

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON ANNEXING APPROXIMATELY 16 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF BARTHOLD ROAD, APPROXIMATELY 340 FEET WEST OF THE I-35 SOUTHBOUND SERVICE ROAD., MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" AND ILLUSTRATED IN EXHIBIT "B", WHICH AREA ABUTS AND IS ADJACENT TO THE CITY LIMITS SO AS TO INCLUDE THE PROPERTY WITHIN THE CITY LIMITS; GRANTING TO ALL THE INHABITANTS OF THE PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING THE INHABITANTS TO ALL OF THE ORDINANCES, RESOLUTIONS, ACTS, AND REGULATIONS OF THE CITY; PROVIDING FOR A CORRECTION TO THE CITY MAP TO INCLUDE THE ANNEXED LANDS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE (A17-0002).

WHEREAS, pursuant to Section 43.028, Texas Local Government Code (the "Statute"), a home rule city is authorized to annex sparsely occupied areas on petition of area landowners; and

WHEREAS, petitioner H3H, LLC ("Petitioner") owns approximately 16 acres of land in the extraterritorial jurisdiction of the City of Denton, Texas, generally located on the north side of Barthold Road, approximately 340 feet west of the I-35 Southbound Service Road, and is more particularly described in Exhibit A and illustrated in Exhibit B both attached hereto and incorporated by reference herein ("Property"); and

WHEREAS, the Property is one-half miles or less in width, is contiguous to the City, and is vacant and without residents pursuant to Sec. 43.028 (a) of the Statute; and

WHEREAS, the Petitioner submitted a Petition Requesting Annexation by Landowner to the City on March 9, 2017, for the purposes of requesting that the Property be annexed, attached as Exhibit C; and

WHEREAS, a public hearing was held with the City Council on April 4, 2019, which was noticed in accordance with the Statute; and

WHEREAS, annexation proceedings were instituted for the Property described herein at the first reading of the ordinance conducted at the City Council meeting on April 18, 2017; 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 thirty days prior to City Council taking final action, as required by the City Charter; and

WHEREAS, a second reading of the ordinance was conducted at the City Council meeting on June 6, 2017, and the City Council finds that annexing the Property is in the best interest of the citizens of the City of Denton and will allow the City to ensure development consistent with the Denton Plan as it is now written or as it may be modified by the City from time to time, 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 by reference herein.

SECTION 2. The City hereby ANNEXES the land described and depicted in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference.

SECTION 3. 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 the inhabitants of the newly annexed property all of the rights and privileges of other citizens and binding 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 with the Denton County Appraisal District.

SECTION 4. 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 5. 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 6. This ordinance shall be effective immediately upon its passage by the City Council, and it is accordingly so ordained.

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: Jennifer W. DeCunzio

EXHIBIT "A"
ANNEXATION EXHIBIT
15.737 ACRES

BEING all that certain lot, tract, or parcel of land situated in the S. L. Johnson Survey Abstract Number 683 in the City of Denton, Denton County, Texas, being a part of that certain "21.000 Acre Tract" of land conveyed by deed from HLHTE-Lydia Hill Trust et al to H3H, LLC recorded under Document Number 2011-22008, Real Property Records, Denton County, Texas and being more particularly described as follows:

COMMENCING at an iron rod marked "KHA" found for corner in the west line of Interstate Highway Number 35, a public roadway having a variable width right-of-way, said point being the southeast corner of that certain tract of land conveyed by deed from New Farms, LLC to Phase 17 Investments, LP recorded under Document Number 2011-104771, Real Property Records, Denton County, Texas;

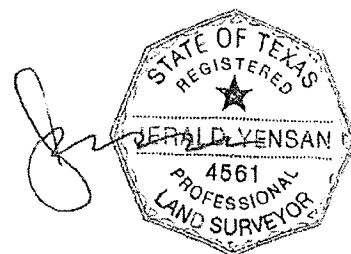
THENCE N 89° 48' 47" W, 325.09 feet with the south line of said Phase 17 Investments tract to a point in the Denton City Limit Line for **PLACE OF BEGINNING**;

