

**CITY OF DENISON, TEXAS
ORDINANCE NO. 5353**

AN ORDINANCE OF THE CITY OF DENISON, TEXAS, ADOPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DENISON, TEXAS, TO WIT: BEING AN APPROXIMATELY ±52.52 ACRE TRACT OF LAND, GRAYSON COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AND GRAPHICALLY DEPICTED IN EXHIBIT “A”, PROVIDING FOR INCORPORATION OF PREMISES, AMENDING OF THE OFFICIAL CITY MAP, AND ACKNOWLEDGING A SERVICE PLAN; REQUIRING THE FILING OF THIS ORDINANCE WITH THE COUNTY CLERK; PRESCRIBING FOR EFFECT ON TERRITORY, GRANTING AS APPROPRIATE TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY OF DENISON, TEXAS; PROVIDING CUMULATIVE REPEALING, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denison is a Home Rule Municipality located in Grayson County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and the Denison City Charter (the (“City”)); and

WHEREAS, following receipt of a request from Denison Land Holdings, LLC (the “Owner”) of the Property (defined below) requesting annexation, a public hearing was conducted in accordance with Section 43.0673 of the Texas Local Government Code, on the 17th day of June, 2024, Denison City Hall Council Chambers located at 300 W. Main in the City of Denison, to consider the annexation of the property being more particularly described and depicted in Exhibit “A”, attached hereto and incorporated as if fully set forth herein (the “Property”); and

WHEREAS, any and all required written notices and offers were timely sent to all property owners and others entitled to same; and

WHEREAS, the notice of the public hearing was published in *The Herald Democrat*, a newspaper of general circulation within the City, on the 30th day of May 2024, such date being not more than twenty (20) days nor less than ten (10) days prior to the public hearing; and

WHEREAS, all required statutory notices pursuant to Chapter 43 of the Texas Local Government Code have been accomplished, including posting on the City’s internet website; and

WHEREAS, the City Council of the City (“City Council”) has determined that such territory is located in the extraterritorial jurisdiction of the City; and

WHEREAS, the City Council has investigated into, has determined and officially finds that no part of such territory is within the extraterritorial jurisdiction of any other incorporated city

or town; and

WHEREAS, to the extent that this Ordinance would cause an unincorporated area to be entirely surrounded by the City's limits, the City Council has found that surrounding the area is in the public interest; and

WHEREAS, the Owners and the City have entered into a written agreement, with a ten (10) year term, regarding services to be provided for the Property prior to the effective date of annexation of the Property, the substantive body of which is attached hereto as Exhibit "B", attached hereto and incorporated as if fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, THAT:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Official City Map Amended.

1. The official map and boundaries of the City are hereby amended so as to include the Property and any and all adjacent rights-of-way, and such territory shall be and is hereby annexed into the corporate limits of the City.

2. The Mayor is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the territory hereby annexed as required by law.

SECTION 3. Annexation of the Area. The Property, and any and all adjacent rights-of-way, is hereby annexed into the City, and the boundary limits of the City are hereby extended to include the Property and any and all adjacent rights-of-way within the city limits of the City, and the same shall hereafter be included within the territorial limits of the City, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City and they shall be bound by the acts, ordinances, resolutions, and regulations of the City.

SECTION 4. Filing of Ordinance Required. The City Secretary shall file or cause to be filed a certified copy of this Ordinance in the office of the County Clerk of each county in which all or a portion of the Property and any and all adjacent rights-of-way is located, and any other necessary agencies.

SECTION 5. Effect on Territory. From and after the passage of this Ordinance, the Property and any and all adjacent rights-of-way shall be a part of the City, and subject to the service agreement referenced in the above findings incorporated by Section 1 of this Ordinance. The inhabitants thereof shall be entitled to all of the rights, privileges and immunities as all other citizens of the City, and shall be bound by all of the Ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

SECTION 6. Severability Clause. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall

remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid. The City Council hereby declares that if there is an error in any call or description in Exhibit "A" preventing any portion of the Property and any and all adjacent rights-of-way from being annexed, the City Council would have annexed all remaining area having correct calls or descriptions and or would have corrected the call or description to include the entire intended area in this annexation.

SECTION 7. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8. Effective Date. This Ordinance shall become effective from and after its date of passage and approval.

SECTION 9. Open Meeting. That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

AND IT IS SO ORDERED.

On motion by Councilmember Massey, seconded by Councilmember Thorne, the above and foregoing ordinance was passed and approved on this the 1st day of July 2024, by the following vote:

Ayes: Adams, Crawley, Massey, Redwine, Thomas, and Thorne

Nays:

Abstentions:

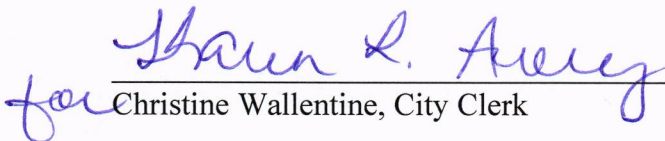
Absent: Courtright

At regular meeting July 1, 2024.



