

CITY OF DENTON CITY COUNCIL MINUTES

June 4, 2012

After determining in Open Session that a quorum was present, the City Council convened in a Closed Session on Monday, June 4, 2012 at 11:30 a.m. in the Council Work Session Room.

PRESENT: Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Council Member Roden, and Mayor Burroughs.

ABSENT: Mayor Pro Tem Kamp; Council Member King

1. Closed Session

A. Consultation with Attorneys – Under Texas Government Code Section 551.071.

1. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of certain real property interests, and duties related to same, located in the Francis Batson Survey, Abstract No. 43, also known as Lot 1, Rayzor Ranch North, an addition to the City of Denton, Texas, according to the plat recorded in Cabinet Y, Page 740, Plat Records, Denton County, Texas, where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation
2. Consult with City's attorneys regarding legal strategies and options for enforcement of unmet development obligations associated with the Villages of Carmel subdivision (part of PD-132), generally located on either side of Pockrus Page Road, and west of Post Oak Road, including those obligations and requirements generally contained within City codes and criteria manuals, as well as zoning ordinances, development agreements and permits specifically applicable to the development or its component parts.
3. Consult with City's attorneys regarding legal strategies, status, and potential settlement of pending litigation styled *Love's Travel Stops & Country Stores v. City of Denton*, Cause No. 2010-50304-367, currently pending in the 367th District Court of Denton County

Following the completion of the Closed Session at 1:02 p.m., the Council convened in a Special Called Session.

Ordinance No. 2012-117

1. Consider adoption of an ordinance abandoning and vacating (i) a Storm Water Drainage Easement, from J. Newton Rayzor to the City of Denton, Texas, recorded in Volume 598, Page 560, Real Property Records, Denton County, Texas; (ii) a Storm Water Drainage Easement, from Suderman and Young Towing Company, Inc. to the City of Denton, Texas, recorded in Volume 598, Page 562, Real Property Records, Denton County, Texas; (iii) a Flowage Easement, from Suderman and Young Towing Company, Inc. to the City of Denton, Texas, recorded in Volume 697, Page 219, Real Property Records,

Denton County, Texas; (iv) a Dam Construction and Flowage Easement, from Suderman and Young Towing Company, Inc. to the City of Denton, Texas, recorded in Volume 697, Page 222, Real Property Records, Denton County, Texas; and (v) a Drainage Channel Easement, awarded to Denton County, Texas, by and through that certain condemnation, Cause Number 3664, styled *Denton County v. J.A. Gladish, et al.*, County Court of Denton County, Texas, and referenced in that certain Deed from Rayzor Investments, Ltd. to Rayzor Hillview, L.P., recorded in County Clerk File No. 2005-127449, Real Property Records, Denton County, Texas, all said easements being located in the Francis Batson Survey, Abstract No. 43, Denton County, Texas and being located within that certain 55.292 acre tract of land, being described in that certain Special Warranty Assumption Deed, dated on or about December 18, 2008 and recorded as County Clerk File No. 2008-134210, Real Property Records, Denton County, Texas, located generally at or near the northwest corner of the intersection of Bonnie Brae Street and U.S. Highway 380; and declaring an effective date.

Council Member Gregory motioned, Council Member Watts seconded to adopt the ordinance. On roll call vote: Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Council Member Roden, and Mayor Burroughs – “aye”. Motion carried unanimously

Ordinance No. 2012-118

2. Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Stormwater Management Facilities Maintenance Agreement and Perpetual Easement Grant, by and between the City of Denton, Texas and RR Marketplace LP, a Delaware limited partnership, related to drainage facilities located in Lot 1, Rayzor Ranch Addition, an addition to the City of Denton, according to the plat thereof recorded in Cabinet Y, Page 740, Plat Records, Denton County, Texas, located generally at or near the northwest corner of the intersection of Bonnie Brae Street and U.S. Highway 380; and providing an effective date.

Council Member Roden motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote: Council Member Watts, Council Member Gregory, Council Member Engelbrecht, Mayor Burroughs, Council Member Roden – “aye”. Motion carried unanimously

With no further business, the meeting was adjourned at 1:04 p.m.

MARK A BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS