

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF DENTON DENYING NORTH TEXAS CONTRACTING INC.’S PETITION FOR REMOVAL OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DENTON AND DENYING THE CITY’S CONSENT TO THE REDUCTION OF THE CITY’S EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an initial petition was submitted on January 16, 2024 and denied by City Council on February 6, 2024; and

WHEREAS, on February 6, 2024, North Texas Contracting, Inc. (the “Petitioner”) resubmitted a petition for the release of property from the extraterritorial jurisdiction of the City of Denton (the “ETJ”), a copy of which is attached hereto as Exhibit A (the “Petition”); and

WHEREAS, the property sought to be released is located at 7368 FM 2449, Ponder, Texas in Exhibit A (the “Property”); and

WHEREAS, pursuant to Section 42.023 of the Texas Local Government Code, the ETJ of the City may only be reduced if the City Council has exercised its legislative authority to consent to the reduction of the City’s ETJ; and

WHEREAS, pursuant to Article II, Section 1 of the Texas Constitution, landowners may not be delegated the legislative authority to remove their property from the City’s ETJ without the consent of the City Council; and

WHEREAS, Subchapter D of the Texas Local Government Code Chapter 42 is an unconstitutional delegation of legislative authority and conflicts with the City’s grant of legislative discretion under Local Government Code section 42.023; and

WHEREAS, the City Council finds that it is in the best interest of the City to deny its consent to the Petition, the removal of the Property from the City’s ETJ, and to the reduction in size of the City’s ETJ; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The above recitals are adopted as findings of the City Council.

SECTION 2. The Petition for release of the Property from the City’s ETJ is hereby denied.

SECTION 3. The City denies consent to the removal of the Property from the City’s ETJ and the reduction in size of the City’s ETJ.

SECTION 4. If any section, subsection, paragraph, sentence, clause, phrase, or word in this resolution is held invalid or ineffective by any court of competent jurisdiction, such holding shall not affect the validity or effectiveness of the remaining portions of this resolution, and the City

Council of the City of Denton, Texas hereby declares that it would have adopted such remaining portions despite any such holding.

SECTION 5. This resolution shall become effective immediately upon its passage and approval.

The motion to approve this resolution was made by _____ and seconded by _____, the resolution was passed and approved by the following vote [__ - __]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
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 _____ day of _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: _____
 Scott Bray
2024.02.26 13:37:45
-06'00'

Canterbury

Exhibit A - Petition

DaNae Couch | dcouch@canterburylaw.com | (972) 388-5137

January 16, 2024

Mayor Gerard Hudspeth
215 East McKinney Street
Denton, Texas 76201

Via Email Gerard.Hudspeth@cityofdenton.com

City Attorney Mack Reinwand
215 East McKinney Street
Denton, Texas 76201

Via Email Mack.Reinwand@cityofdenton.com

Re: North Texas Contracting, Inc.'s Petition to Remove Property from City of Denton's Extra-Territorial Jurisdiction (ETJ)

Dear Mayor Hudspeth & Mr. Reinward:

Attached please find North Texas Contracting, Inc.'s Petition to Remove Property from the City of Denton's Extra-Territorial Jurisdiction (ETJ). Should you need any additional information from North Texas Contracting, Inc. with respect to this matter, please let me know.

If you could acknowledge receipt of this petition, I would appreciate it.

Sincerely,

DaNae Couch

DaNae Couch

DC/mlc
Attachment
cc: North Texas Contracting, Inc.

Y:\Clients\North Texas Contracting - 5933\Real Estate Matters - 5933.096\Keller Property\2024.01.16 - Corr to City of Denton (Petition2RemoveProperty).docx



Petition to Remove Property from City of Denton's Extra-Territorial Jurisdiction (ETJ)

Pursuant to Texas Government Code Section 42.103, North Texas Contracting, Inc. files this petition requesting release from the Extra-Territorial Jurisdiction of the City of Denton. In support thereof, North Texas Contracting, Inc. certifies that the following required information concerning the land and its inhabitants is accurate.

Owner/Company:

North Texas Contracting, Inc.
PO Box 468
Keller, TX 76244

Property to be Removed from Denton ETJ:

7368 FM 2449, Ponder, Denton County, Texas

City ETJ:

Denton

Signatures:

This petition has been signed by:

(1) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date; or

(2) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the central appraisal district.

Map and Description of Land to be Released:

Attached to this petition is a map of the land to be released and a description and survey of the boundaries of the land to be released by metes and bounds or by lot and block number.

Verification:

I, Jay Louy, President of North Texas Contracting, Inc., affirm and verify that the statements and information contained in this petition are true to my knowledge and belief.

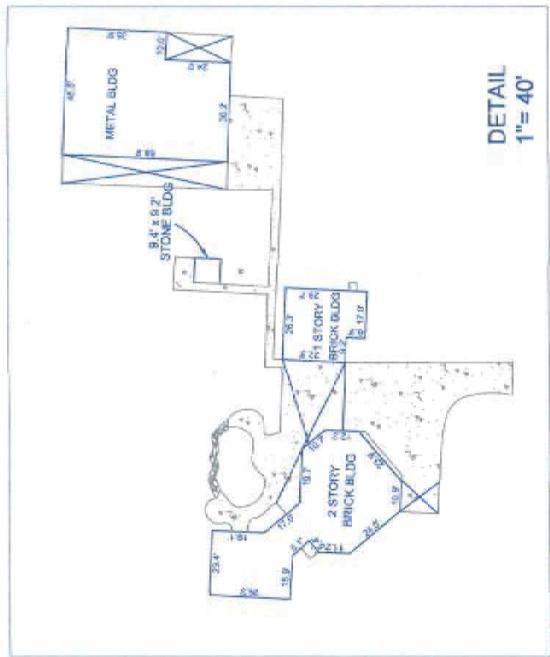
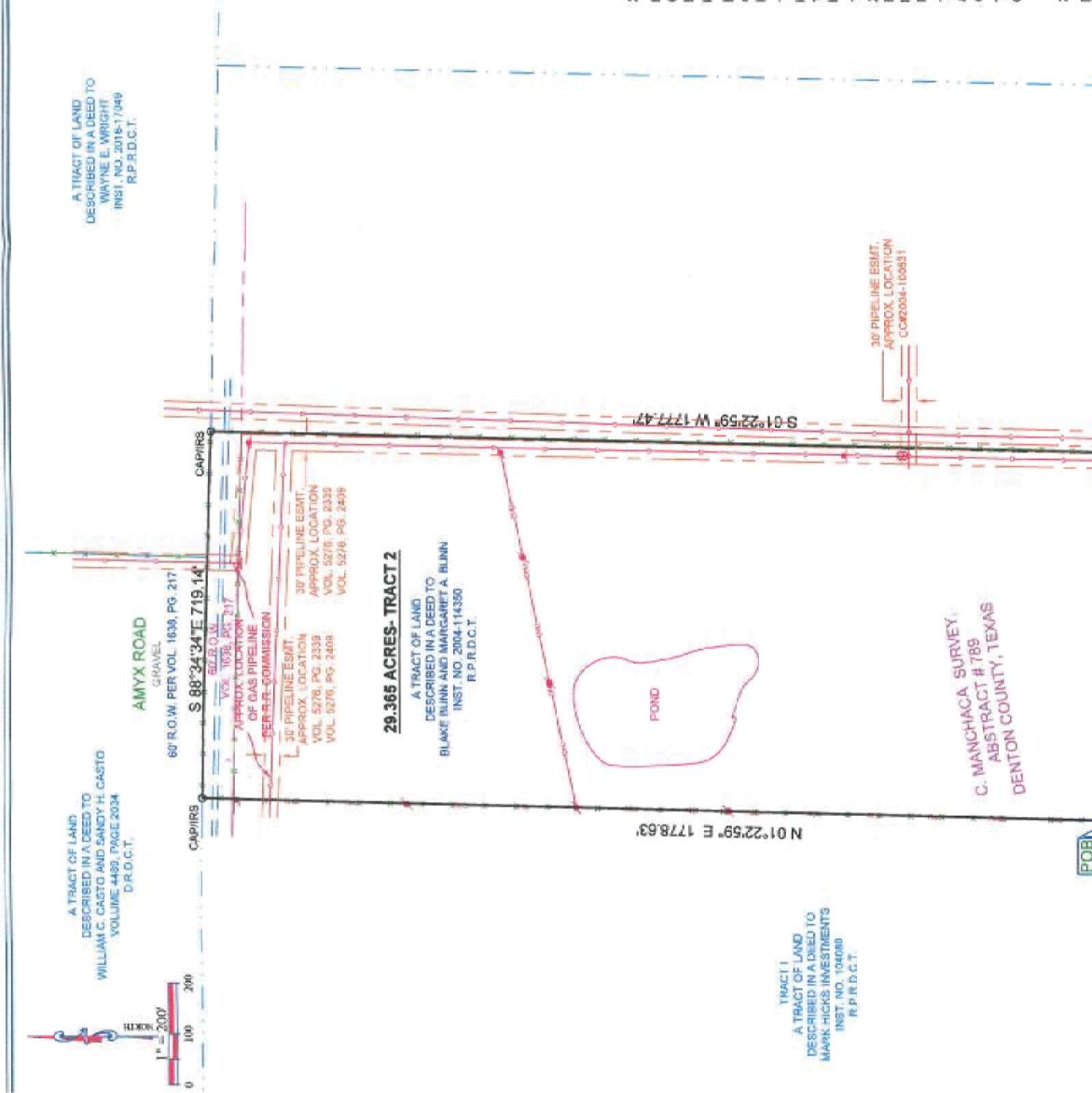
North Texas Contracting, Inc.

By: Jay Louy - Pres, Inc.

Name: Jay Louy

Its: President

Date: 1-11-24



29655 ACRES-TRACE!

Being all that certain tract or parcel of land situated in C. Manchaca Survey, Abstract Number 78, Denton County, Texas, and being all of a tract of land described as Tract 1 in a deed to Bille Bunn and Margaret A. Bunn, recorded in Instrument Number 2004-114351, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

THENCE North 01 Degree 22 Minutes .99 Seconds East with the East line of said Hicks tract, and with the East line of a tract of land described as Tract I in a deed to Mark Hicks Investments, recorded in Instrument Number 104089, Real Property Records, Denton County, Texas, 1776.81 feet to a capping iron rod set stamped "KAZ".
being the Northwest corner of the herein described tract;

THENCE South 88 Degrees 40 Minutes 08 Seconds East with the South line of a tract of land described as Tract I in a deed to Dale Bum, recorded in Instrument Number 2004-114250, Real Property Records, Denton County, Texas, 719.65 feet to a capping iron rod set stamped "KAZ". In the West line of a tract of land described as to Dale Bum, recorded in Instrument Number 2012-53172, Real Property Records, Denton County, Texas, 1776.81 feet to the Northeast corner of the herein described tract;

THENCE South 01 Degree 22 Minutes 00 Seconds West with said West line of said Witcher tract, 1776.80 feet to

THENCE North 00 Degrees 40 Minutes 00 Seconds West with skid North R. O. W. line, 720.16 feet to the PLACE OF BEGINNING containing 29.365 acres of land more or less.

29-305 ACRES-TRACT 2
Being all that certain tract or parcel of land situated in the C. Machica Survey, Abstract Number 789, Denton

DETAIL
1" = 40'

DEI

FLOOD STATEMENT: About ~~the~~ CEA A Flood Impact Data Map for the City of

Ponder, Community Number 4481 (47 effective date 4-18-2011) and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 345 G of said map.

Title Resources (GFT#75690). This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 5-30-2017. There are no visible or apparent intrusions or protrusions except as shown herein.

NOTE: Bearings shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and are based on the North American Datum of 1983, 2011 Adjustment.

NOTE: The experiments in this section were performed in a separate laboratory. No experiments were performed in the laboratory where the experiments in this section were performed.

NOTE: All capped iron rods set are stamped "KAZ" unless otherwise noted.

NOTE: Only the following easements supplied to me have been reviewed and addressed as

m. Vol. 404, Pg. 385 Blanket Easement to Denton County Electric Cooperative, Inc; does affect
Denton Co. [REDACTED]

o. Vol. 854, Pg. 48 Blanket Easement to the City of Ponder, does affect 15' wide centered on [REDACTED] N. & S. 400', 1' S. to Laramie, to the State of Texas, does affect 15' wide centered on [REDACTED]

r. Vol. 5276, Pg. 2239 Blanket Easement to Southwestern Gas Pipeline, Inc., does affect as shown on Exhibit L-10, West 30th Street.

1. CCC#2004-100631 Blanket Easement to Devon Gas Services. 1. P. does affect us shown
s. V8. 52/8, Pg. 203 Bariatri Casselton to Soddy Creek Gas Pipeline, LLC does affect us shown

6-2-17

1720 WESTMINSTER
DENTON TX 76205

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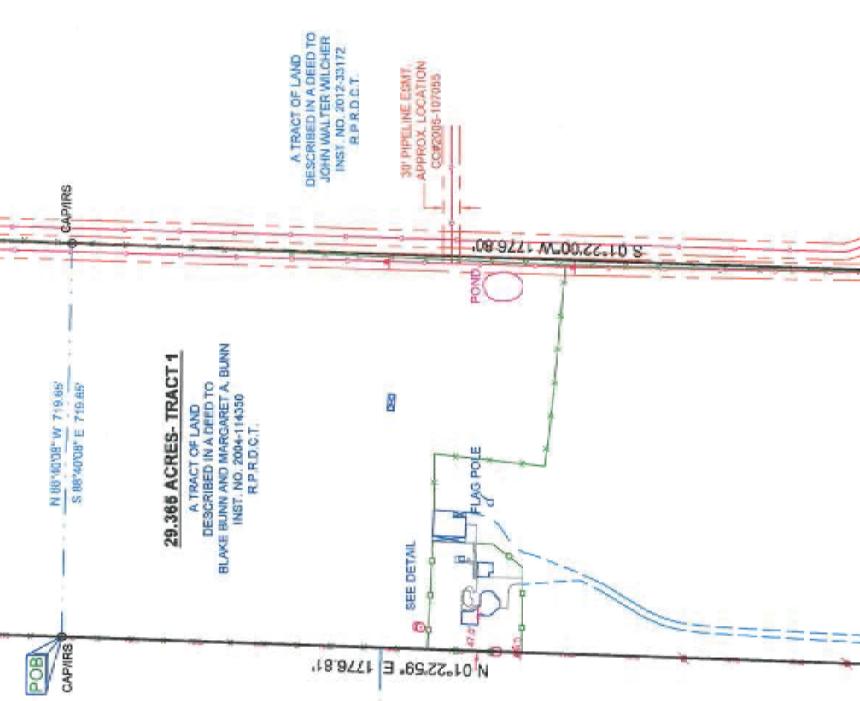
Written in the instrument recitals and being the Southeast corner or a tract of land described in a deed to Mark Hicks Investments, (Recorded in Instrument Number 2008-820584, Real Property Records, Denton County, Texas)

THENCE North 01 Degrees 22 Minutes 59 Seconds East with the East line of said Hicks tract, and with the East line of a tract of land described as Tract 1 in a deed to Mark Hicks Investments, recorded in Instrument Number 104080, Real Property Records, Denton County, Texas, 719.65 feet to a capped iron rod set stamped "KAZ", being the Northwest corner of the herein described tract,

THENCE South 88 Degrees 40 Minutes 00 Seconds East with the South line of a tract of land described as Tract 2 in a deed to Blake Bunn and Margaret A. Bunn, recorded in Instrument Number 2004-114350, Real Property Records, Denton County, Texas, 719.65 feet to a capped iron rod set stamped "KAZ" in the West line of a tract 1 land described as a deed to John Walter Wilcher, recorded in Instrument Number 2012-33172, Real Property Records, Denton County, Texas, and being the Northeast corner of the herein described tract,

THENCE South 01 Degree 22 Minutes 00 Seconds West with said West line of said Wilcher tract 2445, and being the Southeast corner 3.58 inches iron rod found in the North R.O.W. line of Farm to Market Road 2445, and being the Southeast corner of the herein described tract;

THENCE North 88 Degrees 40 Minutes 00 Seconds West with said North R.O.W. line, 720.15 feet to the PLACE OF BEGINNING containing 29.365 acres of land more or less.



29.365 ACRES- TRACT 2

Being all that certain tract or parcel of land situated in the C. Machado Survey, Abstract Number #789, Denton County, Texas, and being all of Tract 2 described in a deed to Blake Bunn and Margaret A. Bunn, recorded in Instrument Number 2004-114350, Real Property Records, Denton County, Texas, and being more fully described by metes and bounds as follows:

COMMENCING at a bolt found in the North R.O.W. line of Farm to Market Road 2445 and being the Southwest corner of a tract of land described as Tract 1 in a deed to Blake Bunn and Margaret A. Bunn, recorded in Instrument Number 2004-114350, Real Property Records, Denton County, Texas;

THENCE North 01 Degrees 22 Minutes 59 Seconds East with the East line of a tract of land described in a deed to Mark Hicks Investments, recorded in Instrument Number 2008-820584, Real Property Records, Denton County, Texas, and with the East line of land described as Tract 1 in a deed to Mark Hicks Investments, recorded in Instrument Number 104080, Real Property Records, Denton County, Texas, 1776.61 feet to the POINT OF BEGINNING;

THENCE North 01 Degrees 22 Minutes 59 Seconds East, 1776.63 feet to a capped iron rod set stamped "KAZ" in the South line of a tract of land described in a deed to William C. Casto and Sandy H. Casto, recorded in Volume 4489, Page 2034, Deed Records, Denton County, Texas, being the Northeast corner of said Hicks tract recorded in Instrument Number 2004-114350, Real Property Records, Denton County, Texas;

THENCE South 88 Degrees 34 Minutes 34 Seconds East, 719.14 feet to a capped iron rod set stamped "KAZ" in the South line of a tract of land described in a deed to Wayne E. Wright, recorded in Instrument Number 2016-17349, Real Property Records, Denton County, Texas, being the Northwest corner of the herein described tract, described in a deed to John Walter Wilcher, recorded in Instrument Number 2012-33172, Real Property Records, Denton County, Texas, and being the Northeast corner of the herein described tract;

THENCE South 01 Degrees 22 Minutes 59 Seconds West with the West line of said Wilcher tract 1777.47 feet to a capped iron rod set stamped "KAZ", being the Southeast corner of the herein described tract;

THENCE North 88 Degrees 40 Minutes 00 Seconds West, 719.65 feet to the POINT OF BEGINNING containing 29.365 acres of land more or less.

FLOOD STATEMENT: I have reviewed the F.E.M.A. Flood Insurance Rate Map for the City of Ponder, Community Number 480774 effective date 4-18-2011 and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 345 G of said map.

NOTE: This survey is certified to Rockshow Comedy, Inc., Blake Bunn, Margaret A. Bunn, and Title Resources (Gr#175690). This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 5-30-2017.. There are no visible or apparent intrusions or protrusions except as shown herein.

NOTE: Bearings shown herein are referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and are based on the North American Datum of 1983, 2011 Adjustment. The location of underground utilities shown herein are approximate. No excavation was performed.

11. **TRINITY NORM 01** Degree 22 Minutes 34 Seconds East, 110.00 feet to a capstone upon the **South** line of a tract of land described in a deed to William C. Castro and Sybette H. Castro, file #1848, Page 2034, Deed Records, Denton County, Texas, bearing the Northeast corner of said tract in Instrument Number 10480, and being the Northwest corner of the herein described tract;

12. **THENCE NORM 01** Degrees 88 Degrees 34 Minutes 34 Seconds East, 79.14 feet to a capped iron rod set in the **South** line of a tract of land described in a deed to Wayne E. Whiting, recorded in Instrument 2016-17049, Real Property Records, Denton County, Texas, being the Northwest corner of a tract described in a deed to John Miller Whiting, recorded in Instrument Number 2012-33172, Real Estate Records, Denton County, Texas, and being the Northeast corner of the herein described tract;

13. **THENCE NORM 01** Degree 22 Minutes 59 Seconds West with the West line of said Whiting tract, a capped iron rod set stamped "K-2", being the Southeast corner of the herein described tract;

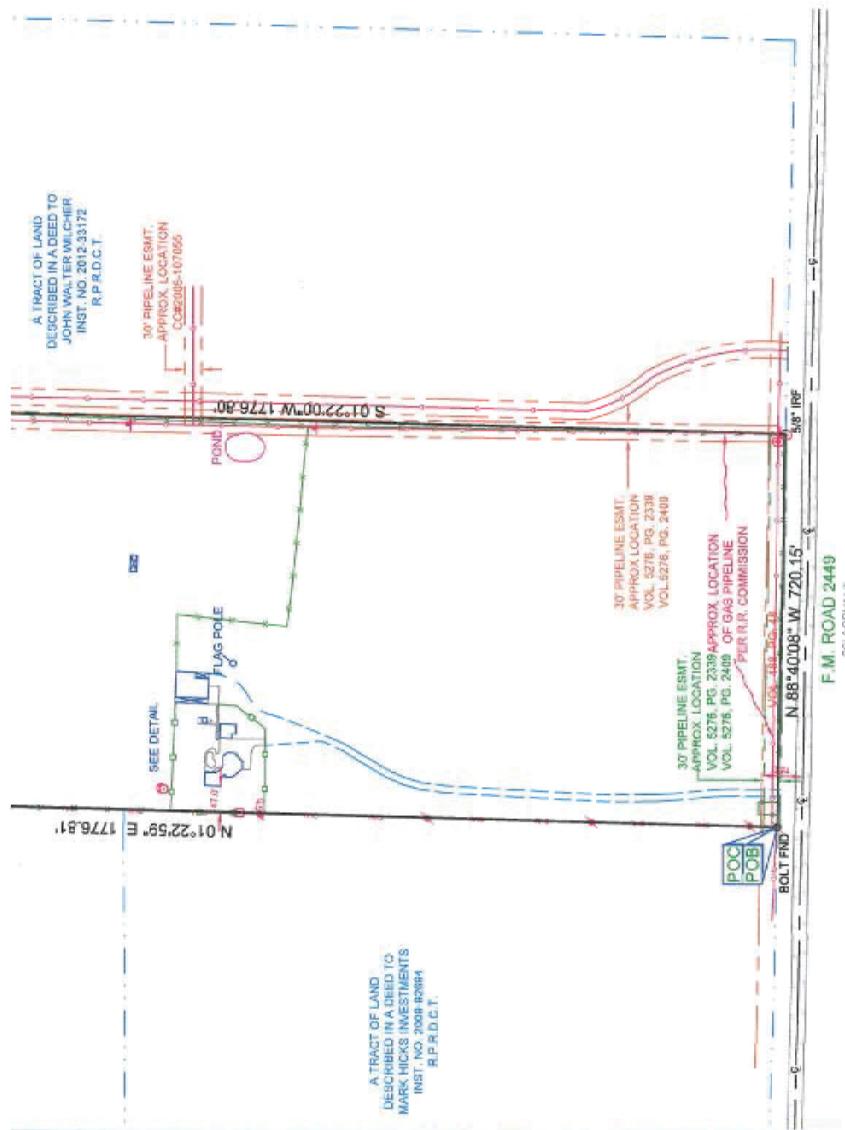
14. **THENCE NORM 01** Degree 22 Minutes 59 Seconds West, 71.95 feet to the **POINT OF BEGIN** 29.365 acres of land more or less.

FLOOD STATEMENT: I have reviewed the F.E.M.A. Flood Insurance Rate Map for Ponder, Community Number 480774, effective date 4-18-2011 and that map indicate that this property is within "Non-Standard Zone" "A" as defined as "A areas determined to be 0.2% annual chance flood (500-year)" as shown on Panel 345 G of said map.

NOTE: This survey is certified to Rockshow Comedy, Inc., Blaive Burn, Margaret A. Title Resources (G#75691). This survey currently represents the results of an on-line survey made under my direction and super vision on 5-30-2017. There are no visible instruments or productions except as shown herein.

NOTE: The location of underground utilities shown hereon are approximate. No excavation is to be performed within the Central Zone (420-2), and are based on the North American Datum of 1983, 2011 Aquifer.

NOTE: Only the following easements supplied to me have been reviewed and addenda filed.
m. Vol. 404, Pg. 385 Blanket Easement to Denton County Electric Cooperative, Inc.
m. Vol. 488, Pg. 48 Easement to the State of Texas; does affect as shown
o. Vol. 864, Pg. 48 Blanket Easement to the City of Ponder; does affect (15' wide as
p. Vol. 1638, Pg. 217 Easement to Sallie Yarbrough; does affect as shown
q. Vol. 4791, Pg. 2874 Blanket Easement to Central Telephone Company of Texas;
q. Vol. 4791, Pg. 2874 Blanket Easement to Southwestern Gas Pipeline, Inc.; does affect as shown
s. Vol. 5276, Pg. 2339 Blanket Easement to Southwestern Gas Pipeline, Inc.; does affect as shown
s. Vol. 6276, Pg. 10631 Blanket Easement to Devon Gas Services, L.P.; does affect as shown
s. Vol. 6276, Pg. 2409 Blanket Easement to CCH2004-10631 Blanket Easement to Devon Gas Services, L.P.; does affect as shown
s. Vol. 6276, Pg. 2409 Blanket Easement to CCH2004-10631 Blanket Easement to Devon Gas Services, L.P.; does affect as shown



the South line of a tract of land described in a deed to William C. Castro and Sandy H. Castro, recorded in Volume 4498, Page 2034, Deed Records, Denton County, Texas, being the Northeast corner of said Hicks tract recorded in Instrument Number 10480, and being the Northwest corner of the herein described tract.

THENCE South 88 Degrees 34 Minutes 34 Seconds East, 719.14 feet to a capped iron rod set stamped "KAZ" in the South line of a tract of land described in a deed to Wayne E. Wright, recorded in Instrument Number 2016-17049, Real Property Records, Denton County, Texas, being the Northwest corner of a tract of land described in a deed to John Weller Witcher, recorded in Instrument Number 2012-33172, Real Property Records, Denton County, Texas, and being the Northeast corner of the herein described tract.

THENCE South 01 Degrees 22 Minutes 59 Seconds West, with the West line of said Witcher tract, 1777.47 feet to a capped iron rod set stamped "KAZ", being the Southeast corner of the herein described tract;

THENCE South 88 Degrees 40 Minutes 08 Seconds West, 719.65 feet to the POINT OF BEGINNING containing 28.365 acres of land more or less.

FLOOD STATEMENT: I have reviewed the F.E.M.A. Flood Insurance Rate Map for the City of Ponder, Community Number 400774, effective date 4-18-2011 and that map indicates as scaled, that this property is within "Non-Shared Zone X", defined as "Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 345 G of said map.

NOTE: This survey is certified to Rockshow Comedy, Inc., Blake Bunn, Margaret A. Burn, and Title Resources (GT#175690). This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 5-30-2017. There are no visible or apparent intrusions or protrusions except as shown herein.

NOTE: Bearings shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and are based on the North American Datum of 1983, 2011 Adjustment.

NOTE: The location of underground utilities shown hereon are approximate. No excavation was performed.

NOTE: All capped iron rods set are stamped "KAZ" unless otherwise noted.

NOTE: Only the following easements supplied to me have been reviewed and addressed as follows:

1. m. Vol. 404, Pg. 385 Blanket Easement to Denton County Electric Cooperative, Inc.; does affect m. Vol. 48 Pg. 48 Easement to the State of Texas; does affect as shown

2. o. Vol. 854, Pg. 48 Blanket Easement to the City of Ponder; does affect (15' wide centered on pipe)

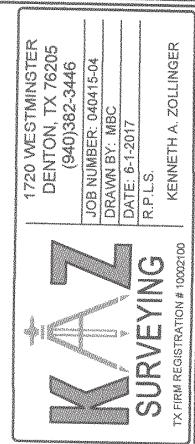
3. o. Vol. 1638 Pg. 217 Easement to Saile Yarbrough; does affect as shown

4. o. Vol. 4791, Pg. 2674 Blanket Easement to Central Telephone Company of Texas; does affect by

5. r. Vol. 5276, Pg. 2339 Blanket Easement to Southwestern Gas Pipeline, Inc.; does affect as shown

6. r. Vol. 5276, Pg. 2409 Blanket Easement to Southwestern Gas Pipeline, Inc.; does affect as shown

7. t. CCR#2004-100331 Blanket Easement to Devon Gas Services, L.P.; does affect as shown



TITLE
RESOURCES

29.635 ACRES TRACT I

Being all that certain tract or parcel of land situation in C. Manchaca Survey, abstract Number 789, Denton, County, Texas, and being all of a tract of land described as Tract I in a deed to Blake Bunn and Margaret A. Bunn, recorded under Instrument 2004-1114350, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a bolt found in the North Ro. O. W. line of Farm to Market Road 2449 and being the Southwest corner of herein described tract and being the Southeast corner of a tract of land described in a deed to Mark Hicks Investments, recorded in Instrument Number 2009-92594, Real Property Records, Denton County, Texas;

THENCE North 01 Degree 22 Minutes 99 Seconds East with the East line of said Hicks tract, and with the East line of a tract of land described as Tract I in a deed to Mark Hicks Investments, record in Instrument Number 104080, Real Property Records, Denton County, Texas 1776.81 feet to a capped iron rod set stamped "KAZ", being the Northwest corner of the herein described tract;

THENCE South 88 Degrees 40 Minutes 08 Seconds East with the South line of a tract of land described as Tract 2 in a deed to Blake Bunn and Margaret A. Bunn, recorded in Instrument Number 2004-114350, Real Property Records, Denton County, Texas, 719.65 Feet to a capped iron rod set stamped "KAZ" in the West line of a tract of land described to a deed to JOhn Watler Wilcher, recorded in Instrument Number 2012-33172, Real Property Records, Denton County, Texas, and being the Northeast corner of the herein described tract;

THENCE South 01 Degree 22 Minutes 00 Seconds West with said West line of said Wilcher tract, 1776.80 feet to a 5/8 inch rod found in the North R.O.W. line of Farm to Market Road 2449, and being the Southeast corner of the herein described tract;

THENCE North 88 Degrees 40 Minutes 08 Seconds West with said North R.O.W. line, 730.15 feet to the PLACE OF BEGINNING containing 29.365 acres of land more or less.

29.365 ACRES – TRACT 2

Being all that certain tract or parcel of land situation in the C. Manchaca Survey, Abstract Number 789, Denton County, Texas, and being all of Tract 2 described in a deed to Blake Bunn and Margaret A. Bunn, recorded in Instrument Number 2004-114350, Real Property Records, Denton County, Texas, and being more fully described by metes and bounds as follows:

COMMENCING at a bolt found in the North R. O. W. line of Farm to Market Road 2449 and being the Southwest corner of a tract of land described as Tract I in a deed to Blake Bunn

and Margaret A. Bunn, recorded in Instrument Number 2004-114350, Real Property Records, Denton County, Texas;

THENCE North 01 Degree 22 Minutes 59 Seconds East with the East line of a tract of land described in a deed to Mark Hicks Investments, recorded in Instrument Number 2009-92694, Real Property Records, Denton County, Texas, and with the East line of a tract of land described as Tract I in a deed to Mark Hick Investments, recorded in Instrument Number 104080, Real Property Records, Denton County, Texas, 1778.81 feet to the POINT OF BEGINNING;

THENCE North 01 Degree 22 Minutes 29 Seconds East, 1778.73 feet to a capped iron rod set stamped "KAZ" in the South line of a tract of land described in a deed to William C. Casto and Sandy H. Casto, recorded in Volume 4489, Page 2034, Deed Records, Denton County, Texas, being the Northeast corner of said Hicks tract recorded in Instrument Number 10480, and being the Northwest corner of the herein described tract;

THENCE South 88 Degrees 34 Minutes 34 Seconds East, 719.14 feet to a capped iron rod set stamped "KAZ" in the South line of a tract of land described in a deed to Wayne E. Wright, recorded in Instrument Number 2016-17049, Real Property Records, Denton County, Texas, being the Northwest corner of tract of land described in a deed to John Walter Wilcher, recorded in Instrument Number 2012-33172, Real Property Records, Denton County, Texas, and being the Northeast corner of the herein described tract;

THENCE, South 01 Degree 22 Minutes 59 Seconds West with the West line of said Wilcher tract 1777.47 feet to a capped iron rod set stamped "KAZ", being the Southwest corner of the hererin described tract;

THENCE North 88 Degrees 40 Minutes 08 Seconds West, 719.65 feet to the POINT OF BEGINNING containing 29.365 acres of land more or less.