

RESOLUTION NO. 12-86

A RESOLUTION OF THE CITY OF MESQUITE,
TEXAS, CONSENTING TO AND APPROVING THE
ADDITION OF CERTAIN PROPERTIES TO
FALCON'S LAIR UTILITY AND RECLAMATION
DISTRICT.

WHEREAS, pursuant to the provisions of House Bill 2198, Acts of the 69th Texas Legislature, Regular Session, 1985 (the "Act"), there has been heretofore created and organized within the corporate limits of the City of Mesquite, Texas (the "City"), a utility and reclamation district known as Falcon's Lair Utility and Reclamation District, of Dallas County, Texas (the "District"); and

WHEREAS, pursuant to the Act, the District is authorized, with the consent of the City, to annex and include within the District's boundaries additional lands and property; and

WHEREAS, there has been heretofore duly filed with the City a joint petition (the "Petition"), dated as of March 5, 1986, from the District and Falcon's Lair, Ltd. (the "Petitioner"), as the owner of certain lands (the "Property") adjacent to the District, requesting the consent of the City to the addition of the Property to the boundaries of the District; and

WHEREAS, in keeping with the provisions of the Act, the City Council now desires to grant its consent and approval to such request and to express same in the form of a Resolution of the City Council;

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

SECTION 1. That the Petition, a true and correct copy of which is attached hereto as Attachment 1, is hereby in all things approved and granted, and the City hereby consents to and approves of the addition of the Property described in the Petition to the boundaries of the District.

SECTION 2. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Article 6252-17, Texas Revised Civil Statutes Annotated; and that this meeting

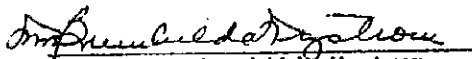
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has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 3. That this Resolution shall take effect upon passage as the City Charter in such cases provides.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on this 17th day of March, A.D., 1986.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:


Lynn Prugel
City Secretary

PETITION FOR CONSENT TO ADDITION OF
LAND TO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
MESQUITE, TEXAS:

The undersigned (hereinafter the "Petitioner"), acting pursuant to the provisions of Chapter 54 of the Texas Water Code, respectfully petitions the City Council of the City of Mesquite, Texas, for its written consent to the annexation by said District of the lands described by metes and bounds in Exhibit "A" attached hereto (the "Property"). In support of this petition, Petition would show the following:

I.

Falcon's Lair Utility and Reclamation District, of Dallas County, Texas (the "District"), was created by Chapter 935, Acts of the 69th Texas Legislature, Regular Session, 1985 (the "Act").

II.

Fee simple title and full ownership of the Property is vested in Falcon's Lair, Ltd., a Texas limited partnership, acting herein in and through its General Partner, The Alpert Land Company, a Texas corporation.

III.

The Property sought to be annexed to the District lies entirely within the limits of the City of Mesquite, Texas, and no part of the Property lies within the corporate limits or the extraterritorial jurisdiction (as such term is defined in Article 970a, Vernon's Texas Civil Statutes) of any other city,

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town or village. All of the territory proposed to be annexed may properly be annexed to the District.

IV.

The general nature of the work to be done in the area sought to be annexed to the District is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system and the construction, acquisition, maintenance and operation of a levee, reclamation and drainage system to gather, conduct, divert, and control local storm water or other local harmful excesses of water.

V.

There is, for the following reasons, a necessity for the above-described work. The area proposed to be annexed to the District, which will be developed for residential and commercial purposes, is urban in nature, is within the growing environs of the City of Mesquite, Texas, is in close proximity to populous and developed sections of Dallas County, Texas, and within the immediate future will experience a substantial and sustained growth. There is not now available within the area sought to be annexed to the District an adequate waterworks and sanitary sewer system nor an adequate drainage and flood control system, and it is not presently economically feasible for the area sought to be annexed to provide for such systems. Since the health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system and a drainage and flood control system, a public necessity exists for the annexation of the aforementioned lands to the District, to provide for the purchase, construction, extension, improvement,

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maintenance and operation of such waterworks and sanitary sewer system and such drainage and flood control system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

Petitioner estimates, from such information as it has at this time, that the cost of extending the District's facilities to serve the area sought to be annexed will be approximately \$50,000.00.

WHEREFORE, Petitioner respectfully prays that this petition be heard and granted in all respects and that the City of Mesquite, Texas, give its written consent to the annexation of the aforesaid land to the District.

RESPECTFULLY SUBMITTED this 5th day of March, 1986.

FALCON'S LAIR UTILITY AND
RECLAMATION DISTRICT, of
Dallas County, Texas

By: President, Board of Directors

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ATTEST:

[Signature]
Secretary, Board of Directors

OWNERS:

FALCON'S LAIR, LTD., a Texas
Limited Partnership

BY: THE ALPERT LAND COMPANY,
General Partner

By: [Signature]
President

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared John Whiteside, President of the Board of Directors of Falcon's Lair Utility and Reclamation District, of Dallas County, Texas, a conservation and reclamation district, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said District.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 5th day of March, 1986.

My Commission Expires:

8/5/89

Lynn C. Summers
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Name: Lynn C. Summers
(Print or Type Name)

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THE STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Spencer W. Alpert, President of The Alpert Land Company, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 5th day of March, 1986.

My Commission Expires:

8/5/89

Lynn C. Summers
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Name: Lynn C. Summers
(Print or Type Name)

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EXHIBIT A

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PARCEL "28"

Being a 123819 square feet parcel of land adjacent to Parcel 2 of the Falcon's Lair Utility and Reclamation District, as enacted by the Legislature of the State of Texas, House Bill 2198, 69th Texas Legislature, Regular Session, 1985, and being more particularly described as follows:

COMMENCING, at the Beginning Point of the aforementioned District, Parcel 2;

THENCE, South 45° 07' 20" East, long said District, Parcel 2 line, a distance of 1.65 feet to the Point of Beginning;

THENCE, North 44° 48' 11" East, a distance of 2,500.55 feet to a point for corner;

THENCE, North 49° 14' 11" East, a distance of 705.75 feet to a point for corner;

THENCE, North 43° 12' 41" East, a distance of 1,856.51 feet to a point for corner;

THENCE, North 44° 53' 44" East, a distance of 800.29 feet to a point for corner;

THENCE, South 45° 06' 16" East, a distance of 20.00 feet to a point for corner;

THENCE, South 44° 53' 44" West, a distance of 2.17 feet to a point of corner;

THENCE, North 45° 13' 09" West, a distance of 2.79 feet to a point for corner;

THENCE, South 43° 56' 28" West, a distance of 2,042.77 feet to a point for corner;

THENCE, South 42° 19' 55" West, a distance of 540.8 feet to a point for corner;

THENCE, South 47° 54' 05" West, a distance of 207.21 feet to a point for corner;

THENCE, South 50° 01' 50" West, a distance of 356.45 feet to a point for corner;

THENCE, South 46° 29' 30" West, a distance of 307.08 feet to a point for corner;

THENCE, South 44° 54' 34" West, a distance of 2,406.37 feet to a point for corner;

THENCE, North 45° 07' 21" West, a distance of 18.35 feet to the POINT OF BEGINNING and containing 2.8425 acres (123819 square feet) of land.

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PARCEL "29"

Being a 32 square feet parcel of land adjacent to Parcel 2 of the Falcon's Lair Utility and Reclamation District, as enacted by the Legislature of the State of Texas, House Bill 2198, 69th Texas Legislature, Regular Session, 1985, and being more particularly described as follows:

COMMENCING, at the Beginning Point of the aforementioned District, Parcel 2;

THENCE, South 45° 07' 21" East, along said District, Parcel 2 line, a distance of 2684.98 feet to the Point of Beginning;

THENCE, South 44° 40' 17" West, a distance of 133.00 feet to a point for corner;

THENCE, North 45° 07' 21" West, a distance of 0.48 feet to a point for corner;

THENCE, North 44° 52' 39" East, a distance of 133.00 feet to the Point of Beginning and containing 0.0007 acres (32 square feet) of land.

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PARCEL "30"

Being a 36 square feet parcel of land adjacent to Parcel 1 of the Falcon's Lair Utility and Reclamation District, as enacted by the Legislature of the State of Texas, House Bill 2198, 69th Texas Legislature, Regular Session, 1985, and being more particularly described as follows:

COMMENCING, at the Beginning Point of the aforementioned District, Parcel 1:

THENCE, the following calls along said District, Parcel 1 line:

South 45° 14' 33" West, a distance of 1559.49 feet;
North 44° 20' 36" East, a distance of 1019.32 feet;
North 45° 33' 39" East, a distance of 942.58 feet;
South 45° 02' 20" East, a distance of 1027.37 feet;
South 45° 56' 33" West, a distance of 1066.02 feet;
South 39° 23' 33" East, a distance of 19.45 feet to the POINT OF
BEGINNING;

THENCE, South 39° 23' 33" East, along said District, Parcel 1 line a distance of 293.17 feet to a point for corner;

THENCE, North 39° 26' 27" West, a distance of 293.17 feet to a point for corner;

THENCE, North 44° 57' 02" East, a distance of 0.25 feet to the POINT OF BEGINNING containing 0.0008 acres (36 square feet) of land.