

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENTON DENYING KNOPF FAMILY LLC'S PETITION FOR REMOVAL OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DENTON AND DENYING THE CITY'S CONSENT TO THE REDUCTION OF THE CITY'S EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an insufficient application was submitted on November 3, 2023 and on November 9, 2023, Knopf Family LLC (the "Petitioner") submitted a petition for the release of property from the extraterritorial jurisdiction of the City of Denton (the "ETJ"), a copy of which is attached hereto as Exhibit A (the "Petition"); and

WHEREAS, the property sought to be released is located at 2170 Collins Road and described by metes and bounds in Exhibit A (the "Property"); and

WHEREAS, pursuant to Section 42.023 of the Texas Local Government Code, the ETJ of the City may only be reduced if the City Council has exercised its legislative authority to consent to the reduction of the City's ETJ; and

WHEREAS, pursuant to Article II, Section 1 of the Texas Constitution, landowners may not be delegated the legislative authority to remove their property from the City's ETJ without the consent of the City Council; and

WHEREAS, Subchapter D of the Texas Local Government Code Chapter 42 is an unconstitutional delegation of legislative authority and conflicts with the City's grant of legislative discretion under Local Government Code section 42.023; and

WHEREAS, the City Council finds that it is in the best interest of the City to deny its consent to the Petition, the removal of the Property from the City's ETJ, and to the reduction in size of the City's ETJ; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The above recitals are adopted as findings of the City Council.

SECTION 2. The Petition for release of the Property from the City's ETJ is hereby denied.

SECTION 3. The City denies consent to the removal of the Property from the City's ETJ and the reduction in size of the City's ETJ.

SECTION 4. This resolution shall become effective immediately upon its passage and approval.

The motion to approve this resolution was made by _____ and seconded by _____, the resolution was passed and approved by the following vote [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____


PASSED AND APPROVED this the _____ day of _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: _____
 Scott Bray
2024.01.24
15:48:57 -06'00'



Petition for Release from Extraterritorial Jurisdiction

The undersigned does hereby petition for release of 17.338 acres located at Tract 1 & 2, Lots 1 & 3 of Block 1, Tycam Addition, Doc #2016-2123 & #2021-38 in the extraterritorial jurisdiction of the City of Denton, Texas. The property is more particularly described in the attached survey description and shown on the attached map. The undersigned also certifies that the following required information concerning the land and its inhabitants is reasonably accurate and assumes responsibility for the completion of said information prior to scheduled action on the request of the City of Denton.

1. Is this petition being initiated by either (please indicate yes or no):
 - a. A majority of registered voters in the area of request? _____, or
 - b. A majority in value of the holders of title of land in the area? Yes.

2. How many dwelling units are located within the area requested for release? Zero

3. Does the area of request include any territory within the city limits or extra-territorial jurisdiction of another city? No If yes, which city? _____

4. Estimated population of the area in request:
 - a. Total: Zero
 - b. Number of Registered Voters: Zero

5. Is any part of the area subject to a non-annexation agreement or strategic partnership agreement with the City of Denton or any other City? No

Please provide the additional items below:

- Map of the land to be released.
- Legal description by metes and bounds or lot and block number.
- Attached petition signatures of the owners of a majority of value of land in the area (based on tax rolls) or of a majority of the registered voters of the area.



Petition Signatures

Provide additional sheets if necessary

Name and signatures of Petitioner(s):

Hedy Morton Meltzer, President of Knopf Family LLC			
Name	General Partner for Knopf Family LP	Signature	<i>Hedy Morton Meltzer</i>
No	PAN: 694174DEN and PAN: 978200DEN		11/3/2023
Registered Voter (Y/N)	Parcel ID(s)		Date
Lillian F Knopf, Vice President of Knopf Family LLC			
Name	General Partner for Knopf Family LP	Signature	<i>Lillian F Knopf</i>
No	PAN: 694174DEN and PAN: 978200DEN		11/3/2023
Registered Voter (Y/N)	Parcel ID(s)		Date
Bruce J Meltzer, Secretary/Treasurer of Knopf Family LLC			
Name	General Partner for Knopf Family LP	Signature	<i>Bruce J Meltzer</i>
No	PAN: 694174DEN and PAN: 978200DEN		11/3/2023
Registered Voter (Y/N)	Parcel ID(s)		Date
Name		Signature	
Registered Voter (Y/N)	Parcel ID(s)		Date
Name		Signature	
Registered Voter (Y/N)	Parcel ID(s)		Date
Name		Signature	
Registered Voter (Y/N)	Parcel ID(s)		Date
Name		Signature	
Registered Voter (Y/N)	Parcel ID(s)		Date

