

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 18.49 ACRES, MORE OR LESS, OUT OF LAND SITUATED IN THE THOMAS S. REYBURN SURVEY, ABSTRACT NUMBER 1130 AND THE RUFUS KING SURVEY, ABSTRACT NUMBER 723, CITY OF ROANOKE, DENTON COUNTY, TEXAS, BEING ALL OF THAT TRACT OF LAND DESCRIBED BY DEEDS TO AIL INVESTMENT, L.P., RECORDED IN INSTRUMENT NUMBER 2023-68836, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, (CASE NO. AX-23-010) 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 AIL Investment, LP, the owner, requesting the full-purpose annexation of 18.49 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, 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, AIL Investment, LP, 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 City conducted one public hearing 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, 2024 at 10:00 a.m., at the City Council Chamber; and square footage in the descriptions

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 18.49 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 Thomas S. Reyburn Survey, Abstract Number 1130 and the Rufus King Survey, Abstract Number 723, City of Roanoke, Denton County, Texas, being all of that tract of land described by deeds to AIL Investment, L.P., recorded in Instrument Number 2023-68836, Real Property Records, Denton County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast comer of said AIL Investment tract, being the northeast comer of that tract of land described by deed to BS CONCEPT, LLC., recorded in Instrument Number 2015-117040, Real Property Records, Denton County, Texas, and being in the west right-of-way line of Elizabethtown Cemetery Road (a paved traveled roadway, no record found);

THENCE S 89°40'36"W, 705.06 feet, departing said west right-of-way line, with the south line of said AIL Investment tract to the northwest comer of said BS Concepts tract, being the northeast comer of that tract of land described by deed to Day Group Inc., recorded in Instrument Number 2021-126577, Real Property Records, Denton County;

THENCE S 89°43'12"W, 588.96 feet, with said south line and the north line of said Day Group tract, to the southwest comer of said AIL Investment tract, being the southeast comer of that tract of land described by deed to TDA Investors, LLC, recorded in Instrument Number 2022-110711, said Real Property Records;

THENCE N 00°04'55"E, 613.63 feet, with the west line of said AIL Investment tract and the east line of said TDA Investors tract, to the northwest comer of said AIL Investment tract, being the northeast comer of said TDA Investors tract, and being in the south line of the remainder of that tract of land described by deed to AIL Investment, L.P., recorded in Volume 4246, Page 457, said County Records;

THENCE N 88°38'13"E, 725.30 feet, with the north line of said AIL Investment tract and the south line of said remainder tract;

THENCE S 89°51'22"E, 568.92 feet, with said common line to the northeast corner of said AIL Investment tract, being the southeast corner of said remainder tract and being in the aforementioned west right-of-way line of Elizabethtown Cemetery Road;

THENCE S 00°04'55"W, 622.60 feet, with the east line of said AIL Investment tract and said west right-of-way line to the **Point of Beginning** and containing 805,418 square feet or 18.490 acres of land more or less.

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 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 Municipal Services Agreement and shall be bound by the acts, ordinances, resolutions and regulations of the City of Fort Worth, Texas.

SECTION 4.

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

SECTION 5. **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 6. **SEVERABILITY LAUSE**

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 7.
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 8.
EFFECTIVE DATE

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

APPROVED AS TO FORM AND LEGALITY:

Melinda Ramos
Deputy City Attorney

Jannette S. Goodall
City Secretary

ADOPTED AND EFFECTIVE: _____

Exhibit B
Municipal Services Agreement