

CITY OF WILLOW PARK

ORDINANCE NO. 607-09

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM "R-1", SINGLE FAMILY RESIDENTIAL ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION TO A COMMERCIAL PURPOSE: "C" COMMERCIAL ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 31.95 ACRES OF LAND SITUATED IN THE WESLEY FRANKLIN SURVEY, ABSTRACT NO. 468, ISAAC HEADLEY SURVEY, ABSTRACT NO. 619 AND DAVID ADDINTON SURVEY, ABSTRACT NO. 21 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, Mit-Mar Land, L.P., has applied for a change in zoning for that certain 31.95 acre tract of land located in the Wesley Franklin Survey, Abstract No. 468, Isaac Headley Survey, Abstract No. 619 And David Addinton Survey, Abstract No. 21 ("Property") as further described on Exhibit "A" and depicted on Exhibit "B" which are incorporated herein from Residential Single Family (R-1) zoning district classification and use designation to Commercial (C) 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 November 10, 2009 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 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 the Comprehensive Plan;

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.

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

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official 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 is hereby changed from Residential Single Family (R-1) zoning district classification and use designation to Commercial (C) zoning district classification and use.

SECTION 3. MAP AMENDMENT

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

SECTION 4. 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 5. 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 6. 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 7. 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 16th day of November, 2009.

/s/ Kenneth Hawkins
Mayor

ATTEST:

/s/ Joel Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 607-09, did on the 16th day of November, 2009 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	_____	_____
Barry K. Tatum, Place 1	_____✓_____	_____
Gene Martin, Place 2	_____ (ABSTAIN) _____	_____
Barry Brown, Place 3	_____✓_____	_____
Mark Hickerson, Place 4	_____✓_____	_____
Hale Alderman, Mayor Pro Tem, Place 5	_____✓_____	_____

**PROPOSED 'C' ZONING
CROWN POINTE ADDITION
April 21, 2009**

Being a 31.95 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 the Mit-Mar Land, L.P. tract as evidenced by deed recorded in Volume 2630, Page 1889, Deed Records Parker County, Texas, said 31.95 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 South 67°46'13" East with the Interstate Highway 20 north line a distance of 300.06 feet to a point;

THENCE South 67°54'54" East, continuing with said north line a distance of 187.44 feet to the POINT OF BEGINNING;

THENCE North 22°13'47" East, leaving said north line, a distance of 348.65 feet to a point;

THENCE North 33°01'54" West a distance of 519.90 feet to a point;

THENCE North 56°58'06" East a distance of 826.14 feet to a point in the centerline of proposed Crown Pointe Boulevard;

THENCE South 42°30'00" East with said proposed centerline a distance of 641.17 feet to a point for the beginning of a curve to the right having a radius of 1000.00 feet, a central angle of 65°05'35", and a long chord which bears South 09°57'13" East, 1075.97 feet;

THENCE along said curve to the right and proposed centerline an arc distance of 1136.09 feet to a point;

THENCE South 22°35'35" West a distance of 134.71 feet to a point in the north line of Interstate Highway 20;

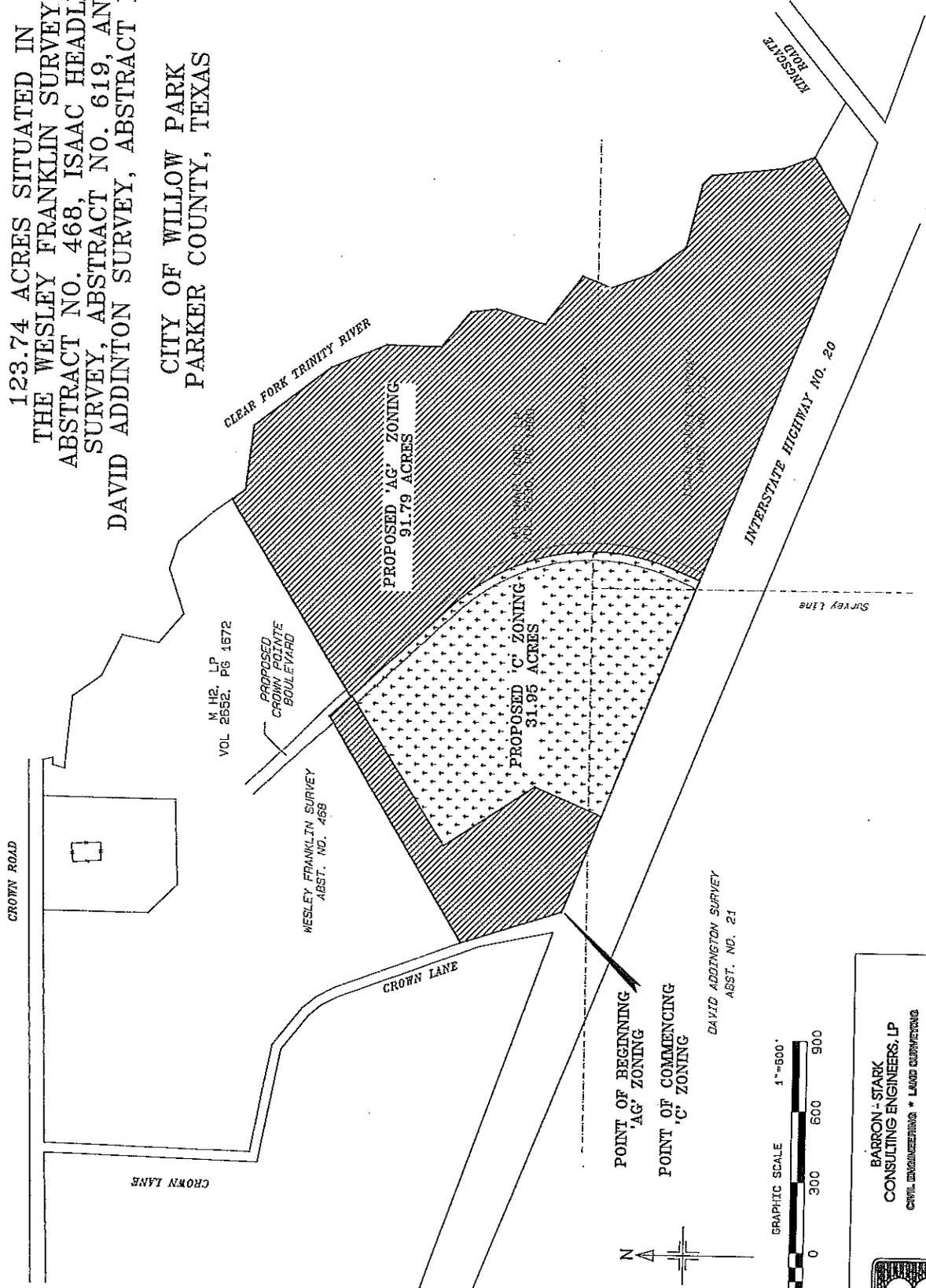
THENCE North 67°54'54" West, continuing with said north line, a distance of 1198.05 feet to the POINT OF BEGINNING and CONTAINING 1,391,703 square feet, 31.95 acres of land, more or less.

EXHIBIT 'A'

PROPOSED ZONING

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

CITY OF WILLOW PARK
 PARKER COUNTY, TEXAS



BARRON-STARK
 CONSULTING ENGINEERS, LP
 CIVIL ENGINEERING • LAND SURVEYING

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 Fort Worth, Texas 76133
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PROJECT NO. 107-9001 APRIL 2009

EXHIBIT 'B'