

# CITY OF WILLOW PARK

ORDINANCE NO. 626-10

**AN ORDINANCE PROVIDING AUTHORIZATION TO REDUCE THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF WILLOW PARK, TEXAS, PURSUANT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "SETTLEMENT AGREEMENT AND RELEASE" EXECUTED BETWEEN THE CITY OF WILLOW PARK, TEXAS, THE CITY OF HUDSON OAKS, TEXAS, TOWN OF ANNETTA, TEXAS AND OTHER LISTED PARTIES EXECUTED ON OR ABOUT THE 15<sup>TH</sup> DAY OF JANUARY 2010; PROVIDING FOR CERTAIN CONDITIONS SUBSEQUENT; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Willow Park, Texas ("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 City of Willow Park, Texas and the City of Hudson Oaks, Texas and other parties were parties in litigation that was pending in the 43<sup>rd</sup> District Court of Parker County, Texas, more specifically referenced as CV07-2129, *City of Willow Park, Texas v. City of Aledo, Texas, Town of Annetta, City of Hudson Oaks, Texas, et al.*; and

**WHEREAS**, the named Parties, and others, desired to resolve the pending litigation along with other administrative contested case matters pending before various state agencies and did as a result enter into a Settlement Agreement and Release involving all parties above described; said Settlement Agreement and Release executed by the Parties January 15, 2010 is attached hereto as Exhibit "A" and made a part hereof; and

**WHEREAS**, the Parties entered into and participated in a mediation on November 13, 2009 that resulted in a "*Business Terms of the Settlement Between the Parties*" which is included in Exhibit "A" described above and provided in Paragraph 2 thereof, that Hudson Oaks would purchase the Dyegard System for \$2,800,000 and "*Willow Park shall relinquish to Hudson Oaks its Extraterritorial Jurisdiction that lies within the Dyegard CCN*"; and,

**WHEREAS**, the terms of the Settlement Agreement and Release (Exhibit "A"), further defines

the "Business Terms of the Settlement Between the Parties" entered into at the time of the mediation; and

**WHEREAS**, Section 1. COVENANTS AND AGREEMENTS, Subparagraph D, *Release of ETJ*, provides as follows:

*"Willow Park agrees to relinquish and abandon that portion of its Extraterritorial Jurisdiction that was within the geographical area that is situated within the boundaries of the historic CCN No. 12747 for the Dyegard System that was issued by the TCEQ to Dyegard Water Company, Inc. and which was transferred to Willow Park in the 2005 purchase of the Dyegard System to be effective on and conditioned upon the contemporaneous Deer Creek and Dyegard Closings."*

and

**WHEREAS**, the Closing referenced regarding the Dyegard System is the Sale under the terms specified in the "Contract for Sale and Purchase of the Dyegard Water System" executed January 15, 2010 between the City of Willow Park, Texas and the City of Hudson Oaks, Texas; and

**WHEREAS**, the City of Willow Park has the legal authority pursuant to Section 42.023, TEX. LOCAL GOV'T CODE, to reduce its Extraterritorial Jurisdiction by excluding or releasing certain territory from its Extraterritorial Jurisdiction by giving its written consent by Ordinance, which consent is evidenced by passage, approval and adoption of this Ordinance by the governing body; and

WHEREAS, it is the intent of the City of Willow Park to abide by: the *Business Terms of the Settlement Between the Parties* reached at mediation on November 13, 2009; the terms of the Settlement Agreement and Release (Exhibit "A") executed by the parties January 15, 2010; and, the Contract of the Sale and Purchase of the Dyegard Water System executed on January 15, 2010.

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

#### SECTION 1. AUTHORIZATION

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

#### SECTION 2. EXTRATERRITORIAL REDUCTION

Pursuant to the terms of the Settlement Agreement and Release (Exhibit "A") and the authority granted by § 42.023, TEX. LOCAL GOV'T CODE, the property described by metes and bounds attached hereto as Exhibit "B" and included herein for all purposes is hereby excluded and released from the Extraterritorial Jurisdiction of the City of Willow Park, Texas and the Extraterritorial Jurisdiction of the City of Willow Park, Texas is accordingly reduced hereby.

