

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 85.967 ACRES OF LAND, MORE OR LESS, OUT OF THE OUT OF THE A. KING SURVEY, ABSTRACT NO. 710, THE W. SAMPLE SURVEY, ABSTRACT NO. 1207, THE L. BUTLER SURVEY, ABSTRACT NO. 64, THE C. PERRY SURVEY, ABSTRACT NO. 1031 AND THE A. ROBERTSON SURVEY, ABSTRACT NO. 1553, IN DENTON COUNTY, TEXAS (CASE NO. AX-20-002) 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; PROVIDING A SAVINGS CLAUSE AND NAMING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Worth has received a petition in writing from NP-OV FORT WORTH PROJECT 2, LLC., the owners, requesting the full-purpose annexation of 85.967 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, the City is a Tier 2 municipality for purposes of annexation under Chapter 43 of the Texas Local Government Code (“LGC”); 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, NP-OV FORT WORTH PROJECT 2, LLC. 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 43.0686 of the Local Government Code on November 10, 2020 at 7:00 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 85.967 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, the W. Sample Survey, Abstract No. 1207, the L. Butler Survey, Abstract No. 64, the C. Perry Survey, Abstract No. 1031 and the A. Robertson Survey, Abstract No. 1553, Denton County, Texas and being part of that certain tract of land described by deed to M.T. Cole Family Partnership Number 2, LP, recorded in Instrument Number 2009-102749, Deed Records, Denton County, Texas, said tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a point in the northerly right-of-way line of F.M. 156 (variable width public right-of-way), recorded in Instrument Number 2007-110923, Deed Records, Denton County, Texas, the southeast corner of Lot 4, Block 1, Dave Addition, an addition to the City of Fort Worth, according to the plat recorded in Instrument Number 2018-152, Plat Records, Denton County, Texas, in a non-tangent curve to the left having a central angle of 15°36'59", a radius of 2,964.79 feet, a chord bearing and distance of South 84°36'55" West - 805.57 feet and from which a found 1/2" iron rod with cap stamped "SPIARS ENG" bears South 80°58'17" East, a distance of 0.90 feet;

THENCE, with the north right-of-way line of said F.M. 156 the following courses and distances:

Along said non-tangent curve to the left in a southwesterly direction, a passing distance of 808.07 feet to a point for the most southerly southwest corner of said Lot 4, Block 1, Dave Addition, being in centerline of Elizabeth Creek and continuing for a total arc length of 1,089.72 feet;

THENCE South 81°12'39" West, a distance of 106.20 feet to a point for the beginning of a non-tangent curve to the left having a central angle of 26°37'57", a radius of 2,984.79 feet and a chord bearing and distance of South 56°02'18" West - 1,374.95 feet;

THENCE, with said non-tangent curve to the left in a southwesterly direction, an arc length of 1,387.40 feet;

THENCE South 47°16'39" East, a distance of 20.00 feet to a point for the beginning of a non-tangent curve to the left having a central angle of 01°11'35", a radius of

2,964.79 feet and a chord bearing and distance of South 42°07'32" West - 61.73 feet;

THENCE with said non-tangent curve to the left in a southwesterly direction, an arc length of 61.73 feet to a point;

THENCE South 41°31'45" West, a distance of 2,286.16 feet to a point for the beginning of a curve to the left having central angle of 00°50'15", a radius of 4,683.66 feet and a chord bearing and distance of South 41°06'37" West - 68.46 feet;

THENCE with said curve to the left in a southwesterly direction, an arc length of 68.46 feet to a point in the northerly right-of-way line of said F.M. 156;

THENCE North 47°51'10" West, departing the northerly right-of-way line of said F.M. 156, crossing into said M.T. Cole Family Partnership No. 2, LP, a distance of 102.37 feet to a point;

THENCE North 41°00'36" West, a distance of 100.72 feet to a point;

THENCE North 47°51'10" West, a distance of 888.32 feet to the POINT OF BEGINNING of the tract herein described;

THENCE North 47°51'10" West, a distance of 377.50 feet to a point of curvature to the left, said curve having a central angle of 24°51'17", a radius of 500.00 feet and a chord bearing and distance of North 56°13'18" West – 215.20 feet;

THENCE Northwesterly along said curve to the left 216.90 feet to a point;

THENCE North 73°06'46" West, a distance of 55.84 feet to a point of non-tangential curvature to the right, said curve having a central angle of 29°33'06", a radius of 500.00 feet and a chord bearing and distance of North 62°49'41" West – 255.04 feet;

THENCE Northwesterly with said curve, a distance of 257.89 feet to a point;

THENCE North 48°28'15" West, a distance of 336.44 feet to a point of curvature to the left, said curve having a central angle of 14°12'32", a radius of 470.00 feet and a chord bearing and distance of North 55°34'31" West – 116.26 feet;

THENCE Northwesterly along said curve a distance of 116.56 feet to a point;

THENCE North 41°23'43" East, a distance of 3217.09 feet to a point in the southerly line of a certain tract of land described in deed to Forestar (USA) Real Estate Group, Inc, recorded in Instrument Number 2018-27156, Deed Records, Denton County, Texas and the approximate centerline of Elizabeth Creek;

THENCE with the approximate centerline of said Elizabeth Creek and with the southerly line of said to Forestar (USA) Real Estate Group, Inc. tract the following courses and distances:

South 65°10'10" East, a distance of 365.02 feet to a point;

South 14°16'19" East, a distance of 227.09 feet to a point;
South 13°52'11" West, a distance of 158.68 feet to a point;
South 42°51'54" West, a distance of 280.44 feet to a point;
South 10°51'38" East, a distance of 217.01 feet to a point;
South 05°50'18" West, a distance of 98.25 feet to a point;
South 28°47'08" East, a distance of 144.88 feet to a point;
South 28°47'11" East, a distance of 218.76 feet to a point;
South 61°35'42" East, a distance of 176.11 feet to a point;

THENCE leaving said line, South 41°31'45" West, a distance of 888.30 feet to a point;

THENCE South 63°59'17" West, a distance of 117.80 feet to a point;

THENCE South 41°31'45" West a distance of 75.59 feet to a point;

THENCE South 19°04'13" West, a distance of 117.80 feet to a point;

THENCE South 41°31'45" West a distance of 1171.00 feet to the POINT OF BEGINNING and containing a calculated area of 3,744,788 square feet or 85.969 acres of land.

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

Mary J. Kayser
City Secretary

ADOPTED AND EFFECTIVE: _____

Exhibit B
Municipal Services Agreement
(see attached)