



Legislation Text

File #: ID 16-998, **Version:** 1

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. 2010-117 relating to the annexation of an area of land of approximately 1,171 acres to the City of Denton, Texas, generally identified as PAA1, generally located south of Jim Christal Road; north of Tom Cole Road; west of Masch Branch Road, and more specifically identified in Exhibits "A" and "B" attached hereto; specifically by excluding two parcels of land that was inadvertently annexed notwithstanding that the parcels were eligible to sign non-annexation agreements 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 two properties. Due to a mailing error, the subject properties were not offered a Non Annexation Agreement and subsequently annexed. To fix the error, corrections are required for Ordinance 2010-117 which annexed the property and Ordinance 2010-040 adopting the Non Annexation Agreements.

Robert and Somboom Hanska own one of the subject property located in the area referred to a PAA1. The subject properties were annexed in 2010 by Ordinance 2010-117 after not receiving a signed Non Annexation Agreement from the property owners. During the 2010 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 Hanska's, they never received the offer of a Non Annexation Agreement when it was mailed out in 2010.

Keneth and Linda Minhinnett own the other subject property located in the area referred to a PAA1. According to the Minhinnett's, they also never received the offer of a Non Annexation Agreement when it was mailed out in 2010.

This Nunc Pro Tunc ordinance is being brought forward to correct the mistake in Ordinance No. 2010-117, annexing the subject properties. The result of this ordinance is that the subject properties will continue to be considered as land in the Extra-Territorial Jurisdiction until they are 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:
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