



City of Denton

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

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 Harold Peck, Mary Peck, and Peck Investments, Ltd.'s petitions 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.

OPTIONS

1. Approve
2. Deny
4. Postpone Item.

RECOMMENDATION

Staff recommends denying Harold Peck, Mary Peck, and Peck Investments, Ltd.'s petition for removal of property from the extraterritorial jurisdiction based on the City's position on SB2038 and due to a lack of legibility of the legal description in the petition.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

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

EXHIBITS

- Exhibit 1 - Agenda Information Sheet
Exhibit 2 - Draft Resolution

Respectfully submitted:
Charlie Rosendahl
Business Services Manager