

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, NUNC PRO TUNC, CORRECTING AN INADVERTENT MISTAKE IN ORDINANCE NO. 2015-189 RELATING TO THE ANNEXATION OF AN AREA OF LAND OF APPROXIMATELY 4.29 ACRES TO THE CITY OF DENTON, TEXAS, GENERALLY IDENTIFIED AS PAA4, GENERALLY LOCATED SOUTH OF MILAM ROAD, NORTH OF LOOP 288, EAST OF I-35, WEST OF LOCUST STREET, AND MORE SPECIFICALLY IDENTIFIED IN EXHIBITS “A & B” ATTACHED HERETO; SPECIFICALLY BY EXCLUDING ONE PARCEL OF LAND THAT WAS INADVERTENTLY ANNEXED NOTWITHSTANDING THAT THE PARCEL WAS ELIGIBLE TO SIGN A NON-ANNEXATION AGREEMENT FOR AGRICULTURAL, WILDLIFE MANAGEMENT OR TIMBERLAND USE; PROVIDING FOR A CORRECTION OF THE CITY MAP TO EXCLUDE THE INADVERTENTLY ANNEXED LAND; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 16, 2015, the City Council adopted Ordinance No. 2015-189, which annexed to the City of Denton, Texas approximately 4.29 acres of land in a land area generally identified as “PAA4”, as legally described in Exhibit “A” and depicted in Exhibit “B”; and

WHEREAS, the City has recently discovered that one parcel of land was inadvertently annexed to the City as part of PAA4; and

WHEREAS, the parcel of land, as legally described in Exhibit “C”, was eligible for non-annexation agreement before PAA4 was annexed, because the parcel had a valid agricultural land exemption for ad valorem tax purposes; and

WHEREAS, due to an inadvertent clerical error, the owners of the parcel were not offered a non-annexation agreement covering the parcel; and

WHEREAS, thus the parcel was inadvertently annexed into the City via Ordinance No. 2015-189; and

WHEREAS, the property owners have requested that this inadvertent mistake be corrected and that they be allowed to sign a non-annexation agreement to be adopted by the City Council; and

WHEREAS, the City Council has the inherent power to retroactively correct such mistakes to reflect only those properties within PAA4 that were actually intended to be annexed by the City Council when approving Ordinance No. 2015-189; and

WHEREAS, Ordinance No. 2015-070, which ordinance adopted all the non-annexation agreements within PAA4, is also being corrected via ordinance, *nunc pro tunc*, to include the property owners valid non-annexation agreement and to exclude the parcel retroactively from the City limits and tax rolls; and

WHEREAS, the City Council finds that the action taken herein is in the public interest;  
NOW, THEREFORE

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference.

SECTION 2. Ordinance No. 2015-189 is hereby amended to the limited extent necessary to correct an inadvertent mistake in the annexation of the parcel, as legally described in Exhibit "C", and as corrected, said parcels shall be excluded from the parcels within the area of land known as PAA4, which as corrected shall remain as legally described and depicted in Exhibits "A" and "B".

SECTION 3. All other provisions of Ordinance No. 2015-189 not specifically amended herein shall continue in force and effect; however, the provisions of this ordinance shall govern and control over any conflicting provisions of Ordinance No. 2015-189, to the extent of any such conflict.

SECTION 4. This ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the *Denton Record-Chronicle*, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage and approval.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
CHRIS WATTS, MAYOR

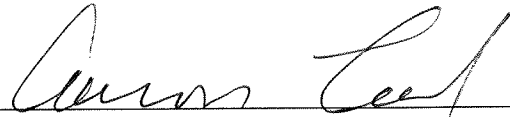
ATTEST:

JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

ANITA BURGESS, CITY ATTORNEY

BY: 

# **EXHIBIT “A”**

### **Annexation Tract PAA4**

BEGINNING at point in the present Denton city limit line as established by Ordinance 2008-137; said point being the northwest corner of the annexation tract described therein and also lying on the south right-of-way line of F.M. 3163 (Milam Road) 2008-137;

THENCE South  $01^{\circ} 08' 35''$  West continuing along the present Denton city limit line established by Ordinance 2008-137 a distance of 2,996.05 feet to point for corner, said point being the southwest corner of the annexation tract described therein;

THENCE South  $89^{\circ} 10' 00''$  East continuing along the present Denton city limit line established by Ordinance 2008-137 a distance of 2,457.02 feet to a point for corner, said point being the most northerly southwest corner of a City of Denton annexation tract established and described by Ordinance 2007-077 (Tract 1);

THENCE South  $88^{\circ} 54' 04''$  East continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 1) a distance of 197.47 feet to a point for a corner;

THENCE South  $02^{\circ} 28' 55''$  East continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 1) a distance of 965.89 feet to a point for corner;

