

# **CITY OF WILLOW PARK**

RESOLUTION NO.: 14-12

**A RESOLUTION PROVIDING FOR THE AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN WILKS HERITAGE GROUP, L.L.C., A TEXAS LIMITED LIABILITY COMPANY (DEVELOPER), AND THE CITY OF WILLOW PARK, TEXAS (TOGETHER "PARTIES"), RELATING TO THAT CERTAIN 26.16 ACRE TRACT OF LAND SITUATE IN THE WESLEY FRANKLIN SURVEY, ABSTRACT NO. 468, CITY OF WILLOW PARK, PARKER COUNTY, TEXAS AND BEING ALL OF LOT 2, BLOCK B CROWN POINTE ADDITION, AND ADDITION TO THE CITY OF WILLOW PARK, TEXAS AS RECORDED IN CABINET D, SLIDE 148, PLAT RECORDS PARKER COUNTY, TEXAS; PROVIDING FOR CERTAIN RIGHTS AND RESPONSIBILITIES BY AND BETWEEN THE PARTIES; AND, PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Willow Park, Texas (City) 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 governing body of the municipality may adopt an Ordinance or Regulation that benefits the efficient provision of government or trade and commerce of the municipality pursuant to § 51.801(2) TEX LOCAL GOVT CODE; and

**WHEREAS**, a municipality is specifically authorized, pursuant to § 51.014 TEX LOCAL GOVT CODE, to contract with other persons; and

**WHEREAS**, Developer is a Texas Limited Liability Company, and therefore is such a person with which the City may enter into a contract with; and

**WHEREAS**, a municipality is delegated the authority to take or hold property located both inside or outside the municipality to carry out a valid municipal purpose, as established herein, pursuant to §51.015(a) TEX LOCAL GOVT CODE; and

**WHEREAS**, the Parties have, in the Agreement, authorized and contracted for certain mutually beneficial terms and conditions that are adequate and sufficient consideration between the parties and which are beneficial to the operation, management and comprehensive plan of the City.

**NOW THEREFORE, BE IT RESOLVED 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 Resolution.

## **SECTION 2. APPROVAL**

The governing body of the City does hereby find that the provisions of the Agreement, attached hereto as Exhibit A and incorporated herein for all purposes, are beneficial to and in the best interests of the City and the obligations, regulations and restrictions imposed therein are reasonable and are hereby approved.

## **SECTION 3. SIGNATURE**

The Mayor is hereby authorized to execute duplicate originals of the Agreement for and on behalf of the City of Willow Park, Texas, not materially different from Exhibit A.

## **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. SEVERABILITY**

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

held invalid, it shall not affect any valid provisions of this or any other Resolution of the City of Willow Park to which these rules and regulations relate.

SECTION 6. EFFECTIVE DATE

This Resolution shall be in full force and effect from and after its adoption by the City Council.

PASSED AND ADOPTED this 14<sup>th</sup> day of August 2012.

/s/ Richard Neverdousky  
Mayor

ATTEST:

/s/ Yael Hoffman  
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]  
City Attorney

The Willow Park City Council in acting on Resolution No. 14-12, did on the 14<sup>th</sup> day of August, 2012 vote as follows:

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