RESOLUTION NO. 4214

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, GRANTING A C-3 VOLUNTARY PETITION REQUESTING ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF DENISON BY THE PROPERTY OWNER OF APPROXIMATELY 0.193 ACRES OF LAND, LEGALLY DESCRIBED AS BEING A PART OF THE MORRISON RULON SURVEY, ABSTRACT NO. 1030, GRAYSON COUNTY, TEXAS, IDENTIFIED AS PROPERTY ID NO. 385905 BY THE GRAYSON COUNTY APPRAISAL DISTRICT; PROVIDING FOR THE INCORPORATION OF FINDINGS; SETTING A PUBLIC HEARING FOR THE ANNEXATION; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO HAVE NOTICES OF SUCH PUBLIC HEARING BE PROVIDED AS PRESCRIBED BY LAW; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Denison (the "City") 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; and

WHEREAS, the City, as the owner of the property, has submitted a petition requesting voluntary annexation of the Area (defined herein) containing all elements required by Section 43.0671 of the Texas Local Government Code (the "Petition"), attached hereto as Exhibit "A" and incorporated as if set forth fully herein; and

WHEREAS, a legal description and geographical depiction of the Area proposed to be annexed is included in the Petition, attached hereto as Exhibit "A" (the "Area"); and

WHEREAS, the City Council of the City (the "City Council") directs publication, mailing and distribution of notice(s) for a public hearing, as required by Chapter 43 of the Texas Local Government Code, to consider the annexation of the Area; and

WHEREAS, the City Council has investigated into, has determined and officially finds that no part of the Area is within the extraterritorial jurisdiction of any other incorporated city or town and is located within the extraterritorial jurisdiction of the City; and

WHEREAS, the requirement in Section 43.0672 of the Texas Local Government Code that the City must first negotiate and enter into a written agreement with the property owner for the provision of municipal services for the Area prior to annexation is impossible to satisfy as the City is the owner of the property. However, the City acknowledges that it shall provide services as it deems necessary to the Area; and

WHEREAS, the City Council has found and determined that the Petition is appropriate and that it is in the best interest of the City to grant the Petition.

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

Section 1. Findings Incorporated. The recitals and findings set forth above are true and correct and are incorporated into the body of this Resolution as if fully set forth herein.

Section 2. Petition Considered. The City Council hereby grants the Petition requesting the annexation of the Area into the corporate limits of the City.

Section 3. Calling of Public Hearing and Providing Notices.

A. **Calling of Public Hearing**. The City Council hereby calls a public hearing about annexation of the Area, at which members of the public shall be given an opportunity to be heard at the following location and on the following date and time:

Denison Council Chambers at City Hall
300 W. Main Street, Denison, Texas 75020
January 20, 2026 at 6:00 p.m.

The ordinance annexing the Area may be adopted immediately following the public hearing called above.

B. **Notice of Public Hearing**. The City Secretary is hereby authorized and directed, in accordance with Chapter 43 of the Texas Local Government Code, to cause notice of the public hearing called by Section 3.A., on or after the twentieth (20^{th}) day but before the tenth (10^{th}) day before the date of such public hearing, to be (i) published once in a newspaper having general circulation in the City and in the above-described territory, (ii) mailed to any school district or public entity providing services to the Area, and (iii) posted on the City's website.

Section 4. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Resolution, since the same would have been enacted by the City Council without the incorporation of this Resolution of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 5. Open Meetings. That it is hereby found and determined that the meeting at which this Resolution 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 Chapter 551 of the Texas Government Code.

Section 6. Effective Date. This Resolution shall become effective from and after its adoption.

AND IT IS SO RESOLVED.

PASSED AND APPROVED by the City Council of the City of Denison, Texas, on this 5th day of January 2026.

Robert Crawley, Mayor

ATTEST:

Christine Wallentine, City Clerk

Exhibit "A"
PETITION INCLUDING LEGAL DESCRIPTION AND DEPICTION OF AREA

Part C: Voluntary Annexation Petition

(Please print or type.)

City Clerk/Deputy City Clerk
City of Denison
300 W Main
Denison, TX 75020

Mayor and Council:

I, the undersigned property owner(s) with an ownership interest greater than 50% of the hereinafter described tract(s) or parcel(s) of land (collectively, the "Property"), and on behalf of any and all other property owners with interest in such Property, hereby voluntarily petition the City Council of the City of Denison, Texas, to annex the Property thereby extending the present city limits and extraterritorial jurisdiction so as to include as part of the City of Denison, Texas, the Property, containing approximately 0.194 acres of land, described as follows:

Insert Legal Description

as more particularly described in Exhibit 1, attached hereto.

