

CITY OF FORT WORTH ORDINANCE NO. _____
CITY OF NEW FAIRVIEW ORDINANCE NO. _____
JOINT ORDINANCE AND BOUNDARY AGREEMENT

WHEREAS, the City of New Fairview (hereinafter called "NEW FAIRVIEW") is a Type A general law city located in Wise and Denton Counties; and

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

WHEREAS, NEW FAIRVIEW and FORT WORTH share an extraterritorial jurisdiction ("ETJ") boundary; and

WHEREAS, NEW FAIRVIEW and FORT WORTH 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 42.022 of the Texas Local Government Code authorizes a municipality to expand its ETJ beyond the distance limitations in Section 42.021 if the owners of the area of expansion request the expansion.

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

SECTION 1.

Pursuant to Section 42.023 of the Texas Local Government Code, FORT WORTH agrees to release and hereby releases the 179.779 acre tract located in FORT WORTH's ETJ, as described and shown in Exhibit "A", for the benefit of NEW FAIRVIEW.

SECTION 2.

Pursuant to Section 42.022 of the Texas Local Government Code, NEW FAIRVIEW has received a request, attached as Exhibit "B", from the owners of the 179.779 acre tract described and shown in Exhibit "A" that NEW FAIRVIEW's ETJ be expanded to include said tract. NEW FAIRVIEW approves the request and hereby accepts this tract into its ETJ and expands its ETJ to include the 179.779 acre tract described and shown in Exhibit "A."

SECTION 3.

This ordinance shall be cumulative of all provisions of the ordinances of the City of New Fairview and the City of 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with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.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 4.

It is hereby declared to be the intention of the City Councils of New Fairview 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 5.

The City of New Fairview and the City of Fort Worth do hereby covenant and agree to protect, preserve and defend the herein described boundary adjustments.

SECTION 6.

The City of New Fairview and the City of 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 do 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 7.

This joint ordinance and boundary agreement shall become effective and shall become a binding agreement upon the City of New Fairview and the City of Fort Worth by the adoption of same in regular open city council meetings of the City of New Fairview and the City of Fort Worth.

SECTION 8.

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 _____, 2021.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

Sr. Assistant City Attorney

ATTEST:

Mary Kayser, City Secretary

PASSED AND APPROVED by the City Council of the City of New Fairview on this ____ day of _____, 2021.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney