



# City of Denton

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

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Cassey Ogden

**DATE:** March 5, 2024

### **SUBJECT**

Consider approval of a resolution of the City of Denton denying North Texas Contracting Inc.'s petition for removal of property from the extraterritorial jurisdiction of the City of Denton and denying the City's consent to the reduction of the City's extraterritorial jurisdiction; and providing an effective date.

### **BACKGROUND**

Senate Bill 2038 (SB2038) was signed into law in May 2023 allowing for petition for removal from the extraterritorial jurisdiction (ETJ). SB 2038 is an unconstitutional delegation of legislative authority because pursuant to Section 42.023 of the Texas Local Government Code, the ETJ of the City may only be reduced if the City Council has exercised its legislative authority to consent to the reduction of the City's ETJ and pursuant to Article II, Section 1 of the Texas Constitution, landowners may not be delegated the legislative authority to remove their property from the City's ETJ without the consent of the City Council. Therefore, the petitions for removal from the ETJ are invalid if the City Council denies its consent. Approval of this resolution has the effect of denying consent to removal from the ETJ.

This petition was originally considered by City Council on February 6, 2024 and denied based on the City's position on SB2038 and a lack of legibility. The petitioner resubmitted the petition on February 6, 2024 with an updated legal description.

### **OPTIONS**

1. Approve
2. Deny
4. Postpone Item.

### **RECOMMENDATION**

Staff recommends denying North Texas Contracting, Inc.'s resubmitted petition for removal of property from the extraterritorial jurisdiction based on the City's position on SB2038.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

September 2023- City Council held a work session on SB 2038

February 6, 2024- City Council denied North Texas Contracting, Inc.'s initial petition.

### **EXHIBITS**

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Draft Resolution

Respectfully submitted:

Charlie Rosendahl  
Business Services Manager