

ORDINANCE NO. 25-_____

AN ORDINANCE BY THE CITY OF DENTON AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE (I) A GAS LINE REARRANGEMENT AND ABANDONMENT AGREEMENT WITH EAGLERIDGE ENERGY II LLC, EAGLE RIDGE OPERATING LLC, USG PROPERTIES BARNETT II, LP, AND MARUBENI SHALE INVESTMENT, LLC, (“EAGLERIDGE”), FOR THE RELOCATION OF A 3-INCH GAS PIPELINE (CARDWELL SATER RELOCATION), (“EAGLERIDGE FACILITIES”), FOR THE CITY’S HICKORY CREEK ROAD PHASE 3 WIDENING AND REALIGNMENT PROJECT AND (II) A RIGHT OF WAY LICENSE WITH EAGLERIDGE; PROVIDING FOR THE EXPENDITURE OF FUNDS IN THE NOT-TO-EXCEED AMOUNT OF TWO HUNDRED SIXTY THOUSAND, EIGHT HUNDRED TWENTY-FOUR DOLLARS AND 69/100 (\$260,824.69); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the existing rural Hickory Creek Road between FM 1830 and Riverpass is being reconstructed to accommodate the four-lane divided urban street section called Phase 3 of the Hickory Creek Road Widening and Realignment Project; and

WHEREAS, construction of the Hickory Creek Bridge Project makes necessary the relocation and adjustment of the EagleRidge Facilities due to a conflict with the bridge structure; and

WHEREAS, the EagleRidge Facilities are situated in a privately held easement, that is in direct conflict with the Hickory Creek Road Phase 3 improvements; and

WHEREAS, EagleRidge’s privately held easements predated the City’s acquisition of the right-of-way tracts encumbered by those easements, therefore being superior in title; and

WHEREAS, the City has presented EagleRidge with a Rearrangement and Abandonment Agreement for the rearrangement and abandonment the existing 3-inch gas (Cardwell Sater Relocation) which is referenced herein and made a part hereof (the “Agreement”) including the estimated costs associated with the work; and

WHEREAS, the City has presented EagleRidge a Right of Way License Agreement for the placement of a 3-inch gas line in City Right of Way, referenced herein and made a part hereof (the “License”); and

WHEREAS, to ensure the City’s Hickory Creek Road Phase 3 project can proceed as planned, the City and EagleRidge agree to enter into the Agreement and the License to provide for the relocation of EagleRidge’s conflicting gas pipeline infrastructure; and

WHEREAS, the City and EagleRidge have agreed to a not-to-exceed amount of **Two Hundred Sixty Thousand, Eight Hundred Twenty-Four Dollars and 69/100 (\$260,824.69)** for the not-to-exceed costs; and

WHEREAS, the execution of the two (2) agreements will minimize project delays and costs;
and

WHEREAS, the City Council having considered the importance of the Project to the citizens of Denton and finding that it is in the public's health and safety interest, is of the opinion that it should approve the Agreement; **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 as true and as if fully set forth in the body of this ordinance.

SECTION 2. The City Manager, or their designee, is hereby authorized to execute on behalf of the City; the Rearrangement and Abandonment Agreement and the Right of Way License Agreement with EagleRidge referenced herein and made a part hereof for all purposes.

SECTION 3. The City Manager, or designee, is hereby authorized to expend funds in an amount not to exceed TWO HUNDRED SIXTY THOUSAND, EIGHT HUNDRED TWENTY-FOUR DOLLARS AND 69/100 (\$260,824.69).

SECTION 4. The City Manager is further authorized to carry out all duties and agreements to be performed by the City under the Agreement and License.

SECTION 5. The City Manager, or designee, is the City's designated, authorized official, with the power to authorize, accept, reject, alter or terminate the Agreement or License on behalf of the City and act on behalf of the City of Denton in all matters related to the Agreement or License and any subsequent agreements that may result.

SECTION 6. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by _____ and seconded by _____. The ordinance was passed and approved by the following vote [___ - ___]:

[signatures to follow]

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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: Marcella Lunn