

ORDINANCE NO. 28985

An ordinance ratifying and adopting an agreement between the cities of Dallas and Carrollton adjusting their common boundary line; releasing certain tracts of land to the City of Carrollton; receiving certain tracts of land presently situated in the city limits of Carrollton into the city limits of the City of Dallas; providing a service plan for the newly acquired territory; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, it is the desire of the cities of Dallas and Carrollton to adjust their common boundary line to establish clear lines of demarcation for the most efficient development and delivery of services to the citizens in the area; and

WHEREAS, the cities of Dallas and Carrollton, pursuant to Section 43.031 of the Local Government Code, have entered into an agreement, authorized by city council Resolution No. Resolution No. 121037 on April 11, 2012, adjusting their common boundary line; and

WHEREAS, the city council finds that it is in the public interest for the City of Dallas to make such an adjustment; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas does hereby ratify and adopt the agreement attached as Exhibit A, which was entered into by the City of Dallas and the City of Carrollton.

SECTION 2. That the City of Dallas does hereby release certain tracts of land, along with all extraterritorial jurisdiction pertaining thereto, now within its city limits and described in Exhibit A, to the City of Carrollton.

SECTION 3. That the City of Dallas does hereby receive and include certain tracts of land, along with all extraterritorial jurisdiction pertaining thereto, presently situated within the city limits of the City of Carrollton and described in Exhibit A, into the city limits of the City of Dallas.

SECTION 4. That the affected corporate limits of the City of Dallas shall upon final passage of this ordinance be adjusted as set out in Exhibit A.

SECTION 5. That the service plan attached as Attachment No. 2 is hereby approved and adopted as the service plan for the newly acquired territory described in Exhibit A of this ordinance.

SECTION 6. That the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

SECTION 7. That the city secretary is hereby directed to publish this ordinance at least one time in the official newspaper of the City of Dallas.

SECTION 8. That upon final passage of this ordinance, the city secretary shall transmit a certified copy of this ordinance to the city secretary of the City of Carrollton.

28985

130835

SECTION 9. That this ordinance shall take effect upon ratification and adoption of the agreement attached as Exhibit A by the City of Carrollton, or immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, whichever occurs later, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 

Assistant City Attorney

Passed MAY 22 2013

28985

EXHIBIT A
BOUNDARY ADJUSTMENT AND
INTERLOCAL AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Dallas, Texas, hereinafter referred to as Dallas, and the City of Carrollton, Texas, hereinafter referred to as Carrollton.

WHEREAS, pursuant to Texas Local Government Code Section 43.031, Dallas and Carrollton are authorized to exchange areas within their boundaries that are less than 1,000 feet in width; and

WHEREAS, the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes local governments to contract with other local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, Dallas' north and west boundaries are in part contiguous with the south and east boundaries of Carrollton; and

WHEREAS, these existing boundaries do not presently allow the efficient development and delivery of city services to the area; and

WHEREAS, the cities desire to modify their mutual boundaries to allow more efficient development and delivery of city services to the area; and

WHEREAS, representatives of Dallas and Carrollton have met and agreed on a mutually acceptable boundary that is in the best interest of the citizens of each city.

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions, and promises expressed herein, Dallas and Carrollton agree as follows:

SECTION I.

Statement of Intent

It is the intent of Dallas and Carrollton to modify their respective boundaries in the following manner:

Tract 1: An approximately 884,640 square foot portion of Midway Road from Kansas City Southern Railroad south to President George Bush Turnpike, President George Bush Turnpike from Midway Road to Rosemeade Parkway, and Rosemeade Parkway west of President George Bush Turnpike will be adjusted into Dallas.

28985

SECTION I.

Statement of Intent

It is the intent of Dallas and Carrollton to modify their respective boundaries in the following manner:

1. Tract 1: an approximately 884,640 square foot portion of Midway Road from Kansas City Southern Railroad south to President George Bush Turnpike, President George Bush Turnpike from Midway Road to Rosemeade Parkway, and Rosemeade Parkway west of President George Bush Turnpike will be adjusted into Dallas.
2. Tract 2: an approximately 134,000 square foot portion of Kelly Boulevard from Rosemeade Parkway to north of Michelangelo Drive will be adjusted into Dallas.
3. Tract 3: an approximately 4,347 square foot portion of Trinity Mills Road from Midway Road to Marsh Lane will be adjusted into Carrollton.
4. Tract 4: an approximately 92,000 square foot portion of Rosemeade Parkway between Galloway Lane and Marsh Lane will be adjusted into Carrollton.

To accomplish this objective, each party agrees to release a portion of each respective city to allow the other city to include the same.

SECTION II.

Release of Territory

- (a) Carrollton agrees to release to Dallas the property more particularly described in Attachment No. 1, attached hereto and made part of this agreement. Dallas agrees to receive and include the property described in Attachment No. 1 within the city limits of Dallas.
- (b) Dallas agrees to release to Carrollton the property more particularly described in Attachment No. 1. Carrollton agrees to receive and include the property described in Attachment No. 1 within the city limits of Carrollton.

28985

SECTION III.

Waiver of Extraterritorial Jurisdiction

(a) Carrollton does hereby waive all of its extraterritorial jurisdiction rights existing by reason of the property described in Section II(a) in favor of Dallas. It is expressly agreed and understood that this waiver shall operate only in favor of Dallas, and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights, that Carrollton may be able to assert against any other municipality.

(b) Dallas does hereby waive all of its extraterritorial jurisdiction rights existing by reason of the property described in Section II(b) in favor of Carrollton. It is expressly agreed and understood that this waiver shall operate only in favor of Carrollton, and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights, that Dallas may be able to assert against any other municipality.

SECTION IV.

Service Plans

(a) Upon ratification and adoption of this agreement by the city council of Dallas, Dallas does hereby agree to immediately begin implementation into the affected area of the service plan attached to and made a part of this agreement as Attachment No. 2.

(b) Upon ratification and adoption of this agreement by the City Council of Carrollton, Carrollton does hereby agree to immediately begin implementation into the affected area of the service plan attached to and made a part of this agreement as Attachment No. 3.

SECTION V.

Interlocal Agreement

(a) Dallas acknowledges that Carrollton has existing underground utilities within the Tract 2 portion of Kelly Boulevard right-of-way, described and shown in Attachment No. 1. Dallas hereby grants Carrollton the right to operate, maintain, repair and replace their existing underground utilities. Any disturbances to Kelly Boulevard by Carrollton from operating, maintaining, repairing, or replacing their existing underground utilities must be repaired by Carrollton in accordance with the General Standards and Paving Design Manual of the city of Dallas.

