

# Mayor and Council Communication

**DATE:** 06/28/22

**M&C FILE NUMBER:** M&C 22-0488

**LOG NAME:** 06VAQUERO MORRIS DIDO PARTNERS, LP., PRE-ANNEXATION AGREEMENT

**SUBJECT**

(Future CD 7) Authorize Execution of Pre-Annexation Agreement with Vaquero Morris Dido Partners, LP for Approximately 1.5 Acres of Commercial Property Located in Fort Worth's Extraterritorial Jurisdiction in Tarrant County

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**RECOMMENDATION:**

It is recommended that the City Council authorize the City Manager to execute a pre-annexation agreement between the City and Vaquero Morris Dido Partners, LP for property located in Fort Worth's extraterritorial jurisdiction in Tarrant County.

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**DISCUSSION:**

Vaquero Morris Dido Partners, LP, (Owner) of a parcel of real property, a total of approximately 1.5 acres of land, as described in map Exhibit A, hereinafter called "the Property," located within Tarrant County. The Property is located in the extraterritorial jurisdiction (ETJ) of the City. Though the property is close to the City of Fort Worth it is not presently contiguous to the City limits. It is located in the West Fork Addition, Tarrant County, Texas and is identified as 9820 Morris-Dido-Newark Road (FM 1220). The Property is currently vacant land that is proposed to be developed for commercial purposes as a discount retailer. The Property is located within the City's certificate of convenience and necessity for water service. The Owner of the property has requested, and the City has agreed, subject to the terms, conditions, and limitations set forth in the Pre-Annexation Agreement (Agreement), that the City shall provide water service to the property. In consideration of the City providing retail water service to the Property, the Owner will petition the City to annex the Property pursuant to Subchapter C-3, Chapter 43 of the Texas Local Government Code upon such time as the Property becomes contiguous to the City.

The parties have agreed that the Pre-Annexation Development Agreement constitutes a petition for the voluntary annexation under the provisions of Subchapter C-3, Chapter 43 of the Texas Local Government Code, and upon the request of the City, the Owner shall execute all applications and documentation required by Texas law to petition for annexation. Annexation of the property is consistent with the City's annexation policy criteria for urban development.

The Agreement is entered into pursuant to Chapter 43, Subchapter C-3 and 212.172 of the Texas Local Government Code, in order to address the needs of the Owner and the procedures of the City. The Agreement runs with the land and is binding upon the City and the Owner and Owner's respective successors and assigns. The Agreement will be recorded in Tarrant County.

The property is located in the extraterritorial jurisdiction adjacent to COUNCIL DISTRICT 7.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

**Originating Business Unit Head:** D.J. Harrell 8032

**Additional Information Contact:** Stuart Campbell 2412

Expedited