

CITY OF WILLOW PARK

ORDINANCE NO. 652-12

AN ORDINANCE PROVIDING FOR ANNEXATION BY THE CITY OF WILLOW PARK, TEXAS OF THAT CERTAIN 23.189 ACRE TRACT OF LAND SITUATED IN THE ELIZA OXER SURVEY, ABSTRACT NO. 1034 AND THE JOHN H. PHELPS SURVEY, ABSTRACT NO 1046, AN ADDITIONAL TO THE CITY OF WILLOW PARK, TEXAS PROVIDING FOR ENCOMPASSING THE AREA DESCRIBED BY THE PETITION FOR ANNEXATION 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 23.189 ACRE TRACT; AND PROVIDING FOR PUBLICATION, 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 23.189 acre tract of land, the Aledo Realty Investments, LLC (owner), did file with the City of Willow Park a Petition for Annexation in which the owner stated under oath that Aledo Realty Investments, LLC was the sole owner of the property described therein, was ¼ 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 23.189 acre tract; 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 10th of July 2012, consider and accept the filing of the Petition for Annexation by action of that governing body 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 30th 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, was 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 23.189 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 5th day, but before the 30th day that the Petition for Annexation of that certain 23.189 acre tract was filed with the City.

SECTION 3. PETITION GRANTED

Does hereby annex the 23.189 acre tract described on Exhibit A into the municipal limits of the City of Willow Park, Tx.

SECTION 4. EXTENSION OF JURISDICTION

That certain 23.189 acre tract of a land is hereby annexed into the City and 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. MAP AMENDMENT

The City Secretary is hereby directed to amend the official zoning map of the City to reflect the annexation of that certain 23.189 acre tract authorized herein consistent with marking specified by the municipal code of ordinances of the City.

SECTION 7. 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 8. 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 9. 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 10. 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.

This Ordinance shall take effect from and after its adoption.

ATTEST: /s/ Yael Hoffman
City Secretary/Clerk

PASSED AND APPROVED this 21 day of August, 2012.
/s/ R. Neverdousky
Mayor

APPROVED AS TO FORM:
/s/
City Attorney

The Willow Park City Council in acting on Ordinance No. 658-13 did on the 21 day of August, 2012 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Richard Neverdousky, Mayor	_____	_____
<u>Brian Thornburg</u> , Place 1	✓	_____
Gene Martin, Place 2	✓	_____
Amy Podany, Place 3	✓	_____
Dan Stalling, Place 4	_____	✓
Bernard Suchocki, Place 5	_____	✓

STATE OF TEXAS §
 §
COUNTY OF PARKER §

LANDOWNER ANNEXATION PETITION

**TO THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS,
A GENERAL LAW MUNICIPALITY:**

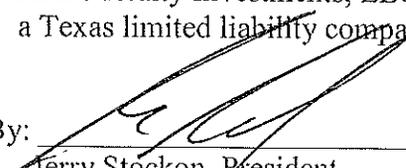
Aledo Realty Investments, LLC, a Texas limited liability company ("Owner"), the owner of approximately 23.19 acres of land described by metes and bounds in Exhibit A attached and incorporated herein (the "Property"), hereby petitions the City Council to annex the Property so as to extend the corporate limits of the City of Willow Park, Texas (the "City") to make the Property part of the City, pursuant to Texas Local Government Code, Section 43.028.

Owner's request that the City annex the Property is subject to (i) approval by the City Council of the final plat for the Property; and (ii) approval by the City Council and execution by the City of a development agreement for the Property acceptable to Owner. In the event that the City posts an agenda providing for the City Council to vote on an ordinance annexing the Property, pursuant to Chapter 551 of the Texas Government Code, before both of these conditions are met, this petition shall be deemed to be automatically withdrawn.

Owner certifies that this petition is signed and acknowledged by each and every entity and person having an interest in the Property and further certifies that the Property is within the City's extraterritorial jurisdiction, is contiguous to the City, is not more than one-half (½) mile in width, and is an area that is vacant and without residents or on which fewer than three qualified voters reside.

