

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON DETERMINING THE PUBLIC USE, NEED AND NECESSITY FOR THE ACQUISITION OF APPROXIMATELY 0.5244 ACRES OF LAND, MORE OR LESS, BEING LOCATED AT 1425 MINGO RD. IN THE WILLIAM CRENSHAW SURVEY, ABSTRACT NO. 318, IN THE CITY AND COUNTY OF DENTON, TEXAS, FROM CALVIN W. GOTHARD ("OWNER"), RECORDED BY COUNTY CLERK DOCUMENTS VOLUME 344 PAGE 509 AND 2005-33431, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS; FOR THE PURPOSE OF ADDING EMBANKMENT TO RAISE THE ELEVATION OF BOTH MINGO ROAD AND RUDDELL STREET FOR THE PLANNED CROSSING OF RUDDELL STREET OVER THE UNION PACIFIC RAILROAD ("UPRR") RAIL, ADDING A 10-FOOT TRAIL ADJACENT TO THE PROPERTY, DRAINAGE UTILITY WORK, STREET LIGHTING AND A NEW TRAFFIC SIGNAL TO CREATE THE MINGO-QUIET ZONE; AUTHORIZING THE EXPENDITURE OF FUNDS NOT TO EXCEED TWO HUNDRED AND FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$255,000.00) FOR THE .5244 ACRES AND ASSOCIATED CLOSING COSTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has identified the above-captioned tract, containing approximately 0.5244 acres of land and being more particularly described in Exhibit "A," attached hereto and made a part hereof for all purposes (the "Property"), for the purpose of adding embankment to raise the elevation of both Mingo road and Ruddell street for the planned crossing of Ruddell street over the UPRR rail, adding a 10-foot trail adjacent to the Property ; and

WHEREAS, the City of Denton ("City") after consideration of this matter, has determined that a public use and necessity exists for, and that the public welfare and convenience requires, the Fee Simple acquisition of the Property subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes ("Property Interests"); and

WHEREAS, City Council find that the acquisition of the Property is a valid public use necessary to provide for the roadway reconstruction, drainage improvements, replacement of aging infrastructure, street lighting, pedestrian/bicycle paths, new railroad crossings, and six (6) existing railroad crossings to be upgraded or closed to create the Mingo-Quiet Zone for the Mingo-Ruddell Quiet Zone Project (the "Project"); and to serve the public and the citizens of the City; and

WHEREAS, Seller desires to sell to Buyer, and Buyer desires to buy from Seller, the Land, together with any and all rights or interests of Seller in and to adjacent streets, alleys, and Rights-of-way and together with all and singular the improvements and fixtures thereon and all other rights and appurtenances to the Land (collectively, the "Property"); and

WHEREAS, the City has obtained an appraisal by a qualified independent appraiser who is not an employee of the City in accordance with Section 252.051 of the Texas Local Government Code and desires to accept fee simple title to the property for future public uses; and

WHEREAS, City has agreed with the Owner of the Property to pay a purchase price of Two Hundred and Fifty-Five Thousand and 00/100 Dollars, (\$255,000.00) and associated closing costs to acquire real property; and

NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings set forth in the preamble of this Ordinance are incorporated by reference into the body of this Ordinance as if fully set forth herein.

SECTION 2. That public necessity requires that City acquire the Property Interest in the Property for the Project.

SECTION 3. The City Manager, or designee, is hereby authorized and directed to consummate and accept the purchase, grant and conveyance to the City of the Property Interest in and to the Property pursuant to the conveyancing instrument substantially in the form described in Exhibit “B”, attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. The City Manager is further authorized to make expenditures and to carry out all duties and obligations as set forth in the Contract.

SECTION 5. City Manager, or designee, is hereby authorized to expend funds not to exceed Two Hundred Fifty-Five Thousand, No/100 (\$255,000.00) and associated closing costs.

SECTION 6. The Owner has been provided with a copy of the Landowner’s Bill of Rights, as contemplated by applicable state statute.

SECTION 7. 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 8. This ordinance shall become effective immediately upon its passage and approval.

[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, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Benjamin N. Samples, II

EXHIBIT A
(.544 acre Tract)

LEGAL DESCRIPTION

0.5244 ACRE TRACT

BEING a 0.5244 acre (22,844 square foot) tract of land situated in the WM Crenshaw Survey, Abstract No. 318, City of Denton, Denton County, Texas; said tract being all of that tract of land described in Quitclaim Deed to Calvin W. Gothard recorded in Instrument No. 2005-33431 of the Official Public Records of Denton County, Texas; said tract also being all of that tract of land described in Warranty Deed with Vendor's Lien to Melvin W. Gothard and wife, Shirley A. Gothard recorded in Volume 3449, Page 509 of the Deed Records of Denton County, Texas; said tract being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with "METROPLEX RPLS 1849" cap found in the north right-of-way line of Mingo Road (a variable width right-of-way); said point being the southwest corner of said 0.5244 acre tract;

THENCE North 01°27'14" West, departing the said north line of Mingo Road and along the west line of said 0.5244 acre tract, a distance of 279.36 feet to a point for corner in the south line of Lot 1, Block 1, Golf Addition, an addition to the City of Denton according to the plat recorded in Cabinet C, Slide 345 of the Plat Records of Denton County, Texas; from said point a 3-inch metal post bears South 01°27'14" East, a distance of 0.6 feet;

THENCE North 89°01'16" East, along the said south line of Lot 1, a distance of 90.27 feet to a 1-inch iron pipe found for corner; said point being the most southerly southwest corner of Lot 1, Block A, North Texas Solutions Addition, an addition to the City of Denton according to the plat recorded in Instrument No. 2020-251 of said Official Public Records; said point also being the northwest corner of Lot 1, Block 1, Greenwich Village Town Homes Addition, an addition to the City of Denton according to the plat recorded in Cabinet H, Slide 294 of said Plat Records;

THENCE South 03°14'14" East, along the west line of said Greenwich Village Town Homes Addition, a distance of 207.00 feet to a point for corner in the said north line of Mingo Road; from said point a 1/2-inch iron rod found bears North 65°39' East, a distance of 1.0 feet;

THENCE South 51°59'16" West, along the said north line of Mingo Road, a distance of 120.40 feet to the **POINT OF BEGINNING** and containing 22,844 square feet or 0.5244 acres of land, more or less.

NOTES

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), North Central Zone (4202). A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the subject tract.

BOUNDARY SURVEY
0.5244 ACRE TRACT
WM CRENSHAW SURVEY,
ABST. NO. 318,
CITY OF DENTON,
DENTON COUNTY, TEXAS

PRELIMINARY

MICHAEL CLEO BILLINGSLEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6558
801 CHERRY STREET,
UNIT 11 SUITE 1300
FORT WORTH, TEXAS 76102
PH. 817-335-6511

michael.billingsley@kimley-horn.com

THIS DOCUMENT SHALL
NOT BE RECORDED FOR
ANY PURPOSE AND
SHALL NOT BE USED OR
VIEWED OR RELIED
UPON AS A FINAL
SURVEY DOCUMENT

Kimley»Horn

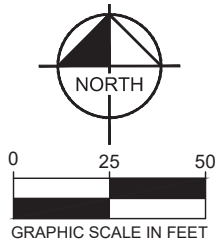
801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102 FIRM # 10194040

Tel. No. (817) 335-6511
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MCB	KHA	08/29/2025	061024085	1 OF 2

LOT 1, BLOCK 1
GOLF ADDITION
(CAB. C, SL. 345)

LOT 1, BLOCK A
NORTH TEXAS
SOLUTIONS ADDITION
(INST. NO. 2020-251)



LEGEND

P.O.B. = POINT OF BEGINNING
IRFC = IRON ROD W/CAP FOUND
IPF = IRON PIPE FOUND
PFC = POINT FOR CORNER

CITY OF DENTON
(INST. NO. 2013-127878)

CALVIN W. GOTHARD
(INST. NO. 2005-33431)
ADDRESS: 1425 MINGO RD

**0.5244 ACRES
22,844 SQ. FT.**

LOT 1, BLOCK 1
GREENWICH VILLAGE
TOWN HOMES ADDITION
(CAB. H, SL. 294)

10' SIDEWALK,
UTILITY AND
DRAINAGE EASEMENT
(CAB. H, SL. 294)

MINGO ROAD
(A VARIABLE WIDTH RIGHT-OF-WAY)

UPRR
(A 100-FOOT WIDE RIGHT-OF-WAY)

1/2" IRFC
"METROPLEX RPLS 1849"

P.O.B.

