

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON WAIVING ROADWAY IMPACT FEES IN AN AMOUNT NOT TO EXCEED \$140,600.00 FOR THE MCADAMS HAVEN APARTMENTS TO BE LOCATED AT APPROXIMATELY 900, 914, AND 920 LINDSEY ST AND 1518 BERNARD ST, DENTON, TEXAS 76201; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Denton Affordable Housing Corporation ("Applicant") is proposing the new construction of a multi-family affordable rental housing development to be located at approximately 900, 914, and 920 Lindsey St. and 1518 Bernard St., Denton, TX 76201 to be named McAdams Haven Apartments, more particularly described on Exhibit "A", attached hereto (the "Project"); and

WHEREAS, the Applicant previously applied for a Resolution of Support from the City for a 9% competitive Housing Tax Credit, which the City Council approved by Resolution No. 25-107 on February 18, 2025; and

WHEREAS, the Applicant has been awarded a competitive 9% Housing Tax Credit by Texas Department of Housing and Community Affairs ("TDHCA") to provide equity financing for the Project; and

WHEREAS, Chapter 25 of the City of Denton Code of Ordinances provides for the assessment and collection of roadway impact fees for multifamily developments (the "Roadway Impact Fees"); and

WHEREAS, pursuant to Texas Local Government Code Section 395.016(g) (the "Code") a municipality may reduce or waive roadway impact fees for any service unit that qualifies as affordable housing under 42 U.S.C. § 12745 ("HOME Act"); and

WHEREAS, the Project will comprise 84 units which will qualify as affordable housing under the HOME Act, 17 of which will be reserved for households whose income does not exceed 30% of the area median income, 51 of which will be reserved for households whose income does not exceed 50% of the area median income, and 16 of which will be reserved for households whose income does not exceed 60% of the area median income.; and

WHEREAS, the City Council of the City of Denton finds that the waiver of roadway impact fees for the Project is in the public interest and serves the purpose of increasing the availability of affordable housing in the City of Denton; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The recitals contained in the preamble of this Ordinance are found to be true and incorporated by reference into the body of this Ordinance as if fully set forth herein.

SECTION 2. The City hereby waives 100% of the Roadway Impact Fees for the Project in an amount not to exceed \$140,600.00, as authorized by Section 395.016(g) of the Code, subject to the conditions set forth below.

SECTION 3. Pursuant to Section 395.016(g) of the Code, Roadway Impact Fees for the Project may be assessed at any time during the development approval or building process or after the building process for the Project if:

- (a) any unit in the Project ceases to qualify as affordable housing under the HOME Act,
- (b) the unit affordability mix changes without prior approval from TDHCA, or
- (c) the owner of the Project fails to provide, upon request by the City Manager or the Director of the Department of Community Services, sufficient documentation to establish the unit mix of the Project or the qualification of a unit as affordable housing.

SECTION 4. Upon issuance of a building permit, and before the issuance of certificate of occupancy for the Project, the City Manager or their designee is hereby authorized to execute a Memorandum of Impact Fee Waiver in the form attached hereto as Exhibit “B” and incorporated herein by reference, and to cause the fully-executed version of the same to be recorded in the real property records of Denton County.

SECTION 5. The City Council hereby approves and authorizes the execution on behalf of the City of all other documents and writings whatsoever that may be necessary or convenient, in the reasonable opinion of either the City Manager or the City Attorney, for carrying out this Ordinance.

SECTION 6. This Ordinance shall be effective as of its date of approval and passage by City Council.

