

ORDINANCE NO. A23-0003c

AN ORDINANCE OF THE CITY OF DENTON, TEXAS ANNEXING APPROXIMATELY 7.25 ACRES OF LAND, GENERALLY LOCATED 224 FEET NORTH OF E. MCKINNEY STREET AND 1,140 FEET EAST OF TRINITY ROAD, INTO THE CITY OF DENTON, DENTON COUNTY, TEXAS; EXTENDING THE BOUNDARY LIMITS OF THE CITY OF DENTON TO INCLUDE THE ANNEXED PROPERTY IN THE CITY LIMITS; PROVIDING FOR A CORRESPONDING AMENDMENT TO THE CITY MAP TO INCLUDE THE ANNEXED LAND; AND PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE. (A23-0002a)

WHEREAS, pursuant to Subchapter C-3, Chapter 43, Texas Local Government Code, a municipality may annex an area if the property owner requests the annexation; and

WHEREAS, the applicant Lauren Helmberger of Bear Land Company, on behalf of the property owner, the MY3 Investment Group, LLC. ("Owner") submitted a petition for voluntary annexation of approximately 7.25 acres of land in Denton County, Texas and described in Exhibit A and depicted on Exhibit B attached hereto and incorporated herein ("Property"); and

WHEREAS, the City of Denton and Owner have entered into a written Municipal Services Agreement for the provision of full municipal services to the Property to be annexed, in accordance with Tex. Loc. Gov't. Code Sec. 43.0672, and said agreement was approved by the City Council on November 7, 2023; and

WHEREAS, on November 7, 2023, the City Council held a public hearing to provide persons interested in the annexation the opportunity to be heard and to adopt an ordinance annexing the area, pursuant to Sec. 43.0673 of the Tex. Loc. Gov't. Code; and

WHEREAS, annexation proceedings were instituted for the Property upon the **first reading** of the ordinance at the City Council meeting on November 7, 2023; and

WHEREAS, this ordinance has been published in full one time in the official newspaper of the City of Denton after annexation proceedings were instituted, and 30 days prior to City Council taking final action, as required by Sec. 1.03 of the City Charter; and

WHEREAS, a **second reading** of the ordinance was conducted and final action on the annexation was taken at the City Council meeting on December 12, 2023; and

WHEREAS, the Denton City Council hereby deems it to be in the best interests of the citizens of the City of Denton to approve the annexation of the Property; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

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

SECTION 2. The real property described in Exhibit A and depicted on Exhibit B, attached hereto and incorporated herein by reference, is annexed into the City of Denton, Texas.

SECTION 3. A service agreement approved by Ordinance No. A23-0002, is attached as Exhibit C and made a part hereof for all intents and purposes.

SECTION 4. The newly annexed property shall be included within the corporate limits of the City of Denton, Texas, thereby extending the City's corporate limits and granting to all inhabitants of the newly annexed property all of the rights and privileges of other citizens and bringing the inhabitants to all of the ordinances, resolutions, acts, and regulations of the City. A copy of this Ordinance shall be filed in the real property records of the Denton County Clerk and within the Denton County Appraisal District.

SECTION 5. The City Manager is hereby authorized and directed to immediately correct the map of the City of Denton by adding thereto the additional territory annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance, and the ETJ resulting from such boundary extensions.

SECTION 6. 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 7. This ordinance shall be effective immediately upon its passage.

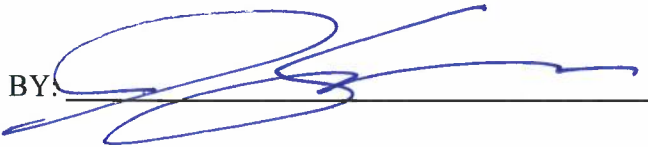
The motion to approve this ordinance was made by Joe Holland and seconded by Vicki Byrd, the ordinance was passed and approved by the following vote [6 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Vicki Byrd, District 1:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brian Beck, District 2:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Paul Meltzer, District 3:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Joe Holland, District 4:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brandon Chase McGee, At Large Place 5:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Chris Watts, At Large Place 6:	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>

PASSED AND APPROVED this, the 12th day of December, 2023.


GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

Susan Keller
BY: 
Digitally signed by Susan Keller
DN: dc=com, dc=cityofdenton, dc=codad,
ou=Department Users and Groups,
ou=General Government, ou=Legal, cn=Susan
Keller, email=Susan.Keller@cityofdenton.com
Date: 2023.10.31 16:54:26 -05'00'



Exhibit A
Legal Description

BEING A TRACT OF LAND SITUATED IN THE GIDEON WALKER SURVEY, ABSTRACT NO. 1330, DENTON COUNTY, TEXAS AND BEING PART OF A CALLED 9.485 ACRE TRACT DESCRIBED IN A DEED TO MY3 INVESTMENT GROUP, LLC, AS RECORDED IN INSTRUMENT NO. 2021-40354 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS (O.P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID 9.485 ACRE TRACT AND ON THE PRESENT NORTHEAST CITY OF DENTON LIMITS LINE, AS DESCRIBED IN ORDINANCE NO. 86-129 AND BEING 200.00 FEET NORTHEAST OF AND PARALLEL TO THE NORTHEAST RIGHT-OF-WAY LINE OF E. McKINNEY STREET (FM 426), FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4561" FOUND FOR THE SOUTHWEST CORNER OF SAID 9.485 ACRE TRACT AND ON SAID NORTHEAST RIGHT-OF-WAY LINE OF E. McKINNEY STREET (FM 426), BEARS SOUTH 0°52'49" WEST, A DISTANCE OF 210.76 FEET;

THENCE NORTH 0°52'49" EAST, WITH THE WEST LINE OF SAID 9.485 ACRE TRACT, TO AND WITH THE EAST LINE OF A CALLED 33.104 ACRE TRACT DESCRIBED IN A DEED TO TRACIE MULKEY LAU, CONNIE MULKEY McKEATHEN, VICKIE MULKEY McQUEEN, AS RECORDED IN INSTRUMENT NO. 2012-146255, O.P.R.D.C.T. AND BEING FURTHER DESCRIBED IN VOLUME 659, PAGE 674 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS (D.R.D.C.T.), A DISTANCE OF 603.33 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 9.485 ACRE TRACT AND THE SOUTHWEST CORNER OF A CALLED 15.335 ACRE TRACT DESCRIBED IN A DEED TO P&M PROPERTIES, LTD, AS RECORDED IN INSTRUMENT NO. 2023-14095, O.P.R.D.C.T.;

THENCE SOUTH 89°00'01" EAST, WITH THE NORTH LINE OF SAID 9.485 ACRE TRACT AND THE SOUTH LINE OF SAID 15.335 ACRE TRACT, A DISTANCE OF 466.23 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 9.485 ACRE TRACT AND THE NORTHWEST CORNER OF LOT 1, BLOCK A OF STARLIGHT SIGNS ADDITION, AN ADDITION TO THE CITY OF DENTON, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NO. 2013-35, O.P.R.D.C.T.;

THENCE SOUTH 1°09'38" WEST, WITH THE EAST LINE OF SAID 9.485 ACRE TRACT AND THE WEST LINE OF SAID LOT 1, BLOCK A, A DISTANCE OF 756.11 FEET TO A POINT ON SAID PRESENT NORTHEAST CITY OF DENTON LIMITS LINE AND BEING 200.00 FEET NORTHEAST OF AND PARALLEL TO SAID NORTHEAST RIGHT-OF-WAY LINE OF E. McKINNEY STREET (FM 426) FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED (ILLEGIBLE) FOUND FOR THE SOUTHEAST CORNER OF SAID 9.485 ACRE TRACT AND BEING ON SAID NORTHEAST RIGHT-OF-WAY LINE OF E. McKINNEY STREET (FM 426), BEARS SOUTH 1°09'38" WEST, A DISTANCE OF 210.42 FEET;

THENCE NORTH 70°44'02" WEST, OVER AND ACROSS SAID 9.485 ACRE TRACT, 200.00 FEET NORTHEAST OF AND PARALLEL TO SAID NORTHEAST RIGHT-OF-WAY LINE OF E. McKINNEY STREET (FM 426), A DISTANCE OF 487.41 FEET TO THE PLACE OF BEGINNING AND CONTAINING 7.250 ACRES OF LAND.

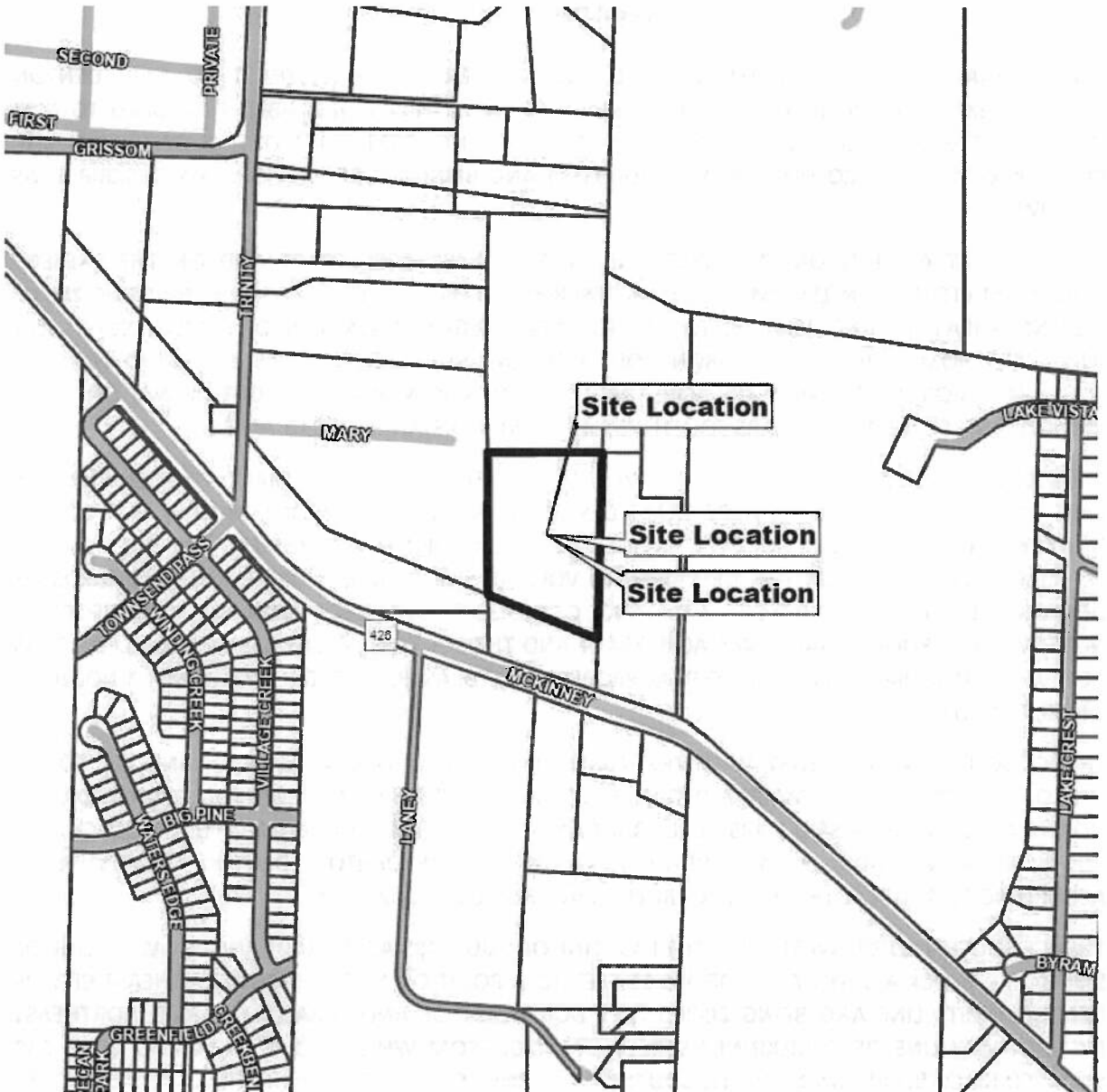


Exhibit B
Location Map

Exhibit C
Municipal Services Agreement

ORDINANCE NO. A23-0002

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A MUNICIPAL SERVICES AGREEMENT, PURSUANT TO TEX. LOC. GOV. CODE SEC. 43.0672, BETWEEN THE CITY OF DENTON AND MY3 INVESTMENT GROUP, LLC FOR THE PROVISION OF CITY SERVICES TO APPROXIMATELY 7.25 ACRES OF LAND, GENERALLY LOCATED 224 FEET NORTH OF E. MCKINNEY STREET AND 1,140 FEET EAST OF TRINITY ROAD; APPROVING A SCHEDULE OF ANNEXATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (A23-0002)

WHEREAS, the property owners, MY3 Investment Group, LLC (hereafter referred to as "Owners"), has submitted a petition for voluntary annexation of approximately 7 acres of land in Denton County, Texas as described in Exhibit A attached hereto and incorporated herein ("Property"); and

WHEREAS, the City of Denton must first negotiate a written Municipal Services Agreement with the Owner of the real property subject to a petition for voluntary annexation, pursuant to Tex. Loc. Govt. Code Sec. 43.0672, that contains (1) the services that the City of Denton will provide on the effective date of the annexation and (2) a schedule that includes the period within which the City of Denton will provide each service that is not provided on the effective date of the annexation; and

WHEREAS, the City of Denton and the Owner have come to an agreement about the provision of full services to the Property following the annexation of the Property; and

WHEREAS, the City Council of the City of Denton finds it to be in the best interest of the citizens of Denton to enter into a Municipal Services Agreement with the Owner; 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 Municipal Services Agreement ("Agreement"), 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 Agreement and to carry out the duties and responsibilities of the City of Denton under the Agreement.

SECTION 4. The schedule of annexation attached hereto as Exhibit C is approved and adopted for this annexation.

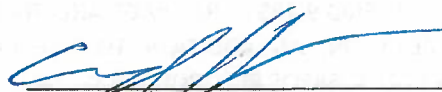
SECTION 5. Should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 6. This Ordinance shall be effective immediately upon its passage and approval.

The motion to approve this ordinance was made by Gerard Hudspeth and seconded by Paul Meltzer, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Gerard Hudspeth, Mayor:	☒	☐	☐	☐
Vicki Byrd, District 1:	☒	☐	☐	☐
Brian Beck, District 2:	☒	☐	☐	☐
Paul Meltzer, District 3:	☒	☐	☐	☐
Joe Holland, District 4:	☒	☐	☐	☐
Brandon Chase McGee, At Large Place 5:	☒	☐	☐	☐
Chris Watts, At Large Place 6:	☒	☐	☐	☐

PASSED AND APPROVED this, the 7ⁿ day of November, 2023.


GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Susan Keller
Digitally signed by Susan Keller
DN: dc=com, dc=cityofdenton, dc=codad,
ou=Department Users and Groups, ou=General
Government, ou=Legal, cn=Susan Keller,
email=Susan.Keller@cityofdenton.com
Date: 2023.11.02 09:12:35 -0500



EXHIBIT A
LEGAL DESCRIPTION

BEING A TRACT OF LAND SITUATED IN THE GIDEON WALKER SURVEY, ABSTRACT NO. 1330, DENTON COUNTY, TEXAS AND BEING PART OF A CALLED 9.485 ACRE TRACT DESCRIBED IN A DEED TO MY3 INVESTMENT GROUP, LLC, AS RECORDED IN INSTRUMENT NO. 2021-40354 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS (O.P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE NORTH 0°52'49" EAST, WITH THE WEST LINE OF SAID 9.485 ACRE TRACT, TO AND WITH THE EAST LINE OF A CALLED 33.104 ACRE TRACT DESCRIBED IN A DEED TO TRACIE MULKEY LAU, CONNIE MULKEY McKEATHEN, VICKIE MULKEY McQUEEN, AS RECORDED IN INSTRUMENT NO. 2012-146255, O.P.R.D.C.T. AND BEING FURTHER DESCRIBED IN VOLUME 659, PAGE 674 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS (D.R.D.C.T.), A DISTANCE OF 603.33 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 9.485 ACRE TRACT AND THE SOUTHWEST CORNER OF A CALLED 15.335 ACRE TRACT DESCRIBED IN A DEED TO P&M PROPERTIES, LTD, AS RECORDED IN INSTRUMENT NO. 2023-14095, O.P.R.D.C.T.;

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EXHIBIT B
MUNICIPAL SERVICES AGREEMENT

MUNICIPAL SERVICES AGREEMENT

This Municipal Service Agreement ("Agreement") is entered into this 7th day of November 2023, by and between and the City of Denton, a Texas home-rule municipality ("City"), and the property owner, MY3 Investment Group, LLC. (hereafter referred to as "Owner").

RECITALS:

WHEREAS, Section 43.0671 of the Texas Local Government Code ("TLGC") permits the City to annex an area if each owner of land in an area requests the annexation;

WHEREAS, where the City elects to annex such an area, the City is required to enter into a written agreement with the property owner(s) that sets forth the City services to be provided for the property on or after the effective date of annexation;

WHEREAS, the Owner owns a tract of land, totaling approximately 7.25 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 Owner has filed a written petition with the City for voluntary annexation of the Property, identified as Annexation Case No. A23-0002 ("Annexation Case"); and

WHEREAS, the City and Owner desire to identify the City services to be provided for the Property on or after the effective date of annexation; and

WHEREAS, the Annexation Case and execution of this Agreement by the City are subject to approval by the Denton City Council.

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

1. **PROPERTY.** This Agreement 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 Agreement provide for the delivery of 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 Agreement, "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.

A. Police

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

1. 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 in these areas, 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 annexation area. 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 areas annexed 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 these areas, 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 areas now being considered for annexation.

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 annexation area. 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 areas annexed 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 these areas, 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 newly annexed 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 in the affected area 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 proposed annexation area 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).

As development commences in these areas, sanitary sewer mains will be extended in accordance with the provisions of the Denton Development Code, Water/Wastewater Criteria Manual, and other city ordinances and regulations. If required, City participation in the costs of these extensions shall be in accordance with applicable law, including City ordinances and regulations. Capacity shall be provided consistent with other areas having similar characteristics of topography, land use, and population density. The City's 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 beginning on the effective date of this ordinance, if installed or improved to City standards as of the effective date of the annexation, and are within the annexed areas.

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

F. Water Facilities

The annexation area 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 Water/Waste Water Criteria Manual, and other City ordinances and regulations. Upon connection to existing distribution mains, water service will be provided at rates established by city ordinance.

As new development occurs within these areas, extensions of water distribution mains if required, cost participation shall be in accordance with the Denton Development Code, Water/Wastewater Criteria Manual, and with other City ordinances and regulations. 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. Owners of property on which these systems remain must comply with

all laws and ordinances applicable to such systems. Requests for services from the City will be handled in accordance with the City's ordinances, and applicable utility service line extension and connection policies, in place at the time the request for service is received.

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 annexation area upon the effective date of the annexation ordinance. Routine maintenance will be provided within the annexation areas 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 of streets needed within the annexation area will be considered 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 Stormwater 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 these areas, drainage facilities will be extended or improved by the Owner as required to remain compliant with the Denton Development Code. Any cost participation shall be in accordance with state law, the Denton Development Code, Stormwater Criteria Manual, and with existing City ordinances and policies. 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 City's ordinances, and applicable extension and connection policies, in place at the time the request for improved drainage facilities is received by the City. These will be ranked in the CIP project matrix, in accordance with the City Drainage Plan.

I. Electric

The proposed annexation area will be served with electricity distribution service in the most cost-effective manner; provided, however, that before the Owner, may enter into a contract with an electricity distribution service provider, (i) Owner shall provide the City with any and all bona fide offers that Owner has received from electricity distribution service providers that can legally serve the Property and (ii) the City shall have 30 business days to provide to Owner Denton Municipal Electric's ("DME") offer to provide distribution electricity service to the Property; and provided further, that if DME's offer is substantially similar to the most cost-effective offer from another distribution electricity service provider that can legally serve the Property, then Owner will obtain electricity distribution service from DME. The term "substantially similar" means that the terms of the offers provide the approximately the same level of service at approximately the same start-up cost to Owner. Electric rates applicable to customers within the boundaries of the Property will be pursuant to the then applicable DME rates as approved by the Denton City Council.

All electricity service offers will be based upon the following terms:

1. The electricity distribution service provider will extend electric distribution facilities as necessary to serve full development of the Land. The electricity distribution service provider will evaluate the cost associated with service extension through the undeveloped area to determine if Aid-in-Construction is required. The electricity distribution service provider is responsible for installation of all primary-voltage electrical cables, transformers, switchgear, streetlight poles and LED streetlight fixtures, streetlight cables, single-family residential services, and other necessary electric distribution and transmission system equipment in compliance with Electric Service Standards and Line Extension Policies currently in place at the time of development, whether onsite or offsite as necessary to provide adequate and reliable electric service to the Land.
2. Owner will provide all on-site public utility easements to the electricity distribution provider that are necessary to protect, install, safely operate and maintain the electric infrastructure, at no cost to the City. PUEs will be 8 feet in width adjacent to street rights-of-way in single family residential areas, and 15 feet in width adjacent to Primary and Secondary Arterial rights-of-way (20 feet where duct banks are required). Easements will be conveyed through the platting process unless the electricity distribution service provider requests an easement be transferred by separate instrument. The provider agrees to joint trench installation of other franchised utilities

such as telephone, cable tv, fiber optic cables, or other non-gas utilities within the designated public utility easements as long as those utilities are on an edge shelf of the trench and not placed directly above the electric facilities.

3. Existing overhead electric distribution lines, which are located in the public rights-of-way, will be relocated by the electricity distribution service provider at no cost to the Owner when development adjacent to the existing electric line requires the line to be relocated in order to accommodate the adjacent development as long as the relocation is also to an overhead position. If Owner requests the relocation be placed underground, then Owner shall be responsible for the difference in cost between the overhead relocation and the underground relocation as reasonably determined and demonstrated by the electricity distribution service provider. Existing overhead electric distribution lines not owned by the electricity distribution service provider will be relocated underground by the owner of the lines if so required to comply with the Denton Development Code.
4. Owner will comply with those City approved policies within the DME Electric Service Standards (ESS), as amended, that are available on the City website and uniformly applied within the City, including the specifications for street lighting.
5. All new distribution electric service within the Land shall be placed underground except for necessary above ground appurtenances such as streetlights, switchgear and transformers. The City shall have the right to inspect the electric facilities prior to placing such facilities into use.

J. Parks, Playgrounds, Swimming Pools

Residents of the annexed area may utilize all existing park and recreation facilities as of the effective date of this ordinance. The park dedication ordinance shall apply to the annexed area for 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.

K. Publicly Owned Facilities. Any publicly owned facility, building, or service located within the annexed area, 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.

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

M. 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 Agreement shall require City to provide a uniform level of municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density justify different levels of service.

5. AUTHORITY

City and Owner represent that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Agreement. Owner acknowledges that approval of the Annexation Case is within the sole jurisdiction of the City Council. Nothing in this Agreement guarantees favorable decisions by the City Council.

6. EFFECTIVE DATE; TERM

The effective date of this Agreement is the date of the annexation of the Property. This Agreement 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 Agreement 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 execution of this Agreement, 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 Agreement 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 Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

10. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

11. CAPTIONS

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

12. SUCCESSORS AND ASSIGNS

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

13. ENTIRE AGREEMENT; AMENDMENT.

This Agreement constitutes the complete agreement of the parties to this Agreement and supersedes all prior written agreements between the parties. This Agreement shall not be amended unless executed in writing by both parties. The Parties stipulate that this Agreement does not constitute a permit for development, including under Chapter 245 of the Texas Local Government Code.

The parties have executed this Agreement on the date first above written.

OWNER

CITY OF DENTON, TEXAS

By: MY3 Investment Group, LLC

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: **Susan Keller**

Digitally signed by Susan Keller
DN: cn=Susan Keller, o=City of Denton, c=Texas
and Google, ou=General Government, ou=Legal, cn=Susan
Keller, email=Susan.Keller@cityofdenton.com
Date: 2023.11.02 09:31:13 -05'00'

**MSA
EXHIBIT A
LEGAL DESCRIPTION**

BEING A TRACT OF LAND SITUATED IN THE GIDEON WALKER SURVEY, ABSTRACT NO. 1330, DENTON COUNTY, TEXAS AND BEING PART OF A CALLED 9.485 ACRE TRACT DESCRIBED IN A DEED TO MY3 INVESTMENT GROUP, LLC, AS RECORDED IN INSTRUMENT NO. 2021-40354 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS (O.P.R.D.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

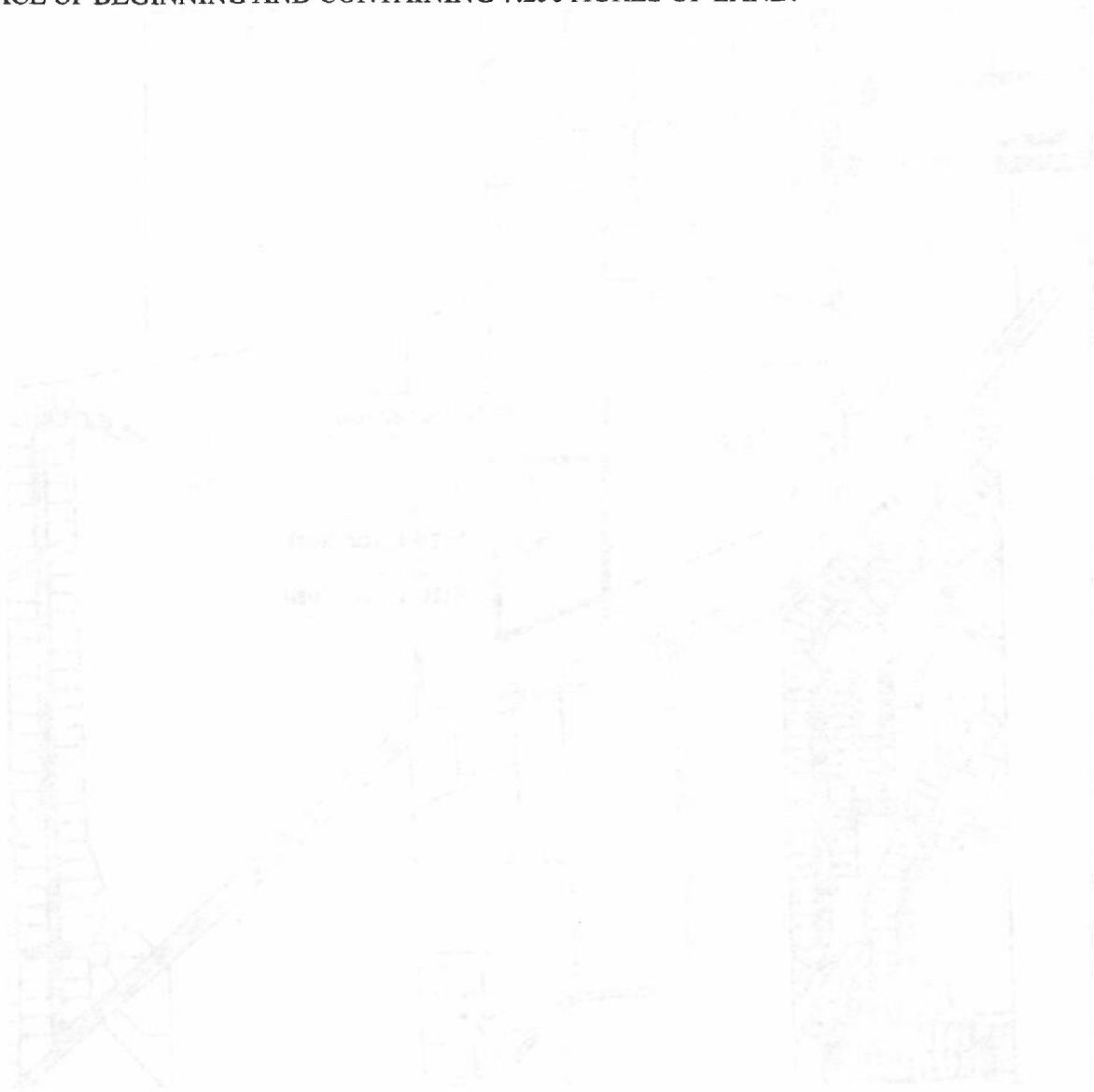
BEGINNING AT A POINT ON THE WEST LINE OF SAID 9.485 ACRE TRACT AND ON THE PRESENT NORTHEAST CITY OF DENTON LIMITS LINE, AS DESCRIBED IN ORDINANCE NO. 86-129 AND BEING 200.00 FEET NORTHEAST OF AND PARALLEL TO THE NORTHEAST RIGHT-OF-WAY LINE OF E. MCKINNEY STREET (FM 426), FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4561" FOUND FOR THE SOUTHWEST CORNER OF SAID 9.485 ACRE TRACT AND ON SAID NORTHEAST RIGHT-OF-WAY LINE OF E. MCKINNEY STREET (FM 426), BEARS SOUTH 0°52'49" WEST, A DISTANCE OF 210.76 FEET;

THENCE NORTH 0°52'49" EAST, WITH THE WEST LINE OF SAID 9.485 ACRE TRACT, TO AND WITH THE EAST LINE OF A CALLED 33.104 ACRE TRACT DESCRIBED IN A DEED TO TRACIE MULKEY LAU, CONNIE MULKEY McKEATHEN, VICKIE MULKEY McQUEEN, AS RECORDED IN INSTRUMENT NO. 2012-146255, O.P.R.D.C.T. AND BEING FURTHER DESCRIBED IN VOLUME 659, PAGE 674 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS (D.R.D.C.T.), A DISTANCE OF 603.33 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 9.485 ACRE TRACT AND THE SOUTHWEST CORNER OF A CALLED 15.335 ACRE TRACT DESCRIBED IN A DEED TO P&M PROPERTIES, LTD, AS RECORDED IN INSTRUMENT NO. 2023-14095, O.P.R.D.C.T.;

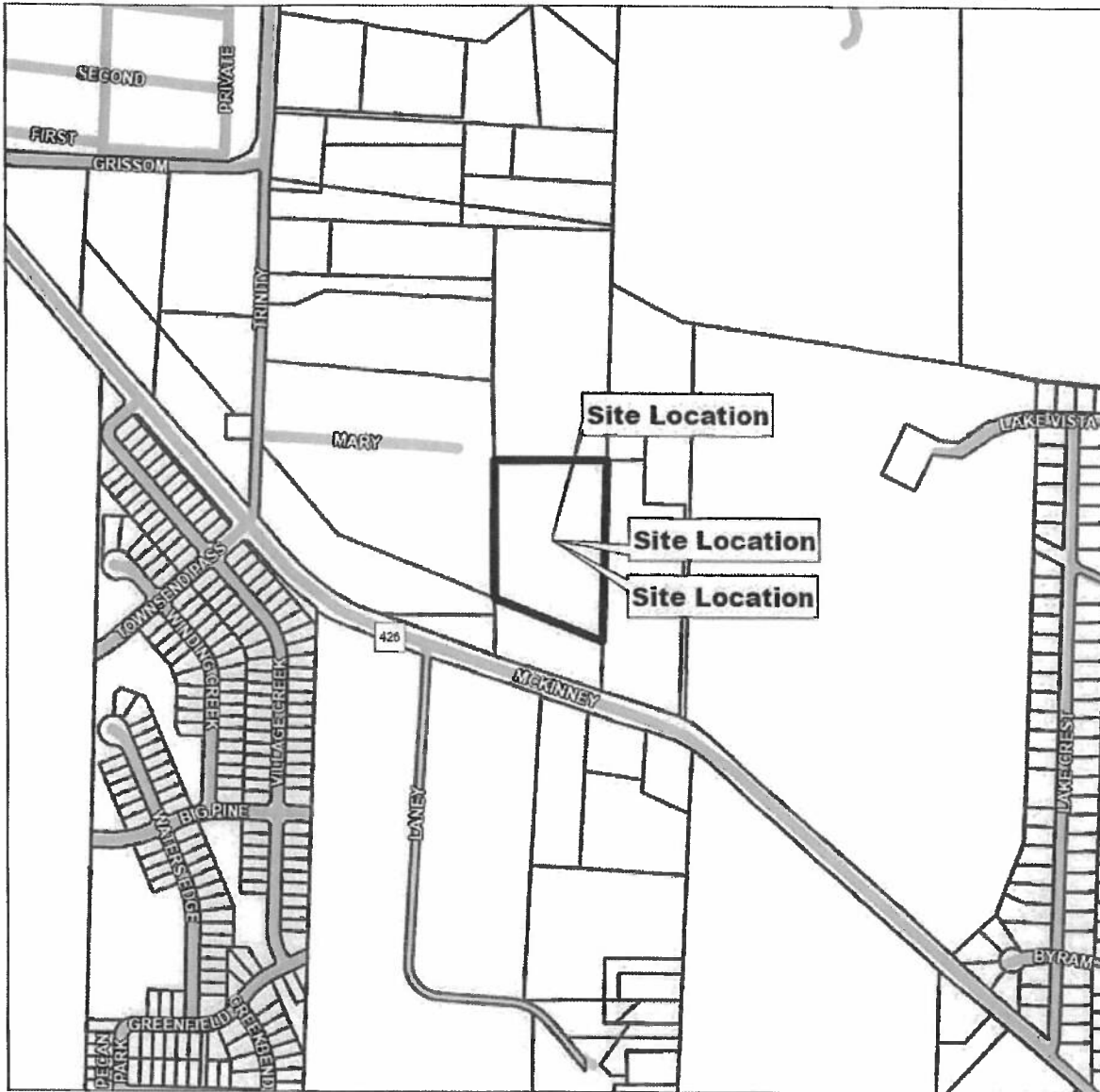
THENCE SOUTH 89°00'01" EAST, WITH THE NORTH LINE OF SAID 9.485 ACRE TRACT AND THE SOUTH LINE OF SAID 15.335 ACRE TRACT, A DISTANCE OF 466.23 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 9.485 ACRE TRACT AND THE NORTHWEST CORNER OF LOT 1, BLOCK A OF STARLIGHT SIGNS ADDITION, AN ADDITION TO THE CITY OF DENTON, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NO. 2013-35, O.P.R.D.C.T.;

THENCE SOUTH 1°09'38" WEST, WITH THE EAST LINE OF SAID 9.485 ACRE TRACT AND THE WEST LINE OF SAID LOT 1, BLOCK A, A DISTANCE OF 756.11 FEET TO A POINT ON SAID PRESENT NORTHEAST CITY OF DENTON LIMITS LINE AND BEING 200.00 FEET NORTHEAST OF AND PARALLEL TO SAID NORTHEAST RIGHT-OF-WAY LINE OF E. MCKINNEY STREET (FM 426) FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED (ILLEGIBLE) FOUND FOR THE SOUTHEAST CORNER OF SAID 9.485 ACRE TRACT AND BEING ON SAID NORTHEAST RIGHT-OF-WAY LINE OF E. MCKINNEY STREET (FM 426), BEARS SOUTH 1°09'38" WEST, A DISTANCE OF 210.42 FEET;

THENCE NORTH 70°44'02" WEST, OVER AND ACROSS SAID 9.485 ACRE TRACT,
200.00 FEET NORTHEAST OF AND PARALLEL TO SAID NORTHEAST RIGHT-OF-WAY
LINE OF E. MCKINNEY STREET (FM 426), A DISTANCE OF 487.41 FEET TO THE
PLACE OF BEGINNING AND CONTAINING 7.250 ACRES OF LAND.



MSA
EXHIBIT B
LOCATION MAP



**EXHIBIT C
ANNEXATION SCHEDULE**

Annexation

- 08/22/2023** **Petition for Annexation submitted**
- 10/18/2023 Deadline to submit notice to Denton Record Chronicle and City Website for publication before the 17th day before the public hearing on November 7, 2023 (*published on Saturday, October 21, 2023*)
- 11/02/2023 Deadline to submit backup for posting of City Council Agenda for Regular Meeting on October 21, 2023
- 11/07/2023** **Annexation Municipal Service Agreement – IC** (*Required prior to annexation per 43.0672*),
- Annexation **Public Hearing – PH** (*Only one public hearing is required per 43.0673*),
- AND
- First Reading** of annexation ordinance – IC (*per City Charter*)
- 11/11/2023 Publish Ordinance in the newspaper (*Charter Sec. 1.03; cannot be acted on for 30 days*)
- 12/12/2023** CC by 4/5ths vote takes final action – IC (*Regular meeting*)
- Second Reading** of annexation ordinance.
- Adoption** of annexation ordinance (*30 days+ post publication per Charter Sec. 1.03*)

Post-Annexation Adoption Procedures:

1. Notification to Comptroller
2. Notification to DOJ
3. File certified copy of ordinances with the Denton County Clerk
4. File certified copy of ordinances with the Denton CAD
5. Revise City Map
6. Notify Utilities (Customer Service) utilitybilling@cityofdenton.com