(b) Carrollton acknowledges that Dallas has existing underground utilities within that portion of Rosemeade Parkway right-of-way referred to as Tract 4, described and shown in Attachment No. 1. Carrollton hereby grants Dallas the right to operate, maintain, repair, and replace the existing underground utilities. Any disturbances to Rosemeade Parkway by Dallas from

28985

operating, maintaining, repairing, or replacing existing underground utilities must be repaired by Dallas in accordance with the General Standards of the city of Carrollton.

(c) For purposes of meeting the needs of the public for travel and transportation, Dallas and Carrollton acknowledge and agree that if either city makes a request of the other city, to relocate, remove, or alter the existing underground utilities within the rights-of-way in Tracts 2 or 4, the requesting city must bear the cost of relocating, removing, or altering those existing underground utilities.

SECTION VI.

Amendments

This agreement may not be amended or modified other than in a written agreement signed by the parties or their successors and assigns. This agreement may not be assigned.

SECTION VII.

Applicable Law

This Agreement shall be governed by and interpreted in accordance with the laws of the State of Texas. Venue for any action based in whole or in part on this agreement is in Dallas County, Texas.

28985

SECTION VIII.


Effective Date

Dallas and Carrollton agree that this agreement shall take effect only upon ratification and adoption by the governing bodies of each city.

SIGNED this the ____ day of March 2013.

CITY OF CARROLLTON, TEXAS


CITY OF DALLAS, TEXAS



Asst. City Manager


City Manager

APPROVED AS TO FORM:


APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney



Regina Edwards
First Assistant City Attorney

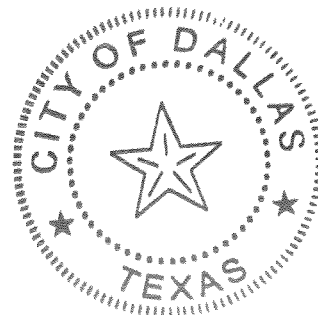
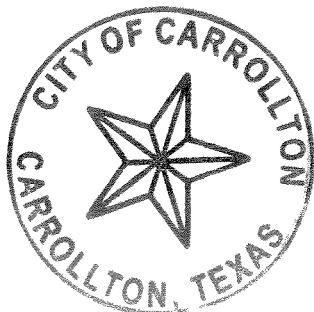
By 
Assistant City Attorney

ATTEST:

ATTEST:


Ashley Mitchell
City Secretary


City Secretary



130835

Ord No. 3541

28985

**ATTACHMENT NO. 1
LEGAL DESCRIPTIONS**

28985

TRACT 1

**FIELD NOTES DESCRIBING PORTIONS OF MIDWAY ROAD FROM KANSAS CITY
SOUTHERN RAILROAD SOUTH TO PRESIDENT GEORGE BUSH TURNPIKE,
PRESIDENT GEORGE BUSH TURNPIKE FROM MIDWAY ROAD TO
ROSEMEADE PARKWAY, AND ROSEMEADE PARKWAY
WEST OF PRESIDENT GEORGE BUSH TURNPIKE
TO BE ANNEXED BY THE CITY OF DALLAS**

BEING a tract of land situated in the Lewis Finley Survey, Abstract Number 429, and the D Andrews Survey, Abstract Number 1455, both of Denton County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the common line between Denton and Collin Counties with the north right-of-way line of the Kansas City Southern Railroad, same point being a northwest corner of the corporate limit line of the City of Dallas as described in Ordinance No. 21293;

THENCE in a southerly direction with said common line between Collin and Denton Counties, said line also being the common corporate limit line of Dallas and Carrollton, as described by City of Dallas Ordinances No. 15463 and 21293 and Carrollton Ordinance No. 1464, Tract 3, to its intersection with the eastward prolongation of the north line of the Martin O'Neal Survey, Abstract Number 986, Denton County, Texas;

THENCE in a westerly direction with said eastward prolongation of the north line of the Martin O'Neil Survey, said line also being the northern most south line of the Lewis Finley Survey, Abstract No. 429, said line also being the center line of Rosemeade Parkway (formerly Cemetery Ridge Road) and its eastward prolongation, said line also being the common corporate limit line of the cities of Dallas and Carrollton, Texas, as established by City of Dallas Ordinance No. 15463 and City of Carrollton Ordinance No. 1464, Tract 2, to its intersection with a line 1025 feet, more or less, east of and parallel with the center line of Marsh Lane, said point also being the southeast corner of a tract of land described by City of Dallas Ordinance No. 20961 Section II (b);

THENCE in a northerly direction with said line 1025 feet, more or less, east of and parallel with the center line of Marsh Lane, said line being the City Limit as defined by said City of Dallas Ordinance Number 20961, a distance of 50 feet to its intersection with the north right-of-way line of Rosemeade Parkway;

THENCE in an easterly direction with said north right-of-way line of Rosemeade Parkway (100 feet wide right-of-way) to its intersection with the northwest right-of-way line of President George Bush Turnpike (State Highway 190, Account No. 8018-1-64, Sheet 5, on file with the Texas Department of Transportation);

28985

CONTINUATION OF FIELD NOTES DESCRIBING PORTIONS OF MIDWAY ROAD,
PRESIDENT GEORGE BUSH TURNPIKE, AND ROSEMEADE PARKWAY
TO BE ANNEXED BY THE CITY OF DALLAS, PAGE TWO

THENCE in a northeasterly direction with the northwest right-of-way line of President George Bush Turnpike to its intersection with the west right-of-way line of Midway Road (100 feet wide right-of-way);

THENCE in a northerly direction with said west right-of-way line of Midway Road to its intersection with the north end of the approach slab of the bridge for Midway Road over the Kansas City Southern Railroad approximately 20 feet north of the north right-of-way line of said railroad according to City of Carrollton plans for Midway Road overpass at AT&SF Railroad;

THENCE in an easterly direction with the north end of said approach slab to its intersection with said common line between Denton and Collin Counties;

