice of the hearing on the Petition has been provided in a newspaper of general circulation prior to the public hearing on the above-described Petition, providing the date, time and place of the hearing, and inviting testimony for and against the Petition; and

**WHEREAS**, the City did on the 19th of July 2005, consider and accept the filing of the Petition for Annexation by adopting Ordinance 539-05 on said date; and

**WHEREAS**, a hearing on the Petition pursuant to §43.028(d) TEX. LOCAL GOV'T CODE was been scheduled after the fifth day, but before the 30<sup>th</sup> day that the Petition was lawfully filed with the City; and

**WHEREAS**, the public hearing, duly and legally noticed to hear arguments for and against the said Petition for Annexation, has been conducted prior to the consideration of this Ordinance.

**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. FINDINGS

The City Council does hereby find: 1) that the Petition for Annexation of that certain 0.405 acre tract described in Exhibit A, attached hereto and included herein for all purposes, has met and satisfied all the statutory requirements of §43.028 TEX. LOCAL

GOV'T CODE; 2) a public hearing was held after the 5<sup>th</sup> day, but before the 30<sup>th</sup> day that the Petition for Annexation of that certain 0.405 acre tract was filed with the City.

SECTION 3. PETITION GRANTED

The City Council of the City of Willow Park does hereby grant the Petition for Annexation of that certain 0.405 acre tract filed with the City by Willow Park Fire Department described by metes and bounds as shown on Exhibit A and depicted on Exhibit B attached hereto and incorporated herein, and does hereby annex the area so described into the municipal limits of the City of Willow Park, Tx.

SECTION 4. EXTENSION OF JURISDICTION

That certain 0.405 acre tract of a land, hereby annexed into the City by petition of Willow Park Fire Department, by the City Council granting the Petition for Annexation is hereby made part of the City, and the inhabitants of the area so defined are entitled to the rights and privileges of other citizens of the City and are bound by the acts, regulations and ordinances as adopted by the City.

SECTION 5. RECORDATION

The City Secretary is hereby ordered to forward a certified copy of this Ordinance, as adopted, together with a copy of the Petition for filing in the Office of the County Clerk, Parker County, the county in which the City is located.

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 Resolution.

SECTION 7. 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 8. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

ATTEST:

/s/ Condie J. Scott  
City Secretary/Clerk

PASSED AND APPROVED this 16<sup>th</sup> day of August, 2005.

