



## Legislation Text

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**File #:** ID 16-1002, **Version:** 1

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### 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. 2015-186 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 four 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 four 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 2015-186 which annexed the property and Ordinance 2015-067 adopting the Non Annexation Agreements.

John and Sandy Noles own two of the subject properties located in the area referred to a PAA1. The subject properties were annexed in 2015 by Ordinance 2015-186 after not receiving a signed Non Annexation Agreement from the property owners. 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. It was during this time that the Nole's purchased the subject property. Because their mailing information was not updated in the Denton County Appraisal District records when the City did the mailings, the Nole's never received the offer of a Non Annexation Agreement.

Alfredo and Sylvia Pena and Noberto and Maria Ruiz own the other two subject properties located in the area referred to a PAA1. According to the Pena's and Ruiz's, they never received the offer of a Non Annexation Agreement when it was mailed out in 2015.

This Nunc Pro Tunc ordinance is being brought forward to correct the mistake in Ordinance No. 2015-186, 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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