COMMISSIONERS COURT
COMMUNICATION

SUBJECT: **RECEIVE AND FILE – CITY OF FORT WORTH ANNEXATION ORDINANCE NO. 27177-09-2024 (CASE NO. AX-24-004) – PRECINCT 1**

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court receive and file the City of Fort Worth Annexation Ordinance No. 27177-09-2024 (Case No. AX-24-004) for Precinct 1.

BACKGROUND

The subject ordinance is attached and was adopted, effective September 17, 2024.

The annexation area includes approximately 61.754 acres of land, known as Crowley Middle School No. 5, located on the western edge of Cleburne Road, approximately 335 feet south of Rancho Verde Parkway.

The annexation area does not include the right-of-way of any County Road.

A location map of the annexation area is included in the attached ordinance.

FISCAL IMPACT

There is no fiscal impact on the General Fund associated with this item.

SUBMITTED BY	Transportation Services	PREPARED BY:	Nicole Benoit
		APPROVED BY:	Joseph Jackson

ORDINANCE NO. 27177-09-2024

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 61.754 ACRES, MORE OR LESS, OUT OF LAND SITUATED IN THE JOHN KORTICKY SURVEY, ABSTRACT NO. 914, TARRANT COUNTY, TEXAS, BEING A PORTION OF TRACT 1 AND TRACT 2, AS DESCRIBED IN DEED TO CROWLEY INDEPENDENT SCHOOL DISTRICT (CROWLEY ISD), ACCORDING TO THE DEED FILED IN INSTRUMENT #D2074 I 6955, DEED RECORDS OF TARRANT COUNTY, TEXAS (D.R.T.C.T.), BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO TEXAS ELECTRIC SERVICE COMPANY (TESCO), RECORDED IN VOLUME 3564, PAGE 577, D.R.T.C.T., ALSO BEING A PORTION OF WEST CLEBURNE ROAD (COUNTY ROAD 1035), A VARIABLE WIDTH RIGHT-OF-WAY, PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, (CASE NO. AX-24-004) 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 Crowley Independent School District and Oncor, the owner, requesting the full-purpose annexation of 61.754 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, Crowley Independent School District and Oncor, and the City negotiated and entered into a written agreement, City Secretary Contract No. 62013, 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. September 17, 2024 at 6:00 p.m., at the City Council Chamber;

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 61.754 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 61.754 acres of land situated in the John Korticky Survey, Abstract No. 914, Tarrant County, Texas, being a portion of Tract 1 and Tract 2, as described in deed to Crowley Independent School District (Crowley ISD), according to the deed filed in Instrument #D2074 I 6955, Deed Records of Tarrant County, Texas (D.R.T.C.T.), being a portion of a tract of land described in deed to Texas Electric Service Company (TESCO), recorded in Volume 3564, Page 577, D.R.T.C.T., also being a portion of West Cleburne Road (County Road 1035), a variable width right-of-way, and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of said TESCO tract (Volume 3564, Page 577), also being the northwest corner of a tract of land described in deed to TESCO, recorded in Volume 3554, Page 613, D.R.T.C.T., also being the most easterly southeast corner of a 194.167 acre tract of land annexed by the City of Fort Worth, as recorded in City of Fort Worth Ordinance #13578, also being in the most westerly line of a 79.08 acre tract of land annexed by the City of Fort Worth, as recorded in City of Fort Worth Ordinance #9471, and also being in the approximate centerline of said West Cleburne Road;

THENCE S 00°27'08" E, along the east line of said TESCO tract (Volume 3564, Page 577), along the west line of said TESCO tract (Volume 3554, Page 613), along the most westerly line of said 79.08 acre tract, and along the approximate centerline of said West Cleburne Road, a distance of 149.74 feet to a Mag nail found at the southeast corner of said TESCO tract (Volume 3564, Page 577), also being the southwest corner of said TESCO tract (Volume 3554, Page 613), from which a TESCO monument found at the most northerly northeast corner of said Tract 2 bears S 88°42'06" W, a distance of 25.11 feet;

THENCE S 00°27'08" E, continuing along the most westerly line of said 79.08 acre tract, and along the approximate center line of said West Cleburne Road, at a distance of 262.66 feet, passing the most easterly northeast corner of said Tract 2, continuing along the east line of said Tract 2, in all, a distance of 659.57 feet to the southwest corner of said 79.08 acre tract, and being in the north line of a 52.357 acre tract of land annexed by the City of Fort Worth, as described in City of Fort Worth Ordinance #9581;

