

## The Great Denton County Land War

*by Jim Morriss*

Next year we will commemorate the 50 years that will have elapsed since an event that had a profound effect on our area of south Denton County. However, do not expect to hear much about it in the news and learning about it will be difficult. Few people are still around that were here to experience it, and our schools are not equipped to teach about our local history. But, the Denton County Land War is an important part of our past and we could all profit by knowing about it and remembering. The event that I am talking about was started by an overt attempt in 1960 by the city of Irving, Texas to seize a large area of unincorporated land in Denton, County. The reasons for their action, and the response of everyone living to the north of Irving, make a very interesting story that should not be forgotten.

At first glance, the term “WAR” may seem to be a bit of an exaggeration since no artillery, armor or air power were involved and there was no “body count.” But, there are some strong similarities between the attempted land grab and the state of warfare that existed in Europe in the early 19<sup>th</sup> century. That was a time when Napoleon was very strong. He moved his mighty armies anywhere he wanted just so he could conquer and collect taxes to feed his army. He also sought to prevent others from taking that same land and collecting those taxes to feed the armies that were not loyal to Bonaparte.

In the middle of the 20<sup>th</sup> century, our area was changing from a large collection of cotton, wheat and peanut farms into more cattle and hay production. Many of the children of older farming families were living on the land that had been theirs for well over fifty years. There were also people, who had lived and held jobs in Dallas, Fort Worth or Denton; who wanted to live in the more sedate setting, that the Cross Timbers area offered, and they were willing to commute. These were strong willed people who had no desire to live in an incorporated city. Attitudes in the metropolitan areas to the south were very different, but they were sufficiently far enough away to pose no conflict. In Denton County there were only seven incorporated

towns, they were: Denton, Lewisville, Sanger, Pilot Point, Krum, Justin and Roanoke. None of them appeared to have any desire to grow any faster than their ability to provide more services. Unlike Dallas and Tarrant, we were mostly a **RURAL** County

This peaceful co-existence was interrupted by a news story on the front page of the August 9, 1960 Denton Record Chronicle. The paper stated that the city of Irving had already passed an ordinance to annex 38 square miles of land in Denton County. People in our area were universally and understandably outraged. How could Irving annex our farms? They aren’t even in our county! What if we don’t want to be Irvingites, or whatever they call themselves? As you can imagine, the rural people here came up with some very colorful names to give the people who were starting this war.

Subsequent articles in the Record Chronicle informed their readers that there were two different kinds of cities in Texas. **General Law** towns were smaller communities that had to follow certain rules, passed long ago by the state legislature. These rules dictated how elections would be held, the structure of town councils and how annexations could be done. **Home Rule** cities had to have at least 5,000 citizens but, once this critical size was attained, they could write their own charter and make whatever rules they wanted. It would appear that most of the towns in south Denton County had to follow strict rules and have a vote of the people before they could increase by even modest incremental amounts. On the other hand Irving had passed the critical population level of 5,000 in late 1952 and had become a Home Rule City. They had written their charter and it would seem they could annex any unincorporated land all the way up to the Red River if they wanted to.

Further reading in the pages of the Dallas Morning News revealed that Irving’s actions were not unprecedented. The “News” stated on June 24, 1960 that the City of Houston was initiating a large land grab and several towns on the upper gulf coast were following suit with

ambitious annexations of their own. It was possible that the actions of Houston were the inspiration for the recent exploits of the City of Irving. Reporter Norris Jackson of the Record Chronicle tried to get an explanation from Irving. He asked City Manager, Morris Howard for details. Howard indicated that the move could have been to prevent expansion by the City of Dallas. The City Manager also said that he did not know the thinking of the Irving Commission but it had been under consideration for about a month. Jackson was unable to reach Mayor Lynn Brown or any of the Irving Commissioners for comment. If this happened today, we might say that he was being “Stonewalled!”

Jackson, the Denton reporter, learned that maps were in the mail and would soon be available for all to see. He also found out that Irving was annexing 44 square miles of unincorporated land in Dallas County. They planned to completely encircle Carrollton and take in unincorporated land all the way east to Preston Road. The Town of Plano was particularly upset by this. The residents of Dallas County seemed to have the same dim view of Irving’s action as Denton County did. It sure must have seemed as if a war had been declared.

This was only 15 years after the end of World War II. As you might imagine, the Texas land owners of 1960 knew exactly what to do when war is declared upon you; you fight back! The people living in Dallas County were better able to organize a response because there were several small general law towns that already had mayors, counsel members and meeting houses. In fact it was said that the reason that Dallas was not the aggressor city was because it was “Hemmed In” by towns such as Richardson, Plano, Farmers Branch, Carrollton and Irving.

The City of Plano took a lead role in setting up a collective defense, Mayor Art Stranz invited mayors from other threatened towns to join him in a planning meeting. Wylie, Carrollton, Royce City and Frisco seemed eager to stop Irving. Even McKinney’s mayor, Clyde Emmons, joined in. It would seem that the attempt to take acreage in an adjoining county spurred a lot

of alarm in Collin County. Bill Dunagan, member of the Texas House of Representatives from McKinney, also provided support and promised that the matter would be investigated by the state legislature very soon. The mayors appealed to the Texas Municipal League. But they seemed to take a position that was more favorable to the larger Home Rule Cities.

One major stumbling block was quickly overcome. At this time most towns had very simple taxing structures. It was pretty much that if you lived in a city, you paid city taxes on the value of your property. The size of your house and lot determined what you paid. Taxes on rural property would include barns and other out-buildings and a large number of acres. Being annexed would be a death sentence to small farms because they didn’t generate enough income to pay city taxes on their rural property. Cities such as Plano led the way in passing ordinances to create “Agricultural Zoning,” which would allow very low (per acre) taxes to be levied on farms. Small towns took the position that if the city provided no service, the tax rate should be zero. Immediately land owners began to petition nearby towns to annex them.

But much of the land in Denton County was located too far from any friendly incorporated town to expect protection from a threat like Irving was posing. Many settlements such as Argyle, Bartonville and Waketon were de-facto towns that had been in existence since the previous century. Some even had U.S. Post Offices but they were not incorporated under the laws of Texas, thus they were vulnerable. Communities that were within the area defined in the Irving annexation ordinance could do little but fight Irving’s action in court. Those people, who were outside of Irving’s targeted area, immediately scrambled to become legally incorporated. Clusters of property owners all over the southern half of the county gathered and plotted to become cities. The feelings were universal that they did not want things to change. Few believed that Irving was actually likely to bring services to their communities but no one wanted to pay taxes to the invading army that was on their doorstep.

Property owners clustered in the area known as **Bartonville** were first to take action. These were the people who were very close to the section that Irving was trying to take, but not in their target area - - -YET. One resident, Charles McMath took the lead and gathered as many like minded neighbors as he could to form a legal town. The results were overwhelming; property owners living in the area that is now Bartonville, Double Oak, Copper Canyon, and parts of Highland Village and Flower Mound eagerly signed up to petition a special election. The vote was taken on September 10, 1960 and by a count of 91 to 2, Bartonville became the eighth city in Denton County and it was by far larger in size than any of the other seven. McMath was selected to be the first mayor.

The citizens of **Argyle** moved almost as quickly. Ray Crawford seemed to be taking the lead in getting an election declaration. When the ballots were counted, on September 17, the motion to incorporate passed by a vote of 107 to 1. Raymond Knight was elected mayor but before he and his council could gather, the City of Denton took an action that was a complete surprise to the rest of the county. On September 27, 1960 the Denton City Council started a process to annex an area of 9.2 square miles surrounding their existing borders. Part of the area that they wanted was in the brand new city of Argyle. Rather than negotiate with the new town to the south, Denton filed a law suit to dissolve Argyle. To those who lived in the Cross Timbers area, this was hitting below the belt. Argyle was really nearly eighty years old, but legally it was brand new and it did not have resources to fight the big bully to the north. But the citizens left no doubt to anyone that they wanted to be their own legally incorporated town and they deeply resented the actions of the City of Denton.

The settlement of **Lake Dallas** was very different. For several years there had been two strong and nearly equal factions; one for and one against incorporation. There had been elections that formed a town, and other elections that dissolved the town. There had also been law suits involved, but the actions of Irving and Denton seemed to unify the community. An election was held on September 24, and by a

vote of 158 to 50, Lake Dallas became a bona-fide city. Richard G. Ness was selected to be the new mayor.

The communities of **Corinth** and **Shady Shores** had more problems. Denton's annexation goals included the real estate that would be incorporated into these two cities. However, Denton City Attorney, Lee Holt, had his hands full with the other legal actions that he was undertaking. Rather than file suit to prevent the incorporations, Denton annexed all of the land right up to the soon-to-be borders of Shady Shores and Corinth. Even so, just as no one wanted to be swallowed up by Irving, no one wanted to be part of Denton either. On October 22, 1960, elections were held in both places. The citizens of Shady Shores declared their desire to incorporate by a vote of 56 to 1. They selected Rob Shahan to be their first mayor. The voters in Corinth were just as emphatic. The vote there was 42 to 0 and W.C. Shrader was voted in to be the first mayor.

The **Town of Mayhill** was probably the most unfortunate casualty of the land war. This little community was located between Denton and the newly enlarged lake. The citizens had a strong desire to not be assimilated into the larger city. Denton had plans to build a sewage treatment plant just to the east of Mayhill. The people in the Mayhill community seemed agreeable at first; they redrew their borders to exclude the plant which delayed their incorporation proceedings. When Denton filed its annexation ordinance, all of Mayhill was included. Mayhill petitioned the court for an election anyway and one was granted on October 29, 1960. The voters opted for incorporation by a count of 45 to 0. Lynn Mallow was selected to be the first mayor but his was a very short term of office. Denton's mayor, Frank Barrow seemed to be particularly indignant that this community did not want to accept their fate and become a part of Denton. Mallow, as did other new area mayors, tried to cooperate with the Denton mayor and council, but meetings seemed to be pointless and unfriendly. On February 14, 1961 Mayor Barrow stated on the front page of the Record Chronicle that Mayhill was attempting to "BLACKMAIL" the City of Denton. Two days later, Mayhill's mayor responded in the

paper that Denton was misconstruing the actions of his town. At least one of the citizens of Denton chimed in, on the editorial page, that he was dismayed at the ugly and hostile attitude of his own city government. None of this mattered because the following July a judge in Fort Worth ruled that Mayhill should be dissolved. The city soon became a small part of the City of Denton.

