

ORDINANCE NO. _____

AN ORDINANCE DECLARING CERTAIN FINDINGS; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF FORT WORTH; PROVIDING FOR FULL-PURPOSE ANNEXATION OF A CERTAIN 186.229 ACRES OF LAND, MORE OR LESS, OUT OF THE A. KING SURVEY, ABSTRACT NO. 710, AND THE C. PERRY SURVEY, ABSTRACT NO. 1031, DENTON COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN DEED TO M.T. COLE FAMILY PARTNERSHIP NO. 2, LP RECORDED IN 2009-102749, OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS (CASE NO. AX-22-001) WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS 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, the City of Fort Worth has received a petition in writing from The M.T. Cole Family Partnership No. 2, LP, the owners, requesting the full-purpose annexation of 186.229 acres of land as described in Section 1, below (the “Property”); and

WHEREAS, the hereinafter described Property is in the City’s exclusive extraterritorial jurisdiction and is adjacent to and adjoins the City; and

WHEREAS, Subchapter C-3 of the LGC permits the City to annex an area if each owner of land in an area requests the annexation; and

WHEREAS, in accordance with Subchapter C-3 of Chapter 43 of the Texas Local Government Code, the City section 43.0672 of the Texas Local Government Code The M.T. Cole Family Partnership No. 2, LP, and the City negotiated and entered into a written agreement, City Secretary Contract No. _____, for the provisions of municipal services in the area; and

WHEREAS, the City conducted one public hearing at which members of the public who wished to present testimony or evidence regarding the Municipal Service Agreement and Full-Purpose Annexation were given the opportunity to do so, in accordance with the procedural requirements of Section 43.0673 of the Local Government Code on April 12, 2022 at 6:00 p.m., at the City Council Chamber; and square footage in the descriptions.

WHEREAS, the City Council finds and determines that annexation of the Property hereinafter described is in the best interest of the citizens of the City of Fort Worth and the owners and residents of the area.

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

SECTION 1.

That all portions of the Property, comprising approximately 186.229 acres of land, are hereby annexed to the City of Fort Worth as a part of the city for all municipal purposes, and the city limits are extended to include such Property being all that certain land particularly described below and depicted as on Exhibit "A" attached to and incorporated in this ordinance for all purposes:

BEING a tract of land situated in the A. King Survey, Abstract No. 710 and the C. Perry Survey, Abstract No. 1031, Denton County, Texas, being a portion of that tract of land as described in deed to The M.T. Cole Family Partnership No. 2, LP, recorded in 2009-102749, Official Records, Denton County, Texas (ORDCT), and being more particularly described as follows:

COMMENCING at a point in the approximate centerline of Elizabeth Creek and the south line of Lot 1 X, Block 43 of Trails of Elizabeth Creek, an addition to the City of Fort Worth, Denton County, Texas as recorded in 2020-226, ORDCT, being the most northerly corner of Lot 3, Block 1 of the final plat of Lots 2 & 3, Block 1, Northpoint Alliance Industrial Park, an addition to the City of Fort Worth, Denton County, Texas as recorded in 2021-249, ORDCT and the most easterly corner of a tract of land as described in deed to NP-OV Fort Worth Project 3, LLC, recorded in 2021-171349, ORDCT, from which a 5/8" rebar capped Dunaway found at the most westerly corner of said Lot 3, Block 1 bears South 41degrees 23 minutes 43 seconds West, 3217.09 feet;

THENCE along the approximate centerline of said Elizabeth Creek and the line common to said Lot IX, Block 43 and the northeasterly line of said NP-OV Fort Worth Project 3 tract, as follows:

North 65 degrees 10 minutes 10 seconds West, a distance of 161.09 feet;

North 57 degrees 05 minutes 20 seconds West, a distance of 353.97 feet;

North 38 degrees 05 minutes 49 seconds West, a distance of 346.38 feet;

South 89 degrees 37 minutes 39 seconds West, a distance of 257.30 feet;

North 38 degrees 30 minutes 47 seconds West, a distance of 125.04 feet to the most northerly corner of said NP-OV Fort Worth Project 3 tract, being the **POINT OF BEGINNING** of the herein described tract of land;