Collins Road Business Park
2170 Collins Road
Denton, TX. 76208

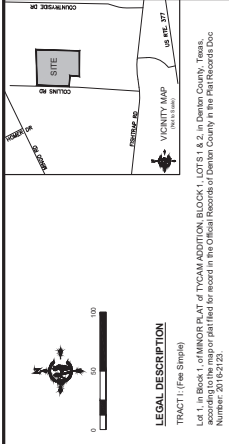
Legal Description:

TRACT 1:

Lot 1, in Block 1, of MINOR PLAT of TYCAM ADDITION, BLOCK 1, LOTS 1 & 2, in Denton County, Texas, according to the map or plat filed for record in the Official Records of Denton County in the Plat Records Doc Number: 2016-2123.

TRACT 2:

Lot 3, in Block 1, of MINOR PLAT of TYCAM ADDITION, BLOCK 1, LOTS 3, in Denton County, Texas, according to the map or plat filed for record in the Official Records of Denton County in the Plat Records Doc Number: 2021-38.



LEGAL DESCRIPTION
 TRACT 1 (See Sheet)
 LOT 1, Block 1 of TYPAM ADDITION, BLOCK 1, LOT 1, S. in Denton County, Texas, according to the map or plat filed for record in the Official Records of Denton County in the Plat Records Doc Number: 2016-2422.
 TRACT II (See Sheet)
 LOT 3, in Block 1, of MINOR PLAT of TYPAM ADDITION, BLOCK 1, LOT 3, in Denton County, Texas, according to the map or plat filed for record in the Official Records of Denton County in the Plat Records Doc Number: 2017-05.

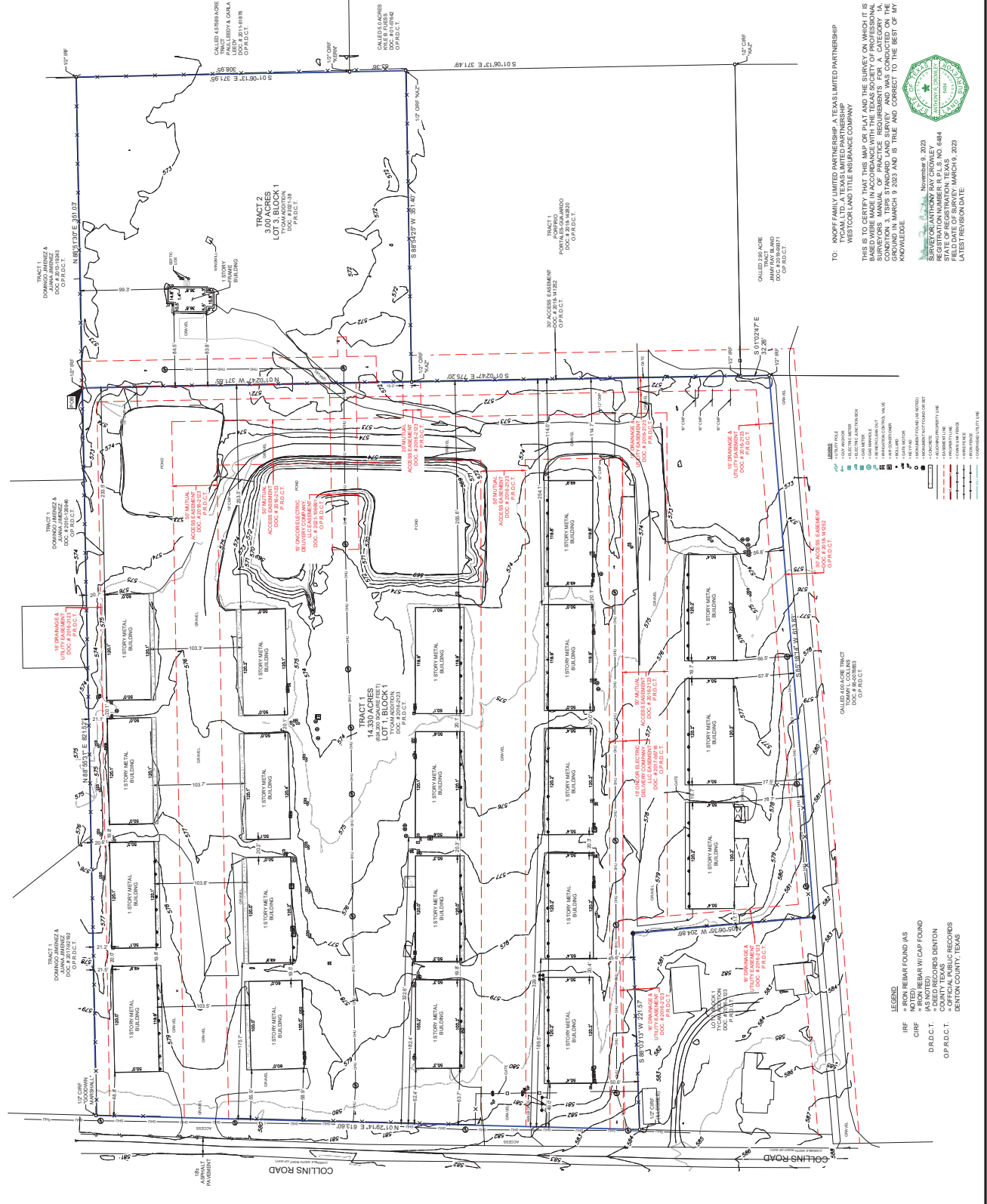
SURVEY RELATED ITEMS CORRESPONDING TO SCHEDULE B TITLE COMMITMENT
 306. Any and all easements as reflected on the map or plat filed for record in the Official Records of Denton County under the following Doc Numbers:
 DOES AFFECT, PLATTED AS SHOWN
 307. Easement and Right of Way granted by Chesapeake Energy Company, LLC, as set forth, defined, and described in instrument filed under Denton County Clerk's file No. 2007-56736.
 DOES AFFECT, PLATTED AS SHOWN
 308. Easement and Right of Way granted to Onco Electric Delivery Company, LLC, as set forth, defined, and described in instrument filed under Denton County Clerk's file No. 2021-05991.
 DOES AFFECT, PLATTED AS SHOWN
 309. Terms and conditions attached to that certain affidavit to the Public Use Permitting of On-Site Sewerage Facilities, filed under Denton County Clerk's file No. 2017-118813.
 DOES AFFECT, PLATTED AS SHOWN
 NON-SURVEY RELATED ITEM
 310. The surveyor has been made aware of the following boundary property, adjacent to the subject tract under Denton County Clerk's file No. 2013-04535. Above said surface right, there has been no investigation subsequent to date of reservation or conveyance.
 NON-SURVEY RELATED ITEM

