

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, ANNEXING APPROXIMATELY 6.71 ACRES OF LAND, GENERALLY LOCATED NORTH OF BRUSH CREEK ROAD AND EAST OF FORT WORTH DRIVE BY THE CITY OF DENTON, TEXAS, MORE SPECIFICALLY DESCRIBED IN EXHIBIT “A” AND ILLUSTRATED IN EXHIBIT “B”, PROVIDING FOR A CORRECTION TO THE CITY MAP TO INCLUDE THE ANNEXED LANDS; PROVIDING FOR A SAVINGS CLAUSE AND AN EFFECTIVE DATE. (A17-0004)

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 the City desired to pursue annexation of two tracts of land, being one tract of approximately 4.2497 acres and legally described as A1164A James Severe, TR 31, County Property ID #R73915 (“Property 1”), and the other being a tract of approximately 2.4603 acres and legally described as A1164A James Severe, TR 31A, County Property ID #R470395 (“Property 2”), both of which are generally located north of Brush Creek Road and east of Fort Worth Drive, and more particularly described in Exhibit A attached hereto and incorporated herein (collectively, the “Properties”); 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, both Property 1 and Property 2 qualify under said Periphery Development Annexation Criteria as they both require connection to City public services, both are located within the City’s CCN boundary for water, wastewater, and electric service, and are partially within the City limits, as noted in Subchapter 35.3 of the Denton Development Code; and

WHEREAS, the City sent the owners of the Properties a notice of intent to annex the Properties on April 10, 2017; and

WHEREAS, two public hearings were held with the City Council on June 13, 2017 and June 20, 2017, which were noticed in accordance with Section 43.063 of the Texas Local Government Code; and

WHEREAS, the City has prepared a service plan for the area to be annexed in accordance with Tex. Loc. Gov’t Code Section 43.056 providing full municipal services to such area; and

WHEREAS, annexation proceedings were instituted for the property described herein and the first reading of the ordinance was conducted at the City Council meeting on July 18, 2017; and

WHEREAS, this ordinance has been published in full one time in the official newspaper of the City of Denton after annexation proceedings were instituted and thirty days prior to City Council taking final action, as required by the City Charter; and

WHEREAS, a second reading of the ordinance and final action on the annexation was taken at the City Council meeting on August 22, 2017; 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; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The land described and depicted in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein by reference, is annexed into the City of Denton, Texas.

SECTION 2. A service plan prepared in accordance with applicable provisions of state law pertaining to annexation is attached hereto as **Exhibit C** and made a part hereof for all intents and purposes.

SECTION 3. The newly annexed property shall be included within the corporate limits of the City of Denton, Texas, thereby extending the City's corporate limits and granting to all inhabitants of the newly annexed property all of the rights and privileges of other citizens and binding the inhabitants to all of the ordinances, resolutions, acts, and regulations of the City. A copy of this Ordinance shall be filed in the real property records of the Denton County Clerk and within the Denton County Appraisal District.

SECTION 4. The City Manager is hereby authorized and directed to immediately correct the map of the City of Denton by adding thereto the additional territory annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance, and the ETJ resulting from such boundary extensions.

SECTION 5. Should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall be affected thereby.

SECTION 6. This ordinance shall be effective immediately upon its passage.

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

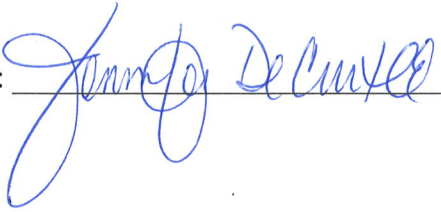
BY:  _____

Exhibit A Legal Description

Tract I

BEGINNING at a fence corner for corner in the east line of United States Highway Number 377, a public roadway, said point being the southwest corner of that certain tract of land described in Trustee's Deed from WDN Group, LLC to John E. Girard, Trustee recorded under Document Number 2011-94894, Real Property Records, Denton County, Texas;

THENCE N 88° 10' 11" E, 571.29 feet with the south line of Girard, Trustee tract to an iron rod found for corner, said point being the northwest corner of Lot 7, Block A of Kiowa Trail Estates, an addition to Denton County, Texas according to the plat thereof recorded in Cabinet F, Page 277, Plat Records, Denton County, Texas;

THENCE S 06° 56' 38" W, 562.04 feet with the west line of Kiowa Trail Estates to an iron rod set for corner;

THENCE N 74° 01' 42" W, 710.70 feet to an iron rod set for corner in said east line of said U.S. Highway Number 377;

THENCE N 27° 38' 29" E, 388.45 feet with said east line of U.S. Highway 377 to the **PLACE OF BEGINNING** and containing 6.746 acres of land, and excepting certain lands already within the city limits.

Tract II

COMMENCING at a fence corner for corner in the east line of United States Highway Number 377, a public roadway, said point being the southwest corner of that certain tract of land described in Trustee's Deed from WDN Group, LLC to John E. Girard, Trustee, recorded under Document Number 2011-94894, Real Property Records, Denton County, Texas;

THENCE S 27° 38' 29" W, 388.45 feet with said east line of said U.S. Highway to an iron rod set for **PLACE OF BEGINNING**, said point being the southwest corner of that certain tract of land conveyed by deed from Billie Jean Williams et al to Jose Ramos and Hilda P. Ramos recorded under Document Number 2011-38202, Real Property Records, Denton County, Texas;

THENCE S 74° 01' 42" E, 710.70 feet to the south line of said Ramos tract to an iron rod set for corner in the west line of Lot 10, Block A of Kiowa Trail Estates, an addition to Denton County, Texas according to the plat thereof recorded in Cabinet F, Page 277, Plat Records, Denton County, Texas;

THENCE S 06° 56' 38" W, 502.76 feet with the west line of said Kiowa Trail Estates and with the west line of that certain tract of and conveyed by deed from Robert N. Burns and Christel B.

Burns to Allison Renae Prather and Jonathon R. Prather recorded under Document Number 2009-21263, Real Property Records, Denton County, Texas, and with the west line of that certain tract of land conveyed by deed from William C. Lewis and Sandra Lewis to Barrett Goodwin recorded under document number 2010-126474, Real Property Records, Denton County, Texas to an iron rod set for corner in Brush Creek Road, a public roadway;

THENCE N 89° 46' 19" W, 555.00 feet with said Brush Creek Road to an iron rod set for corner;

THENCE N 01° 00' 41"E, 6.94 feet with said Brush Creek Road to an iron rod set for corner;

THENCE N 88° 26' 19" W, 285.53 feet with said Brush Creek Road to an iron rod set for corner at right-of-way flare;

THENCE N 29° 10' 38" W, 108.28 feet with said right-of-way flare to an iron rod set for corner in said east line of said U.S. Highway Number 377;

THENCE N 27° 33' 41" E, 197.80 feet with said east line of said U.S. Highway to a concrete monument found for corner;

THENCE N 21° 50' 41" E, 302.54 feet with said east line of said U.S. Highway to a concrete monument found for corner;

THENCE N 27° 38' 29" E, 143.35 feet with said east line of said U.S. Highway to the **PLACE OF BEGINNING** and containing 11.323 acres of land, and excepting certain lands already within the city limits.

