**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 136.90 ACRES OF LAND, MORE OR LESS, OUT OF THE R. Whitley Survey, Abstract Number 1672, the B. Thomas Survey, Abstract Number 1497 and the G.T. Walters Survey, Abstract Number 1696, IN TARRANT COUNTY, TEXAS (CASE NO. AX-18-001) 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 Boaz Holdings Limited Partnership, the owner, requesting the full-purpose annexation of 136.90 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, Boaz Holdings Limited Partnership 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 two public hearings 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 August 21, 2018 at 7:00 p.m., on August 28, 2018, at 7:00 p.m., at the City Council Chamber; and

**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 136.90 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 R. Whitley Survey, Abstract Number 1672, the B. Thomas Survey, Abstract Number 1497 and the G.T. Walters Survey, Abstract Number 1696, Tarrant County, Texas, being portion of that remainder tract of land described by deed to Boaz Holdings, LP., recorded in Instrument Number D212142260, County Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at the southwest corner of said remainder, being the southeast corner of that tract of land described by deed to Texas Electric Service Company recorded in Volume 2658, Page 309, said County Records and being in the north right-of-way line of W. Bailey Boswell Road (a variable width right-of-way);

**THENCE** N 00°14’37”E, 2329.46 feet, departing said right-of-way line with the west line of said remainder to the northwest corner of said remainder;

**THENCE** with the north line of said remainder the following courses and distances:

N 89°42’51”E, 1675.84 feet, to the beginning of a non-tangent curve to the left;

With said non-tangent curve to the left, an arc distance of 143.40 feet, through a central angle of 13°44’10”, having a radius of 598.14 feet, the long chord which bears N 66°42’38”E, 143.05 feet;

N 59°58’43”E, 357.71 feet, to the beginning of a curve to the right;

With said curve to the right, an arc distance of 269.38 feet, through a central angle of 28°09’28”, having a radius of 548.14 feet, the long chord which bears N 74°03’27”E, 266.68 feet;

N 00°00’31”E, 28.03 feet;

N 89°39’39”E, 1699.58 feet, to the beginning of a non-tangent curve to the left;

**THENCE** with said non-tangent curve to the left, an arc distance of 284.54 feet, through a central angle of 16°18’11”, having a radius of 1000.00 feet, the long chord which bears S 08°37’35”E, 283.58 feet departing said north line over and across said remainder tract to the south line of said remainder and the north line of The Parks at Boat Club, an addition to the City of Fort Worth recorded in Cabinet A, Slide 11979, said County Records;

**THENCE** S 89°41’04”W, 264.92 feet, with the south line of said remainder and the north line of said The Pars at Boat Club to the north west corner of said The Parks at Boat Club:

**THENCE** continuing with the south and east lines of said remainder tract the following courses and distances:

S 89°39’20”W, 223.10 feet;

S 83°12’31”W, 356.12 feet;

S 89°39’28”W, 359.00 feet;

S 00°21’55”E, 215.49 feet;

S 89°39’21”W, 479.79 feet;

N 00°21’55”W, 227.50 feet;

S 89°35’19”W, 177.26 feet;

S 59°58’12”W, 576.36 feet;

S 19°14’04”E, 137.00 feet;

S 00°01’52”W, 110.44 feet, to the beginning of a non-tangent curve to the right;

With said non-tangent curve to the right, an arc distance of 88.86 feet, through a central angle of 101°49’34”, having a radius of 50.00 feet, the long chord which bears S 31°26’00”E, 77.62 feet;

S 86°26’00”E, 141.88 feet;

S 75°12’31”E, 41.16 feet;

S 13°21’26”W, 117.37 feet, to the beginning of a non-tangent curve to the right;

With said non-tangent curve to the right, an arc distance of 775.67 feet, through a central angle of 76°37’30”, having a radius of 580.00 feet, the long chord which bears S 38°19’49”E, 719.14 feet;

S 00°01’03”E, 14.03 feet;

S 45°12’04”E, 14.10 feet;

S 89°36’54”W, 70.00 feet;

S 00°01’03”E, 1050.69 feet, to the southeast corner of said remainder tract and the north right-of-way line of aforementioned West Bailey Boswell Road;

**THENCE** N 89°56’54”W, 2394.79 feet, with the south line of said remainder and said right-of-way line to the **Point of Beginning** and containing 5,963,379 square feet or 136.900 acres of land more or less;

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

**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 Service Plan 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:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant City Attorney Mary Kayser, City Secretary

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

**Exhibit A**

**Map**

*(to be inserted)*

**Exhibit B**

**Municipal Services Agreement**

*(to be inserted)*