The property owners on the south western edge of Argyle had expressed a strong desire to not become part of any town. But, they took note of the actions of Denton toward their neighbors and decided that the only way to be left alone was to incorporate. On December 10, 1960 by a vote of 33 to 0 the town of **Northlake** was formed and Dan Ashmore became its first mayor.

Meanwhile, the anxiety in **Flower Mound** was concentrated on Irving's overt action, but there seemed little that the citizens could do about it. Ed Marcus and Bruton Orand were among the property owners in both Denton and Dallas Counties that filed a law suit. They alleged that Irving's annexation was illegal and should be rescinded. Simultaneously, others such as W.R. Spinks, Andre Gerault and Bob Rheudasil were organizing neighbors to be ready to incorporate if that ever became possible. On February 16, 1961 Irving's ambitious gambit was abruptly ended by a decision of the 101<sup>st</sup> District Court in Dallas. Irving filed an immediate appeal, but the people in Flower Mound wasted no time. They petitioned for an election which was called for February 25. By a vote of 105 to 1 Flower Mound became a city and Bob Rheudasil was then chosen to be the first mayor. Their first order of business was to defend their right to exist by winning Irving's law suit in the appellate court. On December 21, 1962 the case finally came up in the Fifth Court of Civil Appeals and Irving lost. Irving then brought the issue on to the Texas Supreme Court and three months later, they lost there as well. That removed the City of Irving from the Denton County land war once and for all.

When the City of Denton annexed 9.2 square miles they swallowed Mayhill and vanquished Argyle. Denton also staked out a second area of

72 square miles for future conquest. That would expand the city's area to ten times its existing size. It was particularly galling to read in the Record Chronicle statements by city officials that their actions were purely defensive and they had no choice but to take that land to prevent surrounding towns from "hemming us in." They seemed to be saying that Argyle and Mayhill never existed and that the rest of the newly incorporated towns were irrelevant. Land owners did not feel an immediate threat to their life style but everyone knew that the only city services that they would be receiving would be an annual tax statement in the mail box. It would only be a matter of time before the legality of Northlake, Bartonville, Flower Mound, Lake Dallas, Corinth and Shady Shores would be brought to the same court rooms that defeated Argyle and Mayhill.

The rules of the time were that in order to incorporate, a community had to have a minimum of 200 citizens living in an area of less than two square miles. Getting 200 residents together was no problem but south Denton County had a low population density; that was a big part of its charm. In Texas it was very difficult to incorporate a town in an area that prided itself on being rural. Yet those same areas had no defense from being assimilated into Home Rule cities that had no regard for "Rednecks." It was the hope of many in the Cross Timbers that most of the people in Denton did not agree with the recent actions of their mayor and council. However, in the city elections of 1961, a very large turn out of the voters re-elected, by very large margins, the three councilmen, whose terms had expired. A bit of a boycott formed as people in the southern part of the county chose to spend their money in Lewisville, Grapevine or North Richland Hills rather than in Denton. This was not fair to Denton merchants many of whom saw no reason to move the city limit signs. World events at the U.N. and in Cuba indicated that World War III was around the corner and there was no justice in Denton County.

In 1961 a bill was passed in the Texas House of Representatives that would put some controls on annexation by Home Rule cities. However this bill, which was sponsored by the representative

from McKinney, died in the senate. Finally in 1963 a law was passed by the full Texas Legislature, and endorsed by Governor John Connally, which placed a degree of control over annexations. It placed an annual 10% limit on the amount a city could expand. It also provided a means for cities to have some control over extra-territorial areas around their borders. Most importantly, the law did not allow cities to collect taxes on land for which no city services could be provided. This action, which was heartily endorsed by Alonzo Jamison, the state representative from the district that included Denton County, put an end to the land war.

Some of the people in Argyle were able to petition another election on January 26, 1963. Once again the voters opted for incorporation,

this time by a count of 43 to 25. M.H. Wilson was soon elected to be the first mayor of the much smaller city. It is difficult to assess all of the damage that was caused by the war. Our area would have certainly developed differently had it not happened.

In the late 1970's I can recall talking to a life-long resident of Bartonville. He told me how he once went to McKinney and bought a brand new pick-up truck. He took great delight in recalling how he drove through Denton and stopped at three different new car dealers to show them his new truck and explain why they would never again get any of his money. I couldn't really understand his attitude then, but as unfair and fruitless as his actions were, the old-timer had a reason for what he did.

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