

RESOLUTION NO. 14-2002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT TO BE KNOWN AS KAUFMAN COUNTY REGIONAL MUNICIPAL UTILITY DISTRICT WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION.

WHEREAS, Section 54.016 of the Texas Water Code requires that an applicant request a city's written consent to create Municipal Utility Districts within the city's extraterritorial jurisdiction; and

WHEREAS, Article I-C of the Mesquite Subdivision Ordinance extends plat regulations to all applicable development activity within the extraterritorial jurisdiction of the City of Mesquite; and

WHEREAS, on February 6, 2002, the City Manager's office of the City of Mesquite received the necessary petitions requesting the City's consent to the creation of a Municipal Utility District.

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

SECTION 1. That the City Council of the City of Mesquite ("City") hereby grants its permission for the creation of the Municipal Utility District to be known as Kaufman County Regional Municipal Utility District ("KCRMUD") which is described more fully in the field notes in Exhibit "A" attached hereto and the City Manager is hereby authorized to execute any documents necessary to create KCRMUD.

SECTION 2. That as a condition of the consent given by the City pursuant to Texas Water Code Section 54.016(e) and (g), KCRMUD shall be subject to the following terms and provisions:

- (a) That KCRMUD must construct all facilities in accordance with plans and specifications which have been approved by the City.
- (b) That the City shall have the right to inspect all facilities being constructed by KCRMUD.
- (c) That KCRMUD 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 KCRMUD; and
 - (iv) Provide payment of organization expenses, operation expenses during construction and interest during construction.
- (d) That the City shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling or requiring KCRMUD and its officials to observe and comply with the terms and provisions prescribed by this resolution.

SECTION 3. That the City Council of the City of Mesquite further hereby notifies KCRMUD, its residents and property owners that the Texas Local Government Code allows the City to annex any portion of the district located within the City's extraterritorial jurisdiction, and the City hereby requests that KCRMUD include a statement in the form required under Section 49.455 of the Texas Water Code reflecting the possibility of annexation by the City.

SECTION 4. That this resolution take effect immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 18th day of March, 2002.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

EXHIBIT A

* METES & BOUNDS DESCRIPTION *

Tract 2

BEING all that certain lot, tract or parcel of land located in the Martha Musick Survey, Abstract No. 312 and the J. G. Moore Survey, Abstract No. 309, Kaufman County, Texas, and being the remainder of those certain tracts of land described as Tracts K14 though K20, in the deed the West Foundation, as filed for record in Volume 709, Page 245 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", at the intersection of the Southerly right-of-way line of Interstate 20 (a variable width right-of-way) and the Southeasterly right-of-way line of Farm-Market 741 (a variable width right-of-way at this point), from which a concrete monument found bears South 11 deg. 52 min. 39 sec. East. 0.55 feet:

THENCE along the Southerly right-of-way line of said Interstate 20 as follows:

North 83 deg. 22 min. 27 sec. East, a distance of 751.86 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs."; North 88 deg. 29 min. 25 sec. East, a distance of 474.54 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs."; South 84 deg. 18 min. 42 sec. East, a distance of 952.45 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs."; South 78 deg. 59 min. 16 sec. East, a distance of 4.49 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", at the intersection of the Southerly right-of-way line of Interstate 20 and the Northeasterly boundary line of the aforementioned Tract K17, said point also being the intersection of the said Southerly right-of-way line and the Southwesterly boundary line of that certain called 113.75 acre tract of land conveyed to Austin W. Shipley, according to the deed filed for record in Volume 270, Page 221, Deed Records, Kaufman County, Texas:

THENCE South 45 deg. 06 min. 28 sec. East, along the common boundary line between said Tract K17 and said called 113.75 acre tract, at a distance of approximately 1240 feet passing the most Southerly corner of said called 113.75 acre tract and the East corner of that certain tract of land conveyed to Gordon T. West, according to the deed filed for record in Volume 1636, Page 43, Deed Records, Kaufman County, Texas, and continuing along the common boundary line between said Tract K17 and said Gordon T. West tract, in all a distance of 2131.39 feet to a 3/4 inch iron pipe found on the Northwest boundary line of that certain called 300 acre tract of land conveyed to Gordon T. West, according to the deed filed for record in Volume 1636, Page 43, Deed Records, Kaufman County, Texas;