SURVEYOR'S NOTES
 1. Measurements and distances listed are based on US State Plane NAD1983 Grid Coordinates, North Central Zone 4202 (2011).
 2. According to Map No. 4612 CD 9850, dated April 18, 2011, of the National Flood Insurance Program Map Flood Insurance Rate Map (FIRM) of Denton County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located in Zone "X" (unshaded).
 3. This survey is based on information shown on a site report prepared by Westcott Land Title Insurance Company, dated 03/09/2023, and is not a warranty of title. The surveyor has reviewed the site report and Schedule B encumbrances in said site report have been addressed. The surveyor did not abstract the property and has relied on said site report for all matters of record.
 4. Subject tract has direct driveway access to Collins Road.
 5. There is no observable evidence of earth moving work, or building construction.
 6. No observable evidence of any changes in street right-of-way or recent street or sidewalk construction or repair.
 7. The dimensions and area of the building shown are based on the building exterior footprint at ground level.
 8. The surveyor did not observe any equipment or action associated with the process of drilling for oil, gas or any other hydrocarbons on this survey.
 9. No underground utilities have been located under shown on the survey. Only visible and apparent above ground utility approximations are shown.

TSPS LAND TITLE SURVEY
LOT 1 & 3, BLOCK 1
TYCAM ADDITION
17.330 ACRES
W. DABBS SURVEY, ABSTRACT NO. 328
DENTON COUNTY, TEXAS

DATE: MARCH 2023
 DRAWN BY: DREW LUGG
 CHECKED BY: ANTHONY RAY CROWLEY
 SCALE: 1" = 50'
 SHEET: 1 of 1

ANTHONY RAY CROWLEY
 SURVEYOR
 CROWLEY SURVEYING
 4201 HUNTERSWOOD DR
 CORINTH, TX 76030
 817-893-8248
 acrowley@crowleysurveying.com



TO: KNOPF FAMILY LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP
 TYPAM, LTD., A TEXAS LIMITED PARTNERSHIP
 WEST COASTLAND TITLE INSURANCE COMPANY

THIS SURVEY IS BASED ON THE SURVEYOR'S OWN WORK, IT IS BASED HEREON IN ACCORDANCE WITH THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS' MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 'A' SURVEY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE GROUND IN MARCH 9, 2023 AND IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE.

ANTHONY RAY CROWLEY
 SURVEYOR
 REGISTRATION NUMBER: R.P.L.S. NO. 0684
 EXPIRES: 03/31/2025
 FIELD DATE OF SURVEY: MARCH 9, 2023
 LATEST REVISION DATE:

