

Mayor and Council Communication

DATE: 12/14/21

M&C FILE NUMBER: M&C 21-0944

LOG NAME: 06DEVELOPMENT AGREEMENT FOR PARKS OF VILLAGE CREEK, LLC

SUBJECT

(ETJ Future CD 6) Authorize Execution of a Preannexation Development Agreement with Parks of Village Creek, LLC

RECOMMENDATION:

It is recommended that the City Council authorize the City Manager to execute a preannexation development agreement between the City and Parks of Village Creek, LLC, property owner in unincorporated Tarrant County.

DISCUSSION:

Parks of Village Creek, LLC ("Owner") owns approximately 101.692 acres of land in the extraterritorial jurisdiction (ETJ) of the City of Fort Worth ("City"), generally located on the south side of Farm Market Road 1187, east of Oak Grove Road ("Property"). Owner intends to develop the Property for a single-family development with the option to pursue a multifamily development. The Owner of the Property has requested, and the City has agreed, to enter into a pre-annexation agreement ("Agreement") that will allow the Property to be developed in phases. The phases will be owner-initiated annexed into the City, prior to recordation of final plats. The Property is not currently adjacent to city limits, but the Owner has agreed to take steps to create city-limit adjacency.

The Property is currently in the Bethesda Water Supply Corporation's certificate of convenience and necessity (CCN) for water service, so the Owner will submit a request to the Public Utility Commission (PUC) of Texas for release of the Property from Bethesda's CCN. Once the PUC decertifies the Property, and the PUC judge has approved the notice of approval, the City shall begin the process to expand its water CCN service area. The City agrees to provide retail water and sewer service to the Property in accordance with this Agreement, while pursuing expansion of the City's water CCN. The request meets the Urban Development and Adverse Impact criteria in the Comprehensive Plan, Appendix F - Annexation Policy & Program.

The City Manager is authorized to execute a development agreement for the Property with Owner generally on the following terms and with such other terms as the City Manager deems to be advisable:

The Owner plans to construct all public infrastructure to City standards and execute a Water and Wastewater Facility Easement across the Property for these improvements. The Owner has also secured agreements for offsite easements as well.

The City plans to cost participate with the Owner to oversize the improvements in order to provide service in the City's 20 Year Planned Service Area.

The Owner will work with City staff to dedicate 20 to 24 acres of park space and/or open space in accordance with park dedication policy.

The Agreement is entered into pursuant to Chapter 43, Subchapter C-3 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 approval of these recommendations will have no 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: Mary Elliott 7844