

# *CITY OF WILLOW PARK*

## ORDINANCE NO. 713-15

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS, PROVIDING AUTHORIZATION TO AMEND SECTION 3. "TERM" OF ORDINANCE 704-15, PREVIOUSLY ADOPTED BY THIS GOVERNING BODY, TO EXTEND THE TIME TO FINALIZE A DEVELOPMENT AGREEMENT BY AND BETWEEN THE PARTIES; 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**, Centurion American Inc., (Owner) has applied for and received a change in zoning for that certain 82.3 tract of land, located in the M.M. Edwards Survey Abstract 1955 and Ann McCarver Survey, Abstract 190 and more commonly known as (the "Property") from "R-1" Single Family District" zoning district classification and use designation to "Class II - Residential: R-5" Single Family Medium Density" zoning district classification and use designation; 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 found that the zoning change was consistent with surrounding zoning as shown in the Comprehensive Plan and made said zoning change by unanimously adopting Ordinance No. 704-15 on January 13, 2015; and

**WHEREAS**, the governing body finds that additional time is needed and reasonable to compete and execute a Development Agreement regarding said rezoned tract.

**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. AMENDMENT

Section 3. "TERM" of Ordinance No. 704-15 is amended, as follows:

### "SECTION 3. TERM

The change in zoning district classification and use designation is made expressly contingent upon a condition subsequent, the execution of a Development Agreement between Owner and the City concerning the terms and conditions of development with "R-5" zoning as amended (Jan. 2015 ver.). If a Development Agreement is not entered into between the Owner and the City ~~90~~ 180 days after the adoption of this Ordinance, then this Ordinance shall be null and void and the subject property will retain and revert to its former "R-1" zoning designation. Further, construction of the single family development, shall commence within six months after the execution of the Development Agreement or the zoning and land use granted herein will expire and become void."

SECTION 3. 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 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. 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 14<sup>th</sup> day of April 2015.

/s/ \_\_\_\_\_  
Mayor

ATTEST:

/s/ \_\_\_\_\_  
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ \_\_\_\_\_  
City Attorney

The Willow Park City Council in acting on Ordinance No. 713-15, did on the 14<sup>th</sup> day of April 2015 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Richard Neverdousky, Mayor	_____	_____
Brian Thornburg, Place 1	_____	_____
Gene Martin, Place 2	_____	_____
Greg Runnebaum, Place 3	_____	_____
James E. Mullins, Place 4	_____	_____
Tim Griffiths, Place 5	_____	_____

