

# CITY OF WILLOW PARK

## ORDINANCE NO. 595-09

**AN ORDINANCE PROVIDING FOR GRANTING THE PETITION OF ANNEXATION FILED WITH THE CITY OF WILLOW PARK, TEXAS BY MIT-MAR LAND, L.P. AND M H2, L.P. (OWNERS), TEXAS LIMITED PARTNERSHIPS, THE OWNERS OF THAT CERTAIN 118.82 ACRE TRACT OF LAND SITUATED IN THE WESLEY FRANKLIN SURVEY ABSTRACT NO. 468, THE ISAAC HEADLEY SURVEY, ABSTRACT NO. 619, AND THE DAVID ADDINGTON SURVEY, ABSTRACT NO. 21, 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 118.82 ACRE TRACT; AND, PROVIDING FOR RECORDATION AND AN EFFECTIVE DATE**

WHEREAS, the City of Willow Park, Tx. (City) 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 owners of that certain 118.82 acre tract of land, MIT-MAR LAND, L.P. and M H2, L.P. ("Owners"), did file with the City of Willow Park a petition for Annexation in which the authorized agent of the Owners stated under oath that MIT-MAR LAND, L.P. and M H2, L.P. were the owners of the property described therein, which was 1/2 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 118.82 acre tract, to which an Affidavit of that fact has been 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 in February 2009; 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 16<sup>th</sup> of March 2009, consider and accept the filing of the Petition for Annexation by adopting Ordinance 593-09 on said date; and

WHEREAS, the public hearings, duly and legally noticed, to hear arguments for and against the annexation, or from persons interested in the annexation, were 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 118.82 acre tract described in Exhibit A, and depicted on Exhibit B, attached hereto and included herein for all purposes, has met and satisfied all the statutory requirements of Chapter 43, TEX. LOCAL GOV'T CODE; 2) public hearings were held after the 40<sup>th</sup> day, but before the 20<sup>th</sup> day that the Annexation proceedings for this certain 118.82 acre tract were acted on by the City, pursuant to this Ordinance.

### SECTION 3. ANNEXATION

The City Council of the City of Willow Park does hereby grant the Petition for Annexation of that certain 118.82 acre tract filed with the City by MIT-MAR LAND, L.P. and M H2, L.P. described by metes and bounds and properly acknowledged, as shown on Exhibit "A" and depicted on Exhibit "B" hereto, 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 118.82 acre tract of a land, hereby annexed into the City by petition of MIT-MAR LAND, L.P. and M H2, L.P, and act of the governing body 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

The Willow Park City Council in acting on Ordinance No. 595-09, did on the 20<sup>th</sup> day of April, 2009 did vote as follows:

Marvin Glasgow, Mayor

Barry K. Tatum, Place 1

J. Teresa Welch, Place 2

Barry Brown, Place 3

Kenneth Hawkins, Place 4

Hale Alderman, Place 5

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.

SECTION 9. PUBLICATION AND NOTICE

The City Secretary of the City of Willow Park, Texas is hereby ordered and directed to cause this Ordinance to be published pursuant to §52.011 TEX. LOCAL GOVERNMENT CODE.

PASSED AND APPROVED this 20<sup>th</sup> day of April, 2009.

/s/ Marvin Glasgow  
Mayor

ATTEST: Yael Hoffman  
/s/ City Secretary/Clerk

APPROVED AS TO FORM: [Signature]  
/s/ City Attorney

FOR

AGAINST

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State of Texas        )  
                          )  
County of Parker     )

Petition for Annexation

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

I, Jim Martin, authorized agent for Mit-Mar Land, L.P. and M H2, L.P. do state and certify that Mit-Mar Land, L.P. and M H2, L.P. are the sole owners of that certain 118.82 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 118.82 acre tract of land is further described as follows:

Being a 118.82 acre tract situated in the WESLEY FRANKLIN SURVEY, ABSTRACT NO.468; the ISAAC HEADLEY SURVEY, ABSTRACT NO. 619; and the DAVID ADDINTON SURVEY, ABSTRACT NO. 21, Parker County, Texas and being a portion of these certain tracts of land conveyed to Mit-Mar Land, L.P. and M H2, L.P. as evidenced by deeds recorded in Volume 2630, Page 1889 and Volume 2652, Page 1672 respectively, Deed Records Parker County, Texas said 118.82 acres being more particularly described as follows:

COMMENCING at a point in the north line of Interstate Highway 20 for the intersection of the Interstate Highway 20 north line and the east line of Crown Lane, said point being the southwest corner of said Mit-Mar Land, L.P. tract;

