

Ordinance No. ____

An ordinance annexing approximately 450 acres of land, lying east of S.H. 157 and south of the Trinity Railway Express to the City Of Arlington, Tarrant County, Texas, and extending the boundary limits of the City so as to include the described property within the city limits, and granting to the property and to all inhabitants of the property all of the rights and privileges of other citizens and binding the inhabitants by all acts and ordinances of the City; adopting a service plan; providing for continuation of land use; providing for severability, publication and notice to Tarrant County Clerk; and establishing an effective date.

WHEREAS, this annexation is undertaken by authority of TEXAS LOCAL GOVERNMENT CODE Chapter 43, Subchapter C-1, §§ 43.061 et seq.; and

WHEREAS, the territory proposed for annexation contains fewer than 100 tracts with one or more residential dwellings on each tract; and

WHEREAS, the territory proposed for annexation is contiguous and adjacent to the City of Arlington, Texas; and lies within the extraterritorial jurisdiction of the City of Arlington, and not within the extraterritorial jurisdiction of any other city; and

WHEREAS, the boundaries of the City of Arlington are contiguous to the territory proposed for annexation on at least two sides; and

WHEREAS, the territory proposed for annexation is not greater than 10 percent of the incorporated area of the City of Arlington as of January 1, 2007; and

WHEREAS, by resolution 07-269 adopted May 22, 2007, the City Council directed the Director of Community Development and Planning to prepare a service plan that provides for the extension of full municipal services to the territory proposed for annexation; and

WHEREAS, in accordance with TEXAS LOCAL GOVERNMENT CODE § 43.062 (b), on May 24, 2007, which is more than thirty (30) days prior to the first public hearing, written notice was sent to property owners in area to be annexed, public or private entities that provide services in the area to be annexed, and railroads with right-of-way in area to be annexed; and

WHEREAS, public hearings before the City Council, where all interested persons were provided an opportunity to be heard on the proposed annexation of the territory described in Exhibit "A", were held at 6:30 p.m. on June 26, 2007 and July 3, 2007, which dates are on or before the fortieth day but before the twentieth day prior to the institution of annexation proceedings; and

WHEREAS, notice of such public hearings was published in a newspaper having general circulation in the City, and in the territory proposed for annexation on June 8, 2007 and June 15, 2007, which dates are not more than twenty nor less than ten days prior to the dates of the public hearings; and

WHEREAS, the service plan was made available and explained to inhabitants at the public hearings; and

WHEREAS, all notices and other procedures required by law have been provided and completed; and

WHEREAS, after reviewing the service plan and hearing the arguments for and against the annexation, the City Council has determined that annexation of the territory to the City of Arlington, Texas is in the best interest of the health, safety and general welfare of the inhabitants of the territory and the citizens of the City of Arlington, Texas;

NOW THEREFORE, be it ordained by the City Council of the City of Arlington, Texas:

1.

All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2.

That the territory particularly described in Exhibit "A", attached hereto and incorporated herein, being situated in Tarrant County, Texas, lying contiguous and adjacent to the City of Arlington, is hereby annexed, brought within the corporate limits and made an integral part of the City of Arlington. The territory shall hereinafter be included within the territorial limits of the City, and the territory and future inhabitants thereof shall hereinafter be entitled to all rights and privileges of other citizens of the City of Arlington, Texas, and shall be bound by the acts and ordinances of the City.

3.

That the Service Plan attached hereto as Exhibit "B" is hereby approved and incorporated herein.

4.

That, pursuant to Section 17-600 of the Zoning Ordinance, the territory annexed to the City shall be classified as "A" Agricultural District, until permanently zoned by the governing body of the City.

Any operator, owner or occupant of uses of land or buildings in the territory annexed shall, within sixty (60) days after the effective date of this annexation, register such land use by obtaining from the Building Official a Certificate of Occupancy, in accordance with Section 19-1100 of the Zoning Ordinance.

