

ORDINANCE NO. _____

AN ORDINANCE DECLARING CERTAIN FINDINGS; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF FORT WORTH; PROVIDING FOR FULL-PURPOSE ANNEXATION OF A CERTAIN 115.026 ACRES OF LAND, MORE OR LESS, AND APPROXIMATELY 35.589 ACRES OF LAND MORE OR LESS OF RIGHT-OF-WAY, OUT OF THE A. KING SURVEY, ABSTRACT NO. 710, THE W. SAMPLE SURVEY, ABSTRACT NO. 1207, THE L. BUTLER SURVEY, ABSTRACT NO. 64, THE C. PERRY SURVEY, ABSTRACT NO. 1031, THE A. ROBERTSON SURVEY, ABSTRACT NO. 1553, THE J. BEATON SURVEY, ABSTRACT NO. 1708 AND THE GREENBERRY OVERTON SURVEY, ABSTRACT NUMBER 972, IN DENTON COUNTY, TEXAS (CASE NO. AX-19-001) WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT CORPORATE BOUNDARY LIMITS OF FORT WORTH, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL AMEND EVERY PRIOR ORDINANCE IN CONFLICT HEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES NOT IN DIRECT CONFLICT; PROVIDING FOR SEVERABILITY; AND NAMING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Worth has received a petition in writing from NP-OV Fort Worth Project 1 LLC the owner, requesting the full-purpose annexation of 115.026 acres of land as described in Section 1, below (the “Property”); and

WHEREAS, the hereinafter described Property is in the City’s exclusive extraterritorial jurisdiction and is adjacent to and adjoins the City; and

WHEREAS, the City is a Tier 2 municipality for purposes of annexation under Chapter 43 of the Texas Local Government Code (“LGC”); and

WHEREAS, Subchapter C-3 of the LGC permits the City to annex an area if each owner of land in an area requests the annexation; and

WHEREAS, in accordance with Subchapter C-3 of Chapter 43 of the Texas Local Government Code, the City section 43.0672 of the Texas Local Government Code, NP-OV Fort Worth Project 1, LLC and the City negotiated and entered into a written agreement, City Secretary Contract No. _____ for the provisions of municipal services in the area; and

WHEREAS, the Property abuts 35.589 acres of state roads which will be annexed; and

WHEREAS, the City conducted two public hearings at which members of the public who wished to present testimony or evidence regarding the Municipal Service Agreement and Full-Purpose Annexation were given the opportunity to do so, in accordance with the procedural requirements of Section 43.0673 of the Local Government Code on March 26, 2019 at 7:00 p.m., on April 9, 2019, at 7:00 p.m., at the City Council Chamber; and

WHEREAS, the City Council finds and determines that annexation of the Property hereinafter described is in the best interest of the citizens of the City of Fort Worth and the owners and residents of the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That all portions of the Property, comprising approximately 115.026 acres of land, are hereby annexed to the City of Fort Worth as a part of the city for all municipal purposes, and the city limits are extended to include such Property being all that certain land particularly described below and depicted as on Exhibit "A" attached to and incorporated in this ordinance for all purposes:

BEING a tract of land situated in the A. King Survey, Abstract No. 710, the W. Sample Survey, Abstract No. 1207, the L. Butler Survey, Abstract No. 64, the A. Robertson Survey, Abstract No. 1553, the J. Beaton Survey, Abstract No. 1708, the C. Perry Survey, Abstract No. 1031 and the G. Overton Survey, Abstract No. 972, Denton County, Texas, being a part of that certain tract of land described by deed to M.T. Cole Family Partnership No. 2, LP, recorded in Instrument Number 2009-102749, Deed Records, Denton County, Texas and being a part of that certain tract of land described by deed to NP-OV Fort Worth Project 1, LLC, recorded in Instrument Number 2018-78932, Deed Records, Denton County, Texas, said tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a point in the northerly right-of-way line of F.M. 156 (a variable width right-of-way), the southeast corner of Lot 4, Block 1, Dave Addition, an addition to the City of Fort Worth, according to the plat recorded in Instrument Number 2018-152, Plat Records, Denton County, Texas, and in a non-tangent curve to left having a central angle of 15°36'37", radius of 2,964.79 feet and a chord bearing and distance of South 84°36'50" West - 805.27 feet, from which a 1/2" iron rod with cap stamped "SPIARS ENG", bears South 79°37'39" East, a distance of 0.83 feet;