THENCE S 67° 46' 13" E with the Interstate 20 north line a distance of 300.06 feet to an angle point;

THENCE S 67° 54' 54" E with the Interstate Highway 20 north line a distance of 309.83 feet to a point for the intersection of the Interstate Highway 20 north line and the existing city of Willow Park corporate limit line, said point being the POINT OF BEGINNING;

THENCE N 33° 48' 51" W with the existing City of Willow Park corporate limit line a distance of 982.83 feet to a point;

THENCE N 58° 26' 06" E, leaving said corporate limit line a distance of 1071.31 feet to a point in the east line of proposed Crown Pointe Boulevard;

THENCE S 43° 30' 12" E with said east line a distance of 136.64 feet to a point in the Mit-Mar Land, L.P. and M H2, L.P. common line;

THENCE N 58° 59' 56" E with the Mit-Mar Land, L.P. and M H2, L.P. common line a distance of 140.73 feet to an angle point;

THENCE N 56° 58' 06" E, continuing with said common line, a distance of 908.35 feet to a point in the approximate centerline Clear Fork Trinity River;

THENCE leaving said Mit-Mar Land, L.P. and M H2, L.P. common line, with the approximate centerline of Clear Fork Trinity River the following courses and distance;

S 35° 12' 35" E, 78.28 feet;  
S 83° 09' 07" E, 303.51 feet;  
S 37° 18' 16" E, 465.27 feet;  
S 22° 39' 51" E, 280.36 feet;  
S 00° 43' 55" W, 261.71 feet;  
S 50° 13' 20" E, 215.39 feet;  
S 07° 24' 55" E, 123.34 feet;  
S 16° 27' 11" W, 242.57 feet;  
S 51° 52' 53" E, 289.92 feet;  
S 19° 40' 02" W, 68.26 feet;  
S 23° 00' 26" W, 75.76 feet;  
S 19° 41' 21" E, 205.06 feet;  
S 37° 58' 56" E, 210.00 feet;  
S 76° 15' 15" E, 302.35 feet;  
S 46° 03' 55" E, 59.97 feet;  
S 06° 06' 13" E, 341.87 feet;  
S 20° 11' 36" E, 160.36 feet to the most easterly, northeast corner of said Mit-Mar Land, L.P. tract;

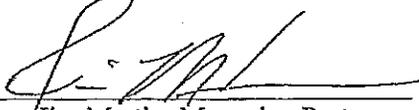
THENCE S 58° 19' 15" W, leaving the approximate centerline of Clear Fork Trinity River, a distance of 326.35 feet to a point in the north line of Interstate Highway 20, said point being the beginning of a non-tangent curve to the right having a radius of 11378.15 feet, a central angle of 02° 57' 21", and a long chord which bears N 69° 23' 34" W, 586.90 feet;

THENCE along said curve to the right and north line of Interstate Highway 20 an are distance of 586.97 feet to a point;

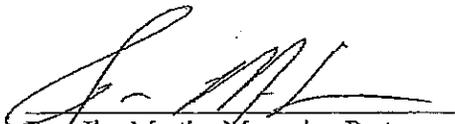
THENCE N 67° 54' 54" W, continuing with said north line, a distance of 2334.62 feet to the POINT OF BEGINNING and CONTAINING 5, 175, 667 square feet, 118.82 acres of land, more or less.

Signed, acknowledged and executed this the \_\_\_\_ day of February, 2009.

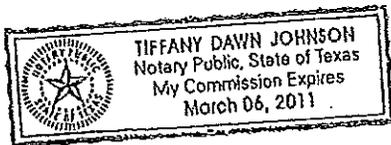
Mit-Mar Land, L.P.

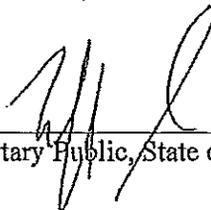
  
By: Jim Martin, Managing Partner

M H2, L.P.

  
By: Jim Martin, Managing Partner

Before me this the \_\_\_\_ day of February, 2009 appeared Jim Martin as the managing partner of Mit-Mar Land, L.P. and M H2, L.P., who swears that he is in the capacity stated herein, and with the authority to sign, execute and bind Mit-Mar Land, L.P. and M H2, L.P., as set forth in said Petition; subscribed to and sworn before me, the undersigned authority, on this \_\_\_\_ day of February, 2009, to certify which witness my hand and seal of office.