THENCE South 44 deg. 34 min. 38 sec. West, along the common boundary line of said Tract K17 and said called 300 acre tract, and generally along a barbed wire fence, a distance of 1891.96 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", for the South corner of said Tract K17 and the West corner of said called 300 acre tract, said iron rod also being the North corner of the aforementioned Tract K19;

THENCE South 46 deg. 09 min. 59 sec. East, along the common boundary line between said called 300 acre tract and said Tract K19, a distance of 3513.32 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", on the Northwesterly right-of-way line of Griffin Lane (a 50 foot wide right-of-way);

THENCE South 43 deg. 50 min. 01 sec. West, along the Northwesterly right-of-way line of said Griffin Lane, a distance of 2649.80 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", on the Northeasterly right-of-way line of the aforementioned Farm-Market 741:

THENCE along the Northeasterly right-of-way line of said Farm-Market 741 as follows:

North 45 deg. 13 min. 23 sec. West, a distance of 4.98 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

North 44 deg. 58 min. 23 sec. West, at a distance of 632.24 feet passing a wood monument found, and continuing in all a distance of 755.05 feet to a concrete monument found for the beginning of a curve to the left having a radius of 5774.58 feet:

Along said curve to the left, through a central angle of 12 deg. 08 min. 00 sec., an arc length of 1222.86 feet, and having a long chord of North 51 deg. 02 min. 23 sec. West, 1220.58 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

North 57 deg. 06 min. 23 sec. West, generally along a barbed wire fence, a distance of 328.05 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", for the beginning of a curve to the right having a radius of 11,382.09 feet;

Along said curve to the right and along said fence, through a central angle of 11 deg. 54 min. 00 sec., an arc length of 2363.99 feet, and having a long chord which bears North 51 deg. 11 min. 23 sec. West, 2359.75 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", from which a concrete monument bears South 51 deg. 38 min. 13 sec. East, 0.86 feet;

North 45 deg. 14 min. 23 sec. West, generally along said fence, a distance of 1653.79 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", for the beginning of a curve to the right having a radius of 909.93 feet;

THENCE along said curve to the right and along the Easterly right-of-way line of said Farm-Market 741 and generally along said fence, through a central angle of 90 deg 33 min. 04 sec., an arc length of 1438.07 feet, and having a long chord which bears North 00 deg. 02 min. 09 sec. East, 1293.01 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

THENCE along the Southeasterly right-of-way line of said Farm-Market 741 and generally along a barbed wire fence as follows;

North 45 deg. 18 min. 41 sec. East, a distance of 199.54 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

North 46 deg. 06 min. 41 sec. East, a distance of 1039.75 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", from which a concrete monument found bears South 46 deg. 21 min. 42 sec. West, 2.09 feet;

North 46 deg. 21 min. 41 sec. East, a distance of 759.38 feet to a concrete monument found at the beginning of a curve to the left having a radius of 999.93 feet;

Along said curve to the left, through a central angle of 14 deg. 28 min. 00 sec., an arc length of 252.47 feet, and having a long chord which bears North 39 deg. 07 min. 41 sec. East, 251.80 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

North 31 deg. 53 min. 41 sec. East, a distance of 210.50 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", for the beginning of a curve to the right having a radius of 909.38 feet;

Along said curve to the right, through a central angle of 01 deg. 00 min. 31 sec., an arc length of 16.01 feet, and having a long chord which bears North 32 deg. 23 min. 57 sec. East, 16.01 feet to the POINT OF BEGINNING and containing 606.440 acres (26,416,511 square feet) of land.

