

**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 40.043 ACRES OF LAND, MORE OR LESS, OUT OF THE JOHN KORTICKY SURVEY, ABSTRACT NO. 914, CITY OF FORT WORTH-E.T.J., IN TARRANT COUNTY, TEXAS (CASE NO. AX-19-011) 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 Benchmark Acquisitions LLC, the owner, requesting the full-purpose annexation of 40.043 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, Benchmark Acquisitions 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 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 43.0686 of the Local Government Code on October 29, 2019 at 7:00 p.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 40.043 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 40.043 ACRE TRACT OF LAND SITUATED IN THE JOHN KORTICKY SURVEY, ABSTRACT NO. 914, CITY OF FORT WORTH-E.T.J., TARRANT COUNTY, TEXAS AND BEING ALL OF A 40.004 ACRE TRACT OF LAND CONVEYED TO SHARON LYNN SANKARY, AS RECORDED IN COUNTY CLERK'S FILE NO. D204323827, OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS. SAID 40.043 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83 (2011) EPOCH DATE 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DENTON CORS ARP (PID-DF8986) AND ARLINGTON RRP2 CORS ARP (PID-DF5387), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1" CAST IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID 40.004 ACRE TRACT, AND A COMMON INTERIOR ELL CORNER OF A 280.597 ACRE TRACT OF LAND CONVEYED TO BLOOMFIELD HOMES, L.P., AS RECORDED IN COUNTY CLERK'S FILE NO. D218204120, OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS;

**THENCE**, SOUTH 89 DEGREES 05 MINUTES 12 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 40.004 ACRE TRACT AND THE COMMON NORTH LINE OF SAID 280.597 ACRE TRACT AND GENERALLY ALONG COUNTY ROAD 1035, ALSO KNOWN AS WEST CLEBURNE ROAD (A PRESCRIPTIVE RIGHT-OF-WAY), A DISTANCE OF 1706.58 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 40.004 ACRE TRACT AND THE COMMON SOUTHEAST CORNER OF A 10.26 ACRE TRACT OF LAND CONVEYED TO GREGORY HIGGINS AND RAINIE HIGGINS, AS RECORDED IN COUNTY CLERK'S FILE NO. D202019778, OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS;

**THENCE**, NORTH 00 DEGREES 17 MINUTES 44 SECONDS WEST, ALONG THE WEST LINE OF SAID 40.004 ACRE TRACT AND THE COMMON EAST LINE OF SAID 10.26 ACRE TRACT, PASSING AT A DISTANCE OF 24.42 FEET A 5/8" IRON ROD FOUND FOR WITNESS, AND CONTINUING A TOTAL DISTANCE OF 1102.34 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR THE NORTHWEST CORNER OF SAID 40.004 ACRE

TRACT AND THE COMMON SOUTHWEST CORNER OF A 20.011 ACRE TRACT OF LAND CONVEYED TO CROWLEY INDEPENDENT SCHOOL DISTRICT, AS RECORDED IN COUNTY CLERK'S FILE NO. D207416955, OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS, FROM WHICH A 1" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 10.26 ACRE TRACT AND THE COMMON EXTERNAL ELL CORNER OF PANTHER HEIGHTS PHASE II, AN ADDITION TO THE CITY OF CROWLEY, AS RECORDED IN CABINET A, SLIDE 7768, PLAT RECORDS, TARRANT COUNTY, TEXAS, BEARS NORTH 00 DEGREES 17 MINUTES 44 SECONDS WEST, A DISTANCE OF 12.70 FEET;

**THENCE**, NORTH 89 DEGREES 07 MINUTES 45 SECONDS EAST, ALONG THE NORTH LINE OF SAID 40.004 ACRE TRACT AND THE COMMON SOUTH LINE OF SAID 20.011 ACRE TRACT, PASSING AT A DISTANCE OF 1673.27 FEET A 1/2" IRON ROD FOUND FOR WITNESS AND CONTINUING A TOTAL DISTANCE OF 1698.27 FEET TO A 60D NAIL FOUND FOR THE NORTHEAST CORNER OF SAID 40.004 ACRE TRACT AND THE COMMON SOUTHEAST CORNER OF SAID 20.011 ACRE TRACT, SAID 60D NAIL FOUND LYING IN SAID COUNTY ROAD 1035;