THENCE S 89°43'25" W, leaving the approximate centerline of said West Cleburne Road and the most easterly line of said Tract 2, continuing along the north line of said 52.357 acre tract, a distance of 25.90 feet to the northwest corner of said 52.357 acre tract, and being in the west line of said West Cleburne Road;

THENCE continuing along the west line of said 52.357 acre tract, and along the west line of said West Cleburne Road, the following courses and distances;

S 00°31'55" E, a distance of 326.78 feet;

S 00°33'55" E, at a distance of 103.60 feet, passing a 5/8 inch iron found in the south line of Tract 2, and being in the north line of Tract 1, in all, a distance of 617.61 feet to a 5/8 inch iron rod found in the south line of said Tract 1, and being in the north line of a 40.043 acre tract of land annexed by the City of Fort Worth, as recorded in City of Fort Worth Ordinance #24148- 04-2020;

THENCE S 89°08'07" W, leaving the west line of said 52.357 acre tract, continuing along the north line of said 40.043 acre tract and the south line of said Tract 1, at a distance of 14.80 feet, passing a 5/8 inch iron rod with cap stamped "LJA Surveying" found at the northeast comer of Lot 2X, Block 4, Deer Creek, an addition to the City of Fort Worth, Tarrant, County, Texas, recorded in Instrument #D222058562, Plat Records of Tarrant County, Texas (P.R.T.C.T.), and continuing along the north line of Blocks 4 & 5 of said Deer Creek, in all, a distance of 1673.28 feet to the southwest comer of said Tract 1, also being the northwest comer of Lot 1 of said Block 5, Deer Creek, and also being in the east line of a tract of land described in deed to Dependable Builders, LLC, recorded in Instrument #D221376640, D.R.T.C.T., from which a 5/8 inch iron rod with cap stamped "LJA Surveying" found bears N 89°08' 11" E, a distance of 0.28 feet;

THENCE N 00°00' 16" W, along the west line of said Tracts 1 & 2, and along the east line of said Dependable Builders, LLC tract, at a distance of 12.43 feet, passing a 1 inch iron rod found at the northeast corner of said Dependable Builders, LLC tract, also being the southeast corner of Lot 15, Block 2, Panther Heights (Phase 2), an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Cabinet A, Slide 7768, P.R.T.C.T., and also being the southeast corner of said 194.167 acre tract, and continuing along the east line of said 194.167 acre tract, and along the east line of said Blocks 2 & 3 of said Panther Heights (Phase 2), at a distance of 1455.67 feet, passing a 3/4 inch iron rod found at the northwest corner of said Tract 2, also being the northeast corner of Lot 13 of said Block 3, Panther Heights (Phase 2), and also being in the south line of said TESCO tract (Volume 3564, Page 577), continuing over and across said TESCO tract (Volume 3564, Page 577), in all, a distance of 1605.70 feet to the north line of said TESCO tract (Volume 3564, Page 577), also being in the south line of Block 3 of

Panther Heights, an addition to the City of Fort Worth, Tarrant County, Texas, recorded in Cabinet A, Slide 5064, P.R.T.C.T.;

THENCE N 89°11'55" E, along the north line of said TESCO tract (Volume 3564, Page 577), and along the south line of said Block 3, Panther Heights (Cabinet A, Slide 5064), a distance of 1684.95 feet to the **POINT OF BEGINNING** and containing 61.754 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 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

