

ORDINANCE NO. _____

AN ORDINANCE DECLARING CERTAIN FINDINGS; PROVIDING FOR THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 47.26 ACRES OF LAND IN THE GUADALUPE CARDINAS SURVEY, ABSTRACT NO. 214, DENTON COUNTY, 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 written petition from Traditions Investors, LLC, the sole owner, requesting limited purpose annexation of approximately 47.26 acres of land in the Guadalupe Cardinas Survey, Abstract No. 214, Denton County, Texas, as depicted in Exhibit A and described in Exhibit B (the “Property”); and

WHEREAS, the Property is in Tradition Municipal Utility District No. 1 of Denton County (the “District”), which encompasses a total of 431.303 acres of land; and

WHEREAS, the Property is subject to that certain Development Agreement with the City of Fort Worth dated January 12, 2016 (City Secretary Contract No. 47477), as amended by the First Amendment to Development Agreement dated June 17, 2019 (City Secretary Contract No.47477-A1) and the Second Amendment to Development Agreement (City Secretary Contract No.47477-A2) (collectively, the “Development Agreement”); and

WHEREAS, the Second Amendment to Development Agreement provides that the City of Fort Worth will annex the Property for limited purposes pursuant to Section 43.121, et seq., of the Texas Local Government Code and adopt an ordinance zoning the Property in accordance with Chapter 211, Texas Local Government Code; and

WHEREAS, Traditions Investors, LLC submitted a zoning application for the Property, zoning case ZC-21-190, which was recommended for approval by the Zoning Commission; and

WHEREAS, Section 43.1211 of the Texas Local Government Code authorizes the City to annex the Property for limited purposes using the procedures for voluntary full purpose annexation under Subchapter C-3 of the Texas Local Government Code; and

WHEREAS, the City Council conducted one public hearing at which members of the public who wished to present testimony or evidence regarding the limited purpose annexation were given the opportunity to do so, in accordance with the procedural requirements of Section 43.0686 of the Local Government Code, on December 14, 2021 in the City Council Chamber; and

WHEREAS, upon adoption of this ordinance annexing the Property for limited purposes and an ordinance zoning the Property, such zoning regulations shall supersede the Development Agreement as amended, with respect to land uses and development regulations for the Property, as provided in the regulatory plan attached hereto as Exhibit C; and

WHEREAS, as set out in the regulatory plan, City shall not annex the Property for full purposes unless the City annexes all property within the District for full purposes; and

WHEREAS, the City Council finds and determines that annexation of the Property for limited purposes and adoption of the regulatory plan is in the best interest of the citizens of the City of Fort Worth and the owners and residents of the area; and

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

SECTION 1.

The Property, consisting of the 47.26 acres of land shown in Exhibit A and described in Exhibit B attached hereto, is hereby annexed by the City of Fort Worth, Texas, for limited purposes, in accordance with Sections 43.121, et seq. of the Texas Local Government Code.

SECTION 2.

The regulatory plan attached as Exhibit "C" is hereby adopted by the approval of this ordinance. The regulations identified in the regulatory plan will be enforced within the Property.

SECTION 3.

The qualified voters of the Property are entitled to vote in municipal elections regarding the election or recall of members of the City Council or regarding the amendment of the municipal charter, but may not vote in any bond election or be a candidate for, or elected to, a municipal office.

SECTION 4.

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 is cumulative.

SECTION 5.

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 6.

The City Council hereby declares it to be its purpose to annex to the City of Fort Worth

for limited purposes 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 for limited purposes. 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 limited 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 7.

