

CITY OF WILLOW PARK

ORDINANCE NO. 638-11

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM AGRICULTURAL (AG) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION TO MULTIFAMILY R-3 ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 26.16 ACRE TRACT OF LAND, A PART OF THE WESLEY FRANKLIN SURVEY, ABSTRACT NO. 468, IN THE CITY OF WILLOW PARK, PARKER COUNTY, 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. (owner), has applied for a change in zoning for that certain 26.16 acre tract of land located in the Wesley Franklin Survey, Abstract No. 468 ("Property"), as further described on Exhibit "A" and depicted on Exhibit "B" which are incorporated herein from Agricultural (AG) zoning district classification and use designation to Multifamily R-3 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 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 Agricultural (AG) zoning district classification and use designation to Multifamily R-3 zoning district classification and use designation.

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.

PASSED AND ADOPTED this 29th day of August, 2011.

/s/ Eugene R. Martin
Mayor

ATTEST:

/s/ Yael Hoffman
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 638-11 did on the 29th day of August, 2011, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Richard Neverdousky, Place 1	_____	_____ ✓
Gene Martin, Place 2, Mayor Pro-Tem	_____ ✓	_____
Amy Podany, Place 3	_____	_____ ✓
Mark Hickerson, Place 4	_____ ✓	_____
Hale Alderman, Place 5	_____ ✓	_____

**LEGAL DESCRIPTION
PROPOSED R-3 ZONING**

Being a 26.16 acre tract of land situated in the Wesley Franklin Survey, Abstract No. 468, City of Willow Park, Parker County, Texas and being a part of the Mit-Mar Land, LP tract as recorded in Volume 2630, Page 1889, Deed Records Parker County, Texas and being more particularly described by metes and bounds as follows;

Beginning at a point in the East line of Crown Pointe Boulevard, said point being the most easterly northeast point of the Crown Pointe Boulevard right-of-way dedication as evidenced by plat recorded in Cabinet D, Slide 73, Plat Records Parker County, Texas, said point being in the north line of said Mit-Mar Land, LP tract and the City of Willow Park City Limits Line.

Thence North $58^{\circ}59'56''$ East with the Mit-Mar north line and Willow Park city limits a distance of 135.63 feet to a point;

Thence North $56^{\circ}58'07''$ East, continuing with the Mit-Mar north line and Willow Park city limits a distance of 908.35 feet to a point in the approximate centerline of the Clear Fork Trinity River;

Thence with the approximate centerline of river the following courses and distances;

South $35^{\circ}12'35''$ East, 78.28 feet;
South $83^{\circ}09'07''$ East, 303.51 feet;
South $37^{\circ}18'16''$ East, 465.27 feet;
South $22^{\circ}39'51''$ East, 280.36 feet;
South $00^{\circ}43'55''$ West, 15.93 feet;

Thence South $62^{\circ}32'46''$ West, leaving the approximate centerline of river, a distance of 1147.90 feet to a point in the east line of Crown Pointe Boulevard for the beginning of a curve to the left having a radius of 1045.00 feet, a central angle of $15^{\circ}54'52''$, and a long chord that bears North $34^{\circ}32'34''$ West, 289.33 feet;

Thence along said curve to the left and east line of Crown Pointe Boulevard an arc distance of 290.26 feet to a point;

Thence North $42^{\circ}30'00''$ West, continuing with the east line of Crown Pointe Boulevard, a distance of 638.54 feet to the Point of Beginning and Containing 1,139,737 square feet, 26.16 acres of land, more or less.