With the northerly right-of-way line of said F.M. 156, with south line of said Lot 4, Block 1, Dave Addition and with said non-tangent curve to the left in a southwesterly direction, an arc length of 807.76 feet to a point in the approximate centerline of

Elizabeth Creek, the southwest corner of said Lot 4, Block 1, Dave Addition and the **POINT OF BEGINNING** of herein described tract of land;

THENCE departing the approximate centerline of said Elizabeth Creek and with the north right-of-way line of said F.M. 156 the following courses and distances:

Continuing with the said non-tangent curve to the left having a central angle of $05^{\circ}26'40''$, a radius of 2,964.79 feet and a chord bearing and distance of South $74^{\circ}05'11''$ West - 281.62 feet to a point;

With said non-tangent curve to the left in a southwesterly direction, an arc length of 281.72 feet to a point;

South $81^{\circ}12'39''$ West, a distance of 106.20 feet to a point for the beginning of a curve to the left having a central angle of $26^{\circ}37'57''$, a radius of 2,984.79 feet and a chord bearing and distance of South $56^{\circ}02'18''$ West - 1,374.95 feet;

With said curve to the left in a southwesterly direction, an arc length of 1,387.40 feet to a point;

South $47^{\circ}16'39''$ East, a distance of 20.00 feet to a point for the beginning of a non-tangent curve to the left, having a central angle of $01^{\circ}11'35''$, a radius of 2,964.79 feet and a chord bearing and distance of South $42^{\circ}07'32''$ West - 61.73 feet;

With said non-tangent curve to the left in a southwesterly direction, an arc length of 61.73 feet to a point;

South $41^{\circ}31'45''$ West, a distance of 2,286.16 feet to a point for the beginning of a curve to the left having a central angle of $06^{\circ}52'37''$, a radius of 4,683.66 feet and a chord bearing and distance of South $38^{\circ}05'26''$ West - 561.83 feet;

With said curve to the left in a southwesterly direction, an arc length of 562.17 feet to a point for the most easterly northeast corner of said NP-OV Fort Worth Project 1 tract;

THENCE North $47^{\circ}51'10''$ West, departing the northerly right-of-way line of said F.M. 156, with the northeasterly line of said NP-OV Fort Worth Project 1 tract, a distance of 460.75 feet to point;

THENCE North $89^{\circ}01'23''$ West, departing the northeasterly line of said NP-OV Fort Worth Project 1 tract, crossing into said NP-OV Fort Worth Project 1 tract, a distance of 1,636.99 feet to a point in the most northerly west line of said NP-OV Fort Worth Project 1 tract;

THENCE West, departing the most northerly west line of said NP-OV Fort Worth Project 1 tract, with the most westerly north line of said NP-OV Fort Worth Project 1 tract, a distance of 341.38 feet to a point;

THENCE North, departing the most westerly north line of said NP-OV Fort Worth Project 1 tract, crossing into said M.T. Cole Family Partnership No. 2, LP tract, a distance of

112.50 feet to a point for the beginning of a non-tangent curve to the left having a central angle of 68°05'23", a radius of 376.41 feet and a chord bearing and distance of North 42°19'44" East - 421.46 feet;

THENCE with said non-tangent curve to the left in a northeasterly direction, an arc length of 447.32 feet to a point for the beginning of a non-tangent curve to the right having a central angle of 40°36'44", a radius of 429.21 feet and a chord bearing and distance of North 11°08'39" East - 297.90 feet;

THENCE with said non-tangent curve to the right in a northeasterly direction, an arc length of 304.23 feet to the point in the most northerly west line of said NP-OV Fort Worth Project 1 tract;

THENCE North, with the most northerly west line of said NP-OV Fort Worth Project 1 tract, a distance of 127.28 feet to a point for the most northerly northwest corner of said NP-OV Fort Worth Project 1 tract;

THENCE East, with the north line of said NP-OV Fort Worth Project 1 tract, a distance of 153.72 feet to a point in the northeasterly line of said NP-OV Fort Worth Project 1 tract;

THENCE North 34°29'28" East, departing the north line of said NP-OV Fort Worth Project 1 tract, crossing into said M.T. Cole Family Partnership No. 2, LP tract, a distance of 352.11 feet to a point;

