

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, SETTING DATES, TIMES, AND PLACES FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY GENERALLY LOCATED NORTH OF RYAN ROAD, WEST OF FM 2181 (TEASLEY LANE) AND LAKE FOREST GOOD SAMARITAN VILLAGE, AND EAST OF COUNTRY CLUB ROAD BY THE CITY OF DENTON, TEXAS, AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS. (A16-0004)

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, 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; and

WHEREAS, the City Council desires to set public hearings in this matter for this purpose;
NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. On the 7th day of March at 6:30 p.m. and the 21st day of March 2017 at 6:30 p.m. in the City of Denton City Council Chamber of City Hall, 215 E. McKinney Street, Denton, Texas, the City Council will hold Public Hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of Denton, Texas of the property described in **Exhibit A**.

SECTION 2. The City Secretary of the City of Denton, Texas, or her designee, is hereby authorized and directed to cause notice of such public hearings to be published once in the newspaper having general circulation in the City and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearings and to publish the dates, times, and locations of the public hearings on the City's website, in accordance with Chapter 43 of the Texas Local Government Code.

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:  _____

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.