Exhibit B Location

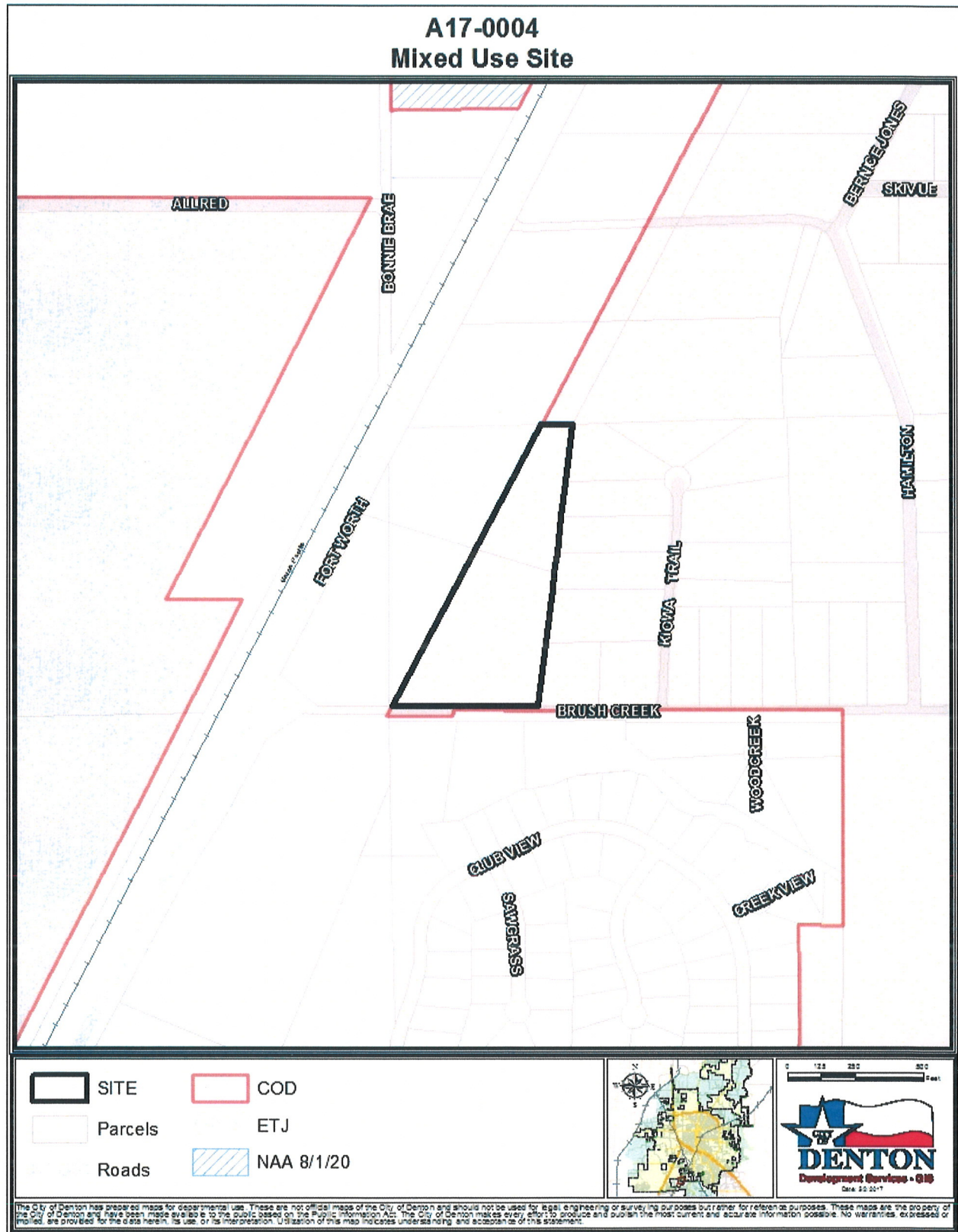


Exhibit C

CITY OF DENTON SERVICE PLAN A17-0004 Mixed Use Site Annexation

I. AREA ANNEXED

The areas to be annexed include two (2) tracts of land, specifically land located north of Brush Creek Road and east of Fort Worth Drive. These areas are depicted in the attached location map along with a general description of each area.

II. INTRODUCTION

This service plan has been prepared in accordance with the Texas Local Government Code, Sections 43.021; 43.065; and 43.056(b)-(o) (Vernon 2008, as amended). Municipal facilities and services to the annexed areas described above will be provided or made available on behalf of the City of Denton in accordance with the following plan. The City of Denton shall provide the annexed tract the levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of service, infrastructure, and infrastructure maintenance available in other parts of the City of Denton with similar topography, land use, and population density.

III. AD VALOREM (PROPERTY OWNER) TAX SERVICES

A. Police Protection

Police protection from the City of Denton Police Department shall be provided to the areas annexed at a level consistent with current methods and procedures presently provided to similar areas on the effective date of the ordinance. Some of these services include:

1. Normal patrols and responses;
2. Handling of complaints and incident reports;
3. Special units, such as traffic enforcement, investigations and special weapons; and
4. Coordination with other public safety support agencies.

As development commences in these areas, sufficient police protection, including personnel and equipment will be provided to furnish these areas with the level of police services consistent with the characteristics of topography, land utilization and population density of the areas.

Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.

B. Fire Protection

The Denton Fire Department (DFD) will provide emergency and fire prevention services to the annexation areas. These services include:

1. Fire suppression and rescue;
2. Pre-hospital medical services including triage, treatment and transport by Advanced Life Support (ALS) fire engines, trucks and ambulances;
3. Hazardous materials response and mitigation;
4. Emergency prevention and public education efforts;
5. Technical rescue response; and
6. Construction Plan Review and required inspections.

Fire protection from the City of Denton shall be provided to the areas annexed at a level consistent with current methods and procedures presently provided to similar areas of the City of Denton on the effective date of the ordinance.

As development commences in these areas, sufficient fire protection, including personnel and equipment will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas. It is anticipated that fire stations planned to serve areas currently within the City of Denton will be sufficient to serve areas now being considered for annexation.

Upon ultimate development, fire protection will be provided at a level consistent with other similarly situated areas within the city limits.