ROBERT CRAWLEY, MAYOR

ATTEST:


Christine Wallentine, City Clerk

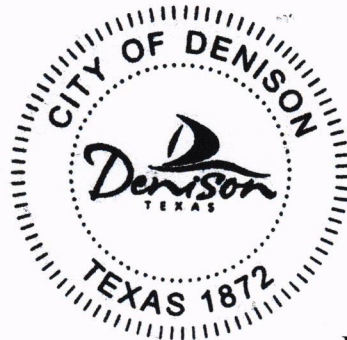
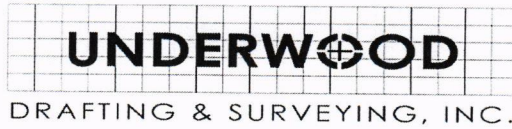


Exhibit "A"

Property Legal Description and Depiction



LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of the F. G. Tarkington Survey, Abstract No. 1277, the A. J. Newman Survey, Abstract No. 913, and the J. J. Huckaby Survey, Abstract No. 561, and being that portion of that 207.216 acre tract of land conveyed to Denison Land Holding LLC as recorded in Document Number 2021-40305, Official Public Records, Grayson County, Texas, that is currently not within the City of Denison, City Limits, and being described by metes and bounds as follows:

Beginning at a 1/2" steel rod previously set for the northeast corner of said 207.216 acre tract, said point being in the south Right-of-Way line of M. K. and T. Railroad;

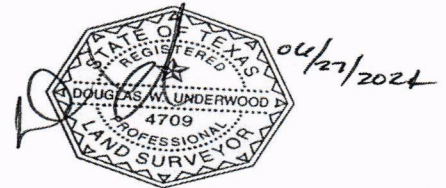
Thence South 06°31'58" East, with the easterly line of said 207.216 acre tract, a distance of 708.67 feet to a 1/2" steel rod set in the easterly line of said 207.216 acre tract, said point also being in the City of Denison, City Limits line;

Thence over and across said 207.216 acre tract, and along the City of Denison, City Limits line, the following 19 courses:

- 1. South 47°09'20" West, a distance of 549.69 feet to a set 1/2" steel rod;
2. South 41°38'46" West, a distance of 305.37 feet to a set 1/2" steel rod;
3. South 41°22'51" West, a distance of 39.84 feet to a set 1/2" steel rod;
4. With a non-tangent curve to the right having a radius of 4609.57 feet, (chord bears South 54°55'41" West, a distance of 466.10 feet) an arc length of 466.30 feet to a set 1/2" steel rod;
5. South 49°20'42" West, a distance of 180.20 feet to a set 1/2" steel rod;
6. With a non-tangent curve to the right having a radius of 4639.57 feet, (chord bears South 60°18'43" West, a distance of 46.04 feet) an arc length of 46.04 feet set 1/2" steel rod;
7. South 75°57'23" West, a distance of 170.82 feet to a set 1/2" steel rod;
8. South 64°46'55" West, a distance of 288.79 feet to a set 1/2" steel rod;
9. South 59°41'09" West, a distance of 332.30 feet to a set 1/2" steel rod;
10. South 69°17'20" West, a distance of 1465.32 feet to a set 1/2" steel rod;
11. South 72°09'05" West, a distance of 100.12 feet to a set 1/2" steel rod;
12. South 69°17'20" West, a distance of 224.00 feet to a set 1/2" steel rod;
13. South 57°58'44" West, a distance of 54.22 feet to a set 1/2" steel rod;
14. South 87°29'42" West, a distance of 139.63 feet to a set 1/2" steel rod;
15. South 74°36'36" West, a distance of 301.06 feet to a set 1/2" steel rod;
16. South 80°33'50" West, a distance of 67.10 feet to a set 1/2" steel rod;
17. North 01°57'14" East, a distance of 45.92 feet to a set 1/2" steel rod;
18. North 23°14'51" West, a distance of 46.97 feet to a set 1/2" steel rod;
19. North 01°57'13" East, a distance of 939.03 feet to a 1/2" steel rod set in the northerly line of said 207.216 acre tract, said point also being in the south Right-of-Way line of said M. K. and T. Railroad;

Thence with the northerly line of said 207.216 acre tract, and with the south Right-of-Way line of said M. K. and T. Railroad, the following 3 courses:

- 1. South 89°35'22" East a distance of 1637.98 feet to a set 1/2" steel rod;
2. With a tangent curve to the left having a radius of 2342.00 feet, (chord bears North 59°10'54" East, a distance of 2428.44 feet) an arc length of 2552.98 feet to a set 1/2" steel rod;
3. North 27°57'12" East a distance of 645.45 feet to the Point of Beginning and containing 50.567 acres of land, more or less.



3404 INTERURBAN ROAD • DENISON, TEXAS 75021 • 903-465-2151 • FAX 903-465-2152

Exhibit "B"

Substance from body of executed Service Agreement for C-3 Annexed Property

A) SERVICE PLAN GENERALLY

- 1) **This service plan has been prepared in accordance with the Texas Local Government Code ("LGC"), Sections 43.003, 43.056(b)-(o) and 43.0672. Municipal facilities and services to the annexed area will be provided or made available on behalf of the City of Denison in accordance with the following plan. The City of Denison shall provide the annexed tract the levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of service, infrastructure, and infrastructure maintenance available in other parts of the City of Denison with similar topography, land use, and population density.**
- 2) For purposes of this service plan, to "provide" services includes having services provided by any method or means by which the City provides municipal services to any other areas of the City, and may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract or right, in whole or in part, and may include certain duties on the part of the private landowner with regard to such services.

B) EMERGENCY SERVICES

1) Police Protection

- a) Police protection from the City of Denison shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas within the City on the effective date of the annexation ordinance. Some of these services include:
 - i) Normal patrol and responses;
 - ii) Handling of complaints and incident reports;
 - iii) Special units, such as traffic enforcement and investigations; and
 - iv) Coordination with other public safety support agencies.
- b) As development commences in the annexed area, sufficient police protection, including personnel and equipment will be provided to furnish the area with the level of police services consistent with the characteristics of topography, land utilization and population density of similar areas within the City.
- c) Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the City limits.

2) Fire Protection

- a) The City of Denison will provide emergency and fire prevention services to the annexed area at a level consistent with current methods and procedures presently provided to similar areas within the City on the effective date of the annexation ordinance. These services include:
 - i) Fire suppression and rescue;
 - ii) Pre-hospital medical services including triage, treatment and transport by Advanced Life Support (ALS) fire engines, trucks and ambulances;
 - iii) Hazardous materials response and mitigation;

- iv) Emergency prevention and public education efforts;
 - v) Technical rescue response; and
 - vi) Construction Plan Review and required inspections.
- b) As development commences in the annexed area, sufficient, fire protection, including personnel and equipment will be provided to furnish the area with the level of services consistent with the characteristics of topography, land utilization and population density of similar areas within the City. It is anticipated that the current fire protection contract will be sufficient to provide coverage for the annexed area.
 - c) Upon ultimate development, fire protection will be provided at a level consistent with similarly situated areas within the City limits.
- 3) Emergency Medical Services
- a) The City of Denison will provide emergency and safety services (EMS) to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Denison on the effective date of the annexation ordinance. These services include:
 - i) Emergency medical dispatch and pre-arrival First Aid instructions;
 - ii) Pre-hospital emergency Advanced Life Support (ALS) response and transport; and
 - iii) Medical rescue services.
 - b) As development commences in the annexed area, sufficient EMS, including personnel and equipment, will be provided to furnish the area with the level of services consistent with the characteristics of topography, land utilization and population density of the similar areas within the City.
 - c) Upon ultimate development, EMS will be provided at a level consistent with similarly situated areas within the City limits.

C) SOLID WASTE

- 1) Solid Waste and Recycling Collection Services will be provided to the annexed area immediately upon the effective date of the annexation at a level consistent with current methods and procedures presently provided to similar areas within the City. Private solid waste collection service providers operating in the affected area immediately prior to annexation and currently providing customers with service may continue to provide their existing service for up to two (2) years.

D) WASTEWATER FACILITIES

- 1) As development commences in these areas, sanitary sewer mains as defined by the Certificate of Convenience and Necessity (CCN) Number 20077, as issued by the Texas Commission on Environmental Quality (TCEQ) will be extended in accordance with the provisions of the City's codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with applicable City codes, ordinances, regulations and policies. Capacity and extensions shall be provided consistent with the characteristics of topography, land utilization and population density of the areas. If the annexed area is in the CCN of another provider, wastewater service shall be provided in accordance with the policies of the CCN holder. In some instances, the City might acquire the CCN rights and become the new wastewater provider, in time.
- 2) Sanitary sewer mains and lift stations installed or improved to City standards, and accepted by the City, within the annexed area which are located within dedicated easement, rights-of-way, or any

other acceptable location approved by the City Manager or his designee, shall be maintained by the City on the effective date of this ordinance.

- 3) Operation and maintenance of wastewater facilities in the annexed area that are within the certificated service area of another wastewater utility will be the responsibility of that utility. Operation and maintenance of private wastewater facilities in the annexed area will be the responsibility of the owner.

E) WATER FACILITIES

- 1) Connections to existing City of Denison water distribution mains for water service as defined by Certificate of Convenience and Necessity (CCN) Number 10204, as issued by the Texas Commission on Environmental Quality (TCEQ) will be provided in accordance with existing City codes, ordinances, regulations and policies. Upon connection to existing distribution mains, water service will be provided at rates established by city ordinance. If the annexed area is in the CCN of another provider, water service shall be provided in accordance with the policies of the CCN holder. In some instances, the City might acquire the CCN rights and become the new water provider, in time.
- 2) As development commences in these areas, water distribution mains will be extended in accordance with City of Denison codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with the City of Denison's codes, ordinances, regulations and policies. Water service extensions and capacity shall be provided consistent with the characteristics of topography, land utilization and population density of the area.
- 3) Operation and maintenance of existing water facilities in the annexed area that are within the service area of another water utility will be the responsibility of that utility. Operation and maintenance of private water facilities in the annexed area will be the responsibility of the owner.

F) ROAD AND STREETS

- 1) Emergency street maintenance shall be provided within the annexed area on the effective date of the applicable ordinance of acceptance. Routine maintenance will be provided within the annexed area and will be scheduled as part of the City's annual program and in accordance with the City's current codes, ordinances, regulations, policies and procedures defined therein and/or as established by the City Council.
- 2) Any construction or reconstruction will be considered within the annexed area on a City-wide basis and within the context of the City's Capital Improvement Plan and/or yearly fiscal budgetary allotments by the City Council. As development, improvement or construction of streets to City standards commences within this property, the policies of the City of Denison with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion shall apply.
- 3) Roadway signage and associated posts will be replaced in priority of importance starting with regulatory signs, then warning signs, then informational signs and in conformance with fiscal allotments by the City Council. If a sign remains, it will be reviewed and placed on the City's inventory listed for routine re-placement. All existing signs will be reviewed

for applicability and based upon an engineering study. New signs will be installed when necessary and based upon an engineering study.

- 4) Routine maintenance of road/street markings will be placed on a priority listing and scheduled within the yearly budgetary allotments by the City Council.
- 5) The City will coordinate any request for improved road and street lighting with the local electric provider. Any and all road and street lighting will be pursuant to the rules, regulations and fees of such electric utility and shall be maintained by the applicable utility company.

G) ENVIRONMENTAL HEALTH, INSPECTIONS AND CODE ENFORCEMENT SERVICES

- 1) Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within the annexed area within sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.
- 2) Inspection services including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
- 3) The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning upon the effective date of the annexation.
- 4) All inspection services furnished by the City of Denison, but not mentioned above, will be provided to the annexed area beginning within sixty (60) days of the effective date of the annexed ordinance.
- 5) As development and construction commence in the annexed area, sufficient resources will be provided to furnish this area with the same level of environmental health, inspection and code enforcement services as are furnished throughout similar areas within the City.

H) PLANNING AND ZONING SERVICES

- 1) The planning and zoning jurisdiction of the City will extend to the annexed area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Zoning Ordinance and Comprehensive Plan.

I) PARKS, PLAYGROUNDS, LIBRARIES, SWIMMING POOLS

- 1) Residents within the annexed area may utilize all existing park and recreation facilities owned by the City beginning on the effective date of this ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
- 2) As development commences in the annexed area, additional park and recreation facilities shall be constructed based on park policies defined in the Parks and Trails Master Plan and as specified in the City's Subdivision Regulations. The general planned locations and classifications of parks will ultimately serve residents within the current City limits.

J) PUBLICLY OWNED FACILITIES

- 1) Any publicly owned facility, building, or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be maintained by the City of Denison on the effective date of the annexation ordinance.

K) OTHER SERVICES

- 1) Other services that may be provided by the City of Denison, such as municipal and general administration will be made available on the effective date of the annexation. The City of Denison shall provide levels of service, infrastructure, and infrastructure maintenance to the annexed area that are comparable to the levels of services, infrastructure, and infrastructure maintenance available in other parts of the City of Denison with similar topography, land use, and population density.

L) UNIFORM LEVEL OF SERVICES IS NOT REQUIRED

- 1) Nothing in this Service Plan shall require the City of Denison to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service. The City Council finds and determines that this Service Plan will not provide any fewer services, and it will not provide a lower level of services, than were in existence in the annexed area at the time immediately preceding the annexation process.
- 2) The City of Denison's codes, ordinances, regulations and policies that apply throughout the City may be reviewed at City Hall and at <http://www.cityofdenison.com>.