



*** NOTICE OF PUBLIC MEETING ***

**CARROLLTON CITY COUNCIL
SPECIAL MEETING**

TUESDAY NOVEMBER 13, 2007

**CITY HALL, 2ND FLOOR COUNCIL BRIEFING ROOM
1945 E. JACKSON ROAD
CARROLLTON, TEXAS**

SPECIAL MEETING – 6:00 P.M.

PUBLIC HEARING

1. Hold a second public hearing and **introduce an ordinance for the proposed annexation of the Morris Tracts (Diamond Creek) property.** The 5.1619-acre site is located on the west side of Marsh Lane, north of Plano Parkway. Case No. 11-07MD4 Morris Tracts (Diamond Creek) Annexation/J. Craig Godfrey.

**** In order to expedite the flow of business and to provide all citizens the opportunity to speak, the Mayor may impose a five-minute limitation on any person addressing the Council.**

CERTIFICATE - I certify that the above agenda giving notice of meeting was posted on the bulletin board at the City Hall of Carrollton, Texas on the 9th day of November 2007 at _____.

Laura M. Bell, Deputy City Secretary

This building is wheelchair accessible. For accommodations or sign interpretive services, please contact City Secretary's Office at least 72 hours in advance at 972-466-3021. Opportunities and services are offered by the City of Carrollton without regard to race, color, age, national origin, religion, sex or disability.

CASE NO. 11-07MD4 MORRIS TRACTS (DIAMOND CREEK)
ANNEXATION

RECOMMENDATION/ACTION DESIRED:

Hold the public hearing and introduce the annexation ordinance for the approximate 5.156 acres of land. No action by the Council is required other than to close the public hearing after receiving public testimony.

Attachments:

- Result Sheet
- Proposed Annexation Schedule
- Location Map
- Proposed Ordinance and Service Plan

CASE NO. 11-07MD4 MORRIS TRACTS (DIAMOND CREEK)
ANNEXATION

RESULT SHEET

Date: 10/29/07

Case No./Name: 11-07MD4 Morris Tracts (Diamond Creek) Annexation

- A. CC RESOLUTION** authorizing staff to prepare a Service Plan and **ORDINANCE** calling for public hearings from CC meeting: 10/16/07
Result: **APPROVED**/Vote: 7-0

- B. 1ST CC PUBLIC HEARING AND INTRODUCTION OF ORDINANCE:** 11/06/07

- C. 2ND CC PUBLIC HEARING:** 11/13/07 (Special Meeting)

- D. ANNEXATION ORDINANCE APPROVAL:** 12/04/07

CASE NO. 11-07MD4 MORRIS TRACTS (DIAMOND CREEK)
ANNEXATION

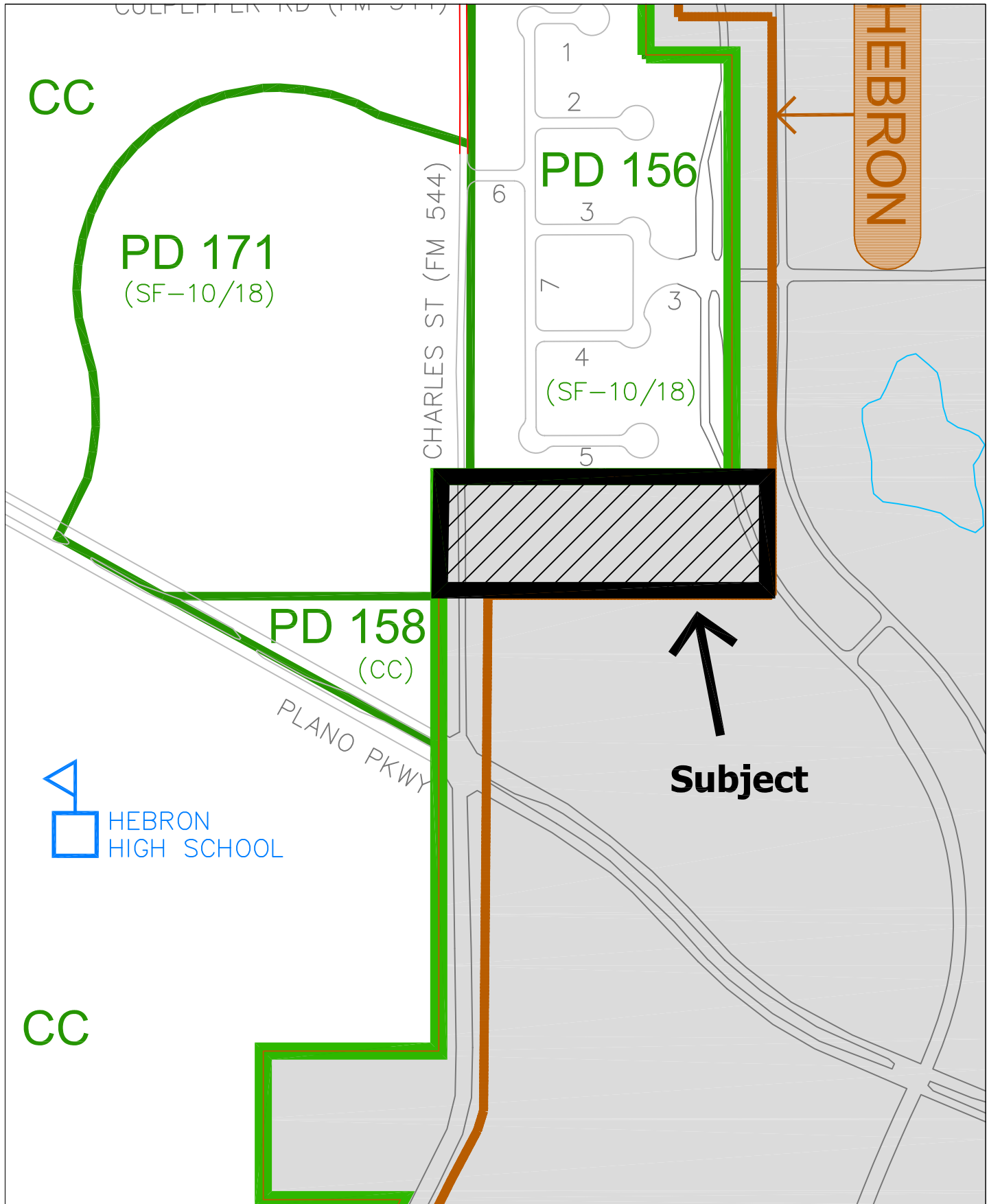
MORRIS TRACTS
(DIAMOND CREEK)
ANNEXATION SCHEDULE

October 16, 2007	Resolution/Ordinance - Council authorizes staff to create a service plan & call for public hearings
October 24, 2007	Legal notice published in newspaper and city web page for 1st Public Hearing (CC-11/06/07)
October 25, 2007	Send notification to RR and School District by certified mail
October 31, 2007	Legal notice published in newspaper and city web page for 2nd Public Hearing (CC-11/13/07)
	Publish annexation ordinance caption in newspaper
November 6, 2007 (CC Meeting)	1st Public Hearing
November 13, 2007 (CC Special Meeting)	2nd Public Hearing
December 4, 2007 (CC Meeting)	Adopt Annexation Ordinance and Final Action on Zoning Case 11-07Z5 and Comp Plan 11-07MD6

11-07MD4 Diamond Creek (Annexation)

October 10, 2007
(no scale)

Location and Current Zoning



11-07MD4 Diamond Creek (Annexation)

October 10, 2007
(no scale)

Aerial



ORDINANCE NO. _____
Case No. 11-07MD4

PAGE 1

URBAN DEVELOPMENT

DEVELOPMENT NAME: Morris Tracts (Diamond
Creek) Annexation

City of Carrollton
Date: 10/29/07

ORDINANCE NO. _____

ORDINANCE NUMBER _____ OF THE CITY OF CARROLLTON, TEXAS ANNEXING 5.1619 ACRES OF LAND LOCATED ON THE WEST SIDE OF MARSH LANE, NORTH OF PLANO PARKWAY, HEREIN DESCRIBED TO THE CITY OF CARROLLTON, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL INHABITANTS AND OWNERS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE ON AND AFTER ADOPTION AND PUBLICATION.

WHEREAS, the charter of the City of Carrollton, Texas authorizes the annexation of territory subject to the laws of the state;

WHEREAS, a certain 5.1619-acre tract of land, herein after described on Exhibit A, which is attached hereto and incorporated herein, lies within the extraterritorial jurisdiction of the City of Carrollton and is contiguous to the present city limits of the City of Carrollton;

WHEREAS, after development and presentation of a service plan for said territory and after holding public hearings and fulfilling all other requirements under the provisions of Chapter 43 of the TEX. LOCAL GOVT. CODE;

WHEREAS, the procedures prescribed by the charter and the state laws have been duly followed with respect to the said tract; and

WHEREAS, the members of the Council of the City of Carrollton have concluded that said area should be made a part of the City of Carrollton, Texas;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS:

Section 1.

That the territory described in Exhibit A and generally depicted in Exhibit B, attached hereto and incorporated herein, is hereby annexed to the City of Carrollton, Texas, and the boundary limits of the City of Carrollton be and the same are hereby extended to include above described territory within the city limits, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants and owners of property hereafter shall be entitled to all rights and privileges of other citizens of the city and shall be bound by all acts, ordinances, resolutions and regulations of the city. This annexation is in accordance with the Boundary Adjustment Agreement approved on November 6, 2007 in Ordinance No. 3180.

Section 2.

The City Secretary is hereby directed to file with the County Clerk of Denton County, Texas a certified copy of this ordinance.

Section 3.

That the approved service plan is attached hereto as Exhibit C and is approved as part hereof.

Section 4.

That the terms and provisions of this ordinance are severable and are governed by Section 10.07 of the Code of Ordinances, City of Carrollton, Texas.