/s/ James H. Poythress  
Mayor

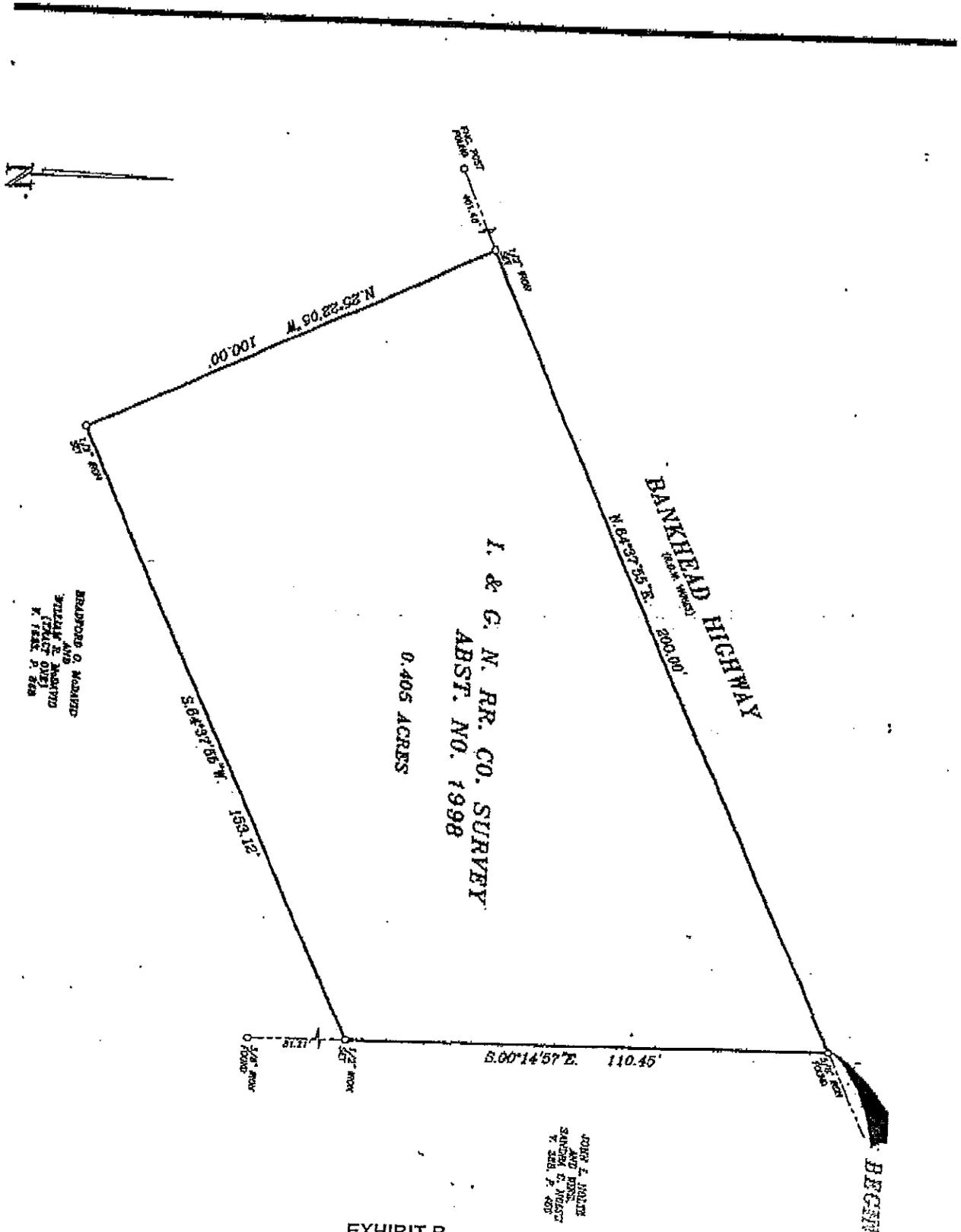
APPROVED AS TO FORM:

/s/ [Signature]  
City Attorney

The Willow Park City Council in acting on Ordinance No. 540-05 did on the 16<sup>th</sup> day of August, 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	_____✓_____	_____



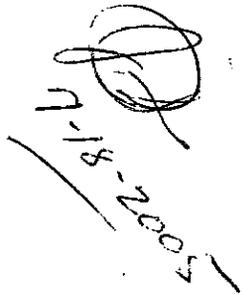


REARDED O. MANNING  
 WILLIAM B. HARRIS  
 TRUSTEES  
 N. 1988, P. 288

JOHN F. JONES  
 AND ASSOCIATES  
 SURVEYORS  
 N. 1988, P. 405

EXHIBIT B

State of Texas           §  
                                  §  
County of Parker       §

  
2-18-2005

**Petition for Annexation**

**Presented to the City of Willow Park,  
Parker County, Texas**

I, Bob Farnham, authorized agent for Willow Park Fire Department, A Texas Non-Profit Corporation, do state and certify that Willow Park Fire Department is the sole owner of that certain 0.405 acre tract of land, further described herein by metes and bounds, and do hereby petition the City of Willow Park, Parker County, Texas for annexation of said tract, which is less than one-half (1/2) mile in width, contiguous to the municipal boundary of the City of Willow Park, within its exclusive extraterritorial jurisdiction, and upon which fewer than three qualified voters reside, by filing said Petition with the City. The 0.405 acre tract of land is further described as follows:

0.405 acre situated in the I. & G.N. RR. Co. Survey, Abst. No. 1998, Parker County, Texas, being a portion of that certain tract of land conveyed to Bradford G. McDavid and William R. McDavid being Tract One by deed recorded in Volume 1623, Page 868, Real Property Records, Parker County, Texas, said 0.405 acre being more particularly described as follows:

Beginning at a 5/8" iron rod found in the south line of Bankhead Highway (R.O.W. varies), at the northwest corner of that certain tract of land conveyed to John L. Nolte and wife, Sandra C. Nolte, by deed recorded in Volume 388, Page 456, Deed Records, Parker County, Texas, said point being (per deed call) North 00 degrees 28 minutes 00 seconds West, 760.3 feet from the called southwest corner of the DAVID ADDINGTON SURVEY, Abst. No. 2, Parker County, Texas;

Petition for Annexation

THENCE South 00 degrees 14 minutes 57 seconds East, along the common line of said McDavid/McDavid Tract One and Nolte tracts 110.45 feet to a 1/2" iron set;

THENCE South 64 degrees 37 minutes 55 seconds West, 153.12 feet to a 1/2" iron set;

THENCE North 25 degrees 28 minutes 05 seconds West 100.00 feet to a 1/2" iron set in the south line of said Bankhead Highway;

THENCE North 84 degrees 37 minutes 55 seconds East, along the south line of said Bankhead Highway 200.00 feet to the POINT OF BEGINNING and containing 0.405 acre of land.

