

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, VOLUNTARILY ANNEXING APPROXIMATELY 73.47 ACRES OF LAND, GENERALLY LOCATED NORTH OF LONG ROAD AND WEST OF F.M. 428 BY THE CITY OF DENTON, DENTON COUNTY, 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. (A17-0005)

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 452 and the H. B. Williams Survey, Abstract No. 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, two public hearings were held with the City Council on October 17, 2017 and October 24, 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 November 7, 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, 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. 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 with 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 not be affected thereby.

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

PASSED AND APPROVED this the ____ day of _____, 2018.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

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

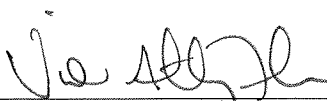
BY: 

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
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
5750 Genesis Court, Suite 200
Frisco, Texas 75034
Ph. 972-335-3580
michael.marx@kimley-horn.com
Firm No. 10193822



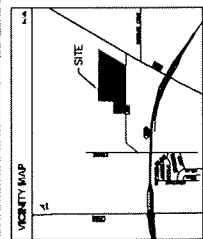


Exhibit C

CITY OF DENTON SERVICE PLAN A17-0005 Stark Farms Annexation

I. AREA ANNEXED

The area to be annexed is one tract of land, specifically land located north of Long Road and west of F.M. 428. This site is depicted in the attached location map along with a general description of the 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 area 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 area. 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 area. 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

The proposed annexation area is located 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 area is located 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 area 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 area 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 area 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 area, 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

A17-0005
Site Location

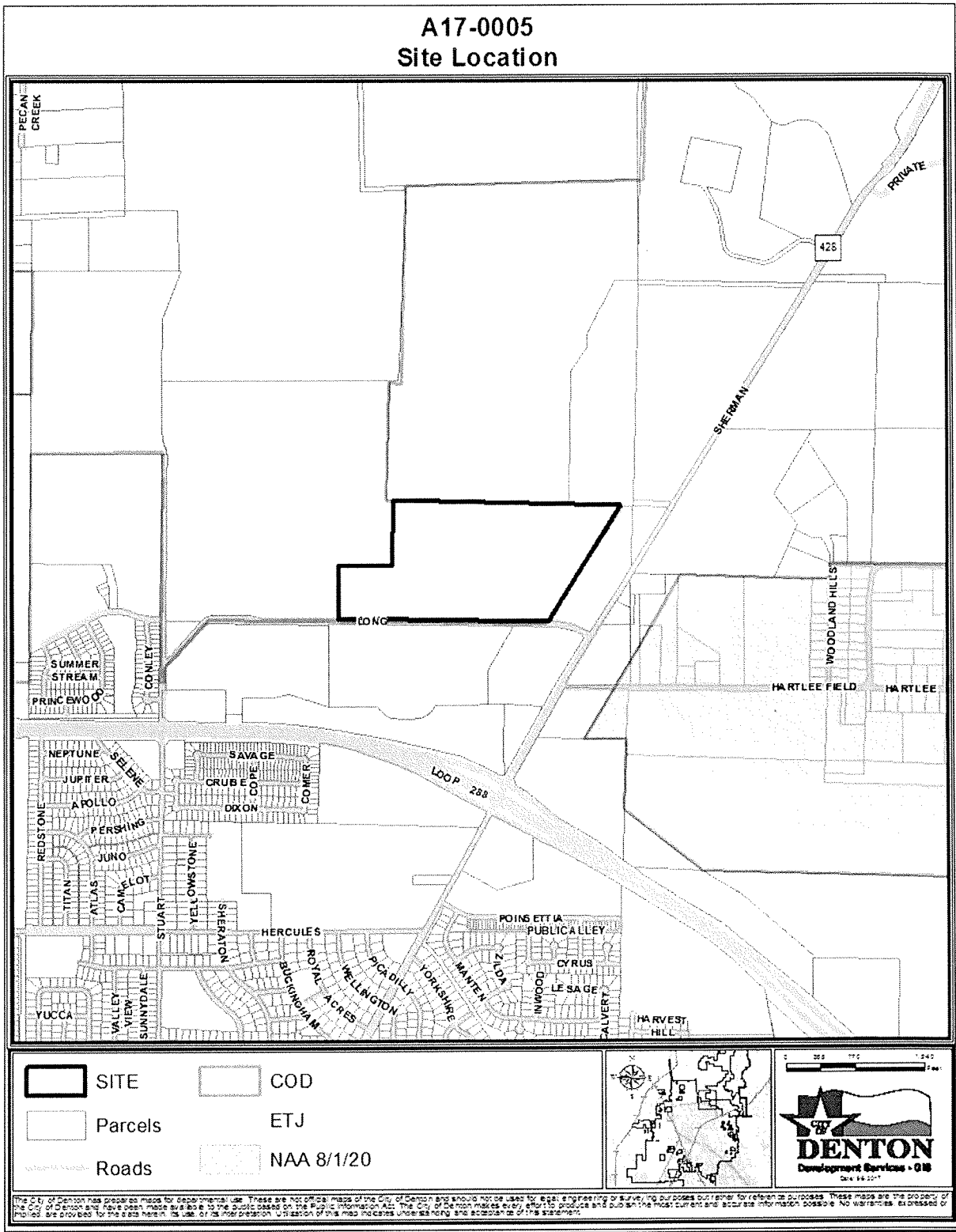


Exhibit A
Legal Description

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
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
5750 Genesis Court, Suite 200
Frisco, Texas 75034
Ph. 972-335-3580
michael.marx@kimley-horn.com
Firm No. 10193822

