

CITY OF FORT WORTH ORDINANCE NO. _____
CITY OF BURLESON ORDINANCE NO. CSO#5114-06-2023
JOINT ORDINANCE AND BOUNDARY AGREEMENT

WHEREAS, the City of Burleson (hereinafter called "BURLESON") is a home rule city located in Tarrant and Johnson Counties; and

WHEREAS, the City of Fort Worth (hereinafter called "FORT WORTH") is a home rule city located in Tarrant, Wise, Parker, Johnson and Denton Counties; and

WHEREAS, FORT WORTH shares extraterritorial jurisdiction ("ETJ") boundaries with BURLESON; and

WHEREAS, BURLESON has approached FORT WORTH regarding a large tract of land located within FORT WORTH's ETJ (the "Animal Pancakes Tract") (depicted on Exhibit "A") with a corridor improvement plan, and with a request that FORT WORTH release its ETJ within the Animal Pancakes Tract to BURLESON; and

WHEREAS, FORT WORTH agrees that it would promote orderly development to release the 130.446 acres of the Animal Pancakes Tract located in its current ETJ to BURLESON; and

WHEREAS, BURLESON agrees to accept the Animal Pancakes Tract that FORT WORTH will release from its ETJ; and

WHEREAS, FORT WORTH and BURLESON desire to adjust the boundary between the ETJ of the two cities to promote orderly development to ensure public safety and effective delivery of municipal services; and

WHEREAS, Section 42.023 of the Texas Local Government Code authorizes a municipality to reduce its ETJ by ordinance approved by its governing body; and

WHEREAS, Section 43.015 of the Texas Local Government Code authorizes adjacent municipalities to make mutually agreeable changes to their boundaries that are less than 1,000 feet in width.

NOW, THEREFORE, BE IT ORDAINED AND MUTUALLY AGREED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH AND THE CITY COUNCIL OF THE CITY OF BURLESON:

SECTION 1.

Pursuant to Sections 42.023 and 43.015 of the Texas Local Government Code, FORT WORTH agrees to release and hereby releases the 130.446 acre Animal Pancakes Tract located in FORT WORTH's ETJ, as depicted and described in Exhibit

“A”, for the sole benefit of BURLESON, and BURLESON hereby agrees to accept the tract into its ETJ.

SECTION 2.

This ordinance shall be cumulative of all provisions of the ordinances of the Cities of BURLESON and FORT WORTH, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Councils of BURLESON and FORT WORTH that the phrases, clauses, sentences, paragraphs, and sections 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 without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

The Cities of BURLESON and FORT WORTH do hereby covenant and agree to protect, preserve and defend the herein described boundary adjustments. Should any other municipality successfully claim a superior right to the ETJ relinquished herein by FORT WORTH, the relinquishment shall be null and void.

SECTION 5.

The Cities of BURLESON and FORT WORTH agree and ordain that the adoption by both cities of this Joint Ordinance and Boundary Agreement, and the boundary change resulting from this Agreement does not mitigate, diminish or lessen in any way the rights that either party may have, at law or in equity, to challenge or contest any other annexations, attempted annexations or extraterritorial jurisdiction claims made by the other party.

SECTION 6.

This Joint Ordinance and Boundary Agreement shall become effective and shall become a binding agreement upon the Cities of BURLESON and FORT WORTH by the adoption of same in regular open city council meetings of the Cities of BURLESON and FORT WORTH.

SECTION 7.

The Mayor of each city shall execute this Joint Ordinance and Boundary Agreement, upon adoption by both cities, in duplicate originals.

PASSED AND APPROVED by the City Council of the City of Fort Worth on this ____ day of _____, 2023.

Mayor

APPROVED AS TO FORM:

Assistant City Attorney

ATTEST:

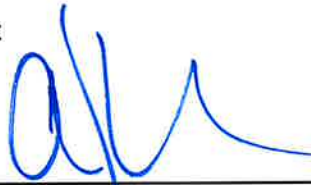
City Secretary

PASSED AND APPROVED by the City Council of the City of Burleson on this 5th day of June, 2023.



Chris Fletcher, Mayor
City of Burleson

ATTEST:



Amanda Campos, City Secretary



APPROVED AS TO FORM:



E. Allen Taylor Jr., City Attorney

EXHIBIT A

ANIMAL PANCAKES TRACT

