

ORDINANCE 2023-02

AN ORDINANCE APPROVING THE TERMS OF THE SETTLEMENT AGREEMENT BETWEEN THE TOWN OF LAGUNA VISTA AND THE CITY OF BROWNSVILLE RESOLVING ALL ANNEXATION AND EXTRATERRITORIAL JURISDICTION DISPUTES BETWEEN THESE PARTIES CONTAINED IN CAUSE NO. 2014-DCL-00815-D, SEALES, ET. AL. V. CITY OF BROWNSVILLE, IN THE 103RD JUDICIAL DISTRICT COURT OF CAMERON COUNTY, TEXAS; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town of Laguna Vista (“the Town”) intervened in the lawsuit styled Seales et al v. City of Brownsville, Cause No. 2014-DCL-00815-D in the 103rd Judicial District Court, Cameron County, Texas (the “Litigation”) to challenge the validity of certain annexations and extensions of extraterritorial jurisdiction by the City of Brownsville (“the City”) in the areas of dispute; and,

WHEREAS, the Town and the City were ordered to mediation; and,

WHEREAS, at mediation, the Town and the City reached the agreement embodied within the proposed Compromise, Settlement and Mutual Release Agreement (“Settlement Agreement”); and

WHEREAS, the Settlement Agreement is attached hereto as Exhibit No. 1 and incorporated herein for all purposes; and,

WHEREAS, under the terms of the proposed Settlement Agreement, the Town and the City have agreed to submit an agreed Final Judgment (attached to the proposed Settlement Agreement) to the trial court; and,

WHEREAS, the map attached as Exhibit “A” to the proposed Settlement Agreement and incorporated therein for all purposes depicts the boundaries of the extraterritorial jurisdictions of the Town and the City within the areas shown in the map and on which the Town and the City have agreed as a result of the mediation; and

WHEREAS, the Town and the City will request the trial court to approve and adopt their proposed settlement agreement reached in mediation embodied in the proposed Settlement Agreement; and

WHEREAS, the Town and the City have agreed to exchange and/or release to the extent necessary to effectuate their agreement, in accordance with Sections 42.022 and 42.023 of the Texas Local Government Code, any area previously claimed to be within the extraterritorial jurisdiction of the other party and in order to establish the boundaries of the extraterritorial jurisdictions of the Town and the City as depicted and described in Exhibit "A" attached to the proposed Settlement Agreement; and

WHEREAS, The Settlement Agreement shall constitute a written agreement between the Town and the City pursuant to Texas Local Government Code Sections 42.022 and 42.023; and,

WHEREAS, approval of the terms of the attached proposed Settlement Agreement is in the best interest of the health, safety and general welfare of the citizens of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF LAGUNA VISTA:

SECTION 1. That the terms of the proposed agreement between the Town and the City resolving the Litigation as incorporated in the Settlement Agreement attached as Exhibit No. 1 are hereby approved.

SECTION 2. That the Mayor of the Town is hereby authorized to execute the attached Settlement Agreement.

SECTION 3. It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this Ordinance, was given to all as required by the Texas Government Code, Chapter 551.

SECTION 4. If any part, section, paragraph, sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any

exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this Ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.

SECTION 5. This Ordinance shall be effective upon its approval on second reading.

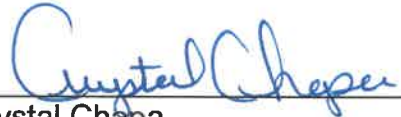
PASSED, APPROVED AND ADOPTED on First Reading by the Town Council of the Town of Laguna Vista, Texas at the regular meeting on the 14th day of March, 2023.

PASSED, APPROVED AND ADOPTED on Second Reading by the Town Council of the Town of Laguna Vista, Texas at the regular meeting on the 12th day of April, 2023.



Michael Carter, Mayor

Attest:



Crystal Chapa,
City Secretary