

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON DETERMINING THE PUBLIC USE, NEED, AND NECESSITY FOR THE ACQUISITION OF RIGHTS-OF-WAY PARCELS, PERMANENT DRAINAGE AND TEMPORARY CONSTRUCTION EASEMENTS GENERALLY LOCATED ALONG RYAN ROAD BETWEEN COUNTRY CLUB ROAD AND TEASLEY LANE, SITUATED IN THE T. LOBAR SURVEY, ABSTRACT NO. 779, THE A. GIBSON SURVEY, ABSTRACT NO. 498, THE T. MARTIN SURVEY, ABSTRACT NO. 900, THE C. POLLALIER SURVEY, ABSTRACT NO. 1006, THE JAMES W. WITHERS SURVEY, ABSTRACT NO. 1343, THE ELI PICKET SURVEY, ABSTRACT NO. 1018, AND THE T. PEACOCK SURVEY, ABSTRACT NO. 1589, ALL IN THE CITY AND COUNTY OF DENTON, TEXAS, AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A" (COLLECTIVELY, THE "PROPERTY INTERESTS"); AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO ACQUIRE THE PROPERTY INTERESTS BY AGREEMENT IF POSSIBLE, INCLUDING MAKING ALL OFFERS REQUIRED BY LAW; AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN TO CONDEMN THE PROPERTY INTERESTS IF AGREEMENT CANNOT BE REACHED; AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS IF NECESSARY; AUTHORIZING THE EXPENDITURE OF FUNDING; MAKING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Ryan Road Widening Project, located along Ryan Road between Country Club Road and Teasley Lane requires the purchase of rights-of-way parcels, permanent drainage easements and temporary construction easements for the widening of Ryan Road, and improvements to drainage crossings and ditches, sidewalks and lighting; and

WHEREAS, the City Council of the City of Denton ("City Council") after consideration of this matter, has determined that a public use and necessity exists for, and that the public welfare and convenience requires, the acquisition of the Property Interests, comprised of various (i) rights-of-way parcels, (ii) permanent drainage easements and (iii) temporary construction easements by the City of Denton ("City"); and

WHEREAS, the City Council finds that the acquisition of the Property Interests identified in Exhibit "A" is necessary in furtherance of the Project; and

WHEREAS, the City is required to make an initial offer as defined by, and in compliance with, Texas Property Code §21.0111 ("Initial Offer"), and a bona fide offer as defined by, and in compliance with, Texas Property Code §21.0113 ("Final Offer") to acquire the Property Interests for public use, voluntarily, from the subject landowners before beginning the acquisition of the Property Interests by eminent domain; and

WHEREAS, independent professional appraisal reports of the Property Interests will be submitted to the City as required by Chapter 21 of the Texas Property Code, and the City Manager or their designee will establish a certain amount determined to be just compensation for the individual Property Interests based on the appraisals and fair market values of the Property Interests and any applicable fees necessary to acquire the Property Interests; and

WHEREAS, the City Council deems it necessary to authorize the City Attorney to initiate condemnation proceedings in order to acquire the Property Interests if an agreement cannot be reached with the subject landowners for the purchase of the Property Interests; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON ORDAINS:

SECTION 1. The City Council finds that the recitals made in the preamble of this Ordinance are true and correct and incorporates such recitals into the body of this ordinance as if copied in their entirety.

SECTION 2. The City Council authorizes acquisition of the Property Interests, as more particularly described in the attached Exhibit "A," for the reasons and purposes set forth above together with all necessary appurtenances, additions, and improvements on, over, under, and through the Property Interests.

SECTION 3. The City Council authorizes the City Attorney, or designee, to negotiate for and to acquire the required property rights in the Property Interests for the City, and to acquire these rights in compliance with State and any other applicable law. The City Attorney, or designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights in the Property Interests including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts and conveyance documents, to retain and designate a qualified appraiser of the Property Interests to be acquired and any other experts or consultants that he deems necessary for the acquisition process, to retain qualified outside litigation counsel as needed, and, if necessary, to institute and conduct all parts of the proceedings in eminent domain in accordance with the laws and procedures of the State.