A person may continue to use land in the territory annexed in the manner in which the land was being used on July 24, 2007, if the land use was legal at that time. A person may begin to use land in the territory annexed in a manner that was planned for the land before the __ day of ___, 2007 which date is before the 90th day before the effective date of this annexation if:

- a. one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and
- b. a completed application for the initial authorization was filed with the governmental entity before July 24, 2007.

5.

It is not the intention of this Ordinance to annex or attempt to annex to the City of Arlington any territory which is now legally within the corporate limits of any other municipality; and if any such territory have been included within the territory described in Exhibit "A", then such description shall be considered severable and is hereby amended to coincide with such existing legal corporate limits of any such other municipality so as to prevent infringement upon the corporate limits of such other municipality. Further, the provisions of this Ordinance, with the exhibits hereto, are declared severable. If any section, subsection, clause, phrase or provision of this Ordinance, and exhibits, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance, and exhibits, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

6.

This Ordinance shall be published at least one time in a newspaper published in the City of Arlington, in accordance with the provisions of Article II, Section 2, of the City Charter, as amended.

7.

This Ordinance shall become effective and be in full force and effect upon its final passage, to-wit: the __ day of _____, 2007, which date is neither less than thirty (30) days from the date of its first publication nor more than ninety (90) days from the first reading.

8.

The City Secretary is hereby directed to comply with TEXAS LOCAL GOVERNMENT CODE § 41.0015 and file a certified copy of this ordinance with the County Clerk of Tarrant County, Texas.

PRESENTED AND PASSED on first reading on the 24th day of July, 2007, at a regular meeting of the City Council of the City of Arlington, Texas; published on the ___ day of _____, 2007; and given second reading, passed and approved on the ___ day of _____, 2007, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

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ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

EXHIBIT "A"

Easternmost Tract

BEING the description of a 183.701-acre tract of land situated in the J. Childress Survey, Abstract No. 249, Tracts 1, 1C, 1C1, 1D, 1E1, 1J, and 2A, Arlington, Tarrant County, Texas.

COMMENCING at the northeast corner of Lot 1, DFW Rail Terminal, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 11955, Plat Records, Tarrant County, Texas.

THENCE South 81°23'42" East, a distance of 108.58 feet, to the POINT OF BEGINNING for the herein described tract;

THENCE North 77°27'39" East, a distance of 110.159 feet;

THENCE North 00°50'5" East, a distance of 63.383 feet;

THENCE North 73°49'58" East, a distance of 1,176.36 feet;

THENCE North 73°50'44" East, a distance of 54.275 feet;

THENCE North 73°51'13" East, a distance of 1,367.801 feet;

THENCE North 75°31'45" East, a distance of 1,049.003 feet;

THENCE North 73°15'43" East, a distance of 209.583 feet;

THENCE North 73°14'40" East, a distance of 375.078 feet;

THENCE North 73°36'07" East, a distance of 107.498 feet;

THENCE North 75°14'58" East, a distance of 71.521 feet;

THENCE North 75°14'57" East, a distance of 83.245 feet;

THENCE North 76°43'46" East, a distance of 97.747 feet;

THENCE North 76°47'56" East, a distance of 885.039 feet;

THENCE South 00°03'53" West, a distance of 520.097 feet;

THENCE South 89°19'56" West, a distance of 744.992 feet;

THENCE South 00°52'38" East, a distance of 2,062.232 feet;

THENCE South 89°24'50" West, a distance of 1,811.821 feet;

THENCE South 89°27'18" West, a distance of 1601.428 feet;
THENCE North 00°08'34" West, a distance of 789.476 feet;
THENCE North 89°51'27" West, a distance of 16.819 feet;
THENCE South 89°18'37" West, a distance of 874.698 feet;
THENCE North 01°00'36" West, a distance of 220.537 feet;
THENCE South 89°18'33" West, a distance of 364.104 feet;
THENCE North 00°15'21" West, a distance of 394.204 feet; to the POINT OF BEGINNING and containing 183.701 acres of land, more or less.

