

201885

December 9, 2020

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 District No. 3, was originally consented to by the City Council on October 8, 2003, by Resolution No. 03-2751; and

WHEREAS, an expansion of Kaufman County Municipal District No. 3 was consented to by the City Council on December 12, 2018, by Resolution No. 18-1786; and

WHEREAS, an expansion of Kaufman County Municipal District No. 3 was consented to by the City Council on August 14, 2019, by Resolution No. 19-1098; 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 6, 2020, the property owners, Clay Shipman and Marilee Shipman filed a completed application/petition with the Sustainable Development and Construction Department requesting the city's consent for the addition of approximately 14.997 acres into the Kaufman County Municipal Utility District No. 3 within Dallas' extraterritorial jurisdiction near the west corner of University Drive and FM 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 14.997 acres to the Kaufman County Municipal Utility District No. 3, as depicted on the attached property description labelled as Exhibit A, within the City of Dallas' extraterritorial jurisdiction near the west corner of University Drive and FM 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.

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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 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 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' extraterritorial jurisdiction, and the City of Dallas hereby requests that the Municipal Utility District include 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 provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By: Casady Blyden
Assistant City Attorney

Passed DEC 09 2020



Exhibit A

Description of the Property

Address: 15675 FM 548, Forney, TX 75126, more particularly described as follows:

TRACT I

All that certain lot, tract or parcel of land situated in Kaufman County, Texas, and being situated in the Juan Lopez Survey, Abstract No. 286, and being part of a called 15 acres conveyed to J. R. Hodge as recorded in Volume 521, Page 719 Deed Records Kaufman County, Texas (D.R.K.C.T) and being more particularly described by metes and bounds to follow;

BEGINNING at a 1/2" iron rod found for corner said corner being located at the most Southerly corner of said Hodge tract and being located at the most Easterly corner of a tract of land conveyed to Wynne Jackson as recorded in Volume 2488, Page 233 D.R.K.C.T, said corner being on the most Northwesterly right-of-way line of Farm to Market No.548;

THENCE N 44°35'46" W departing said right-of-way and with the Northerly line of said Jackson tract a distance of 1452.00 feet to a 1/2" iron set with cap stamped Data Land Services set for corner, said corner being located on the Most Southerly line of a tract of land conveyed to Emory E. Horton as recorded in Volume 661, Page 468 D.R.K.C.T;

THENCE N 45°51'22" E with the Southerly line of said Horton tract a distance of 149.91 feet to a 1/2" iron rod with cap stamped Data Land Services set for corner;

THENCE S 44°35'46" E across and through of said Hodge tract a distance of 1451.81 feet to a 1/2" iron rod with cap stamped Data Land Services set for corner, said corner being located on the aforementioned right-of-way line of Farm to Market No. 548;

THENCE S 45°46'51" W with said right-of-way line a distance of 149.91 feet to the Point of Beginning containing 217,649 square feet or 4.997 acres of land.

TOGETHER WITH:

TRACT II

All that certain lot, tract or parcel of land situated in Kaufman County, Texas, and being situated in the Juan Lopez Survey, Abstract No. 286, and being part of a called 15 acres conveyed to J. R. Hodge as recorded in Volume 521, Page 719 Deed Records Kaufman County, Texas (D.R.K.C.T) and being more particularly described by metes and bounds to follow;

COMMENCING at a 1/2" iron rod found for corner said corner being located at the most Southerly corner of said Hodge tract and being located at the most Easterly corner of a tract of land conveyed to Wynne Jackson as recorded in Volume 2488, Page 233 D.R.K.C.T, said corner being on the most Northwesterly right-of-way line of Farm to Market No.548;

THENCE N 45°46'51" E with the said right-of-way line a distance of 149.91 feet to a 1/2" iron rod with cap stamped Data Land Services set for the Point of Beginning;

THENCE N 44°35'46" W across and through of said Hodge tract a distance of 1451.81 feet to a 1/2" iron rod with cap stamped Data Land Services set for corner, said corner being located in the Southeasterly line of a tract of land conveyed to Emory E. Horton as recorded in Volume 681, Page 468 D.R.K.C.T;

THENCE N 45°51'22" E with the said Southeasterly line of said Horton tract a distance of 300.09 feet to a 1/2" iron rod found for corner, said corner being at an ell corner of said Horton tract;

THENCE S 44°35'46" E with the Southwesterly line of said Horton tract a distance of 1451.85 feet to a 1/2" iron rod with cap stamped Data Land Services set for corner, said corner being on the Northerly right-of-way line of said Farm to Market No. 548;

THENCE S 46°28'51" W with said right-of-way line a distance of 37.80 feet to a concrete monument found for corner;

THENCE S 45°46'51" W with said right-of-way line a distance of 262.29 feet to the Point of Beginning containing 435,606 square feet or 10.000 acres of land.