

A Resolution

NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS CONSENTING TO THE ADDITION OF 522 ACRES OF LAND BY ALPHA RANCH FRESH WATER SUPPLY DISTRICT NO. 1 OF DENTON AND WISE COUNTIES; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE

WHEREAS, pursuant to Section 49.301 of the Texas Water Code, as amended, JLC Farm, LLC, and BDAYT Limited Partnership (the “Landowner”) has petitioned the City of Fort Worth for consent for the addition of approximately 522 acres of land (the “Property”) to the boundaries of Alpha Ranch Fresh Water Supply District No. 1 of Denton and Wise Counties (the “District”); and

WHEREAS, the Property is located within the extraterritorial jurisdiction of the City of Fort Worth, Texas (the “City”); and

WHEREAS, Section 42.0425 of the Texas Local Government Code requires that a political subdivision such as the District may not add land that is located in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution; and

WHEREAS, the District has provided the City with a copy of the Landowner’s petition for the addition of the Property to the District and requested that the City provide a consent resolution evidencing the City’s consent to such addition of the Property to the District;

WHEREAS, the City Council finds that it is in the public interest to grant consent to the addition of the Property to the District, taking into consideration the public health, safety and general welfare;

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

Section 1. Subject to the conditions set forth in Section 3 below, the City hereby consents to the addition of the Property to the District, in accordance with the Landowner’s petition to the City for such addition. A copy of the Landowner’s petition, including the legal description of the Property, is attached hereto and incorporated herein by reference as Exhibit “A”.

Section 2. The consent of the City to the addition of the Property to the District does not in any way release the Property from the extraterritorial jurisdiction of the City.

Section 3. The City's consent to the addition of the Property to the District is contingent upon the successful re-negotiation and execution of any development agreement or other agreements with the City, including creation and operation agreements and utility agreements, if applicable.

Section 4. The terms and provisions of this Resolution shall be deemed to be severable and if the validity of any section, subsection, sentence, clause, or phrase of this Resolution should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Resolution.

Section 5. This Resolution shall take effect immediately upon its passage.

Adopted this 15th day of June 2021.

ATTEST:

By: _____
Mary Kayser, City Secretary

RESOLUTION EXHIBIT A

**PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND
INTO ALPHA RANCH FRESH WATER SUPPLY DISTRICT NO. 1
OF DENTON AND WISE COUNTIES**

STATE OF TEXAS §
 §
COUNTIES OF DENTON AND WISE §

TO THE HONORABLE MAYOR AND
CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

JLC FARM, LLC, and BDAYT LIMITED PARTNERSHIP, together being the holder of title to all of, and therefore, a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Wise County, Texas ("**Landowners**"), and Alpha Ranch Fresh Water Supply District No. 1 of Denton and Wise Counties ("**District**") (Landowners and District hereinafter called "**Petitioner**"), acting pursuant to the provisions of the Section 42.045, Texas Local Government Code, as amended, respectfully petition for consent to include additional land in a fresh water supply district. In support of this petition, Petitioner shows as follows:

I.

The District, to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, and Chapters 49, 51, and for limited purposes 53, Texas Water Code, as amended. Landowners together are the sole owner and holder of fee simple title to the land sought to be annexed to the District, as indicated by the tax rolls of the central appraisal district of Wise County, Texas. Landowners represent and warrant that there are no holders of liens against said land.

II.

The land sought to be added to the District contains approximately 522 acres of land, more or less, as described in **Exhibit "A"**, attached hereto and incorporated herein by reference, and lies wholly within Wise County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said area is within the extraterritorial jurisdiction of the City of Fort Worth and is not within such jurisdiction of any other city. All of the territory to be annexed may properly be annexed to the District.

III.

The general nature of the work proposed to be done in the area sought to be annexed shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal, domestic and commercial purposes;
- (2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;
- (3) gather, conduct, divert and control local storm water or other harmful excesses of water in the area; and
- (4) the construction, operation and maintenance of roads serving the District.

IV.

