

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE DECLARING CERTAIN FINDINGS; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF FORT WORTH; PROVIDING FOR THE ANNEXATION OF AN APPROXIMATELY 129.2 ACRE TRACT OF LAND SITUATED IN THE GREENBERRY OVERTON SURVEY, ABSTRACT NUMBER 972, AND IN THE CROCKETT PERRY SURVEY, ABSTRACT 1031, SITUATED ABOUT 16.3 MILES NORTH 5 DEGREES WEST OF THE COURTHOUSE, TARRANT COUNTY, TEXAS (CASE NO. AX-12-003) WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT CORPORATE BOUNDARY LIMITS OF FORT WORTH, TEXAS; PROVIDING THAT THE TERRITORY ANNEXED SHALL BEAR ITS PRO RATA PART OF TAXES; PROVIDING THAT THE INHABITANTS THEREOF SHALL HAVE ALL THE PRIVILEGES OF ALL THE CITIZENS 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 requesting the full-purpose annexation of the area; and

WHEREAS the population of the City of Fort Worth, Texas, is in excess of 100,000 inhabitants; and

WHEREAS the hereinafter described territory lies within the exclusive extraterritorial jurisdiction of the City of Fort Worth, Texas; and

WHEREAS the hereinafter described territory lies adjacent to and adjoins the City of Fort Worth, Texas; and

WHEREAS the hereinafter described territory contains approximately 129.2 acres of land (0.202 square miles) of land, more or less;

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 lying adjacent to and adjoining the City of Fort Worth, Texas is hereby added to and annexed to the City of Fort Worth, Texas, and said territory hereinafter described shall hereafter be included within 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 include said area within the corporate limits of the City of Fort Worth, Texas, to-wit:

BEING a 129.151 acre tract of land situated in the Greenberry Overton Survey, Abstract No. 972 and the Crockett Perry Survey, Abstract No. 1031, Denton County, Texas, and being all of a tract of land deeded to the City of Fort Worth, Texas as recorded in County Clerk's File Nos. 2011-23819 and 2011-48658 of the Real Property Records of Denton County, Texas, and also being all of a 13.964 acre tract of land (by deed) deeded to the Burlington Northern & Santa Fe Railway Company as recorded in County Clerk's File No. 00-R0061772 of said Real Property Records of Denton County, Texas, and also being all of the remainder of a 28.651 acre tract of land (by deed) deeded to the Burlington Northern & Santa Fe Railway Company as recorded in County Clerk's File No. 00-R0061773 of said Real Property Records of Denton County, Texas, and also being a portion of the remainder of an 87.7627 acre tract of land (by deed) deeded to the Burlington Northern & Santa Fe Railway Company as recorded in County Clerk's File No. 00-R0061774 of said Real Property Records of Denton County, Texas, and also being a portion of a 387.133 acre tract of land (by deed) deeded to BNSF Railway Company as recorded in County Clerk's File No. 2010-48943 of said Real Property Records of Denton County, Texas, said 129.151 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found in the west right-of-way line of John Day Road (a 60.0' right-of-way) as recorded in County Clerk's File No. 94-R0013821 of said Real Property Records of Denton County, Texas, said 1/2 inch iron rod being an angle point in the east line of a 291.842 acre tract of land (by deed) deeded to Lennar Homes of Texas Land and Construction, Ltd. as recorded in County Clerk's File Nos. 2010-8444 and 2008-18108 of said Real Property Records of Denton County, Texas, said 1/2 inch iron rod also being an angle point in the easterly line of the Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 15572, adopted May 27, 2003, said 1/2 inch iron rod also being an angle point in the westerly line of the Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 13118, adopted August 12, 1997, said 1/2 inch iron rod also being the south corner of said 13.964 acre tract of land, said 1/2 inch iron rod also being the beginning of a non-tangent curve to the left having a radius of 1970.00 feet, a central angle of 04 degrees 26 minutes 24 seconds and whose chord bears North 03 degrees 30 minutes 49 seconds West, a chord distance of 152.62 feet;