Owner requests that the City Council hear this petition and the arguments for and against annexation, grant the petition, and annex the Property.

Aledo Realty Investments, LLC,
a Texas limited liability company

By: 
Jerry Stockon, President

STATE OF TEXAS §
 §
COUNTY OF PARKER §

This instrument was acknowledged before me on the 29th day of June, 2012, by Jerry Stockon, President of Aledo Realty Investments, LLC, a Texas limited liability company, on behalf of such limited liability company.

Robin Sandusky
Notary Public in and for the State of Texas



Office Use Only:

Date Petition Filed: _____

Received by: _____

06-29-12 13:43 RCVD

Handwritten initials, possibly "RS", written in black ink.

Exhibit A

Metes and Bounds Description of the Property

23.189 acres situated in the ELIZA OXER SURVEY, Abstract No. 1034 and the JOHN H. PHELPS SURVEY, Abstract No. 1046, Parker County, Texas, being a portion of the tract described in deed to D&M by deed recorded in Volume 1403, Page 1713, Deed Records, Parker County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron rod set in the west line of said D&M tract, in the east line of WILLOW PARK VILLAGE, an Addition to the City of Willow Park according to the Plat thereof recorded in Plat Cabinet C, Slide 400, Plat Records, Parker County, Texas, from which a 5/8" iron rod found bears N 01°59'00" E, 1733.42 feet;

THENCE N 89°47'55" E, 875.61 feet to a 1/2" iron rod set in the east line of said D&M tract, in the west line of the tract described in deed to Magellan Pipeline Terminals, L.P. by deed recorded in Volume 2563, Page 1768, Deed Records, Parker County, Texas;

THENCE S 00°00'14" E, along the common line of said D&M and Magellan Pipeline Terminals, L.P. tracts, 869.53 feet to a railroad spike found for the northeast corner of the tract described in deed to M. Jerald Parish and wife, Carol J. Parish by deed recorded in Volume 633, Page 609, Deed Records, Parker County, Texas;

THENCE S 89°46'02" W, along the common line of said D&M and Parish tracts, 345.36 feet to a 5/8" iron rod found;

THENCE S 00°04'00" E, along the common line of said D&M and Parish tracts, 415.00 feet to a 1/2" iron rod set in the north line of OLD BANKHEAD HIGHWAY (a variable width Right-of-Way);

THENCE S 89°51'04" W, along the common line of said D&M tract and OLD BANKHEAD HIGHWAY, 575.27 feet to a 1/2" iron rod set in the east line of said WILLOW PARK VILLAGE;

THENCE N 01°59'00" E, along the common line of said D&M tract and WILLOW PARK VILLAGE, 1285.12 feet to the POINT OF BEGINNING and containing 23.189 acres of land.

EXHIBIT A
Legal Description

23.189 acres situated in the ELIZA OXER SURVEY, Abstract No. 1034 and the JOHN H. PHELPS SURVEY, Abstract No. 1046, Parker County, Texas, being a portion of the tract described in deed to D&M by deed recorded in Volume 1403, Page 1713, Deed Records, Parker County, Texas, and being more particularly described as follows:

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THENCE S 00°04'00" E, along the common line of said D&M and Parish tracts, 415.00 feet to a 1/2" iron rod set in the north line of OLD BANKHEAD HIGHWAY (a variable width Right-of-Way);

THENCE S 89°51'04" W, along the common line of said D&M tract and OLD BANKHEAD HIGHWAY, 575.27 feet to a 1/2" iron rod set in the east line of said WILLOW PARK VILLAGE;

THENCE N 01°59'00" E, along the common line of said D&M tract and WILLOW PARK VILLAGE, 1285.12 feet to the POINT OF BEGINNING and containing 23.189 acres of land.

EXHIBIT B Entrance Sign

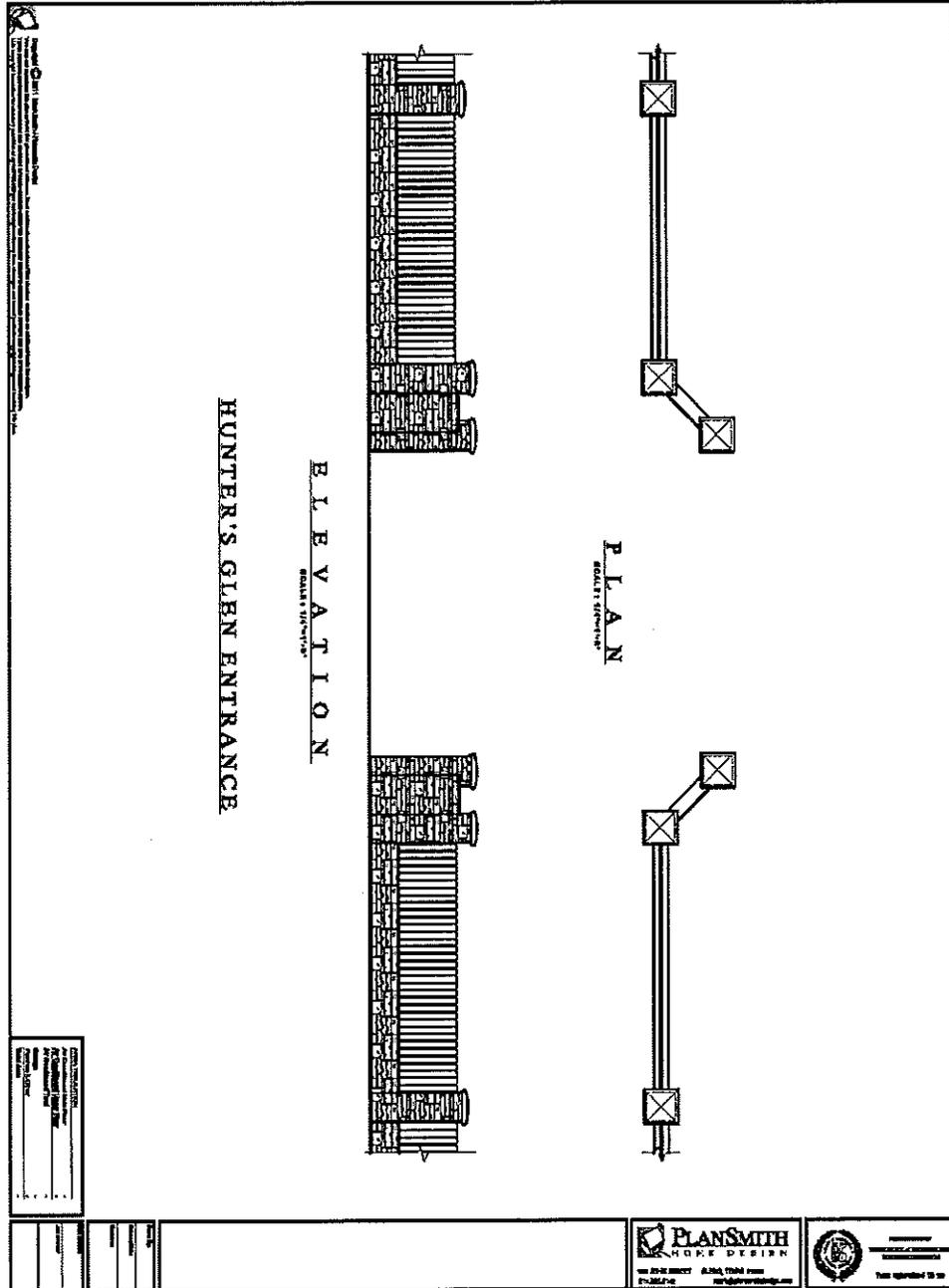


EXHIBIT C
Ordinance No. 513-004

CITY OF WILLOW PARK

ORDINANCE NO. 513-004

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO CHAPTER 12 "ZONING REGULATIONS", ARTICLE 12.500 "USE RESTRICTIONS AND ZONING REGULATIONS" BY ADDING SECTION 12.505(a) "CLASS II - RESIDENTIAL; 'R-5' SINGLE FAMILY, HIGH DENSITY" ZONING CLASSIFICATION; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the City of Willow Park is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the City is pursuant to §211.002 delegated the authority to adopt, amend or repeal zoning regulations that provide for the health, safety and general welfare of the City; and

WHEREAS, pursuant to §211.003 TEX. LOCAL GOVT. CODE the City may regulate the height, number of stories, size of buildings and other structures including maximum height, minimum lot area, dwelling units per acre, gross living area, yard setback, screening and use of structures; and

WHEREAS, the Planning and Zoning Commission of the City of Willow Park conducted a public hearing consistent with §211.006(a), TEX. LOCAL GOVT. CODE providing for the amendment of zoning regulations including notices required by law.

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

SECTION 1. AUTHORITY

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. AMENDMENT

Chapter 12, "ZONING REGULATIONS" Article 12.500 "USE RESTRICTIONS AND ZONING REGULATIONS" is amended, by adding:

§12.505(a) CLASS II -- Residential: 'R-5' Single Family High Density District

A. Use Regulations: The 'R-5' Single Family High Density District will be limited to the following uses:

1. Application to large parcels of land to be used for the development of single family residential uses which require approval of the Planning and Zoning Commissions and City Council.

2. All homes shall be site-built homes only.

B. Zoning Standards: are set accordingly unless specified otherwise in this ordinance (the more stringent applying).

1. Maximum height: Two (2) stories, but not to exceed thirty (30) feet.

2. Minimum lot area: Seven thousand two hundred sixty (7,260) square feet.

3. Maximum family dwelling units: Six (6) dwelling units per acre.

4. Minimum gross living area: The following ranges must be followed per each defined subdivision: 20% 1500 - 1700 square feet; 30% 1701 - 1900 square feet; 50% greater than 1900 square feet.