#### SECTION 3. CONDITIONS SUBSEQUENT

The effective date of this Ordinance is hereby suspended and held in abeyance pending the complete and final sale and closing of both the Dyegard Water System and Deer Creek Water Works from the City of Willow Park to the City of Hudson Oaks and the City of Annetta, respectively, including the conveyance to the City of Willow Park of the full and sufficient purchase price as agreed to in the Contracts of Sale.

The approval herein granted by the governing body is further subsequently conditioned on the receipt by the City of a good and sufficient description of the property to be reduced and excluded from the extraterritorial jurisdiction of the City by a metes and bounds description that is sufficient to locate the boundaries so described on the ground survey by a licensed surveyor or other professional and said approval shall be expressed in

writing by the City of Willow Park in its sole discretion.

#### SECTION 4. CITY MAP

The City Secretary is directed after the passage and effective date of this Ordinance to correct the municipal boundary map reflecting the changes to the Extraterritorial Jurisdiction adopted in writing and annotate the same with the date of change, the number of the Ordinance and reference to the Minutes or Ordinance were it is recorded.

#### SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption and publication which publication shall contain the caption stating the substance and purpose of this Ordinance and said effective date shall not occur until the Conditions Subsequent in Section 3. above have been fully met and approved in writing by the City.

#### 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 Ordinance.

#### 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. REPEAL OF CONFLICTING ORDINANCES

All ordinances or resolutions in conflict herewith are and the same are hereby repealed to the extent of such conflict.

#### 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 27<sup>th</sup> day of September, 2010.

/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. 626-10, did on the 27<sup>th</sup> day of September, 2010 vote as follows:

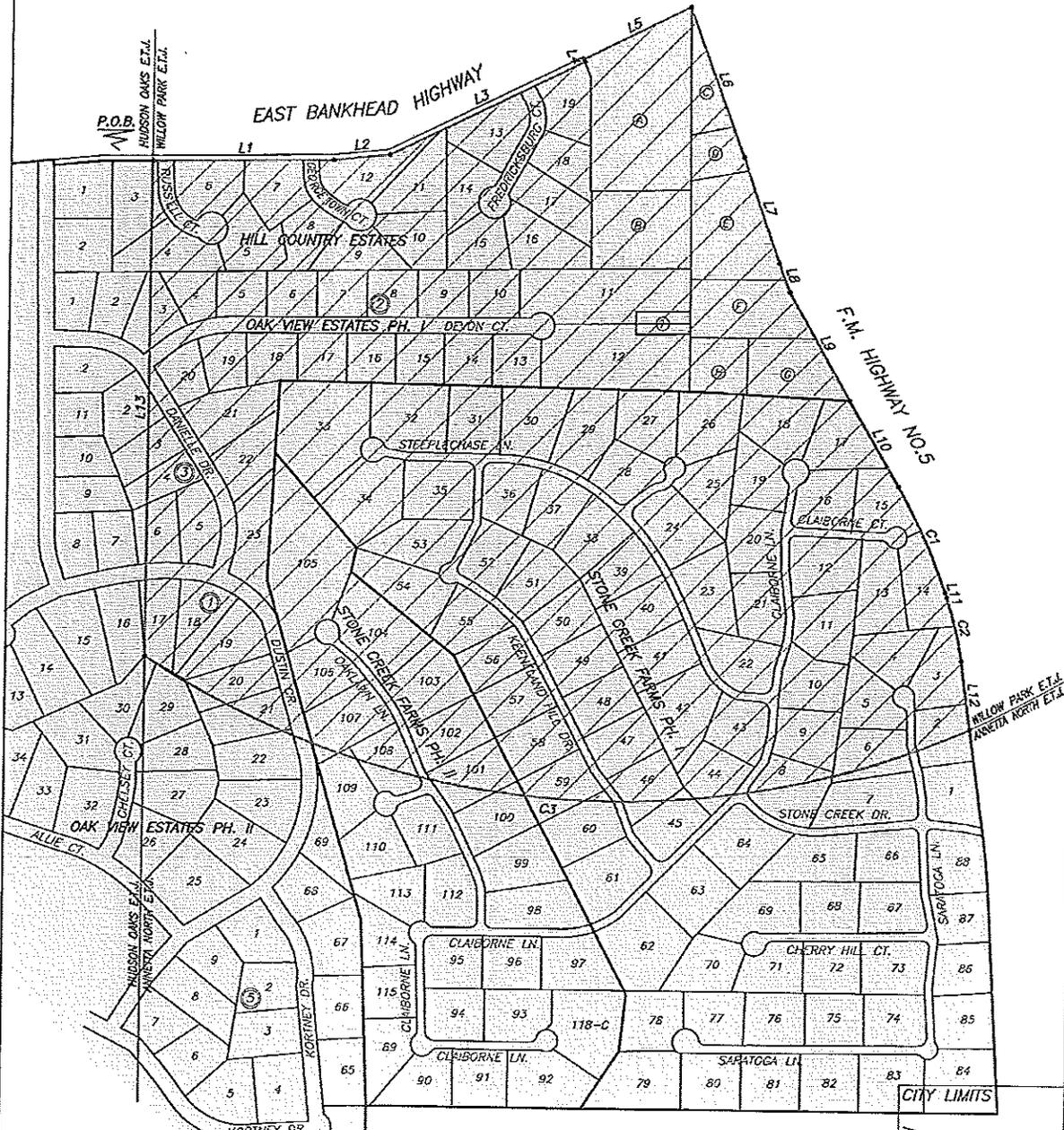
	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	_____	_____
Barry K. Tatum, Place 1	_____	_____
Gene Martin, Place 2	_____/✓	_____
Barry Brown, Place 3	_____/✓	_____
Mark Hickerson, Place 4	_____/✓	_____
Hale Alderman, Place 5	_____/✓	_____

LEGEND

- - CCN NO. 12747
- ▣ - WILLOW PARK E.T.J. OVERLAP ON CCN NO.12747

**MAP**  
 SHOWING THE OVERLAP OF WILLOW PARK E.T.J. OVER AND ACROSS THE CCN NO.12747, PARKER COUNTY, TEXAS.

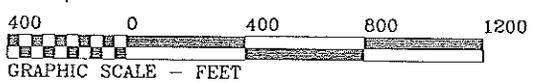
- A - J. GARDNER V. 1162, P. 1536
- B - J. GARDNER V. 1530, P. 1384
- C - D. WHITE V. 2958, P. 1064
- D - KOK PROPERTIES V. 2462, P. 316
- E - KOK PROPERTIES V. 2462, P. 325
- F - J. FARGOTT V. 354, P. 51
- G - C. MILLER V. 2813, P. 210
- H - CITY OF WILLOW PARK V. 2323, P. 511
- I - CITY OF WILLOW PARK V. 2323, P. 511



LINE	BEARING	DISTANCE
L1	N 89°15'42" E	679.72'
L2	N 84°15'09" E	212.30'
L3	N 84°12'07" E	833.69'
L4	N 27°05'15" W	10.78'
L5	N 03°51'05" E	447.50'
L6	S 20°23'10" E	591.80'
L7	S 19°01'44" E	415.84'
L8	S 20°30'21" E	114.75'
L9	S 23°27'20" E	461.97'
L10	S 30°17'41" E	359.53'
L11	S 18°20'25" E	17.70'
L12	S 07°55'05" E	258.28'
L13	N 00°12'47" E	1041.27'

CURVE	RADIUS	ARC LENGTH	CHORD BEG.	CHORD LENGTH
C1	2221.83'	432.20'	S 24°44'36" E	431.55'
C2	1233.24'	242.45'	S 13°38'04" E	242.10'
C3	3289.10'	3234.89'	N 85°25'33" W	3104.52'

- NOTES
- 1) BEARINGS RELATIVE TO STONE CREEK PARKS AS RECORDED IN P.C. & S. 314, P.P.C.T.
  - 2) THIS IS NOT A BOUNDARY SURVEY.
  - 3) 41105023
  - 4) SEPTEMBER 23, 2010



**CARTER SURVEYING & MAPPING**  
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 110 A Palo Pinto Street  
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