THENCE South 47°51'10" East, a passing distance of 432.49 feet to a point for the most northerly northeast corner of said NP-OV Fort Worth Project 1 tract and continuing with a northeasterly line of said NP-OV Fort Worth Project 1 tract for a total distance of 1065.37 feet to a point;

THENCE North 40°53'33" East, departing the northeasterly line of said NP-OV Fort Worth Project 1 tract, crossing into said M.T. Cole Family Partnership No. 2, LP tract, a distance of 2,848.12 feet to a point in the approximate centerline of said Elizabeth Creek and in the Southerly line of that certain tract of land described by deed to Forestar (USA) Real Estate Group, Inc., recorded in Instrument Number 2018-27156, Deed Records, Denton County, Texas;

THENCE with the approximate centerline of said Elizabeth Creek and with the southerly line of said to Forestar (USA) Real Estate Group, Inc. tract the following courses and distances:

South 61°35'51" East, a distance of 112.93 feet to a point;

South 75°35'15" East, a distance of 572.39 feet to a point;

North 77°13'23" East, a distance of 487.75 feet to a point;

North 29°10'09" East, a distance of 163.71 feet to a point;

South 80°48'51 East, a distance of 175.36 feet to a point;

North 67°02'04” East, a distance of 406.53 feet to a point;
North 47°37'25” East, a distance of 257.66 feet to a point;
North 36°41'43” East, a distance of 119.87 feet to a point;
North 80°04'45” East, a distance of 80.79 feet to a point;
South 55°06'35” East, a distance of 248.69 feet to a point;
South 04°58'02” East, a distance of 134.41 feet to a point;
South 66°18'43” East, a distance of 68.03 feet to the **POINT OF BEGINNING** and containing a calculated area of 5,010,567 square feet or 115.026 acres of land.

SECTION 2.

The above described territory is shown on Map Exhibit “A” attached hereto and expressly incorporated herein by reference for the purpose of depicting the location of the hereinabove described territory.

SECTION 3.

That all portions of the right-of-way, comprising approximately 35.589 acres of land, are hereby annexed to the City of Fort Worth as a part of the city for all municipal purposes, and the city limits are extended to include such right-of-way being all that certain land particularly described below and depicted as on Exhibit “B” attached to and incorporated in this ordinance for all purposes.

SECTION 4.

That the above described territory hereby annexed shall be part of the City of Fort Worth, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Fort Worth, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens in accordance with the Service Plan and shall be bound by the acts, ordinances, resolutions and regulations of the City of Fort Worth, Texas.

SECTION 5.

That the Municipal Services Agreement attached hereto as Exhibit “C” is approved and incorporated into this ordinance for all purposes.

SECTION 6. **CUMULATIVE CLAUSE**

This ordinance amends every prior ordinance in conflict herewith, but as to all other ordinances or sections of ordinances not in direct conflict, this ordinance shall be, and the same is hereby made cumulative.

SECTION 7.
SEVERABILITY CLAUSE

It is hereby declared to be the intent of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8.
SAVING CLAUSE

The City Council hereby declares it to be its purpose to annex to the City of Fort Worth every part of the area described in Section 1 of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Should this ordinance for any reason be ineffective as to any part or parts of the area hereby annexed to the City of Fort Worth for full purposes, the ineffectiveness of this ordinance as to any such part or parts shall not affect the effectiveness of this ordinance as to the remainder of such area.

SECTION 9.
EFFECTIVE DATE

This ordinance shall be in full force and effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