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
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, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

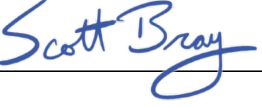
BY:  _____
Scott Bray
Deputy City Attorney

Exhibit A

Project Legal Description

BEING A 1.563 ACRE (68,066 SQUARE FOOT) TRACT OF LAND SITUATED IN THE A. N. B. TOMPKINS SURVEY, ABSTRACT NO. 1246, DENTON COUNTY, TEXAS; BEING ALL OF LOTS 1-3, BLOCK 2, R. E. FORD SUBDIVISION, A SUBDIVISION OF PART OF SAID TOMPKINS SURVEY AS SHOWN ON THE PLAT RECORDED IN BOOK 323, PAGE 538, DEED RECORDS, DENTON COUNTY, TEXAS; AND BEING ALL THOSE TRACTS OF LAND DESCRIBED IN DEEDS TO DX4 HOLDINGS, LLC AS RECORDED IN DOCUMENT NOS. 2021-43063, 2021-43064, 2021-43065, AND 2021-43066, OFFICIAL RECORDS, DENTON COUNTY, TEXAS. SAID 1.563 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

(BEARINGS AND COORDINATES ARE GRID BASED ON THE "TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE" AS DETERMINED BY GPS OBSERVATIONS. THE CONVERGENCE ANGLE AT THE POINT OF BEGINNING IS 0°44'26.7". DISTANCES HAVE BEEN ADJUSTED TO SURFACE BY USING A COMBINED SCALE FACTOR OF 1.000151898921) BEGINNING AT A 1/2" IRON ROD FOUND (N: 7,121,779.93, E: 2,383,915.04) FOR THE SOUTHEAST CORNER OF SAID LOT 1 AND BEING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF LINDSEY STREET (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, BOOK 323, PAGE 528, DEED RECORDS, DENTON COUNTY, TEXAS) WITH THE WEST RIGHT-OF-WAY LINE OF BERNARD STREET (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, BOOK 75, PAGE 166 OF SAID DEED RECORDS);

THENCE, SOUTH 89°13'30" WEST, WITH THE COMMON SOUTH BOUNDARY LINE OF SAID BLOCK 2 AND SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 299.98 FEET TO A 5/8" YELLOW PLASTIC CAPPED IRON ROD SET STAMPED "MMA" (HEREINAFTER CALLED 5/8' IRON ROD SET) FOR THE SOUTHWEST CORNER OF SAID LOT 3 AND BEING IN THE NORTHEAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35 EAST (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, DOCUMENT NO. 2014-130875 OF SAID OFFICIAL RECORDS);

THENCE, NORTH 00°44'47" WEST, WITH THE COMMON WEST BOUNDARY LINE OF SAID LOT 3 AND THE SAID NORTHEAST RIGHT-OF-WAY LINE, AT 80.75 FEET PASSING A TXDOT RIGHT-OF-WAY MONUMENT FOUND FOR THE COMMON SOUTH CORNER OF A CALLED 0.2939 ACRE TRACT OF LAND DESCRIBED IN DEED TO TLC PROPERTIES AS RECORDED IN DOCUMENT NO. 2014-131043 OF SAID OFFICIAL RECORDS AND AN ANGLE POINT IN SAID NORTHEAST RIGHT-OF-WAY LINE, CONTINUING WITH THE COMMON SAID WEST BOUNDARY LINE AND THE EAST BOUNDARY LINE OF SAID 0.2939 ACRE TRACT, IN ALL A DISTANCE OF 223.29 FEET TO A 5/8" IRON ROD SET FOR THE COMMON NORTHWEST CORNER OF SAID LOT 3, THE NORTHEAST CORNER OF SAID 0.2939 ACRE TRACT AND BEING IN THE SOUTH BOUNDARY LINE OF LOT 1, BLOCK 1, CUMBERLAND PRESBYTERIAN CHILDREN'S HOME ADDITION TO THE CITY OF DENTON AS SHOWN ON THE PLAT RECORDED IN CABINET F, PAGE 174, PLAT RECORDS, DENTON COUNTY, TEXAS;