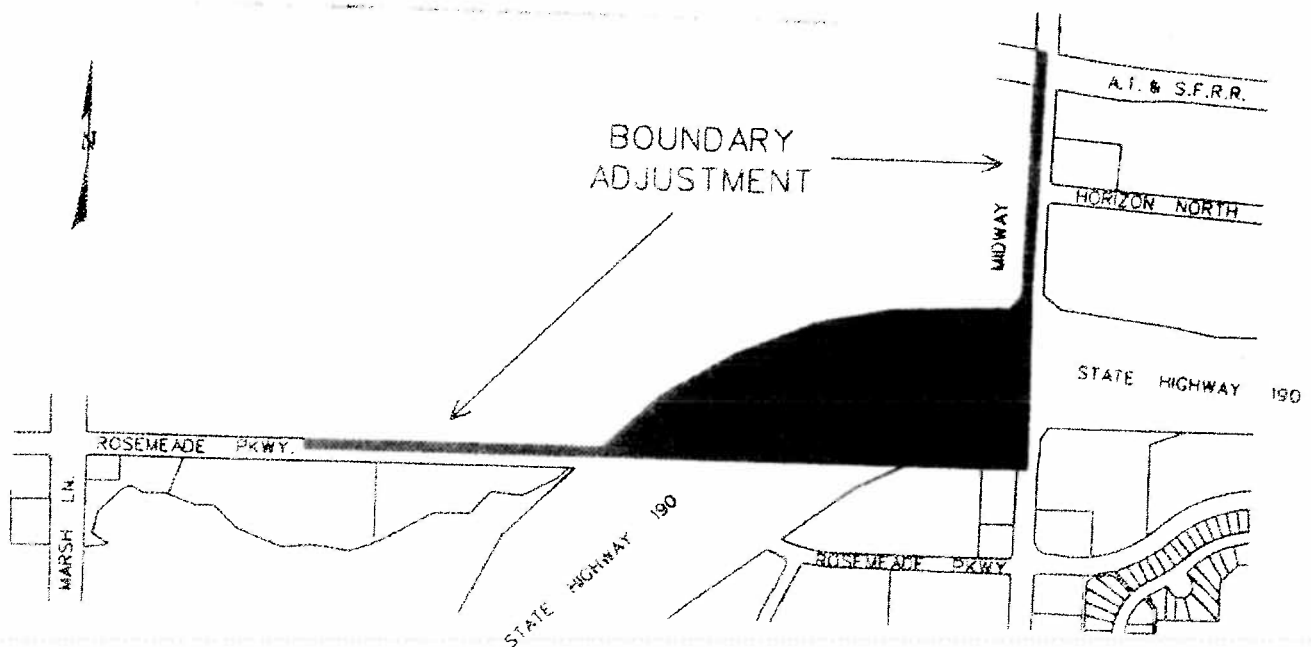
THENCE in a southerly direction with said common line between Denton and Collin Counties approximately 20 feet to the POINT OF BEGINNING and containing approximately 884,640 square feet or 0.03173 square miles of land. *pm*

This document was prepared under 22 TAC§663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundaries of the political subdivisions for which it was prepared.

Kevin Buchanan
2/28/2017

28985

FIELD NOTES DESCRIBING PORTIONS OF
MIDWAY ROAD FROM KANSAS CITY
SOUTHERN RAILROAD SOUTH TO
PRESIDENT GEORGE BUSH TURNPIKE,
PRESIDENT GEORGE BUSH TURNPIKE
FROM MIDWAY ROAD TO ROSEMEADE PARKWAY,
AND ROSEMEADE PARKWAY
WEST OF PRESIDENT GEORGE BUSH TURNPIKE
TO BE ANNEXED BY THE CITY OF DALLAS



John B. Boudreau
2 March 1907

28985
TRACT 2

**FIELD NOTES DESCRIBING A PORTION OF KELLY BOULEVARD
FROM ROSEMEADE PARKWAY TO NORTH OF MICHAELANGELO DRIVE
TO BE ANNEXED BY THE CITY OF DALLAS**

BEING a tract of land situated in the D Andrews Survey, Abstract No. 13, Denton County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the south right-of-way of Rosemeade Parkway (formerly Cemetery Ridge Road) with a line that is 20 feet perpendicularly distant west from and parallel with the east right-of-way line of Kelly Boulevard (formerly Webb Chapel Road,) said point being south 50 feet from the northwest corner of the William Miller Survey;

THENCE in a southerly direction along said line that is 20 feet perpendicularly distant west from and parallel with the east right-of-way line of Kelly Boulevard, said line also being the common corporate limit line of the cities of Dallas and Carrollton, Texas according to Dallas Ordinance No. 15463 and Carrollton Ordinance No. 1464, Tract 1 to its intersection with the northeastern prolongation of the northern most line of Sunchase Village Phase 1 Addition, according to the map or plat thereof recorded in Cabinet G, Page 22, Denton County, Texas;

THENCE in a southwesterly direction along said line of Sunchase Village Phase 1 Addition, said line also being the common corporate limit line of the cities of Dallas and Carrollton, Texas to its intersection with the west right-of-way line of Kelly Boulevard (Federal Aid Project STP99 (824) MM, Control Section Job No. 0918-46-124, on file with the Texas Department of Transportation;)

THENCE in a northerly direction along said west right-of-way of Kelly Boulevard to its intersection with the south right-of-way of Rosemeade Parkway;

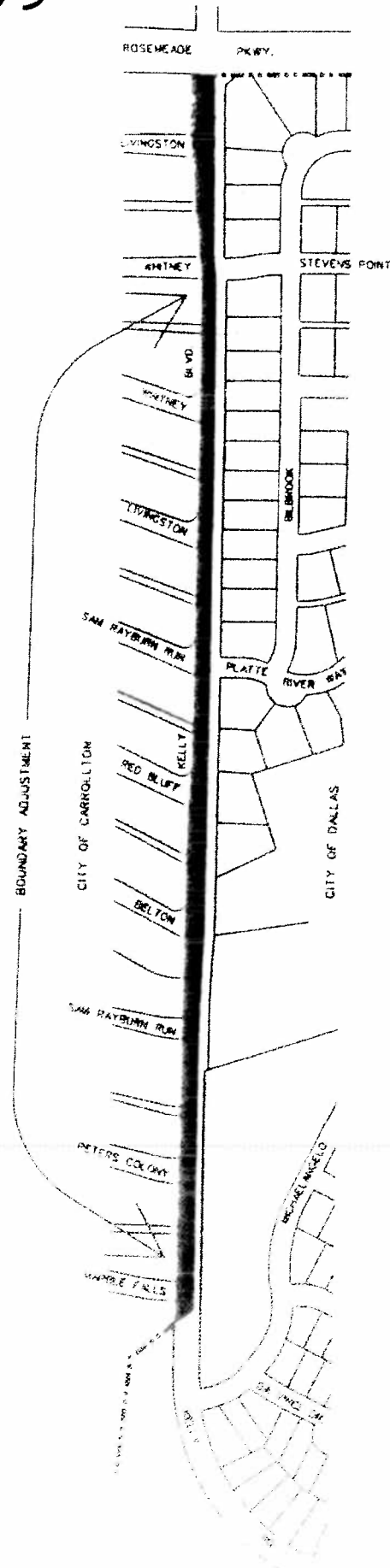
THENCE in an easterly direction along said south right-of-way of Rosemeade Parkway to its intersection with said line that is 20 feet perpendicularly distant west from and parallel with the east right-of-way line of Kelly Boulevard to the PLACE OF BEGINNING and containing approximately 134,900 square feet or 0.004839 square miles.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundaries of the political subdivisions for which it was prepared.