* METES & BOUNDS DESCRIPTION *
Tract 3

BEING all that certain lot, tract or parcel of land located in the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, and being a portion of that certain tract of land described as Tract K14 in the deed to the West Foundation as filed for record in Volume 709, Page 245 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with a cap stamped "Pate Engrs." at the intersection of the current Southwesterly right-of-way line of Farm-Market 741 (a 90 foot wide right-of-way) and the Northeasterly right-of-way line of High Country Lane (a 60 foot wide right-of-way, formerly Farm-Market 741);

THENCE North 45 deg. 14 min. 23 sec. West, along the Northeasterly right-of-way line of said High Country Lane, a distance of 523.97 feet to a 1.2 inch iron rod set with a cap stamped "Pate Engrs." at the beginning of a curve to the right having a radius of 29.66 feet;

THENCE along said curve to the right, through a central angle of 90 deg. 33 min. 03 sec., an arc length of 46.88 feet, and having a long chord which bears North 00 deg. 02 min. 09 sec. East, 42.15 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

THENCE North 45 deg. 18 min. 41 sec. East, along the Southeasterly right-of-way line of that certain portion of Farm-Market 741 conveyed to the State of Texas by James K. Brooks, et al, according to the deed filed for record in Volume 318, Page 478, Deed Records, Kaufman County, Texas, a distance of 523.97 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs." on the Westerly right-of-way line of said current Farm-Market 741, said iron rod being the beginning of a curve to the left having a radius of 999.93 feet

THENCE along said curve to the left and said Westerly right-of-way line of Farm-Market 741, through a central angle of 45 deg. 53 min. 11 sec., an arc length of 800.81 feet, and a long chord which bears South 00 deg. 02 min. 09 sec. West, 779.58 feet to the POINT OF BEGINNING and containing 2.566 acres (111,765 square feet) of land.

* METES & BOUNDS DESCRIPTION *

Tract 4

BEING all that certain lot, tract or parcel of land located in the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, and being those certain tracts of land described as Tracts K10, K11, K12 and K13 in the deed to the West Foundation as filed for record in Volume 709, Page 245 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with a cap stamped "Pate Engrs." at the intersection of the Southwesterly right-of-way line of Farm-Market 741 (a 90 foot wide right-of-way) and the Southeasterly boundary line of said Tract K12, said iron rod also being approximately 30 feet from the center of County Road No. 257 (an undefined width right-of-way);

THENCE South 44 deg. 34 min. 48 sec. West, along the Southeasterly boundary line of said Tract K12, at approximately 1611.1 feet passing the South corner of said Tract K12 and the North corner of Tract K13, and at a distance of approximately 3220.2 feet passing the South corner of said Tract K13 and the most Easterly Northeast corner of Tract K10, and continuing in all a distance of 3711.77 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs." for the South corner of said Tract K10 and the most Easterly Northeast corner of that certain called 107.4 acre tract of land conveyed to J. H. McClure, according to the deed filed for record in Volume 439, Page 449, Deed Records, Kaufman County, Texas:

THENCE along the common boundary line between said Tract K10 and said called 107.4 acre tract as follows:

THENCE North 44 deg. 20 min. 17 sec. West, at a distance of approximately 21.3 feet passing the center of the aforesaid County Road No. 257, and at a distance of 271.62 feet, passing a 1/2 inch iron rod found for the North corner of that certain called 1.000 acre tract of land conveyed to Larry Nelson, according to the deed filed for record in Volume 1137, Page 347, Deed Records, Kaufman County, Texas, and continuing generally along a barbed wire fence, in all a distance of 763.42 feet to a wood fence post found: North 44 deg. 46 min. 22 sec. East, a distance of 110.79 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.": North 45 deg. 13 min. 38 sec. West, generally along a barbed wire fence, a distance of 1367.42 feet to a wood fence post found: North 44 deg. 46 min. 22 sec. East, a distance of 247.49 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", said iron rod being on the Southwesterly line of that certain called 56.0 acre tract of land conveyed to Clarence Bentley;

THENCE South 68 deg. 13 min. 38 sec. East, generally along a barbed wire fence and the Southwesterly line of called 56.0 acre tract, a distance of 627.70 feet to a wood fence post found on the Northwesterly boundary line of the aforesaid Tract K13;