Jannette S. Goodall
Jannette S. Goodall
City Secretary

ADOPTED AND EFFECTIVE: September 17, 2024

EXHIBIT A

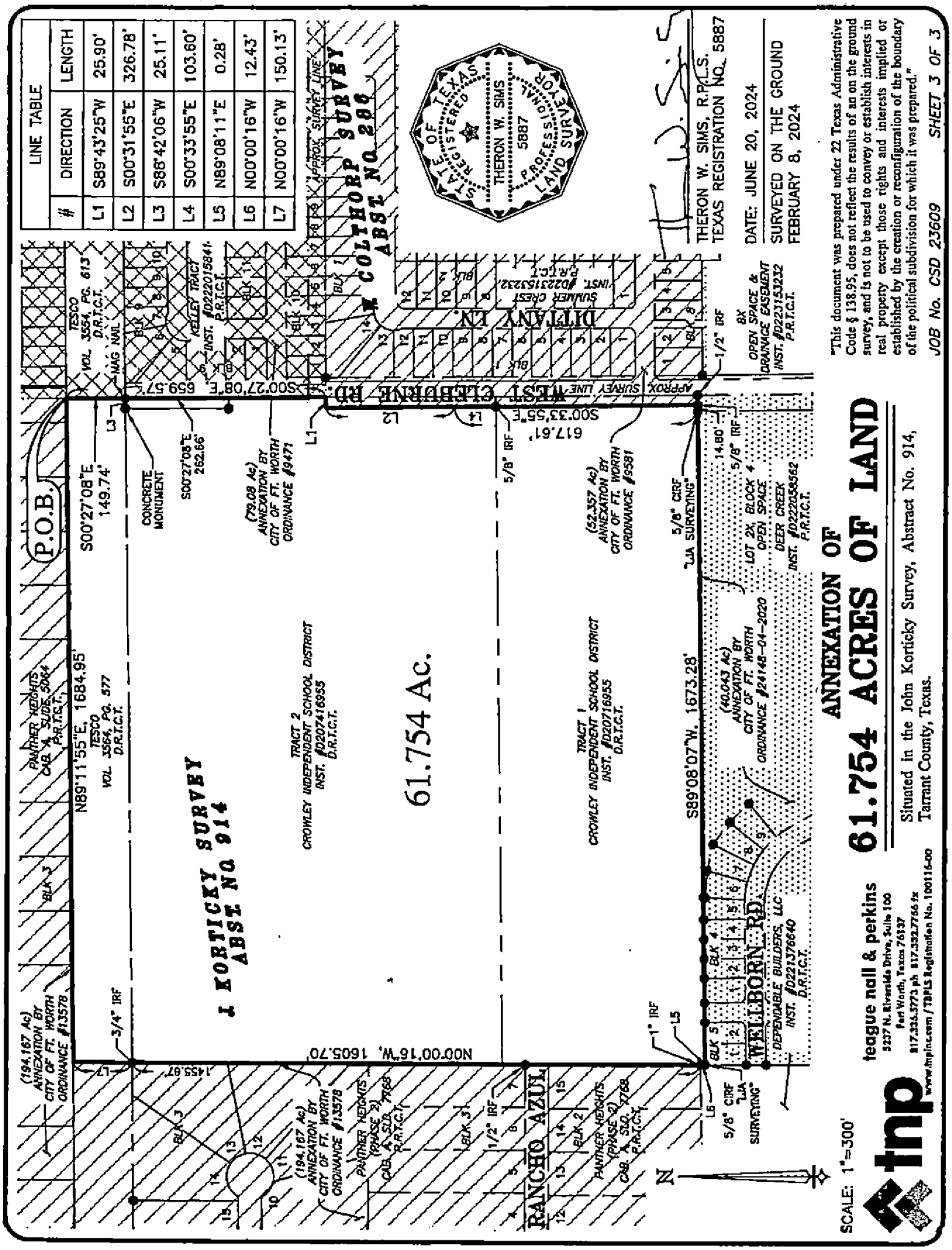
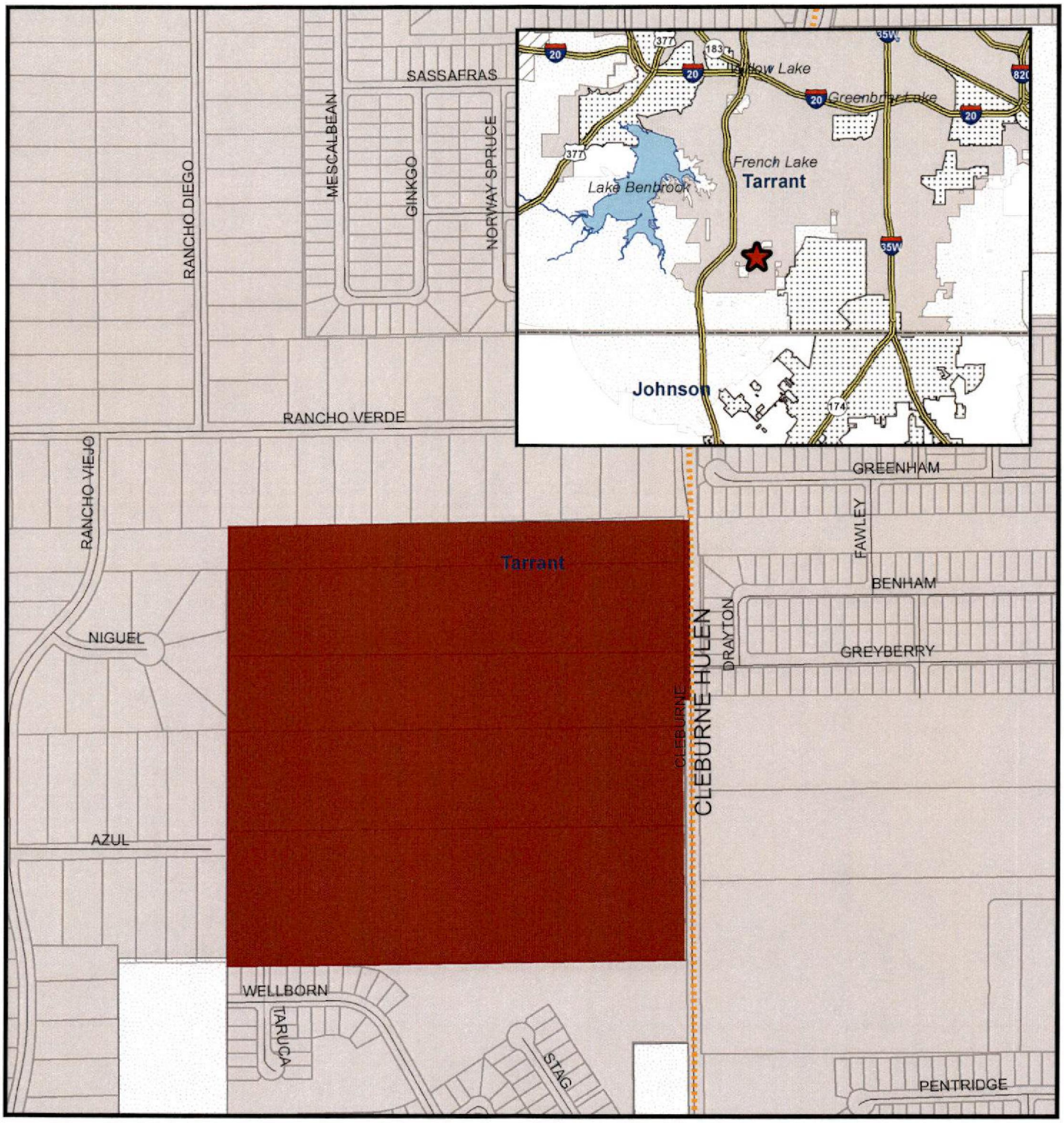

