

RESOLUTION NO. 17-2003

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 KINGSBOROUGH MUNICIPAL UTILITY DISTRICT NO. 1 OF KAUFMAN COUNTY 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 April 1, 2003, 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 Kingsborough Municipal Utility District No. 1 of Kaufman County ("KMUD NO. 1") 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 KMUD NO. 1.

SECTION 2. That as a condition of the consent given by the City pursuant to Texas Water Code Section 54.016 (e) and (g), KMUD NO. 1 shall be subject to the following terms and provisions:

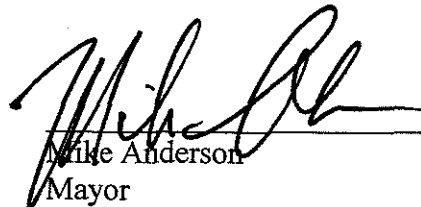
- (a) That KMUD NO. 1 must construct all facilities in accordance with plans and specifications which have been approved by the City.
- (b) That the City shall have the right to inspect all facilities being constructed by KMUD NO. 1.
- (c) That KMUD NO. 1 may only issue bonds for the purchase, construction, 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 KMUD NO. 1; 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 KMUD NO. 1 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 KMUD NO. 1, 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 KMUD NO. 1 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 2nd day of June, 2003.


 Mike Anderson
 Mayor

ATTEST:

APPROVED:


 Judy Womack
 City Secretary



 B. Smith
 City Attorney

EXHIBIT "A"

*** METES & BOUNDS DESCRIPTION *
DISTRICT NO. 1**

BEING all that certain lot, tract or parcel of land located in the J. G. Moore Survey, Abstract No. 309 and the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the of the Northeasterly right-of-way line of Farm-Market 2757 (a 100 foot wide right-of-way), and the Northwesterly line of said J. G. Moore Survey and the Southeasterly line of said Martha Musick Survey;

THENCE North 44 deg. 34 min. 48 sec. East, along the common line between said J. G. Moore Survey and the Martha Musick Survey, a distance of 1644.55 feet, to the POINT OF BEGINNING of the herein described tract of land;

THENCE North 44 deg. 34 min. 48 sec. East, continuing along the common line between said J. G. Moore Survey and the Martha Musick Survey, a distance of 2015.87 feet;

THENCE North 44 deg. 20 min. 17 sec. West, departing said common line, a distance of 763.42 feet;

THENCE North 44 deg. 46 min. 22 sec. East, a distance of 110.79 feet;

THENCE North 45 deg. 13 min. 38 sec. West, a distance of 1367.42 feet;

THENCE North 44 deg. 46 min. 22 sec. East, a distance of 247.49 feet;

THENCE South 68 deg. 13 min. 38 sec. East, a distance of 627.70 feet;

THENCE North 44 deg. 26 min. 44 sec. East, a distance of 853.26 feet;

THENCE North 45 deg. 59 min. 01 sec. West, a distance of 1118.32 feet;

THENCE North 25 deg. 16 min. 32 sec. East, a distance of 918.27 feet;

THENCE North 27 deg. 53 min. 12 sec. East, a distance of 712.32 feet;

THENCE North 44 deg. 02 min. 09 sec. East, a distance of 693.71 feet, to the Southwesterly right-of-way line of High Country Lane (a 60 foot wide right-of-way);

THENCE South 45 deg. 14 min. 23 sec. East, along the Southwesterly right-of-way line of said High Country Lane, a distance of 263.11 feet, to the intersection of the Southwesterly right-of-way line of said High Country Lane and the Southwesterly right-of-way line of Farm-Market 741 (a variable width right-of-way), and being the beginning of a non-tangent curve to the left having a radius of 999.93 feet;

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

Along said non-tangent curve to the left and in a Southeasterly direction, through a central angle of 09 deg. 56 min. 12 sec., an arc length of 173.42 feet, said non-tangent curve also having a long chord which bears South 40 deg. 16 min. 17 sec. East, 173.20 feet;

South 45 deg. 14 min. 23 sec. East, a distance of 1653.79 feet, to the beginning of a non-tangent curve to the left having a radius of 11,472.09 feet;

Along said non-tangent curve to the left and in a Southeasterly direction, through a central angle of 03 deg. 05 min. 42 sec., an arc length of 619.69 feet, said non-tangent curve to the left having a long chord which bears South 46 deg. 47 min. 14 sec. East, 619.62 feet;

South 45 deg. 21 min. 23 sec. East, a distance of 182.35 feet, to the beginning of a non-tangent curve to the left having a radius of 2993.57 feet;

Along said non-tangent curve to the left and in a Southeasterly direction, through a central angle of 04 deg. 13 min. 00 sec., an arc length of 220.31 feet, said non-tangent curve to the left also having a long chord which bears South 47 deg. 27 min. 53 sec. East, 220.26 feet;

South 49 deg. 34 min. 23 sec. East, a distance of 222.84 feet, to the beginning of a curve to the left having a radius of 1858.59 feet;

Along said curve to the left and in a Southeasterly direction, through a central angle of 07 deg. 34 min. 00 sec., an arc length of 245.45 feet, said curve to the left also having a long chord which bears South 53 deg. 21 min. 23 sec. East, 245.27 feet;

South 57 deg. 08 min. 23 sec. East, a distance of 300.24 feet, to the beginning of a curve to the left having a radius of 11,472.09 feet;

Along said curve to the left and in a Southwesterly direction, through a central angle of 02 deg. 58 min. 15 sec., an arc length of 594.81 feet, said curve to the left also having a long chord which bears South 55 deg. 39 min. 16 sec. East, 594.75 feet;

South 57 deg. 06 min. 23 sec. East, a distance of 327.99 feet, to the beginning of a curve to the right having a radius of 5684.58 feet;

Along said curve to the right and in a Southeasterly direction, through a central angle of 12 deg. 08 min. 00 sec., an arc length of 1203.80 feet, said curve also having a long chord which bears South 51 deg. 02 min. 23 sec. East, 1201.56 feet;

South 44 deg. 58 min. 23 sec. East, a distance of 755.25 feet;

South 45 deg. 13 min. 23 sec. East, a distance of 238.92 feet, to the North corner of the Dallas East Estates which is located to the Southwest of said Farm – Market 741;

THENCE South 44 deg. 19 min. 24 sec. West, departing the Southwesterly right-of-way line of said Farm – Market 741 and along the Northwesterly boundary line of said Dallas East Addition, a distance of 1401.27 feet, to the most Westerly corner of said Dallas East Addition;

THENCE South 44 deg. 45 min. 48 sec. East, along the most Southwesterly boundary line of said Dallas East Addition, a distance of 1444.80 feet, to the Northwesterly right-of-way line of said Farm – Market 741;

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;

North 45 deg. 39 min. 35 sec. West, a distance of 10.00 feet;

South 44 deg. 20 min. 25 sec. West, a distance of 700.00 feet;

South 45 deg. 39 min. 35 sec. East, a distance of 10.00 feet;

South 44 deg. 20 min. 25 sec. West, a distance of 933.41 feet;

THENCE North 49 deg. 43 min. 48 sec. East, departing the Northwesterly right-of-way line of said Farm – Market 741, a distance of 794.74 feet;

THENCE North 78 deg. 41 min. 33 sec. West, a distance of 280.00 feet;

THENCE North 46 deg. 19 min. 02 sec. West, a distance of 1073.59 feet;

THENCE North 66 deg. 21 min. 14 sec. East, a distance of 1045.54 feet;

THENCE South 81 deg. 36 min. 53 sec. West, a distance of 327.60 feet;

THENCE South 72 deg. 56 min. 15 sec. West, a distance of 778.38 feet;

THENCE South 87 deg. 16 min. 19 sec. West, a distance of 610.31 feet;

THENCE North 77 deg. 32 min. 02 sec. West, a distance of 731.98 feet;

THENCE North 58 deg. 36 min. 37 sec. West, a distance of 578.95 feet, to the POINT OF BEGINNING and containing 692.696 acre (30,173,840 square feet) of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest simplified or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.