

ORDINANCE NO. _____

AN ORDINANCE DECLARING CERTAIN FINDINGS; PROVIDING FOR THE RETRACTION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF FORT WORTH; PROVIDING FOR THE DISANNEXATION OF A CERTAIN 59.62 ACRES OF LAND, MORE OR LESS, OUT OF THE G.W. SHAMBLIN SURVEY, ABSTRACT 1191 AND LEWIS MEDLIN SURVEY ABSTRACT NO. 830, DENTON COUNTY, TEXAS, PURSUANT TO SECTION 43.142 LOCAL GOVERNMENT CODE, WHICH SAID TERRITORY LIES WITHIN 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, in 1997 Fort Worth and Northlake adopted the 1997 Joint Resolution (City Secretary Contract No. 23202), according to which each municipality reduced its ETJ and allocated such territory exclusively to the other municipality;

WHEREAS, in 1997 Fort Worth and Northlake entered into Interlocal Agreement (City Secretary Contract No. 23201), to provide for a uniform wholesale water contract; to provide for a Joint Resolution and Agreement for the adjustment of the extraterritorial jurisdiction (ETJ) boundaries between the two cities and to provide for a revenue sharing arrangement; and

WHEREAS, in April 2020, Northlake and Fort Worth executed a new Interlocal agreement (CSC No. 53967) to affirm and adjust corporate and ETJ boundaries between the two cities that was unsettled by the decision that resulted from the 2015 litigation between Northlake and the Town of Justin and to allocate additional ETJ areas to one another; and

WHEREAS, CSC No. 53967 also provides for additional exchanges and boundary adjustments of City of Fort Worth corporate limits in exchange for the amendment to CSC No. 23201 to delete all references to the municipal services- revenue sharing provision; and

WHEREAS, the hereinafter described territory lies within the corporate limits of the City of Fort Worth, Texas, a home-rule city; and

WHEREAS, pursuant to the City's authority under its home-rule powers and Section 43.142 of the Texas Local Government Code, the City Council of the City of Fort Worth has the authority to disannex property; and

WHEREAS, land disannexed by the City of Fort Worth will be annexed by Northlake;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That the following described land and territory within the corporate limits of the City of Fort Worth, Texas is hereby removed from the City of Fort Worth, Texas, and said territory hereinafter described shall hereafter be excluded from the boundary limits of the City of Fort Worth, Texas, and the present corporate boundary limits of said City, at the various points contiguous to the area hereinafter described, are altered and amended so as to exclude said area from the corporate limits of the City of Fort Worth, Texas, to-wit:

Tract 8

Being a tract of land in the G. W. Shamblin Survey, Abstract No. 1191, Denton County, Texas, being a part of that called 38. 85 acre tract of land described in Warranty Deed to Puskoor M. Kumar as recorded in Document No. 2014- 37967 as recorded in the Official Records of Denton County, Texas, being a part of Elizabethtown Cemetery Road variable width right- of-way), and being more particularly described as follows:

BEGINNING at the intersection of the east right-of-way line of Elizabethtown Cemetery Road and the north right- of-way line of Elizabethtown Cemetery Road, being North 46 degrees 53 minutes 53 seconds East, a distance of 36. 36 feet more or less from the southeast corner of said called 38. 85 acre tract of land, and being in the south line of said Shamblin Survey;

THENCE North 89 degrees 39 minutes 46 seconds West, along said north right-of-way line, a distance of 672. 10 feet more or less to a point for corner at the intersection of said north right- of-way line and the west right- of-way line of said Elizabethtown Cemetery Road;

THENCE South 02 degrees 10 minutes 14 seconds West, along said west right-of-way line, a distance of 25. 01 feet more or less, to a point for corner on the south line of said Shamblin Survey;

THENCE North 89 degrees 39 minutes 46 seconds West, along said south line, a distance of 699. 35 feet more or less, to a point for corner on the east right-of-way line of Interstate Highway 35W (variable width right-of-way);

THENCE North 30 degrees 18 minutes 02 seconds East, along said east right-of-way line, a distance of 367. 63 feet, more or less to a point for corner;

THENCE South 59 degrees 41 minutes 58 seconds East, along said east right- of-way line, a distance of 13. 33 feet, more or less to a point for corner;

THENCE North 30 degrees 18 minutes 02 seconds East, continuing along said east right- of-way line, a distance of 77. 66 feet, more or less to a point for corner;

THENCE North 59 degrees 41 minutes 58 seconds West, continuing along said east right-of-way line, a distance of 13. 33 feet, more or less to a point for corner;

THENCE North 30 degrees 18 minutes 02 seconds East, continuing along said east right- of-way line, a distance of 1, 740.42 feet more or less, to the south line of that called 1. 717 acre tract of land

described in Town of Northlake Ordinance No. 98- 0813 A, as recorded in Document No. 99-R0005147 in the Deed Records of Denton County, Texas D. R. D. C. T.);

THENCE South 85 degrees 37 minutes 56 seconds East, departing said east right- of way line, a distance of 292. 19 feet more or less to the southeast corner of said called 1. 717 acre tract of land, and being on the called west right-of-way line of Elizabethtown Cemetery Road;

THENCE North 01 degree 32 minutes 56 seconds West, along the east line of said called 1. 717 acre tract of land, a distance of 418. 89 feet, more or less to the northeast corner of said called 1. 717 acre tract of land;

THENCE North 46 degrees 43 minutes 38 seconds East, departing said east line, a distance of 34. 03 feet more or less to a point for corner on the west line of that called 55. 6133 acre tract of land described in City of Northlake Ordinance No. 97- 0703 A, as recorded in Document No. 97-R0065302 D. R. D. C. T., and being in Elizabethtown Cemetery Road;

THENCE South 01 degree 44 minutes 42 seconds East, along said west line, a distance of 308. 76 feet more or less, to a point for corner;

THENCE South 01 degree 17 minutes 46 seconds East, continuing along said west line, a distance of 603. 55 feet more or less, to a point for corner;

THENCE South 03 degrees 10 minutes 03 seconds West, continuing along said west line, a distance of 288. 56 feet more or less, to a point for corner;

THENCE South 04 degrees 23 minutes 27 seconds West, continuing along said west line, a distance of 90. 85 feet more or less, to the southwest corner of said called 55. 613 acre tract of land;

THENCE South 03 degrees 27 minutes 30 seconds West, along said Elizabethtown Cemetery Road, a distance of 1, 026. 03 feet more or less, to the POINT OF BEGINNING AND CONTAINING 1, 618,784 square feet or 37. 16 acres of land, more or less.

Tract 9

Being a tract of land in the Lewis Medlin Survey Abstract No. 830, Denton County, Texas, being all of Lot 1X, Block 26, Chadwick Farms Addition, an addition to the City of Fort Worth, Denton County, Texas, as recorded in Document No. 2009-218 as recorded in the Plat Records of Denton County, Texas (P. R. D. C. T.), all of the right-of-way dedication for Chadwick Parkway as shown on said Document No. 2009-218, being all of Lot 1, Block 25 of Lot 1X, Block 24 and Lot 1, Block 25, Chadwick Farms Addition as recorded in Document No. 2010-2 P. R. D.C.T., a part of Cleveland -Gibbs Road Right-of-Way, an addition to the City of Fort Worth, Denton County, Texas as recorded in Document No. 2009- 30 P. R. D. C.T. (120 foot wide right-of-way), and being more particularly described as follows:

BEGINNING at a common ell corner of said Lot 1X, Block 26 and an ell corner of that called 107.621 acre tract of land described in Town of Northlake Ordinance No. 01- 0614 A as recorded in Document No. 2001 -R01 15089 in the Deed Records of Denton County, Texas;

THENCE North 88 degrees 11 minutes 04 seconds East, along a south line of said called 107. 621 acre tract of land, passing the most easterly northeast corner of said Lot 1X, Block 26, and the northwest right-of-way of said Cleveland Gibbs Road at a distance of 75. 55 feet more or less, and continuing for a total distance of 246. 66 feet, more or less to a point for corner on the southeast right-of-way of said Cleveland Gibbs Road;