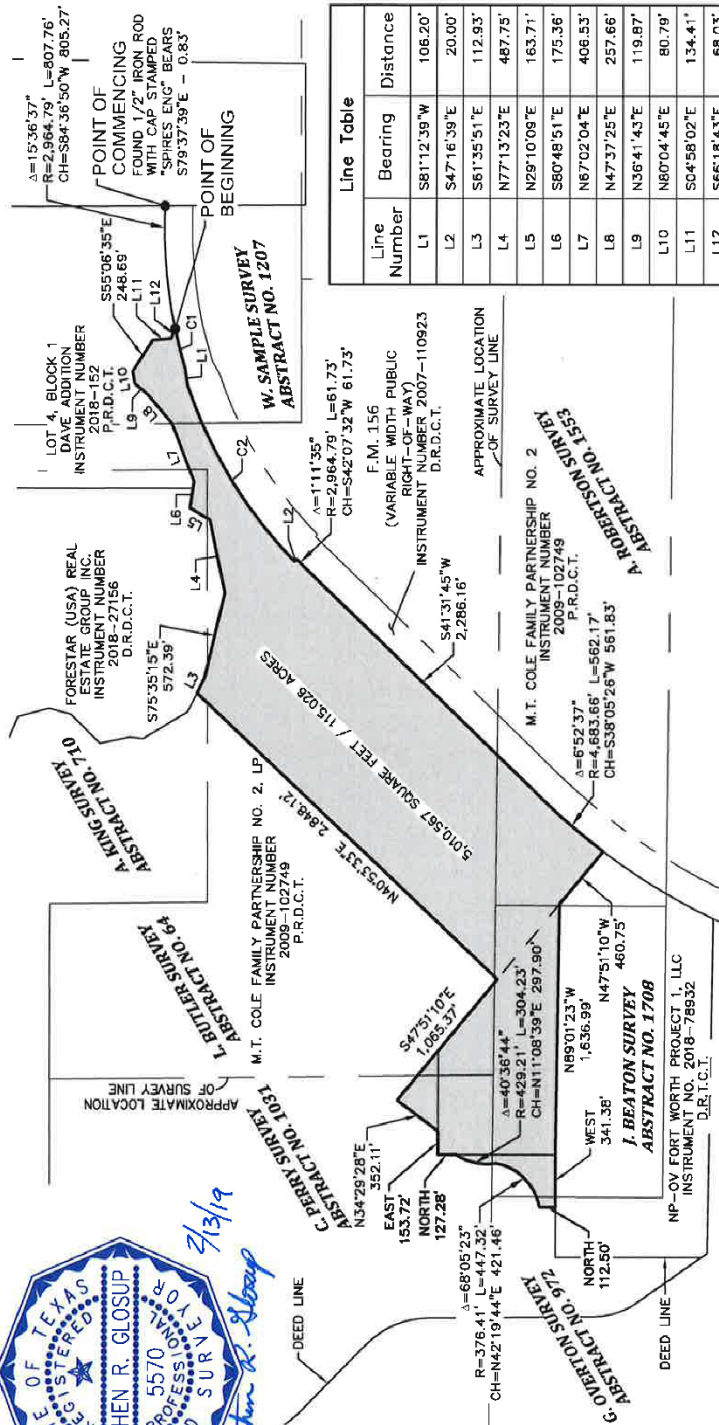
Melinda Ramos
Senior Assistant City Attorney

Mary J. Kayser
City Secretary

ADOPTED AND EFFECTIVE: _____

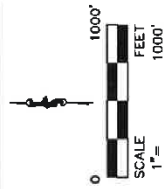
EXHIBIT A MAP OF PROPERTY

EXHIBIT "A"
OVERALL ANNEXATION OF 115.026 ACRES OF LAND
DENTON COUNTY, TEXAS



Line Number	Bearing	Distance
L1	S81°12'39\"W	106.20'
L2	S47°16'39\"E	20.00'
L3	S61°35'51\"E	112.93'
L4	N77°13'23\"E	487.75'
L5	N29°10'09\"E	163.71'
L6	S80°48'51\"E	175.36'
L7	N67°02'04\"E	406.53'
L8	N47°37'25\"E	257.66'
L9	N36°41'43\"E	119.87'
L10	N60°04'45\"E	80.79'
L11	S04°58'02\"E	134.41'
L12	S66°18'43\"E	68.03'

Curve Number	Central Angle	Radius	Arc Length	Chord Bearing and Distance
C1	5°26'40\"	2964.79'	281.72'	S74°05'11\"W 281.62'
C2	26°37'57\"	2984.79'	1387.40'	S56°02'18\"W 1374.95'



PAGE 1 OF 1
DATE: FEBRUARY 13, 2019
JOB NO. B003816.002

550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.355.1121
FIRM REGISTRATION 10098100