LINE TABLE
DIRECTION LENGTH
L1 S89°43'25"W 25.90'
L2 S00°31'55"E 326.78'
L3 S88°42'06"W 25.11'
L4 S00°33'55"E 103.60'
L5 N89°08'11"E 0.28'
L6 N00°00'16"W 12.43'
L7 N00°00'16"W 150.13'
P.O.B.
S00°27'08"E 149.74'
N89°11'55"E, 1684.95'
S00°27'08"E 659.57'
S00°27'08"E 262.66'
CONCRETE MONUMENT
J KORTICKY SURVEY ABST NO 914
TRACT 2 CROWLEY INDEPENDENT SCHOOL DISTRICT INST. #D207416955 D.R.T.C.T.
61.754 Ac.
TRACT 1 CROWLEY INDEPENDENT SCHOOL DISTRICT INST. #D207416955 D.R.T.C.T.
(79.08 Ac) ANNEXATION BY CITY OF FT. WORTH ORDINANCE #9471
(52.357 Ac) ANNEXATION BY CITY OF FT. WORTH ORDINANCE #9581
(40.043 Ac) ANNEXATION BY CITY OF FT. WORTH ORDINANCE #24148-04-2020
(194.167 Ac) ANNEXATION BY CITY OF FT. WORTH ORDINANCE #13578
WEST CLEBURNE RD.
DITTANY LN.
WELLBORN RD.
RANCHO AZUL
S89°08'07"W, 1673.28'
N00°00'16"W, 1605.70'
617.61'
S00°33'55"E
1455.87'
14.80'
5/8" IRF
5/8" CIRF "LJA SURVEYING"
3/4" IRF
1/2" IRF
1" IRF
OPEN SPACE & DRAINAGE EASEMENT INST. #D223153232 P.R.T.C.T.
LOT 2X, BLOCK 4 OPEN SPACE DEER CREEK INST. #D222058562 P.R.T.C.T.
DEPENDABLE BUILDERS, LLC INST. #D221376640 D.R.T.C.T.
PANTHER HEIGHTS (PHASE 2) CAB. A, SLD. 7768 P.R.T.C.T.
PANTHER HEIGHTS CAB. A, SLIDE 5064 P.R.T.C.T.
TESCO VOL. 3564, PG. 577 D.R.T.C.T.
TESCO VOL. 3564, PG. 613 D.R.T.C.T.
KELLEY TRACT INST. #D222015841 P.R.T.C.T.
SUMMER CREST PHASE 1 INST. #D223153232 P.R.T.C.T.
APPROX. SURVEY LINE
N
SCALE: 1"=300'
tnp
teague nall & perkins
5237 N. Riverside Drive, Suite 100
Fort Worth, Texas 76137
817.336.5773 ph 817.332.7766 fx
www.tnpinc.com / TBPLS Registration No. 10011500
61.754 ACRES OF LAND
ANNEXATION OF
Situated in the John Kortcky Survey, Abstract No. 914, Tarrant County, Texas.
THERON W. SIMS, R.P.L.S.
TEXAS REGISTRATION NO. 5887
DATE: JUNE 20, 2024
SURVEYED ON THE GROUND
FEBRUARY 8, 2024
"This document was prepared under 22 Texas Administrative Code § 138.95, 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."
JOB No. CSD 23609
SHEET 3 OF 3

Exhibit B
Municipal Services Agreement

AX-24-004

Exhibit A

Approximately 61.754 Acres Adjacent to Council District 6



0 400 800 Feet

1:6,000

FORT WORTH

Planning & Development Department
06/21/2024

Master Thoroughfare Plan

Land Use

Neighborhood Connector

Adjacent Cities

Fort Worth

Full Purpose

Limited Purpose

Extraterritorial Jurisdiction

Subject Area

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City of Fort Worth, Texas

Mayor and Council Communication

DATE: 09/17/24 **M&C FILE NUMBER:** M&C 24-0821

LOG NAME: 06AX-24-004, CROWLEY MIDDLE SCHOOL NO. 5, OWNER-INITIATED

SUBJECT

(Future CD 6) Conduct Public Hearing, Authorize Execution of Municipal Services Agreement and Adopt Ordinance for the Proposed Owner-Initiated Annexation of Approximately 61.754 Acres of Land in Tarrant County, Known as Crowley Middle School No. 5, Located South of Rancho Verde Parkway and West of Clebume Road, in the Far Southwest Planning Sector, AX-24-004

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

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct public hearing for the proposed owner-initiated annexation of approximately 61.754 acres of land in Tarrant County, known as Crowley Middle School No. 5, located south of Rancho Verde Parkway and west of Clebume Road as shown on Exhibit A;
2. Authorize execution of Municipal Services Agreement between the City of Fort Worth and property owners, Crowley Independent School District and Oncor; and
3. Adopt ordinance annexing AX-24-004 for full purposes.

DISCUSSION:

On May 6, 2024, representatives for the property owners, Crowley Independent School District and Oncor, submitted a request for full-purpose annexation of the property shown on Exhibit A into the City of Fort Worth. The subject property is entirely located in the City's extraterritorial jurisdiction, which is in Tarrant County. The site is located south of Rancho Verde and west of Clebume Road. This owner-initiated annexation, which contains approximately 61.754 acres, is experiencing urban development. The proposed annexation is consistent with the urban development annexation criteria as established by the City's Annexation Policy. The proposal site is also an enclave and the City and its citizens would benefit from a logical City limit boundary that provides for the orderly and efficient provision of services. The subject area is currently agricultural land with some infrastructure. A portion of the property containing 55.651 acres is proposed for educational uses as a middle school. The proposed zoning for these 55.651 acres is "CF" Community Facilities. The remaining 6.103 acres currently has electric transmission lines running its length and will default to "AG" Agricultural zoning. The proposed uses are consistent with the future land use map of the 2023 Comprehensive Plan.

On August 14, the related zoning case (ZC-24-078) was heard by the Zoning Commission, and the commission voted to recommend approval of "CF" Community Facilities zoning to City Council.

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.

The proposed uses were considered while assessing the financial impact to the General Fund. A fiscal impact analysis (FIA) was prepared by the FWLab Planning Division with the assistance of other City Departments. Based on the operating costs projected from the Police, Code Compliance and Transportation and Public Works Departments, the FWLab FIA has determined that the annexation will have a long-term negative impact to the General Fund. As a planned public school, there will be no property tax revenue generated from this annexation. The City is able to provide adequate municipal services upon annexation in accordance with State law, without negatively impacting service provision within the city. Due to the ability of this enclave area to meet the City's criteria for full-purpose annexation staff recommends approval of the requested owner-initiated annexation, AX-24-004.

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 authorizing the City Manager to execute the Municipal Services Agreement between the City and property owners, Crowley Independent School District and Oncor and adopt an ordinance annexing AX-24-004 for full purposes.

Upon approval of the annexation request, the property will become part of COUNCIL DISTRICT 6.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of the above recommendations and adoption of the attached ordinance, the annexation will have a long-term negative 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