

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS ANNEXING APPROXIMATELY 6.28 ACRES OF LAND, GENERALLY LOCATED 1, 176 FEET NORTH OF E. MCKINNEY STREET AND EAST OF TRINITY ROAD TO THE CITY OF DENTON, DENTON COUNTY, TEXAS; PROVIDING FOR A CORRECTION TO THE CITY MAP TO INCLUDE THE ANNEXED LAND; AND PROVIDING FOR A SAVINGS CLAUSE AND AN EFFECTIVE DATE. (A23-0003b)

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 property owner Lake City Holdings, LLC. (“Owner”) has, by virtue of their continued and ongoing breach of a Non-Annexation Agreement executed on October 20, 2020, submitted a petition for voluntary annexation of approximately 6.28 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 March 19, 2024, 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 March 19, 2024; 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 May 7, 2024; 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. _____, 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 be affected thereby.

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

AND IT IS SO ORDERED

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
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

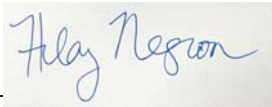
BY:  Hilary Negron
2024.03.13
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Exhibit A
Legal Description

Being a tract or parcel of land situated in the Moreau Forrest Survey, Abstract Number 417 in the City of Denton, Denton County, Texas and being all of a called 3.0 acre tract of land described in the deed to Eldon L. Hawes and Marion F. Hawes as Trustees of the Eldon L. Hawes and Marion F. Hawes Revocable Living Trust, recorded in Document Number 96-R0019535 of the Real Property Records of Denton County, Texas and being all of a called 3.2787 acre tract of land described in the deed to Eldon L. Hawes and Marion F. Hawes as Trustees of the Eldon L. Hawes and Marion F. Hawes Revocable Living Trust, recorded in Document Number 96-R0019534 of the Real Property Records of Denton County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the Southwest corner of said 3.0 acre tract and the common Westerly Northwest corner of a called 6.9383 acre tract of land described in the deed to Gary H. Kirchoff, recorded in Volume 2590, Page 238 of the Real Property Records of Denton County, Texas and being in the East line of S. Trinity Road;

THENCE North 03°18'45" East, with the West line of said 3.0 acre tract and the common East line of S. Trinity Road, a distance of 363.84 feet to a 1/2" iron rod found at the Northwest corner of said 3.0 acre tract and being in the South line of Lot 1, Block A of Casa Manzi an addition to the City of Denton, recorded in Document Number 2015-26 of the Plat Records of Denton County, Texas from which a capped 1/2" iron rod stamped "ARTHUR" found at the Southwest corner of said Lot 1 bears North 86°05'32" West, a distance of 4.39 feet;

THENCE South 86°05'32" East, with the North line of said 3.0 acre tract and the common South line of said Lot 1, a distance of 362.69 feet to a capped 1/2" iron rod stamped "ARTHUR" found at the Northeast corner of said 3.0 acre tract and the common Northwest corner of said 3.2787 acre tract and being an angle point in the South line of said Lot 1;

THENCE South 81°35'05" East, with the North line of said 3.2787 acre tract and the common South line of said Lot 1, a distance of 420.47 feet to a capped 1/2" iron rod stamped "R.P.L.S. 4158" found at the Northeast corner of said 3.2787 acre tract and being in the North line of said 6.9383 acre tract from which a 1/2" iron rod found at the Southeast corner of said Lot 1 bears South 81°35'05" East, a distance of 55.12 feet;

THENCE South 03°10'50" West, with the East line of said 3.2787 acre tract and the common North line of said 6.9383 acre tract, a distance of 320.97 feet to a 1/2" iron rod found at the Southeast corner of said 3.2787 acre tract;

THENCE North 86°48'45" West, with the South line of said 3.2787 acre tract, the South line of said 3.0 acre tract and the common North line of said 6.9383 acre tract, a distance of 782.21 feet to the **POINT OF BEGINNING** and containing 6.28 acres of land more or less.

Exhibit B
Location Map



Exhibit C
Municipal Services Agreement