

Mayor and Council Communication

DATE: 01/27/26

M&C FILE NUMBER: M&C 26-0065

LOG NAME: 12ALEDO V. WILLOW PARK LAWSUIT

SUBJECT

(ALL) Adopt Resolution Authorizing the City Attorney to Join the City of Aledo in Filing Suit Against the City of Willow Park in District Court in Parker County, Texas for Illegal Annexation

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution authorizing the City Attorney to join the City of Aledo in filing suit against the City of Willow Park in District Court in Parker County, Texas

DISCUSSION:

The City of Aledo, Texas is planning to file suit against the City of Willow Park, Texas alleging numerous abuses of Texas annexation law. Aledo contends that Willow Park violated various substantive requirements in attempting to exercise its annexation power under Chapter 43 of the Texas Local Government Code. Specifically, the lawsuit will allege that Willow Park failed to comply with applicable annexation law when it purported to pass a series of ordinances attempting to expand its extraterritorial jurisdiction (ETJ) and annex various tracts of land. The annexations at issue involve Willow Park's attempt to extend the eastern border of its ETJ from the intersection of Bankhead Highway and Nu Energy Drive to Farm-to-Market 1187.

The entirety of this purported annexation is wholly outside of Willow Park's ETJ. Importantly, the northern portion of the Bankhead right-of-way is located within Fort Worth's ETJ and the southern portion of the Bankhead right-of-way is located within Aledo's ETJ and corporate city limits. Therefore, in adopting the ordinances that purported to expand Willow Park's ETJ, annex Bankhead Highway, and ultimately annex the Beall Property adjacent to Bankhead Highway, Willow Park unlawfully attempted to annex territory already held by other municipalities, including Fort Worth. As a result, Aledo intends to file suit seeking a declaration from the Court that the annexations at issue were unlawful and void. It is recommended that Fort Worth join Aledo in filing this lawsuit against Willow Park to protect its own interests.

The filing fees are expected to be less than \$2,500.00. Funding is budgeted in the Lawsuit Expenses account within the Risk Financing Fund for the Financial Management Services Department. It is recommended that the City Council authorize the direct payment or reimbursement of the fees associated with this lawsuit.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as previously appropriated, in the Risk Financing Fund. Prior to an expenditure being incurred, the Financial Management Services and City Attorney Departments have the responsibility of verifying the availability of funds.

Submitted for City Manager's Office by: ALL ACMs 6122

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