Carrollton
2/2/2017

28985

FIELD NOTES DESCRIBING
A PORTION OF
KELLY BOULEVARD FROM
ROSEMEADE PARKWAY TO
NORTH OF MICHAELANGELO DRIVE
TO BE ANNEXED BY
THE CITY OF DALLAS



Kenneth F. Anderson
2/2/57

28985

TRACT 3

FIELD NOTES DESCRIBING A PORTION OF TRINITY MILLS ROAD
FROM MIDWAY ROAD TO MARSH LANE
TO BE DISANNEXED BY THE CITY OF DALLAS

BEING a tract of land situated in the William Kingwell Survey, Abstract No. 1107, Collin County, Texas and the William Kingwell Survey, Abstract No. 1718, Denton County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the east right-of-way line of Midway Road with the north right-of-way line of Trinity Mills Road, said point being the northeast corner of City of Dallas Ordinance No. 16714 establishing the City Limit between the cities of Dallas and Carrollton;

THENCE in a westerly direction with said north right-of-way line of Trinity Mills Road and City of Dallas Ordinances No 16714 and 16763 to its intersection with the west right-of-way line of Marsh Lane and the common city limit of Dallas and Carrollton;

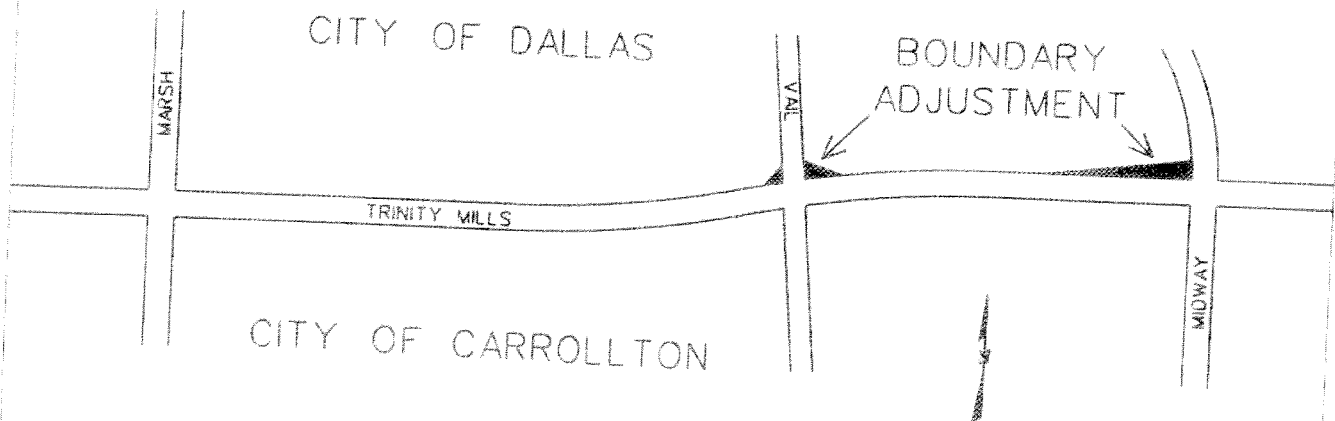
THENCE in a easterly direction along the north right-of-way line of Trinity Mills Road as established by State of Texas Department of Transportation Federal Aid Project STP96 (25) MM, Control Section Job No. 0918-45-275, Trinity Mills Road from Willowgate Lane to Midway Road and Federal Aid Project CM 97(87), Control Section Job No. 0918-45-344, Midway Road at Trinity Mills Road to the PLACE OF BEGINNING and containing approximately 4347 square feet or 0.0001559 square miles. *per*

This document was prepared under 22 TAC§663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundaries of the political subdivisions for which it was prepared.

Kevin Buchanan
7 March, 2007

28985

FIELD NOTES DESCRIBING A PORTION OF TRINITY MILLS ROAD
FROM MARSH LANE TO MIDWAY ROAD
TO BE DISANNEXED BY THE CITY OF DALLAS



K. A. Bush
7 March, 1957

28985

TRACT 4

**FIELD NOTES DESCRIBING A PORTION OF ROSEMEADE PARKWAY
BETWEEN GALLOWAY LANE AND MARSH LANE
TO BE DISANNEXED FROM THE CITY OF DALLAS**

BEING a tract of land situated in the William Miller Survey, Abstract No. 883, and the Joseph Robinson Survey, Abstract No. 1120, both of Denton County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the north right of way line of Rosemeade Parkway (100 feet wide) with the east right-of-way line of Galloway Lane (50 feet wide), said point being the northwest corner of City of Dallas Ordinance No. 20961 Section II (b);

THENCE eastward along said north right of way line of Rosemeade Parkway, being the corporate limit line as established by said City of Dallas Ordinance No. 20961, a distance of 920 feet, more or less, to its intersection with the west right of way line of Marsh Lane (100 feet wide);

THENCE southward along said west right of way line of Marsh Lane a distance of 100 feet, more or less, to its intersection with the south right-of-way line of Rosemeade Parkway;

THENCE westward along said south right-of-way line of Rosemeade Parkway a distance of 920 feet, more less, to its intersection with the southern prolongation of the east right-of-way line of Galloway Lane;

THENCE northward along the southern prolongation of said east right-of-way line of Galloway Lane, a distance of 100 feet, more or less, to the place of beginning and containing approximately 92,000 square feet of land or 0.003300 square miles.

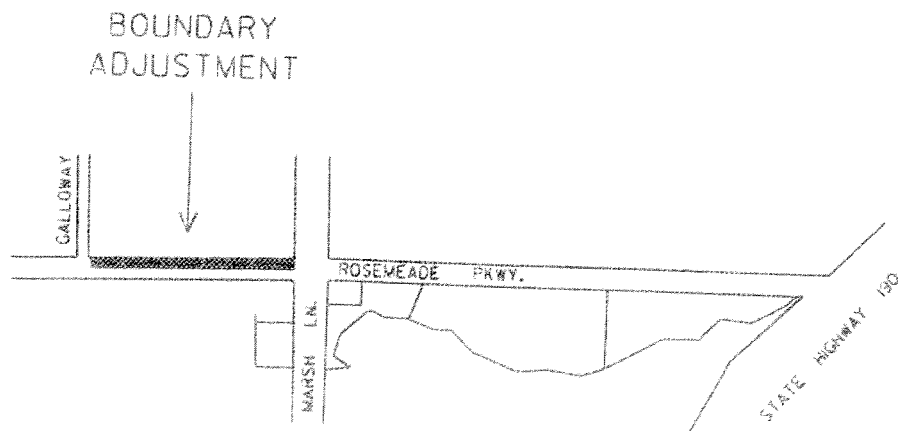
This document was prepared under 22 TAC§663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundaries of the political subdivisions for which it was prepared. *ppp*

kb/carrollton
7/17/7

Carrollton
7 August 2007

28985

FIELD NOTES DESCRIBING A PORTION OF
ROSEMEADE PARKWAY
BETWEEN GALLOWAY LANE AND MARSH LANE
TO BE DISANNEXED FROM THE CITY OF DALLAS