C. Emergency Medical Service

The Denton Fire Department (DFD) will provide the following emergency and safety services to the annexation areas. These services include:

1. Emergency medical dispatch and pre-arrival First Aid instructions;
2. Pre-hospital emergency Advanced Life Support (ALS) response; and transport;
3. Medical rescue services.

Emergency Medical Services (EMS) from the City of Denton shall be provided to the areas annexed at a level consistent with current methods and procedures presently provided to similar areas of the City of Denton on the effective date of the ordinance.

As development commences in these areas, sufficient EMS, including personnel and equipment will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas.

Upon ultimate development, EMS will be provided at a level consistent with other similarly situated areas within the city limits.

D. Solid Waste

Solid Waste and Recycling Collection Services will be provided to the newly annexed property immediately upon the effective date of the annexation at a level consistent with current methods and procedures presently provided to similar areas within the city. Private solid waste collection service providers operating in the affected area immediately prior to annexation and currently providing customers with service, may continue to provide their existing service for up to 2 years in accordance with Texas Local Government Code.

E. Wastewater Facilities

All the proposed annexation areas are within the City of Denton Sewer Service Area as defined by Certificate of Convenience and Necessity (CCN) Number 20072 as issued by the Texas Commission on Environmental Quality (TCEQ).

As development commences in these areas, sanitary sewer mains will be extended in accordance with the provisions of the City's codes, ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City ordinances and regulations. Capacity shall be provided consistent with the characteristics of topography, land utilization, and population density of the areas.

Sanitary sewer mains and lift stations installed or improved to City standards within the annexed areas which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City on the effective date of this ordinance.

Operation and maintenance of wastewater facilities in the annexed areas that are within the service area of another water utility will be the responsibility of that utility. Operation and maintenance of private wastewater facilities in the annexed area will be the responsibility of the owner.

F. Water Facilities

The annexation areas are within the City of Denton Water Service Area as defined by Certificate of Convenience and Necessity (CCN) Number 10195 as issued by the Texas Commission on Environmental Quality (TCEQ).

Connections to existing City of Denton water distribution mains for water service will be provided in accordance with existing City ordinances and policies. Upon connection to existing distribution mains, water service will be provided at rates established by city ordinance.

As new development occurs within these areas, water distribution mains will be extended in accordance with Denton's Codes, ordinances and utility service policies. City participation in the costs of these extensions shall be in accordance

with Denton's codes and ordinances. Water service capacity shall be provided consistent with the characteristics of topography, land use and population density of the area.

Operation and maintenance of water facilities in the annexed area that are within the service area of another water utility will be the responsibility of that utility.

Existing developments, businesses or homes that are on individual water wells or private water systems will be allowed to continue to remain on these systems until a request for water service is made to the City. These requests for service will be handled in accordance with the applicable utility service line extension and connection policies currently in place at the time the request for service is received.

G. Roads and Streets

Emergency street maintenance shall be provided within the annexation areas on the effective date of the applicable ordinance of acceptance. Routine maintenance will be provided within the annexation areas and will be scheduled as part of the City's annual program and in accordance with the current policies and procedures defined by the ordinance and/or as established by the City Council.

Any construction or reconstruction will be considered within the annexation areas on a City wide basis and within the context of the City's CIP and/or yearly fiscal budgetary allotments by the City Council.

Roadway signage and associated posts will be replaced in priority of importance starting with regulatory signs, then warning signs, then informational signs and in conformance with fiscal allotments by the City Council. If a sign remains, it will be reviewed and placed on the City's inventory listing for routine replacement. All exiting signs will be reviewed for applicability and based upon an engineering study. New signs will be installed when necessary and based upon an engineering study.

Routine maintenance of road/street markings will be placed on a priority listing and scheduled within the yearly budgetary allotments by the City Council.

H. Parks, Playgrounds, Swimming Pools

Residents within the areas annexed may utilize all existing park and recreation facilities, on the effective date of this ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.

As development commences in these areas, additional park and recreation facilities shall be constructed based on park policies defined in the Park Master Plan and as specified in the Park Dedication and Development Ordinance. The general planned locations and classifications of parks will ultimately serve residents from the current City limits and residents from areas being considered for annexation.

I. Publicly Owned Facilities

Any publicly owned facility, building, or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be maintained by the City of Denton on the effective date of the annexation ordinance.