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

APPROVED AS TO FORM AND LEGALITY:

Melinda Ramos
Senior Assistant City Attorney

Jannette Goodall, City Secretary

ADOPTED AND EFFECTIVE: _____

Exhibit A

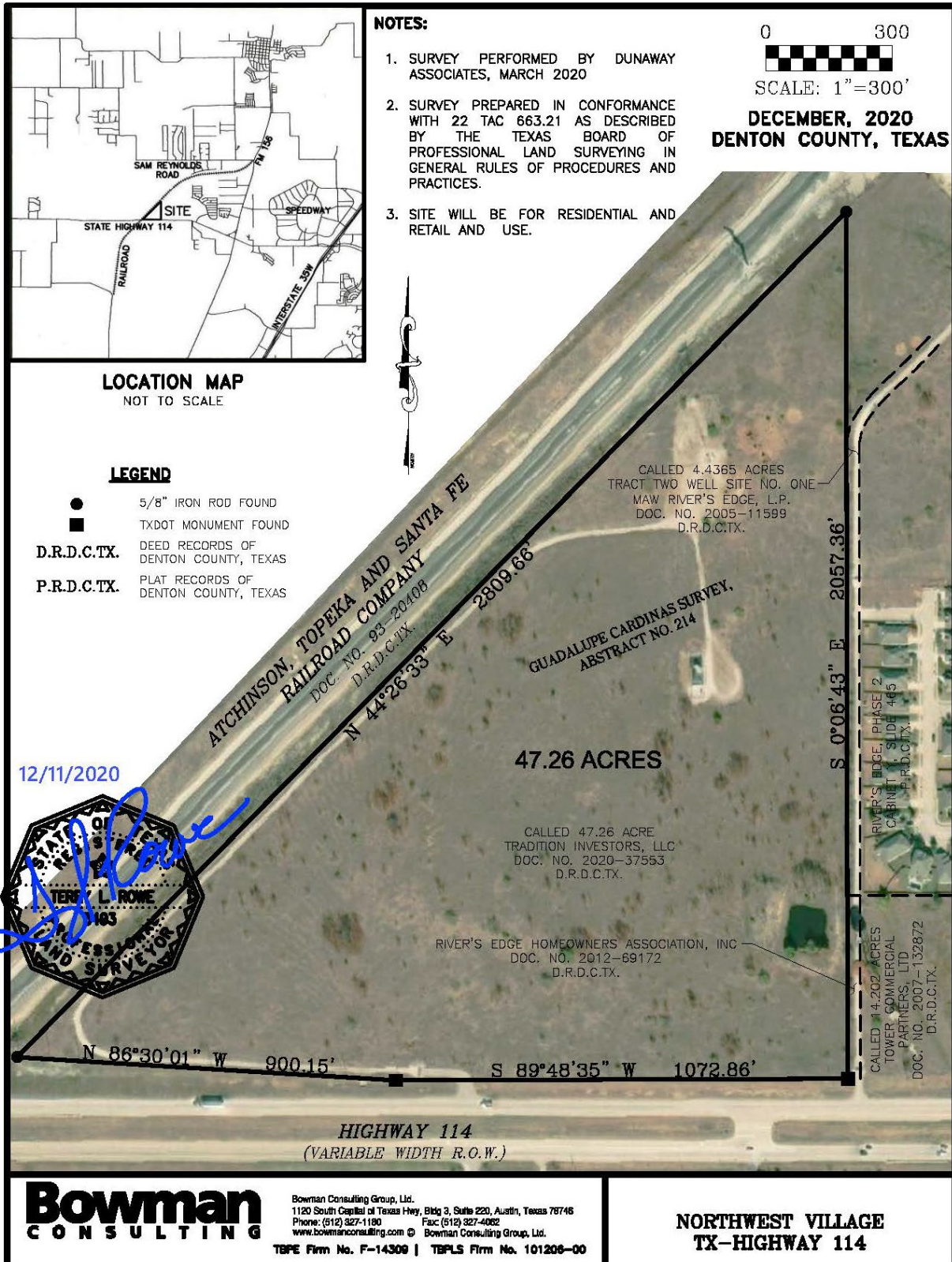


Exhibit B

Legal Description

BEING A 47.26 ACRE TRACT OF LAND SITUATED IN THE GUADALUPE CARDINAS SURVEY, ABSTRACT NO. 214, DENTON COUNTY, TEXAS AND COMPRISED OF ALL OF A 46.26 ACRE TRACT OF LAND DESCRIBED IN DEED TO TRADITIONS INVESTORS, LLC, AS RECORDED IN COUNTY CLERK DOCUMENT NO. 2020-37553, OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS (O.P.R.D.C.T.), AND ALL OF A CALLED 1.00 ACRE TRACT OF LAND DESCRIBED IN DEED TO TRADITIONS INVESTORS, LLC, AS RECORDED IN COUNTY CLERK NO. 2020-59543, O.P.R.D.C.T.; SAID 47.26 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING at a found TXDOT monument for the southeast corner of said 46.26 acre tract, said corner being on the apparent north right-of-way line of State Highway 114 (variable width), the north line of a tract of land described in deed to The Atchison, Topeka and Santa Fe Railway Company, as recorded in County Clerk Document No. 93-20408, D.R.D.C.T., and the west line of a tract of land described in deed to River's Edge Homeowners Association, Inc., as recorded in County Clerk Document No. 2012 69172, D.R.D.C.T.;

THENCE South 89 degrees 48 minutes 35 seconds West, along the apparent north right-of-way line of said State Highway 114, a distance of 1,072.86 feet to a found TXDOT monument for an angle point;

THENCE North 86 degrees 30 minutes 01 second West, along the apparent north right-of-way line of said State Highway 114, a distance of 900.15 feet to a found 5/8 inch iron rod with cap stamped "DUNAWAY ASSOC. LP" for the intersection of the apparent north right-of-way line of said State Highway 114 and the east line of said The Atchison, Topeka and Santa Fe Railway Company tract;

THENCE North 44 degrees 26 minutes 33 seconds East, along the west line of said 47.26 acre tract and the east line of said The Atchison, Topeka and Santa Fe Railway Company tract, a distance of 2,809.66 feet to a found 5/8 inch iron rod for the north corner of said 47.26 acre tract and an east corner of said The Atchison, Topeka and Santa Fe Railway Company tract, said corner being on the west line of a tract (Tract 2) of land described in deed to Forestar (USA) Real Estate Group, Inc., as recorded in County Clerk Document No. 2014-25303, D.R.D.C.T.;

