

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON DETERMINING THE PUBLIC USE, NEED, AND NECESSITY FOR THE ACQUISITION OF A PERMANENT WASTEWATER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT GENERALLY LOCATED NORTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), AND WEST OF MASCH BRANCH ROAD, SITUATED IN THE SEFERINO HUIZAR SURVEY, ABSTRACT NO. 514, 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 North Masch Branch Sewer Line, located north of U.S. Highway 380 (University Drive), and west of Masch Branch Road requires the purchase of a wastewater easement and a temporary construction easement for the purpose of wastewater installation to complete the City’s wastewater masterplan (the “Project”); 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 v a wastewater easement and a temporary construction easement 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 north of U.S. Highway 380 (University Drive), and west of Masch Branch Road 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, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY: Marcella Lunn

EXHIBIT “A”  
The Property Interests

## LEGAL DESCRIPTION

0.851 ACRE

**BEING** a tract of land situated in the Seferino Huizar Survey, Abstract No. 514, City of Denton, Denton County, Texas, and being a portion of Lot 1, Block A of Fisher 59 Addition, an addition to the City of Denton, Texas, according to the plat thereof recorded in Document No. 2018-257 of the Plat Records of Denton County, Texas and a portion of Lot 2, Block A of Fisher 59 Addition, an addition to the City of Denton, Texas, according to the plat thereof recorded in Document No. 2021-283 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod with plastic cap stamped "EAGLE" found on the southerly line of a called 95.584 acre tract of land described in a deed to John Karvouniaris, recorded in Instrument No. 2003-207512 of the Official Records of Denton County, Texas, for the northeast corner of said Lot 1, common to the northwest corner of said Lot 2;

**THENCE** South 89°28'20" East, along the common line of said Lot 2 and said 95.584 acre tract, a distance of 21.35 feet to a point for corner;

**THENCE** departing said common line and crossing said Lot 2, the following courses and distances:

South 19°56'00" East, a distance of 441.62 feet to a point for corner;

South 03°12'06" East, a distance of 791.69 feet to a point for corner;

South 34°47'22" East, a distance of 291.85 feet to a point for corner on the northerly line of an existing 20-foot wide public utility easement, recorded in Document No. 2021-283 of the Plat Records of Denton County, Texas;

**THENCE** North 87°54'04" West, continuing across said Lot 2 and along the northerly line of said existing 20-foot wide public utility easement, a distance of 31.26 feet to a point for corner;

**THENCE** departing the northerly line of said 20-foot wide public utility easement and continuing across said Lot 2, thew following courses and distances:

North 34°47'22" West, a distance of 280.16 feet to a point for corner;

North 03°12'06" West, a distance of 753.30 feet to a point for corner;

**THENCE** North 19°56'00" West, continuing across said Lot 2 and crossing said Lot 1, a distance of 447.27 feet to a point for corner on the southerly line of said 95.584 acre tract, same being on the northerly line of said Lot 1;

**THENCE** South 89°28'20" East, along the common line of said Lot 1 and said 95.584 acre tract, a distance of 5.34 feet to the **POINT OF BEGINNING** and containing 0.851 of an acre (37,051 square feet) of land, more or less.

EXHIBIT "A"

**0.851 ACRE**

SEFERINO HUIZAR SURVEY,  
ABSTRACT NO. 514  
CITY OF DENTON,  
DENTON COUNTY, TEXAS

*Michael B. Marx*

MICHAEL MARX  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5181  
6160 WARREN PKWY., SUITE 210  
FRISCO, TEXAS 75034  
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**Kimley»Horn**

6160 Warren Parkway, Suite 210  
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Tel. No. (972) 335-3580  
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JCC	KHA	Nov. 2025	063246300	1 OF 1





## LEGAL DESCRIPTION

0.682 ACRE

**BEING** a tract of land situated in the Seferino Huizar Survey, Abstract No. 514, City of Denton, Denton County, Texas, and being a portion of Lot 2, Block A of Fisher 59 Addition, an addition to the City of Denton, Texas, according to the plat thereof recorded in Document No. 2021-283 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

**COMMENCING** at a 1/2 inch iron rod with plastic cap stamped "EAGLE" found on the southerly line of a called 95.584 acre tract of land described in a deed to John Karvouniaris, recorded in Instrument No. 2003-207512 of the Official Records of Denton County, Texas, for the northeast corner of Lot 1, Block A of Fisher 59 Addition, an addition to the City of Denton, Texas, according to the plat thereof recorded in Document No. 2018-257 of the Plat Records of Denton County, Texas, common to the northwest corner of said Lot 2;

**THENCE** South 89°28'20" East, along the common line of said Lot 2 and said 95.584 acre tract, a distance of 21.35 feet to the **POINT OF BEGINNING** of the herein described easement tract;

**THENCE** South 89°28'20" East, continuing along said common line, a distance of 21.35 feet to a point for corner;

**THENCE** departing said common line and crossing said Lot 2, the following courses and distances:

South 19°56'00" East, a distance of 437.10 feet to a point for corner;

South 03°12'06" East, a distance of 789.03 feet to a point for corner;

South 34°47'22" East, a distance of 301.21 feet to a point for corner on the northerly line of an existing 20-foot wide public utility easement, recorded in Document No. 2021-283 of the Plat Records of Denton County, Texas;

**THENCE** North 87°54'04" West, continuing across said Lot 2 and along the northerly line of said existing 20-foot wide public utility easement, a distance of 25.01 feet to a point for corner;

**THENCE** departing the northerly line of said 20-foot wide public utility easement and continuing across said Lot 2, the following courses and distances:

North 34°47'22" West, a distance of 291.85 feet to a point for corner;

North 03°12'06" West, a distance of 749.91 feet to a point for corner;

North 19°56'00" West, a distance of 441.62 feet to the **POINT OF BEGINNING** and containing 0.682 of an acre (29,689 square feet) of land, more or less.

