

**CITY OF COLLEYVILLE ORDINANCE NO. O-15-1955
CITY OF EULESS ORDINANCE NO. 2063
JOINT ORDINANCE AND BOUNDARY ADJUSTMENT AGREEMENT**

**STATE OF TEXAS §
 §
COUNTY OF TARRANT §**

WHEREAS, the City of Colleyville, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, the City of Euless, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, pursuant to the authority granted in Section 43.031 of the Texas Local Government Code, as amended, adjacent municipalities may make mutually agreeable changes in their boundaries of areas that are less than 1, 000 feet in width; and

WHEREAS, Colleyville and Euless are adjacent; and

WHEREAS, the cities previously entered into City of Colleyville Ordinance No. O-12-1828 and City of Euless Ordinance No. 1945, Joint Ordinance and Boundary Agreement and now desire to revise the boundaries established by that Agreement; and

WHEREAS, Colleyville and Euless desire to identify mutually agreeable corporate boundaries between the two communities; and

WHEREAS, Colleyville and Euless, in the true spirit of governmental cooperation, intend this Joint Ordinance and Boundary Adjustment Agreement to reflect sound growth management principles and interregional planning; and

WHEREAS, Colleyville and Euless want to make other commitments as part of this Agreement to promote the efficient delivery of service, and sound regional growth.

NOW THEREFORE, BE IT ORDAINED AND MUTUALLY AGREED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE AND THE CITY COUNCIL OF THE CITY OF EULESS:

SECTION 1.

The findings set forth above are incorporated into the body of this ordinance and agreement as if fully set forth herein.

SECTION 2.

Pursuant to Section 43.031 of the Texas Local Government Code, the area described and depicted in **Exhibit A** shall be released from the corporate boundaries of Colleyville and simultaneously incorporated into the corporate boundaries of Euless.

SECTION 3.

Upon adoption of this ordinance and agreement, a portion of Heritage Avenue between Cheek-Sparger Road and Glade Road will be within the corporate boundaries of Colleyville and a portion will be within the corporate boundaries of Euless. Colleyville and Euless each agree to allow the drive approaches or other curb cuts onto Heritage Avenue to allow development within the other City's corporate boundaries, unless strictly precluded by traffic safety considerations and regulations. Colleyville and Euless agree to maintain all portions of Heritage Avenue within their respective City Limits. Colleyville and Euless agree that Heritage Avenue shall remain named Heritage Avenue unless otherwise agreed to by both Cities.

SECTION 4.

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this ordinance and agreement. The parties agree that exclusive venue shall lie in Tarrant County, Texas for any dispute arising out of this ordinance and agreement. Before a suit is filed by either party based on or pertaining to this ordinance and agreement, the parties agree that they will submit the dispute for mediation, pursuant to the procedure described in Section 154.023 of the Texas Civil Practice and Remedies Code, as amended.

SECTION 5.

The effective date of this ordinance and agreement shall be the last day this ordinance and agreement is approved by a party hereto as indicated on the signature blocks below.

SECTION 6.

Either party may file a certified copy of this ordinance and agreement in the real property records of Tarrant County, Texas.

SECTION 7.

It is expressly understood and agreed that, in the execution of this ordinance and agreement, no party waives, nor shall be deemed hereby to have waived, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By approving this ordinance and agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this ordinance and agreement shall not create any rights in parties not signatories hereto.

SECTION 8.

This ordinance shall be cumulative of all provisions of ordinances of the cities of Colleyville, Texas, and Euless, Texas 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 9.

It is hereby declared to be the intention of the City Council of the City of Colleyville and the City Council of the City of Euless that the phrases, clauses, sentences, paragraphs and sections of this ordinance and agreement are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance and 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 of this ordinance and agreement, since the same would have been enacted by the City Council of the City of Colleyville and the City Council of the City of Euless without the incorporation in this ordinance and agreement of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 10.

Should this ordinance and agreement for any reason be ineffective as to any part of the area hereby incorporated into the City of Euless, such ineffectiveness of this ordinance and agreement as to any such part or parts of any such area shall not affect the effectiveness of this ordinance and agreement as to the remainder of such area. The Euless City Council hereby declares it to be its purpose to include as part of the City of Euless every part of the area described in Exhibit A of this ordinance and agreement, regardless of whether any part of such described area is hereby not effectively annexed into the City of Euless. Provided further, if there is included within the general description of territory set out in Exhibit A of this ordinance and agreement to be hereby annexed into the City of Euless any lands or area which are presently part of and included within the limits of the City of Euless, or which are presently part of and included within the limits of any other city other than the City of Colleyville, or which are not within the City of Euless' jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 11.

The City of Euless and the City of Colleyville do hereby covenant and agree to protect, preserve and defend the herein described boundary adjustments.

