



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Kenneth Hedges

DATE: August 18, 2026

SUBJECT

Consider adoption of an ordinance of the City of Denton, Texas regarding a Municipal Services Agreement, pursuant to Tex. Loc. Govt. Code Sec. 43.0672, between the City of Denton and Jay Edwin West for the provision of city services to approximately 3.27 acres of land, generally located on the north side of Ganzer Road, approximately 2,497 feet north and east of Chinn Road; approving a schedule of annexation; authorizing the City Manager to execute the agreement; and providing an effective date. (A26-0005, West Annexation, Ashley Ekstedt)

BACKGROUND

The owner, Jay Edwin West, (hereafter referred to as “Owner”), had a non-annexation agreement (ordinance 2016-120), which expired on August 1, 2020. Pursuant to Council direction, the City corresponded with the Owner on multiple occasions, including April 23, 2024, June 13, 2024, and July 2, 2026, to offer a new annexation agreement, but the Owner has not responded. By operation of the expired non-annexation agreement, the Owner has filed a written petition with the City for voluntary annexation of approximately 3.27 acres generally located on the north side of Ganzer Road, approximately 2,497 feet north and east of Chinn Road (hereafter referred to as “Subject Property”).

In accordance with State Law, non-annexation agreements (NAAs) were initially offered to property owners between 2010 and 2016 when the City was in the process of annexing land area within the Extra-Territorial Jurisdiction (ETJ). Texas Local Government Code Section 43.016 requires municipalities to offer NAA agreements to property owners of land area the City is interested in annexing if that land area is appraised for tax purposes as having agricultural, wildlife management, or timber use. In addition, the City also offered NAAs to properties used as single-family residences. NAAs entered into during this initial time period had an original expiration date of August 2020. In 2020, City Council directed staff to offer extensions of the NAAs to August 2040. In accordance with State Law, the total duration of the NAA shall not exceed 45 years.

The general requirements of the NAAS are as follows:

- The property may only be used for single-family residential, agricultural, wildlife, timber, or related uses.
- City of Denton regulations apply to proposed development.
- Development applications and building permits must be submitted and approved through the City of Denton.
- Land may be subdivided into smaller parcels via platting, provided the minimum lot size is at least 5 acres.
- Notification must be provided to the City if the property is sold.

- Properties with agriculture, wildlife management, or timberland exemptions are required to provide notice to the City if there is a change in exemption status.
- If the property owner does not abide by these requirements, or if the NAA expires, the City may proceed with annexation of the property.

Following Council direction in 2020, staff began engaging with property owners with expired NAAs in an effort to enter into new agreements with 2040 expiration dates. Between 2020 and 2021 a majority of property owners with expired NAAs entered into new agreements; however, 21 NAAs remained expired.

In 2024, staff revisited the topic of expired NAAs with City Council. Direction was given to contact the property owners of the 21 expired agreements to extend the NAAs and pursue annexation for any remaining expired NAAs. Initial letters offering NAA extensions were mailed in April 2024 with follow-up letters in June prior to the initial response deadline of June 21, 2024. Additional letters were mailed in June 2024, and a final letter was sent to the property owner on July 2, 2026. Currently, 10 of the 21 property owners with expired NAAs have entered into new agreements with the City. The City has begun the process of annexing the remaining areas. Given the number of expired NAAs, staff will bring forward the annexation cases in groups based on parcel size, beginning with the smallest parcels.

If the Municipal Services Agreement is approved, staff will reach out to the applicant a final time to offer the extension of the non-annexation agreement.

Approval of this Municipal Services Agreement is the first of several steps required for a voluntary annexation based upon the requirements of TXLGC Sec. 43.0672 and the City's Charter as outlined below:

- 1. Approval of a Municipal Services Agreement**
2. Approval of a Service Plan
3. Annexation Public Hearing
4. First Reading of Annexation Ordinance
5. Publication of Annexation Ordinance
6. Second Reading and Adoption of Annexation Ordinance

The first four of these items are on this agenda, with this being the first required step in the process. Following the first reading of the annexation ordinance, the ordinance must be published in the newspaper, and the second reading is required to occur at least 30 days following ordinance publication.

Due to annexation law, under Subchapter C-3 (TXLGC Sec. 43.0672), a municipality that elects to annex an area upon request of owners must first negotiate and enter into a written Service Agreement with the owners of the land in the area for the provision of services in the area. The attached Municipal Services Agreement contains the City's standard Service Plan for annexations regarding streets, water, wastewater, police and fire protection, and park services.

The subject property is situated on the north side of Ganzer Road, approximately 2,497 feet north and east of Chinn Road. The property to the north, east, and west of the subject property are situated within the City of Denton's Extraterritorial Jurisdiction (ETJ) and have signed an NAA. The property to the south of the Subject Property also has an expired NAA. Ganzer Road, to the south of the Subject Property, is a residential street.

The Future Land Use designation for the subject property is Agriculture. The description for this Future Land Use category is provided below:

This category denotes areas that have large tracts of land in active agriculture uses for preservation, including ranchland, field crops, and other similar agricultural uses. This may also include rural

commercial uses, alternative energy generation, and accessory structures to support agricultural uses and uses that support agritourism. This category may include large lot residential (a maximum of one unit per ten acres). This land use may allow lots as small as one acre under the gross density provision to allow for conservation development which clusters smaller lots while permanently protecting scenic rural open space (through conservation easements). Residential development in this future land use category will continue the present character of the rural and agricultural areas of Denton with low-profile homes of no greater than two stories, generous lots and setbacks, and materials that complement the natural surroundings and ranch heritage.

The Subject Property is not currently being served with City water or sewer.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

April 5, 2016	City Council	Non-Annexation Agreement	Approved
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Recommendation:

Staff recommends approval of the Municipal Services Agreement and annexation schedule.

OPTIONS

1. Approve
2. Deny
3. Postpone Item

EXHIBITS

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Site Location Map

Exhibit 3 - Draft Municipal Services Agreement and Annexation Schedule Ordinance

Exhibit 4 - Presentation

Respectfully submitted:
Hayley Zagurski, AICP
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