

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, SETTING A DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY GENERALLY LOCATED NORTH OF MCKINNEY STREET AND WEST OF TRINITY ROAD BY THE CITY OF DENTON, TEXAS, AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS. (A17-0001)

WHEREAS, pursuant to Section 43.061, Subchapter C-1, Texas Local Government Code, a home rule city is authorized to annex certain areas that are not required to be in an annexation plan; and

WHEREAS, the applicant, Brent L Murphree, on behalf of the property owner, Michael Holigan, submitted a petition for annexation to annex a tract of land situated in the Moreau Forest Survey, Abstract Number 417, in the City of Denton, Denton County, Texas, and more particularly described in **Exhibit A** attached hereto and incorporated herein (collectively, the “Property”); and

WHEREAS, on December 18, 2012, the City of Denton City Council adopted an ordinance (2012-363) providing for acceptance of eligible non-annexation agreements for agricultural, wildlife management or timberland use properties within an area generally identified as DH-12; and

WHEREAS, the Property is located in DH-12 and is included in three (3) non-annexation agreements accepted on December 18, 2012; and

WHEREAS, Section 5 of the non-annexation agreements states that the agreement is deemed void in part if a property owner files any application or plan of development for or otherwise commences development of any portion of the subject property inconsistent with the Development Plan provided in Section 2 of the non-annexation agreements. Section 1 and Section 3 of the non-annexation agreements shall thereupon become null and void. Thereafter the City may initiate annexation of the subject property pursuant to TLGC, or other such provisions governing voluntary annexation of land as may then exist; and

WHEREAS, the property owner has plans to develop the Property inconsistent with the Development Plan provided in Section 2 of the non-annexation agreements; and

WHEREAS, on February 21, 2017, the City Council adopted Ordinance 2017-071 to provide for Periphery Development Annexation Criteria in order to define and clarify when a property in the City’s Extra-territorial Jurisdiction (ETJ) should be considered for annexation through enumerated criteria; and

WHEREAS, the property owner consents to the annexation and the Property qualifies under these criteria as it will require connection to City public services and the Property is located within the City’s CCN boundary for water, wastewater, and electric service; and

WHEREAS, the Denton City Council hereby deems it to be in the best interests of the citizens of the City of Denton to pursue annexation of the Property and 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 **13th day of June at 6:30 p.m.** and the **20th day of June 2017 at 6:30 p.m.** in the City of Denton City Council Chambers 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, more particularly 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.

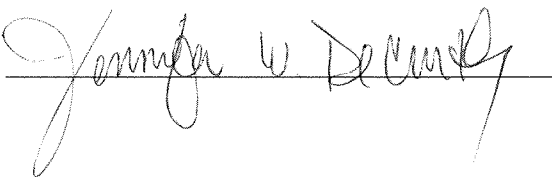
CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY: _____



FIELD NOTE DESCRIPTION

THE WOODLANDS

ANNEXATION EXHIBIT "A"

118.041 ACRES

BEING a tract of land situated in the Moreau Forest Survey, Abstract Number 417, in the City of Denton, Denton County, Texas and being a portion of that tract of land conveyed to Charles David Mulkey according to the document filed of record in Volume 435, Page 40 of the Deed Records of Denton County, Texas, and being a portion of that tract of land conveyed to Tracie Mulkey Yarbrough, Connie Mulkey McKeathen and Vickie Mulkey McQueen, according to the document filed of record in County Clerk File Number 2012-146251, Real Property Records of Denton County, Texas and being all that tract of land conveyed to Tracie Mulkey Yarbrough, Connie Mulkey McKeathen and Vickie Mulkey McQueen according to the document filed of record in County Clerk File Number 96-0021068, Real Property Records of Denton County, Texas, said tract being more particularly described as follows;

BEGINNING at point in the west line of Trinity Road, a 60-foot right-of-way, for the most southerly southeast corner of the tract of land described herein;

THENCE North 83°40'43" West, a distance of 1484.92 feet to a point for corner;

THENCE South 1°51'00" West, a distance of 822.18 feet to a point for corner in the north line of that tract of land described in Cause Number 86-129, Official Public Records of Denton County, Texas;

THENCE North 54°49'37" West, with said north line, a distance of 597.24 feet to a point for corner at the beginning of a non-tangent curve to the right, having a radius of 5479.50 feet, a central angle of 3°38'00" and a chord bearing and distance of North 53°00'37" West, 347.42 feet;

THENCE with said north line and curve to the right and arc distance of 347.48 feet to a point for a corner;

THENCE North 51°11'37" West, continuing with said north line, a distance of 712.47 feet to a point for corner;

THENCE North 2°36'49" East, leaving said line, a distance of 1044.40 feet to a point for corner;

THENCE South 87°58'53" East, a distance of 1424.55 feet to a point for corner;

THENCE North 2°24'19" East, a distance of 1232.07 feet to a point for corner;

THENCE South 88°21'43" East, a distance of 863.84 feet to a point for corner;

THENCE South 1°42'27" West, a distance of 702.71 feet to a point for corner;

THENCE South 88°14'50" East, a distance of 322.02 feet to a point for corner;

THENCE South 2°15'55" West, a distance of 540.00 feet to a point for corner;

THENCE South 87°48'53" East, a distance of 204.22 feet to a point for corner;

THENCE South 2°05'33" West, a distance of 1281.99 feet to the **POINT OF BEGINNING** and containing 118.041 acres (5,141,849 square feet) of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.