Signed, acknowledged and executed this the 19th day of July, 2005.

Willow Park Fire Department

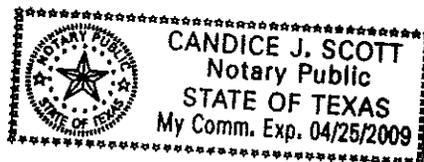
By: Bob Farnham, Chief  
Bob Farnham, Chief  
Willow Park Fire Department

Before me this the \_\_\_\_ day of July 2005, appeared Bob Farnham, Chief, Willow Park Fire Department, who swears that he is in the capacity stated herein, and with the authority to sign, execute and bind Willow Park Fire Department, as set forth in said Petition; subscribed to and sworn before me, the undersigned authority, on this 19<sup>th</sup> day of July 2005, to certify which witness my hand and seal of office.

Candice J. Scott  
Notary Public, State of Texas

My Commission Expires:

4/29/05



Petition for Annexation



Legal Description

0.406 acre situated in the I. & G. N. RR. Co. SURVEY, Abst. No. 1998, Parker County, Texas, being a portion of that certain tract of land conveyed to Bradford C. McDavis and William R. McDavid being Tract One, by deed recorded in Volume 1833, Page 888, Real Records, Parker County, Texas, said 0.406 acre being more particularly described, as follows:

Beginning at a 6/8" iron found in the south line of Bankhead Highway (R.O.W. strip), at the northwest corner of that certain tract of land conveyed to John L. Nolte and wife, Sandra C. Nolte, by deed recorded in Volume 388, Page 458, Deed Records, Parker County, Texas, said point being (per deed call) North 00 degrees 29 minutes 00 seconds West, 788.3 feet from the called southeast corner of the DAVID ADDINGTON SURVEY, Abst. No. 21, Packer County, Texas;

THENCE South 00 degrees 14 minutes 57 seconds East, along the common line of said McDavis/ McDavid Tract One and Nolte tracts, 110.45 feet to a 1/2" iron set;

THENCE South 64 degrees 37 minutes 55 seconds West, 153.12 feet to a 1/2" iron set;

THENCE North 85 degrees 28 minutes 05 seconds West, 100.00 feet to a 1/2" iron set in the south line of said Bankhead Highway;

THENCE North 64 degrees 37 minutes 55 seconds East, along the south line of said Bankhead Highway, 200.00 feet to the POINT OF BEGINNING and containing 0.406 acre of land.

JOHN L. NOLTE  
AND WIFE,  
SANDRA C. NOLTE  
V. 388, P. 458

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14.0000

THE PLAT HEREON WAS PREPARED FROM AN ACTUAL SURVEY ON THE GROUND OF THE LEGALLY DESCRIBED PROPERTY AS SHOWN HEREON. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS REQUIRED BY THE PLAT, THE SIZE, LOCATION AND TYPE OF BUILDINGS AND IMPROVEMENTS ARE SHOWN. ALL IMPROVEMENTS 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 IS AS SHOWN ON SAID PLAT. THERE ARE NO ENCROACHMENTS, PROTRUSIONS, OR APPARENT ELEMENTS, EXCEPT AS SHOWN.



*Brady A. Mebel*  
BRADY A. MEBEL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 12345  
FEBRUARY 14, 1998

Note: According to the U.S. Department of Housing and Urban Development Federal Insurance Administration Flood Insurance Rate Map Community Panel Number 430 620 0226 D, Effective September 27, 1991 this property does not lie within a 100 year flood hazard area.

Note: Bearings Correlated to Deed call S.00°14'57" E. along the west line of deed recorded in V. 388, P. 458.