THENCE departing the approximate centerline of said Elizabeth Creek and the south line of said Lot IX, Block 43, along the northerly and west lines of said NP-OV Fort Worth Project 3 tract, as follows:

South 41 degrees 23 minutes 43 seconds West, a distance of 1,149.97 feet;

WEST, a distance of 868.00 feet;

NORTH, a distance of 29.57 feet to the beginning of a tangent curve to the right, having a radius of 50.00 feet;

Northeasterly, along said curve, having a central angle of 29 degrees 45 minutes 52 seconds, an arc distance of 25.97 feet, and a chord that bears North 14 degrees 52 minutes 56 seconds East, 25.68 feet to the beginning of a reverse curve to the left, having a radius of 80.00 feet;

Southwesterly, along said curve, having a central angle of 257 degrees 40 minutes 03 seconds, an arc distance of 359.77 feet, and a chord that bears South 80 degrees 55 minutes 51 seconds West, 124.64 feet to the beginning of a reverse curve to the right, having a radius of 50.00 feet;

Southeasterly, along said curve, having a central angle of 47 degrees 54 minutes 11 seconds, an arc distance of 41.80 feet, and a chord that bears South 23 degrees 57 minutes 05 seconds East, 40.60 feet to the end of said curve;

SOUTH, tangent to said curve, a distance of 1,599.89 feet to the beginning of a tangent curve to the left, having a radius of 537.50 feet;

Southeasterly, along said curve, having a central angle of 34 degrees 49 minutes 21 seconds, an arc distance of 326.68 feet, and a chord that bears South 17 degrees 24 minutes 41 seconds East, 321.67 feet to a point in the north line of a tract of land as described in deed to NP-OV Fort Worth Project CY, LLC, recorded in 2020-70675, ORDCT, said point lying in a curve to the left, having a radius of 20.00 feet,

THENCE departing the west line of said NP-OV Fort Worth Project 3 tract, along the north line of said NP-OV Fort Worth Project CY tract, as follows:

Southwesterly, along said curve, having a central angle of 44 degrees 10 minutes 58 seconds, an arc distance of 15.42 feet, and a chord that bears South 80 degrees 49 minutes 12 seconds West, 15.04 feet to a 5/8" rebar capped Sitepoint found at the end of said curve;

South 58 degrees 43 minutes 43 seconds West, tangent to said curve, a distance of 97.54 feet to a 5/8" rebar capped Sitepoint found at the beginning of a tangent curve to the right, having a radius of 525.00 feet;

Southwesterly, along said curve, having a central angle of 31 degrees 16 minutes 17 seconds, an arc distance of 286.54 feet, and a chord that bears South 74 degrees 21 minutes 52 seconds West, 283.00 feet to a 5/8" rebar capped Sitepoint found at the end of said curve;

West, tangent to said curve, a distance of 672.12 feet to a 5/8" rebar capped Dunaway found at the northwest corner of said NP-OV Fort Worth Project CY

tract, said point lying in the east line of a tract of land as described in deed to BNSF Railway Company, recorded in 2020-14394, ORDCT;

THENCE along the east line of said NSF Railway Company tract, as follows:

North 31 degrees 46 minutes 05 seconds West, a distance of 199.12 feet a 5/8" rebar capped Dunaway found; North 00 degrees 04 minutes 32 seconds East, a distance of 1,102.65 feet a 5/8" rebar capped Dunaway found; North 89 degrees 55 minutes 28 seconds West, a distance of 553.15 feet a 5/8" rebar capped Dunaway found;

North 00 degrees 04 minutes 32 seconds East, a distance of 1,639.12 feet to a 5/8" rebar capped Dunaway found in the easterly line of the B.N. & S.F. Railroad right-of-way (variable width R.O.W. per 93-R0021055, ORDCT), being the most northerly corner of said BNSF Railway Company tract, said point lying in the west line of said The M.T. Cole Family Partnership No. 2 tract;

THENCE along the easterly line of said B.N. & S.F. Railroad R.O.W. and the westerly line of said M.T. Cole Family Partnership No. 2 tract, as follows:

North 21 degrees 57 minutes 33 seconds East, a distance of 664.28 feet to a point at the beginning of a tangent curve to the right, having a radius of 2,764.93 feet, from which a 5/8" rebar found bears South 81 degrees 24 minutes West, 0.57 feet;

Northeasterly, along said curve, having a central angle of 01 degree 25 minutes 25 seconds, an arc distance of 68.70 feet (deed 68.93 feet), and a chord that bears North 22 degrees 40 minutes 16 seconds East, 68.70 feet to a 1/2" rebar found;

South 66 degrees 37 minutes 02 seconds East, radial to said curve, a distance of 50.00 feet to the beginning of a curve to the right radial to said line. having a radius of 2,714.93 feet;

Northeasterly, along said curve, having a central angle of 18 degrees 56 minutes 36 seconds, an arc distance of 897.62 feet, and a chord that bears North 32 degrees 51 minutes 16 seconds East, 893.53 feet to a point in the approximate centerline of said Elizabeth Creek at the northwest corner of the herein described tract of land;

THENCE departing the easterly line of said B.N. & S.F. Railroad R.O.W., along the approximate centerline of said Elizabeth Creek and the line common to said Lot 1 X, Block 43 and a remainder portion of said The M.T. Cole Family Partnership No. 2 tract, as follows:

South 58 degrees 33 minutes 30 seconds East, a distance of 425.92 feet;

North 87 degrees 42 minutes 53 seconds East, a distance of 136.06 feet;

North 43 degrees 26 minutes 20 seconds East, a distance of 109.14 feet;

North 13 degrees 25 minutes 16 seconds East, a distance of 69.76 feet;

North 65 degrees 25 minutes 53 seconds East, a distance of 67.90 feet;

South 83 degrees 28 minutes 06 seconds East, a distance of 272.02 feet;
South 58 degrees 33 minutes 30 seconds East, a distance of 425.92 feet;
North 87 degrees 42 minutes 53 seconds East, a distance of 136.06 feet;
North 43 degrees 26 minutes 20 seconds East, a distance of 109.14 feet;
North 13 degrees 25 minutes 16 seconds East, a distance of 69.76 feet;
North 65 degrees 25 minutes 53 seconds East, a distance of 67.90 feet;
South 83 degrees 28 minutes 06 seconds East, a distance of 272.02 feet;
South 46 degrees 12 minutes 13 seconds East, a distance of 204.55 feet;
South 68 degrees 45 minutes 26 seconds East, a distance of 193.54 feet;
South 80 degrees 07 minutes 02 seconds East, a distance of 198.03 feet;
South 55 degrees 34 minutes 51 seconds East, a distance of 178.75 feet;
South 17 degrees 51 minutes 17 seconds West, a distance of 268.74 feet;
South 42 degrees 13 minutes 46 seconds East, a distance of 179.01 feet;
South 60 degrees 56 minutes 31 seconds East, a distance of 304.68 feet;
South 76 degrees 16 minutes 11 seconds East, a distance of 216.63 feet;
North 78 degrees 14 minutes 42 seconds East, a distance of 166.63 feet;
South 63 degrees 28 minutes 50 seconds East, a distance of 146.73 feet;
South 15 degrees 47 minutes 36 seconds East, a distance of 370.29 feet;
South 38 degrees 30 minutes 47 seconds East, a distance of 33.44 feet to the **POINT OF BEGINNING** and containing **186.229 acres of land**, more or less.

SECTION 2.

The above described territory is shown on Map Exhibit A attached hereto and expressly incorporated herein by reference for the purpose of depicting the location of the hereinabove described territory.

SECTION 3.

That the above described territory hereby annexed shall be part of the City of Fort Worth, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Fort Worth, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens in accordance with the Municipal Services Agreement and shall be bound by the acts, ordinances, resolutions and regulations of the

City of Fort Worth, Texas.

SECTION 4.

That the Municipal Services Agreement attached hereto as Exhibit “B” is approved and incorporated into this ordinance for all purposes.

SECTION 5.
CUMULATIVE CLAUSE

This ordinance amends 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.
SEVERABILITY CLAUSE

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.
SAVING CLAUSE

The City Council hereby declares it to be its purpose to annex 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 annexed to the City. Should this ordinance for any reason be ineffective as to any part or parts of the area hereby annexed to the City of Fort Worth for full purposes, 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.