EXHIBIT B
LEGAL DESCRIPTION
F.M. 156 RIGHT-OF-WAY

BEING a tract of land situated in the W. Sample Survey, Abstract No. 1207, the L. Butler Survey, Abstract No. 64, the A. Robertson Survey, Abstract No. 1553 and the Greenberry Overton Survey, Abstract Number 972, Denton County, Texas and being all of that certain tract of land described by right-of-way deed to the City of Forth Worth for F.M. 156 (a variable width right-of-way), recorded in Instrument Number 2007-110923, Deed Records, Denton County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the northerly right-of-way line of said F.M. 156, the southeast corner of Lot 4, Block 1, Dave Addition, an addition to the City of Fort Worth, according to the plat recorded in Instrument Number 2018-152, Plat Records, Denton County, Texas, the west line of a certain tract of land described as Tract III in deed to Jeanne Shelton, recorded in Instrument Number 1999-115848, Deed Records, Denton County, Texas and from which a found 1/2" iron rod with cap stamped "SPIARS ENG" bears South 80°58'17" East, a distance of 0.90 feet;

THENCE South 03°02'04" East, departing the northerly right-of-way line of said F.M. 156, a distance of 200.98 feet to a point in the southerly right-of-way line of said F.M. 156 and the beginning of a non-tangent curve to the left having a central angle of 21°27'49", a radius of 2,764.79 feet and a chord bearing and distance of South 82°05'16" West - 1,029.67 feet;

THENCE with the southerly right-of-way line of said F.M. 156 the following courses and distances:

THENCE with said non-tangent curve to the left in a southwesterly direction, an arc length of 1,035.72 feet to a point;

THENCE South 58°38'18" West, a distance of 98.54 feet to a point for the beginning of a non-tangent curve to the left having a central angle of 26°37'34", a radius of 2,744.79 feet and a chord bearing and distance of South 56°02'07" West - 1,264.09 feet;

THENCE with said non-tangent curve to the left in a southwesterly direction, an arc length of 1,275.54 feet to a point;

THENCE North 47°16'39" West, a distance of 20.00 feet to a point for the beginning of a non-tangent curve to the left having a central angle of 01°11'35", a radius of 2,764.79 feet and a chord bearing and distance of South 42°07'31" West - 57.57 feet;

THENCE with said non-tangent curve to the left in a southwesterly direction, an arc length of 57.57 feet to a point;

THENCE South 41°31'45" West, a distance of 2,286.16 feet to a point for the beginning of a curve to the left having central angle of 32°45'43", a radius of 4,483.66 feet and a chord bearing and distance of South 25°08'54" West - 2,528.99 feet;

THENCE with said curve to the left in a southwesterly direction, an arc length of 2,563.77 feet to a point for the northwest corner of a certain tract of land described in a deed to M.T. Cole Family Trust Number 2, recorded in Instrument Number 2014-98371, Deed Records, Denton County, Texas and the easterly right-of-way of said F.M. 156;

THENCE North 88°56'00" West, a distance of 201.74 feet to a point in the northwesterly right-of-way line of said F.M. 156, the southeast corner of that certain tract of land described by deed to The Burlington Northern and Santa Fe Railway Company, recorded in Document Number 2005-3454, Deed Records, Denton County, Texas, being the beginning of a non-tangent curve to the right having a central angle of 33°05'33", a radius of 4,683.66 feet and a chord bearing and distance of North 24°58'58" East - 2,667.72 feet;

THENCE with the northwesterly right-of-way line of said F.M. 156 the following courses and distances:

THENCE with said non-tangent curve to the right in a northeasterly direction, an arc length of 2,705.16 feet to a point;

THENCE North 41°31'45" East, a distance of 2,286.16 feet to a point for the beginning of a curve to the right having a central angle of 01°11'35", a radius of 2,964.79 feet and a chord bearing and distance of North 42°07'32" East - 61.73 feet;

THENCE with said curve to the right in a northeasterly direction, an arc length of 61.73 feet to a point;

THENCE North 47°16'39" West, a distance of 20.00 feet to a point for the beginning of a non-tangent curve to the right having a central angle of 26°37'57", a radius of 2,984.79 feet and a chord bearing and distance of North 56°02'18" East - 1,374.95 feet;

THENCE with said non-tangent curve to the right in a northeasterly direction, an arc length of 1,387.40 feet to a point;

THENCE North 81°12'39" East, a distance of 106.20 feet to a point for the beginning of a non-tangent curve to the right having a central angle of 21°03'34", a radius of 2,964.79 feet and a chord bearing and distance of North 81°53'39" East - 1,083.60 feet;

THENCE with said non-tangent curve to the right in a northeasterly direction, an arc length of 1,089.72 feet to the **POINT OF BEGINNING** and containing a calculated area of 1,550,269 square feet or 35.589 acres of land.