SECTION 12.

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

The first reading and public hearing being conducted on the 5th day of May 2015.

The second reading and public hearing being conducted on the 12th day of May 2015.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2015.

CITY OF COLLEYVILLE, TEXAS

By: _____
David Kelly, Mayor

ATTEST:

Amy Shelly, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle, City Attorney

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the _____ day of _____, 2015, by a vote of _____ ayes, _____ nays and _____ abstentions.

CITY OF EULESS, TEXAS

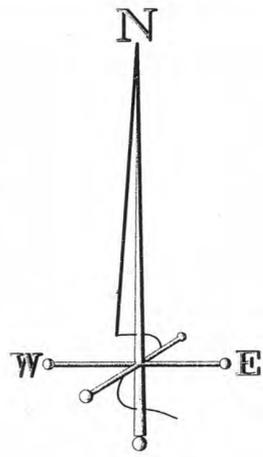
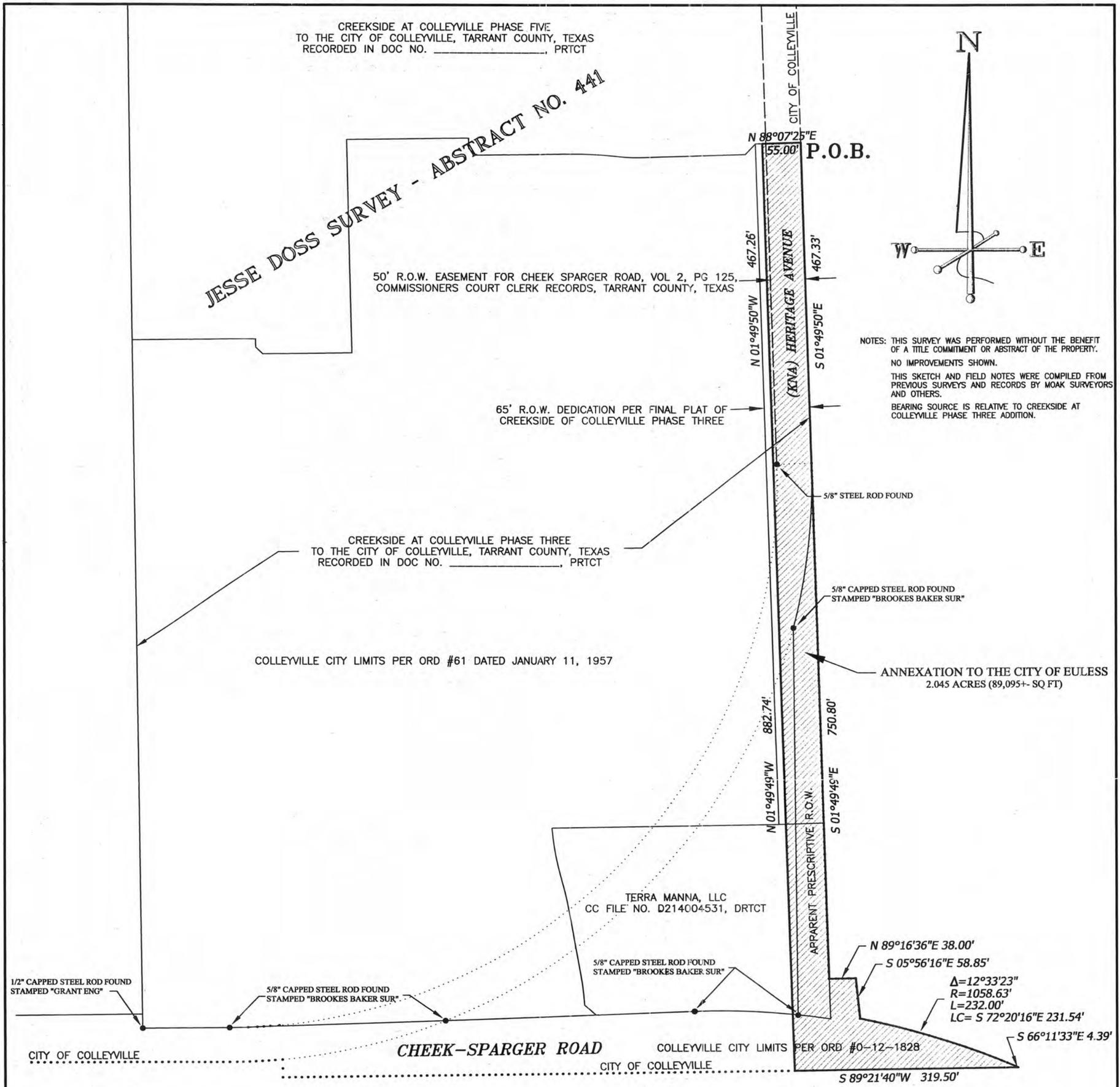
By: _____
Linda Martin, Mayor

ATTEST:

Kim Sutter, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Wayne K. Olson, City Attorney



NOTES: THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR ABSTRACT OF THE PROPERTY. NO IMPROVEMENTS SHOWN. THIS SKETCH AND FIELD NOTES WERE COMPILED FROM PREVIOUS SURVEYS AND RECORDS BY MOAK SURVEYORS AND OTHERS. BEARING SOURCE IS RELATIVE TO CREEKSIDE AT COLLEYVILLE PHASE THREE ADDITION.

FIELD NOTE DESCRIPTION

ALL that certain tract or parcel of land being situated in the JESSE DOSS SURVEY, Abstract 441, Tarrant County, Texas and being a part of Heritage Avenue (a 65 foot right-of-way according to Creekside at Colleyville Phase Three Addition) and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of Creekside at Colleyville Phase Three, an Addition to the City of Colleyville as recorded in Document No. _____, Tarrant County, Texas and being in the east right-of-way line of said Heritage Avenue from which a 5/8 inch steel rod found bears South 04 degrees 16 minutes 25 seconds West at 469.97 feet;

THENCE South 01 degrees 49 minutes 50 seconds East with the east boundary line of said Creekside at Colleyville Addition and said east right-of-way line, 467.33 feet from which said 5/8 inch steel rod found bears South 88 degrees 11 minutes 38 seconds West at 50.00 feet;

THENCE South 01 degrees 49 minutes 49 seconds East continuing with said east boundary line and said east right-of-way line, 750.80 feet;

THENCE North 89 degrees 16 minutes 36 seconds East, 38.00 feet;

THENCE South 05 degrees 56 minutes 16 seconds East, 58.85 feet to the beginning of a curve to the right whose radius point bears South 11 degrees 23 minutes 02 seconds West at 1058.63 feet;

THENCE southeasterly with said curve to the right through a central angle of 12 degrees 33 minutes 23 seconds and an arc length of 232.00 feet;

THENCE South 66 degrees 11 minutes 33 seconds East, 4.39 feet to the City of Colleyville's south city limits line per Ordinance No. 0-12-1828;

THENCE South 89 degrees 21 minutes 40 seconds West with said south city limits line, 319.50 feet from which a 5/8 inch capped steel rod stamped "Brookes Baker Sur" found bears North 58 degrees 48 minutes 54 seconds West at 167.73 feet and another 5/8 inch capped steel rod stamped "Brookes Baker Sur" found bears North 03 degrees 33 minutes 09 seconds East at 81.30 feet;

THENCE North 01 degrees 49 minutes 49 seconds West 55.00 feet west of and parallel to the said east boundary line and east right-of-way line, 882.74 feet from which said 5/8 inch steel rod found bears North 88 degrees 05 minutes 23 seconds East at 15.02 feet;

THENCE North 01 degrees 49 minutes 50 seconds West continuing 55.00 feet west of and parallel to said east lines, 467.26 feet to the north boundary line of said Creekside at Colleyville Addition;

THENCE North 88 degrees 07 minutes 25 seconds East with said north boundary line, 55.00 feet to the Place of Beginning and containing 2.045 acres.

SKETCH SHOWING
CITY LIMIT LINE ADJUSTMENT TO THE CITY OF EULESS
 BEING PART OF THE
HERITAGE AVENUE DEDICATION
 AND BEING SITUATED IN THE
JESSE DOSS SURVEY, ABSTRACT NO. 441,
 CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS.
 (SEE FIELD NOTE DESCRIPTION)

I hereby certify that this sketch was compiled from various surveys and records as provided and does not constitute an on the ground survey by Moak Surveyors, Inc. this date.

Scale 1" = 100' David W. Myers, RPLS No. 4565

LEGEND

- FOUND STEEL ROD
- SET CAPPED STEEL ROD
- ⊕ CROSS CUT IN CONCRETE
- ⊖ FOUND STEEL PIPE
- FOUND BOIS D'ARC STAKE
- OVERHEAD UTILITY LINE
- - - CENTERLINE FENCE

© 2015 Moak Surveyors, Inc.
 Copies of this plat not containing an impression seal and original not ink signature should be assumed to contain unauthorized alterations therefore voiding the stated certification.

COORDINATE FILE: 12-021

Moak Surveyors, Inc.
 LICENSED STATE AND REGISTERED
 PROFESSIONAL LAND SURVEYORS
 Texas • New Mexico • Arizona • Nevada
 License No. 16080009
 1105 Cheek Sparger Road, Colleyville, Texas 76034
 Metro 817-288-2211 • Fax 817-282-0401
 www.moaksurveyors.com
 Date MARCH 31, 2015 Job # 15-017