THENCE S 01° 09' 06" E, 722.71 feet with said City Limit Line to a point for corner in Barthold Road, a public roadway and in the north line of the B.B.B. and C.R.R. Company Survey Abstract Number 141;

THENCE N 89° 48' 26" W, 955.92 feet with said Barthold Road and with said north line of said B.B.B. and C.R.R. Company Survey to a P.K. nail set for corner, said point being the southeast corner of that certain "Tract 3" of land conveyed by deed from Ellouise McDonnell to Harlan Properties, Inc. recorded in Volume 4296, Page 1426, Real Property Records, Denton County, Texas;

THENCE N 00° 01' 43" W, 722.42 feet the east line of said Harlan Properties tract to an iron rod marked "KHA" found for corner, said point being the southwest corner of said Phase 17 Investments tract;

THENCE S 89° 48' 47" E, 941.75 feet with the south line of said Phase 17 Investments tract to the **PLACE OF BEGINNING** and containing 15.737 acres of land.



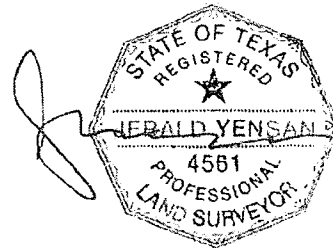
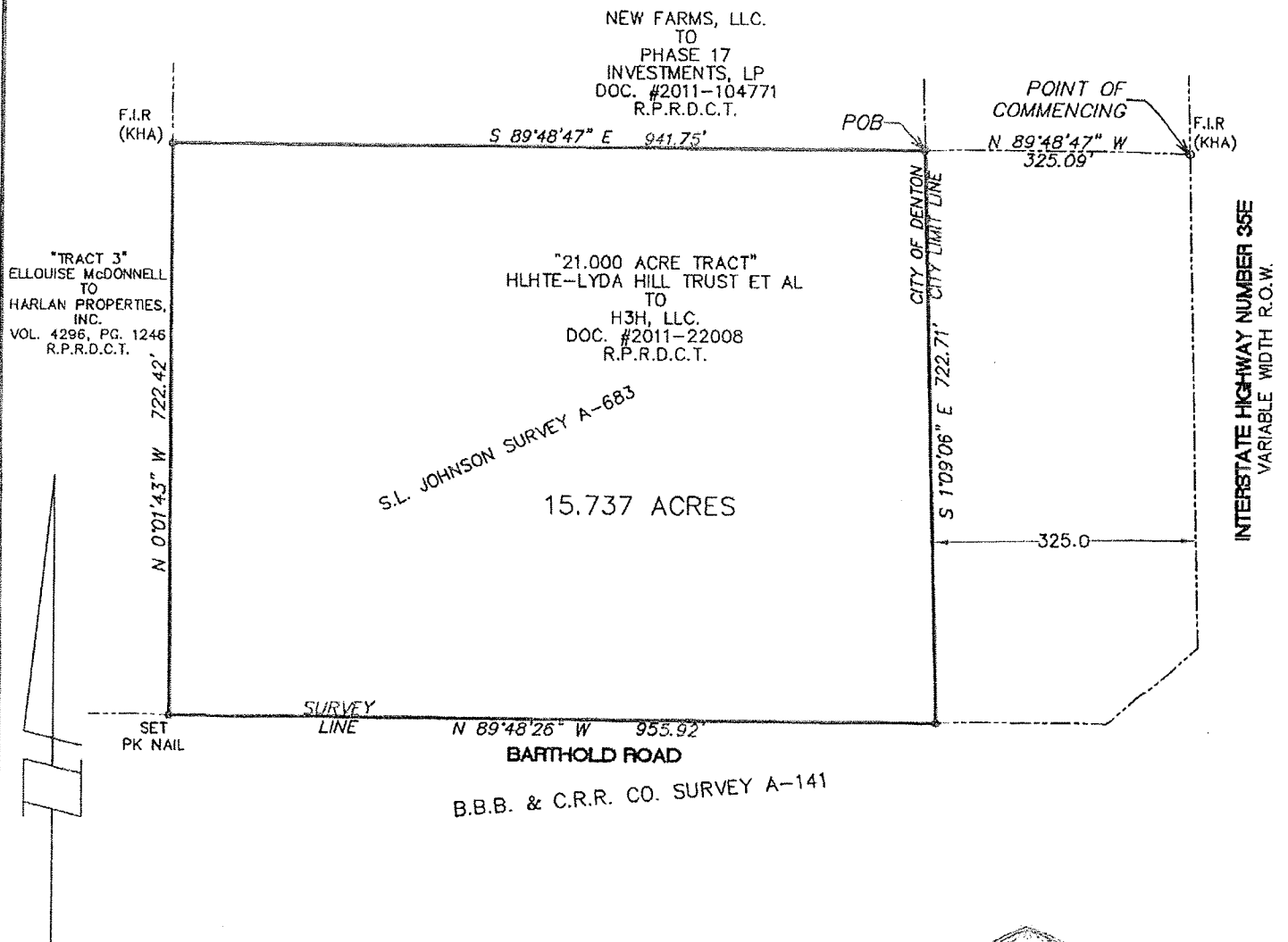


EXHIBIT "B"
ANNEXATION EXHIBIT
15.737 ACRES IN THE
S.L. JOHNSON SURVEY A-683
CITY OF DENTON, DENTON COUNTY, TEXAS

ANDMARK
SURVEYORS, LLC.

4238 I-35 NORTH
DENTON, TEXAS 76207
(940) 382-4016
FAX (940) 387-9784

TX FIRM REGISTRATION NO. 10098600

DRAWN BY: BTH

SCALE: 1"=200'

DATE: 06 MARCH, 2017

JOB NO: 163821



215 E. McKinney St., Denton, Texas 76201

PETITION REQUESTING ANNEXATION BY LANDOWNER

TO THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF DENTON, TEXAS:

H3H, LLC., owner of the hereinafter described tract or parcel of land ("Property") hereby voluntarily petitions the City Council of the City of Denton, Texas, to annex the Property and extend the present city limits and extraterritorial jurisdiction so as to include as part of the City of Denton, Texas, the Property, containing approximately 16 acres of land, described as follows:

A legal description of the Property is attached hereto as Exhibit A and is incorporated herein by reference.

A map showing the location of the Property is attached hereto as Exhibit B and is incorporated herein by reference.

I/we certify that the above-described Property is contiguous and adjacent to the City of Denton, Texas, and that this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property.

OWNER:

H3H, LLC.

A handwritten signature in black ink, appearing to read "Joseph D. O'Brien, III". The signature is written over a horizontal line.

By: JOSEPH D. O'BRIEN, III

Its: PRESIDENT

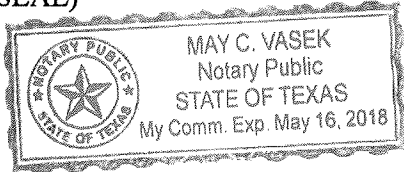
ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared **Joseph D. O'Brien, III**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 29th day of March, 2017.

(SEAL)



