

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON DETERMINING THE PUBLIC USE, NEED, AND NECESSITY FOR THE ACQUISITION OF APPROXIMATELY 10.416-ACRES OF LAND, AND A 1.283-ACRES TEMPORARY CONSTRUCTION EASEMENT LOCATED EAST OF HINKLE DRIVE, NORTH OF WEST UNIVERSITY DRIVE, SITUATED IN THE ROBERT BEAUMONT SURVEY, ABSTRACT NO. 31, ALL IN THE CITY AND COUNTY OF DENTON, TEXAS, AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT(S) "A" (COLLECTIVELY, THE "PROPERTY INTEREST(S)"); AUTHORIZING THE CITY MANAGER AND 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 PROCEEDINGS IF NECESSARY; AUTHORIZING THE EXPENDITURE OF FUNDING; MAKING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Denton 2019/2023 Bond Program provided funding for the design and reconstruction of aging street infrastructure and improvements to drainage and flood control throughout the City. The Neighborhood 5B & Oakland Drainage Project (the "Project"), involves the use of these funds to acquire the critical Property Interests necessary for installing a regional detention pond and for continued maintenance around the detention pond area to alleviate flooding and reduce the floodplain within the City of Denton; 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 a Right-of-Way parcel and a temporary construction easement, by the City of Denton ("City"). The City Council finds that the acquisition of the Property Interests is a valid public use necessary to provide for the Project to serve the public and the citizens of the City; and

WHEREAS, 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 east of Hinkle Drive, north of West University Drive 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 following vote [____ - ____]:

| | Aye | Nay | Abstain | Absent |
|--|------------|------------|----------------|---------------|
| Mayor Gerard Hudspeth: | _____ | _____ | _____ | _____ |
| 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, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Marcella Lunn

EXHIBIT "A"

THE PROPERTY INTERESTS

| PARCEL N UMBER | ADDRESS | PROPERTY OWNER |
|----------------|------------------------------------|----------------|
| 1 | 2100 HINKLE DR DENTON, TX 76201 | SEYED MOOSAVI |



0 50 100 200

GRAPHIC SCALE IN FEET

LEGEND

--- PROPERTY LINE
--- TRACT LINE
○ POINT FOR CORNER
(UNLESS OTHERWISE NOTED)
SIR - 5/8-INCH IRON ROD WITH
"WESTWOOD PS" CAP SET
(C.M.) - CONTROLLING MONUMENT
P.O.B. - POINT OF BEGINNING

P.O.B.

5/8-INCH IRON ROD
WITH "WESTWOOD PS"
CAP FOUND

N 00°37'18" E
20.00'

HINKLE DRIVE
(VARIABLE WIDTH RIGHT-OF-WAY)

BLOCK V
NORTH UNIVERSITY
PLACE ADDITION
(CAB. A, PG. 65)

BLOCK IV
NORTH UNIVERSITY
PLACE ADDITION
(CAB. A, PG. 65)

LOT 1R, BLOCK 1
GOOD SAMARITAN VILLAGE
(DOC. NO. 2011-20)

DRAINAGE EASEMENT
(CAB M, PG. 341)

TO BE ACQUIRED BY
THE CITY OF DENTON
10.416 ACRES
453,712 SF
SEYED MOOSAVI
(DOC. NO. 2017-31975)

S 89°09'23" E
987.84'

N 89°09'23" W
181.32'

$\Delta=10^{\circ}18'05''$
 $R=1,896.13'$
 $L=340.91'$
 $T=170.92'$
CB=N 41°54'06" W
CD=340.45'

REMAINDER OF
SEYED MOOSAVI
(DOC. NO. 2017-31975)

MATCH LINE (SEE PAGE 4 OF 5)

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract described.



Justin W. Waldrup
Registered Professional
Land Surveyor No. 6179

08/22/25
Date

TX REG. ENGINEERING FIRM F-11756
TX REG. SURVEYING FIRM LS-10074301

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on observations made on the City of Denton Control Point Numbers 15, 55, 164 and 2011 on August 20, 2024. Distances reported have been scaled to surface using a combined scale factor of 1.0001368728.