THENCE North 44 deg. 26 min. 44 sec. East, generally along an old barbed wire fence and the common boundary line between said called 56.0 acre tract and said Tract K13, a distance of 853.26 feet to a wood fence post found for the most Easterly corner of said called 56.0 acre tract and the South corner of the aforementioned Tract K11;

THENCE North 45 deg. 59 min. 01 sec. West, generally along a barbed wire fence and the Northeasterly boundary line of said called 56.0 acre tract and the Southwesterly line of said Tract K11, a distance of 1118.32 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", said iron rod being on the Southeasterly boundary line of that certain called 196.663 acre tract of land conveyed to Michael A. McFerrin, according to the deed filed for record in Volume 1087, Page 868, Deed Records, Kaufman County, Texas:

THENCE along the Southeasterly boundary line of said called 196.663 acre tract and generally along a barbed wire fence, and the Northwesterly boundary line of said Tract K11 as follows: North 25 deg. 16 min. 32 sec. East, a distance of 918.27 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs."; North 27 deg. 53 min. 12 sec. East, a distance of 712.32 feet to a 3/8 inch iron rod found; North 44 deg. 02 min. 09 sec. East, a distance of 693.71 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs." on the Southwesterly right-of-way line of that certain portion of Farm-Market 741 conveyed to the State of Texas by Hugh Baker, according to the deed filed for record in Volume 320, Page 249, Deed Records, Kaufman County, Texas, said road now known as High Country Lane (a 60 foot wide right-of-way);

THENCE South 45 deg. 14 min. 23 sec. East, generally along a barbed wire fence and the Southwesterly right-of-way line of High Country Lane, a distance of 263.11 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs." on the Southwesterly right-of-way line of said Farm-Market 741, and being the beginning of a curve to the left having a radius of 999.93 feet:

THENCE generally along a barbed wire fence and the Southwesterly right-of-way line of said Farm-Market 741 as follows: Along said curve to the left, through a central angle of 09 deg. 56 min. 12 sec., an arc length of 173.42 feet, and having a long chord which bears South 40 deg. 16 min. 17 sec. East, 173.20 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs."; South 45 deg. 14 min. 23 sec. East, a distance of 1653.79 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", for the beginning of a curve to the left having a radius of 11472.90 feet; Along said curve to the left, through a central angle of 03 deg. 05 min. 41 sec., an arc length of 619.69 feet, and having a long chord which bears South 46 deg. 47 min. 14 sec. East, 619.62 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs."; South 45 deg. 21 min. 23 sec. East, a distance of 182.35 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", to the beginning of a curve to the left having a radius of 2993.57 feet; Along said curve to the left, through a central angle of 04 deg. 13 min. 00 sec., an arc length of 220.31 feet, and having a long chord which bears South 47 deg. 27' 53" East, 220.26 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

THENCE South 49 deg. 34 min. 23 sec. East, a distance of 74.79 feet to the POINT OF BEGINNING and containing 208.452 acres (9,080,181 square feet) of land.

* METES & BOUNDS DESCRIPTION *
TRACTS 5, 6 and 8

BEING all that certain lot, tract or parcel of land located in the J. Moore Survey, Abstract No. 309, Kaufman County, Texas, and being all of those certain tracts of land described as all of Tracts K23 and K28, and the remainders of Tracts K21, K22, K24, K25, K26, K27, K29 and K30, and a portion of Tract K18 in the deed to the West Foundation filed for record in Volume 709, Page 245 of the Deed Records of Kaufman County, Texas, and the remainder of those certain tracts of land described as Tract 4 and Tract 5 in the deed to Fitzpatrick, Ltd., as recorded in Volume 1166, Page 377 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", at the intersection of the Northeasterly right-of-way line of F.M. 2757 (a 100 foot wide right-of-way) and the Northwesterly line of said J. Moore Survey and the Southeasterly line of the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas:

