

CITY OF WILLOW PARK

ORDINANCE NO. 653-12

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM AGRICULTURAL (AG) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION TO RESIDENTIAL R-5, SINGLE FAMILY, HIGH DENSITY ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION FOR THAT CERTAIN 23.189 TRACT SITUATED IN THE ELIZA OXER SURVEY, ABSTRACT NO. 1034 AND THE JOHN H. PHELPS SURVEY, ABSTRACT NO. 1046 IN THE CITY OF WILLOW PARK, PARKER COUNTY, TEXAS; PROVIDING FOR A PENALTY, A SEVERABILITY CLAUSE, PUBLICATION 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, Aledo Realty Investments, LLC (Owner), has applied for a change in zoning for that certain 23.189 tract situated in the Eliza Oxer Survey, Abstract No. 1034 and the John H. Phelps Survey, Abstract No. 1046 ("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 Residential R-5, single family, high density zoning district classification and use designation; and

WHEREAS, the City of Willow Park held a joint public hearing, with the Planning and Zoning Commission and subsequent thereto received the report and recommendation 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 residential R-5, single family, high density 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 21 day of August, 2012.

/s/ R. Neverdousky

Mayor

ATTEST:

/s/ Yael Hoffman

City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 53-12 did on the 21 day of August, 2012, vote as follows:

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

CITY OF WILLOW PARK
ZONING CHANGE APPLICATION
(Excluding PD -- Planned Development)

01-23-12P04:33 RCVD

Name of Applicant ALEDO REALTY INVESTMENTS, LLC

Address of Applicant PO BOX 1326 ALEDO, TX 76008
Street City State Zip

Telephone where Applicant may be reached (817) 371-6770

The location of the property for which this application is being made: NORTH SIDE
OF BANKHEAD HWY APPROX. 0.7 MILE EAST OF RANCH HOUSE RD.

The intended use of this property: SINGLE FAMILY RESIDENTIAL

The intended Zoning District which is being requested: RS SINGLE FAMILY, HIGH DENSITY

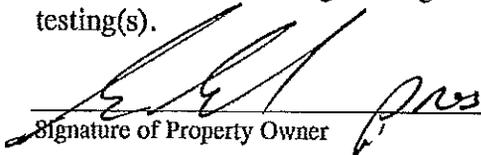
This current Zoning District for this property is: R1 SINGLE FAMILY

The specific reason for this Zoning request: FOR DEVELOPMENT OF PROPERTY
FOR SINGLE FAMILY LOTS 70' x 120'

The applicant hereby solemnly swears that the statements on this application are true; furthermore, the applicant further agrees that he/she/they are the owner(s) of said property, or has been authorized by the owner(s) to act as agent in obtaining this application request. The applicant must complete all aspects of this application before it is to be considered ready for submission to the Zoning Commission, at least fifteen (15) days before a regularly scheduled meeting. Any request, which shall be denied for any reason, shall not be accepted for reconsideration or filing for a period of at least one hundred and twenty (120) days.

Filing fee for this application is: \$150 Additional fees (if applicable): _____

Any reasonable fees and/or costs, which are required by the City of Willow Park for a proper review of this request, are the sole responsibility of the applicant. Such fees or cost shall include, but are not limited to engineering reviews, legal opinions, building(s)/property inspections and/or testing(s).


Signature of Property Owner

1/23/2012
Application Date

APPROVED DATE _____

DENIED DATE _____

The following requirements for the Zoning Change Request **MUST BE INITIALED AND DATED** by the applicant when the item is completed and duly submitted to the City Secretary or designee:

1/23/12
Twenty Three (23) Copies of the Site Plan (drawn to scale) and accompanying data given to the City Secretary for distribution to Commissions/Council

1/23/12
A *signed and notarized* statement from all owners of the property, authorizing the Applicant to act as the owners' agent for the purpose of applying for this Zoning Change

1/23/12
One (1) certified blue line copy of the plat and accompanying data given to the Building Dept a letter from the City Engineer to the Commissions/Council with a review of the plat and accompanying data

The following items must be submitted on the site plan or accompanying sheets.

