

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING ISSUANCE OF A SERVICES AGREEMENT, PURSUANT TO TEX. LOC. GOV. CODE SEC. 43.056, FOR PROPERTY OWNED BY JAY EDWIN WEST FOR THE PROVISION OF CITY SERVICES TO APPROXIMATELY 3.27 ACRES OF LAND, GENERALLY LOCATED ON THE NORTH SIDE OF GANZER ROAD, APPROXIMATELY 2,497 FEET NORTH AND EAST OF CHINN ROAD; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PLAN; AND PROVIDING AN EFFECTIVE DATE. (A26-0005a)

WHEREAS, Jay Edwin West (hereafter referred to as “Owner”), owns approximately 3.27 acres of land in Denton County, Texas as described in **Exhibit A** attached hereto and incorporated herein (“Property”); and

WHEREAS, the Property is subject to that certain Non-Annexation Agreement (the “NAA”) approved by the City Council of the City of Denton on April 5, 2016 via Ordinance (2016-120), and duly recorded in the Denton Real Property records on May 12, 2016 via document id 2016-53329; and

WHEREAS, the NAA expired on August 1, 2020, and, pursuant to direction from City Council, Staff contacted the Owner on April 23, 2024, June 13, 2024, and July 2, 2026, to offer an updated NAA with an expiration date in 2040;

WHEREAS, Owner has not responded to Staff’s contact attempts; and as a result, Staff are proceeding with the Annexation Case no. A26-0005d (“Annexation Case”) under consent annexation processes authorized by Texas Local Government Code (“TLGC”) Sec. 43.0671 et seq; and

WHEREAS, TLGC 43.0672 requires City and the Owner to negotiate and enter into a written agreement for municipal services; and the Municipal Services Agreement for the Annexation Case was approved on August 18, 2026 via Ordinance A26-0005; and

WHEREAS, City values procedural due process in every formal action it takes; therefore, out of an abundance of caution, City is also undertaking to issue this Service Plan (the “Plan”) pursuant to TLGC 43.056 to explain the process by which full municipal services will be provided to the Property; and

WHEREAS, The Plan is issued by the City and does not require the Owner’s participation; and

WHEREAS, the City Council of the City of Denton finds it to be in the best interest of the citizens of Denton to issue this Plan;

NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference.

SECTION 2. The Service Plan (“Plan”), made in accordance with applicable provisions of state law pertaining to annexation, is approved and attached hereto as **Exhibit B** and is made a part hereof for all intents and purposes.

SECTION 3. The City Manager, or designee, is hereby authorized to execute the Plan and to carry out the duties and responsibilities of the City of Denton under the Plan .

SECTION 4. Should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 5. This Ordinance shall be effective immediately upon its passage and approval.

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
Chris Watts, Mayor:	_____	_____	_____	_____
Jordan Villarreal, District 1:	_____	_____	_____	_____
Nick Stevens, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
George Ferrie, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this, the _____ day of _____, 2026.

CHRIS WATTS, MAYOR

ATTEST:

KRISTI FOGLE, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REIWAND, CITY ATTORNEY

BY: Heary McMahon

EXHIBIT A
LEGAL DESCRIPTION

Being 3.5 acre tract of land, more or less, situated in the John Stewart Survey, Abstract No. 1150, Denton County, Texas, more fully described that General Warranty Deed dated September 30, 2019, from James Neal West, Independent Executor of the Estate of Edna Marlene West, Deceased to Jay Edwin West, filed for record on September 30, 2019, and recorded in Instrument No. 2019-123375, of the real property records of Denton County, Texas; SAVE AND EXCEPT that portion lying within the existing City of Denton limits, leaving a called 3.27 acre tract, commonly known as DCAD Property ID 37479.

EXHIBIT B
Service Plan

SERVICE PLAN

This Service Plan ("Plan") is issued this August 18, 2026 by the City of Denton, a Texas home-rule municipality ("City"), in relation to the annexation of property owned by Jay Edwin West (hereafter referred to as "Owner").

RECITALS:

WHEREAS, the Owner owns the tract of land, totaling approximately 3.27 acres of land located in the City's extraterritorial jurisdiction, as described in Exhibit A and depicted in Exhibit B, incorporated herein by reference ("the Property"); and

WHEREAS, the Property is subject to that certain Non-Annexation Agreement Non-Annexation Agreement Chapters 43 and 212 (the "NAA") approved by the City Council of the City of Denton on December 13, 2012 via Ordinance (2016-120), and duly recorded in the Denton Real Property records on January 8, 2012 via document id 2013-2545; and

WHEREAS, the NAA expired on August 1, 2020, and, pursuant to direction from City Council, Staff contacted the Owner on April 204, 2024, June 13, 2024, and July 2, 2026, to offer an updated NAA with an expiration date in 2040;

WHEREAS, the Owner has not responded to Staff's contact attempts; and as a result, Staff are proceeding with the Annexation Case no. A26-0005d ("Annexation Case") under consent annexation processes authorized by Texas Local Government Code ("TLGC") Sec. 43.0671 et seq ; and

WHEREAS, TLGC 43.0672 requires City and the Owner to negotiate and enter into a written agreement for municipal services; and the Municipal Services Agreement for the Annexation Case was approved on August 18, 2026 via Ordinance A26-0005; and

WHEREAS, City values procedural due process in every formal action it takes; therefore, out of an abundance of caution, City is also undertaking to issue this Service Plan pursuant to TLGC 43.056 to explain the process by which full municipal services will be provided to the Property; and

WHEREAS, The Service Plan is issued by the City and does not require the Owner's participation; and

NOW THEREFORE, in consideration of the mutual covenants, conditions, and promises contained herein, City and Owner agree as follows:

- 1. PROPERTY.** This Plan is only applicable to the Property, which is the subject of the Annexation Case.

2. **INTENT.** It is the intent of the City that this Plan provide for the delivery of full, available municipal services to the Property in accordance with state law, which may be accomplished through any means permitted by law.
3. **MUNICIPAL SERVICES.** Commencing on the effective date of annexation, City will provide the municipal services set forth below. As used in this Plan, “providing services” includes having services available by any method or means by which the City makes such municipal services available to any other area of the City, including per the City's infrastructure extension policies, ordinances, and developer or property owner participation in accordance with applicable city ordinances, rules, regulations, and policies.

Pursuant to TLGC 43.056(g), municipal services will be provided to the Property with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with similar topography, land use, and population density.

A. Police

Police protection from City's Police Department shall be provided to the Property at a level consistent with current methods and procedures presently provided to areas with similar topography, land use, and population density, on the effective date of the ordinance. Some of these services include:

1. Normal patrols and responses;
2. Handling of complaints and incident reports;
3. Special units, such as traffic enforcement, investigations and special weapons; and
4. Coordination with other public safety support agencies.

As development commences on the Property, sufficient police protection, including personnel and equipment will be provided to furnish these areas with the level of police services consistent with other areas in the City having similar characteristics of topography, land use, and population density.

Upon ultimate development, police protection will be provided at a level consistent with other areas within the city limits having similar characteristics of topography, land use, and population density.

B. Fire Protection

The Denton Fire Department (DFD) will provide emergency and fire prevention services to the Property. These services include:

1. Fire suppression and rescue;
2. Pre-hospital medical services including triage, treatment and transport by Advanced Life Support (ALS) fire engines, trucks and ambulances;
3. Hazardous materials response and mitigation;

4. Emergency prevention and public education efforts;
5. Technical rescue response; and
6. Construction Plan Review and required inspections.

Fire protection from the City of Denton shall be provided to the Property at a level consistent with current methods and procedures presently provided to areas of the City of Denton having similar characteristics of topography, land use, and population density, on the effective date of the ordinance.

As development commences in the Property, sufficient fire protection, including personnel and equipment will be provided to furnish these areas with the level of services consistent with other areas having similar characteristics of topography, land use, and population density. It is anticipated that fire stations planned to serve areas currently within the City of Denton will be sufficient to serve the Property.

Upon ultimate development, fire protection will be provided at a level consistent with other areas within the city limits having similar characteristics of topography, land use, and population density.

C. Emergency Medical Service

The Denton Fire Department (DFD) will provide the following emergency and safety services to the Property. These services include:

1. Emergency medical dispatch and pre-arrival First Aid instructions;
2. Pre-hospital emergency Advanced Life Support (ALS) response; and transport;
3. Medical rescue services.

Emergency Medical Services (EMS) from the City of Denton shall be provided to the Property at a level consistent with current methods and procedures presently provided to areas of the City of Denton having similar characteristics of topography, land use, and population density, on the effective date of the ordinance.

As development commences on the Property, sufficient EMS, including personnel and equipment will be provided to furnish these areas with the level of services consistent with other areas of the City having similar characteristics of topography, land use, and population density.

Upon ultimate development, EMS will be provided at a level consistent with other within the city limits having similar characteristics of topography, land use, and population density.

D. Solid Waste

The City of Denton is the sole provider and hauler for solid waste collection and disposal services within the city limits, including but not limited to, preconstruction activities,

construction activities, and ultimately residential, multi-family, or commercial activities, and recycling services. Solid waste and recycling collection services will be provided to the Property immediately upon the effective date of the annexation at a level consistent with current methods and procedures presently provided to areas within the city having similar characteristics of topography, land use, and population density. Customers receiving their existing services from private solid waste collection service providers operating on the Property immediately prior to annexation may continue to utilize their existing service for up to 2 years in accordance with Texas Local Government Code. Should that private service end prior to the expiration of the two (2) year term, the customer must initiate solid waste and recycling services with the City of Denton, pursuant to Chapter 24 of the Code of Ordinances.

E. Wastewater Facilities

The Property is located within the City of Denton Sewer Service Area as defined by Certificate of Convenience and Necessity (CCN) Number 20072, as issued by the Public Utility Commission (PUC).

Connections to existing City of Denton wastewater distribution mains for wastewater service will be provided in accordance with the Denton Development Code, associated Water/Wastewater Criteria Manual, and existing City ordinances and policies. Upon connection to existing distribution mains, wastewater service will be provided at rates established by city ordinance. Owner will provide all on-site public utility easements that are necessary to protect, install, safely operate and maintain the wastewater infrastructure, on a form acceptable to the City, and at no cost to the City.

As development commences on the Property, sanitary sewer mains will be extended in accordance with the provisions of the Denton Development Code, Design Criteria Manual, ordinances and regulations. Capacity shall be provided consistent with other areas having similar characteristics of topography, land use, and population density. The sanitary sewer infrastructure shall be compatible and consistent with the City's wastewater master plan.

Upon annexation, sanitary sewer mains and lift stations which are located within dedicated utility easements, public rights-of-way, or any other acceptable locations approved by the Director of Water Utilities, shall be maintained by the City on the effective date of this ordinance, if installed or improved to City standards within the annexed areas.

Operation and maintenance of wastewater facilities and infrastructure lying within the service area of another water utility will be the responsibility of that utility. Similarly, operation and maintenance of private wastewater facilities will be maintained to City standards at the expense of the private property owner.

F. Water Facilities

The Property is located within the City of Denton Water Service Area as defined by Certificate of Convenience and Necessity (CCN) Number 10195 as issued by the Public Utility Commission (PUC).

Connections to existing City of Denton water distribution mains for water service will be provided in accordance with the Denton Development Code, associated Design Criteria Manual, and existing City ordinances and policies. Upon connection to existing distribution mains, water service will be provided at rates established by city ordinance.

As new development occurs within the Property, cost participation for extensions of water distribution mains - if required - shall be in accordance with the Denton Development Code, Design Criteria Manual, and with existing City ordinances and policies. Water service capacity shall be provided consistent with service to areas of the City having similar characteristics of topography, land use and population density. The water infrastructure shall be compatible and consistent with the City's water master plan.

Operation and maintenance of water facilities and infrastructure that lie within the service area of another water utility will be the responsibility of that utility.

Existing developments, businesses or homes that are on individual water wells or private water systems will be allowed to remain on those systems until a request for water service is made to the City. These requests for service will be handled in accordance with the applicable utility service line extension and connection policies currently in place at the time the request for service is received. Owner will provide all on-site public utility easements that are necessary to protect, install, safely operate and maintain the water infrastructure, on a form acceptable to the City, and at no cost to the City.

G. Roads and Streets

Emergency street maintenance, defined as repairs necessary to prevent imminent damage or injury to the health or safety of the public or any person, as determined by the Director of Public Works, shall be provided within the Property upon the effective date of the annexation ordinance. Routine maintenance will be provided within the Property and will be scheduled as part of the City's annual program, in accordance with the current policies and procedures defined by ordinance, or otherwise established by the City Council.

Any construction or reconstruction will be considered within the Property on a Citywide basis and within the context of the City's Capital Improvement Plan and/or yearly fiscal budgetary allotments by the City Council.

Roadway signage and associated posts will be replaced in priority of importance starting with regulatory signs, then warning signs, then informational signs, in conformance with fiscal allotments by the City Council. If an existing sign remains, it will be reviewed and placed on the City's inventory listing for routine replacement, based upon an engineering study. New signs will be installed when necessary, based upon an engineering study.

Routine maintenance of road/street markings will be evaluated and scheduled within the yearly budgetary allotments by the City Council.