Westernmost Tract

BEING the description of a 154.495-acre tract of land situated in the J.R. Newton Survey Abstract No. 1170, Tracts 1A, 1B, 1C, 1C1, 1C2, 1C3, 1C1A, 1C1A1, 1C1A2, 2, 2B, and 2B1, City of Arlington, Tarrant County, Texas.

COMMENCING at the northwest corner of Lot 1, DFW Rail Terminal, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 11955, Plat Records, Tarrant County, Texas.

THENCE South 72°23'31" West, a distance of 2,991.621 feet, to the POINT OF BEGINNING for the herein described tract;
THENCE North 73°31'46" East, a distance of 1,064.095 feet;
THENCE North 15°41'36" West, a distance of 74.624 feet;
THENCE North 74°03'52" East, a distance of 355.084 feet;
THENCE North 74°04'22" East, a distance of 720.463 feet;
THENCE North 73°47'43" East, a distance of 494.889 feet;
THENCE South 05°11'19" East, a distance of 7.517 feet;
THENCE North 89°56'08" East, a distance of 322.657 feet;
THENCE North 00°00'33" West, a distance of 13.579 feet;
THENCE North 89°41'56" East, a distance of 1,845.608 feet;
THENCE South 00°56'42" East, a distance of 821.841 feet;

THENCE South 00°41'49" East, a distance of 576.852 feet;
THENCE North 89°29'11" West, a distance of 852.021 feet;
THENCE North 89°40'04" West, a distance of 1,434.044 feet;
THENCE North 89°43'45" West, a distance of 368.238 feet;
THENCE South 00°36'29" East, a distance of 606.912 feet;
THENCE South 89°32'10" West, a distance of 2,083.441 feet;
THENCE North 01°32'59" East, a distance of 1,182.026 feet; to the POINT OF BEGINNING and containing 154.495 acres of land, more or less.

Armentrout Property

BEING a 110.971-acre tract of land situated in the Samuel Kephart Survey, Abstract No. 891 and the Thomas D. Newton Survey, Abstract No. 1164, City of Arlington, Tarrant County, Texas, and being all of a called 110.971-acre tract of land, described as the "Save and Except" Tract in a deed to LOBF, LP by deed recorded in Document No. D204096335, Deed Records, Tarrant County, Texas. Said 110.971-acre tract, with reference bearing being grid North, Texas State Plane Coordinates, North Central Zone 4202 as determined from City of Arlington Control Monuments "AR02" and "AR04", being more particularly described by metes and bounds as follows:

BEGINNING at a ¾-inch iron rod found for the northeast corner of aforesaid 110.971 acre tract;

THENCE South 00°46'51" East, a distance of 2,342.37 feet to a one-inch square tube found for the inside ell corner of aforesaid 110.971 acre tract;

THENCE South 68°32'34" East, a distance of 282.28 feet to a ½-inch iron rod found for corner;

THENCE South 86°00'45" East, a distance of 185.98 feet to a ½-inch iron rod found for corner;

THENCE South 88°03'37" East, a distance of 241.41 feet to a ¾-inch iron rod found for corner;

THENCE North 49°31'08" East, a distance of 285.94 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

THENCE South 89°49'20" East, a distance of 136.26 feet to a ½-inch iron rod found for corner;

THENCE South 02°31'12" East, a distance of 255.86 feet to a 5/8-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for corner;

THENCE South 32°22'38" West, a distance of 222.96 feet to a one-inch iron rod found for corner;

THENCE South 46°01'29" West, a distance of 277.26 feet to a 1/2-inch iron rod with a plastic cap stamped "Brittain & Crawford" found for corner;

THENCE South 88°56'31" West, a distance of 744.44 Feet to a 1/2-inch iron rod with a plastic cap stamped "Brittain & Crawford" found for corner;

THENCE South 89°27'53" West, a distance of 277.94 feet to a 1/2-inch iron rod found for corner;

