

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, NUNC PRO TUNC, CORRECTING AN INADVERTENT MISTAKE IN ORDINANCE NO. 2015-186 RELATING TO THE ANNEXATION OF AN AREA OF LAND OF APPROXIMATELY 1,171 ACRES TO THE CITY OF DENTON, TEXAS, GENERALLY IDENTIFIED AS PAA1, GENERALLY LOCATED SOUTH OF JIM CHRISTAL ROAD, NORTH OF TOM COLE ROAD, WEST OF MASCH BRANCH ROAD, AND MORE SPECIFICALLY IDENTIFIED IN EXHIBITS “A & B” ATTACHED HERETO; SPECIFICALLY BY EXCLUDING FOUR PARCELS OF LAND THAT WERE INADVERTENTLY ANNEXED NOTWITHSTANDING THAT THE PARCELS WERE ELIGIBLE TO SIGN NON-ANNEXATION AGREEMENTS 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, 2016, the City Council adopted Ordinance No. 2015-186, which annexed to the City of Denton, Texas approximately 164.1 acres of land in a land area consisting of approximately 1,171 acres and generally identified as “PAA1”, as legally described in Exhibit “A” and depicted in Exhibit “B”; and

WHEREAS, the City has recently discovered that four parcels of land were inadvertently annexed to the City as part of PAA1; and

WHEREAS, the parcels of land, as legally described in Exhibit “C-”, were eligible for non-annexation agreements before PAA1 was annexed, because the parcels had valid agricultural land exemptions for ad valorem tax purposes; and

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

WHEREAS, thus the parcels were inadvertently annexed into the City via Ordinance No. 2015-186; 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 PAA1 that were actually intended to be annexed by the City Council when approving Ordinance No. 2015-186; and

WHEREAS, Ordinance No. 2015-159, which ordinance adopted all the non-annexation agreements within PAA1, 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. 2015-186 is hereby amended to the limited extent necessary to correct an inadvertent mistake in the annexation of the four parcels, as legally described in Exhibit "C", and as corrected, said parcel 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. 2015-186 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. 2015-186, 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 PAA1 (Page 1 of 2)

BEGINNING at point at the northwest corner of tract described in Ordinance 2006-205, and further described in said Ordinance as a 1/2 inch pin in the Center of Tom Cole Road (east-west road) and C. Wolfe Road from the south;

THENCE South 88° 55' 44" East , along the present Denton city limit line as established by Ordinance 2006-205 and being the northerly line of the tract described in Ordinance 2006-205, a distance of 4,685.36 feet, generally with center of said Tom Cole Road to an "x" cut in a concrete bridge;

THENCE continuing along the northerly line of the property described in Ordinance 2006-205, and further described in said Ordinance as North 89° 43' 13" East, a distance of 2,591.29 feet, generally with the center of said Tom Cole Road, to a point described in Ordinance 2006-205 as a 3/4 inch iron pin set at the northeast corner of the property described in Ordinance 2006-205, said point also being described in Ordinance 69-40 (Tract I) as the southeast corner of the David Davis Survey, Abstract 356;

THENCE northerly along the easterly line of the said David Davis Survey, said line also being the westerly line of the Wm. Wilburn Survey, Abstract 1419, along the present Denton city limit line as established by Ordinance 1969-40 (Tract I) a distance as described in Ordinance 69-40 as 2,642 feet to a point being the northeast corner of the said David Davis Survey;

THENCE westerly, along the present Denton city limit line as established by Ordinance 1969-40 (Tract I) along the northerly line of the said David Davis Survey and described in Ordinance 69-40 as a distance of 341 feet to a point for corner, said point described in Ordinance 69-40 (Tract I) as the southwest corner of the said Wm. Wilburn Survey;

THENCE northerly along the present Denton city limit line as established by Ordinance 1969-40 (Tract I) and along the westerly line of the said Wm. Wilburn Survey a distance of 1,853 feet to a point described in Ordinance 69-40 as the southeast corner of the M.H. Davis Survey, Abstract Number 377, and also described as the northeast corner of a tract of land conveyed to Malcolm M. Long by deed recorded in Volume 389, Page 389 of the Deed Records of Denton County, Texas, said point also being the southeast corner of an City of Denton annexation tract established and described by Ordinance 1983-90;

