

CITY OF MIDLOTHIAN ORDINANCE NO. _____
CITY OF GRAND PRAIRIE ORDINANCE NO. _____

**A JOINT ORDINANCE AND BOUNDARY AGREEMENT BETWEEN
THE CITY OF MIDLOTHIAN, TEXAS AND THE CITY OF GRAND
PRAIRIE, TEXAS RELEASING AND ACCEPTING CORPORATE
LIMITS AND EXTRATERRITORIAL JURISDICTION.**

STATE OF TEXAS

§

COUNTY OF ELLIS

§

§

WHEREAS, the City of Midlothian (“Midlothian”) is a home rule city situated within Ellis County, State of Texas; and

WHEREAS, the City of Grand Prairie (“Grand Prairie”) is a home rule city situated within the Counties of Johnson, Tarrant, Dallas, and Ellis, State of Texas; and

WHEREAS, Midlothian and Grand Prairie share common boundaries; and

WHEREAS, this Joint Ordinance and Boundary Agreement is made under the authority granted by and pursuant to the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended, providing for the cooperation between local governmental bodies, for beneficial governmental purposes; and

WHEREAS, Subchapter B, Section 43.021 of the Texas Local Government Code permits a home-rule municipality to fix the boundaries of the municipality, extend the boundaries of the municipality, annex area adjacent to the municipality, and exchange area with other municipalities according to rules as may be provided by the charter of the municipality that are not inconsistent with the procedural rules prescribed by the Texas Local Government Code; and

WHEREAS, Midlothian and Grand Prairie agree to adjust their corporate boundary and extraterritorial jurisdiction (ETJ) boundary, whereby Midlothian shall disannex and release an approximate 113 acre tract of land from its corporate boundary, and said acreage shall be relinquished to and become part of the ETJ of Grand Prairie; and Grand Prairie shall release an approximate 107 acre tract of land from its ETJ, and said acreage shall be relinquished to and become part of the ETJ of Midlothian; and

WHEREAS, the tracts of land subject in this Joint Ordinance and Boundary Agreement are fully described in Exhibit “A” which is attached hereto and incorporated herein for all purposes; and

WHEREAS, the exchange of corporate boundary and ETJ described herein will not result in land that will not be contiguous to the corporate boundary or ETJ of either City.

NOW, THEREFORE, BE IT ORDAINED AND MUTUALLY AGREED BY THE

CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS AND THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

SECTION 1.

Pursuant to Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, and Section 43.021 of the Texas Local Government Code, the cities of Midlothian and Grand Prairie hereby agree that the corporate boundaries and ETJ exchange described herein shall be adjusted as depicted in Exhibit "A" which is attached hereto and incorporated herein for all purposes.

SECTION 2.

In accordance with the terms of this Joint Ordinance and Boundary Agreement, Midlothian hereby disannexes an approximate 113 acre tract of land from its corporate boundary, and said acreage is relinquished to, and become part of, the ETJ of Grand Prairie described as "Tract 1 Property" in Exhibit "A" and Midlothian hereby discontinues all such property from its corporate limits, and hereby relinquish and ratify the relinquishment to Grand Prairie, all ETJ rights it has a result of the disannexation of said Tract. Grand Prairie shall hereby accept said acreage into its ETJ for future annexation into its corporate limits, with such annexation to occur at its discretion.

SECTION 3.

In accordance with the terms of this Joint Ordinance and Boundary Agreement, Grand Prairie shall hereby release an approximate 107 acre tract of land from its ETJ, and said acreage shall be relinquished to, and become part of, the ETJ of Midlothian described as "Tract 2 Property" in Exhibit "A," and Grand Prairie hereby relinquish, and ratify the relinquishment to Midlothian, all ETJ rights it has in said Tract. Midlothian shall hereby accept said acreage into its ETJ for future annexation into its corporate limits, with such annexation to occur at its discretion.

SECTION 4.

It is hereby declared to be the intention of the City Councils of Midlothian and Grand Prairie that the phrases, clauses, sentences, paragraphs, and sections of this Joint Ordinance and Boundary Agreement are severable, and if any phrase, clause, sentence, paragraph, or section of this Agreement 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, since the same would have been enacted without incorporation in this Agreement of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

Midlothian and Grand Prairie do hereby covenant and agree to protect, preserve, and defend the herein depicted boundary adjustment.

SECTION 6.

Midlothian and Grand Prairie agree and ordain that the adoption by both cities of this Joint Ordinance and Boundary Agreement, and the boundary changes resulting therefrom, 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.