I desire to enter into a written agreement for municipal services with the City of Denison pursuant to Section 43.0672 of the Local Government Code. If any portion of the Property is appraised for ad valorem tax purposes as agricultural, wildlife management use or timber land under Chapter 23 of the Tax Code, I certify that I was offered a development agreement pursuant to Section 43.016 of the Local Government Code, decline said development agreement and still requested annexation.

I further certify and attest that I have the authority to petition for annexation for the Property and have been provided such authority by others that have ownership interest in the Property subject to this request/petition. I further certify that the above-described Property is contiguous and adjacent to the City of Denison, Texas, is not located within the corporate limits or ETJ of any other municipality or other special district, 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(S):

Signature: _____ Print Name: Bobby Atteberry

Signature: _____ Print Name: _____

Signature: _____ Print Name: _____

Acknowledgement Follows

NOTARY ACKNOWLEDGEMENT(S)

STATE OF TEXAS §
§
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the Owner.

Given under my hand and seal of office this ____ day of _____, 20___.

(SEAL)

_____
NOTARY PUBLIC in and for the
STATE OF TEXAS

_____
Printed Name
My commission expires: _____

STATE OF TEXAS §
§
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the Owner.

Given under my hand and seal of office this ____ day of _____, 20___.

(SEAL)

_____
NOTARY PUBLIC in and for the
STATE OF TEXAS

_____
Printed Name
My commission expires: _____

STATE OF TEXAS §
§
COUNTY OF Grayson §

BEFORE ME, the undersigned authority, on this day personally appeared Bobby Attebery, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the Owner.

Given under my hand and seal of office this 10th day of November, 2025

Karen L. Avery

NOTARY PUBLIC in and for the
STATE OF TEXAS

(SEAL)

KAREN L AVERY
Notary ID #132840568
My Commission Expires
December 24, 2028

Karen L. Avery
Printed Name
My commission expires: 12-24-2028

FOR OFFICE USE ONLY:

Date of filing with City: 11/10/2025 **Received by:** Justin Castleberry

Case No.: 2025-02A

EXHIBIT 1
Property Description and Depiction

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020
Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: helveysurvey@cableone.net
TBPLS Firm Registration No. 10088100
Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 - Kenneth N. Russell, RPLS No. 4409

Tract Two
0.194 Acres

SITUATED in the County of Grayson, State of Texas, being a part of the Morrison Rulon Survey, Abstract No. 1030, being a part of the 19.5 acre tract of land conveyed by Warranty Deed from Florence Marie Whaley Williams, to Carl Edward Whaley, on August 24, 1962, and recorded in Volume 961, Page 474, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a magnetic nail with metal flasher set in the Southwest right-of-way of F. M. Hwy. 84, in the South line of said Whaley 19.5 ac., and in a North line of the Mary Sherrard property *(no deed reference)*, at the Southeast corner of the herein described tract, in the asphalt paving of Eisenhower Drive *(aka: Eisenhower Road)*;

THENCE South 89 deg. 43 min. 15 sec. West, with the South line said Whaley 19.5 ac. and with a North line of said Sherrard property, along the asphalt paving of Eisenhower Drive, leaving said asphalt where it turns Southerly at about 90 ft., and continuing for a **TOTAL** distance of 134.42 ft. to a ½ inch capped rebar *(RPLS 6578)* set at the Southwest corner of said Whaley 19.5 ac., at an ell corner of said Sherrard property;