The area of the District is urban in nature, is within the growing environs of the City of Fort Worth, and is in close proximity to populous and developed sections of Denton and Wise Counties. There is a necessity for the improvements described above because the land sought to be added to the District is not supplied with adequate water, sanitary sewer, drainage or road facilities, nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the District, the land sought to be added to the District, and of the territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, drainage and road facilities for the land sought to be added to the District.

V.

A public necessity exists for the addition of said lands to the District to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the construction, extension, improvement, maintenance and operation of water, sanitary sewer, drainage and road facilities.

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Fort Worth give its consent to the annexation of the aforesaid land into said District.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREFORE, Petitioner has executed this Petition on this the 7th day of April, 2021.

Landowner

JLC FARM, LLC,
a Texas limited liability company

By: Linda Griffeth Gray
Name: Linda Griffeth Gray
Title: Manager

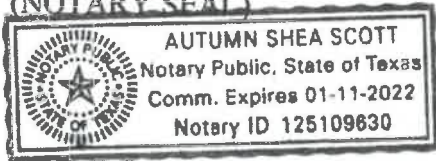
THE STATE OF TEXAS §

COUNTY OF Denton §

This instrument was acknowledged before me on April 3rd, 2021, by Linda Griffeth Gray, Manager of JLC Farm, LLC, on behalf of said limited liability company.

Autumn Shea Scott
Notary Public in and for the State of Texas


(NOTARY SEAL)



Landowner

BDAYT LIMITED PARTNERSHIP,
a Texas limited partnership

By: BDAYT GP, LLC,
a Texas limited liability company
Its: General Partner

By: 
Name: Lawrence R. Simmons
Title: Managing Member

THE STATE OF TEXAS §

COUNTY OF Nueces §

This instrument was acknowledged before me on March 19th, 2021, by Lawrence R. Simmons, Managing Member of BDAYT GP, LLC, General Partner of BDAYT Limited Partnership on behalf of said limited partnership.


Notary Public in and for the State of Texas

(NOTARY SEAL)



EXHIBIT "A"

TRACT 1:

Being a 267.266 acre tract of land situated in the Smith County School Land Survey, Abstract No. 743, Wise County, Texas, being all of that certain called 261.000 acre tract of land conveyed to JLC Farm, LLC, of record in Document No. 2016-03051 Official Records, Wise County, Texas, and being described in described in partition deed as First Tract to Billy Boyd Logan, and wife, Jan Logan as (East 100 acres of Block 4 & 6) and Second Tract to C.E. Griffeth and wife, June Larue Griffeth (West 134 acres of Block 4 and 6) of record in Volume 223, Page 305 of the Deed Records of Wise County, Texas, said subdivision of Smith County School Land Survey in record in Volume P, Page 347 of the Deed Records of Wise County, Texas, and a portion of a 47.5 acre tract of land out of Lot 5, Smith County School Land Survey, as described in deed to Scott Kelley, recorded in Volume 243, Page 485, Deed Records, Wise County, Texas, also being a subdivision of Smith County School Land Survey, Save and Except, Remainder of 5 acre (Parcel Two) Byron Hatfield, Trustee, as described in Volume 412, Page 785, Deed record Wise County Texas and Save and Except 14.923 acres, to the State of Texas, as described in Volume 657, Page 320, Deed Records, Wise County Texas, and being more particularly described by mete and bounds and follows:

BEGINNING at a 1/2-inch iron rod found in County Road 4840, the Southwest corner of said 47.5 acre tract, same being the southeast corner of a 62.43 acre tract of land conveyed to Roberta Ann Remillard by deed of record in Volume 246, Page 431 of the Real Property Records of Wise County, Texas, and being in the North line of that certain called 285 acre tract of land described in the deed to BDay Limited Partnership, recorded in Document No. 201811091, Official Records, Wise County, Texas, from which a 1/2-inch iron rod found for reference bears S89°05'42"W, a distance of 344.48 feet;

THENCE along the west line of the 47.5 acre tract, same being the east line of the said 62.43 acre tract the following three (3) courses and distances:

1. N00°01'31"W (N00°38'22"E 1333.33'), with the west line of the 47.5 acre tract, same being the east line a distance of 1332.56 feet to a 5/8-inch iron rod with plastic cap stamped "Landpoint" set (herein referred to as capped iron rod set) for corner;
2. S89°59'40"E (S89°21'15"E 1328.74'), a distance of 1328.74 feet to a capped iron rod set for a corner;
3. N00°25'20"W (N00°13'05"E 1340.82'), a distance of 1340.11 feet to a capped iron rod set for the Southeast corner of that certain called 21.335 acre tract of land being described in the Deed to Mendez, LTD., recorded in Volume 1040, Page 536, Deed Records, Wise County, Texas;

THENCE N00°22'38"W (S00°21'38"E), with the East line of said 21.335 acre tract of land, a distance of 282.40 feet to a capped iron rod set for the Southwest corner of that certain called 5.00 acre tract of land described in the deed to Floyd Earl Gray and wife, Linda Griffeth Gray, recorded in Volume 412, Page 785, Deed Records, Wise County, Texas;

THENCE N89°48'22"E (S89°49'E), with the South line of said 5.00 acre tract of land, a distance of 219.11 feet to a capped iron rod set for the Southeast corner thereof;

THENCE N00°22'38"W (North 855.27'), with the East line of said 5.00 acre tract of land, a distance of 855.30 feet to a capped iron rod set in the South Right-of-Way Line of State Highway 114 for the Northwest corner of the herein described, said corner being at STA. 182+67.66' (per C.S.J. R.O.W. Map C.S.J. 353-01-017), from which a iron rod found for the northwest corner of the remainder of 5.00 acre tract bears, S89°48'22"W, a distance of 218.80 feet;

THENCE with the South right-of-way line of said State Highway 114, the following five (5) courses and distances:

1. N89°48'22"E (record - S89°39'01"E), a distance of 1432.03 feet (record - 1432.34 feet) to a capped iron rod set for corner;
2. S59°13'48"E (record - S59°13'48"E), a distance of 116.62 feet (record - 116.62 feet) to a capped iron rod set for corner;
3. N89°48'22"E (record - S89°39'01"E), a distance of 900.00 feet (record - 900.00 feet) to a capped iron rod set for corner;
4. N89°03'08"E (record - N89°03'08"E), a distance of 760.07 feet (record - 760.07 feet) to a 3/4-inch iron rod with cap stamped TXDOT found for corner;
5. N89°48'22"E (record - S89°39'01"E), a distance of 580.45 feet (record - 572.46 feet) to a capped iron rod set for the northeast corner of said tract herein described, said corner being at STA. 220+32.46 (per C.S.J. R.O.W. Map C.S.J. 353-01-017), from which a 5/8-inch iron rod found for the northwest corner of that certain called 171.89 acre tract of land described in the deed to CTMGT Alpha Ranch, LLC, recorded in Document No. 2012-9581, Official Records, Wise County, Texas bears N88°57'33"E, a distance of 34.14 feet;

THENCE S00°03'49"E (S00°03'46"E), with the west line of said 171.89 acre tract of land and with a west line of that certain called 1122.139 acre tract of land described in the deed to CTMGT Alpha Ranch, LLC, recorded in Document No. 2012-9545, Official Records, Wise County, Texas, a distance of 2416.66 feet to a capped iron rod set for a reentrant corner of said 1122.139 acre tract of land and the most easterly Southeast corner of said tract herein described, same being the southeast corner of Lot 4, Smith County School Lands Subdivision;

THENCE S89°22'30"W (N89°27'32"E 3744.75'), with the south line of the 266.254 acre tract, same being the south line of the east 100 acre portion of Lots 4 & 6 and the north line of said 1122.139 acre tract of land; a distance of 3752.34 feet to a concrete monument found at the northeast corner of the 47.5 acre tract, same being an angle point in the west line of the 1122.139 acre tract;

THENCE S00°03'24"W (N00°08'07"E 1320.58'), with the east line of the 47.5 acre tract, same being the west line of said 1122.139 acre tract of land a distance of 1321.28 feet to a point in said County Road 4840 at the northeast corner of said 285 acre tract of land and the most southeast

corner of the 47.5 acre tract, from which a mag nail found for reference bears N88°47'38"E, a distance of 3.79 feet;

THENCE N89°48'30"W (S89°34'39"E 1555.66'), along the south line of the 47.5 acre tract, the south line of Lot 5, Smith County School Lands Subdivision, the approximate centerline of County Road 4840 and with the north line of said 285 acre tract of land, a distance of 1551.71 feet to the POINT OF BEGINNING and containing 266.254 acres of land.