**THENCE**, SOUTH 00 DEGREES 35 MINUTES 43 SECONDS EAST, ALONG AN EAST LINE OF SAID 40.004 ACRE TRACT AND GENERALLY ALONG COUNTY ROAD 1035, A DISTANCE OF 303.03 FEET TO A POINT FOR AN EXTERIOR ELL CORNER OF SAID 40.004 ACRE TRACT AND THE COMMON NORTHEAST CORNER OF A 2.00 ACRE TRACT OF LAND CONVEYED TO O.F. BUSH, SR. AND JOHNNIE M. BUSH, AS RECORDED IN VOLUME 4777, PAGE 308, DEED RECORDS, TARRANT COUNTY, TEXAS, SAID POINT LYING IN SAID COUNTY ROAD 1035;

**THENCE**, SOUTH 89 DEGREES 05 MINUTES 17 SECONDS WEST, ALONG A SOUTH LINE OF SAID 40.004 ACRE TRACT AND THE COMMON NORTH LINE OF SAID 2.00 ACRE TRACT, PASSING AT A DISTANCE OF 25.00 FEET A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR WITNESS, AND CONTINUING A TOTAL DISTANCE OF 217.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR AN INTERIOR ELL CORNER OF SAID 40.004 ACRE TRACT AND THE COMMON NORTHWEST CORNER OF SAID 2.00 ACRE TRACT;

**THENCE**, SOUTH 00 DEGREES 44 MINUTES 51 SECONDS EAST, ALONG AN EAST LINE OF SAID 40.004 ACRE TRACT AND THE COMMON WEST LINE OF SAID 2.00 ACRE TRACT, PASSING AT A DISTANCE OF 402.67 FEET A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 2.00 ACRE TRACT AND THE COMMON NORTHWEST CORNER OF A 1.00 ACRE TRACT OF LAND CONVEYED TO DENVER AND JENNIFER KOON, AS RECORDED IN COUNTY CLERK'S FILE NO. D215131913, OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 602.24 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING"

SET FOR AN INTERIOR ELL CORNER OF SAID 40.004 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF SAID 1.00 ACRE TRACT;

**THENCE**, NORTH 89 DEGREES 03 MINUTES 47 SECONDS EAST, ALONG A NORTH LINE OF SAID 40.004 ACRE TRACT AND THE COMMON SOUTH LINE OF SAID 1.00 ACRE TRACT, PASSING AT A DISTANCE OF 192.01 FEET A 1/2” IRON ROD FOUND FOR WITNESS, AND CONTINUING A TOTAL DISTANCE OF 217.01 FEET TO A POINT FOR AN EXTERIOR ELL CORNER OF SAID 40.004 ACRE TRACT AND THE COMMON SOUTHEAST CORNER OF SAID 1.00 ACRE TRACT, SAID POINT BEING ON THE WEST LINE OF AFORESAID 280.597 ACRE TRACT AND LYING IN COUNTY ROAD 1035;

**THENCE**, SOUTH 00 DEGREES 51 MINUTES 55 SECONDS EAST, ALONG THE EAST LINE OF SAID 40.004 ACRE TRACT AND THE COMMON WEST LINE OF SAID 280.597 ACRE TRACT AND GENERALLY ALONG COUNTY ROAD 1035, A DISTANCE OF 195.84 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 1,744,287 SQUARE FEET, OR 40.043 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 Service Plan 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 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 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  
Senior Assistant City Attorney

\_\_\_\_\_  
Mary J. Kayser  
City Secretary

ADOPTED AND EFFECTIVE: \_\_\_\_\_

**EXHIBIT A**