The Joint Ordinance and Boundary Agreement shall become effective and shall become a binding agreement upon Midlothian and Grand Prairie by the adoption of same in regular open city council meetings of Midlothian and Grand Prairie.

SECTION 8.

This Joint Ordinance and Boundary Agreement, upon adoption by both cities, shall be executed in duplicate originals by the Mayor of each city.

APPROVED this ____ day of _____, 2016.

CITY OF MIDLOTHIAN, TEXAS

Bill Houston, Mayor, City of Midlothian

ATTEST:

Tammy Varner, City Secretary, City of Midlothian

APPROVED AS TO FORM AND LEGALITY:

Joseph J. Gorfida, Jr., City Attorney, City of Midlothian

APPROVED this ____ day of _____, 2016.

CITY OF GRAND PRAIRIE, TEXAS

Ron Jensen, Mayor, City of Grand Prairie

ATTEST:

Cathy DiMaggio, City Secretary, City of Grand Prairie

APPROVED AS TO FORM AND LEGALITY:

Don Postell, City Attorney, City of Grand Prairie

Exhibit A
(Page 1 of 7)
Area Map

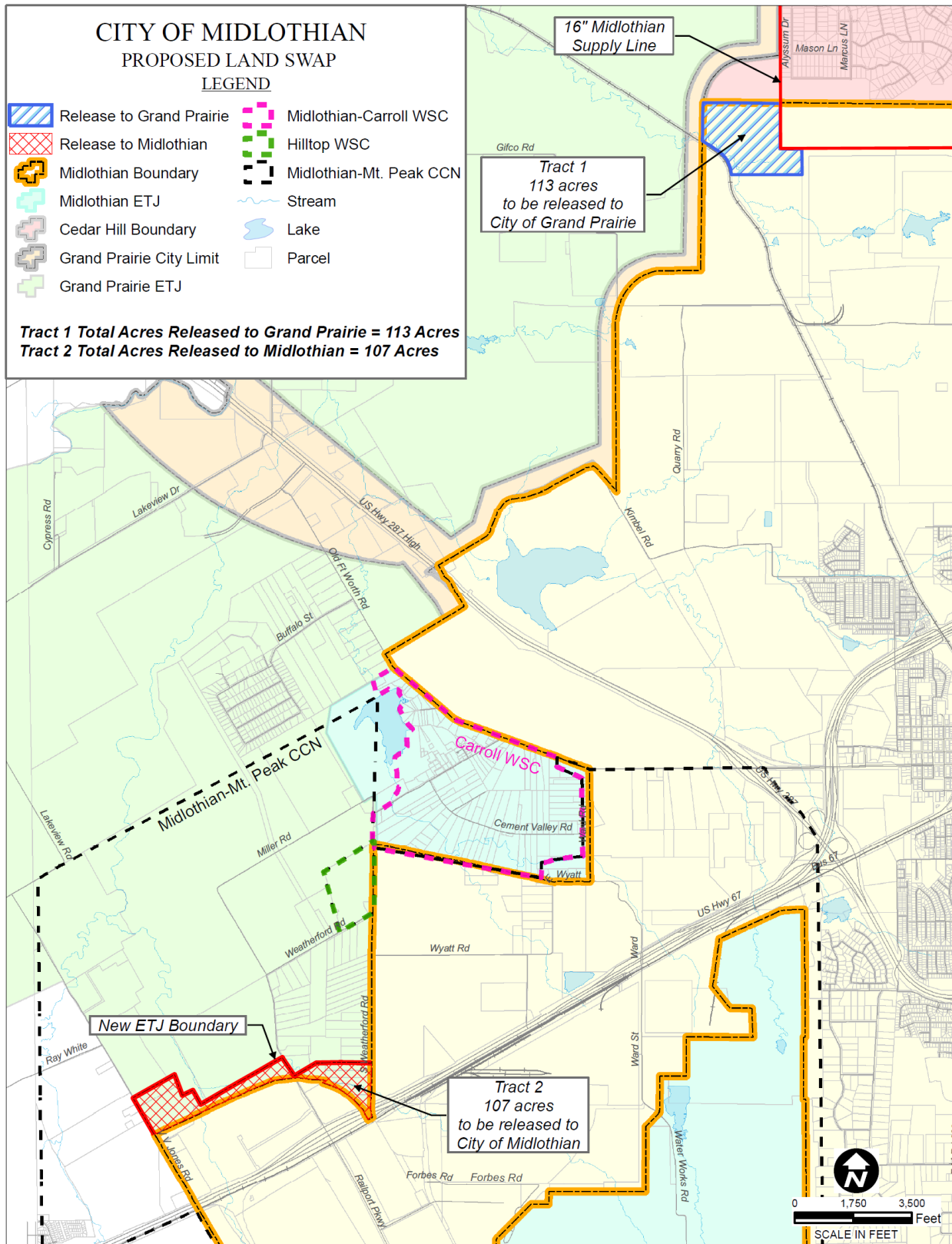


Exhibit A
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Tract 1 Property
Metes & Bounds Description