5. Front yard setback: Twenty-five (25) feet.

6. Rear yard setback: Ten (10) feet.

7. Side yard setback: Ten (10) feet.

8. Maximum lot coverage by structure: Forty per cent (40%).

9. Required parking: Two (2) car attached garage per dwelling unit. Front entrance garages require divided garage doors.

10. Required screening: Rear and rear-side yards shall be enclosed with Six (6) foot masonry or wooden screening. Wooden screening shall be built with steel reinforced concrete footer which shall be four (4) inches above grade, four (4) inches below

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grade and a minimum six (6) inches wide. Footer shall have drainage holes as necessary. Screening poles shall be metal. All screening shall be uniform throughout individual subdivisions. Developments done in phases shall ensure that screening is complimentary in style and colors.

11. Minimum masonry coverage: One hundred percent (100%) below highest top plate. Fireplaces and chimneys must be 100% masonry.

12. Landscape requirements: Front and front-side yards shall be sodded. The front yard shall have minimum of two (2) trees with minimum three (3) inch trunk diameter as measured twelve (12) inches above the ground and a minimum of six (6) shrubs. Said shrubs shall be a minimum of five (5) gallons at the time of planting. At time of planting, trees shall not be placed nearer than six (6) feet on center.

13. Architectural Relief Required: The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two (2) feet.

14. Repetition of Building Form:

(a) Repetition of Facade: No front building elevation or plan for a primary structure shall be repeated within a block face (including both sides of the street) or within three hundred (300) feet along a street or streets.

i. "Block Face" means lots taking access from a street that are contiguous to each other and that are not separated by a street.

ii. The three hundred (300) foot distance along a street shall be measured from the centerline of the street on which the proposed structure faces at a point perpendicular to a the center point of the lot to contain the structure, thence along the centerline of such street or along an intersecting street for a distance of three hundred (300) feet.

(b) Criteria for Determining Difference in Elevation: A front building elevation or elevation plan shall be considered repeated if it is not visually different from another front building elevation or elevation plan. A front building elevation or elevation plan shall be considered visually different if any

three (3) of the following five (5) criteria are met:

i. Three (3) or more of the articulated elements constituting the roof (e.g. ridges, turrets, hips, and valleys) vary in placement by at least twenty-four (24) inches or in geometric shape by volume of at least twenty (20) percent, or in angles by at least thirty (30) degrees;

ii. there is a difference in roof pitch of two (2) inches per twelve (12) inches or greater;

iii. Articulations in the front facade, i.e., the planes that advance or recede from the line of the main facade by three (3) or more feet, vary in height or width by a minimum of fifteen (15) percent;

iv. The articulation of windows shall vary by a minimum of two (2) of the following methods:

a. The aggregate area of windows on the front facade varies by at least fifteen (15) percent;

b. The distance between two (2) or more windows varies by at least ten (10) percent; or

c. The shape of two (2) or more windows varies in width or height or radius by at least fifteen (15) percent.

v. The size and shape, or mix, or masonry units (i.e. individual bricks or blocks of stone) are noticeable different. "Noticeable different" as specified herein shall mean at least a fifteen (15) percent variance in size, shape or mix.

(c) Reversal of a Building Plan: A front building elevation plan may be reversed once within a block face (including both sides of the street) or within three hundred (300) feet along a street or streets in order to meet the criteria as specified in (2) (a) and (2) (b) of this section; provided that in such event, criteria (2) (c) and (2) (d) must also be satisfied.

(d) Variations not Considered: Variations in the following characteristics shall not be considered in determining whether a building elevation for a primary structure is dissimilar:

- i. Color or
- ii. Roofing materials.
- (e) Determination by Building Official.
 - i. The Building Official shall have discretion to approve minor variations in the requirements of this section, so long as those variations are consistent with the overall intent of this section.
 - ii. The following process shall be used to approve a front building elevation plan:
 - a. The applicant shall submit a dimensioned rendering of the front building elevation to the Building Official.
 - b. The Building Official shall determine the elevation plan's compliance with this section and issue an elevation plan approval letter or disapproval letter to the applicant.
 - c. The applicant shall prepare and submit construction plans to the Building Official, who shall process the plans in accordance with City ordinances and policies.
 - d. The elevation plan approval letter, if issued, shall remain in effect until the completion of the construction plan approval process and the issuance of the building permit for the proposed structure.
 - e. Complete construction plans shall be submitted to the Building Official within thirty (30) calendar days of the date of the approval letter. If construction plans are not submitted within such period, the elevation plan approval expires.
 - f. Construction plans shall be consistent with the approved elevation plan. If construction plans are inconsistent, consistent plans shall be submitted or a new elevation plan must be approved for the construction plans under the criteria of this section.
- (f) Minimum Roof Pitch Required: A minimum 7:12 roof pitch is required for each primary structure.

- (g) Minimum Overhang Required:
Each primary structure must be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building facade to the soffit.
- (h) Roofing System Required:
Installed roofing shingles must consist of dimensional shingles with a minimum manufacturers rating of twenty (20) years. Roofing systems or materials exceeding the standards established herein may be used pursuant to approval by the Building Official or his designee.

C. Special Regulations:

- i. Portable trailers may be used as offices or storage trailers located within a new sub-development subject to the following provisions:
 - a) No more than one (1) trailer per platted sub-division
 - b) Trailer must be located at least one hundred fifty (150) feet from any occupied residence
 - c) A time limit of one (1) year

SECTION 3. SEVERANCE

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 4. 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 5. 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 §2.011 of the LOCAL GOVERNMENT CODE.