



## Legislation Details (With Text)

**File #:** ID 16-991      **Version:** 1      **Name:**

**Type:** Ordinance

**File created:** 7/27/2016      **In control:** City Council

**On agenda:** 8/16/2016      **Final action:**

**Title:** Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-189 relating to the related to the annexation of an area of land of approximately 4.29 acres to the City of Denton, Texas, generally identified as PAA4, generally located south of Milam Road; north of Loop 288; east of I-35, west of Locust Street, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by excluding one parcel of land that was inadvertently annexed notwithstanding that the parcel was eligible to sign a non-annexation agreement for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed land; providing for a savings clause; and providing for an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Ordinance

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Jon Fortune

**DATE:** August 16, 2016

### SUBJECT

Consider adoption of an ordinance of the City of Denton, Texas, Nunc Pro Tunc, correcting an inadvertent mistake in Ordinance No. 2015-189 relating to the related to the annexation of an area of land of approximately 4.29 acres to the City of Denton, Texas, generally identified as PAA4, generally located south of Milam Road; north of Loop 288; east of I-35, west of Locust Street, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by excluding one parcel of land that was inadvertently annexed notwithstanding that the parcel was eligible to sign a non-annexation agreement for agricultural, wildlife management or timberland use; providing for a correction of the city map to exclude the inadvertently annexed land; providing for a savings clause; and providing for an effective date.

### BACKGROUND

The purpose of this agenda item is to correct errors in annexing a property. Due to a mailing error, the subject property was not offered a Non Annexation Agreement and subsequently annexed. To fix the error, corrections are required for Ordinance 2015-189 which annexed the property and Ordinance 2015-070 adopting the Non Annexation Agreements.

Ricky and Aimee Greathouse own the subject property located in the area referred to as PAA4. This area was annexed in 2015 by Ordinance 2015-189 after not receiving a Non Annexation Agreement from the property owner. During the 2015 annexation process, the City mailed out Non Annexation Agreements to property owners with agricultural tax exemptions as required per state law. Non Annexation Agreements were mailed out to the mailing addresses that were listed in the Denton County Appraisal District records. According to the Greathouse's the previous owner never received the offer of a Non Annexation Agreement when it was mailed out in 2015. The Greathouse's purchased the subject property earlier this year after it was annexed.

This Nunc Pro Tunc ordinance is being brought forward to correct the mistake in Ordinance No. 2015-189, annexing the subject property. The result of this ordinance is that the subject property will continue to be considered as land in the Extra-Territorial Jurisdiction until it is annexed by the City. Staff plans to refund any paid city taxes by request once the Nunc Pro Tunc is complete.

### **OPTIONS**

1. Approve as submitted.
2. Approve subject to conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

### **RECOMMENDATION**

Staff recommends approval of this request.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

No prior action.

### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:** Economic Development

**Related Goal:** 3.1 Develop targeted policies and incentives to achieve desired economic growth

### **EXHIBITS**

1. Draft Ordinance

Respectfully submitted:  
Aimee Bissett  
Director of Development Services

Prepared by:  
Ron Mengueta, AICP  
Long Range Planning Administrator