THENCE North 44 deg. 34 min. 48 sec. East, along the common line between said J. Moore Survey and the Martha Musick Survey, a distance of 7372.19 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", at the intersection of the Northwesterly line of said J. Moore Survey and the Southwesterly right-of-way line of Farm-Market 741 (a variable width right-of-way at this point);

THENCE along the Southwesterly right-of-way line of said Farm-Market 741 as follows:

South 49 deg. 34 min. 23 sec. East, a distance of 148.05 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", for the beginning of a curve to the left having a radius of 1858.59 feet;

Along said curve to the left, through a central angle of 07 deg. 34 min. 00 sec., an arc length of 245.45 feet, and having a long chord which bears South 53 deg. 21 min. 23 sec. East, 245.27 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

South 57 deg. 08 min. 23 sec. East, a distance of 300.24 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", for the beginning of a curve to the left having a radius of 11,472.09 feet:

Along said curve to the left, through a central angle of 02 deg. 58 min. 15 sec., an arc length of 594.81 feet, and having a long chord which bears South 55 deg. 39 min. 16 sec. East, 594.75 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

South 57 deg. 06 min. 23 sec. East, a distance of 327.99 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", for the beginning of a curve to the right having a radius of 5684.58 feet:

Along said curve to the right, through a central angle of 12 deg. 08 min. 00 sec., an arc length of 1203.80 feet, and having a long chord which bears South 51 deg. 02 min. 23 sec. East, 1201.56 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", from which a concrete monument found bears North 45 deg. 01 min. 37 sec. East, 90.00 feet;

South 44 deg. 58 min. 23 sec. East, a distance of 755.25 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

South 45 deg. 13 min. 23 sec. East, a distance of 238.92 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", at the North corner of the Dallas East Estates, an addition to Kaufman County, Texas, according to the plat filed for record in Cabinet I, Slide 94 of the Plat Records of Kaufman County, Texas, from which a 1/2 inch iron rod found bears North 44 deg. 19 min. 24 sec. East, 2.00 feet;

THENCE South 44 deg. 19 min. 24 sec. West, leaving the Southwesterly right-of-way line of the aforementioned Farm-Market 741, and along the Northwesterly boundary line of said Dallas East Estates, a distance of 1401.27 feet to a 5/8 inch iron rod found for the West corner of said Dallas East Addition and being on the Northeasterly boundary line of the aforementioned Tract K30:

THENCE South 44 deg. 45 min. 48 sec. East, along the common boundary line between said Dallas East Addition and said Tract K30, a distance of 1444.80 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", on the Northwesterly right-of-way line of said Farm-Market 741, from which a 1/2 inch iron rod found bears South 45 deg. 39 min. 35 sec. East, 2.99 feet;

THENCE along the Northwesterly right-of-way line of said Farm-Market 741 as follows:

South 44 deg. 20 min. 25 sec. West, a distance of 545.05 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

North 45 deg. 39 min. 35 sec. West, a distance of 10.00 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

South 44 deg. 20 min. 25 sec. West, a distance of 700.00 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", on the Southwesterly boundary line of said Tract K30 and on the Northeasterly boundary line of that certain called 175 acre tract of land described as Tract 4 in the deed to Fitzpatrick, Ltd., filed for record in Volume 1166, Page 377, Deed Records, Kaufman County, Texas;

South 45 deg. 39 min. 35 sec. East, a distance of 10.00 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

South 44 deg. 06 min. 40 sec. West, a distance of 2767.02 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

South 43 deg. 59 min. 38 sec. West, a distance of 2246.81 feet to a concrete monument found at the intersection of the Northwesterly right-of-way line of said Farm-Market 741 and the Northeasterly right-of-way line of Farm-Market 2757 (a 100 foot wide right-of-way);

THENCE along the Northeasterly right-of-way line of said Farm-Market 2757 as follows;

South 89 deg. 23 min. 24 sec. West, a distance of 138.28 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

North 44 deg. 17 min. 39 sec. West, a distance of 1248.09 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

North 45 deg. 23 min. 39 sec. West, along the Northeasterly right-of-way line of said Farm-Market 2757, a distance of 624.63 feet to a 1/2 inch iron rod found, from which a concrete monument found bears South 45 deg. 23 min. 39 sec. East, 2.41 feet;

THENCE North 45 deg. 36 min. 39 sec. West, continuing along the Northeasterly line of said Farm-Market 2757, at a distance of 642.28 feet passing a concrete monument found, and at a distance of 2041.86 feet passing a concrete monument found, and continuing in all a distance of 3302.91 feet to the POINT OF BEGINNING and containing 876.480 acres (38,179,459 square feet) of land.