THENCE South 43 degrees 39 minutes 09 seconds West, departing said south line and along said southeast right- of-way line a distance of 138. 68 feet more or less, to the point of curvature of a circular curve to the left, having a radius of 1, 740. 00 feet, whose chord bears South 31 degrees 13 minutes 15 seconds West, a distance of 749. 15 feet more or less;

THENCE Southwesterly, along said southeast right-of-way line and along said circular curve to the left, through a central angle of 24 degrees 51 minutes 47 seconds, an arc length of 755. 06 feet more or less to a point for corner;

THENCE South 18 degrees 47 minutes 22 seconds West, continuing along said southeast right-of-way line, a distance of 16. 35 feet, more or less to a point for corner;

THENCE North 74 degrees 04 minutes 18 seconds West, departing said southeast right- of-way line, passing the southeast corner of said Lot 1, Block 25 and the northwest right-of-way line of said Cleveland-Gibbs Road at a distance of 120. 15 feet, more or less and continuing a total distance of 392. 64 feet more or less, to a point for corner;

THENCE North 53 degrees 41 minutes 04 seconds West, along the westerly line of said Lot 1, Block 25, a distance of 144. 99 feet more or less, to a point for corner;

THENCE North 26 degrees 38 minutes 12 seconds West, continuing along said westerly line, a distance of 113. 17 feet more or less, to a point for corner;

THENCE North 36 degrees 13 minutes 10 seconds West, continuing along said westerly line, a distance of 406. 87 feet more or less, to a point for corner;

THENCE North 35 degrees 56 minutes 11 seconds West, continuing along said westerly line, a distance of 417.06 feet more or less, to a point for corner;

THENCE North 50 degrees 16 minutes 30 seconds West, continuing along said westerly line, a distance of 132.11 feet more or less, to a point for corner on the northwest corner of said Lot 1, Block 25 and being on the south line of said called 107.621 acre tract of land;

THENCE North 88 degrees 10 minutes 47 seconds East, departing said westerly line and along the southerly line of said called 107.621 acre tract of land, a distance of 1,379.62 feet more or less, to a point for a common ell corner of said called 107.621 acre tract of land and the northeast corner of Lot 1X, Block 26;

THENCE South 00 degrees 42 minutes 43 seconds West, continuing along said southerly line, a distance of 340.33 feet more or less, to the POINT OF BEGINNING AND CONTAINING 978,159 square feet or 22.46 acres of land, more or less.

SECTION 2.

That the above described territories are shown on Map Exhibit "A" which are attached hereto and expressly incorporated herein by reference for the purpose of illustrating and depicting the location of the hereinabove described territory.

SECTION 3.

That to the extent applicable under State law, Northlake agrees to compensate the property owners for any property tax refund due under Texas Local Government Code 43.148

SECTION 4.

That the above described territory hereby disannexed shall no longer be part of the City of Fort Worth, Texas, and the property so removed hereby shall no longer bear its pro rata part of the taxes levied by the City of Fort Worth, Texas, and the inhabitants thereof shall no longer be citizens and shall no longer be bound by the acts, ordinances, resolutions and regulations of the City of Fort Worth, Texas.

SECTION 5.

That this ordinance shall and does amend 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.

That 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.

That should this ordinance for any reason be ineffective as to any part or parts of the area hereby disannexed from the City of Fort Worth, 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. The City Council hereby declares it to be its purpose to disannex 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 disannexed from the City. Provided, further, that if there is included within the description of territory set out in Section 1 of this ordinance to be disannexed from the City of Fort Worth any area which is presently part of and included within the limits of any other city, town or village, or which is not within the City of Fort Worth's jurisdiction to disannex, the same is hereby excluded and excepted from the territory to be disannexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 8.

That this ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

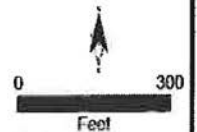
ATTEST:

Melinda Ramos, Sr. Assistant City Attorney

Mary Kayser, City Secretary

ADOPTED AND EFFECTIVE: _____

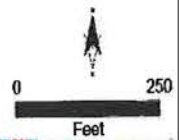
EXHIBIT A
See following page



Date: 3/2/2020

Exhibit 11 - Parcel 8





Date: 3/12/2020

Exhibit 12 - Parcel 9