H. Drainage

Connections to existing City of Denton drainage facilities will be provided in accordance with the Denton Development Code, associated Design Criteria Manual, and with existing City ordinances and policies, but only to the extent existing on-site drainage facilities are not compliant with the Denton Development Code. Drainage fees will be assessed at the rates established by city ordinance and will be charged on the utility bill after annexation. All runoff, whether directly tied into the system or not, impacts the system and will be charged.

As new development occurs within the Property, drainage facilities will be extended or improved by the developer as required to remain compliant with the Denton Development Code.. Drainage facilities extended by the City will have to be a Capital Improvement Project (CIP) project and bonds will need to be sold. Drainage capacity shall be provided consistent with other areas of the City having similar characteristics of topography, land use and population density.

Existing developments, businesses or homes that are on existing drainage systems will be allowed to continue to remain on these systems until a request for drainage facilities is made to the City. Any requests for City improvements to existing drainage facilities will be handled in accordance with the applicable extension and connection policies currently in place at the time the request for improved drainage facilities is received by the City. Owner will provide all on-site public utility easements that are necessary to protect, install, safely operate and maintain the drainage infrastructure, on a form acceptable to the City, and at no cost to the City. These will be ranked in the CIP project matrix, in accordance with the City Drainage Plan.

I. Parks, Playgrounds, Swimming Pools

Residents of the Property may utilize all existing park and recreation facilities as a resident of the effective date of this ordinance. The park dedication and development ordinance shall apply to the Property for new residential development.

In addition, park and recreation facilities shall be constructed based on park policies defined in the Parks, Recreation and Trails System Master Plan and other existing City ordinances and policies.

J. Publicly Owned Facilities. Any publicly owned facility or service located within the Property, and not otherwise owned or maintained by another governmental entity, shall be maintained by the City of Denton on the effective date of the annexation ordinance.

K. Permitting and Inspections. Permitting and Inspections shall be obtained through the City of Denton, as outlined in the Code of Ordinances.

L. Other Services. Other services that may be provided by the City of Denton, such as municipal and general administration, will be made available as of the effective date of the annexation. The City of Denton shall provide a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City of Denton having similar

topography, land use, and population density similar to those reasonably contemplated or projected in the area.

4. UNIFORM LEVEL OF SERVICES IS NOT REQUIRED

Nothing in this Plan shall require City to provide a uniform level of full municipal services to each area of the City, including the Property, if different characteristics of topography, land use, and population density justify different levels of service.

6. EFFECTIVE DATE; TERM

The effective date of this Plan is the date of the annexation of the Property. This Plan shall be valid for a term of ten (10) years from the Effective Date.

7. VENUE AND GOVERNING LAW

Venue shall be in the state courts located in Denton County, Texas or the United States District Court for the Eastern District of Texas. This Plan shall be governed and construed in accordance with the laws and court decisions of the State of Texas.

8. GOVERNMENTAL POWERS. It is understood that by issuance of this Plan, City does not waive or surrender any of its governmental powers or immunities.

9. SEVERABILITY

In case any one or more of the provisions contained in this Plan shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Plan shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Plan.

11. CAPTIONS

The captions to the various clauses of this Plan are for informational purposes only and shall not alter the substance of the terms and conditions of this Plan.

12. SUCCESSORS AND ASSIGNS

The terms and conditions of this Plan are binding upon the successors and assigns of the Owner and stand as obligations running with the land until satisfied in full, regardless of how the Property is developed.

The City hereby issues this Service Agreement on the date first above written.

CITY OF DENTON

By: _____
City Manager, Deputy City Manager, or
Assistant City Manager

**THIS AGREEMENT HAS BEEN
BOTH REVIEWED AND APPROVED**

as to financial and operational
obligations and business terms.

Signature

Title

Department

Date Signed: _____

APPROVED AS TO LEGAL FORM:

Mack Reinwand, City Attorney

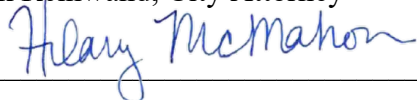
By:  _____

EXHIBIT A
LEGAL DESCRIPTION

Being 3.5 acre tract of land, more or less, situated in the John Stewart Survey, Abstract No. 1150, Denton County, Texas, more fully described that General Warranty Deed dated September 30, 2019, from James Neal West, Independent Executor of the Estate of Edna Marlene West, Deceased to Jay Edwin West, filed for record on September 30, 2019, and recorded in Instrument No. 2019-123375, of the real property records of Denton County, Texas; SAVE AND EXCEPT that portion lying within the existing City of Denton limits, leaving a called 3.27 acre tract, commonly known as DCAD Property ID 37479.

**EXHIBIT B
LOCATION MAP**

