

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS ANNEXING APPROXIMATELY 18.60 ACRES OF LAND, GENERALLY LOCATED APPROXIMATELY 500 FEET NORTH OF US 380 (UNIVERSITY DRIVE) AND EAST OF THOMAS J. EGAN ROAD INTO 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. (A22-0001b)

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 applicant Justin Toon, on behalf of the property owner, IR2 Holdings LLC (hereafter referred to as “Owner”), submitted a petition for voluntary annexation of approximately 18.60 acres of land in Denton County, Texas described in **Exhibit A** 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 15, 2022; and

WHEREAS, on November 15, 2022, 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 November 15, 2022; 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 January 10, 2023; 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 Municipal Service Agreement approved by Ordinance No. A22-0001 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 not 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
Gerard Hudspeth, Mayor:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
Alison Maguire, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this, the _____ day of _____, 2022.

GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

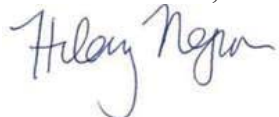
BY:  Hilary Negron
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EXHIBIT A
LEGAL DESCRIPTION

BEING an approximate 18.60 acre tract of land out of the Seferino Huizar Survey, Abstract Number 514, situated in Denton County, Texas, being a portion of a called 28.16 acre tract of land conveyed to IR2 Holdings LLC, by deed of record in Document Number 2022-10867 of the Official 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 or near the centerline of Thomas J. Egan Road, being the Northwest corner of said 28.16 acre tract, and being the Southwest corner of a tract of land conveyed to Vickie Murdock by deed of record in Document Number 2004-80900 of said Official Records, from which a PK nail found at the Northwest corner of said Murdock tract bears N00°11'40"E, a distance of 1090.63 feet;

THENCE, S89°48'36"E, leaving Thomas J. Egan Road, along the North line of said 28.16 acre tract, being the common South line of said Murdock tract, a distance of 996.87 feet to a 1/2" iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Northeast corner of said 28.16 acre tract, being the Northwest corner of a tract of land conveyed to Preston M. East, II by deed of record in Document Number 2011-122107 of said Official Records;

THENCE, S00°23'47"W, leaving the South line of said Murdock tract, along the East line of said 28.16 acre tract, being the common West line of said Preston M. East, II tract, a distance of 838.75 feet;

THENCE, leaving the West line of said Preston M. East, II tract, over and across said 28.16 acre tract, the following three (3) courses and distances:

1. N87°52'00"W, a distance of 24.70 feet;
2. N87°07'44"W, a distance of 668.84 feet;
3. N85°00'02"W, a distance of 302.18 feet to a point at or near the centerline of Thomas J. Egan Road, being the common West line of said 28.16 acre tract;

THENCE, N00°11'40"E, along or near the centerline of Thomas J. Egan Road and the common West line of said 28.16 acre tract, passing at a distance of 256.44 feet a PK nail found and continuing a total distance of 781.29 feet to the **POINT OF BEGINNING**, and containing an area of 18.60 acres (810,372 square feet) of land, more or less.

Bearings are based on GPS observations utilizing the AllTerra RTK Network. North American Datum of 1983 (Adjustment Realization 2011).

This document was prepared under 22 Texas Administrative Code §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

**EXHIBIT B
LOCATION MAP**

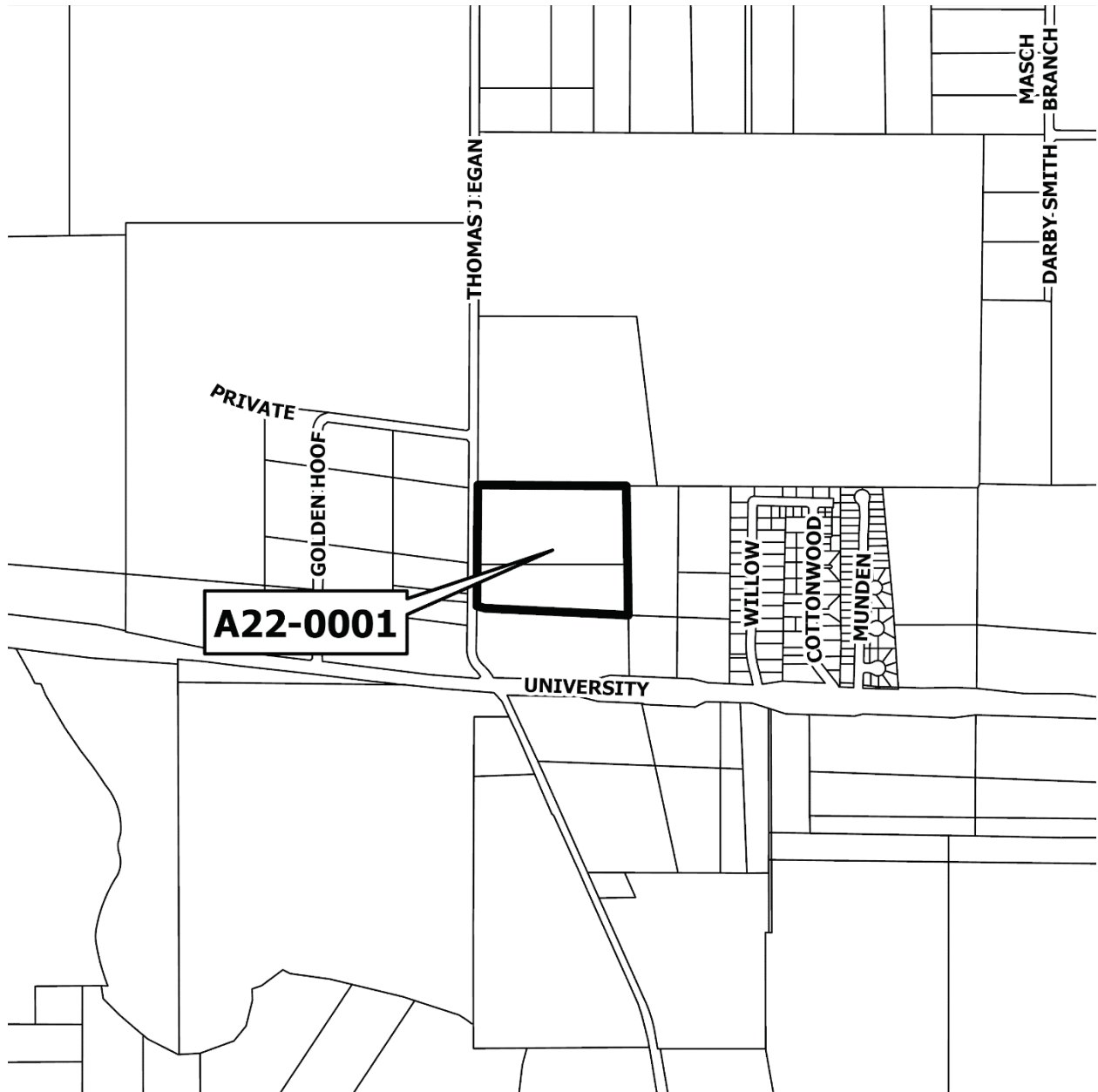


EXHIBIT C
MUNICIPAL SERVICES AGREEMENT