**EXHIBIT B
MAP OF RIGHT-OF-WAY**

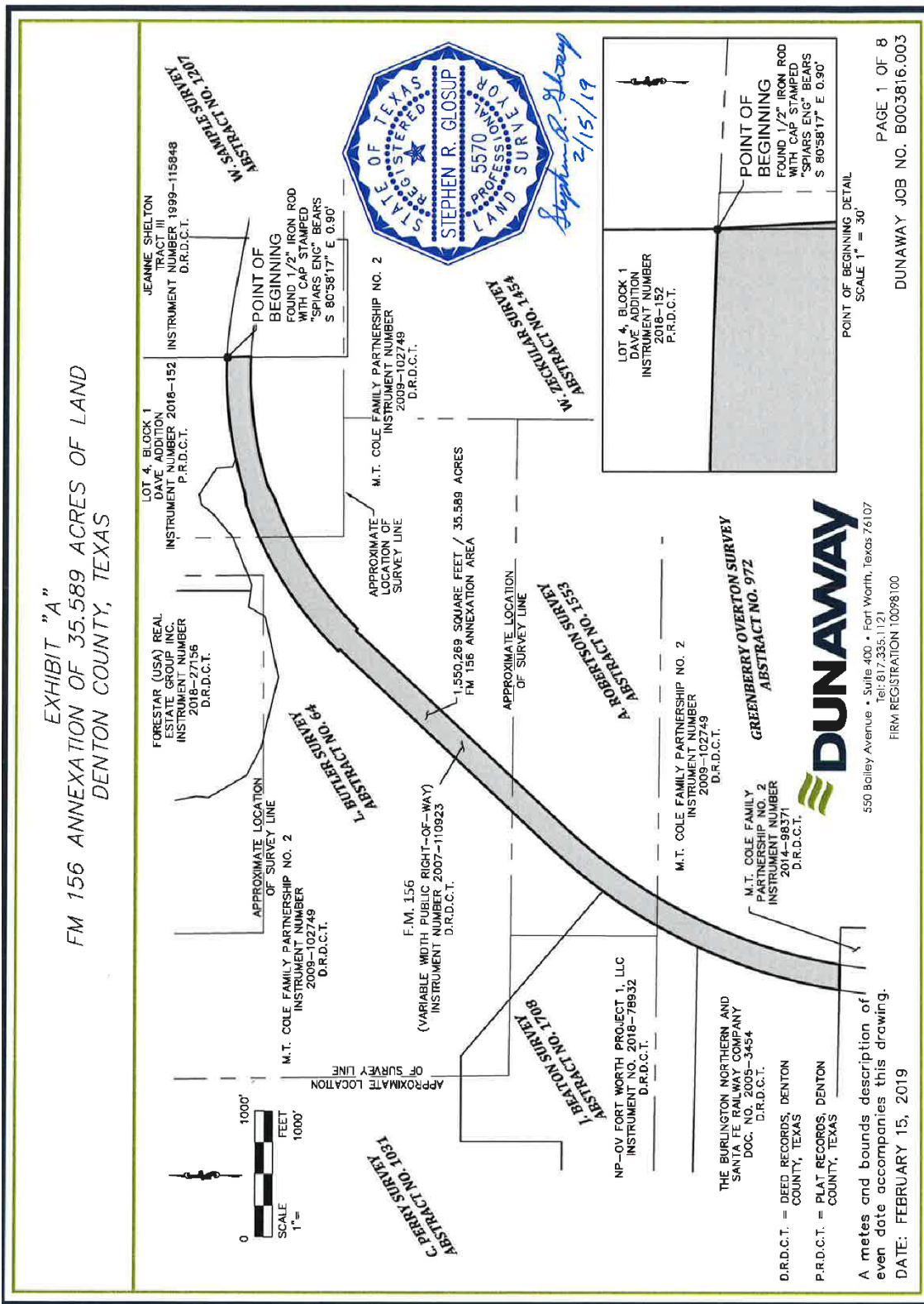


EXHIBIT C
MUNICIPAL SERVICES AGREEMENT
(to be inserted)