

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON ANNEXING APPROXIMATELY 4.7 ACRE OF LAND, GENERALLY LOCATED NORTH OF RYAN ROAD, WEST OF FM 2181 (TEASLEY LANE) AND LAKE FOREST GOOD SAMARITAN VILLAGE, AND EAST OF COUNTRY CLUB ROAD, MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" AND ILLUSTRATED IN EXHIBIT "B"; PROVIDING FOR A CORRECTION TO THE CITY MAP TO INCLUDE THE ANNEXED LANDS; PROVIDING FOR A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 43.061, Subchapter C-1, Local Government Code, a home rule city is authorized to annex certain areas that are not required to be in an annexation plan, and the City desires to pursue annexation of a certain 4.7 acres of property located generally north of Ryan Road, west of FM 2181, and east of Country Club Road, more commonly known as 1101 E Ryan Road, and more particularly described in Exhibit A attached hereto and incorporated herein (the "Andrus Property"); and

WHEREAS, Section 43.035, Subchapter B, Local Government Code requires the City to make offers of non-annexation development agreements to the owners of all properties which have been appraised for ad valorem tax purposes as land for agricultural, wildlife management or timberland within the area to be annexed; and

WHEREAS, under a non-annexation agreement between an eligible property owner and the City, the land subject to the agreement retains its extraterritorial status and the owners of such land must abide by the City's development regulations as if such land were within the City limits, as provided further in such agreement; and

WHEREAS, the City has offered said non-annexation agreement for a one year term in light of the rapid growth of the Denton area, the need to assure orderly growth, and the inadequate land area currently within the Denton city limits; and

WHEREAS, on March 3, 2015, the City Council adopted Ordinance 2015-072, accepting a Non-Annexation Agreement (NAA) for the Andrus Property, which was then extended for 120 and 90 days on March 1, 2016 and June 7, 2016, respectively; and

WHEREAS, the NAA expired on September 5, 2016 and the City sent the property owners of the Andrus Property a notice of its intent to annex on October 6, 2016; and

WHEREAS, two public hearings were held with the City Council on March 7, 2017, and March 21, 2017, which were noticed in accordance with Section 43.063, of the Texas Local Government Code; and

WHEREAS, the City has prepared a service plan for the area to be annexed in accordance with Tex. Loc. Gov't Code section 43.056 providing full municipal services to such area; and

WHEREAS, annexation proceedings were instituted for the property described herein and the first reading of the ordinance was conducted at the City Council meeting on April 11, 2017; and

WHEREAS, this ordinance has been published in full one time in the official newspaper of the City of Denton after annexation proceedings were instituted and thirty days prior to City Council taking final action, as required by the City Charter; and

WHEREAS, a second reading of the ordinance and final action on the annexation was taken at the City Council meeting on May 16, 2016; and

WHEREAS, the Denton City Council deems it to be in the best interests of the citizens of the City of Denton to pursue annexation of the Andrus Property; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The land described and depicted in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference, is annexed to the City of Denton, Texas.

SECTION 2. A service plan prepared in accordance with applicable provisions of state law pertaining to annexation is attached hereto as Exhibit C and made a part hereof for all intents and purposes.

SECTION 3. The newly annexed property shall be included within the corporate limits of the City of Denton, Texas, thereby extending the City's corporate limits and granting to all the inhabitants of the newly annexed property all of the rights and privileges of other citizens and binding the inhabitants to all of the ordinances, resolutions, acts, and regulations of the City. A copy of this Ordinance shall be filed in the real property records of the Denton County Clerk and with the Denton County Appraisal District.

SECTION 4. The City Manager is hereby authorized and directed to immediately correct the map of the City of Denton by adding thereto the additional territory annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance, and the ETJ resulting from such boundary extensions.

SECTION 5. Should any paragraph, section, sentence, phrase, clause, or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 6. This ordinance shall be effective immediately upon its passage.

PASSED AND APPROVED this the ____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY: Jennifer W. Walters

Exhibit A

All that certain lot, tract or parcel of land lying and being situated in the County of Denton, State of Texas, and presently being embraced by the Denton city limit boundaries of record and established by the annexation ordinances as follows: Ordinance 2001-090 and Ordinance 1973-017; and being situated in the T. Peacock Survey, Abstract Number 1589 and the C. Poullalier Survey, Abstract Number 1006 and being part of the 5.518 acre tract of land as described in the deed to Jean Ann Baker and James Samuel Tull from Melbagene Tull Ryan as recorded by County Clerk file number 2011-119346, Real Property Records, Denton County, Texas, and being more particularly described as follows:

COMMENCING at a point in the centerline of Ryan Road and being the southwest corner of said C. Poullalier Survey and the southeast corner of said T. Peacock Survey and being a corner of the existing Denton city limits as established by Ordinance No. 2001-090 and being a corner of the existing Denton city limits as established by Ordinance No. 1973-017;

THENCE North along the existing Denton city limits established by Ordinance No. 2001-090 and Ordinance No. 1973-017, a distance of 30 feet to a point for a corner and a corner of said Denton city limits established by Ordinance 2001-090 and being the point of beginning of the herein described tract;

THENCE West along the north line of said Ryan Road and a north line of said Denton city limits established by Ordinance 2001-090, a distance of 805.47 to a point for corner on the west line of said 5.518 acre tract also being a corner of said Denton city limits established by Ordinance 2001-090;

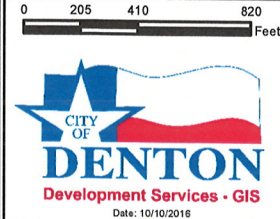
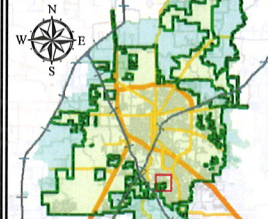
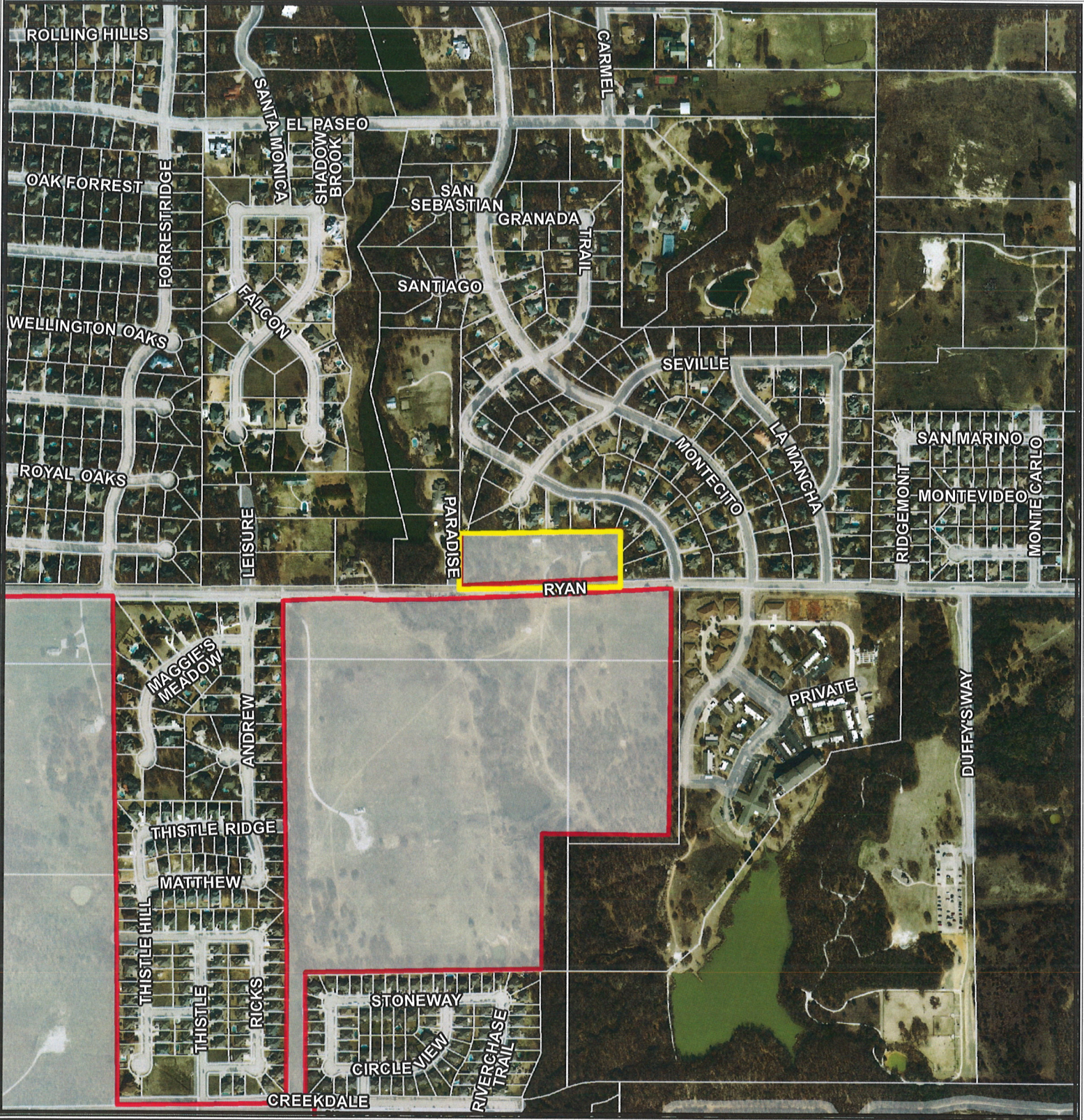
THENCE North along a west line of said existing Denton city limits established by Ordinance 2001-090 and along the west line of said 5.518 acre tract a distance of 239.41 feet to a point for a corner being the southwest corner of Lot 1, Block E of the Montecito Del Sur, an Addition to the City of Denton, Denton County, Texas, according to the Plat thereof, recorded in Volume 9, Page 34, of the Plat Records of Denton County Texas and being the northwest corner of said 5.518 acre tract, also being a corner of said Denton city limits established by Ordinance No. 1973-017;

THENCE North 88 degrees 14 minutes 27 seconds east, along a south line of said Montecito Del Sur Addition and along a south line of said Denton city limits established by Ordinance No. 1973-017 and along the north line of said 5.518 acre tract a distance of 832.73 feet to a point for a corner and being a corner of said existing Denton city limits as established by Ordinance 1973-017 and being the northeast corner of said 5.518 acre tract;

THENCE South 00 degrees 33 minutes 12 seconds east, along the east line of said 5.518 acre tract and along a east line of said Montecito Del Sur Addition and along said Denton city limits as established by Ordinance 1973-017 a total distance 252 feet more or less to the POINT OF BEGINNING and containing 4.7 acres of land.

A16-0004 Andrus Property
Site Location

Exhibit B



The City of Denton has prepared maps for departmental use. These are not official maps of the City of Denton and should not be used for legal, engineering or surveying purposes but rather for reference purposes. These maps are the property of the City of Denton and have been made available to the public based on the Public Information Act. The City of Denton makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. Utilization of this map indicates understanding and acceptance of this statement.

Exhibit C

CITY OF DENTON SERVICE PLAN A16-0004 Andrus Property

I. AREA ANNEXED

The area to be annexed includes approximately 4.7 acres of land contained within the City of Denton's Extraterritorial Jurisdiction (ETJ), Division 1. The proposed annexation contains one tract and one property owner.

II. INTRODUCTION

This service plan has been prepared in accordance with the Texas Local Government Code, Sections 43.021; 43.065; and 43.056(b)-(o) (Vernon 2008, as amended). Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the City of Denton in accordance with the following plan. The City of Denton shall provide the annexed tract the levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of service, infrastructure, and infrastructure maintenance available in other parts of the City of Denton with similar topography, land use, and population density.

III. AD VALOREM (PROPERTY OWNER) TAX SERVICES

A. Police Protection

Police protection from the City of Denton Police Department shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas on the effective date of the ordinance. Some of these services include:

1. Normal patrols and responses;
2. Handling of complaints and incident reports;
3. Special units, such as traffic enforcement, investigations and special weapons; and
4. Coordination with other public safety support agencies.

As development commences in this area, sufficient police protection, including personnel and equipment will be provided to furnish this area with the level of police services consistent with the characteristics of topography, land utilization and population density of the area.

Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.

B. Fire Protection

The Denton Fire Department will provide emergency and fire prevention services to the annexed area. These services include:

1. Fire suppression and rescue;

2. Pre-hospital medical services including triage, treatment and transport by Advanced Life Support (ALS) fire engines, trucks and ambulances;
3. Hazardous materials response and mitigation;
4. Emergency prevention and public education efforts;
5. Technical rescue response; and
6. Construction plan review and required inspections.

Fire protection from the City of Denton shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Denton on the effective date of the ordinance.

As development commences in this area, sufficient fire protection, including personnel and equipment will be provided to furnish this area with the level of services consistent with the characteristics of topography, land utilization and population density of the area. It is anticipated that fire stations planned to serve areas within the City of Denton will be sufficient to serve the area now being considered for annexation.

Upon ultimate development, fire protection will be provided at a level consistent with other similarly situated areas within the city limits.

C. Emergency Medical Service

The Denton Fire Department will provide the following emergency and safety services to the annexed area. These services include:

1. Emergency medical dispatch and pre-arrival First Aid instructions;
2. Pre-hospital emergency Advanced Life Support (ALS) response; and transport;
3. Medical rescue services.