TRACT 2:

Being all that certain tract or parcel of land situated in the M.E.P. & P.R.R. Co. Survey, Abstract No. 632, Wise County, Texas, being all of that certain called 285 acre tract of land described in the deed to BDAYT Limited Partnership, recorded in Document No. 201811091, Official Records, Wise County, Texas and being more particularly described by mete and bounds and follows:

BEGINNING at the Southeast corner of the tract being described herein at a 3/8-inch iron rod found in the West line of that certain called 1122.139 acre tract of land described in the deed to CTMGT Alpha Ranch, LLC, recorded in Document No. 2012-9545, Official Records, Wise County, Texas for the Northeast corner of that certain tract of land described in the deed to Ann Lindsey ReMillard Draudt, recorded in Document No. 2008-19730, Official Records, Wise County, Texas and the Southeast corner of said 285 acre tract of land, from which a 1/2-inch iron rod found for the Southwest corner of said 1122.139 acre tract of land bears S00°02'26"W, a distance of 688.16 feet;

THENCE S89°46'09"W (West 3116.67'), with the North line of said Draudt tract of land and the South line of said 285 acre tract of land, a distance of 2840.97 feet to a 4-inch steel fence corner post found for the Southeast corner of that certain tract of land described in the deed to Max Lindsey Jr. and wife, Beverly Lindsey, recorded in Volume 1519, Page 187, Official Records, Wise County, Texas and the Southwest corner of said tract herein described;

THENCE N00°39'28"E (North 3983.33'), with the East line of said Lindsey tract of land, a distance of 1985.74 feet to a 1/2-inch iron rod found for the Northeast corner thereof and the Southeast corner of that certain called 59.73 acre tract of land described in the deed to Craig K. Lindsey, recorded in Volume 246, Page 427, Deed Records, Wise County, Texas;

THENCE N00°35'47"E (North 3983.33'), with the East line of said 59.73 acre tract of land, passing at a distance of 1960.29 feet a 4-inch steel fence corner post found for reference and continuing on said course for a total distance of 1977.58 feet to a point in County Road 4840, in the South line of that certain called 62.43 acre tract of land described in the deed to Wanda L. Foster, recorded in Volume 246, Page 419, Real Records, Wise County, Texas for the Northwest corner of said tract herein described, from which a RR spike found for reference bears N25°26'36"W, a distance of 2.21 feet;

THENCE S89°40'20"E (East 3116.67'), along said County Road 4840 and with the South line of said 62.43 acre tract of land, a distance of 557.81 feet to a Mag Nail found for corner;

THENCE N89°05'37"E (East 3116.67'), continuing along said County Road 4840 and with the South line of said 62.43 acre tract of land, a distance of 346.10 feet to a 1/2-inch iron rod found for the Southeast corner thereof and the Southwest corner of that certain tract of land described in the deed to Roberta Ann ReMillard, recorded in Volume 246, Page 431, Real Records, Wise County, Texas;

THENCE N89°05'42"E (East 3116.67'), continuing along said County Road 4840 and with the South line of said ReMillard tract of land, a distance of 344.48 feet to a 1/2-inch iron rod found for the Southeast corner thereof and the Southwest corner of that certain called 261.000 acre tract of land described in the deed to JLC Farms, LLC, recorded in Document No. 201603051, Official Records, Wise County, Texas;

THENCE S89°48'30"E (East 3116.67'), continuing along said County Road 4840 and with the South line of said 261.000 acre tract of land, a distance of 1552.08 feet to in the West line of said 1122.139 acre tract of land for the most Southerly Southeast corner of said 261.000 acre tract of land and the Northeast corner of said tract herein described, from which a Mag Nail found for reference bears N88°47'38"E, a distance of 3.79 feet;

THENCE S00°02'26"W (South 3983.33'), with the West line of said 1122.139 acre tract of land, a distance of 3954.17 feet to the POINT OF BEGINNING and containing 256.399 acres of land.