

CITY OF FORNEY, TEXAS
ORDINANCE NO. _____

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; ADOPTING A SERVICE PLAN OR AGREEMENT DESCRIBED AND ATTACHED AS EXHIBIT B; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREAS SHALL BECOME PART OF THE CITY OF FORNEY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL BOUNDARIES OF THE CITY OF FORNEY, TEXAS, AS HERETOFORE ADOPTED; PROVIDING THAT THE CITY MANAGER UNDERTAKE CERTAIN ACTIONS RELATIVE TO SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, the City of Forney, Texas (also referred to as the “City”) is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local government Code, and the Home Rule Charter for the City of Forney, Texas; and

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; and

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:

An approximate 76.01 acres of land, situated in the John Gregg Survey, Abstract No. 171, Kaufman County, Texas, located on US Highway 80, owned by La Frontera Holdings, LLC; said 76.01 acres of land, more or less, being more particularly described and depicted in the Petition for Annexation attached hereto as Exhibit A.

WHEREAS, on September 6, 2016, City Council authorized the City Manager to execute an Industrial District Agreement between the City and La Frontera Holdings, LLC, owner of the Luminant property, and designated said property as an Industrial District. The City agreed the Luminant property would be immune from annexation until the agreed annexation to be completed by the City in 2022, placing the Luminant property on the City’s tax rolls effective no earlier than January 1, 2023; and

WHEREAS, The City Council conducted two separate public hearings in accordance with Section 43.063 of the Texas Local Government Code, the first being held on Tuesday, September 6, 2022, at Forney City Hall, 101 E. Main Street, Forney, Texas 75126, and the

second public hearing being held on Tuesday, November 15, 2022, at Forney City Hall, 101 E. Main Street, Forney, Texas 75126, at which time all persons interested in the annexation were given the opportunity to be heard and were heard; and

WHEREAS, the public hearings were conducted and held in accordance with Chapter 43 of the Texas Local Government Code; and

WHEREAS, the required statutory notices pursuant to Chapter 43 of the Texas Local Government Code have been published, delivered, or otherwise accomplished.

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

Section 1. FINDINGS INCORPORATED

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes and if full set forth herein.

Section 2. ANNEXATION OF PROPERTY

The property that is the subject of this annexation, depicted and described in Exhibit A, 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 3. SERVICE PLAN

A service plan or agreement, attached hereto as Exhibit B, as required by Section 43.0672 of the Texas Local Government Code is provided for in an industrial development agreement approved by the City Council of the City of Forney on September 6, 2016.

Section 4. RIGHTS AND PRIVILEGES

The properties depicted and described in Exhibit A shall bear their pro rata share of the taxes levied by the City of Forney. Furthermore, all inhabitants of the area herein annexed shall be entitled to all rights, privileges, and responsibilities of other citizens of the City of Forney, and are hereby bound by all acts, ordinances, resolutions, regulations, and other legal actions now in full force and effect and all those that may hereafter be adopted by the City.

Section 5. OFFICIAL CITY MAP

The official map and boundaries of the City of Forney, Texas, as heretofore adopted and amended, are hereby amended to include the property depicted and described in Exhibit A as part of the City of Forney, Kaufman County, Texas.

Section 6. CORRECTION OF OFFICIAL CITY MAP

The City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance, including but not limited to any corrections to the official map of the City of Forney, and to add the territories hereby annexed as required by law.

Section 7. SUBMISSION TO GOVERNMENTAL AGENCIES

The City Manager and/or the City Secretary are hereby directed and authorized to file a certified copy of the Ordinance with the necessary governmental agencies.

Section 8. COUNCIL INTENT TO LAWFULLY ANNEX PROPERTY

It is the intent of the City Council to annex into the corporate limits of the City of Forney the entirety of the property depicted and described in Exhibit A, attached hereto, and the City Council hereby finds and determines that the provisions of Chapter 43 of the Texas Local Government Code have been fully complied with in effecting this annexation. It is not the intent of the City of Forney to annex any territory that it has no legal right to annex; rather, it is the intent of the City of Forney to annex only such territory as may be legally annexed by it within the limits of the described property.

Section 9. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that if any word, phrase, clause, sentence, paragraph, or section of this Ordinance is declared to be illegal, invalid, or unconstitutional by the valid judgement or decree of a court of competent jurisdiction, such adjudication shall not affect the application of any remaining word, phrase, clause, sentence, paragraph, or section of this Ordinance. Similarly, the City Council declares that if a court of competent jurisdiction determines that any portion of said properties is incapable of being annexed by the City, the City Council would have adopted the valid portions and applications if this Ordinance and would have annexed the valid properties without the invalid part and the invalid properties, and to this end the provisions of this Ordinance are declared to be severable.

Section 10. REPEALER CLAUSE

Any provision of any prior ordinance of the city, whether codified or uncoded, which is in conflict with any provisions of the Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 11. EFFECTIVE DATE

This Ordinance shall take effect and be in full force immediately from and after its passage as the law in such provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY,
TEXAS, this _____ day of _____, 2022.**

[Signature page to follow]

Amanda Lewis, Mayor

ATTEST:

Laura J. Calcote, Interim City Secretary

APPROVED AS TO FORM

Carrie Morris, Assistant City Attorney

EXHIBIT A