Westwood

7557 RAMBLER ROAD SUITE 1400
DALLAS, TX 75231
972.235.3031

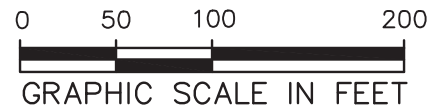
10.416 ACRE TRACT

TO BE ACQUIRED BY THE CITY OF DENTON
PART OF THE SEYED MOOSAVI TRACT
ROBERT BEAUMONT SURVEY, ABSTRACT NO. 31,
CITY OF DENTON, DENTON COUNTY, TEXAS
PAGE 3 OF 5

| DRAWN BY | CHECKED BY | SCALE | DATE | JOB NUMBER |
|----------|------------|---------|-----------|-------------|
| AMY | JWW | 1"=100' | AUG. 2025 | R0052050.00 |

N:\0052050.00\06 CAD\DWG\SURVEY C3D\ALTA SURVEY\0052050.00EX1.DWG
AMAYATES 8/22/2025 11:07 AM

| LEGEND | |
|----------|---|
| | PROPERTY LINE |
| | TRACT LINE |
| | POINT FOR CORNER (UNLESS OTHERWISE NOTED) |
| SIR - | 5/8-INCH IRON ROD WITH "WESTWOOD PS" CAP SET |
| (C.M.) - | CONTROLLING MONUMENT |
| P.O.B. - | POINT OF BEGINNING |



MATCH LINE (SEE PAGE 3 OF 5)

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on observations made on the City of Denton Control Point Numbers 15, 55, 164 and 2011 on August 20, 2024. Distances reported have been scaled to surface using a combined scale factor of 1.0001368728. TX REG. ENGINEERING FIRM F-11756
TX REG. SURVEYING FIRM LS-10074301

Westwood

7557 RAMBLER ROAD SUITE 1400
DALLAS, TX 75231
972.235.3031

| DRAWN BY | CHECKED BY | SCALE | DATE | JOB NUMBER |
|----------|------------|---------|-----------|-------------|
| AMY | JWW | 1"=100' | AUG. 2025 | R0052050.00 |

10.416 ACRE TRACT

TO BE ACQUIRED BY THE CITY OF DENTON
PART OF THE SEYED MOOSAVI TRACT
ROBERT BEAUMONT SURVEY, ABSTRACT NO. 31,
CITY OF DENTON, DENTON COUNTY, TEXAS
PAGE 4 OF 5

LOT 1R, BLOCK 1
GOOD SAMARITAN VILLAGE
(DOC. NO. 2011-20)

LOT 11C, BLOCK 1
INFINITY STRATA ADDITION
(CAB. M, PG. 163)

UTILITY EASEMENT
(CC# 97-R0034793)

16' UTILITY EASEMENT
(VOL. 746, PG. 807)

DRAINAGE EASEMENT
(VOL. 2123, PG. 343)

16' UTILITY EASEMENT
(VOL. 746, PG. 807)

24' DRAINAGE
EASEMENT
(CAB. M, PG. 163)

$\Delta=10^{\circ}18'05''$
 $R=1,896.13'$
 $L=340.91'$
 $T=170.92'$
 $CB=N\ 41^{\circ}54'06''\ W$
 $CD=340.45'$

TO BE ACQUIRED BY
THE CITY OF DENTON
10.416 ACRES
453,712 SF
SEYED MOOSAVI
(DOC. NO. 2017-31975)

$S\ 00^{\circ}12'47''\ W$
870.53'

DRAINAGE EASEMENT
(VOL. 2487, PG. 503)

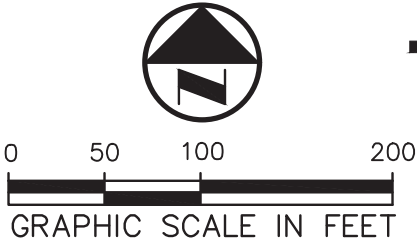
DENTON COUNTY
AGRICULTURAL FAIR ASSOCIATION
(VOL. 346, PG. 199)

REMAINDER OF
SEYED MOOSAVI
(DOC. NO. 2017-31975)