THENCE South 89° 28' 15" West, along the present Denton city limit line as established by Ordinance 1983-90 a distance of 2,359.92 feet (as described in Ordinance 83-90) to a point for a corner;

THENCE North 00° 05' 54" West, along the present Denton city limit line as established by Ordinance 1983-90, a distance of 600.48 feet (as described in Ordinance 83-90) to a point for a corner;

Annexation Tract PAA1 (Page 2 of 2)

THENCE West, along the present Denton city limit line as established by Ordinance 1983-90, a distance of 675.60 feet (as described in Ordinance 83-90) to a point for a corner lying in the middle of Hickory Creek;

THENCE North, along the present Denton city limit line as established by Ordinance 1983-90, and along the middle of Hickory Creek with its meanders to the center of Jim Christal Road (as described in Ordinance 83-90) to a point for a corner, said point also lying on the south line of a City of Denton annexation tract established and described by Ordinance 1986-48;

THENCE North 89° 55' 00" West with said Jim Christal Road, along the present Denton city limit line as established by Ordinance 1886-48, also being the southerly line of the E.A. Orr Survey, Abstract Number 983, a distance of 3,435 feet to a point for a corner, said point being the southwest corner of said Ordinance 1986-48 annexation tract;

THENCE South a distance of 30 feet to a point in the south right-of-way line of Jim Christal Road;

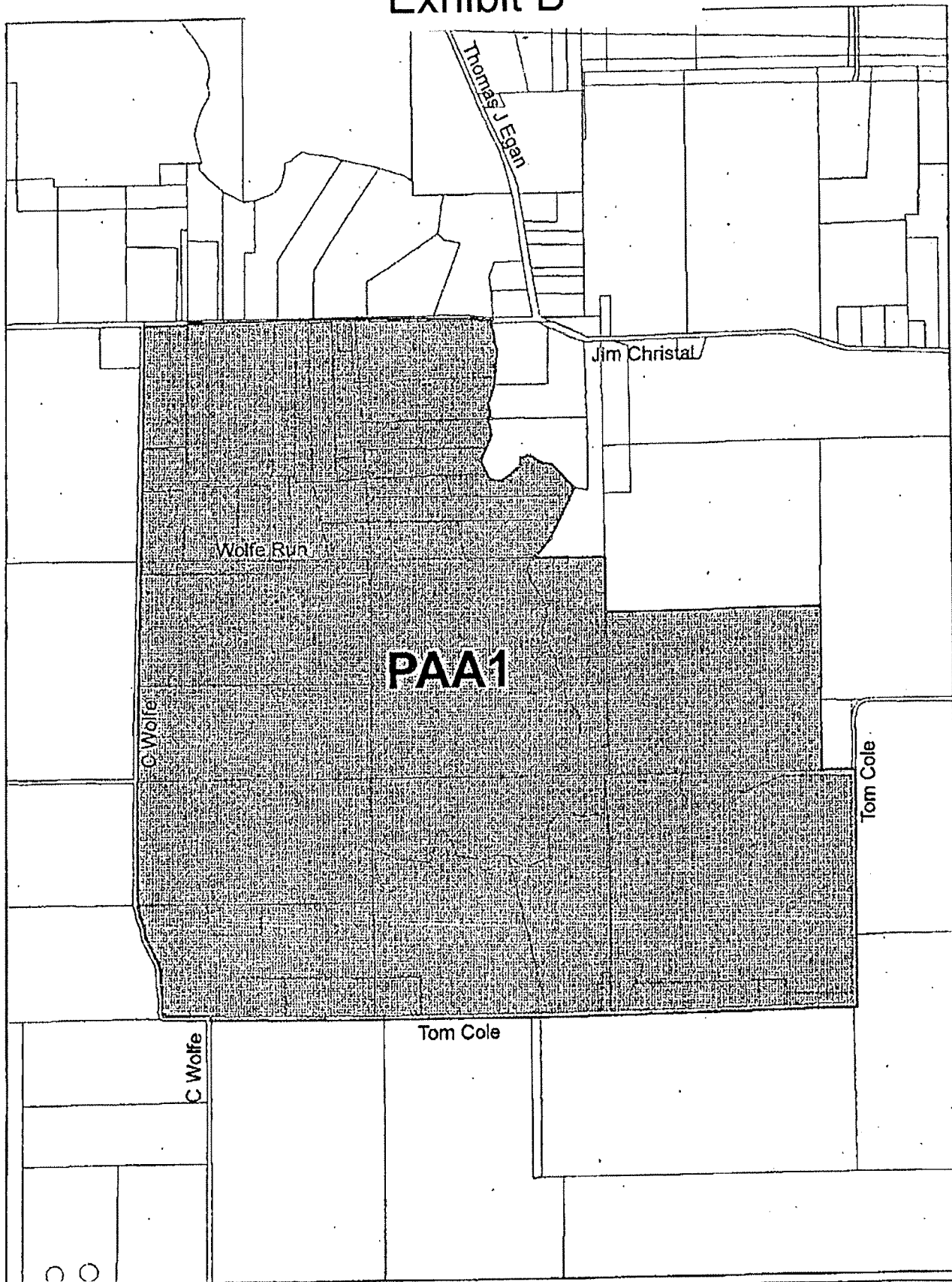
THENCE West, along the south right-of-way line of Jim Christal Road a distance of 475 feet to a point for corner, said point being the intersection of the south right-of-way of Jim Christal Road and the east right-of-way line of C. Wolfe Road;

THENCE in a southerly direction, along courses and distances of the easterly implied right-of-way line of C. Wolfe Road, a total distance of 7,875 to a point for corner, said point being the intersection of the east right-of-way line of C. Wolfe Road and the north right-of-way line of Tom Cole Road;

THENCE East, along the north right-of-way line of Tom Cole Road a distance of 500 feet to a point for corner;

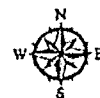
THENCE South, crossing Tom Cole Road midway, a distance of 25 feet to the POINT OF BEGINNING and containing 1,152 acres of land.

EXHIBIT D



City of Denton, Texas
PAA1 - 1,158 Acres

**FREESE
NICHOLS**



0 500 1,000 2,000 3,000 Feet

Exhibit "C"

Being 2.567 acres of land, more or less, situated in the Gibson Meyers Survey, Abstract No. 8443, Denton County, Texas, and being more fully described in that certain Warranty Deed dated June 15, 2006 from Norberto Ruiz and Maria De Jesus A. Ruiz, husband and wife to Jose Alfredo Pena and Silvia Ruiz Pena, husband and wife, filed for record on June 16, 2006 and recorded in Instrument No. 2006-72743 of the Real Property Records of Denton County, Texas. Said 2.567 acres of land, more or less, is commonly known as *DCAD Property ID 301899*.

Being 2.569 acres of land, more or less, situated in the A. Miller Survey, Abstract No. 887 and the Gibson Myers Survey, Abstract No. 843, Denton County, Texas, and being more fully described in that certain Warranty Deed with Vendor's Lien dated August 6, 2001 from Delbert H. Wiley and Ruth A. Wiley to Norberto Ruiz, Maria de Jesus Ruiz, Jose Alfredo Pena and Silvia Ruiz Pena, filed for record on August 9, 2001 and recorded in Volume 4897, Page 2123 of the Real Property Records of Denton County, Texas. Said 5.136 acres of land, more or less, is commonly known as *DCAD Property ID 36651*.

Being 10.008 acres of land situated in the A. Miller Survey, Abstract 887, Denton County, Texas and being all of that certain called 10.00 acre tract as described in a deed from Lamar M. Lex, et ux to Brian Zimmerman, et ux dated September 3, 1997 and as recorded in Clerk's File Number 97-R-0062116, Real Property Records of Denton County, and being commonly known as *DCAD Property ID No. 173432 and 173433*.