

ORDINANCE NO. 26596-11-2023

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 134.12 ACRES, MORE OR LESS, OUT OF LAND SITUATED IN SECTION 21 OF THE SHELBY COUNTY SCHOOL LAND SURVEY, ABSTRACT NUMBER 1375, TARRANT COUNTY, TEXAS; SAID TRACT BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN WARRANTY DEED TO TTP PARTNERSHIP RECORDED IN INSTRUMENT NUMBER D216210857, OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS, (CASE NO. AX-22-008) 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 Kevin Young, the owner, requesting the full-purpose annexation of 134.12 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, Kevin Young, and the City negotiated and entered into a written agreement, City Secretary Contract No. 6D552, 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 August 22, 2023 at 10:00 a.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 134.12 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 134.12 acres or 5,842,385 square feet tract of land situated in Section 21 of the Shelby County School Land Survey, Abstract Number 1375, Tarrant County, Texas; said tract being a portion of that certain tract of land described in Warranty Deed to TTP Partnership recorded in Instrument Number D216210857, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.); said tract being more particularly described as follows:

BEGINNING (P.O.B.) at a 5/8-inch iron rod with yellow plastic cap stamped "JACOBS" found for the northeast corner of said TTP Partnership tract, same also being the northwest corner of that certain tract of land described in Special Warranty Deed to CVN Partnership recorded in Instrument Number D218077650, O.P.R.T.C.T.;

THENCE South 00 degrees 31 minutes 19 seconds East, with the common line of said TTP Partnership tract and the west line of said CVN Partnership Tract, a distance of 1,139.32 feet to the north corner of that certain tract of land described in General Warranty Deed to J.D. Smith Living Trust, recorded in Instrument Number D209027629, O.P.R.T.C.T., said corner being the same north corner of a Save And Except tract of said CVN Partnership tract, as recorded in Volume 13372, Page 2, O.P.R.T.C.T.;

THENCE South 00 degrees 36 minutes 48 seconds East, departing the common line of said TTP Partnership tract and said CVN tract, with the common line of said TTP Partnership tract and said J.D. Smith tract, a distance of 591.30 feet to a southerly north corner of said J.D. Smith tract;

THENCE South 00 degrees 32 minutes 09 seconds East, departing the common line of said TTP Partnership tract and said J.D. Smith tract, with the common line of said TTP Partnership tract and aforesaid CVN Partnership tract, a distance of 518.58 feet to the southeast corner of said TTP Partnership tract, same being the southwest corner of said CVN Partnership tract, same also being in the north line of that certain tract of land described in Warranty Deed to Everman ISD, recorded in Instrument Number D206322983, O.P.R.T.C.T.; from which a 1-inch iron rod found for witness bears North 89 degrees 25 minutes 01 seconds East, a distance of 88.00 feet;

THENCE South 89 degrees 25 minutes 01 seconds West, departing the common line of said TTP Partnership tract and said CVN Partnership tract, with the common line of said TTP Partnership tract and said Everman ISD Tract, passing at a distance of 1850.76 feet, the northwest corner of said Everman ISD tract, same being the northeast corner of that certain tract of land described in General Warranty Deed to Isidro Salazar, recorded in Instrument Number D218283506, O.P.R.T.C.T., continuing in all a distance of 2,212.42 feet to a 1/2-inch iron rod found;

THENCE North 89 degrees 34 minutes 11 seconds West, continuing with the said line of TTP Partnership Tract, a total distance of 428.28 feet to a 60D Nail found for the southwest corner of said TTP Partnership Tract and aforesaid Section 21;

THENCE North 00 degrees 29 minutes 16 seconds West, along the ostensible centerline of South Race Street, a distance of 2,250.12 feet to the northwest corner of said TTP Partnership tract;