*(To be disannexed by the City of Midlothian and relinquished to,
and become part of, the ETJ of the City of Grand Prairie)*

Being approximately 113 acres of land lying in the S.B. Hollar Survey, Abstract No. 529, the Simon Snider Survey, Abstract No. 1008, the G.G. Alford Survey, Abstract No. 23, and the William Pearson Survey, Abstract No. 880, in Ellis County, Texas, and being more particularly described as follows:

BEGINNING at the common northwest corner of City of Midlothian Ordinance No. 480, Approved March 10, 1981, and an interior ell corner of City of Midlothian Ordinance No. 88-29, Approved November 22, 1988, said point also being the common most southerly southwest corner of said S.B. Hollar Survey and the northwest corner of the B.C. Bedford Survey, Abstract No. 158, being in the east line of said Snider Survey;

THENCE in a Southerly direction, along the common westerly line of said Ordinance No. 480, the east line of said Snider Survey and the west line of said Bedford Survey, an approximate distance of 815 feet;

THENCE in a Westerly direction, departing said common line, crossing said Snider Survey and into said G.G. Alford Survey, an approximate distance of 2,080 feet to the northeasterly line of the Union Pacific Railroad Right-of-Way (R.O.W.), being at the beginning of a curve to the left;

THENCE in a Northwesterly direction, crossing said G.G. Alford Survey and into said William Pearson Survey, along said northeasterly R.O.W. line and along said curve to the left, having a radius of 759 feet, an approximate arc length of 296 feet to a point of compound curvature to the left;

THENCE continuing in a Northwesterly direction and along said northeast R.O.W. line, thru said William Pearson Survey and along said curve to the left, having a radius of 1,032 feet, an approximate arc length of 631 feet to the end of said curve;

THENCE continuing in a Northwesterly direction, along said northeasterly R.O.W. line, thru said William Pearson Survey, an approximate distance of 700 feet to the intersection of said northeasterly R.O.W. line with the common west line of said City of Midlothian Ordinance No. 88-29 and east line of a 500-foot wide strip of land described in City of Grand Prairie Ordinance No. 2888, Effective January 10, 1978;

THENCE in a Northerly direction, departing said northeasterly R.O.W. line, along said common line, an approximate arc length of 400 feet to the beginning of a curve to the right;

THENCE in Northeasterly direction, along said common line and along said curve to the right, having a radius of 2,640 feet, an approximate arc length of 610 feet to the intersection of said common line with the south line of City of Cedar Hill Dissanexation Ordinance No. 85-828, Approved December 17, 1985, being the same tract described in City of Midlothian annexation Ordinance No. 88-973, Approved April 26, 1988, said point also being on the northerly line of said City of Midlothian Ordinance No. 88-29.

THENCE in an Easterly direction, along the common northerly line of said City of Midlothian Ordinance No. 88-29, southerly line of said City of Midlothian Ordinance No. 88-973, and along the southerly line of

Exhibit A

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Tract 1 Property

Metes & Bounds Description

*(To be disannexed by the City of Midlothian and relinquished to,
and become part of, the ETJ of the City of Grand Prairie)*

said City of Cedar Hill Ordinance No. 85-828, an approximate distance of 2,300 feet, to the intersection of the common east line of a tract of land described in a deed to Atherton & Murphy Holdings, Inc. and the west line of a tract of land described in a deed to Ash Grove Cement Company;

THENCE in a Southerly direction, along said common line, crossing said City of Midlothian Ordinance No. 88-29, an approximate distance of 1,320 feet to the common southwest corner of said Ash Grove Cement Company tract and an interior ell corner of said Atherton & Murphy tract;

THENCE in an Easterly direction, along the common south line of said Atherton & Murphy tract and a north line of said Ash Grove Cement Company tract, an approximate distance of 636 feet to the **POINT OF BEGINNING**.

CONTAINING within the metes recited approximately 113 acres (0.177 square miles) of land, more or less.