May C. Vasek
NOTARY PUBLIC in and for the
STATE OF TEXAS

May C. VASEK
Printed Name
My commission expires: 5/16/18

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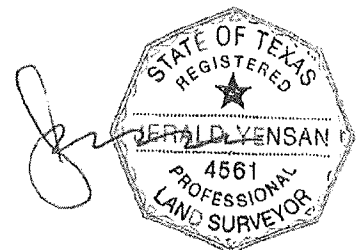
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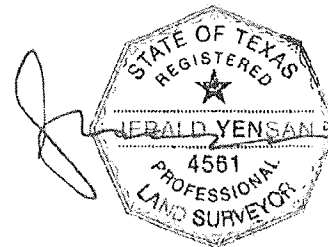
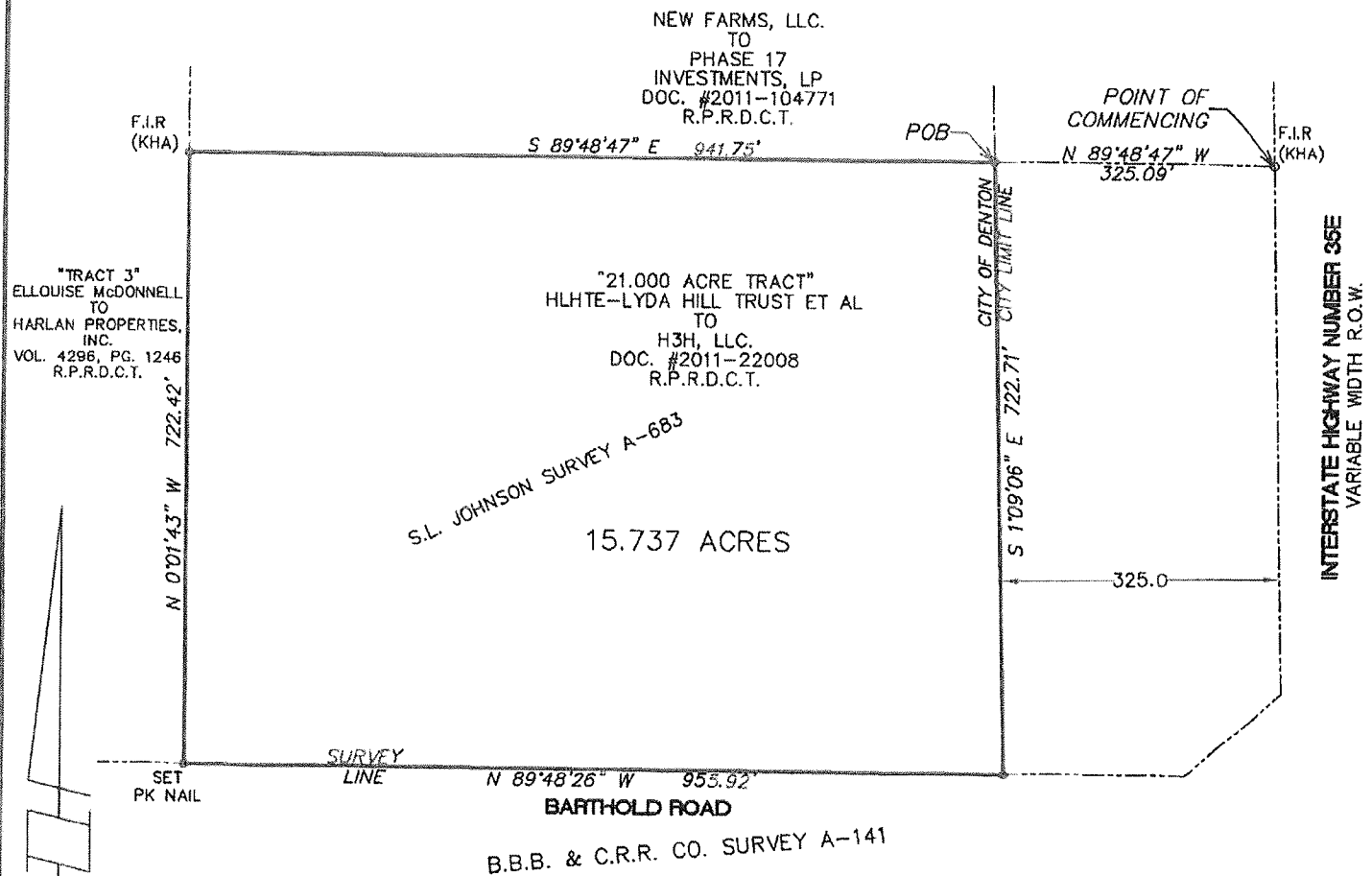


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