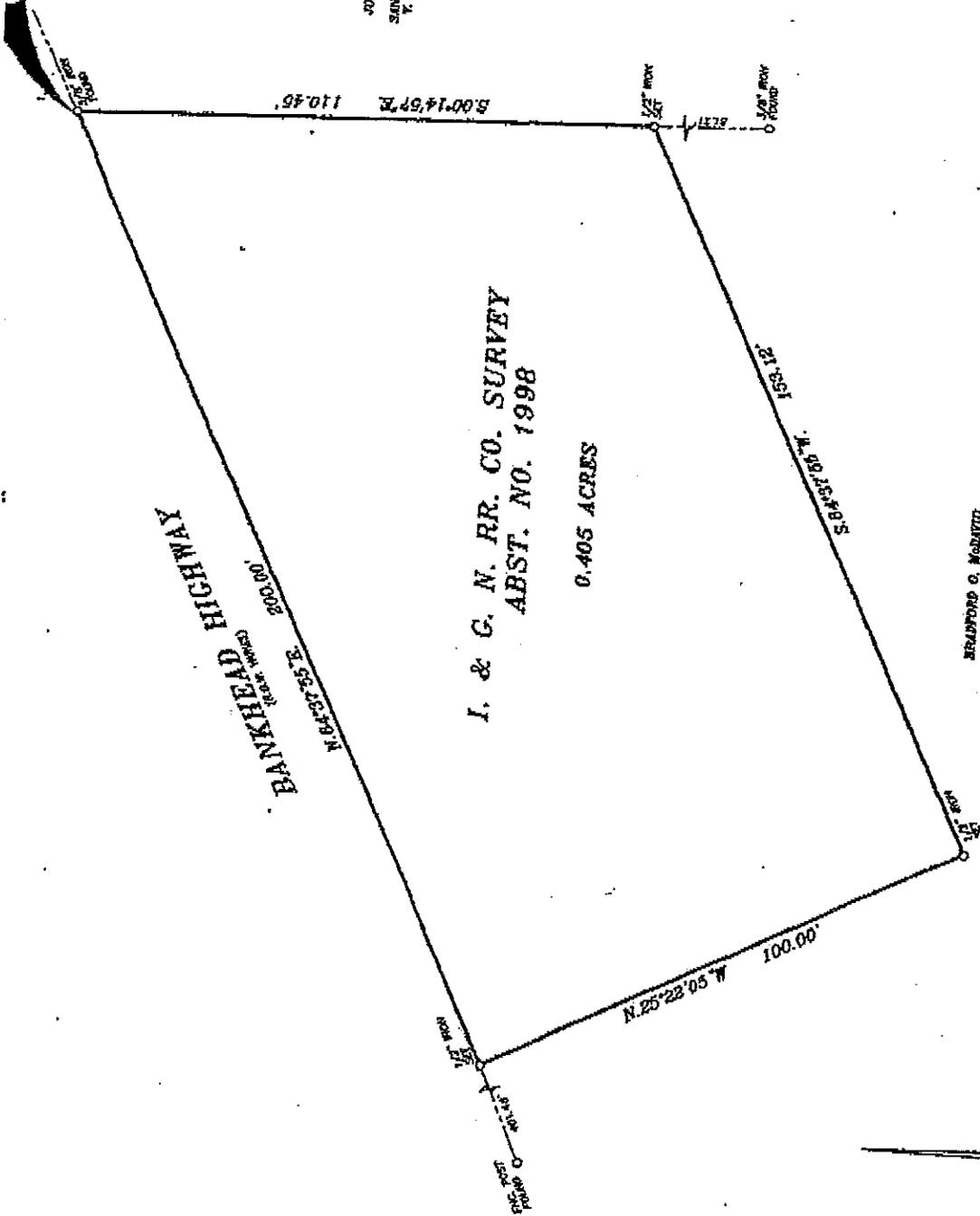
Survey Plat  
0.406 Acre Situated In The  
I. & G. N. RR. CO. SURVEY  
Abst. No. 1998

EXHIBIT "B"

Received by Streasburger & Price, L.L.P. on 6/17/2005 4:03:45 PM [Central Daylight Time]

BEGIN

JOHN J. HOLTE  
AND ERIC  
SANDRA C. HART  
T. 382, P. 403



BRADFORD O. MORRIS  
AND  
WILLIAM E. MORGAN  
DISTRICT CLERK  
J. 782, P. 868