THENCE South  $01^{\circ} 00' 33''$  East continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 1) a distance of 539.43 feet to a point for corner;

THENCE South  $00^{\circ} 04' 12''$  West continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 1) a distance of 2,649.30 feet to a point for corner;

THENCE South  $00^{\circ} 26' 12''$  West continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 1) a distance of 668.18 feet to a point for corner, said point being a southwest corner of said Ordinance 2007-077 (Tract 1) annexation tract and lying on the north line of a City of Denton annexation tract established by Ordinance 1985-151;

THENCE North  $89^{\circ} 11' 35''$  West continuing along the present Denton city limit line established by Ordinance 1985-151 a distance of 575 feet to a point for corner, said point being the northwest corner of said Ordinance 1985-151 annexation tract and also being the northeast corner of a City of Denton annexation tract established by Ordinance 2007-077 (Tract 2);

### **Annexation Tract PAA4**

THENCE North 89° 32' 45" West continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 2) a distance of 2,128.41 feet to a point for corner;

THENCE South 00° 03' 28" West continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 2) a distance of 26.07 feet to a point for a corner;

THENCE North 89° 32' 32" West continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 2) a distance of 972.02 feet to a point for a corner;

THENCE South 01° 35' 23" West continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 2) a distance of 1,003.38 feet to a point for corner;

THENCE South 01° 34' 05" West continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 2) a distance of 932.20 feet to a point for corner;

THENCE South 88° 29' 12" East continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 2) a distance of 1,541.64 feet to a point for a corner,

THENCE South 00° 56' 25" West continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 2) a distance of 185.30 feet to a point for a corner;

THENCE South 88° 09' 02" East continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 2) a distance of 498.78 feet to a point for a corner, said point being a southeast corner of said Ordinance 2007-077 (Tract 2) annexation tract and also lying on a west line of a City of Denton annexation tract established by Ordinance 2002-257;

THENCE South 00° 56' 33" West continuing along the present Denton city limit line established by Ordinance 2002-257 a distance of 6 feet to a point for corner;

THENCE South 01° 06' 36" West continuing along the present Denton city limit line established by Ordinance 2002-257 a distance of 1,764.22 feet to a point for corner;

THENCE North 88° 31' 42" West continuing along the present Denton city limit line established by Ordinance 2002-257 a distance of 624.97 feet to a point for corner;

### **Annexation Tract PAA4**

THENCE South 02° 02' 28" West continuing along the present Denton city limit line established by Ordinance 2002-257 a distance of 40 feet to a point for corner, said point being the northwest corner of a City of Denton annexation tract established by Ordinance 2007-077 (Tract 3);

THENCE South 00° 23' 04" West continuing along the present Denton city limit line established by Ordinance 2007-077 (Tract 3) a distance of 1,765.70 feet to a point for corner, said point being the southwest corner said 2007-077 (Tract 3) annexation tract and also being on the east right-of-way line of Bonnie Brae Road and being the northwest corner of a City of Denton annexation tract established by Ordinance 1980-26;

THENCE South 00° 12' 13" West continuing along the present Denton city limit line established by Ordinance 1980-26 a distance of 450 feet to a point for corner, said point being the northeast corner of a City of Denton annexation tract established by Ordinance 1982-4;

THENCE North 89° 04' 24" West continuing along the present Denton city limit line established by Ordinance 1982-4 a distance of 1,791.93 feet to a point for corner;

THENCE North 58° 21' 24" West continuing along the present Denton city limit line established by Ordinance 1982-4 a distance of 926 feet to a point for corner, said point being the southeast corner of a City of Denton annexation tract established by Ordinance 1986-6;

THENCE North 00° 25' 59" East continuing along the present Denton city limit line established by Ordinance 1986-6 a distance of 1,845.44 feet to a point for corner;

