

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'

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. Reinwand:

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: J. M. Louy - President

Name: Jay Louy

Its: President

Date: 1-11-24

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10. *Journal of the American Medical Association*, 2000; 284: 2689-2694.

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Page No. 10/10 Date: / /

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DOI: 10.1002/jbm.b

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© 2007 Blackwell Publishing Ltd *Journal of Internal Medicine* 261: 105–112

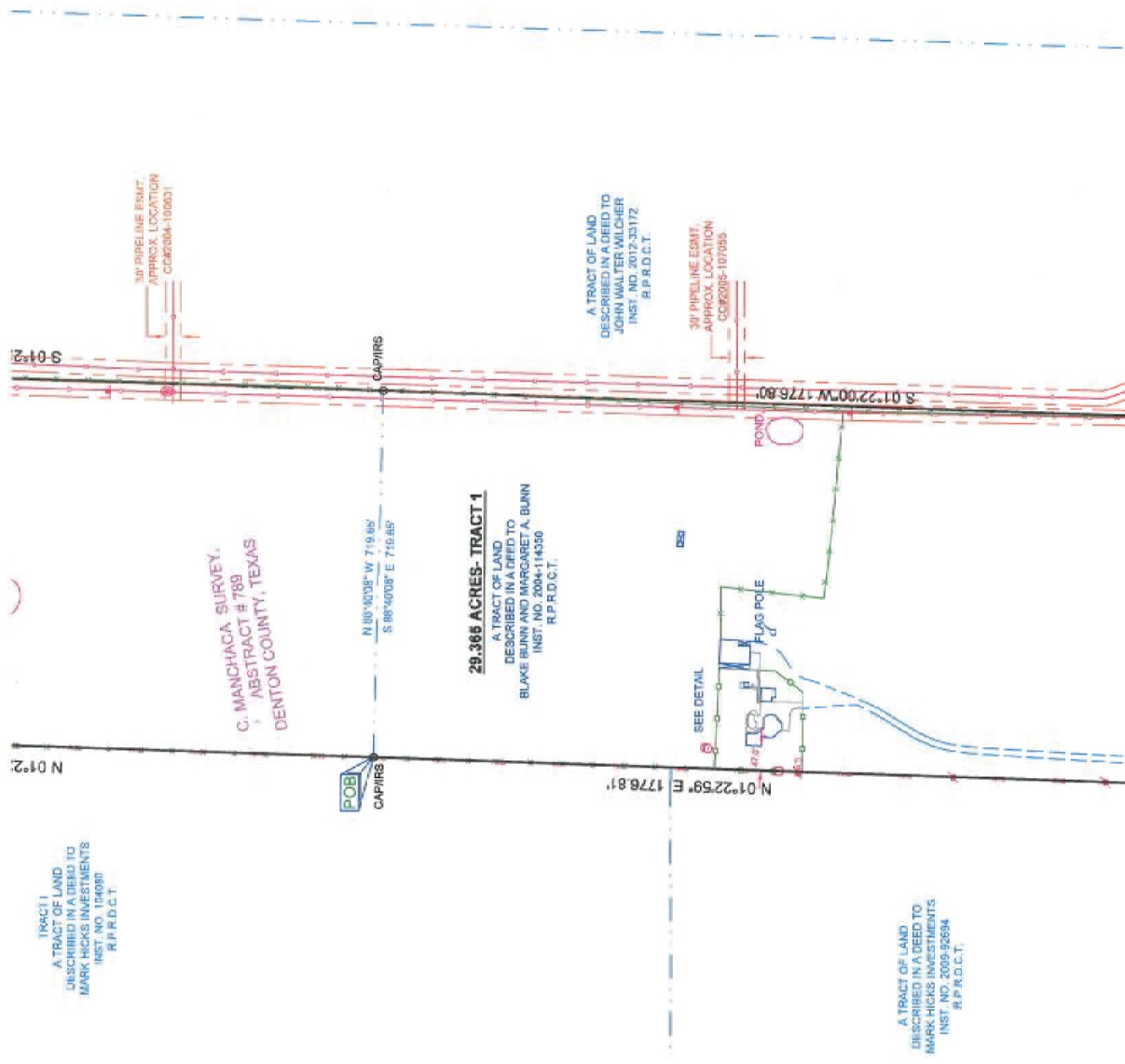
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Figure 1 is a line graph showing the effect of the concentration of the initiator on the polymerization of methyl methacrylate. The y-axis is labeled 'Conversion (%)' and ranges from 0 to 100. The x-axis is labeled 'Initiator concentration (mol/L)' and ranges from 0 to 0.001. Four curves are shown, labeled 1, 2, 3, and 4. Curve 1 is the highest, followed by 2, 3, and 4. All curves show a sharp increase in conversion as initiator concentration increases, reaching a plateau around 0.0005 mol/L.



1720 WESTMINSTER
DENTON, TX 76205
504/0999 9446



corner of the 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 2009-92094, Real Property Records, Denton County, Texas.

THENCE North 01 Degree 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, 1776.81 feet to a capped iron rod set stamped "KAZ", being the Northwest corner of the herein described tract;

THENCE South 08 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 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, 1776.80 feet to a 5/8 inch iron 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, 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. 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 describe 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 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 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 2009-92094, Real Property Records, Denton County, Texas, 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, 1776.81 feet to the POINT OF BEGINNING;

THENCE North 01 Degree 22 Minutes 59 Seconds East, 1776.83 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. Casio and Sandy H. Casio, 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 08 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 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 Southeast corner of the herein 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.

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 (GF#175650). 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 hereon.

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.

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.