SECTION 8.
EFFECTIVE DATE

This ordinance shall be in full force and effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

Melinda Ramos
Senior Assistant City Attorney

Jannette S. Goodall
City Secretary

ADOPTED AND EFFECTIVE: _____

EXHIBIT A

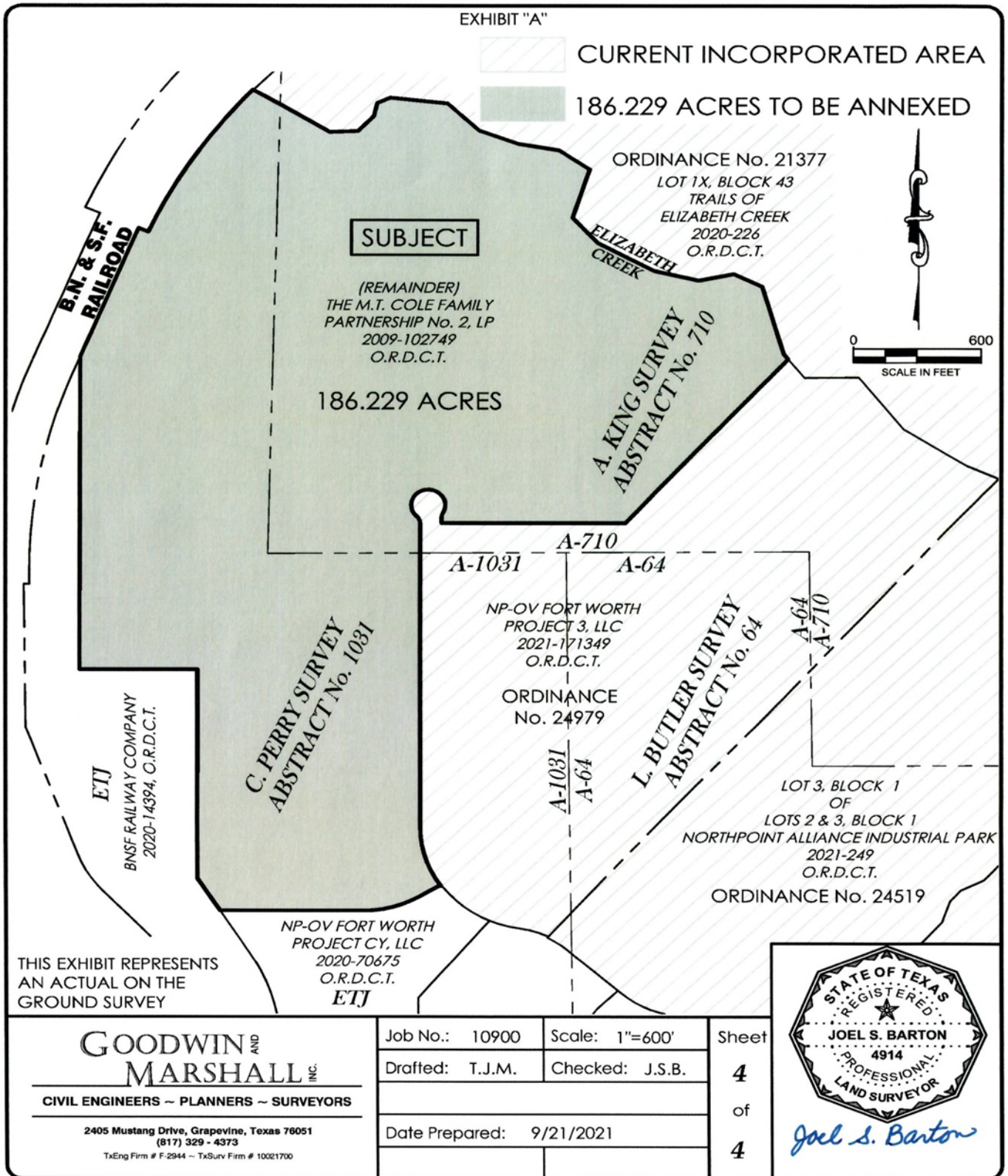


EXHIBIT B
Municipal Services Agreement