

Mayor and Council Communication

DATE: 06/22/21

M&C FILE NUMBER: M&C 21-0444

LOG NAME: 06DEVELOPMENT AGREEMENT FOR 2000 OAK GROVE ROAD EAST

SUBJECT

(ETJ Future CD 6) Authorize Execution of a Pre-Annexation Development Agreement with Hakuna Matata Investments, LLC, 72.06 Acres at Southwest Corner of Forest Hill Everman Road and Oak Grove Road East, for Property Located in Fort Worth's Extraterritorial Jurisdiction

RECOMMENDATION:

It is recommended that the City Council authorize the City Manager to execute a pre-annexation development agreement between the City and Hakuna Matata Investments, LLC property owner in unincorporated Tarrant County.

DISCUSSION:

Hakuna Matata Investments, LLC ("Owner") represents parcels of real property, a total of approximately 72.06 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 of Fort Worth ("City"). The Owner of the Property has requested, subject to the terms, conditions and limitations set forth in the Pre-annexation Development Agreement ("Agreement") that the City shall provide water and sewer services to the property. In consideration of the City providing these services 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.

The parties have agreed that the Agreement constitutes a petition for voluntary annexation under the provisions of Subchapter C-3, Chapter 43 of the Texas Local Government Code, and upon the request of the of the City, the Owner shall execute all applications and documentation required by Texas law to petition for annexation as required by Texas law. The proposed development is for manufactured housing leases served by private concrete streets built per County standards.

The request meets the Adverse Impact criteria in the Comprehensive Plan, Appendix F - Annexation Policy & Program. Without annexation, potential development activity is likely to have an adverse environmental impact on the City due to the City's inability to enforce development standards, and environmental regulations. The property is adjacent to City Limits and is currently within the Bethesda Water CCN. The Owner can access two City residential taps granted as part of a 1975 sewer easement. If the Owner does not choose to enter into the Agreement, then the Property will be served by Bethesda Water Supply Corporation, and the Owner will pursue a wastewater package treatment plant and discharge permit operated by Aqua Utilities. The plant would be adjacent to floodplain property and would be considered a potential adverse impact.

The Owner and the City are in agreement on certain terms that will allow the Owner to obtain City water and sewer services, and address timing of annexation. The Property will remain in the City's ETJ for two years prior to the Owner requesting owner-initiated annexation. During this time, the Owner will decertify from the Bethesda Water CCN; will work with the City to extend the water main; and will complete construction. The Owner agrees to design public water and sewer mains to Fort Worth standards for Fort Worth review and approval. The Owner also agrees to build backflow and pre-treatment requirements to meet Fort Worth standards and obtain backflow and pre-treatment permits through the City of Fort Worth. The Property will be served by City sewer, and the Owner will not build a sewer treatment plant. At the time of annexation, the owner will also submit a zoning request for conforming "MH" Manufactured Housing District.

The Agreement will be entered into pursuant to Chapter 43, Subchapter C-3 and Chapter 212, Section 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 successor and assigns. The Agreement will be recorded in Tarrant County.

The property is located in the extraterritorial jurisdiction adjacent to COUNCIL DISTRICT 6.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that this action will have no material effect on City funds until the property is annexed by the City.

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