  
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Notary Public, State of Texas

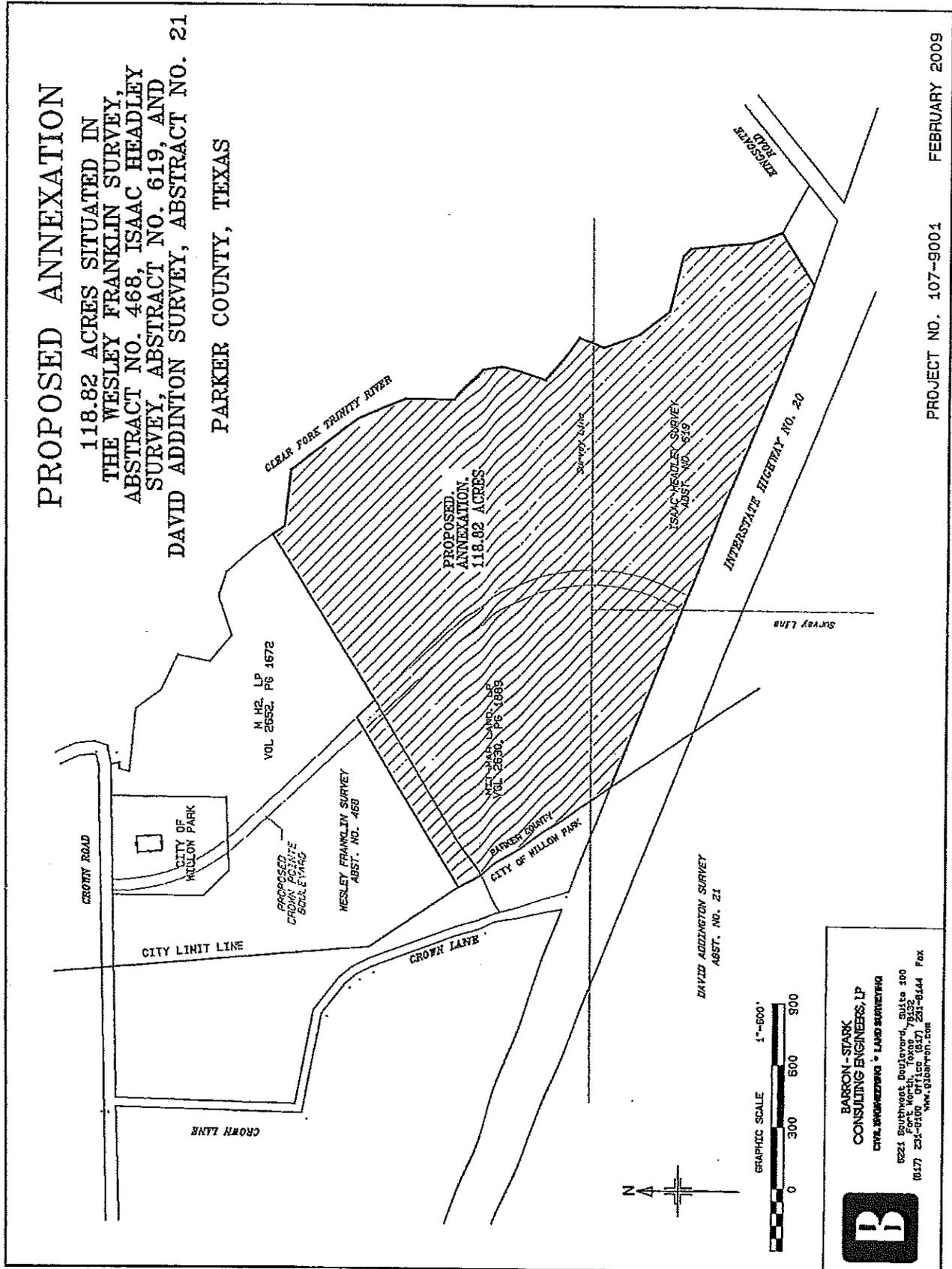
My Commission Expires:

March 6, 2011

# PROPOSED ANNEXATION

118.82 ACRES SITUATED IN  
 THE WESLEY FRANKLIN SURVEY,  
 ABSTRACT NO. 468, ISAAC HEADLEY  
 SURVEY, ABSTRACT NO. 619, AND  
 DAVID ADDINGTON SURVEY, ABSTRACT NO. 21

PARKER COUNTY, TEXAS



PROJECT NO. 107-9001      FEBRUARY 2009

EXHIBIT B