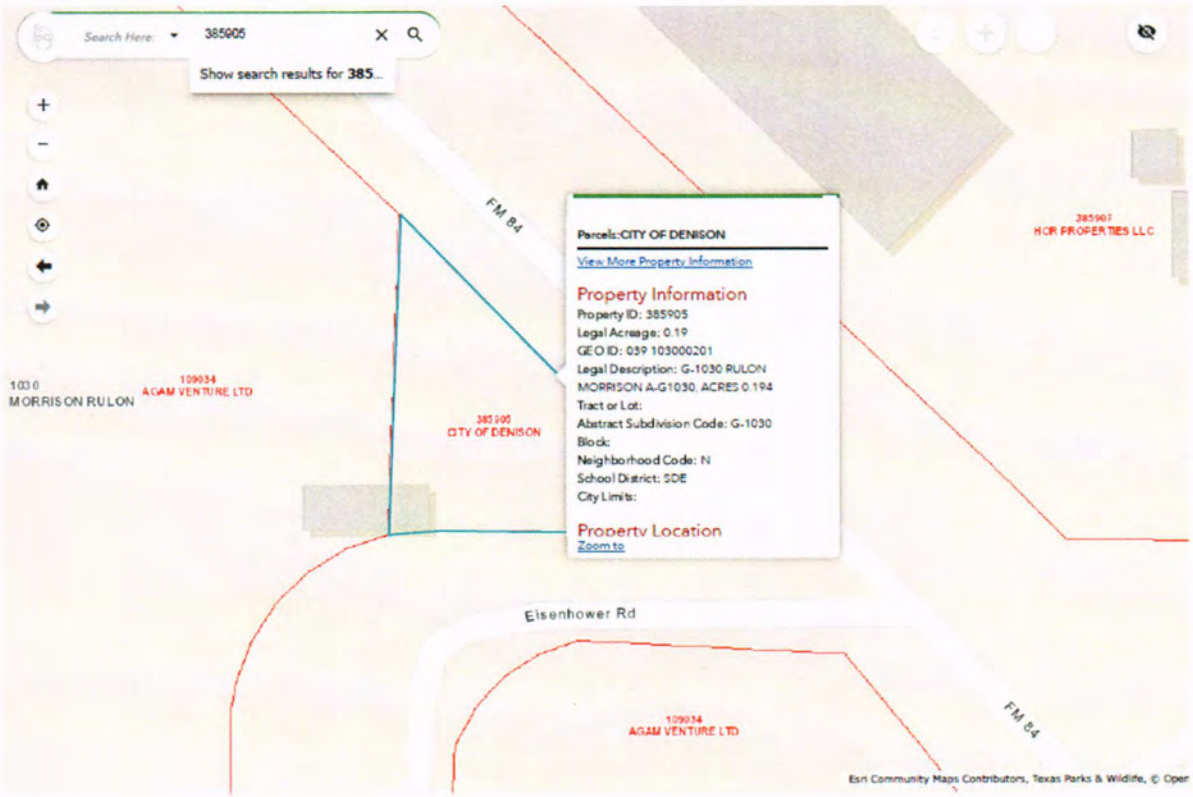
THENCE North 00 deg. 43 min. 09 sec. West, with the West line of said Whaley 19.5 ac. and with an East line of said Sherrard property, with the general course of a wire fence, **PASSING** through the East wall of a barn at 42.6 ft., and continuing now along and through the East wall of said barn, **EXITING** said barn at 57.7 ft., and continuing again with the general course of a wire fence, for a **TOTAL** distance of 124.29 ft. to a ½ inch capped rebar *(RPLS 6578)* set in the Southwest right-of-way line of F. M. Hwy. 84, at the Northwest corner of the herein described tract;

THENCE South 48 deg. 14 min. 06 sec. East, with the Southwest right-of-way line of F. M. Hwy. 84, a distance of 87.68 ft. to the beginning of a curve;

THENCE Southeasterly, continuing with the Southwest right-of-way line of F. M. Hwy. 84, with a curve to the right having a Central Angle *(Delta)* of 1 deg. 57 min. 22 sec. and a Radius of 2814.79 ft. *(Chord bears South 47 deg. 15 min. 25 sec. East, 96.10 ft.)*, an arc distance of 96.10 ft. to the **PLACE OF BEGINNING** and containing 0.194 **ACRES** of land.

STATE OF TEXAS
REGISTERED
KATE A. WAGNER
6578
PROFESSIONAL
LAND SURVEYOR

Kate A. Wagner, R.P.L.S. No. 6578
July 27, 2016


Search Here:
385905
Show search results for 385...
FM 84
Parcels:CITY OF DENISON
View More Property Information
Property Information
Property ID: 385905
Legal Acreage: 0.19
GEO ID: 039 103000201
Legal Description: G-1030 RULON MORRISON A-G1030, ACRES 0.194
Tract or Lot:
Abstract Subdivision Code: G-1030
Block:
Neighborhood Code: N
School District: SDE
City Limits:
Property Location
Zoom to
385907
HCR PROPERTIES LLC
1030
MORRISON RULON
109934
AGAM VENTURE LTD
385905
CITY OF DENISON
Eisenhower Rd
109934
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