THENCE North 89 degrees 40 minutes 43 seconds East, departing said Race Street, with the common line of said TTP Partnership tract and that certain tract of land described in Special Warranty Deed to Everman ISD, recorded in Instrument Number D207236624, O.P.R.T.C.T., passing at a distance of 983.90 feet, the southeast corner of said Everman ISD tract, same being a southwesterly corner of that certain tract of land described in Special Warranty Deed to Housing Authority of City of Fort Worth, recorded in Instrument Number D219121945 O.P.R.T.C.T.; continuing in all a distance of 1003.04 feet to a 1/2-inch iron rod found with orange plastic cap stamped "COOMBS";

THENCE North 89 degrees 45 minutes 50 seconds East, continuing with the common line of said TTP Partnership tract and said Housing Authority tract; passing at a distance of 377.53 feet, the southeast corner of said Housing Authority tract, same being a southwesterly corner of that certain tract of land as described in General Warranty Deed to Crimson Ridge Land Partners LLC, recorded in Instrument Number D214109111, O.P.R.T.C.T.; continuing in all a distance of 1228.58 feet to a 1/2-inch iron rod found for an ell corner of said Crimson Ridge tract;

THENCE with the common line of said TTP Partnership tract and said Crimson Ridge Tract, the following bearings and distances:

South 10 degrees 10 minutes 04 seconds East, a distance of 905.71 feet to a 1/2-inch iron rod found;

North 79 degrees 53 minutes 05 seconds East, a distance of 110.36 feet to a 1/2-inch iron rod found;

North 10 degrees 17 minutes 12 seconds West, a distance of 890.16 feet, to a 5/8-inch iron rod with yellow plastic cap stamped "JACOBS" found for the common corner of said TTP Partnership tract, said Crimson Ridge tract, and that certain tract of land described in Special Warranty Deed to Orchard Village LTD recorded in Instrument Number D219065386, O.P.R.T.C.T.;

THENCE North 89 degrees 25 minutes 58 seconds East, departing the common line of said TTP Partnership tract and said Crimson Ridge tract, with the common line of said TTP Partnership tract and said Orchard Village Tract, a distance of 101.54 feet to a 1-inch iron rod found;

THENCE North 89 degrees 08 minutes 46 seconds East, continuing with the common line of said TTP Partnership tract and said Orchard Village Tract, a distance of 195.50 feet to the **POINT OF BEGINNING** and containing 134.12 acres or 5,842,385 square feet of land more or less.

The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202), NAD83 (2011).

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 LAUSE

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
Melinda Ramos
Deputy City Attorney

CITY SECRETARY

Jannette S. Goodall
Jannette S. Goodall
City Secretary

ADOPTED AND EFFECTIVE: November 14, 2023

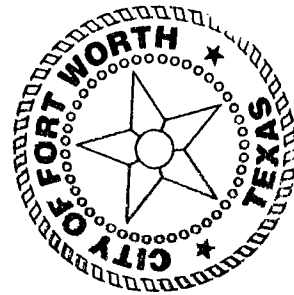


EXHIBIT A

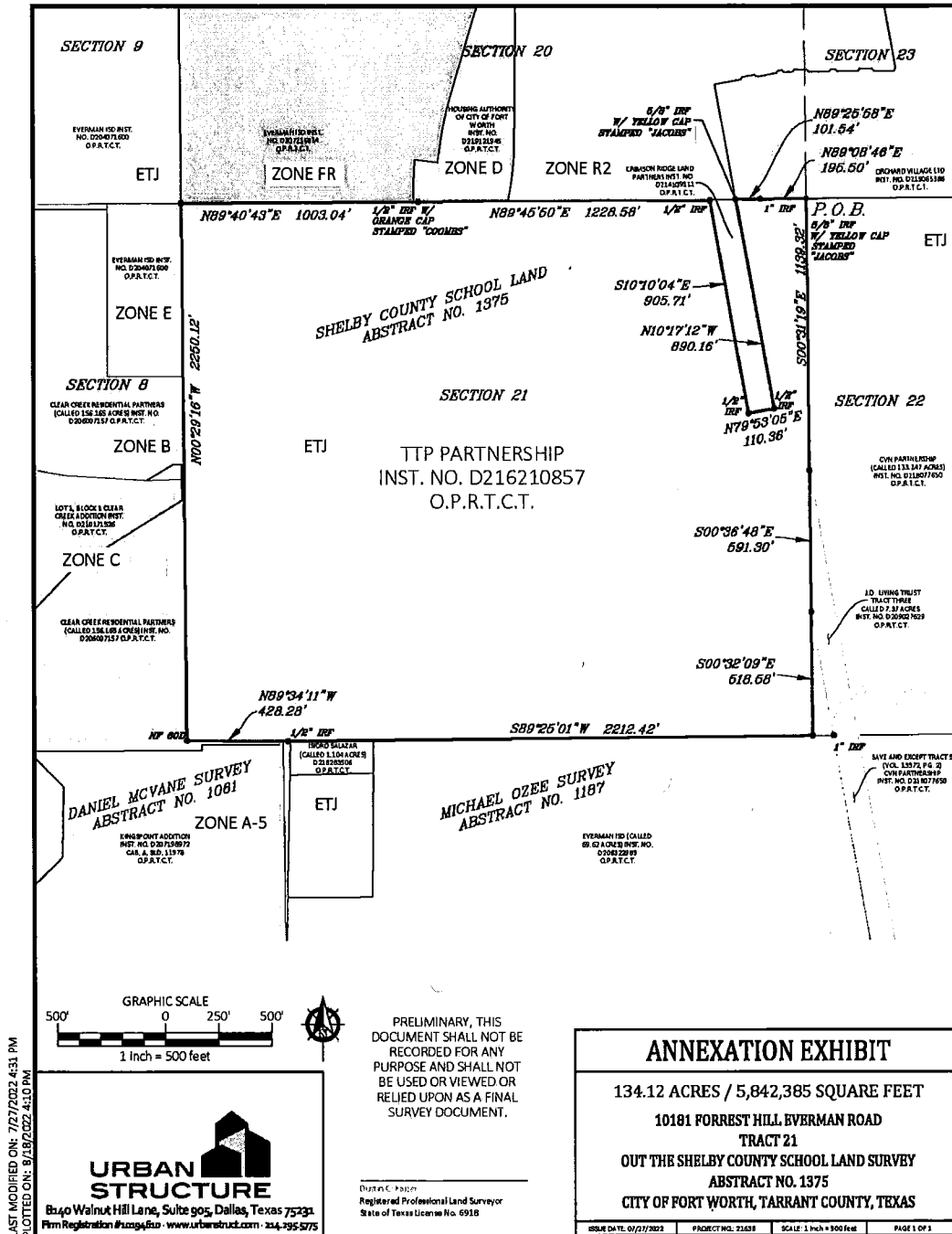
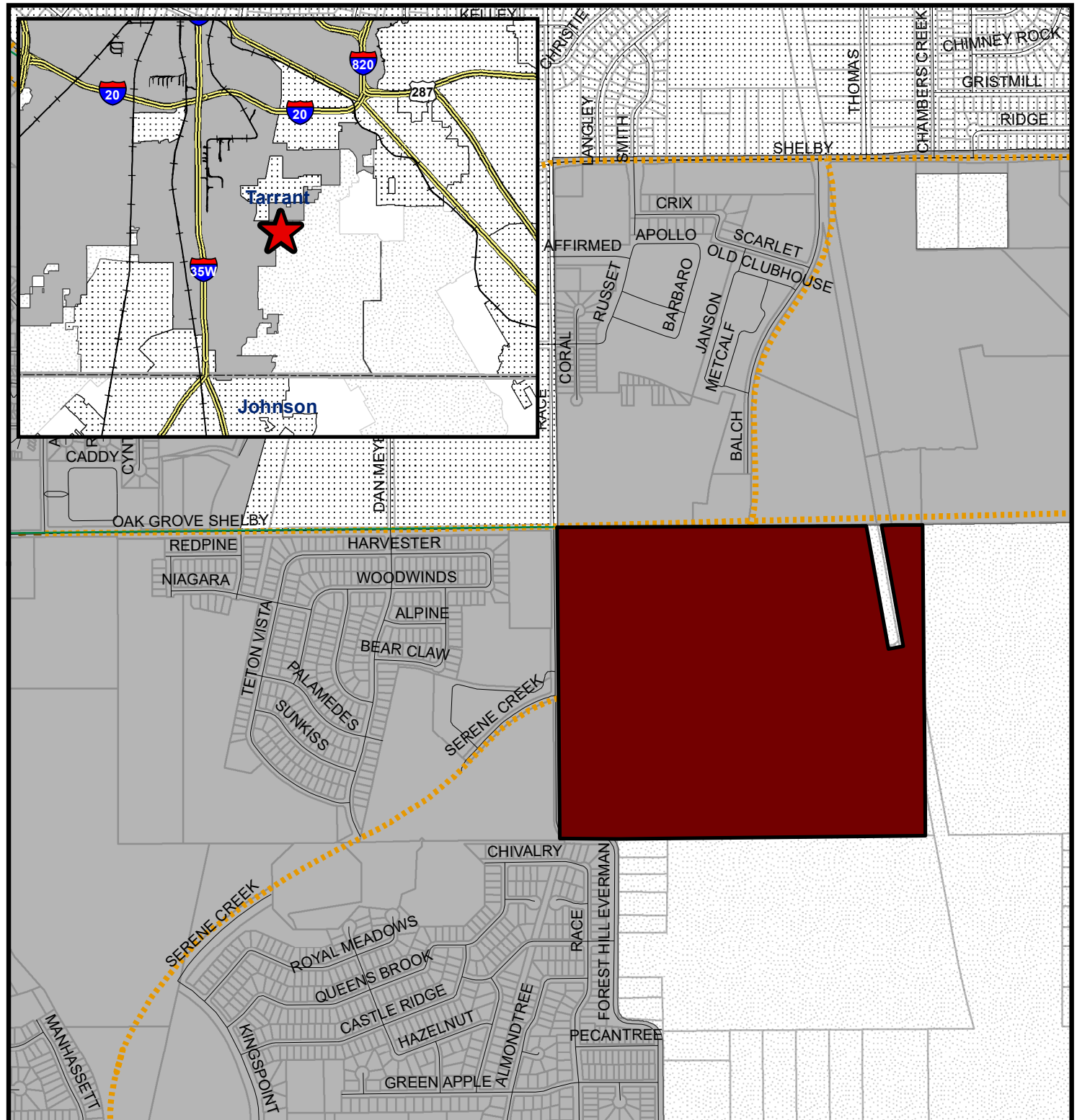


Exhibit B
Municipal Services Agreement

Annexation - The Phoenix

Exhibit A

Addition of approximately 134.12 Acres to become part of Council District 8








0 300 600 1,200 Feet

1:12,000



Fort Worth

DESIGNATION

- | | | | |
|--|-------------------------------|---|-----------------|
|  | Full Purpose |  | Adjacent Cities |
|  | Limited Purpose |  | Annexation Area |
|  | Extraterritorial Jurisdiction | | |



Planning & Development Department
3/22/2023

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November 9, 2023

Owner-Initiated Annexation Request

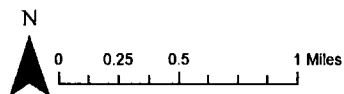
Case # AX-22-008

The Phoenix

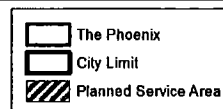
Approximately 134.12 Acres

Staff Report on Fiscal Sustainability Impact

Prepared for City Council by The FWLab



AX-22-008
The Phoenix



Mayor and Council Communication

DATE: 10/31/23

M&C FILE NUMBER: M&C 23-0909

LOG NAME: 06AX-22-008 THE PHOENIX – OWNER INITIATED

SUBJECT

(CD 8) Conduct Public Hearing, Authorize Execution of Municipal Services Agreement and Consider Adopting Ordinance for the Proposed Owner-Initiated Annexation of Approximately 134.12 Acres of Land in Tarrant County, Known as The Phoenix, Located Along the Eastern Edge of Race Street, North of McPherson Road and South Oak Grove Shelby Road, in the Far South Planning Sector, AX-22-008 (Continued from a Previous Meeting)

(PUBLIC HEARING - a. Report of City Staff: Stuart Campbell; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct public hearing for the proposed owner-initiated annexation of approximately 134.12 acres of land in Tarrant County, known as The Phoenix, located along the eastern edge of Race Street, north of McPherson Road and south of Oak Grove Shelby Road, as shown on Exhibit A;
 2. Authorize execution of municipal services agreement between the City and property owner, Kevin Vuong; and
 3. Adopt ordinance annexing AX-22-008 for full purposes.
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DISCUSSION:

On August 1, 2022, representatives for the property owner Kevin Vuong, submitted a request for full-purpose annexation of the property shown on Exhibit A into the City of Fort Worth. The subject property is located entirely in that portion of the City's extraterritorial jurisdiction which is in Tarrant County. The site is located along the eastern edge of Race Street, north of McPherson Road and south of Oak Grove Shelby Road. The owner-initiated annexation, which is approximately 134.12 acres, is consistent with the urban development annexation criteria as established by the City's Annexation Policy. The subject area is currently agricultural land and the property owner's proposal of residential and commercial type development is mostly consistent with the future land use map of the 2023 Comprehensive Plan.

On July 12, 2023, the related zoning case (ZC-23-066) was heard by the Zoning Commission, and the commission voted unanimously in favor to recommend approval of the requested zoning to City Council. The requested zoning is "A-5" One-Family, "CR" Low Density and "F" General Commercial.

Upon annexation, the development will be added to the Transportation Impact Fee Service Area Z and will be subject to the Transportation Impact Fee Ordinance. The development will receive transportation impact fee credit for the dedication and construction of Oak Grove Shelby Road as it is listed as a roadway on the City's Master Thoroughfare Plan and the dedication and construction is adding necessary regional mobility for the City. The collection rate for the service area will be dependent upon the date of the final plat recordation.

Subchapter C-3 of Chapter 43 of the Texas Local Government Code (LGC) provides for the process of annexation of an area upon a request of an owner of land. Section 43.0672 of the LGC requires a municipality that elects to annex an area upon the request of an owner first negotiate and enter into a written agreement with the owners of land in the area for the provision of municipal services.

The agreement must include:

1. A list of each service the municipality will provide on the effective date of the annexation; and
2. A schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

The municipal services agreement includes these provisions in accordance with state law.

Emergency services will be provided through the City of Fort Worth. The City's Fire Department will provide emergency and fire protection services comparable with the provision of services available in other parts of the municipality with topography, land use and population density similar to be the level of service contemplated or projected in the area. Emergency medical services will be provided by City's Fire Department and MedStar or other entity engaged by the City. The City's Police Department will provide protection and law enforcement services.

The proposed uses were considered while assessing the financial impact to the General Fund. A ten-year fiscal impact analysis was prepared by the Fort Worth Lab with the assistance of other City Departments. Due to the ability of the area to meet the City's criteria for full-purpose annexation as stated in Appendix F: Annexation Policy & Program of the 2023 Comprehensive Plan, staff recommends approval of the requested owner-initiated annexation, AX-22-008.

The City Council will conduct a public hearing on the proposed annexation. The public hearing is an opportunity for persons interested in the

annexation to be heard. Once the City Council has conducted the required public hearing, Council may close the hearing and vote on annexing AX-22-008 for full purposes.

If annexed, this property will become part of COUNCIL DISTRICT 8.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that based upon approval of the above recommendations and adoption of the attached ordinance, the annexation will have a long-term positive impact to the General Fund.

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

Originating Business Unit Head: D.J. Harrell 8032

Additional Information Contact:

Expedited