

ORDINANCE NO. 2017 - ____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO AGREEMENT BY AND BETWEEN THE CITY OF DENTON, TEXAS AND CARMEN INVESTMENTS, INC. FOR THE PROVISION OF WATER AND SANITARY SEWER FACILITIES FOR PHASE II A OF THE COUNTRY CLUB VILLAGE ADDITION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton, Texas (the "City") and Carmen Investments, Inc., a Texas Corporation (the "Developer") entered into an agreement for the Provision of Water and Sanitary Sewer Service for Phase II A of the County Club Village Addition development on or about December 1, 2009, which was approved by the City Council for the City of Denton in Ordinance 2009-299 (the "Agreement"); and

WHEREAS, the City and the Developer desire to amend the Agreement in a form substantially similar to the First Amendment to Agreement attached hereto as Exhibit "A," considering the relevant circumstances and providing for the costs, duties and responsibilities of the parties regarding the mutual obligations of the parties regarding the furnishing of water and sewer facilities regarding a certain new Phase II A comprised of approximately six (6) lots and 2.45 acres and additional phase 2B consisting of 17 lots and 11.97 acres, phase 3A consisting of 44 lots and 21.85 acres, phase 3B consisting of 13 lots and 6.38 acres, phase 3C consisting of 34 lots and 16.21 acres, phase 4 consisting of 14 lots and 12.52 acres, and phase 5 consisting of 3 vacant lots and 9.16 acres residential subdivision located within City of Denton, commonly known as the "Country Club Village Addition; and

WHEREAS, the City believes that the Agreement is in the best interests of the City and provides for the measured water and sewer growth of a new development in the City of Denton, and that a valid governmental purpose is served by said Agreement; **NOW, THEREFORE**,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The Mayor is hereby authorized to execute, on behalf of the City Council of the City of Denton, Texas, the "First Amendment to Agreement by and Between the City of Denton, Texas and Carmen Investments, Inc., for the Provision of Water and Sanitary Sewer Facilities for Phase II A of the Country Club Village Addition;" which Agreement is attached hereto as Exhibit "A" and is incorporated by reference herein.

SECTION 2. The City Manager shall have the authority to expend funds that are necessary to perform this Agreement.

SECTION 3. This Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the ____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

By: 