

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 LONG ROAD AND WEST OF F.M. 428 BY THE CITY OF DENTON, TEXAS, AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS. (A17-0005)

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, David Kuhlken, submitted a petition for annexation to annex a tract of land situated in the Victor Ende Gailer Survey, Abstract Number 1417, in Denton County, Texas and more particularly described in **Exhibit A** attached hereto and incorporated herein (collectively, the “Property”); 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 Properties 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 **17th day of October at 6:30 p.m.** and the **24th day of October 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 Properties, 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

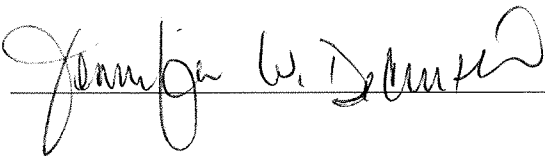
BY:  _____

Exhibit A
Legal Description

BEING a tract of land situated in the Victor Ende Gailer Survey, Abstract No. 452 and the H. B. Williams Survey, Abstract No. 1417, Denton County, Texas, and being a portion of a called 236.129-acre tract of land, conveyed to Preston Alpha Investments, LLC, as evidenced in a Special Warranty Deed, recorded in Instrument No. 2013-124673 of the Official Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a corner in the centerline of F. M. 428 (Sherman Drive), a called 100-foot wide right of way, same being the southeast corner of a 50-foot wide easement for highway purposes to the State of Texas, recorded in Volume 237, Page 569 of the Deed Records of Denton County, Texas;

THENCE North 89°03'27" West, departing the centerline of said F. M. 428 (Sherman Drive), passing at a distance of 58.16 feet, the westerly line of the easement to the State of Texas defining said F. M. 428 (Sherman Drive), the southeast corner of said 236.129-acre tract and the northeast corner of C. H. Collins Athletic Complex, an addition to the City of Denton, Texas, according to the Final Plat, recorded in Cabinet U, Page 583 of the Plat Records of Denton County, Texas, continuing along the southerly line of said 236.129-acre tract, the northerly line of said C. H. Collins Athletic Complex, recorded in Cabinet U, Page 583, the northerly line of C. H. Collins Athletic Complex, an addition to the City of Denton, Texas, according to the Final Plat, recorded in Cabinet V, Page 353 of the Plat Records of Denton County, Texas, and along the northerly right of way line of Long Road, a variable width right of way, a total distance of 581.63 feet to a corner on the current city limit line of the City of Denton, and being the **POINT OF BEGINNING** of the herein described tract;

THENCE North 89°03'27" West, continuing along the southerly line of said 236.129-acre tract and the northerly line of said C. H. Collins Athletic Complex, recorded in Cabinet U, Page 583, the northerly line of said C. H. Collins Athletic Complex, recorded in Cabinet V, Page 353, the northerly right of way line of Long Road, a variable width right of way, and along the city limit line of the City of Denton, a distance of 2,345.36 feet to a corner;

THENCE North 00°48'40" East, departing the southerly line of said 236.129-acre tract, the northerly line of said C. H. Collins Athletic Complex, recorded in Cabinet V, Page 353, the northerly right of way line of Long Road, and the city limit line of the City of Denton, crossing said 236.129-acre tract, a distance of 598.08 feet to a corner on the southerly line of a 75-foot wide electric transmission line easement, recorded in Volume 1172, Page 252 of the Deed Records of Denton County, Texas;

THENCE South 88°31'47" East, continuing across said 236.129-acre tract and along the southerly line of said 75-foot wide electric transmission line easement, a distance of 521.74 feet to an angle point;

THENCE South 84°55'27" East, continuing across said 236.129-acre tract and continuing along the southerly line of said 75-foot wide electric transmission line easement, a distance of 65.00 feet to a corner;

THENCE North 02°21'47" East, departing the southerly line of said 75-foot wide electric transmission line easement and crossing said 236.129-acre tract, a distance of 746.18 feet to a corner on a northerly line of said 236.129-acre tract, same being on the southerly line of a called 283.73-acre tract of land, conveyed to Elk River-Poquero, L.P., as evidenced in a Special Warranty Deed, recorded in Instrument No. 2005-41091 of the Official Records of Denton County, from said point, a 1/2-iron rod found at a fence corner post for the southwest corner of said 283.73-

acre tract, bears North 88°42'13" West, a distance of 65.00 feet, said point also being on the current city limit line of the City of Denton;

THENCE South 88°42'13" East, along a northerly line of said 236.129-acre tract, the southerly line of said 283.73-acre tract, the southerly line of a called 100.000-acre tract of land, conveyed to the Denton Independent School District, as evidenced in a Special Warranty Deed, recorded in Instrument No. 2009-108521 of the Official Records of Denton County, Texas, and along the city limit line of the City of Denton, passing at a distance of 1,974.14 feet, a 1/2-inch iron rod with a yellow cap, stamped "METROPLEX 1849" found for the southwest corner of said 100.000-acre tract, continuing for a total distance of 2,525.59 feet to an angle point of said city limit line;

THENCE South 31°39'56" West, departing the northerly line of said 236.129-acre tract, crossing said 236.129-acre tract and continuing along the current city limit line of the City of Denton, a distance of 1,534.28 feet to the **POINT OF BEGINNING** and containing 73.47 acres (3,200,266 square feet) of land, more or less.

Michael B. Marx 8/9/17

Michael B. Marx
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