Kenie Burchman
7 August, 2007

28985

**ATTACHMENT NO. 2
CITY OF DALLAS
SERVICE PLAN**

As the result of a series of negotiations, the cities of Dallas and Carrollton have agreed to boundary adjustments to establish clear demarcation lines for the efficient development and delivery of city services to their citizens.

As required by Texas Local Government Code Section 43.056, the following is the service plan for the property described in Attachment No. 1.

Schedule of Municipal Services

A. Police Protection

Police enforcement and protection services are to be provided by the extension of patrol into the annexed area and by response from the Dallas Police Department to individual requests beginning on the effective date of the annexation ordinance.

B. Fire Protection (including emergency ambulance)

Fire protection personnel and equipment, and emergency medical personnel and equipment shall be provided to the annexed area upon request beginning on the effective date of the annexation ordinance.

C. Solid Waste Collection

Solid waste collection service is to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.

D. Water Service

1. Water service is to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. Water mains are to be extended to serve individual owners in the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations.
3. As development and construction of subdivisions commence within the annexed area, water mains are to be extended with City participation in the costs of these extensions in accordance with City of Dallas ordinances, resolutions, and regulations.

28985

E. Sanitary Sewer Service

1. Wastewater service is to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. Sanitary sewer mains are to be extended to serve individual owners in the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations.
3. As development and construction of subdivisions commence within the annexed area, sanitary sewer mains are to be extended with City participation in the costs of these extensions in accordance with City of Dallas ordinances, resolutions, and regulations.

F. Maintenance of Roads and Streets

1. Street maintenance and other street services are to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. As streets are constructed in undeveloped portions of the annexed areas, the City is to participate in the cost of construction, acceptance upon completion, maintenance, and other services in accordance with City of Dallas ordinances, resolutions, and regulations.

G. Parks and Recreation

All of the City of Dallas parks and recreation facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

H. Library Service

All of the City of Dallas library facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

I. Street Lighting

The City of Dallas is to provide for the placement of street lights in accordance with practices in all other areas of the city.

J. Traffic Engineering

Necessary traffic studies are to be performed to determine the need for installation of street identification signs and proper traffic control devices within the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations.

28985

K. Planning and Zoning.

The planning and zoning jurisdiction, including the subdivision platting process, of the City of Dallas extend to the annexed area.

L. Storm Drainage (including flood plain regulations)

Studies are to be conducted to ascertain the limits of the 100-year floodplain in order to place the zoning flood plain prefix on any appropriate areas.

M. Capital Improvements

Dallas will initiate the acquisition or construction of capital improvements necessary for providing services adequate to serve the area annexed as soon as reasonably possible, consistent with generally accepted local engineering and architectural standards and practices. Any necessary capital improvements will be provided no later than 4 1/2 years after the effective date of the annexation ordinance.

N. Miscellaneous

General municipal administrative and code enforcement services of the City of Dallas will be provided to residents of the annexed area, beginning on the effective date of the annexation ordinance.

Carrollton Existing Underground Utilities

Dallas acknowledges that Carrollton has existing underground utilities within the Tract 2 portion of Kelly Boulevard right-of-way, described and shown in Attachment No. 1. Dallas hereby grants Carrollton the right to operate, maintain, repair and replace their existing underground utilities. Any disturbances to Kelly Boulevard by Carrollton from operating, maintaining, repairing, or replacing their existing underground utilities must be repaired by Carrollton in accordance with the General Standards and Paving Design Manual of the City of Dallas.

This Service Plan, for the annexation of property to the City of Dallas, has been prepared by the Department of Sustainable Development and Construction of the City of Dallas, with assistance from other city departments, in conformance with the requirements of Texas Local Government Code Section 43.056 and the Dallas City Charter.

Prepared this 5th day of March, 2013.

28985

**ATTACHMENT NO. 3
CITY OF CARROLLTON
SERVICE PLAN**

As the result of a series of negotiations, the cities of Carrollton and Dallas have agreed to boundary adjustments to establish clear demarcation lines for the efficient development and delivery of city services to their citizens.

As required by Texas Local Government Code Section 43.056, the following is the service plan for the property described in Attachment No. 1.

Schedule of Municipal Services

A. Police Protection

Police enforcement and protection services are to be provided by the extension of patrol into the annexed area and by response from the Carrollton Police Department to individual requests beginning on the effective date of the annexation ordinance.

B. Fire Protection (including emergency ambulance)

Fire protection personnel and equipment, and emergency medical personnel and equipment shall be provided to the annexed area upon request beginning on the effective date of the annexation ordinance.

C. Solid Waste Collection

Solid waste collection service is to be provided to the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.

D. Water Service

1. Water service is to be provided to the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. Water mains are to be extended to serve individual owners in the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations.
3. As development and construction of subdivisions commence within the annexed area, water mains are to be extended with City participation in the costs of these extensions in accordance with City of Carrollton ordinances, resolutions, and regulations.

28985

E. Sanitary Sewer Service

1. Wastewater service is to be provided to the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. Sanitary sewer mains are to be extended to serve individual owners in the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations.
3. As development and construction of subdivisions commence within the annexed area, sanitary sewer mains are to be extended with City participation in the costs of these extensions in accordance with City of Carrollton ordinances, resolutions, and regulations.

F. Maintenance of Roads and Streets

1. Street maintenance and other street services are to be provided to the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. As streets are constructed in undeveloped portions of the annexed areas, the City is to participate in the cost of construction, acceptance upon completion, maintenance, and other services in accordance with City of Carrollton ordinances, resolutions, and regulations.

G. Parks and Recreation

All of the City of Carrollton parks and recreation facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

H. Library Service

All of the City of Carrollton library facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

I. Street Lighting

The City of Carrollton is to provide for the placement of street lights in accordance with practices in all other areas of the city.

J. Traffic Engineering

Necessary traffic studies are to be performed to determine the need for installation of street identification signs and proper traffic control devices within the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations.