* METES & BOUNDS DESCRIPTION *

Tract 7B

BEING all that certain lot, tract or parcel of land located in the J. Moore Survey, Abstract No. 309, Kaufman County, Texas, and being a portion of that certain tract of land described as Tract K31 in the deed to West Foundation, according to the deed filed for record in Volume 749, Page 245 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with a cap stamped "Pate Engrs." at the intersection of the Southwesterly boundary line of said Tract K31 and the Southeasterly right-of-way line of Farm-Market 741 (a 90 foot wide right-of-way), said iron rod being in the center of County Road No. 269;

THENCE along the Southwesterly right-of-way line of said Farm-Market 741 as follows:

North 43 deg. 59 min. 38 sec. East, along the Southeasterly right-of-way line of said Farm-Market 741, a distance of 2525.09 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

North 44 deg. 20 min. 25 sec. East, at a distance of 792.50 feet passing a concrete monument found and at a distance of 2590.74 feet passing a concrete monument found and continuing in all a distance of 4582.54 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs." for the beginning of a curve to the left having a radius of 761.20 feet;

Along said curve to the left, through a central angle of 11 deg. 23 min. 36 sec., an arc length of 151.37 feet and having a long chord which bears North 38 deg. 38 min. 37 sec. East, 151.12 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.";

North 44 deg. 20 min. 25 sec. East, a distance of 463.83 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs." for the beginning of a curve to the left having a radius of 127.30 feet;

Along said curve to the left, through a central angle of 40 deg. 09 min. 07 sec., an arc length of 89.21 feet and having a long chord which bears North 24 deg. 15 min. 15 min. East, 87.40 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs.", said iron rod being on the Northwesterly boundary line of the aforementioned Tract K31;

THENCE North 44 deg. 20 min. 24 sec. East, along the Northwesterly line of said Tract K31, a distance of 14.48 feet to a 1/2 inch iron rod set with a cap stamped "Pate Engrs." for the Northwest corner of said Tract K31, said iron rod being in County Road No.260 (an undefined width right of way);

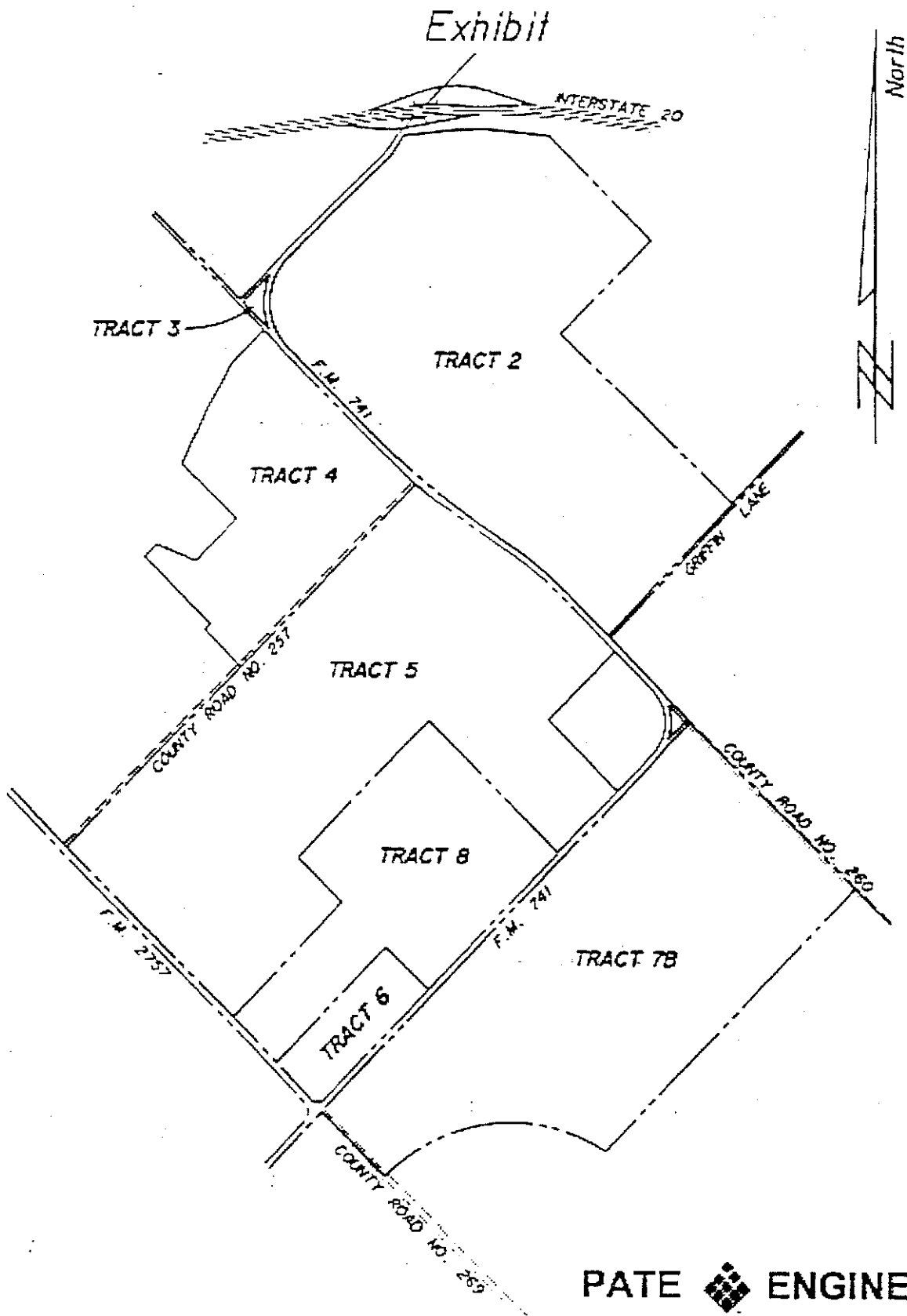
THENCE South 46 deg. 07 min. 54 sec. East, along the Northeasterly boundary line of said Tract K31 and with said County Road No. 260, a distance of 3434.03 feet to a 1/2

inch iron rod set with a cap stamped "Pate Engrs." in the center of said County Road No. 260 and being the Northeast corner of said Tract K31:

THENCE South 44 deg. 14 min. 23 sec. West, along the Southeasterly boundary line of said Tract K31 and the Northwesterly boundary line of that certain called 1000 acre tract of land conveyed to Fitzpatrick, Ltd., according to the deed filed for record in Volume 1166, Page 368, Deed Records, Kaufman County, Texas, at a distance of 30.00 feet passing a 1/2 inch iron rod set with a cap stamped "Pate Engrs." for reference and continuing along said boundary line at a distance of 5207.52 feet to a point for corner, said point being the beginning of a non-tangent curve to the left having a radius of 2640.00 feet;

THENCE along said non-tangent curve to the left, through a central angle of 84 deg. 09 min. 07 sec., an arc length of 3877.44 feet, and having a long chord which bears South 86 deg. 11 min. 55 sec. West, 3538.21 feet, to a point for corner on the Southwesterly boundary line of the aforesaid Tract K 31, said point also being in County Road No. 269 (an undefined width right-of-way);

THENCE North 45 deg. 52 min. 38 sec. West, along the Southwesterly boundary line of said Tract K31 and along said County Road No. 269, a distance of 1021.76 feet to the POINT OF BEGINNING and containing 500.6784 acres (21,809,550 square feet) of land.



PATE ENGINEERS

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