

# Mayor and Council Communication

**DATE:** 10/11/22

**M&C FILE NUMBER:** M&C 22-0810

**LOG NAME:** 06AX-21-017 SEWELL TRACT – OWNER INITIATED

## **SUBJECT**

(Future CD 6) Conduct Public Hearing, Authorize Execution of Municipal Services Agreement and Consider Adopting Ordinance for the Proposed Owner-Initiated Annexation of Approximately 297.083 Acres of Land in Tarrant County, Known as the Sewell Tract, Located at the Northeast Corner of West Cleburne Road and Longhorn Trail and is South of Cleburne Crowley Road, and Approximately 7.561 Acres of Right-of-Way in the Far South Planning Sector, AX-21-017

(PUBLIC HEARING - a. Report of City Staff: Stuart Campbell; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

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## **RECOMMENDATION:**

It is recommended that the City Council:

1. Conduct public hearing for the proposed owner-initiated annexation of approximately 297.083 acres of land and approximately 7.561 acres of right-of-way in Tarrant County, known as the Sewell Tract, located at the northeast corner of West Cleburne Road and Longhorn Trail and is south of Cleburne Crowley Road, as shown on Exhibit A;
2. Authorize execution of municipal services agreement between the City of Fort Worth and property owners, WTXS, LLC, a Delaware limited liability company; and
3. Adopt ordinance annexing AX-21-017 for full purposes.

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## **DISCUSSION:**

On April 26, 2022, representatives for the property owners WTXS, LL, submitted a request for full-purpose annexation of the property shown on Exhibit A into the City of Fort Worth (City). The subject property is located entirely in that portion of the City's extraterritorial jurisdiction which is in Tarrant County. The site is located at the northeast corner of West Cleburne Road and Longhorn Trail and is south of Cleburne Crowley Road. The owner-initiated annexation, which is approximately 297.083 acres, is consistent with the urban development annexation criteria as established by the City's Annexation Policy. The proposed annexation includes 7.561 acres of right-of-way (Longhorn Trail) adjacent to the property.

The subject area is currently agricultural land. The property owner's propose land uses of residential and commercial development are inconsistent with the future land use map of the 2022 Comprehensive Plan. Per Subdivision Ordinance, Section 31-2(b)(1), the City Plan Commission is required to study and make a recommendation on proposals for voluntary annexations that are inconsistent with the Comprehensive Plan. On September 14, 2022, the City Plan Commission voted to not recommend approval of the inconsistent land uses proposed in the annexation case.

The related zoning case (ZC-22-001) was initially heard by the Zoning Commission on August 10, 2022 and continued to the September 14, 2022 Zoning Commission meeting. This related zoning case is on this October 11, 2022 City Council agenda for consideration.

The Sewell Tract Preliminary Plat (PP-22-050) has been submitted for review and is pending the acceptance of the water study.

The site is not currently in the City's Certificate of Convenience and Necessity (CCN), and the City will be processing a CCN request to include it in our CCN boundary. The CCN for this site was recently released from the Johnson County Special Utility District's (SUD) CCN. This site is identified in the City's 20-year Planned Service Area.

The site will be served by Hulen Street, Old Cleburne Road and Longhorn Trail. Old Cleburne Crowley Road is currently a rural one lane street with no shoulder. Longhorn Trail is an existing one lane road that is not on the Master Thoroughfare Plan. Due to the substandard conditions of Cleburne Road and Longhorn Trail the developer will be required to show what improvements they will make to provide adequate access to the residents.

Hulen Street runs through their site and is listed in the Master Thoroughfare Plan as a Neighborhood Connector. The developer will be required to build Hulen Street to West Cleburne Crowley Road. The subdivision to the north has a preliminary plat that includes connecting Hulen Street from West Cleburne Crowley Road to the existing Hulen Street to the north. Once that connection is made Hulen Street will serve as the primary access point for residents and Longhorn Trail will be the primary route to the local schools.

Upon annexation, the development will be added to the Transportation Impact Fee Service Area Y and will be subject to the Transportation Impact Fee Ordinance. The development will receive transportation impact fee credit for the dedication and construction of Cleburne Road as it is listed as a roadway on the City's Master Thoroughfare Plan. Dedication and construction of Cleburne Road will add necessary regional mobility for the City. The collection rate for the service area will be dependent upon the date of the final plat recordation.

Once the developer fulfills their roughly proportionate improvements to Hulen Street, Longhorn Trail, Old Cleburne Crowley Road and the Capital Improvement Projects are complete there will be adequate roadways to serve the subdivision. Also, the City has recently approved other preliminary plats in the surrounding area. It is anticipated that because of additional roadway improvements done by adjacent and nearby

developers that roadway conditions will be adequate to serve this and other proposed developments in the area.

Subchapter C-3 of Chapter 43 of the Texas Local Government Code (LGC) provides for the process of annexation of an area upon a request of an owner of land. Section 43.0672 of the LGC requires a municipality that elects to annex an area upon the request of an owner first negotiate and enter into a written agreement with the owners of land in the area for the provision of municipal services.

The agreement must include:

1. A list of each service the municipality will provide on the effective date of the annexation; and
2. A schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

The municipal services agreement includes these provisions in accordance with state law.

Emergency services will be provided through the City of Fort Worth. The City's Fire Department will provide emergency and fire protection services comparable with the provision of services available in other parts of the municipality with topography, land use and population density similar to be the level of service contemplated or projected in the area. Emergency medical services will be provided by City's Fire Department and MedStar or other entity engaged by the City. The City's Police Department will provide protection and law enforcement services.

The proposed uses were considered while assessing the financial impact to the General Fund. A fiscal impact analysis was prepared by Planning & Data Analytics with the assistance of other City Departments. City tax revenue is expected to have a positive fiscal impact over the next ten years after the proposed development has been built. Based on the operating costs projected from the Police, Code Compliance and Transportation and Public Works Departments, the fiscal impact shows a slightly negative effect to the General Fund for the first year, but will have a positive impact thereafter. Therefore, due to the ability of the area to meet the City's criteria for full-purpose annexation staff recommends approval of the requested owner-initiated annexation, AX-21-017.

The City Council will conduct a public hearing on the proposed annexation. The public hearing is an opportunity for persons interested in the annexation to be heard. Once the City Council has conducted the required public hearing, Council may close the hearing and vote on annexing AX-21-017 for full purposes.

If annexed, this property will become part of COUNCIL DISTRICT 6.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the above recommendations and adoption of the attached ordinance, the annexation will have a long-term positive impact to the General Fund.

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

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

**Additional Information Contact:** Stuart Campbell 2412