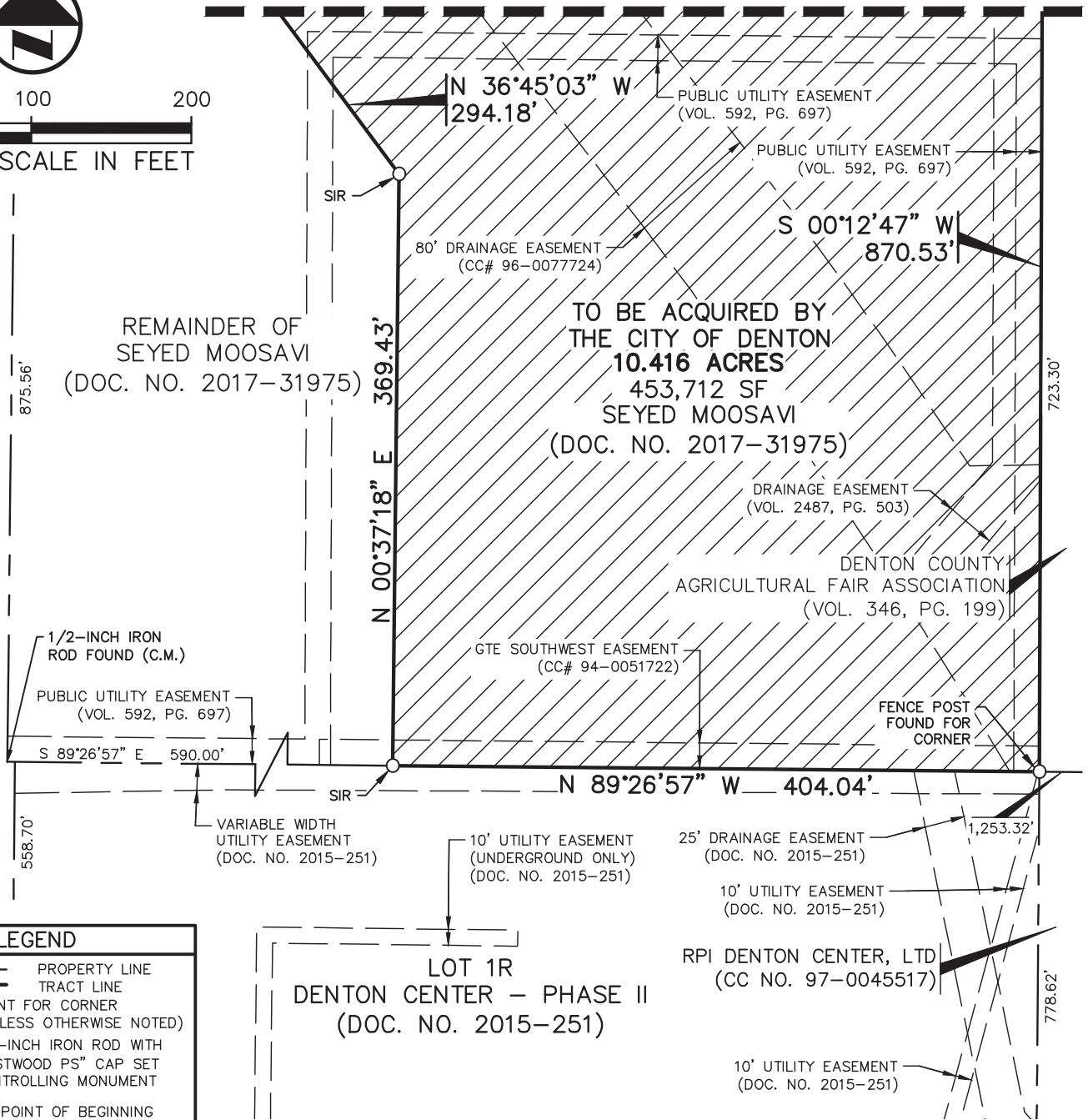
MATCH LINE (SEE PAGE 5 OF 5)

N:\0052050.00\06 CAD\DWG\SURVEY C3D\ALTA SURVEY\0052050.00EX1.DWG
AMAYATES 8/22/2025 11:07 AM

MATCH LINE (SEE PAGE 4 OF 5)



HINKLE DRIVE
(VARIABLE WIDTH RIGHT-OF-WAY)



LEGEND

| | |
|--------|--|
| --- | PROPERTY LINE |
| --- | TRACT LINE |
| ○ | POINT FOR CORNER (UNLESS OTHERWISE NOTED) |
| SIR | 5/8-INCH IRON ROD WITH "WESTWOOD PS" CAP SET (C.M.) - CONTROLLING MONUMENT |
| P.O.B. | POINT OF BEGINNING |

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on observations made on the City of Denton Control Point Numbers 15, 55, 164 and 2011 on August 20, 2024. Distances reported have been scaled to surface using a combined scale factor of 1.0001368728.

