

CITY OF WILLOW PARK

ORDINANCE NO. 658-12

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A NUNC PRO TUNC CORRECTION OF AN ABSTRACT NUMBER AND LAND USE REFERENCE ERROR CONTAINED IN THE CAPTION, BODY, AND ATTACHMENTS OF ORDINANCE 652-12 AND ORDINANCE 653-12, AS ADOPTED BY VOTE AUGUST 21, 2012; AND PROVIDING FOR 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 caption and body of Ordinance 652-12 and Ordinance 653-12, adopted by the governing body of the City of Willow Park on August 21, 2012, contains a legal description of the property involved citing two surveys and abstracts which the property was located partially within; and

WHEREAS, the Abstract No. referenced in the Eliza Oxer Survey in all documents submitted to the City was No. 1034, when it should have been No. 1031; and

WHEREAS, there was by mistake and error an incorrect land use listed as the default land use in the caption and body of Ordinance 653-12;

WHEREAS, the governing body of the City of Willow Park, Texas does have the inherent power to enter a Nunc Pro Tunc Order to correct clerical or recording errors, including the abstract number shown in an Ordinance to correctly provide a legal description of the property.

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

SECTION 1. AUTHORIZATION

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

SECTION 2. NUNC PRO TUNC

In Ordinance 652-12 and Ordinance 653-12, which, were adopted by City Council on August 21, 2012, contained in the legal description of the property was a citation to Abstract No. 1034 in the Eliza Oxer Survey which was in error since the correct Abstract No. in said Survey should have been No. 1031 and "Agricultural" land use should be changed to "Residential R-1", which should be, and is hereby, ordered to be corrected as specified herein.

SECTION 3. CITY SECRETARY

The City Secretary is hereby directed to correct Ordinance 652-12 and Ordinance 653-12, adopted by the City Council of the City of Willow Park on August 21, 2012, by correcting the abstract number and land use in said respective Ordinances as provided herein and by substituting the corrected Ordinances 651-12 and 651-13, attached hereto.

SECTION 4. 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 5. RATIFY

The City Council does hereby ratify and approve Ordinances 652-12 and 653-12 in all things, including but not limited to, the Nunc Pro Tunc changes made herein.

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.

/s/ Richard Neverdousky
Mayor

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.

ATTEST:

/s/ Joel Hoffman
City Secretary/Clerk

PASSED AND ADOPTED this 11th day of December, 2012.

APPROVED AS TO FORM:

/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 658-12, did on the 11th day of December, 2012 vote as follows:

	FOR	AGAINST
Richard Neverdousky, Mayor	_____	_____
Brian Thonburg, Place 1	✓ _____	_____
Gene Martin, Place 2	✓ _____	_____
Amy Podany, Place 3	✓ _____	_____
Dan Stalling, Place 4	✓ _____	_____
Bernard Suchocki, Place 5	✓ _____	_____

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. 1031 AND THE JOHN H. PHELPS SURVEY, ABSTRACT NO 1046, AN ADDITION 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, 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 ½ 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 the governing body on said date; and

WHEREAS, a hearing on the Petition pursuant to §43.028(d) TEX. LOCAL GOV'T CODE was

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

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

EXHIBIT 'A'

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 which are hereby extended to said tract.

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 Ordinance.

SECTION 8. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be

The Willow Park City Council in acting on Ordinance No. 652-12 did on the 21st day of August, 2012 vote as follows:

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

held invalid, it shall not affect any valid provisions of this or any other Ordinance or Resolution 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, TEX. LOCAL GOV'T 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.

PASSED AND APPROVED this 21st day of August, 2012

/s/ _____
Mayor

ATTEST:
/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:
/s/ _____
City Attorney

CITY OF WILLOW PARK

ORDINANCE NO. 653-12

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING FOR A ZONING CHANGE FROM RESIDENTIAL (R-1), 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. 1031 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. 1031 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 Residential (R-1) 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 Residential (R-1) 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.

EXHIBIT 'B'

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 Ordinance.

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 TEX. LOCAL GOV'T 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 11th day of December, 2012.

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 653-12 did on the 11th day of December, 2012, vote as follows:

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