

# A Resolution

NO. \_\_\_\_\_

**RATIFYING THE LAWSUIT ENTITLED CITY OF FORT WORTH V. TOWN OF LAKESIDE, CAUSE NO. 141-280413-15, 141ST DISTRICT COURT, TARRANT COUNTY, TEXAS**

**WHEREAS**, in 1971 the City of Fort Worth and the Town of Lakeside entered into a joint resolution establishing a mutual common boundary line; and

**WHEREAS**, this joint resolution provided that the Town of Lakeside relinquished to the City of Fort Worth all extraterritorial jurisdictional rights it may have had in property outside of the area circumscribed by the mutual common boundary line; and

**WHEREAS**, on June 4, 2015, the Town of Lakeside annexed Rankin Road and Silver Creek Road; and

**WHEREAS**, on June 22, 2015, the Town of Lakeside publicly noticed that it would annex two parcels of property, a 119.262-acre tract east of Lakeside bisected by Highway 199 and a 74.785-acre triangular-shaped tract north of Lakeside and west of Highway 199, in August of 2015; and

**WHEREAS**, each of the above parcels annexed or noticed for annexation by the Town of Lakeside lies outside of the area circumscribed by the mutual common boundary line established by the 1971 joint resolution and is therefore within the exclusive extraterritorial jurisdiction of the City of Fort Worth; and

**WHEREAS**, the town of Lakeside may not annex property within the extraterritorial jurisdiction of another City; and

**WHEREAS**, the City of Lakeside scheduled two public hearings and annexation for the above parcels on August 13, 2015 but rescheduled the agenda items to August 17, 2015; and

**WHEREAS**, on August 17, 2015, due to the time constraints and the immediate attention required, the City of Fort Worth filed suit seeking declaratory relief from the Town of Lakeside's annexation of Rankin Road and Silver Creek Road and declaratory and injunctive relief from the Town of Lakeside's planned annexation of the 119.262-acre tract and the 74.685-acre triangular-shaped tract set for August 17, 2015; and

**WHEREAS**, the District Court denied a temporary restraining order to prohibit the annexation on the basis that if the annexation is void, the City of Fort Worth had a legal remedy; and



**WHEREAS**, Fort Worth city staff appeared at the August 17, 2015 Lakeside City Council meeting to voice objections to the annexations based on the 1971 joint resolution between the City of Fort Worth and Lakeside; and

**WHEREAS**, at the August 17, 2015 meeting the Town of Lakeside annexed the 119.262-acre parcel of property and withdrew its attempt to annex the 74.785-acre triangular-shaped parcel;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:**

1.

The filing of the lawsuit against the Town of Lakeside (Cause No. 141-280413-15), 141st District Court, Tarrant County, Texas is ratified.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

ATTEST:

By: \_\_\_\_\_

Mary Kayser, City Secretary