28985

- K. Planning and Zoning.
The planning and zoning jurisdiction, including the subdivision platting process, of the City of Carrollton extend to the annexed area.
- L. Storm Drainage (including flood plain regulations)
Studies are to be conducted to ascertain the limits of the 100-year floodplain in order to place the zoning flood plain prefix on any appropriate areas.
- M. Capital Improvements
Carrollton will initiate the acquisition or construction of capital improvements necessary for providing services adequate to serve the area annexed as soon as reasonably possible, consistent with generally accepted local engineering and architectural standards and practices. Any necessary capital improvements will be provided no later than 4 1/2 years after the effective date of the annexation ordinance.
- N. Miscellaneous
General municipal administrative and code enforcement services of the City of Carrollton will be provided to residents of the annexed area, beginning on the effective date of the annexation ordinance.

Dallas Existing Underground Utilities

Carrollton acknowledges that Dallas has existing underground utilities within that portion of Rosemeade Parkway right-of-way referred to as Tract 4, described and shown in Attachment No. 1. Carrollton hereby grants Dallas the right to operate, maintain, repair, and replace the existing underground utilities. Any disturbances to Rosemeade Parkway by Dallas from operating, maintaining, repairing, or replacing existing underground utilities must be repaired by Dallas in accordance with the General Standards of the city of Carrollton.

This Service Plan, for the annexation of property to the City of Carrollton, has been prepared by the Planning Department of the City of Carrollton, with assistance from other city departments, in conformance with the requirements of Texas Local Government Code Section 43.056 and the Carrollton City Charter.

Prepared this 5th day of March 2013.

PLANNING DEPARTMENT
City of Carrollton
Date: March 5, 2013

Case No. 12-05MD3
Boundary Adjustment

ORDINANCE NUMBER 3541

AN ORDINANCE RATIFYING AND ADOPTING AN AGREEMENT BETWEEN THE CITIES OF DALLAS AND CARROLLTON ADJUSTING THEIR COMMON BOUNDARY LINE; RELEASING CERTAIN TRACTS OF LAND TO THE CITY OF DALLAS; RECEIVING CERTAIN TRACTS OF LAND PRESENTLY SITUATED IN THE CITY LIMITS OF DALLAS INTO THE CITY LIMITS OF THE CITY OF CARROLLTON; PROVIDING A SERVICE PLAN FOR THE NEWLY ACQUIRED TERRITORY; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the cities of Dallas and Carrollton to adjust their common boundary line to establish clear lines of demarcation for the most efficient development and delivery of services to the citizens in the area; and

WHEREAS, the cities of Dallas and Carrollton, pursuant to Section 43.031 of the Local Government Code, have entered into an agreement, authorized by City Council Resolution No. Resolution No. 3585 on February 5, 2013, adjusting their common boundary line; and

WHEREAS, the city council finds that it is in the public interest for the City of Carrollton to make such an adjustment; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON:

SECTION 1.

That the City of Carrollton does hereby ratify and adopt the agreement attached as Exhibit A, which was entered into by the City of Dallas and the City of Carrollton on _____, 2013.

SECTION 2.

That the City of Carrollton does hereby release certain tracts of land, along with all extraterritorial jurisdiction pertaining thereto, now within its city limits and described in Exhibit A, to the City of Dallas.

SECTION 3.

That the City of Carrollton does hereby receive and include certain tracts of land, along with all extraterritorial jurisdiction pertaining thereto, presently situated within the city limits of the City of Dallas and described in Exhibit A, into the city limits of the City of Carrollton.

SECTION 4.

That the affected corporate limits of the City of Carrollton shall upon final passage of this ordinance be adjusted as set out in Exhibit A.

SECTION 5.

That the service plan attached as Attachment No. 3 is hereby approved and adopted as the service plan for the newly acquired territory described in Exhibit A of this ordinance.

SECTION 6.

That the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

SECTION 7.

That upon final passage of this ordinance, the City Secretary shall transmit a certified copy of this ordinance to the city secretary of the City of Dallas.

SECTION 9.

That this ordinance shall take effect upon ratification and adoption of the agreement attached as Exhibit A by the City of Dallas, and after its passage and publication in accordance with the provisions of the Charter of the City of Carrollton and it is accordingly so ordained.

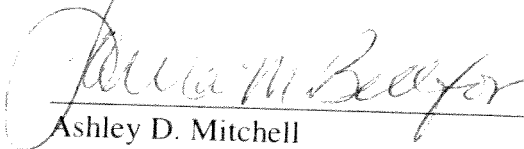
PASSED AND APPROVED this the Fifth day of March, 2013.

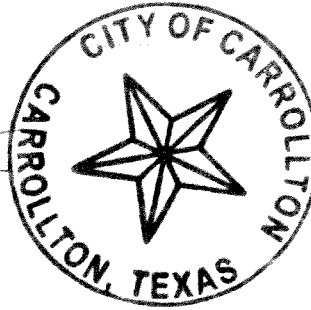
CITY OF CARROLLTON

By: 

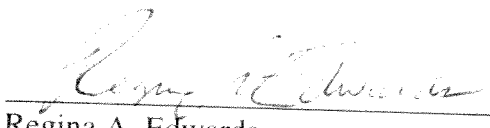
Matthew Marchant, Mayor

ATTEST:

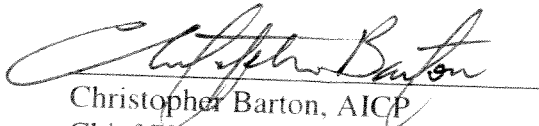

Ashley D. Mitchell
City Secretary



APPROVED AS TO FORM:


Regina A. Edwards
First Assistant City Attorney

APPROVED AS TO CONTENT:


Christopher Barton, AICP
Chief Planner

**EXHIBIT A
BOUNDARY ADJUSTMENT AND
INTERLOCAL AGREEMENT**

THIS AGREEMENT is made and entered into by and between the City of Dallas, Texas, hereinafter referred to as Dallas, and the City of Carrollton, Texas, hereinafter referred to as Carrollton.

WHEREAS, pursuant to Texas Local Government Code Section 43.031 Dallas and Carrollton are authorized to exchange areas within their boundaries that are less than 1,000 feet in width, and;

WHEREAS, the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes local governments to contract with other local governments to perform governmental functions and services under the terms of the Act, and;

WHEREAS, Dallas' north and west boundaries are in part contiguous with the south and east boundaries of Carrollton, and;

WHEREAS, these existing boundaries do not presently allow the efficient development and delivery of city services to the area, and;

WHEREAS, the cities desire to modify their mutual boundaries to allow more efficient development and delivery of city services to the area, and;

WHEREAS, representatives of Dallas and Carrollton have met and agreed on a mutually acceptable boundary that is in the best interest of the citizens of each city.

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions, and promises expressed herein, Dallas and Carrollton agree as follows:

SECTION I.

Statement of Intent

It is the intent of Dallas and Carrollton to modify their respective boundaries in the following manner:

1. Tract 1: an approximately 884,640 square foot portion of Midway Road from Kansas City Southern Railroad south to President George Bush Turnpike, President George Bush Turnpike from Midway Road to Rosemeade Parkway, and Rosemeade Parkway west of President George Bush Turnpike will be adjusted into Dallas.
2. Tract 2: an approximately 134,000 square foot portion of Kelly Boulevard from Rosemeade Parkway to north of Michelangelo Drive will be adjusted into Dallas.
3. Tract 3: an approximately 4,347 square foot portion of Trinity Mills Road from Midway Road to Marsh Lane will be adjusted into Carrollton.
4. Tract 4: an approximately 92,000 square foot portion of Rosemeade Parkway between Galloway Lane and Marsh Lane will be adjusted into Carrollton.

To accomplish this objective, each party agrees to release a portion of each respective city to allow the other city to include the same.

SECTION II.

Release of Territory

- (a) Carrollton agrees to release to Dallas the property more particularly described in Attachment No. 1, attached hereto and made part of this agreement. Dallas agrees to receive and include the property described in Attachment No. 1 within the city limits of Dallas.
- (b) Dallas agrees to release to Carrollton the property more particularly described in Attachment No. 1. Carrollton agrees to receive and include the property described in Attachment No. 1 within the city limits of Carrollton.

SECTION III.

Waiver of Extraterritorial Jurisdiction

(a) Carrollton does hereby waive all of its extraterritorial jurisdiction rights existing by reason of the property described in Section II(a) in favor of Dallas. It is expressly agreed and understood that this waiver shall operate only in favor of Dallas, and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights, that Carrollton may be able to assert against any other municipality.

(b) Dallas does hereby waive all of its extraterritorial jurisdiction rights existing by reason of the property described in Section II(b) in favor of Carrollton. It is expressly agreed and understood that this waiver shall operate only in favor of Carrollton, and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights, that Dallas may be able to assert against any other municipality.

SECTION IV.

Service Plans

(a) Upon ratification and adoption of this agreement by the city council of Dallas, Dallas does hereby agree to immediately begin implementation into the affected area of the service plan attached to and made a part of this agreement as Attachment No. 2.

(b) Upon ratification and adoption of this agreement by the City Council of Carrollton, Carrollton does hereby agree to immediately begin implementation into the affected area of the service plan attached to and made a part of this agreement as Attachment No. 3.

SECTION V.

Interlocal Agreement

(a) Dallas acknowledges that Carrollton has existing underground utilities within the Tract 2 portion of Kelly Boulevard right-of-way, described and shown in Attachment No. 1. Dallas hereby grants Carrollton the right to operate, maintain, repair and replace their existing underground utilities. Any disturbances to Kelly Boulevard by Carrollton from operating, maintaining, repairing, or replacing their existing underground utilities must be repaired by Carrollton in accordance with the General Standards and Paving Design Manual of the city of Dallas.

(b) Carrollton acknowledges that Dallas has existing underground utilities within that portion of Rosemeade Parkway right-of-way referred to as Tract 4, described and shown in Attachment No. 1. Carrollton hereby grants Dallas the right to operate, maintain, repair, and replace the existing underground utilities. Any disturbances to Rosemeade Parkway by Dallas from

operating, maintaining, repairing, or replacing existing underground utilities must be repaired by Dallas in accordance with the General Standards of the city of Carrollton.

(c) For purposes of meeting the needs of the public for travel and transportation, Dallas and Carrollton acknowledge and agree that if either city makes a request of the other city, to relocate, remove, or alter the existing underground utilities within the rights-of-way in Tracts 2 or 4, the requesting city must bear the cost of relocating, removing, or altering those existing underground utilities.

SECTION VI.

Amendments

This agreement may not be amended or modified other than in a written agreement signed by the parties or their successors and assigns. This agreement may not be assigned.

SECTION VII.

Applicable Law

This Agreement shall be governed by and interpreted in accordance with the laws of the State of Texas. Venue for any action based in whole or in part on this agreement is in Dallas County, Texas.

SECTION VIII.

Effective Date


Dallas and Carrollton agree that this agreement shall take effect only upon ratification and adoption by the governing bodies of each city.

SIGNED this the ____ day of March 2013.

CITY OF CARROLLTON, TEXAS

CITY OF DALLAS, TEXAS

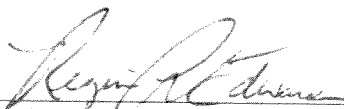

Asst. City Manager



City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:


THOMAS P. PERKINS, JR., City Attorney



Regina Edwards
First Assistant City Attorney

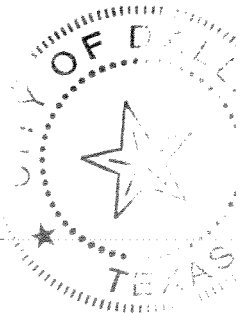
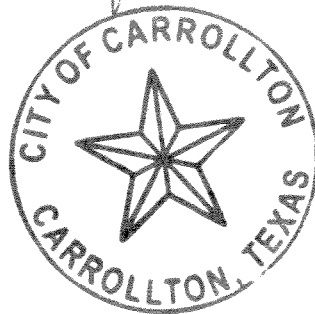

By
Assistant City Attorney

ATTEST:

ATTEST:


Ashley Mitchell
City Secretary


City Secretary



**ATTACHMENT NO. 2
CITY OF DALLAS
SERVICE PLAN**

As the result of a series of negotiations, the cities of Dallas and Carrollton have agreed to boundary adjustments to establish clear demarcation lines for the efficient development and delivery of city services to their citizens.

As required by Texas Local Government Code Section 43.056, the following is the service plan for the property described in Attachment No. 1.

Schedule of Municipal Services

A. Police Protection

Police enforcement and protection services are to be provided by the extension of patrol into the annexed area and by response from the Dallas Police Department to individual requests beginning on the effective date of the annexation ordinance.

B. Fire Protection (including emergency ambulance)

Fire protection personnel and equipment, and emergency medical personnel and equipment shall be provided to the annexed area upon request beginning on the effective date of the annexation ordinance.

C. Solid Waste Collection

Solid waste collection service is to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.

D. Water Service

1. Water service is to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. Water mains are to be extended to serve individual owners in the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations.
3. As development and construction of subdivisions commence within the annexed area, water mains are to be extended with City participation in the costs of these extensions in accordance with City of Dallas ordinances, resolutions, and regulations.

E. Sanitary Sewer Service

1. Wastewater service is to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. Sanitary sewer mains are to be extended to serve individual owners in the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations.
3. As development and construction of subdivisions commence within the annexed area, sanitary sewer mains are to be extended with City participation in the costs of these extensions in accordance with City of Dallas ordinances, resolutions, and regulations.

F. Maintenance of Roads and Streets

1. Street maintenance and other street services are to be provided to the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. As streets are constructed in undeveloped portions of the annexed areas, the City is to participate in the cost of construction, acceptance upon completion, maintenance, and other services in accordance with City of Dallas ordinances, resolutions, and regulations.

G. Parks and Recreation

All of the City of Dallas parks and recreation facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

H. Library Service

All of the City of Dallas library facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

I. Street Lighting

The City of Dallas is to provide for the placement of street lights in accordance with practices in all other areas of the city.

J. Traffic Engineering

Necessary traffic studies are to be performed to determine the need for installation of street identification signs and proper traffic control devices within the annexed area in accordance with City of Dallas ordinances, resolutions, and regulations.

K. Planning and Zoning.

The planning and zoning jurisdiction, including the subdivision platting process, of the City of Dallas extend to the annexed area.

L. Storm Drainage (including flood plain regulations)

Studies are to be conducted to ascertain the limits of the 100-year floodplain in order to place the zoning flood plain prefix on any appropriate areas.

M. Capital Improvements

Dallas will initiate the acquisition or construction of capital improvements necessary for providing services adequate to serve the area annexed as soon as reasonably possible, consistent with generally accepted local engineering and architectural standards and practices. Any necessary capital improvements will be provided no later than 4 1/2 years after the effective date of the annexation ordinance.

N. Miscellaneous

General municipal administrative and code enforcement services of the City of Dallas will be provided to residents of the annexed area, beginning on the effective date of the annexation ordinance.

Carrollton Existing Underground Utilities

Dallas acknowledges that Carrollton has existing underground utilities within the Tract 2 portion of Kelly Boulevard right-of-way, described and shown in Attachment No. 1. Dallas hereby grants Carrollton the right to operate, maintain, repair and replace their existing underground utilities. Any disturbances to Kelly Boulevard by Carrollton from operating, maintaining, repairing, or replacing their existing underground utilities must be repaired by Carrollton in accordance with the General Standards and Paving Design Manual of the City of Dallas.

This Service Plan, for the annexation of property to the City of Dallas, has been prepared by the Department of Sustainable Development and Construction of the City of Dallas, with assistance from other city departments, in conformance with the requirements of Texas Local Government Code Section 43.056 and the Dallas City Charter.

Prepared this ____ day of _____, 2013.

**ATTACHMENT NO. 3
CITY OF CARROLLTON
SERVICE PLAN**

As the result of a series of negotiations, the cities of Carrollton and Dallas have agreed to boundary adjustments to establish clear demarcation lines for the efficient development and delivery of city services to their citizens.

As required by Texas Local Government Code Section 43.056, the following is the service plan for the property described in Attachment No. 1.

Schedule of Municipal Services

A. Police Protection

Police enforcement and protection services are to be provided by the extension of patrol into the annexed area and by response from the Carrollton Police Department to individual requests beginning on the effective date of the annexation ordinance.

B. Fire Protection (including emergency ambulance)

Fire protection personnel and equipment, and emergency medical personnel and equipment shall be provided to the annexed area upon request beginning on the effective date of the annexation ordinance.

C. Solid Waste Collection

Solid waste collection service is to be provided to the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.

D. Water Service

1. Water service is to be provided to the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. Water mains are to be extended to serve individual owners in the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations.
3. As development and construction of subdivisions commence within the annexed area, water mains are to be extended with City participation in the costs of these extensions in accordance with City of Carrollton ordinances, resolutions, and regulations.

E. Sanitary Sewer Service

1. Wastewater service is to be provided to the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. Sanitary sewer mains are to be extended to serve individual owners in the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations.
3. As development and construction of subdivisions commence within the annexed area, sanitary sewer mains are to be extended with City participation in the costs of these extensions in accordance with City of Carrollton ordinances, resolutions, and regulations.

F. Maintenance of Roads and Streets

1. Street maintenance and other street services are to be provided to the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations beginning on the effective date of the annexation ordinance.
2. As streets are constructed in undeveloped portions of the annexed areas, the City is to participate in the cost of construction, acceptance upon completion, maintenance, and other services in accordance with City of Carrollton ordinances, resolutions, and regulations.

G. Parks and Recreation

All of the City of Carrollton parks and recreation facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

H. Library Service

All of the City of Carrollton library facilities are to be available for use by residents of the annexed area beginning on the effective date of the annexation ordinance.

I. Street Lighting

The City of Carrollton is to provide for the placement of street lights in accordance with practices in all other areas of the city.

J. Traffic Engineering

Necessary traffic studies are to be performed to determine the need for installation of street identification signs and proper traffic control devices within the annexed area in accordance with City of Carrollton ordinances, resolutions, and regulations.

- K. Planning and Zoning.
The planning and zoning jurisdiction, including the subdivision platting process, of the City of Carrollton extend to the annexed area.
- L. Storm Drainage (including flood plain regulations)
Studies are to be conducted to ascertain the limits of the 100-year floodplain in order to place the zoning flood plain prefix on any appropriate areas.
- M. Capital Improvements
Carrollton will initiate the acquisition or construction of capital improvements necessary for providing services adequate to serve the area annexed as soon as reasonably possible, consistent with generally accepted local engineering and architectural standards and practices. Any necessary capital improvements will be provided no later than 4 1/2 years after the effective date of the annexation ordinance.
- N. Miscellaneous
General municipal administrative and code enforcement services of the City of Carrollton will be provided to residents of the annexed area, beginning on the effective date of the annexation ordinance.

Dallas Existing Underground Utilities

Carrollton acknowledges that Dallas has existing underground utilities within that portion of Rosemeade Parkway right-of-way referred to as Tract 4, described and shown in Attachment No. 1. Carrollton hereby grants Dallas the right to operate, maintain, repair, and replace the existing underground utilities. Any disturbances to Rosemeade Parkway by Dallas from operating, maintaining, repairing, or replacing existing underground utilities must be repaired by Dallas in accordance with the General Standards of the city of Carrollton.

This Service Plan, for the annexation of property to the City of Carrollton, has been prepared by the Planning Department of the City of Carrollton, with assistance from other city departments, in conformance with the requirements of Texas Local Government Code Section 43.056 and the Carrollton City Charter.

Prepared this ___ day of May 2013.