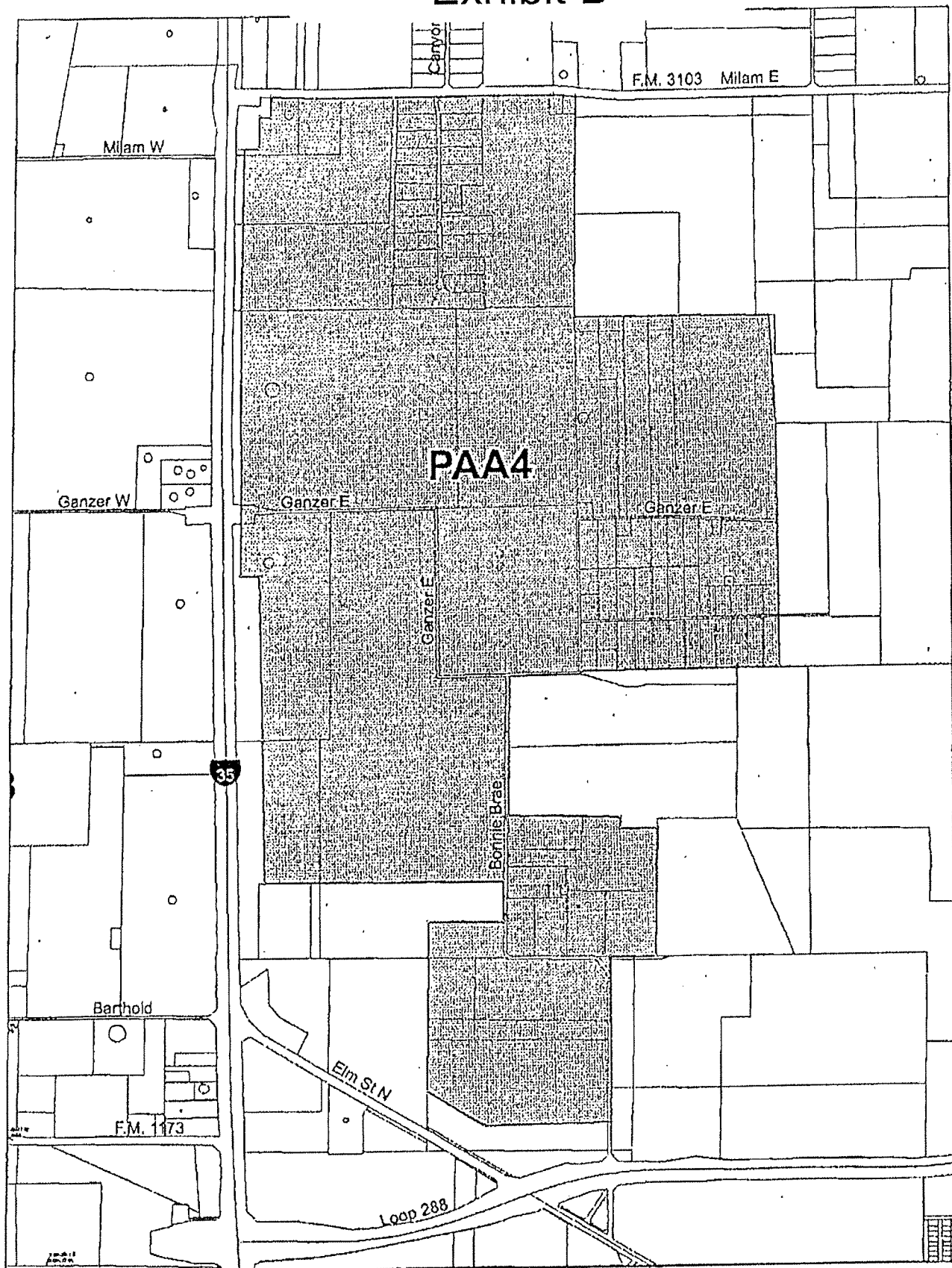
THENCE North 00° 22' 28" East continuing along the present Denton city limit line established by Ordinance 1986-6 a distance of 506.6 feet to a point for corner;

THENCE South 89° 27' 00" East continuing along the present Denton city limit line established by Ordinance 1986-6 a distance of 1,033.4 feet to a point for corner;

THENCE North 00° 22' 27" East continuing along the present Denton city limit line established by Ordinance 1986-6 a distance of 564.11 feet to a point for corner;

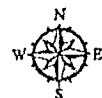
THENCE North 89° 31' 39" West continuing along the present Denton city limit line established by Ordinance 1986-6 a distance of 2,485.31 feet to a point for corner, said point being the northwest corner of said Ordinance 1986-6 annexation tract and also being the northeast corner of a City of Denton annexation tract established by Ordinance 1998-224;

# Exhibit B



City of Denton, Texas  
**PAA4 - 1,550 Acres**

**FREESE NICHOLS**



0 600 1,200 2,400 3,600 Feet

### **Exhibit "C"**

Being Lot 17, Block A, of Milan Creek Ranch, Phase II, an addition to Denton County, Texas, according to the plat thereof recorded in Cabinet O, Page 385 of the Plat Records of Denton County, Texas, together with Affidavit of Correction filed September 25, 1998 recorded in Volume 4183, Page 1609, Real Property Records of Denton County, Texas and being that certain lot, tract or parcel of land described in that Warranty Deed with Vendor's Lien dated January 7, 2016, Gregory Bachman aka Gregory Charles Bachman and Tiffany Bachman aka Tiffany Lynn Bachman, to Ricky Von Greathouse and Amiee Greathouse, filed for record on January 8, 2016 and recorded in Instrument Number 2016-2431 of the Real Property Records of Denton County, Texas. Said lot being commonly known as DCAD Property ID no. 202617