Emergency Medical Services (EMS) from the City of Denton shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Denton on the effective date of the ordinance.

As development commences in this area, sufficient EMS, including personnel and equipment will be provided to furnish this area with the level of services consistent with the characteristics of topography, land utilization and population density of the area.

Upon ultimate development, EMS will be provided at a level consistent with other similarly situated areas within the city limits.

D. Solid Waste

Solid Waste and Recycling Collection Services will be provided to the newly annexed property immediately upon the effective date of the annexation at a level consistent with current methods and procedures presently provided to similar areas within the city. Private solid waste collection service providers operating in the affected area immediately prior to annexation and currently providing customers with service, may continue to provide their existing service for up to 2 years in accordance with Texas Local Government Code.

E. Wastewater Facilities

The proposed annexation area is within the City of Denton Sewer Service Area as defined by Certificate of Convenience and Necessity (CCN) Number 20072 as issued by the Texas Commission on Environmental Quality (TCEQ).

As development commences in this area, sanitary sewer mains will be extended in accordance with the provisions of the City's codes, ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City ordinances and regulations. Capacity shall be provided consistent with the characteristics of topography, land utilization, and population density of the area.

Sanitary sewer mains and lift stations installed or improved to City standards within the annexed area which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City on the effective date of this ordinance.

Operation and maintenance of wastewater facilities in the annexed area that are within the service area of another wastewater utility will be the responsibility of that utility. Operation and maintenance of private wastewater facilities in the annexed area will be the responsibility of the owner.

F. Water Facilities

The proposed annexation area is within the City of Denton Water Service Area as defined by Certificate of Convenience and Necessity (CCN) Number 10195 as issued by the Texas Commission on Environmental Quality (TCEQ).

Connections to existing City of Denton water distribution mains for water service will be provided in accordance with existing City ordinances and policies. Upon connection to existing distribution mains, water service will be provided at rates established by city ordinance.

As new development occurs within this area, water distribution mains will be extended in accordance with Denton's Codes, ordinances and utility service policies. City participation in the costs of these extensions shall be in accordance with Denton's codes and ordinances. Water service capacity shall be provided consistent with the characteristics of topography, land use and population density of the area.

Operation and maintenance of water facilities in the annexed area that are within the service area of another water utility will be the responsibility of that utility.

Existing developments, businesses or homes that are on individual water wells or private water systems will be allowed to continue to remain on these systems until a request for water service is made to the City. These requests for service will be handled in accordance with the applicable utility service line extension and connection policies currently in place at the time the request for service is received.

G. Roads and Streets

Emergency street maintenance shall be provided within the annexation area on the effective date of the applicable ordinance of acceptance. Routine maintenance will be provided within the annexation area and will be scheduled as part of the City's annual program and in accordance with the current policies and procedures defined by the ordinance and/or as established by the City Council.

Any construction or reconstruction will be considered within the annexation area on a City wide basis and within the context of the City's CIP and/or yearly fiscal budgetary allotments by the City Council.

Roadway signage and associated posts will be replaced in priority of importance starting with regulatory signs, then warning signs, then informational signs and in conformance with fiscal allotments by the City Council. All exiting signs will be reviewed for applicability and based upon an engineering study. New signs will be installed when necessary and based upon an engineering study.

Routine maintenance of road/street markings will be placed on a priority listing and scheduled within the yearly budgetary allotments by the City Council.

H. Parks, Playgrounds, Swimming Pools

Residents within the annexed area may utilize all existing park and recreation facilities, on the effective date of this ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.

As development commences in this area, additional park and recreation facilities shall be constructed based on park policies defined in the Park Master Plan and as specified in the Park Dedication and Development Ordinance. The general planned locations and classifications of parks will ultimately serve residents from the current City limits and residents from the area being considered for annexation.

I. Publicly Owned Facilities

Any publicly owned facility, building, or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be

maintained by the City of Denton on the effective date of the annexation ordinance.

J. Other Services

Other services that may be provided by the City of Denton, such as municipal and general administration will be made available on the effective date of the annexation ordinance. The City of Denton shall provide level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City of Denton with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

III. UNIFORM LEVEL OF SERVICES IS NOT REQUIRED

Nothing in this plan shall require the City of Denton to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

IV. TERM

This service plan shall be valid for a term of ten (10) years. Renewal of the service plan shall be at the discretion of City Council.

V. AMENDMENTS

The service plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this service plan unworkable or obsolete. The City Council may amend the service plan to conform to the changed conditions or subsequent occurrences pursuant to Texas Local Government Code, Section 43.056.