THENCE, NORTH 89°12'40" EAST, WITH THE COMMON NORTH BOUNDARY LINE OF SAID BLOCK 2 AND THE SOUTH BOUNDARY LINE OF SAID LOT 1, BLOCK 1, A DISTANCE OF 309.58 FEET TO A 1/2" IRON ROD FOUND FOR THE COMMON NORTHEAST CORNER OF THE AFORESAID LOT 1, BLOCK 2 AND THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1 AND BEING IN THE AFORESAID WEST RIGHT-OF-WAY LINE;

THENCE, SOUTH 01°42'46" WEST, WITH THE COMMON EAST BOUNDARY LINE OF SAID LOT 1, BLOCK 2 AND SAID WEST RIGHT-OF-WAY LINE, AT 123.62 FEET PASSING A 1/2" IRON ROD FOUND, CONTINUING WITH SAID COMMON LINE IN ALL A DISTANCE OF 223.58 FEET TO THE POINT OF BEGINNING AND BEING 1.563 ACRES OR 68,066 SQUARE FEET OF LAND, MORE OR LESS.

Exhibit B

MEMORANDUM OF IMPACT FEE WAIVER

This Memorandum of Impact Fee Waiver, dated as of [DATE], is entered into by the City of Denton, Texas (“City”), and Denton Affordable Housing Corporation (“DAHC”).

City and DAHC hereby acknowledge the following:

1. DAHC is the owner of the property located at approximately 900, 914, and 920 Lindsey St. and 1518 Bernard St., Denton, TX 76201, more particularly described in Attachment 1 hereto (the “Property”).
2. On September 30, 2025, by Ordinance No. _____ (the “Ordinance”), the City approved a waiver of roadway impact fees for the Property pursuant to Texas Local Government Code Section 395.016(g).
3. Pursuant to the Ordinance, the City may assess roadway impact fees on the Property at any time if:
 - (d) any unit in the Project ceases to qualify as affordable housing under 42 U.S.C. § 12745,
 - (e) the unit affordability mix changes without prior approval from the Texas Department of Housing and Community Affairs, or
 - (f) the owner of the Project fails to provide, upon request by the City Manager or the Director of the Department of Community Services, sufficient documentation to establish the unit mix of the Project or the qualification of a unit as affordable housing.
4. This Memorandum is intended only for recording purposes to provide notice of the terms and conditions under which impact fees may be assessed and is not to be construed as a complete summary of the Ordinance. In the event of any conflict between this Memorandum and the Ordinance, the provisions of the Ordinance shall control.

[Signature page follows]

CITY OF DENTON, TEXAS

By: _____
Sara Hensley, City Manager

STATE OF TEXAS §
 §
COUNTY OF DENTON §

This instrument was acknowledged before me on the ____ day of _____, 2025,
by Sara Hensley, the City Manager of the City of Denton, Texas, on behalf of said City.

(SEAL)

Notary Public in and for the State of Texas

**DENTON AFFORDABLE
HOUSING CORPORATION**

By: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF DENTON §

This instrument was acknowledged before me on the ____ day of _____, 2025,
by _____, _____ of Denton Affordable Housing Corporation,
on behalf of said corporation.

(SEAL)

Notary Public in and for the State of Texas

Attachment 1

Property Legal Description

BEING A 1.563 ACRE (68,066 SQUARE FOOT) TRACT OF LAND SITUATED IN THE A. N. B. TOMPKINS SURVEY, ABSTRACT NO. 1246, DENTON COUNTY, TEXAS; BEING ALL OF LOTS 1-3, BLOCK 2, R. E. FORD SUBDIVISION, A SUBDIVISION OF PART OF SAID TOMPKINS SURVEY AS SHOWN ON THE PLAT RECORDED IN BOOK 323, PAGE 538, DEED RECORDS, DENTON COUNTY, TEXAS; AND BEING ALL THOSE TRACTS OF LAND DESCRIBED IN DEEDS TO DX4 HOLDINGS, LLC AS RECORDED IN DOCUMENT NOS. 2021-43063, 2021-43064, 2021-43065, AND 2021-43066, OFFICIAL RECORDS, DENTON COUNTY, TEXAS. SAID 1.563 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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