Exhibit A (Page 4 of 7)

Tract 1 Property

(To be disannexed by the City of Midlothian and relinquished to,
and become part of, the ETJ of the City of Grand Prairie)

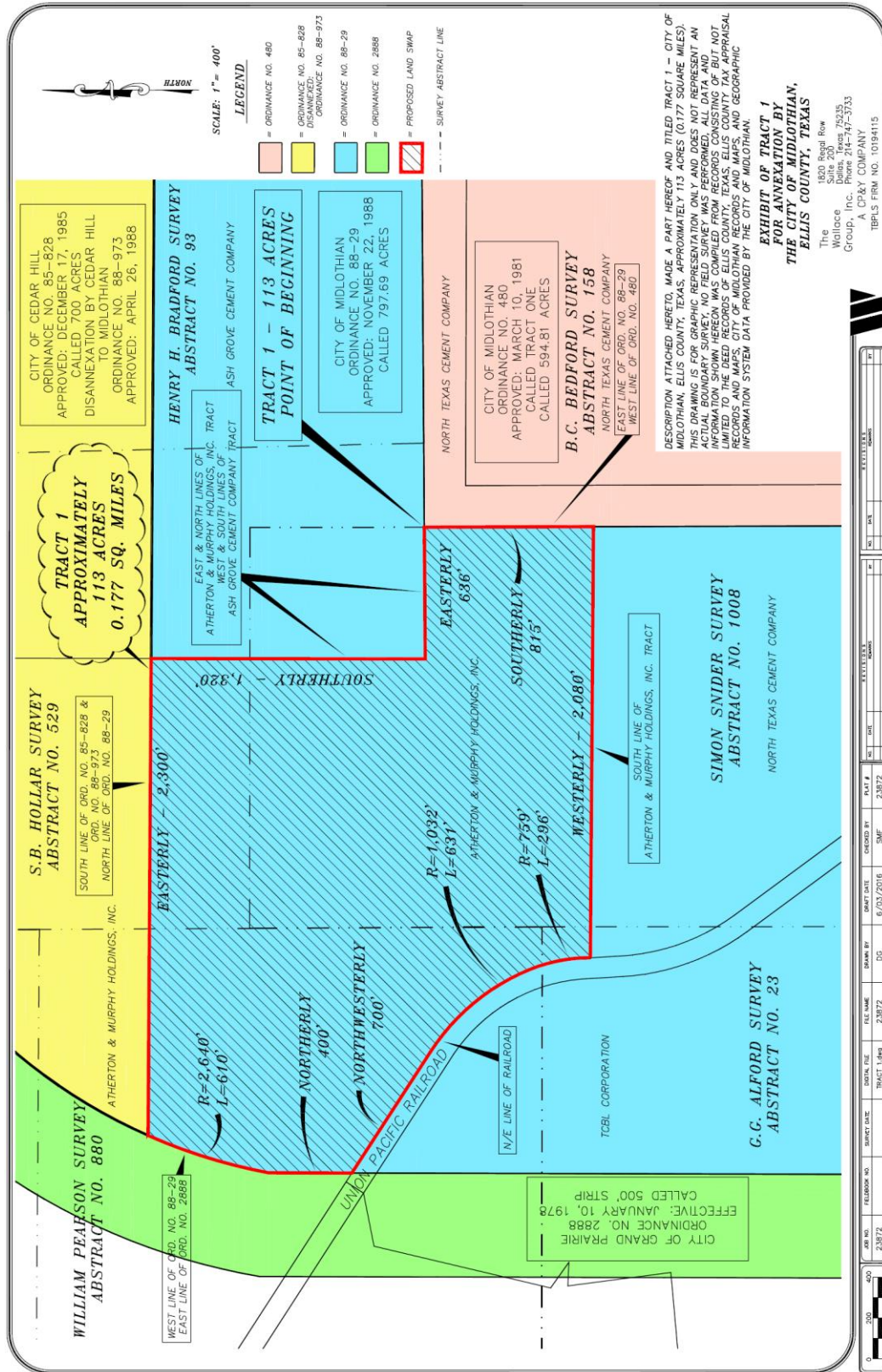


Exhibit "A"
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Tract 2 Property
Metes & Bounds Description

(Grand Prairie ETJ to be relinquished to, and become part of, the ETJ of the City of Midlothian)

Being approximately 107 acres of land lying in the John Chamblee Survey, Abstract No. 192, and the Leeman Kelsey Survey, Abstract No. 593, in Ellis County, Texas, and being more particularly described as follows:

BEGINNING at the most easterly northeast corner of City of Midlothian Ordinance No. 99-52, Approved September 14, 1999, at the intersection of the east Right-of-Way (R.O.W.) line of Weatherford Road with the northwesterly R.O.W. line of U.S. Highway 67, being in the west line of a tract described in City of Midlothian Ordinance No. 88-30, Approved November 22, 1988, and being at the southeasterly corner of City of Grand Prairie Ordinance No. 5986;

