

RESOLUTION NO. 18-2003

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. 2 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. 2 of Kaufman County ("KMUD NO. 2") 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. 2.

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. 2 shall be subject to the following terms and provisions:

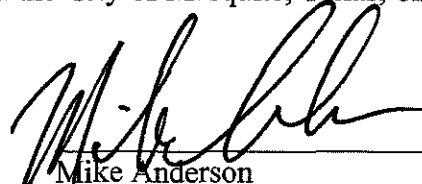
- (a) That KMUD NO. 2 must construct all facilities in accordance with plans and specifications which have been approved by the City.
- (b) That the City shall have the right to inspect all facilities being constructed by KMUD NO. 2.
- (c) That KMUD NO. 2 may only issue bonds for the purchase, construction,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

EXHIBIT "A"*** METES & BOUNDS DESCRIPTION *
DISTRICT NO. 2**

BEING all that certain lot, tract or parcel of land located in the J. G. 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 720, Page 860 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING 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;

North 44 deg. 20 min. 25 sec. East, a distance of 4582.54 feet, to 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;

North 44 deg. 20 min. 25 sec. East, a distance of 463.83 feet, to 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;

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 point in County Road No. 260 (an undefined width right of way);

THENCE South 46 deg. 07 min. 54 sec. East, along said County Road No. 260, a distance of 3434.03 feet;

THENCE South 44 deg. 14 min. 23 sec. West, departing said County Road No. 260, a distance of 5193.79 feet, to 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 90 deg. 07 min. 01 sec., an arc length of 4152.29 feet, and having a long chord which bears South 89 deg. 10 min. 52 sec. West, 3737.33 feet, to a point in County Road No. 269 (an undefined width right-of-way);

THENCE North 45 deg. 52 min. 38 sec. West, along said County Road No. 269, a distance of 747.41 feet to the POINT OF BEGINNING and containing 484.081 acres (21,086,547 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.