

Mayor and Council Communication

DATE: 08/03/21

M&C FILE NUMBER: M&C 21-0519

LOG NAME: 06PREANNEXATION AGREEMENT BLUESTONE

SUBJECT

(Future CD 7) Authorize Execution of a Pre-Annexation Development Agreement with LPC Bluestone, LP, 90.50 Acres on the North Side of State Highway 114, east of Willow Bend Drive, 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 LPC Bluestone, LP property owner in unincorporated Denton County.

DISCUSSION:

LPC Bluestone, LP ("Owner") represents a parcel of real property, a total of approximately 90.50 acres of land, as described in map Exhibit A, hereinafter called "the Property", located within Denton County. The Property is located in the extraterritorial jurisdiction "ETJ" of the City. 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 Development Agreement ("Agreement") that the City shall provide water and wastewater service 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 when the property becomes contiguous to Fort Worth City Limits.

The parties concur 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 City, the Owner shall execute all applications and documentation required by Texas law to petition for annexation as required by Texas law.

The Owner is seeking outside-city-limits water and wastewater service from the City of Fort Worth to serve a 1,004,400 square-foot industrial building on the Property. The Owner has applied to the Texas Public Utility Commission for decertification from the Aqua Water Certificate of Convenience and Necessity (CCN), and are at the final step of the CCN decertification. The Owner plans to construct water and wastewater lines to City standards and execute a Water Facility Easement and Wastewater Facility Easement across the Property for these improvements. 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 pay sewer per acre charges toward a downstream parallel sewer and other water/sewer related fees and charges.

The Agreement is 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 Denton County.

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

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.

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

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Additional Information Contact: Mary Elliott 7844

Expedited