SECTION 4. The City Manager, or their designee, is appointed as negotiator for the acquisition of the needed Property Interests and, as such, the City Manager, or their designee, is authorized and directed to do each and every act and deed specified or authorized by this Ordinance, subject to the availability of funds appropriated by the City Council for such purpose. The City Manager, or their designee, is specifically authorized to establish and make offer(s) of just compensation for the acquisition of the Property Interests to the respective landowner(s) in accordance with State and any other applicable law. If an agreement as to damages or compensation cannot be reached, then the City Attorney, or their designee, is authorized and directed to file or cause to be filed, against the subject landowner(s) and interested parties of the Property Interests, proceedings in eminent domain to acquire the Property Interests.

SECTION 5. It is the intent of the City Council that this Ordinance authorize the City Manager and City Attorney, or their designee, are authorized to perform all steps necessary to obtain the Property Interests necessary for the Project, whether through negotiation or condemnation, including the expenditure of funds.

SECTION 6. It is the intent of the City Council that this Ordinance authorize the acquisition and condemnation of all property interests required for the construction and installation

of the Project for public uses to serve the public and citizens of the City. If it is determined that there are scrivener errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney or their designee is authorized to have such errors corrected or revisions made without the necessity of obtaining a new City Council Ordinance authorizing condemnation of the corrected or revised property. The Project is generally located along Ryan Road between Country Club Road and Teasley Lane all in the City and County of Denton, Texas.

SECTION 7. In the event that Special Commissioners, appointed by the Court during condemnation proceedings, return an award that is the same amount or less than the amount offered by the City for just compensation, the City Attorney is hereby authorized to settle the lawsuit for that amount.

SECTION 8. Following an award by Special Commissioners, the City Finance Director is hereby authorized to issue a check from the appropriate fund in an amount not to exceed the Special Commissioners' award payable to the County Clerk of Denton County to be deposited in the registry of the Court to enable the City to take possession of the respective Property Interest(s) without further action of the City Council.

SECTION 9. If any section, article, paragraph, sentence, phrase, clause, or word in this ordinance, or application thereof to any persons or circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; the City Council declares that it would have ordained such remaining portion despite such invalidity, and such remaining portion shall remain in full force and effect.

SECTION 10. This Ordinance shall become effective immediately upon its passage.

[Signatures to appear on the following page.]

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

	Aye	Nay	Abstain	Absent
Gerard Hudspeth, Mayor:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
INGRID REX, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Marcella Lunn

EXHIBIT "A"
The Property Interests

Parcels	Property Owners
1	James E. Draper
2	Riley MDT Holdings, LP
3	Dottie Thompson
4	Denton County Roundup Club, Inc
5	Jesus Benitz
7	Celena Hernandez formerly known as Celia Hernandez
8	Denton Independent School District
9	Quinn Collatt and wife, Amber Nicole Collatt
10	Ernest Higginbotham, Mary Katherine Higginbotham Beal, and Patricia Jean Higginbotham Clark
11	Ray Newland and wife, Cleo Newland
12	Dennis O' Shaguhness
13	Jorge Rebollar, Jr.
14	Paul Musser
15	Drake H. Livingston
16	Benino Torrez
17	Joe Keahey
18	Kevin Jones
19	Wesley Gurley and Tammie Manley-Gurley
20	Rajiv Mishra
21	Douglas Reese Paben and Angela Renee Paben
22	Pamela Ables
25	Vaughn Andrus and Ann Andrus
26	Kreshnick Bishani and Joana Bishani
28	Store Master Funding XL LLC
30	Parkvue Res. Community
32	Lake Forest Village, Inc.
33	Bertram Jennings
34	Forest Meadow HOA
35	Gary Mayfield Trust
36	AMH 2014-2
37	Thomas Cudd
38	Ismael Ramirez
39	Richard George
40	Joshua and Angela Marshall
41	Nancy Anderson
42	Teasley Enterprises
43	Ryan Road Storage, LLC
44	David Baker