THENCE with said non-tangent curve to the left, with the easterly line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 15572, the westerly line of said 13.964 acre tract of land, and with the easterly line of said 291.842 acre tract of land, an arc length of 152.66 feet to a 1/2 inch iron rod found for the south corner of said 28.651 acre tract of land;

THENCE North 29 degrees 02 minutes 45 seconds West, with the easterly line of said 291.842 acre tract of land, with the westerly line of said 28.651 acre tract of land and with the easterly line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 15572, passing at a distance of 1716.22 feet, a 5/8 inch iron rod with cap stamped "GORRONDONA" found for the southeast corner of said tract of land deeded to the City of Fort Worth, Texas, in all, a distance of 1832.57 feet to a 1/2 inch iron rod with cap (unreadable) found for an angle point in the easterly line of said 291.842 acre tract of land and for the southwest corner of said tract of land deeded to the City of Fort Worth, Texas, said 1/2 inch iron rod with cap being an angle point in the easterly line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 15572:

THENCE North 00 degrees 32 minutes 25 seconds West, with the easterly line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 15572, with the easterly line of said 291.842 acre tract of land and with the westerly line of said tract of land deeded to the City of Fort Worth, Texas, a distance of 1150.86 feet to a 1/2 inch iron rod found for the most northerly northeast corner of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 15572, said 1/2 inch iron rod being the northeast corner of said 291.842 acre tract of land, said 1/2 inch iron rod also being in the south line of a tract of land deeded to Texas Christian University as recorded in Volume 1122, Page 638 of the Deed Records of Denton County, Texas;

**THENCE** with the westerly line of said tract of land deeded to the City of Fort Worth, Texas, departing said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 15572, the following courses and distances:

- 1) North 00 degrees 32 minutes 50 seconds West, a distance of 1546.73 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 2) North 01 degrees 51 minutes 52 seconds East, a distance of 71.68 feet to the beginning of a curve to the right having a radius of 1255.00 feet, a central angle of 06 degrees 36 minutes 19 seconds and whose chord bears North 05 degrees 10 minutes 02 seconds East, a chord distance of 144.60 feet;
- 3) With said curve to the right, an arc length of 144.68 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;

- 4) North 81 degrees 31 minutes 49 seconds West, a distance of 17.63 feet to a 5/8 inch iron rod found with cap stamped "GORRONDONA" found for corner;
- 5) North 00 degrees 32 minutes 50 seconds West, a distance of 132.50 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for the beginning of a non-tangent curve to the right having a radius of 1300.00 feet, a central angle of 02 degrees 30 minutes 38 seconds and whose chord bears North 15 degrees 30 minutes 08 seconds East, a chord distance of 56.96 feet;
- 6) With said non-tangent curve to the right, an arc length of 56.96 feet to a 5/8 inch iron with cap stamped "GORRONDONA" found for corner;
- 7) South 61 degrees 12 minutes 45 seconds East, a distance of 45.50 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 8) North 14 degrees 38 minutes 51 seconds East, a distance of 229.80 feet to 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 9) South 81 degrees 01 minutes 29 seconds West, a distance of 108.70 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 10) North 15 degrees 29 minutes 53 seconds West, a distance of 31.45 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 11) North 00 degrees 32 minutes 50 seconds West, a distance of 13.35 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner, from which a 1/2 inch iron rod found for an angle point in the westerly line of said 87.7627 acre tract of land bears North 00 degrees 32 minutes 50 seconds West, a distance of 86.78 feet;
- 12) North 69 degrees 03 minutes 34 seconds East, a distance of 146.19 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 13) North 14 degrees 38 minutes 51 seconds East, a distance of 155.61 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for the beginning of a curve to the right having a radius of 1255.00 feet, a central angle of 12 degrees 41 minutes 57 seconds and whose chord bears North 20 degrees 59 minutes 49 seconds East, a chord distance of 277.59 feet;

- 14) With said curve to the right, an arc length of 278.16 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 15) North 62 degrees 11 minutes 11 seconds West, a distance of 12.91 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 16) North 34 degrees 46 minutes 54 seconds East, a distance of 138.67 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 17) North 87 degrees 25 minutes 58 seconds East, a distance of 2.97 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 18) North 32 degrees 54 minutes 32 seconds East, a distance of 72.16 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 19) North 34 degrees 46 minutes 54 seconds East, a distance of 612.46 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for the beginning of a curve to the left having a radius of 1145.00 feet, a central angle of 22 degrees 37 minutes 23 seconds and whose chord bears North 19 degrees 59 minutes 57 seconds East, a chord distance of 449.17 feet;
- 20) With said curve to the left, an arc length of 452.10 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 21) North 05 degrees 11 minutes 04 seconds East, a distance of 726.46 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for the beginning of a non-tangent curve to the left having a radius of 926.00 feet, a central angle of 02 degrees 26 minutes 35 seconds and whose chord bears North 16 degrees 22 minutes 30 seconds West, a chord distance of 39.48 feet;
- 22) With said non-tangent curve to the left, an arc length of 39.48 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 23) North 35 degrees 39 minutes 21 seconds West, a distance of 94.44 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 24) North 66 degrees 41 minutes 09 seconds East, a distance of 24.79 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for the beginning of a non-tangent curve to the left having a radius of 926.00 feet, a central angle of 43 degrees 27 minutes 12 seconds and whose chord bears

North 45 degrees 02 minutes 26 seconds West, a distance of 685.57 feet;

- 25) With said non-tangent curve to the left, an arc length of 702.28 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for corner;
- 26) North 57 degrees 29 minutes 20 seconds West, a distance of 30.40 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found in the southerly right-of-way line of John Day Road (an undedicated right-of-way), said 5/8 inch iron rod with cap stamped "GORRONDONA" being the most southerly northwest corner of said tract of land deeded to the City of Fort Worth, Texas;

**THENCE** North 23 degrees 13 minutes 58 seconds East, with the westerly line of said tract of land deeded to the City of Fort Worth, Texas, a distance of 38.78 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found in the northerly right-of-way line of said John Day Road, said 5/8 inch iron rod with cap stamped "GORRONDONA" being the most northerly northwest corner of said tract of land deeded to the City of Fort Worth, Texas;

**THENCE** South 74 degrees 57 minutes 59 seconds East, with the northerly line of said tract of land deeded to the City of Fort Worth, Texas, a distance of 30.31 feet to a 5/8 inch iron rod with cap stamped "GORRONDONA" found for the beginning of a curve to the right having a radius of 974.00 feet, a central angle of 13 degrees 35 minutes 45 seconds and whose chord bears South 59 degrees 58 minutes 10 seconds East, a chord distance of 230.58 feet;

**THENCE** with said curve to the left and with the northerly line of said tract of land deeded to the City of Fort Worth, Texas, an arc length of 231.12 feet to a survey nail with washer stamped "GORRONDONA" found for corner in the northerly line of said 87.7627 acre tract of land, said survey nail with washer stamped "GORRONDONA" being in the southerly line of said 387.133 acre tract of land;

**THENCE** South 67 degrees 06 minutes 34 seconds East, with the northerly line of said 87.7627 acre tract of land and with the southerly line of said 387.133 acre tract of land, a distance of 387.71 feet to a survey nail with washer stamped "GORRONDONA" found for the most northerly northwest corner of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 13118, said survey nail with washer stamped "GORRONDONA" being the most northerly northeast corner of said 87.7627 acre tract of land and the most northerly northwest corner of a tract of land described as Part 1: Main Line Right-Of-Way, deeded to The Atchison, Topeka and Santa Fe Railway Company as recorded in County Clerk's File No. 94-

R0055913 of said Real Property Records of Denton County, Texas.

**THENCE** South 22 degrees 53 minutes 26 seconds West, with a westerly line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 13118, with an easterly line of said 87.7627 acre tract of land and with a westerly line of said tract of land deeded to The Atchison, Topeka and Santa Fe Railway Company, a distance of 30.00 feet to a 1/2 inch iron rod found for the most southerly northeast corner of said 87.7627 acre tract of land and for the most southerly northwest corner of said tract of land deeded to The Atchison, Topeka and Santa Fe Railway Company, said 1/2 inch iron rod being in the southwesterly right-of-way line of said John Day Road, said 1/2 inch iron rod also being the beginning of a non-tangent curve to the right having a radius of 570.00 feet, a central angle of 72 degrees 36 minutes 07 seconds and whose chord bears South 30 degrees 46 minutes 33 seconds East, a chord distance of 674.91 feet;

**THENCE** with said non-tangent curve to the right, with the southwesterly line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 13118, with the northeasterly line of said 87.7627 acre tract of land, with the southwesterly line of said tract of land deeded to The Atchison, Topeka and Santa Fe Railway Company and with the southwesterly right-of-way line of said John Day Road, an arc length of 722.27 feet to a 5/8 inch iron rod with cap stamped "Carter Burgess" found for corner;

**THENCE** South 05 degrees 31 minutes 55 seconds West, with the westerly line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 13118, with the easterly line of said 87.7627 acre tract of land, with the westerly line of said tract of land deeded to The Atchison, Topeka and Santa Fe Railway Company and with the westerly right-of-way line of said John Day Road, a distance of 4006.20 feet to a 5/8 inch iron rod found for corner;

**THENCE** South 00 degrees 34 minutes 00 seconds East, with the west line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 13118, with the east line of said 87.7627 acre tract of land, with the west line of said tract of land deeded to The Atchison, Topeka and Santa Fe Railway Company and with the west right-of-way line of said John Day Road, a distance of 251.48 feet to a 1/2 inch iron rod with cap (unreadable) found for the southeast corner of said 87.7627 acre tract of land and the southwest corner of said tract of land deeded to The Atchison, Topeka and Santa Fe Railway Company, said 1/2 inch iron rod with cap (unreadable) being the northeast corner of said 13.964 acre tract of land and the northwest corner of a 98.725 acre tract of land (by deed) described as Part 2: CTC Yard deeded to The Atchison, Topeka

and Santa Fe Railway Company as recorded in County Clerk's File No. 94-R0055913 of said Real Property Records of Denton County, Texas, from which a 1/2 inch iron rod with cap (unreadable) found for the northwest corner of said 13.964 acre tract of land bears North 89 degrees 19 minutes 59 seconds East, a distance of 268.75 feet, said 1/2 inch iron rod with cap (unreadable) being the northeast corner of said 28.651 acre tract of land, said 1/2 inch iron rod with cap (unreadable) also being in the south line of said 87.762 acre tract of land;

**THENCE** South 00 degrees 32 minutes 46 seconds East, with the west line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 13118, with the east line of said 13.964 acre tract of land, with the west line of said 98.725 acre tract of land and with the west right-of-way line of said John Day Road, a distance of 2245.02 feet to a 5/8 inch iron rod with cap stamped "Carter Burgess" found for corner;

**THENCE** South 03 degrees 33 minutes 07 seconds West, with the west line of said Corporate Boundary Limits of Fort Worth, Texas, Ordinance No. 13118, with the east line of said 13.964 acre tract of land, with the west line of said 98.725 acre tract of land and with the west right-of-way line of said John Day Road, a distance of 672.43 feet to the Place of Beginning and containing some 129.2 acres (0.202 square miles) of land, more or less.

#### SECTION 2.

That the above described territory is shown on Map Exhibit "A" which is 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 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 Service Plan and shall be bound by the acts, ordinances, resolutions and regulations of the City of Fort Worth, Texas.

#### SECTION 4.

That the Service Plan attached hereto as Exhibit "B" was made available for inspection by and explanation to the inhabitants of the area to be annexed and is approved and incorporated into this ordinance for all purposes.

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 annexed to 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 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. Provided, further, that if there is included within the description of territory set out in Section 1 of this ordinance to be annexed to the City of Fort Worth any area which is presently part of and included within the limits of the City of Fort Worth, or 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 annex, the same is hereby excluded and excepted from the territory to be annexed 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:

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Melinda Ramos, Assistant City Attorney

ADOPTED AND EFFECTIVE: \_\_\_\_\_