

CITY OF FORNEY, TEXAS

ORDINANCE NO. 17-49

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN.

WHEREAS, Chapter 43 of the Texas Local Government Code and Section 1.04 of the Charter of the City of Forney, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state.

WHEREAS, the procedures prescribed by the Texas Local Government Code and Charter of the City of Forney, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

A 309.103 acre tract of land situated in the James S. Ramsey Survey, Abstract No. 414 located between FM 740 and FM 548 south of Pecan Lane, including Kaufman County Property ID Parcel Nos. 11853 and 11857 and the full width of Pecan Lane from FM 740 to FM 548; said 309.103 acres of land, more or less, being more particularly described in Exhibit A.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS:

**Section 1.** That the heretofore described property is hereby annexed to the City of Forney, Kaufman County, Texas, and that the boundary limits of the City of Forney be and the same are hereby extended to include the above described territory within the city limits of the City of Forney, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the city of Forney and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

**Section 2.** A service plan for the area is hereby adopted and attached as Exhibit B.

The City Secretary is hereby directed to file with the County Clerk of Kaufman County, Texas, a certified copy of this ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this 12th day of December, 2017.

  
Rick Wilson, Mayor

ATTEST:

  
Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:

  
Jon Thatcher, City Attorney



EXHIBIT A

PROPERTY DESCRIPTION

BEING A 336.712 ACRE TRACT OF LAND SITUATED IN THE JAMES S. RAMSEY SURVEY, ABSTRACT NO. 414, CITY OF FORNEY, KAUFMAN COUNTY, TEXAS, AND BEING ALL OF A CALLED 336.39 ACRE TRACT OF LAND, CONVEYED TO GLENN "RED" WHALEY BY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 2008-00004549, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, SAID 336.712 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011)EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ELLIS CORS ARP (PID-DF8988), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CONCRETE TXDOT MONUMENT FOUND FOR THE MOST SOUTHERN CORNER OF SAID 336.39 ACRES, SAID POINT BEING ON THE NORTH LINE A 2.0399 ACRE TRACT OF LAND CONVEYED TO THE STATE OF TEXAS, BY DEED RECORDED IN VOLUME 1698, PAGE 170, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, SAME BEING FARM-TO-MARKET ROAD NO. 548 (ALSO KNOWN AS WALNUT LANE - VARIABLE WIDTH RIGHT-OF-WAY), AND BEING ON THE NORTHEAST LINE OF BEDERKESA ADDITION SECTION 2, AN ADDITION TO THE CITY OF FORNEY, ACCORDING TO THE PLAT RECORDED IN CABINET 1, PAGE 561, PLAT RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE, NORTH 46 DEGREES 11 MINUTES 26 SECONDS WEST, ALONG THE COMMON LINE OF SAID 336.39 ACRE TRACT AND SAID BEDERKESA ADDITION SECTION 2, PASSING AT A DISTANCE OF 2007.12 FEET A NORTH CORNER OF SAID BEDERKESA ADDITION SECTION 2 AND THE COMMON EAST CORNER OF BEDERKESA ADDITION, AN ADDITION TO THE CITY OF FORNEY, ACCORDING TO THE PLAT RECORDED IN CABINET 1, PAGE 399, PLAT RECORDS, KAUFMAN COUNTY, TEXAS, AND CONTINUING ALONG THE COMMON SOUTHEAST LINE OF SAID 336.39 ACRE TRACT, NORTHEAST LINE OF SAID BEDERKESA ADDITION, AND THE NORTHEAST LINE OF A 17.447 ACRE TRACT OF LAND CONVEYED TO GREGORY KEITH BELL AND WIFE ANNETTE BELL BY DEED RECORDED IN VOLUME 1124, PAGE 884, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, IN ALL A TOTAL DISTANCE OF 3512.43 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER ON THE SOUTHEAST LINE OF FARM-TO-MARKET ROAD NO. 740 (A 60 FOOT RIGHT-OF-WAY) DESCRIBED IN DEED TO STATE OF TEXAS RECORDED IN VOLUME 317, PAGE 538, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE, ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID FARM-TO-MARKET ROAD NO. 740 AND THE COMMON NORTHWEST LINE OF SAID 336.39 ACRE TRACT THE FOLLOWING COURSES AND DISTANCE:

NORTH 37 DEGREES 53 MINUTES 49 SECONDS EAST, A DISTANCE OF 483.19 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 38 DEGREES 11 MINUTES 49 SECONDS EAST, A DISTANCE OF 599.96 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 38 DEGREES 03 MINUTES 49 SECONDS EAST, A DISTANCE OF 538.32 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 39 DEGREES 46 MINUTES 00 SECONDS, A RADIUS OF 333.78 FEET, AND A LONG CHORD THAT BEARS NORTH 57 DEGREES 56 MINUTES 49 SECONDS EAST, A DISTANCE OF 227.04 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 231.66 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 77 DEGREES 49 MINUTES 49 SECONDS EAST, A DISTANCE OF 369.07 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 67 DEGREES 30 MINUTES 00 SECONDS, A RADIUS OF 320.10 FEET, AND A LONG CHORD THAT BEARS NORTH 44 DEGREES 04 MINUTES 49 SECONDS EAST, A DISTANCE OF 355.68 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 377.11 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 10 DEGREES 19 MINUTES 49 SECONDS EAST, A DISTANCE OF 598.35 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 10 DEGREES 29 MINUTES 49 SECONDS EAST, A DISTANCE OF 800.08 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "EC&D" FOUND FOR CORNER;