J. Other Services

Other services that may be provided by the City of Denton, such as municipal and general administration will be made available on the effective date of the annexation. The City of Denton shall provide level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City of Denton with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

IV. UNIFORM LEVEL OF SERVICES IS NOT REQUIRED

Nothing in this plan shall require the City of Denton to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

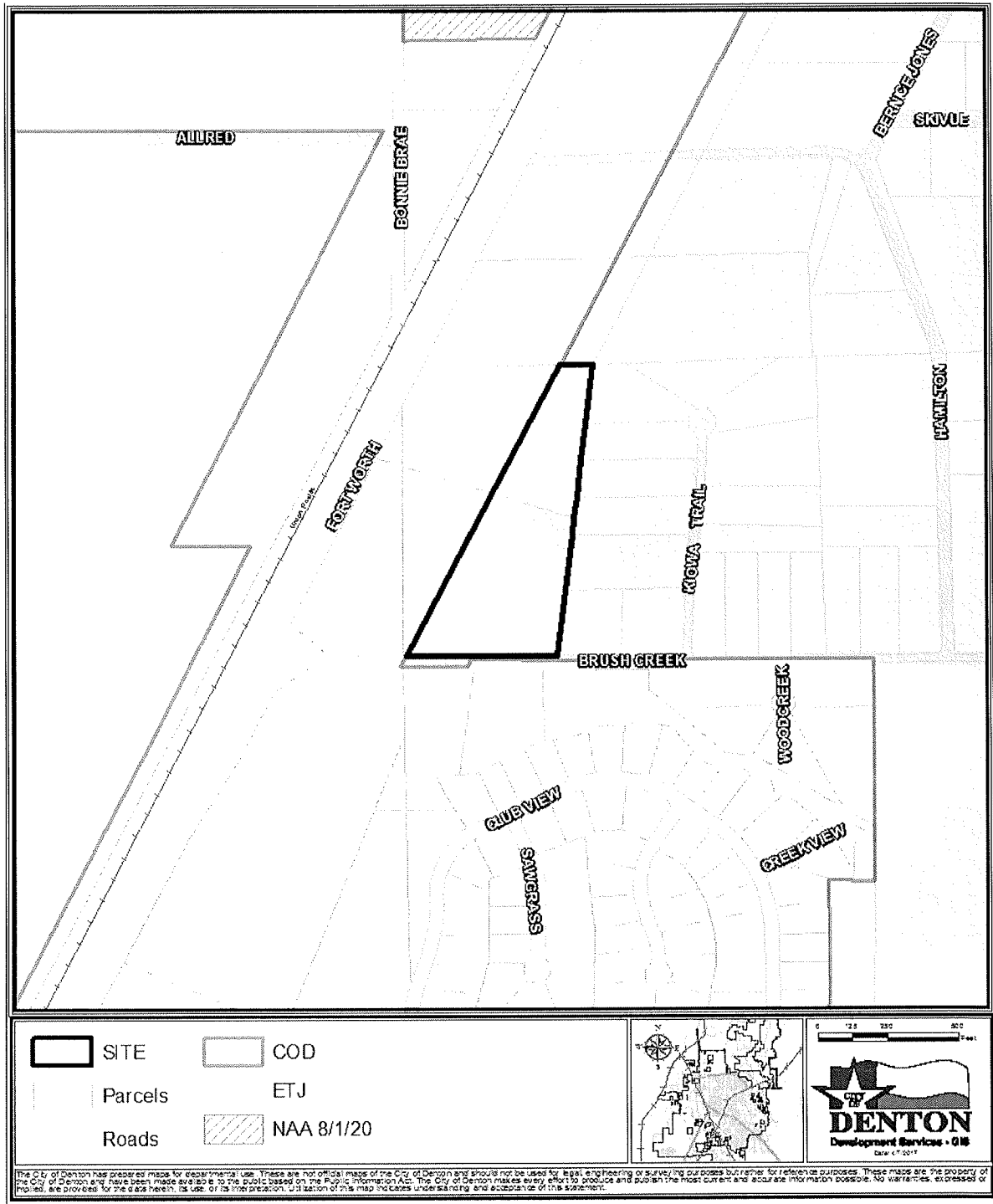
V. TERM

This service plan shall be valid for a term of ten (10) years. Renewal of the service plan shall be at the discretion of City Council.

VI. AMENDMENTS

The service plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this service plan unworkable or obsolete. The City Council may amend the service plan to conform to the changed conditions or subsequent occurrences pursuant to Texas Local Government Code, Section 43.056.

Location Map



Site is located near the northeast corner of the intersection of Fort Worth Drive and Brush Creek Road.