PFC
1/2" IRF
BEARS N65°39'E 1.0'

S03°14'14"E 207.00'

S51°59'16"W 120.40'

N01°27'14"W 279.36'

N89°01'16"E
90.27'

PFC
3" METAL POST BEARS
S1°27'W 0.6'

1" IPF

5/8" IRFC
"EAGLE SURVEYING"

NOTES

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), North Central Zone (4202). A metes and bounds description of even survey date herewith accompanies this survey plat.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this survey plat accurately sets out the metes and bounds of the subject tract.

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	MCB	KHA	08/29/2025	061024085	2 OF 2

EXHIBIT B
(Deed)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

STATE OF TEXAS §

COUNTY OF DENTON § KNOW ALL MEN BY THESE PRESENTS

That **Calvin W. Gothard**, ("Grantor"), whose address is 2409 Harvard Dr. Flower Mound, TX 75022-4866, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration to Grantor in hand paid by the **City of Denton, a Texas Home Rule Municipal Corporation** (hereinafter called "Grantee"), 215 E. McKinney, Denton, Texas 76201, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto Grantee all the real property in Denton County, Texas being particularly described on Exhibit "A", attached hereto and made a part hereof for all purposes, and being located in Denton County, Texas, together with any and all rights or interests of Grantor in and to adjacent streets, alleys and rights of way and together with all and singular the improvements and fixtures thereon and all other rights and appurtenances thereto (collectively, the "Property").

Grantor, subject to the limitation of such reservation made herein, reserves, for themselves, their heirs, devisees, successors and assigns all oil, gas and other minerals in, on and under and that may be produced from the Property. Grantor, their heirs, devisees, successors and assigns shall not have the right to use or access the surface of the Property, in any way, manner or form, in connection with or related to the reserved oil, gas, and other minerals and/or related to exploration and/or production of the oil, gas and other minerals reserved herein, including without limitation, use or access of the surface of the Property for the location of any well or drill sites, well bores, whether vertical or any deviation from vertical, water wells, pit areas, seismic activities, tanks or tank batteries, pipelines, roads, electricity or other utility infrastructure, and/or for subjacent or lateral support for any surface facilities or well bores, or any other infrastructure or improvement of any kind or type in connection with or related to the reserved oil, gas and other minerals, and/or related to the exploration or production of same.

As used herein, the term "other minerals" shall include oil, gas and all associated hydrocarbons and shall exclude (i) all substances that any reasonable extraction, mining or other exploration and/or production method, operation, process or procedure would consume, deplete or destroy the surface of the Property; and (ii) all substances which are at or near the surface of the Property. The intent of the parties hereto is that the meaning of the term "other minerals" as utilized herein, shall be in accordance with that set forth in *Reed v. Wylie*, 597 S.W.2d 743 (Tex.

1980).

As used herein, the term "surface of the Property" shall include the area from the surface of the earth to a depth of five hundred feet (500') below the surface of the earth and all areas above the surface of the earth.

Grantor hereby assigns to Grantee, without recourse or representation, any and all claims and causes of action that Grantor may have for or related to any defects in, or injury to, the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and Grantee's successors and assigns forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and Grantee's heirs, executors, administrators or successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED the _____ day of _____, 202_.

Grantor:

By: _____
Calvin W. Gothard

ACKNOWLEDGMENT

THE STATE OF _____ §
COUNTY OF _____ §

This instrument was acknowledged before me on _____, 202_ by
_____ (Name).

Notary Public, State of _____
My commission expires: _____

Upon Filing Return To:
City of Denton
Real Estate Division
401 N. Elm St.
Denton, TX 76201

Property Tax Bills To:
City of Denton Finance Department
215 E. McKinney Street
Denton, Texas 76201

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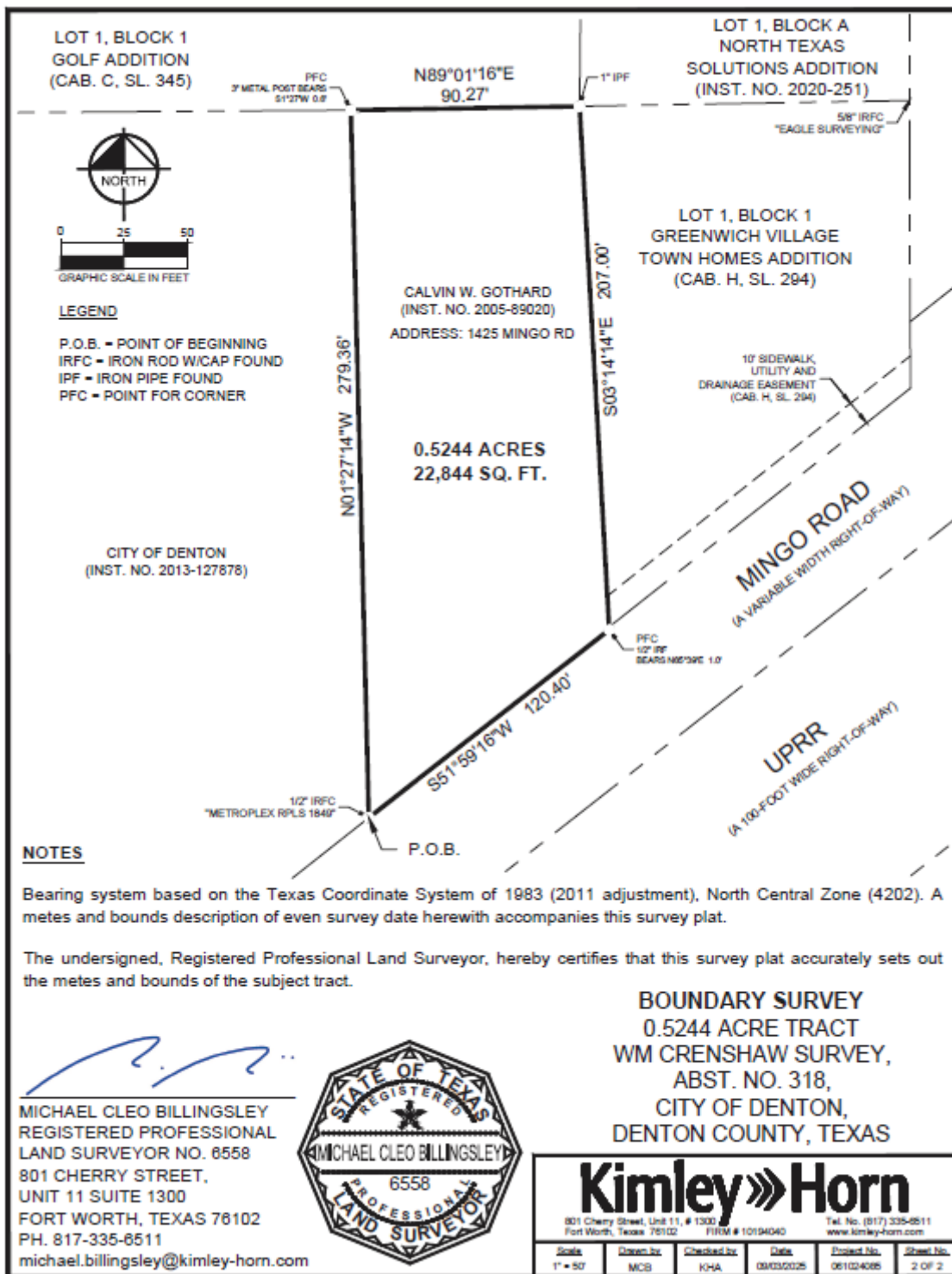


BOUNDARY SURVEY
0.5244 ACRE TRACT
WM CRENSHAW SURVEY,
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MCB	KHA	09/03/2025	061024068	1 OF 2



BILLINGSLEY, MICHAEL 8/3/2025 4:08 PM WIMLEY-HORN\NORTH TEXAS SOLUTIONS ADDITION SURVEY\061024085-MINGO RUDDLEL DENTON\061024085-MINGO RUDDLEL DENTON_1.SPS 1425