THENCE North 55°45'57" West, a distance of 805.23 feet to a 1/2-inch iron rod found for corner;

THENCE South 89°34'03" West, a distance of 674.35 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "CARTER BURGESS" set for the southwest corner of aforesaid 110.971 acre tract;

THENCE North 00°32'29" West, along the west line of aforesaid 110.971-acre tract, a distance of 2,520.73 feet to a two-inch iron pipe found for the northwest corner of said 110.971 acre tract;

THENCE South 88°46;50" East, along the north line of aforesaid 110.971 acre tract, a distance of 1,618.96 feet to the POINT OF BEGINNING and containing 110.971 acres of land, more or less.

Exhibit "B"



AREA ANNEXED

The area proposed for annexation consists of approximately 450 acres of land, lying east of S.H. 157 and south of the Trinity Railway Express. This encompasses the entire extraterritorial jurisdiction [ETJ] of the City of Arlington. A map of the area is attached. This annexation is under authority of Texas Local Government Code Chapter 43, subchapter C-1, §43.061 and following.

PURPOSE OF ANNEXATION

Annexation of the ETJ would allow the City of Arlington to coordinate urban planning and the provision of certain municipal services to the area proposed for annexation with the anticipated development of the 1,800 acres located immediately to the south. Annexation will allow this area to be included in the Tax Increment Reinvestment Zone #6 and enjoy the benefits of that Zone's project and financing plan.

PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION

The City of Arlington shall provide the services by any of the methods by which it extends the services to any other area of the city. The area to be annexed currently has a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the City. The City of Arlington will provide full municipal services in the area proposed for annexation on the effective date of the annexation at a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

- (1) Police protection. The City of Arlington will provide police protection and law enforcement services including: patrol, response to residents' calls for service, and crime response team deployment as needed.

- (2) Fire protection. The City of Arlington will provide fire protection within the limits of existing hydrants and based on available water, road and street conditions, and distances from existing fire stations.
- (3) Emergency medical services. Emergency medical services will be provided to the area proposed for annexation by American Medical Response (AMR) at a level of service that is comparable or equal to the level of such services now being provided to other parts of Arlington with topography, land use, and population density similar to the annexed area.
- (4) Solid waste collection. Residential solid waste and recyclable material collection and commercial solid waste service shall be provided to the area proposed for annexation, except to extent of private service providers currently serving the area,
- (5) Operation and maintenance of water and wastewater facilities. Maintenance of any public water and wastewater facilities in the area to be annexed that are not in the service area of another water or wastewater utility will begin upon the effective date of the annexation using existing personnel and equipment.

Connection to existing City water and wastewater facilities will be provided in accordance with existing City ordinances and policies. Upon connection to existing mains, water and wastewater service will be provided at rates established by City ordinances for such services throughout the city.

- (6) Operation and maintenance of roads and streets, including road and street lighting. The City of Arlington will assume maintenance of any public streets over which the City has jurisdiction. These services include emergency pavement repair and maintenance of public streets on an as-needed basis. Public streets will be included in the City's preventive maintenance program. Installation and maintenance of street signs, street lighting and traffic control devices will be maintained by the City of Arlington in accordance with current City policies.
- (7) Operation and maintenance of parks, playgrounds, and swimming pools. Residents of this property may utilize all existing public parks and community service facilities throughout the City. Any existing private parks, playgrounds, swimming pools and other recreational and community facilities within the annexation area will be unaffected by the annexation. The area proposed for annexation will be included in all future plans for providing parks and recreation services.
- (8) Library services. City of Arlington library services and use privileges will be available to anyone residing in the annexed area.
- (9) Other health and safety services will be provided within the annexation area in response to residents' requests, which include but are not limited to: environmental and public health; building inspection; planning and zoning services; subdivision development; and nuisance and animal control services.

- (10) Operation and maintenance of any other publicly owned facility, building, or service. The City of Arlington is not aware of the existence of any other publicly owned facility, building or service within the annexed area. In the event any such other publicly owned facility, building or service is determined to exist, the City of Arlington will maintain the same in a manner and to a degree that is comparable or equal to other publicly owned facilities, building or service in other parts of the city with topography, land use and population density similar to the annexed area.

CAPITAL IMPROVEMENTS PROGRAM

- (1) Police protection, fire protection and solid waste collection. No capital improvements are necessary at this time to provide police protection, fire protection or solid waste collection to the annexation area. The City finds and determines that it has, at the present time, adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other parts of Arlington with the same or similar topography, land use and population density. Need for construction of new facilities will be assessed periodically based on population growth, predicted growth, and call volume.
- (2) Water and wastewater facilities, roads, storm drain utility and street lights. No capital improvements are necessary at this time to provide water and wastewater, road, storm drain utility or street light services to the annexation area. The City finds and determines that it has, at the present time, adequate facilities to provide the same type, kind and level of service which is presently being administered to other parts of Arlington with the same or similar topography, land use and population density.

As development of subdivisions occurs within the area proposed for annexation, the property owner will be able to extend water and sewer mains, roads and streets, storm drain utilities, and street lights in accordance with provisions of the City's Subdivision Regulations and other applicable policies and ordinances. The City will participate in the costs for over-sizing these extensions in accordance with applicable City policies, ordinances and regulations.

The area proposed for annexation will be included in all future plans for providing the aforementioned services.

- (3) Parks, playgrounds and swimming pools. Capital improvements such as parkland acquisition and development of facilities will be dictated by the future land use of the area, goals established by the Parks Master Plan, and appropriation of resources. Additional facilities and sites to serve this property and its residents will be acquired, developed and maintained at locations and times provided by applicable plans, policies and programs and decisions of the City of Arlington.
- (4) Other publicly owned facilities, buildings or services. In general, other City functions and services, and the additional services described above, can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.

- (5) Notwithstanding any other provision of this service plan, a landowner within the annexation area will not be required to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code governing impact fees, unless otherwise agreed to by the landowner.
- (6) Relationship to capital plans. The Water Distribution Master Plan indicates that 12-inch and 16-inch water mains are proposed in various locations in the general area, contingent upon land use assumptions and as dictated by development. The Basin Sanitary Sewer Evaluation Studies indicate that sewer mains are proposed in various locations in the general area, contingent upon land use assumptions and as dictated by development. There are no City of Arlington lines located in the proposed annexation area.

The Thoroughfare Development Plan indicates plans for three future roadways in the general area: a north-south extension of one major arterial and two east-west minor arterials. The construction of these roadways is contingent upon development in the area.

EFFECT UPON LOCAL SOLID WASTE SERVICE PROVIDERS

Before the second anniversary of the date an area is included within the corporate boundaries of the City, the City will not:

- (1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or
- (2) impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider.

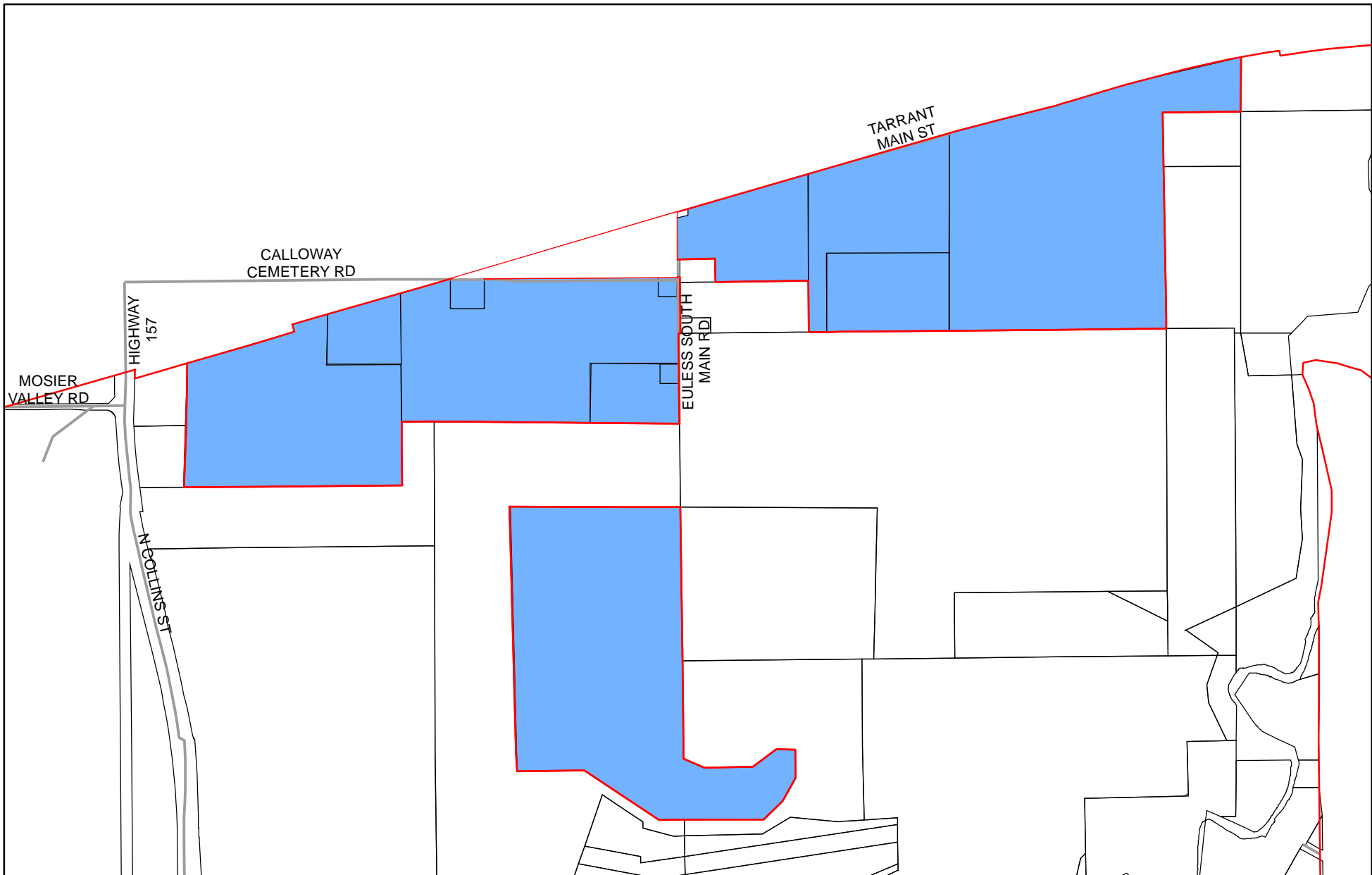
PUBLIC HEARING

This proposed service plan shall be made available for public inspection and will be explained to the inhabitants of the area at the public hearings. The plan may be amended at the hearings, but the provision of any service may not be deleted. On completion of the public hearings, the service plan shall be attached to the ordinance annexing the area and approved as part of the ordinance.

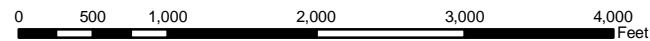
TERM OF SERVICE PLAN

The service plan is valid for ten (10) years. Renewal of the service plan is at the discretion of the City Council. A person residing or owning land in an annexed area may enforce a service plan by applying for a writ of mandamus not later than the second anniversary of the date the person knew or should have known that the municipality was not complying with the service plan.

CITY OF ARLINGTON ANNEXATION 07-02



Created By Department of Community
Development And Planning
101 W. Abram Street
Arlington, TX 76010
(817) 459-6652
Joe Whitacre



Legend

- MUNICIPAL BOUNDARY
- ARLINGTON ETJ (Approximately 449,433 acres)