THENCE in a Southwesterly direction, departing the west line of said Ordinance No. 88-30 and the east R.O.W. line of said Weatherford Road, along the common southeasterly line of said Ordinance No. 5986 and a northwesterly line of said Ordinance No. 99-52, with the northwesterly R.O.W. of U.S. Highway 67, an approximate distance of 138 feet, to the beginning of a curve to the left;

THENCE in a Northwesterly direction, along the common northeasterly line of said City of Midlothian Ordinance No. 99-52 and the southwesterly line of said City of Grand Prairie Ordinance No. 5986, along said curve to the left, having a radius of 2,640 feet, an approximate arc length of 3,613 feet to the end of said curve;

THENCE in a Southwesterly direction, along the common northwesterly line of said Ordinance No. 99-52 and the southeasterly line of said Ordinance No. 5986, an approximate distance of 3,460 feet to the northwesterly corner of said City of Midlothian Ordinance No. 99-52, being in the northeasterly R.O.W. line of V.V. Jones Road;

THENCE in a Northwesterly direction, departing said southeasterly line of Ordinance No. 5986, along said northeasterly R.O.W. line of V.V. Jones Road, an approximate distance of 1,197 feet to the intersection of said R.O.W. line with the northwesterly line of a tract of land described in a deed to Arturo & Rita Esquivel;

THENCE in a Northeasterly direction, departing said northeasterly R.O.W. line, along the common northwesterly line of said Esquivel tract and the southeasterly line of a tract described in a deed to Ellis 1270, LLC, an approximate distance of 1,401 feet to the common northeasterly corner of said Esquivel tract and an interior ell corner for said Ellis 1270 tract;

THENCE in a Southeasterly direction, along a common southwesterly line of said Ellis 1270 tract and the northeasterly line of said Esquivel tract, and continuing along the northeasterly line of a tract described in a deed to Gary D. Shotwell, an approximate distance of 646 feet to an interior ell corner of said Shotwell tract and an exterior ell corner for said Ellis 1270 tract;

THENCE in a Northeasterly direction, along a common northwesterly line of said Shotwell tract and a southeasterly line of said Ellis 1270 tract, an approximate distance of 361 feet to an exterior ell corner of said Shotwell tract and an interior ell corner for said Ellis 1270 tract;

Exhibit "A"
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Tract 2 Property
Metes & Bounds Description

(Grand Prairie ETJ to be relinquished to,
and become part of, the ETJ of the City of Midlothian)

THENCE in a Southeasterly direction, along the common northeasterly line of said Shotwell tract and a southwesterly line of said Ellis 1270 tract, an approximate distance of 487 feet to the most easterly southeast corner of said Shotwell tract, and the most southerly southwest corner of said Ellis 1270 tract, also being in the northwesterly line of a tract of land described in a deed to the Midlothian Economic Development;

THENCE in a Northeasterly direction, along the common northwesterly line of said Midlothian Economic Development tract and the southeasterly line of said Ellis 1270 tract, an approximate distance of 223 feet to the southwesterly corner of a tract described in a deed to Bypass Trust;

THENCE in a Northeasterly direction, along the common northwesterly line of said Midlothian Economic Development tract and the southeasterly line of said Bypass Trust tract, crossing Miller Road, an approximate distance of 2,590 feet to the northeasterly R.O.W. line of said Miller Road and the southwesterly line of Lot 13R, of the Replat of Cottonwood Acres addition;

THENCE in a Southeasterly direction, along the common southwesterly line of said Lot 13R and Lot 14A of said addition and along said northeasterly R.O.W. line, an approximate distance of 648 feet to the most westerly southwest corner of said Lot 14A;

THENCE in a Northeasterly direction, along the common southeasterly line of said Lot 14A and the northwesterly line of Lot 14B of said addition, an approximate distance of 786 feet;

THENCE in an Easterly direction, along the common south line of said Lot 14A, north line of said Lot 14B, and continuing along the common south line of Lot 19R and north line of Lot 19 of said addition, crossing Weatherford Road, an approximate distance of 1,646 feet to a point in the east R.O.W. line of said Weatherford Road;

THENCE in a Southerly direction, along the east R.O.W. line of said Weatherford Road, an approximate distance of 1,407 feet to the **POINT OF BEGINNING**.

CONTAINING within the metes recited approximately 107 acres (0.167 square miles) of land, more or less.

(Grand Prairie ETJ to be relinquished to,
and become part of, the ETJ of the City of Midlothian)

