

June 26, 2019

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, EQK Windmill Farms, LLC, 130 Windmill Farms, LP, and MM Walden Pond, LLC own approximately 41.904 acres within the City of Dallas' extraterritorial jurisdiction in Kaufman County; and

WHEREAS, Sections 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 Fresh Water Districts 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 April 26, 2019, EQK Windmill Farms, LLC, 130 Windmill Farms, LP, and MM Walden Pond, LLC filed the necessary petition with the City Secretary's Office requesting the city's consent to the expansion of the Kaufman County Fresh Water District No.1D within Dallas' extraterritorial jurisdiction north of U.S. Highway 80 in Kaufman County;

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 expansion of the Kaufman County Fresh Water District No.1D, as depicted on the attached property descriptions labeled Exhibit A, within the City of Dallas' extraterritorial jurisdiction east and south of Lake Ray Hubbard in Kaufman County.

SECTION 2. That consent to the expansion of the Kaufman County Fresh Water District No.1D 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 Fresh Water District shall be subject to the following terms and provisions:

- (a) That the Fresh Water District must construct all facilities in accordance with plans and specifications which 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 Fresh Water District.
- (c) That the Fresh Water 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; and
 - (iv) provide payment of organization expenses, operation expenses during construction, and interest during construction.
 - (v) provide roadway improvements and for the payment of organization expenses, operation expenses during roadway construction, and interest during roadway 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 Fresh Water District and its officials to observe and comply with the terms and provisions prescribed by this resolution.

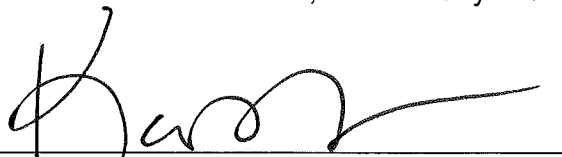
SECTION 4. That the City Council further hereby notifies the Fresh Water District, its residents, and property owners that the Texas Local Government Code allows the City of Dallas to annex any portion of the district located within the City of Dallas' extraterritorial jurisdiction, and the City of Dallas hereby requests that the Fresh Water District include a statement in the form required under Section 49.455 of the Texas Water Code reflecting the possibility of annexation by the City of Dallas.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of 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



41.904-ACRE TRACT

J.B Davenport Survey, Abstract No. 132 & Samuel Smith Survey, Abstract No. 450
Kaufman County, Texas

BEING a 41.904-acre tract or parcel of land situated in the Samuel Smith Survey, Abstract No. 450 and the J.B. Davenport Survey, Abstract No. 132, Kaufman County, Texas; said tract being part of a tract of land described in a Deed in Lieu of Foreclosure to Harlan Properties, Inc. as recorded in Volume 3961, Page 248 of the Official Records of Kaufman County, Texas, all of a Street and Utility Easement to EQK Windmill Farms LLC as described in Volume 3426, Page 541 of said Official Public Records, all of a Street and Utility Easement to said EQK as described in Volume 3550, Page 243 of said Official Records, and all of a called 3.940-acre tract of land described as Tract Four in in Special Warranty Deed to 130 Windmill Farms, LP as recorded in Volume 3235, Page 65 of said Official Records; said tract being more particular described by metes and bounds as follows:

BEGINNING at a point for corner at the intersection of the southeast right-of-way line of Farm-to-Market Road 548 (hereinafter FM 548, a 100-foot right-of-way) and the northeast right-of-way line of Falcon Way (a 100-foot right-of-way, said point being the southwest corner of a tract of land described in a Special Warranty Deed to Forney Independent School District (hereinafter Forney ISD) as recorded in Volume 2348, Page 182 of the Deed Records of Kaufman County, Texas;

THENCE with the northeast right-of-way line of said Falcon Way and the southwest line of said Forney ISD tract the following courses and distances:

South 45 degrees 25 minutes 01 seconds East, 975.65 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southeasterly direction with said curve to the left, having a central angle of 08 degrees 37 minutes 15 seconds, a radius of 2,400.00 feet, and a chord bearing and distance of South 49 degrees 43 minutes 38 seconds East, 360.77 feet, an arc length of 361.11 feet to a point for corner, said point being the end of said curve to the left and the beginning of a reverse curve to the right;

In a southeasterly direction with said reverse curve to the right, having a central angle of 09 degrees 04 minutes 21 seconds, a radius of 2,600.00 feet, and a chord bearing and distance of South 49 degrees 30 minutes 05 seconds East, 411.27 feet, an arc length of 411.70 feet to a point for corner, said point being the end of said curve to the right;

South 44 degrees 57 minutes 55 seconds East, 777.19 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southeasterly direction along said curve to the left, having a central angle of 22 degrees 25 minutes 57 seconds, a radius of 1,321.78 feet, and a chord bearing and distance of South 56 degrees 10 minutes 53 seconds East, 514.21 feet, an arc length of 517.50 feet to a point for corner, said point being the end of said curve to the left;

South 67 degrees 23 minutes 52 seconds East, 973.06 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a southeasterly direction along said curve to the right, having a central angle of 00 degrees 44 minutes 35 seconds, a radius of 2,049.62 feet, and a chord bearing and

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J.B Davenport Survey, Abstract No. 132 & Samuel Smith Survey, Abstract No. 450
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distance of South 67 degrees 01 minutes 34 seconds East, 26.58 feet, an arc length of 26.58 feet to a point for corner, said point being the end of said curve to the right;

South 66 degrees 39 minutes 27 seconds East, 323.30 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In an easterly direction along said curve to the left, having a central angle of 44 degrees 04 minutes 21 seconds, a radius of 1,150.00 feet, and a chord bearing and distance of South 88 degrees 41 minutes 28 seconds East, 862.95 feet, an arc length of 884.59 feet to a point for corner, said point being the end of said curve to the left;

North 69 degrees 16 minutes 23 seconds East, 171.99 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a northeasterly direction along a tangent curve to the right, having a central angle of 20 degrees 42 minutes 13 seconds, a radius of 1,550.00 feet, and a chord bearing and distance of North 79 degrees 37 minutes 29 seconds East, 557.04 feet, an arc length of 560.08 feet to a point for corner at the intersection of the northeast right-of-way line of said Falcon Way and the west right-of-way line of Windmill Farms Boulevard (a 120-foot right-of-way) as recorded in Volume 3832, Page 358 of said Official Public Records;

THENCE South 00 degrees 01 minutes 24 seconds East, with the west right-of-way line of said Windmill Farms Boulevard, 100.00 feet to a point for corner at the intersection of the west right-of-way line of said Windmill Farms Boulevard and the southwest line of said Falcon Way;

THENCE departing the west right-of-way line of said Windmill Farms Boulevard and with the southwest right-of-way line of said Falcon Way the following courses and distances:

In a westerly direction along a non-tangent curve to the left, having a central angle of 20 degrees 42 minutes 13 seconds, a radius of 1,450.00 feet, and a chord bearing and distance of South 79 degrees 37 minutes 29 seconds West, 521.10 feet, an arc length of 523.95 feet to a point for corner, said point being the end of said curve to the left;

South 69 degrees 16 minutes 23 seconds West, 171.99 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a westerly direction with said curve to the right, having a central angle of 44 degrees 04 minutes 21 seconds, a radius of 1,250.00 feet, and a chord bearing and distance of North 88 degrees 41 minutes 28 seconds West, 937.98 feet, an arc length of 961.51 feet to a point for corner, said point being the end of said curve to the right;

THENCE North 66 degrees 39 minutes 27 seconds West, 323.30 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southwesterly direction with said curve to the left, having a central angle of 00 degrees 44 minutes 35 seconds, a radius of 1,949.99 feet, and a chord bearing and distance of North 67 degrees 01 minutes 34 seconds West, 25.29 feet, an arc length of 25.29 feet to a point for corner, said point being the end of said curve to the left;

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North 67 degrees 23 minutes 52 seconds West, 973.06 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a northwesterly direction with said curve to the right, having a central angle of 14 degrees 20 minutes 54 seconds, a radius of 1,421.78 feet, and a chord bearing and distance of North 60 degrees 13 minutes 25 seconds West, 355.12 feet, an arc length of 356.05 feet to a point for corner, said point being the northeast corner of the aforementioned Harlan Properties tract and the end of said curve to the right;

THENCE South 45 degrees 44 minutes 45 seconds West, departing the southwest right-of-way line of said Falcon Way and with the southeast line of said Harlan Properties tract, 10.12 feet to a point for corner;

THENCE over and across said Harlan Properties tract the following courses and distances:

In a northwesterly direction along a non-tangent curve to the right, having a central angle of 08 degrees 01 minutes 20 seconds, a radius of 1,431.78 feet, and a chord bearing and distance of North 48 degrees 58 minutes 35 seconds West, 200.31 feet, an arc length of 200.47 feet to a point for corner, said point being the end of said curve to the right;

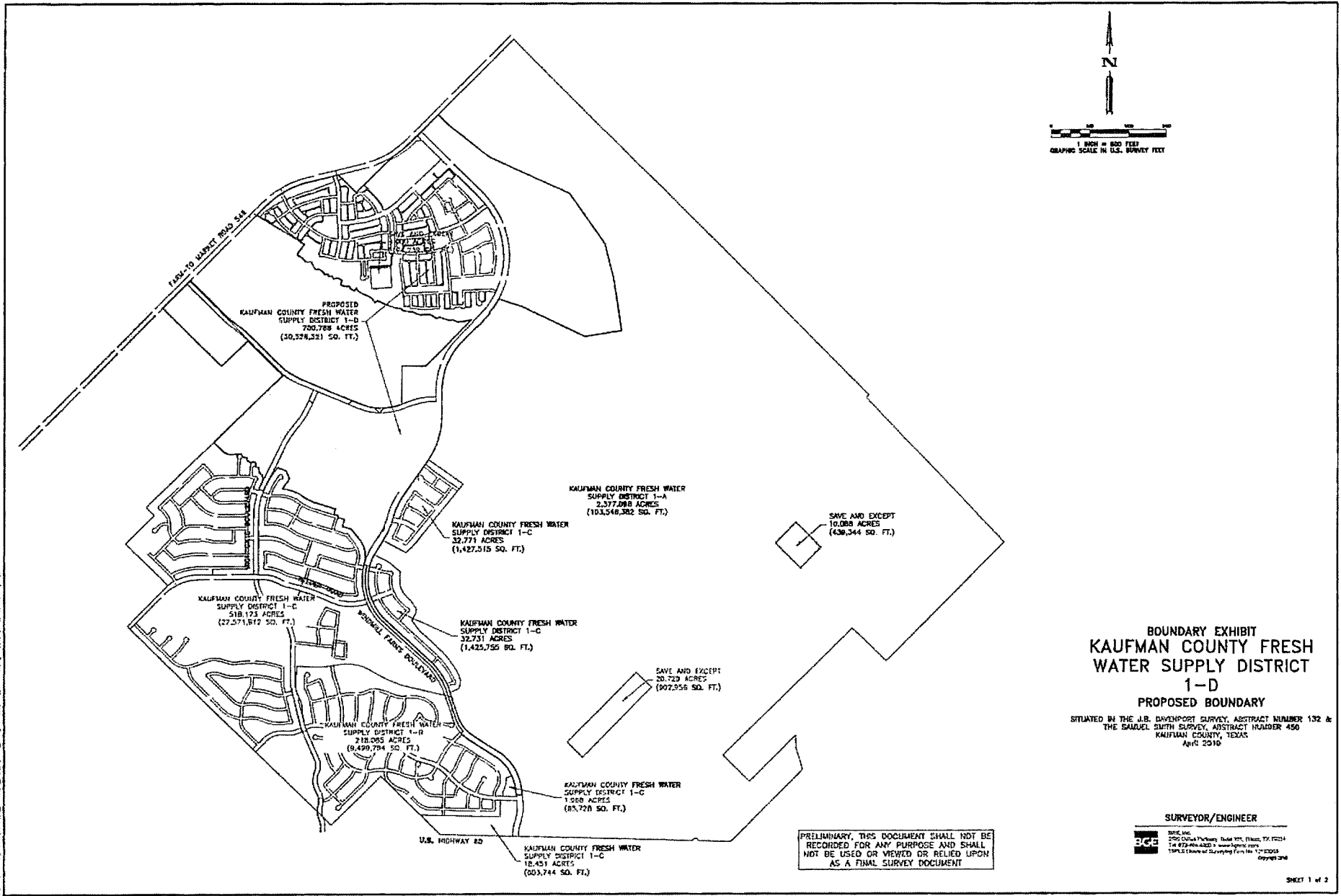
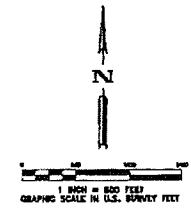
North 44 degrees 57 minutes 55 seconds West, 814.38 feet to a point for corner;

South 45 degrees 55 minutes 27 seconds West, 746.48 feet to a point for corner;

North 45 degrees 26 minutes 53 seconds West, 1,699.34 feet to a point for corner in the southeast right-of-way line of the aforementioned FM 548 and the northwest line of said Harlan Properties tract;

THENCE North 45 degrees 03 minutes 43 seconds East, with the southeast right-of-way line of said FM 548 and the northwest line of said Harlan Properties tract, 261.06 feet to a point for corner;

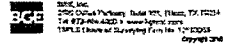
THENCE North 45 degrees 20 minutes 01 seconds East, with the southeast right-of-way line of said FM 548 and the northwest line of said Harlan Properties tract, 539.49 feet to the POINT OF BEGINNING and containing a total area of 41.904 acres (1,825,348 square feet) of land, more or less.



BOUNDARY EXHIBIT
KAUFMAN COUNTY FRESH
WATER SUPPLY DISTRICT
1-D
PROPOSED BOUNDARY

SITUATED IN THE J.B. DAVENPORT SURVEY, ABSTRACT NUMBER 132 &
 THE SAMUEL SMITH SURVEY, ABSTRACT NUMBER 450
 KAUFMAN COUNTY, TEXAS
 APR 8 2010

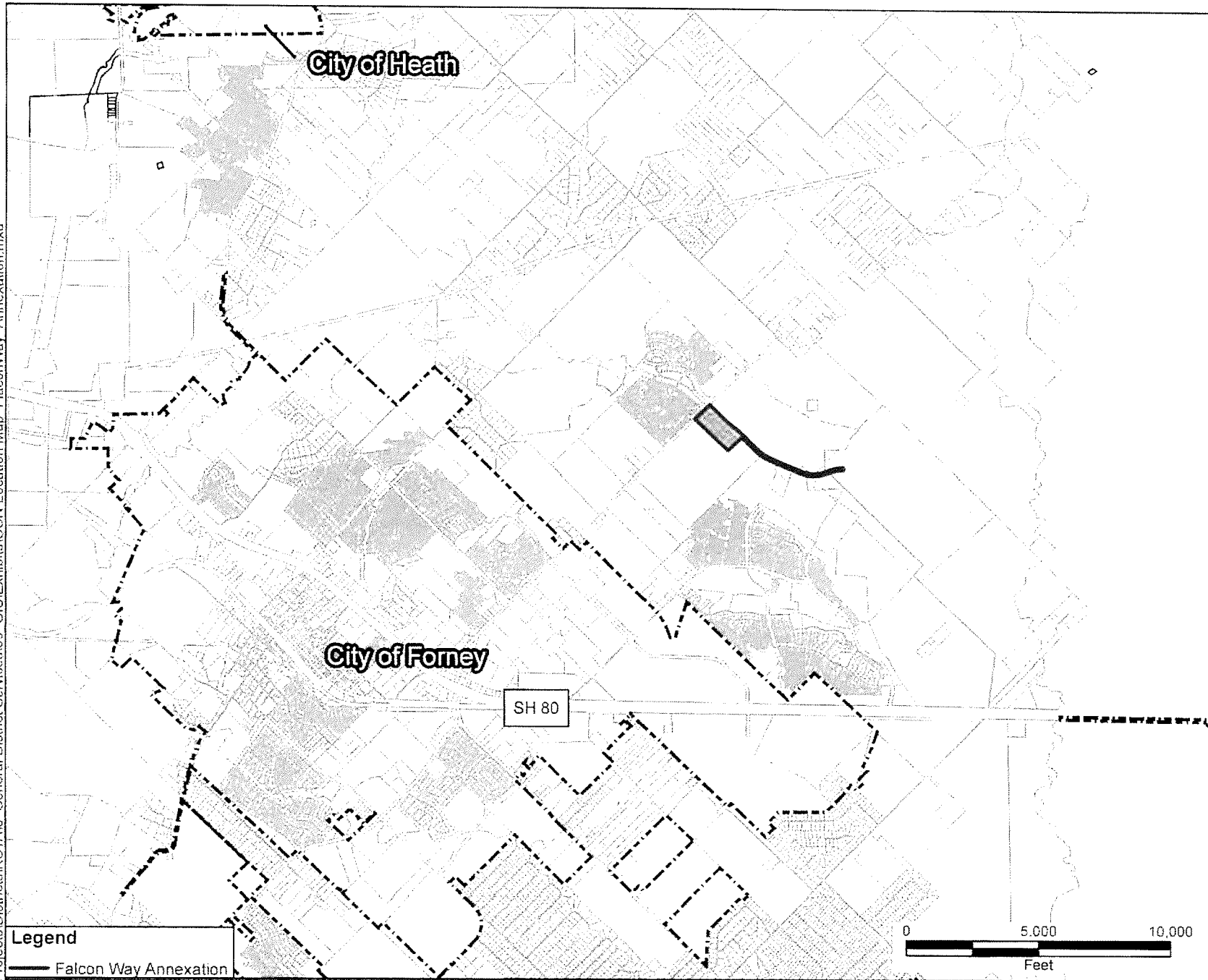
SURVEYOR/ENGINEER



PRELIMINARY, THIS DOCUMENT SHALL NOT BE
 RECORDED FOR ANY PURPOSE AND SHALL
 NOT BE USED OR VIEWED OR RELIED UPON
 AS A FINAL SURVEY DOCUMENT

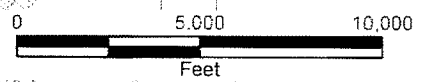
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Legend

— Falcon Way Annexation



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Disclaimer:
Every effort has been made to ensure the accuracy of the basemap data BGE, Inc assumes no liability or damages due to errors or omissions.

Location Map	
Date: April 2019	Job No: XXXX-XX

Falcon Way Annexation - Location Map

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