NORTH 10 DEGREES 00 MINUTES 49 SECONDS EAST, A DISTANCE OF 120.73 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01 DEGREE 48 MINUTES 47 SECONDS, A RADIUS OF 7609.45 FEET, AND A LONG CHORD THAT BEARS NORTH 10 DEGREES 55 MINUTES 13 SECONDS EAST, A DISTANCE OF 240.79 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 240.80 FEET TO A PK NAIL SET FOR CORNER AT THE NORTH CORNER OF SAID 336.39 ACRE TRACT AND THE NORTHWEST CORNER OF COLONIAL ACRES, AN ADDITION TO THE CITY OF FORNEY, ACCORDING TO THE PLAT RECORDED IN CABINET 1, PAGE 185, PLAT RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT BEING IN THE CALLED CENTER LINE OF PECAN DRIVE, (A VARIABLE WIDTH PRESCRIPTIVE RIGHT-OF-WAY);

THENCE, SOUTH 46 DEGREES 12 MINUTES 31 SECONDS EAST, ALONG THE COMMON NORTHEAST LINE OF SAID 336.39 ACRE TRACT AND THE SOUTHWEST LINE OF SAID COLONIAL ACRES, A DISTANCE OF 4418.12 FEET TO A PK NAIL SET FOR CORNER ON THE NORTH RIGHT OF WAY LINE OF AFORESAID FARM-TO-MARKET NO. 548;

THENCE, ALONG THE COMMON SOUTHEAST LINE OF SAID 336.39 ACRE TRACT AND THE NORTHWEST RIGHT-OF-WAY LINE OF SAID FARM-TO-MARKET NO. 548, THE FOLLOWING COURSES AND DISTANCE:

SOUTH 44 DEGREES 22 MINUTES 05 SECONDS WEST, A DISTANCE OF 265.69 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 44 DEGREES 48 MINUTES 59 SECONDS WEST, A DISTANCE OF 10.67 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

SOUTH 44 DEGREES 20 MINUTES 01 SECOND WEST, A DISTANCE OF 1115.64 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

SOUTH 45 DEGREES 37 MINUTES 55 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 44 DEGREES 22 MINUTES 05 SECONDS WEST, A DISTANCE OF 459.31 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

NORTH 46 DEGREES 29 MINUTES 03 SECONDS WEST, A DISTANCE OF 10.14 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

SOUTH 44 DEGREES 21 MINUTES 53 SECONDS WEST, A DISTANCE OF 1279.59 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

SOUTH 46 DEGREES 51 MINUTES 17 SECONDS EAST, A DISTANCE OF 10.07 FEET TO A CONCRETE TXDOT MONUMENT FOUND FOR CORNER;

SOUTH 44 DEGREES 25 MINUTES 48 SECONDS WEST, A DISTANCE OF 846.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 336.712 ACRES LAND, MORE OR LESS.

**EXHIBIT "B"**  
**CITY OF FORNEY, TEXAS**  
**MUNICIPAL SERVICE PLAN FOR ANNEXED AREAS**

ANNEXATION ORDINANCE NO.: \_\_\_\_\_

DATE OF ANNEXATION ORDINANCE: \_\_\_\_\_

ACREAGE ANNEXED: *Exhibit A* \_\_\_\_\_ acres of land.

PROPERTY DESCRIPTION: *See Exhibit A* attached to the annexation ordinance.

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Forney, Texas ("City") at the following levels and in accordance with the following schedule:

**A. POLICE PROTECTION**

1. Police services including routine patrol, responding to calls and other routine police services, within the limits of existing personnel and equipment and in a manner consistent with any of the methods of whereby the City extends police service to any other area of the City, will be provided immediately after the effective date of the annexation ordinance.
2. Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the City limits.

**B. FIRE SERVICES / EMERGENCY MEDICAL SERVICES**

1. Fire protection and emergency medical services and equipment by the present personnel and the present equipment of the Fire Department, within the limitations of available water and distances from existing fire stations, and in a manner consistent with any of the methods of whereby the City extends fire service to any other area of the City, will be provided to this area immediately after the effective date of the annexation ordinance.
2. Upon ultimate development, fire protection and emergency medical services will be provided at a level consistent with other similarly situated areas within the City limits.

**C. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES**

1. Enforcement of the City's environmental health ordinances and regulations, including but not limited to weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this within this area within sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.