EXHIBIT "A"

**0.682 ACRE**

SEFERINO HUIZAR SURVEY,  
ABSTRACT NO. 514  
CITY OF DENTON,  
DENTON COUNTY, TEXAS

*Michael B. Marx*

MICHAEL MARX  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5181  
6160 WARREN PKWY., SUITE 210  
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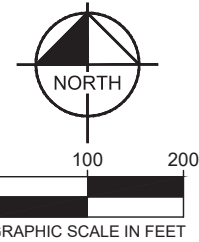
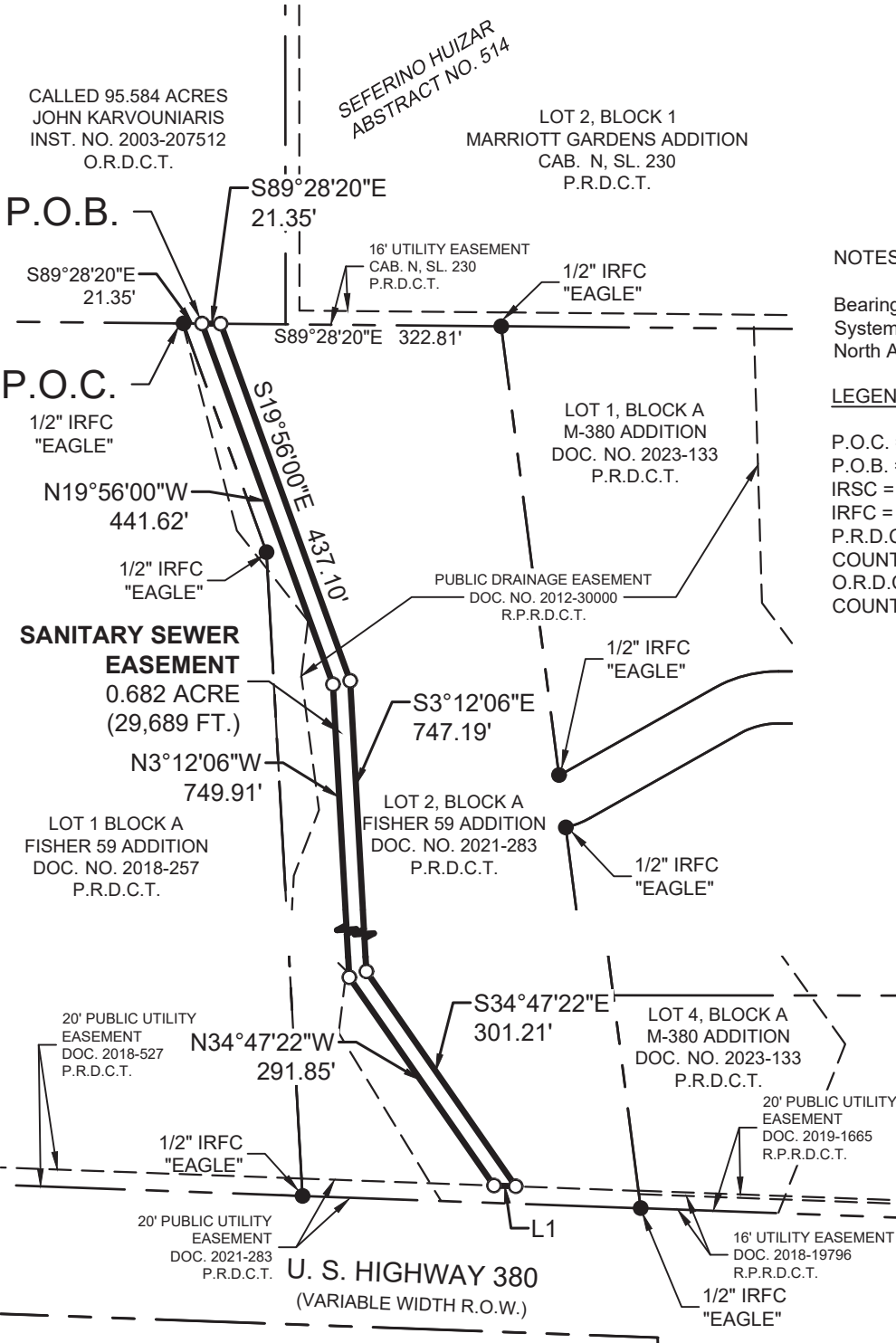
**Kimley»Horn**

6160 Warren Parkway, Suite 210  
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N/A	JCC	KHA	Nov. 2025	063246300	1 OF 1





#### NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

#### LEGEND

P.O.C. = POINT OF COMMENCING  
P.O.B. = POINT OF BEGINNING  
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET  
IRFC = IRON ROD W/CAP FOUND  
P.R.D.C.T. = PLAT RECORDS OF DENTON COUNTY, TEXAS  
O.R.D.C.T. = OFFICIAL RECORDS, DENTON COUNTY, TEXAS

#### LINE TABLE

NO.	BEARING	LENGTH
L1	N87°54'04"W	25.01'

#### EXHIBIT "B"

**0.682 ACRE**

SEFERINO HUIZAR SURVEY,  
ABSTRACT NO. 514  
CITY OF DENTON,  
DENTON COUNTY, TEXAS

*Michael Marx*  
**MICHAEL MARX**  
REGISTERED PROFESSIONAL  
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1" = 200'	JCC	KHA	Nov. 2025	063246300	1 OF 1