TX REG. ENGINEERING FIRM F-11756
TX REG. SURVEYING FIRM LS-10074301

Westwood

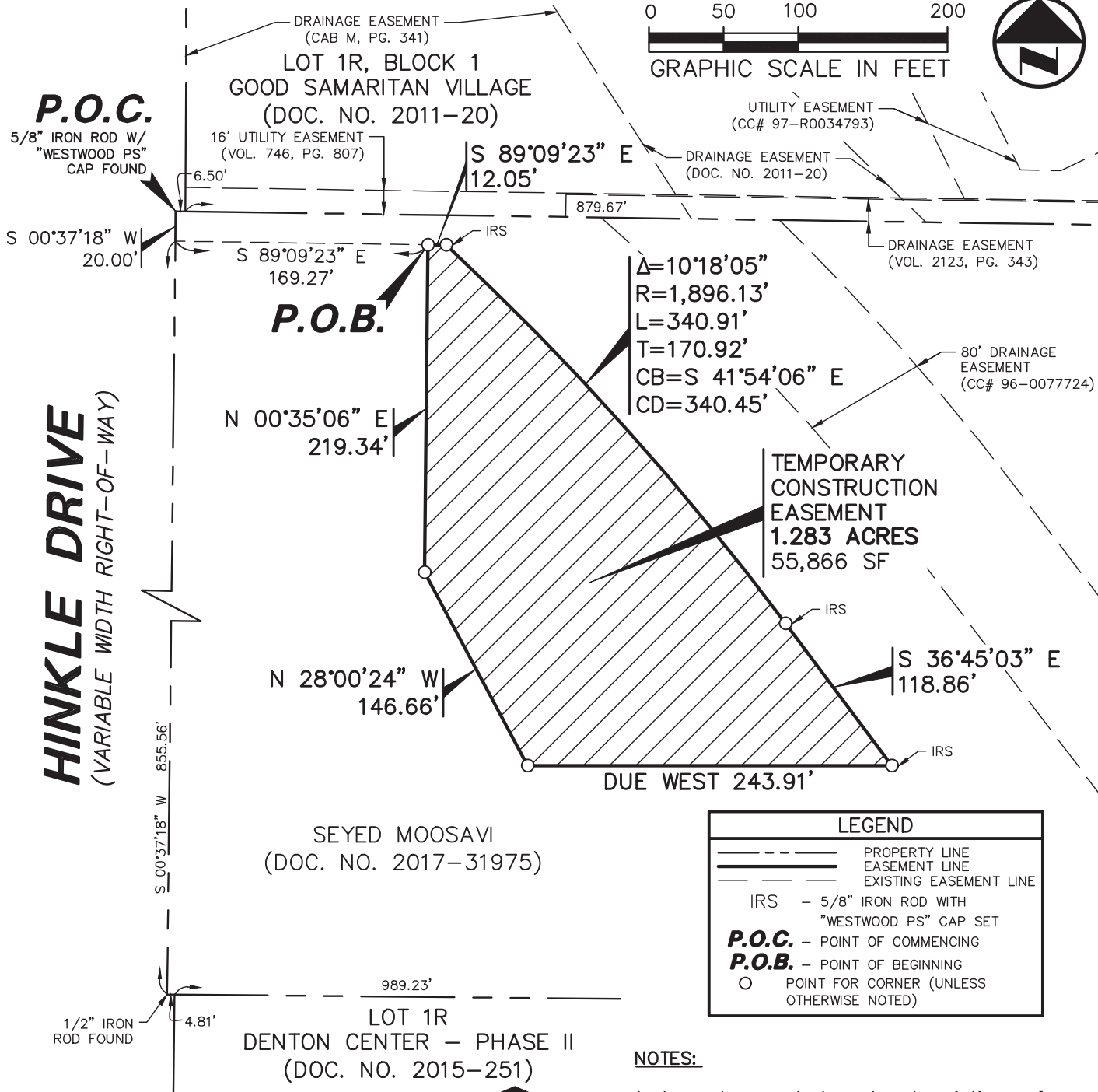
7557 RAMBLER ROAD SUITE 1400
DALLAS, TX 75231
972.235.3031

10.416 ACRE TRACT

TO BE ACQUIRED BY THE CITY OF DENTON
PART OF THE SEYED MOOSAVI TRACT
ROBERT BEAUMONT SURVEY, ABSTRACT NO. 31,
CITY OF DENTON, DENTON COUNTY, TEXAS
PAGE 5 OF 5

| DRAWN BY | CHECKED BY | SCALE | DATE | JOB NUMBER |
|----------|------------|---------|-----------|-------------|
| AMY | JWW | 1"=100' | FEB. 2025 | R0052050.00 |

N: \\0052050.00\\06 CAD\\DWG\\SURVEY C3D\\ALTA SURVEY\\0052050.00EX3_KLS.DWG
KSTUBBLEFIELD 9/17/2025 11:46 AM



The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.

Justin W. Waldrip
Registered Professional
Land Surveyor No. 6179

Date

TX REG. ENGINEERING FIRM F-11756
TX REG. SURVEYING FIRM LS-10074301



Westwood

7557 RAMBLER ROAD SUITE 1400
DALLAS, TX 75231
972.235.3031

TEMPORARY CONSTRUCTION EASEMENT

PART OF THE SEYED MOOSAVI TRACT
ROBERT BEAUMONT SURVEY, ABSTRACT NO. 31,
CITY OF DENTON, DENTON COUNTY, TEXAS
PAGE 3 OF 3

| DRAWN BY | CHECKED BY | SCALE | DATE | JOB NUMBER |
|----------|------------|---------|-----------|-------------|
| KLS | JWW | 1"=100' | SEPT 2025 | R0052050.00 |