2. Inspection services, including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances, will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
3. The City's zoning, subdivision, sign and other ordinances shall be enforced in this area, beginning upon the effective date of the annexation ordinance.
4. All inspection services furnished by the City, but not mentioned above, will be provided to this area within sixty (60) days of the effective date of the annexation ordinance.
5. As development and construction commence in this area, sufficient personnel will be provided to furnish this area the same level of Environmental Health and Code Enforcement Services as are furnished throughout the City.

**D. PLANNING AND ZONING SERVICES**

1. The planning and zoning jurisdiction of the City will extend to this area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Comprehensive Zoning Ordinance and Comprehensive Plan.

**E. PARK AND RECREATION SERVICES**

1. Residents of this property may utilize all existing park and recreational services, facilities, and sites throughout the City, beginning upon the effective date of the annexation ordinance.
2. 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. This property will be included in all plans for providing parks and recreation services of the City.
3. Existing parks, playgrounds, and other recreational facilities within this property shall, upon dedication to and acceptance by the City, be maintained and operated by the City, but not otherwise.

**F. SOLID WASTE COLLECTION**

1. Solid waste collection shall be provided to the property in accordance with existing City policies, beginning upon the effective date of the annexation ordinance. The collection of refuse from individual properties shall be made in accordance with the usual Sanitation Department scheduling.

2. As development and construction commence in this property and population density increases to the property level, solid waste collection shall be provided to this property in accordance with the current policies of the City as to frequency, changes and so forth.

#### **G. STREETS**

1. The City's existing policies with regard to street maintenance, applicable throughout the entire City, shall apply to this property, beginning upon the effective date of the annexation ordinance. Unless a street within this property has been constructed or is improved to the City's standards and specifications, that street will not be maintained by the City.
2. As development, improvement or construction of streets to City standards commences within this property, the policies of the City with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion shall apply.
3. The same level of maintenance shall be provided to streets within this property, which have been accepted throughout the City, as is provided to City streets throughout the City.
4. Street lighting installed on streets improved to the City standards shall be maintained by the City's electric provider in accordance with current City policies.

#### **H. WATER SERVICES**

1. Water services will only be contemplated and provided for those areas that are not within the service area of another water or wastewater utility provider.
2. Connection to existing City water mains for water service for domestic, commercial and industrial use within this property will be provided in accordance with City policies, as they exist or may be amended. Upon connection to existing mains, water will be provided at rates established by City ordinances for such service throughout the City.
3. As development and construction commence in this property, water mains of the City will be extended in accordance with the provisions of the Subdivision Ordinance and other applicable ordinances and regulations, as they exist or may be amended. City participation in the costs of these extensions shall be in accordance with the applicable City ordinances and regulations, as they exist or may be amended. Such extensions will be commenced within two and one-half (2-1/2) years from the effective date of the annexation ordinance and substantially completed within four and one-half (4-1/2) years after that date.
4. Water mains installed or improved to City standards, which are within the annexed area and are within dedicated easements, shall be maintained by the City, beginning upon the effective date of the annexation ordinance.



5. Private water lines within this property shall be maintained by their owners in accordance with policies applicable throughout the City, as they exist or may be amended.
6. Operation and maintenance of water facilities in the annexed area that are within the service area of another water utility will be the responsibility of that utility.

**I. SANITARY SEWER SERVICES**

1. Wastewater services will only be contemplated and provided for those areas that are not within the service area of another water or wastewater utility provider.
2. Connections to existing City sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with City policies, as they exist or may be amended. Upon connection, sanitary sewer service will be provided at rates established by City ordinances for service throughout the City.
3. Sanitary sewage mains and/or lift stations installed or improved to City standards, located in dedicated easements, and which are within the annexed area and are connected to City mains will be maintained by the City, beginning upon the effective date of the annexation ordinance.
4. As development and construction commence in this area, sanitary sewer in the City will be extended in accordance with the provisions of the Subdivision Ordinance and other applicable City ordinances and regulations, as they exist or may be amended. City participation in the costs of these extensions shall be in accordance with the applicable City ordinances and regulations, as they exist or may be amended. Such extensions will be commenced within two and one-half (2-1/2) years from the effective date of the annexation ordinance and substantially completed within four and one-half (4-1/2) years after that date.
5. Operation and maintenance of wastewater facilities in the annexed areas that are within the service area of another water utility will be the responsibility of that utility.
6. Operation and maintenance of private wastewater facilities in the annexed area will be the responsibility of the owner.

**J. MISCELLANEOUS**

1. Any publicly owned facility or building located within the annexed area and utilized by the City in providing services to the area will be maintained by the City commencing upon the date of use or within sixty (60) days of the effective date of the annexation ordinance, whichever occurs later.
2. General municipal administration and administration services of the City shall be available to the annexed area, beginning upon the effective date of the annexation ordinance.

3. Notwithstanding anything set forth above, this Service Plan does not require all municipal services be provided as set forth above if different characteristics of topography, land use and population density are considered a sufficient basis for providing different levels of service.
4. The Service Plan is valid for ten (10) years from the effective date of the annexation ordinance.