1/23/12
Location of the property within the City, including its relationship to all existing properties and land uses within two hundred (200) feet in all directions

1/23/12
Location of any existing or proposed buildings, and the proposed uses for each

1/23/12
Location of any streets and highways adjoining the property and all proposed types of surfaces, such as paving, turf, gravel, etc.

1/23/12
Traffic flow to public streets and alleys

1/23/12
Location, construction, and size of any signs

1/23/12
Types and location of any walls, fences, and screening

1/23/12
A *written and notarized statement* signed by the owner or owners that all Property taxes and assessments have been paid for past years and up to date

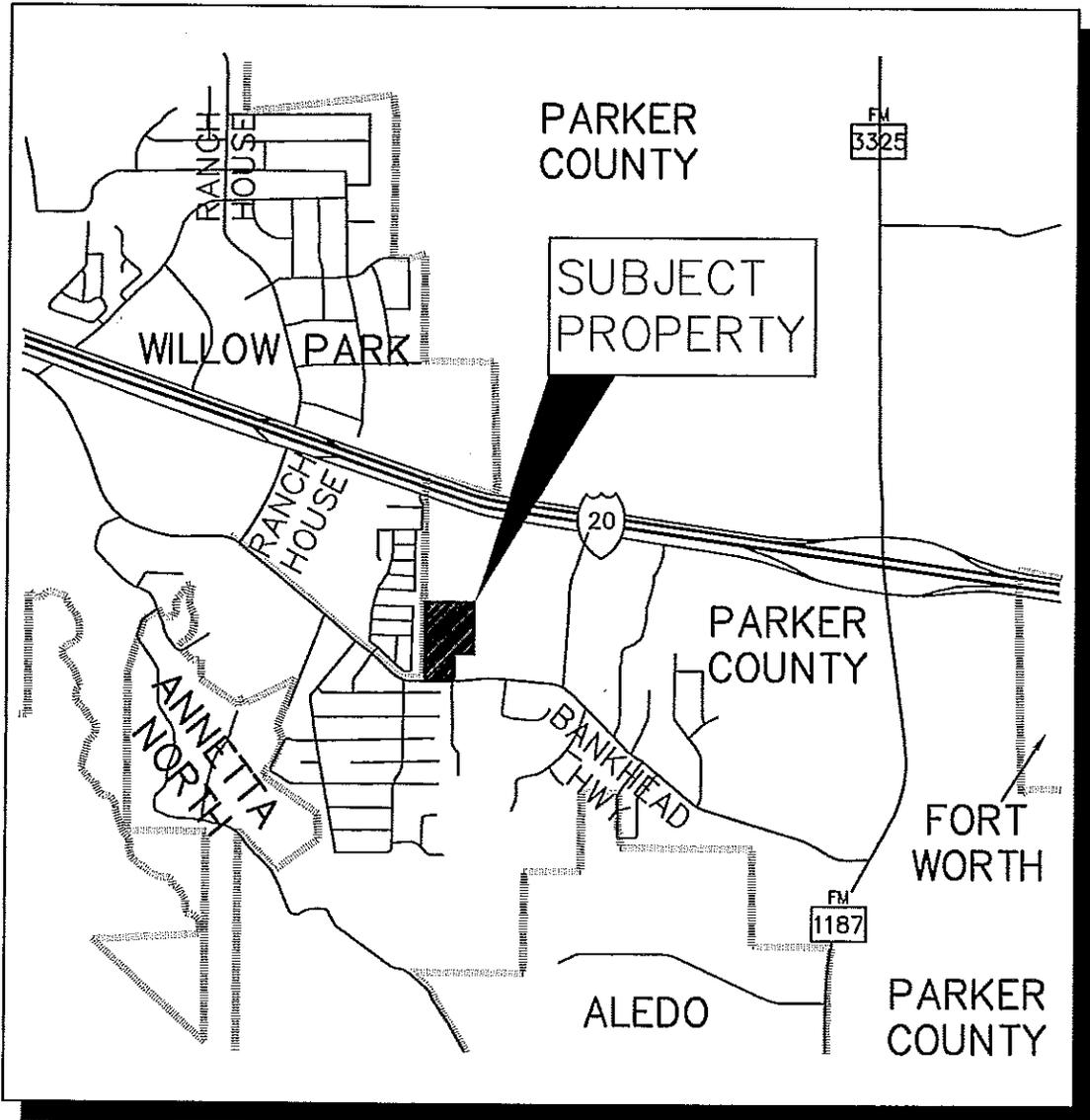
N/A
Off- Street Parking provisions on any lot designated for business or industry

Qualifying Statement

This Application will expire forty five (45) days after its filing, if the Applicant fails to provide information necessary to make the Application technically complete. You will receive notice within ten (10) days whether the Application as filed is technically complete.

Annexation Plan

The city of Willow Park does not intend to annex any area for which an annexation plan is required. § 43.052(c) TEXAS LOCAL GOV'T CODE.



LOCATION MAP

SD Engineering, Inc.

Site Development Engineering

PO Box 1357 Aledo, TX 76008-1357

(817) 441-6400 Fax (817) 441-6085

TEXAS REGISTERED ENGINEERING FIRM F-7643

TEXAS REGISTERED SURVEYING FIRM 10095800

LETTER OF AUTHORIZATION FOR ZONING CASE REPRESENTATION

AUTHORITY IS HEREBY GRANTED TO SD ENGINEERING, INC.
ACTING ON MY BEHAFL AS THE OWNER OF THIS PROERTY, TO FILE AND
PRESENT AN APPLICATION TO THE CITY OF WILLOW PARK, TEXAS, TO
REQUEST A CHANGE IN ZONING CLASSIFICATION FOR THE FOLLOWING
PROPERTY:

23.189 ACRE TRACT SITUATED IN THE ELIZA OYER SURVEY, ABST.
NO. 1034 & THE JOHN H. PHELPS SURVEY, ABSTRACT NO. 1046, PARKER CO., TX

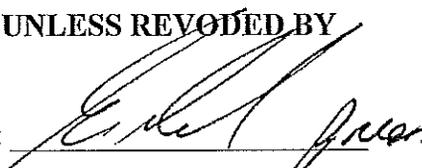
ACKNOWLEDGEMENTS:

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now, or will be, fully prepared to present the above proposal at the Planning and Zoning Commission and City Council hearings. I further certify that I have read and understand the information provided concerning the procedure for consideration of my zoning request.

I understand that all recommendations of the Planning and Zoning Commission will be forwarded to the City Council for final determination. I further understand that any actions of the Planning and Zoning Commission are considered recommendations to the City Council and that I may be heard by the City Council at the prescribed Council hearing date where a final decision will be made.

I understand that if I am not present or represented at the public hearings, the Planning and Zoning Commission may dismiss the request which constitutes a recommendation that the request be denied. I further understand that if I am not present or represented at the City Council hearing, the City Council may deny the request.

THIS AUTHORIZATION WILL REMAIN IN FORCE UNLESS REVOKED BY WRITTEN NOTICE.

OWNER'S SIGNATURE of the above described property: 

OWNER'S NAME (printed) ALERO Realty Investments, LLC

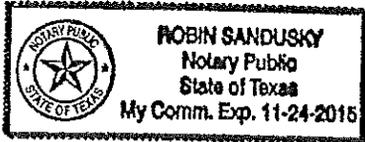
ADDRESS and ZIP PO Box 1326 Alero 76008

TELEPHONE 817 371-6726 EMAIL: _____

RELATED CASE NO>, if applicable: _____

STATE OF TEXAS §
 §
COUNTY OF PARKER §

This instrument was acknowledged before me on the 23rd day of January, 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

FIELD NOTES:

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.