THENCE South 00 degrees 06 minutes 43 seconds East, along the east line of said 47.26 acre tract and the west line of said Forestar (Tract 2), the west line of River's Edge, an addition to the City of Fort Worth, as recorded in Cabinet Y, Slide 465, Plat Records Denton County, Texas (P.R.D.C.T.), the west line of River's Edge, Phase 2, an addition to the City of Fort Worth, as recorded in County Clerk Document No. 2009-32, P.R.D.C.T., the west line of a called 4.4365 acre tract of land described in deed to MAW River's Edge L.P., as recorded in County Clerk Document No. 2005-11599, D.R.D.C.T., and the west line

of said River's Edge Homeowners Association tract (County Clerk Document No. 2012 69172), a distance of 2,057.36 feet to the POINT OF BEGINNING and containing 47.26 acres of land, more or less.

Exhibit C
Regulatory Plan

The following planning, zoning, health and safety ordinances will be enforced within the Property:

Ordinance No. _____ approving zoning for the Property in zoning case ZC-21-190 (the “Zoning Ordinance”) and the planning, zoning, health and safety ordinances set out in the Development Agreement dated January 12, 2016 (City Secretary Contract No. 47477), as amended by that certain First Amendment to Development Agreement dated June 17, 2019 (City Secretary Contract No.47477-A1) and that certain Second Amendment to Development Agreement (City Secretary Contract No.47477-A2) (collectively, the “Development Agreement”).

In the event of a conflict between the Development Agreement and the Zoning Ordinance, the Zoning Ordinance will prevail.

The parties have waived the deadline for full purpose annexation of the Property, in accordance with Section 43.127 of the Texas Local Government Code. The City shall not annex the Property for full purposes until the City annexes all land within Tradition Municipal Utility District No. 1 of Denton County for full purposes, in accordance with the Development Agreement and state law.