

181786

COUNCIL CHAMBER

December 12, 2018

WHEREAS, in 1975, the City of Dallas annexed property for the development of Lake Ray Hubbard which expanded the City of Dallas' extraterritorial jurisdiction east and south of the lake property into Rockwall and Kaufman Counties; and

WHEREAS, Kaufman County Municipal Utility District No. 3, was originally consented to by City Council on October 8, 2003, by Resolution No. 03-2751; and

WHEREAS, Section 54.0165 of the Texas Water Code and Section 42.0425 of the Texas Local Government Code require an applicant to request municipal consent to expand a Municipal Utility District within a city's extraterritorial jurisdiction; and

WHEREAS, Section 51A-8.105 of the Dallas Development Code extends plat regulations to all applicable development activity within the extraterritorial jurisdiction of the City; and

WHEREAS, on October 3, 2018, the property owners, Forney Ranch Road, LLC; Crockett & West, LLC; Amy West Hillman GST Trust; and Andrew West GST Trust filed the necessary application/petition with the Sustainable Development and Construction Department requesting the city's consent for the addition of approximately 337 acres into the Kaufman County Municipal Utility District No. 3 within Dallas' extraterritorial jurisdiction northeast of FM Road 548.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas hereby consents to and the City Manager is instructed to create such documents, if any, as required to evidence the City of Dallas' consent to the addition of approximately 337 acres to the Kaufman County Municipal Utility District No. 3, as depicted on the attached property description, within the City of Dallas' extraterritorial jurisdiction northeast of FM Road 548 in Kaufman County.

SECTION 2. That consent to the addition of the Kaufman County Municipal Utility District No. 3 within the City of Dallas' extraterritorial jurisdiction includes the requirement that all development must comply with Article VIII, "Plat Regulations," of the Dallas Development Code.

SECTION 3. That as a condition of the consent given by the City of Dallas, pursuant to Texas Water Code Section 54.016(e) and (g), the Municipal Utility District shall be subject to the following terms and provisions:

- (a) That the Municipal Utility District must construct all facilities in accordance with plans and specification swhich have been approved by the City of Dallas.
- (b) That the City of Dallas shall have the right to inspect all facilities being constructed by the Municipal Utility District.
- (c) That the Municipal Utility District may only issue bonds for the purchase, construction, acquisition, repair, extension, and improvement of land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to:
 - (i) provide a water supply for municipal uses, domestic uses, and commercial purposes;
 - (ii) collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;
 - (iii) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the district;
 - (iv) provide roadway improvements; and
 - (v) provide payment of organization expenses, operation expenses during construction, and interest during construction.
- (d) That the City of Dallas shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling, or requiring the Municipal Utility District and its officials to observe and comply with the terms and provisions prescribed by this resolution.

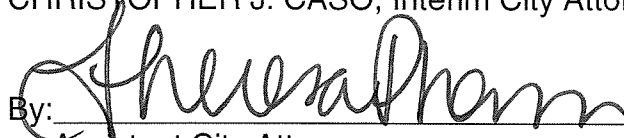
SECTION 4. That the City Council further hereby notifies the Municipal Utility District, its residents, and property owners that the Texas Local Government Code allows the City of Dallas to annex any portion of the district located within the City of Dallas' exteraterritorial jurisdiction, and the City of Dallas hereby requests that the Municipal Utility District includes a statement in the form required under Section 49.452 of the Texas Water Code reflecting the possibility of annexation by the City of Dallas.

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SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By: 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

DEC 12 2018

CITY SECRETARY

Passed DEC 12 2018

Exhibit A
Tract 1A

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EXHIBIT "A"
LEGAL DESCRIPTION
TRACT ONE - FORNEY RANCH TRACT
10.834 ACRES

BEING a tract of land situated in the JUAN LOPEZ SURVEY, ABSTRACT NO. 286, Kaufman County, Texas and being all of that tract of land described as Tract I in Deed to Forney Ranch Road, LLC, as recorded in Volume 3252, Page 380, Deed Records, Kaufman County, Texas and being more particularly described as follows:

BEGINNING at a 3-inch aluminum disk stamped "CITY OF DALLAS" found for the common southwest corner of said Tract I and northwest corner of that tract of land described in Deed to City of Dallas, as recorded in Volume 442, Page 193, Deed Records, Kaufman County, Texas;

THENCE North 44 degrees 21 minutes 50 seconds East, a distance of 1,391.54 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the north corner of said Tract I;

THENCE South 46 degrees 40 minutes 47 seconds East, a distance of 678.40 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the common southeast corner of said Tract I and northeast corner of said City of Dallas tract;

THENCE South 70 degrees 09 minutes 04 seconds West, a distance of 1,559.16 feet to the **POINT OF BEGINNING** and containing 10.834 acres of land, more or less.

LEGAL DESCRIPTION**135.123 ACRES**

BEING a tract of land situated in the JUAN LOPEZ SURVEY, ABSTRACT NO. 286, Kaufman County, Texas and being all of that tract of land described as Tract II in Deed to Forney Ranch Road, LLC, as recorded in Volume 3252, Page 380, Deed Records, Kaufman County, Texas and being more particularly described as follows:

BEGINNING at a 3-inch aluminum disk stamped "CITY OF DALLAS" found for the common northeast corner of said Tract II and most easterly southeast corner of that tract of land described in Deed to City of Dallas, as recorded in Volume 442, Page 193, Deed Records, Kaufman County, Texas;

THENCE South 46 degrees 40 minutes 47 seconds East, a distance of 624.41 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the common north corner of that tract of land described in Deed to Kimberly Jean Criswell, as recorded in Volume 1953, Page 313, Deed Records, Kaufman County, Texas and most easterly southeast corner of said Tract II;

THENCE South 44 degrees 48 minutes 38 seconds West, a distance of 753.45 feet to a 3/8 inch iron rod found for the common west corner of that tract of land described in Deed to Mehdi Mahdavi and Jackie Mahdavi, recorded in Volume 3443, Page 545, Deed Records, Kaufman County, Texas and an interior ell corner of said Tract II;

THENCE South 45 degrees 19 minutes 04 seconds East, a distance of 403.68 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the northwest line of Ranch Road, a 60 foot right-of-way, for the common south corner of said Mehdi Mahdavi and Jackie Mahdavi tract and an exterior ell corner of said Tract II;

THENCE South 44 degrees 10 minutes 59 seconds West, with said northwest line, a distance of 1,613.44 feet to a 1/2 inch iron rod found for the common east corner of that tract of land described in Deed to High Point Water Supply Corporation, as recorded in Volume 1607, Page 135, Deed Records, Kaufman County, Texas and an exterior ell corner of said Tract II;

THENCE North 46 degrees 02 minutes 49 seconds West, leaving said northwest line, a distance of 147.08 feet to a 1/2 inch iron rod found for the common north corner of said High Point Water Supply Corporation and an interior ell corner of said Tract II;

THENCE South 45 degrees 09 minutes 36 seconds West, a distance of 147.42 feet to a 1/2 inch iron rod with a yellow plastic cap found for the common west corner of said High Point Water Supply Corporation and an interior ell corner of said Tract II;

THENCE South 45 degrees 22 minutes 40 seconds East, a distance of 149.60 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the northwest line of the above mentioned Ranch Road for the common south corner of said High Point Water Supply Corporation tract and an exterior ell corner of said Tract II;

THENCE South 44 degrees 10 minutes 59 seconds West, with said northwest line, a distance of 1,067.29 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the most southerly southwest corner of said Tract II;

THENCE North 45 degrees 19 minutes 57 seconds West, leaving said northwest line, a distance of 652.22 feet to a 3/8 iron rod found for an interior ell corner of said Tract II;

THENCE South 34 degrees 40 minutes 44 seconds West, a distance of 448.18 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for an exterior ell corner of said Tract II;

THENCE North 45 degrees 24 minutes 32 seconds West, a distance of 929.76 feet to a 1/2 inch iron rod with a yellow plastic stamped "JVC" set for an exterior ell corner of said Tract II;

THENCE North 44 degrees 30 minutes 58 seconds East, a distance of 676.55 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for an interior ell corner of said Tract II;

THENCE North 45 degrees 29 minutes 02 seconds West, a distance of 344.62 feet to a 1/2 inch iron rod found for an exterior ell corner of said Tract II;

THENCE North 44 degrees 21 minutes 50 seconds East, a distance of 1,637.57 feet to a 3-inch aluminum disk stamped "CITY OF DALLAS" found for the common southwest corner of the above mentioned City of Dallas tract and an exterior ell corner of said Tract II;

THENCE North 70 degrees 09 minutes 04 seconds East, a distance of 1,881.11 feet to the **POINT OF BEGINNING** and containing 135.123 acres of land, more or less.

**LEGAL DESCRIPTION
TRACT TWO
191.864 ACRES**

BEING a tract of land situated in the JUAN LOPEZ SURVEY, ABSTRACT NO. 286, Kaufman County, Texas and being part of that tract of land described in Deed to Crockett & West, LLC, as recorded in Volume 4262, Page 553, Deed Records, Kaufman County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the southeast line of Ranch Road, a variable width right-of-way, for the north corner of that tract of land described as Tract 2 in Deed to Devonshire (Dallas) ASLI VIII, LLC, as recorded in Document No. 2017-0001848, Deed Records, Kaufman County, Texas;

THENCE North 44 degrees 08 minutes 23 seconds East, with said southeast line, a distance of 1,065.05 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the southwest corner of that tract of land described in Deed to City of Dallas, as recorded in Volume 5158, Page 110, Deed Records, Kaufman County, Texas;

THENCE North 70 degrees 16 minutes 24 seconds East, leaving said southeast line, a distance of 734.92 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 75 degrees 54 minutes 54 seconds East, a distance of 205.76 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner in the southwest line of University Drive, a variable width right-of-way;

THENCE South 45 degrees 20 minutes 03 seconds East, with said southwest line, a distance of 862.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 45 degrees 43 minutes 22 seconds East, continuing with said southwest line, a distance of 3,195.33 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 44 degrees 16 minutes 38 seconds West, leaving said southwest line, a distance of 1,904.43 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the northeast line of DEVONSHIRE PHASE 2B, an Addition to Kaufman County, Texas according to the Plat thereof recorded in Document No. 2016-0015991, Map Records, Kaufman County, Texas;

THENCE North 45 degrees 36 minutes 06 seconds West, a distance of 4,485.67 feet to the **POINT OF BEGINNING** and containing 191.864 acres of land, more or less.

Exhibit A

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Tract 2B

LEGAL DESCRIPTION

0.071 ACRES

BEING a tract of land situated in the JUAN LOPEZ SURVEY, ABSTRACT NO. 286, Kaufman County, Texas and being part of that tract of land described in Deed to Crockett & West, LLC, as recorded in Volume 4262, Page 553, Deed Records, Kaufman County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set at the intersection of the southwest line of University Drive, a variable width right-of-way, with the southeast line of Ranch Road, a variable width right-of-way;

THENCE South 45 degrees 20 minutes 03 seconds East, with said southwest line, a distance of 57.73 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner in the north line of that tract of land described in Deed to City of Dallas, as recorded in Volume 442, Page 127, Deed Records, Kaufman County, Texas;

THENCE South 75 degrees 53 minutes 52 seconds West, leaving said southwest line, a distance of 27.47 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 70 degrees 15 minutes 22 seconds West, a distance of 98.30 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner in the southeast line of the above mentioned Ranch Road;

THENCE North 44 degrees 08 minutes 23 seconds East, with said southeast line, a distance of 112.15 feet to the **POINT OF BEGINNING** and containing 3,105 square feet or 0.071 acres of land more or less.



DEVONSHIRE

KAUFMAN COUNTY, TEXAS

NOVEMBER 2018

Avanti
Properties
Group

Haynes Development Company



J. VOLK
consulting

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