Section 5.

This ordinance shall be effective from and after its adoption and publication.

PASSED AND APPROVED this the 4th day of December, 2007.

ORDINANCE NO. _____
Case No. 11-07MD4

PAGE 3

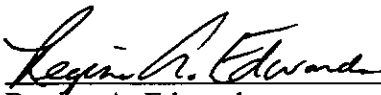
CITY OF CARROLLTON, TEXAS

By: _____
Becky Miller, Mayor

ATTEST:

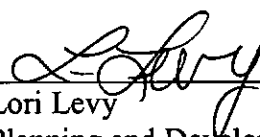
Ashley D. Mitchell, City Secretary

APPROVED AS TO FORM:



Regina A. Edwards
1st Assistant City Attorney

APPROVED AS TO CONTENT:



Lori Levy
Planning and Development Manager

EXHIBIT C

MUNICIPAL SERVICE PLAN

FIRE and POLICE

Existing Services: None

Services to be Provided: Fire suppression will be available to the area upon annexation. Primary fire response will be provided by Fire Station No. 4, located at 2155 E. Rosemeade Parkway and secondary response by Fire Station No. 7, located at 4750 N. Josey Lane. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshal's office as needed.

Currently, the area is under the jurisdiction of the Denton County Sheriff's Office. However, upon annexation, the City of Carrollton Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

BUILDING INSPECTION

Existing Services: None

Services to be Provided: The Building Inspection Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Carrollton.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The Urban Development Department's responsibility for regulating development and land use through the administration of the City of Carrollton's Comprehensive Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Carrollton's Comprehensive Subdivision Ordinance. These services can be provided within the department's current budget.

LIBRARY

Existing Services: None

Services to be Provided: Upon the effective date of annexation, free library use privileges will be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

ENVIRONMENTAL CODE ENFORCEMENT

Existing Services: None

Services to be Provided: The Environmental Services Department will implement the enforcement of the City's environmental ordinances and regulations on the effective date of the annexation. Such services can be provided with current Environmental Services Personnel and within the current budget appropriation. In addition, animal control services will be provided to the area as needed.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completion. The City will then maintain the drainage upon approval.

WATER and SANITARY SEWER SERVICE

Existing Services: Yes

Services to be Provided: Water service to the area will be provided in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances. Extension of service shall comply with City codes and ordinances.

Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policy. When property develops in the adjacent areas, sanitary sewer service shall be provided in accordance with the present extension ordinance. Extension of service shall comply with applicable codes and ordinances.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: Solid Waste Collection shall be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City policies, beginning with occupancy of structures.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Carrollton's established policies governing extension of municipal services to newly annexed areas.

EXHIBIT "A"
Metes and Bounds Description for a
5.1619 Acre Tract
Annexation into the City of Carrollton

SITUATED in the State of Texas, County of Denton, being part of the Abiah Dyer Survey, Abstract No. 360, being part of a 5.00 acre tract as recorded in Volume 485, Page 595, all of a 2.00 acre "Save & Except" tract as recorded under Document No. 05-112234 and part of a called "0.4468 acre tract" as recorded under Document No. 95-0034845 of the Deed Records of Denton County, Texas; with said premises being more particularly described as follows:

BEGINNING at an "X" set in Charles Street (a concrete roadway) marking the northwest corner of said 5.00 acre tract, from which a RPLS 5647 capped iron rod found for reference bears East, 33.84 feet;

THENCE with the north line of said 5.00 acre tract and the south line of the Second Replat Gates of Prestonwood Addition as recorded in Volume W, Page 458 of the Plat Records of Denton County, Texas, East, passing at 33.84 feet said reference capped iron rod found and continuing for a total distance of 753.00 feet to a RPLS 5647 capped iron rod found marking the northeast corner of said 5.00 acre tract, the southeast corner of said Second Replat Gates of Prestonwood and being in the west line of a said "0.4468 acre tract"

THENCE with the east line of said Second Replat Gates of Prestonwood Addition and with the the west line of said called "0.4468 acre tract", North, 62.92 feet to a point 10 feet west of the center line of Marsh Lane at the beginning of a curve to the left that has a radius of 860.00 feet, an internal angle of 20°45'50", with a chord bearing of South 19°07'44" East and a chord length of 309.96 feet;

THENCE along said curve to the left and parallel with the center line of Marsh Lane an arc length of 311.66 feet to a point in a line that is parallel with a north line of the Village at Prestonwood Addition Volume V Page 93 as recorded in the Plat Records of Denton County, Texas;

THENCE along a line 10 feet north and parallel with the north line of said Village at Prestonwood Addition South 64°15'39" West a distance of 115.29 feet to a point;

THENCE along a line 10 feet north and parallel with the north line of said Village at Prestonwood Addition South 89°54'45" West 750.72 feet to a point in the east line of Charles Street;

THENCE along the east line of Charles Street North a distance of 278.85 feet to the place of beginning and containing 224,851 square feet or 5.1619 acres of land.

