

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AUTHORIZING THE CITY MANAGER, OR THEIR DESIGNEE, TO EXECUTE AN AMENDED AND RESTATED WATER AND WASTEWATER UTILITIES OVERSIZE COST PARTICIPATION AGREEMENT WITH MERITAGE HOMES OF TEXAS, LLC, FOR THE DESIGN AND CONSTRUCTION OF A 30" WASTEWATER MAIN, 1.9 MGD LIFT STATION, WASTEWATER FORCE MAIN, GRAVITY WASTEWATER MAIN, AND 12" POTABLE WATER MAIN; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFORE; AND PROVIDING AN EFFECTIVE DATE (MERITAGE HOMES OF TEXAS, LLC, IN THE AMOUNT NOT-TO-EXCEED AMOUNT OF \$8,988,869.36).

WHEREAS, on March 5, 2024 (the "Original Agreement Date"), the City and Allied Development, LLC, a Texas limited liability company, entered into a Water and Wastewater Utilities Oversize Cost Participation Agreement (the "Original Agreement"); and

WHEREAS, Allied Development, LLC, assigned its rights, obligations, and interest in the Original Agreement to Meritage Homes of Texas, LLC (the "Developer") in that certain Assignment of Water and Wastewater Utilities Oversize Cost Participation Agreement dated 21st day of March, 2024; and

WHEREAS, Developer is the owner of certain real property for development located in the City of Denton, Texas and being described in Exhibit A, attached hereto and made a part hereof for all purposes (the "Property"); and

WHEREAS, based on final design, and the costs reflected in Exhibit C-1 of the attached amended and restated agreement ("Amended and Restated Agreement") represent actual, final costs for Phase 1 and the awarded contractual amounts for Phase 2 construction bids including changes to requirements for the installation of the infrastructure; and

WHEREAS, the Parties desire to amend certain provisions of the Original Agreement and desire to restate such Original Agreement in its entirety, except as specifically provided for herein, such that the terms and provisions of the Amended and Restated Agreement shall apply to the development of the Property; and

WHEREAS, Amended and Restated Agreement increases the City's contribution by \$1,435,541.93; and

WHEREAS, Subchapter C, Section 212 of the Texas Local Government Code authorizes the City to cost participate with a developer of a subdivision or land to construct public improvements related to a development; and

WHEREAS, the City Council finds it is in the best interest of the City of Denton to participate in oversizing participation agreements; NOW, THEREFORE, THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitals contained in the preamble of this ordinance are hereby

incorporated into the body of this ordinance are true and correct.

SECTION 2. The City Manager, or their designee, is hereby authorized to execute the Amended and Restated Agreement which is attached hereto and incorporated herein as Exhibit “A”.

SECTION 3. The City Council of the City of Denton hereby expressly delegates the authority to take any actions that may be required or permitted to be performed by the City of Denton to accomplish the purposes of this ordinance to the City Manager of the City of Denton, or their designee.

SECTION 4. The City Council hereby authorizes the expenditure of funds therefor in the amount and in accordance with the written contract attached hereto and incorporated herein as Exhibit “A”.

SECTION 5. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this Ordinance was made by _____ and seconded by _____. This Ordinance was passed and approved by the following vote [_ - _]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Jordan Villarreal, District 1:	_____	_____	_____	_____
Nick Stevens, 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 _____, 2026.

GERARD HUDSPETH, MAYOR

ATTEST:
KRISTI FOGLE, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY

BY: _____