

RESOLUTION NO. 19-2003

000739

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. 3 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. 3 of Kaufman County ("KMUD NO. 3") 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. 3.

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

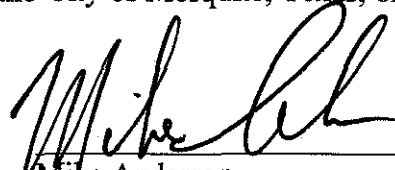
- (a) That KMUD NO. 3 must construct all facilities in accordance with plans and specifications which have been approved by the City.
- (b) That the City shall have the right to inspect all facilities being constructed by KMUD NO. 3.
- (c) That KMUD NO. 3 may only issue bonds for the purchase, construction, 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. 3; 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. 3 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. 3, 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. 3 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.



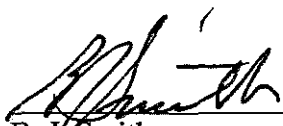
 Mike Anderson
 Mayor

ATTEST:

APPROVED:



 Judy Womack
 City Secretary



 B. J. Smith
 City Attorney

EXHIBIT "A"*** METES & BOUNDS DESCRIPTION *
DISTRICT NO. 3**

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 more particularly described by metes and bounds as follows:

BEGINNING 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;

THENCE South 58 deg. 36 min. 37 sec. East, departing said common line, a distance of 578.95 feet;

THENCE South 77 deg. 32 min. 02 sec. East, a distance of 731.98 feet;

THENCE North 87 deg. 16 min. 19 sec. East, a distance of 610.31 feet;

THENCE North 72 deg. 56 min. 15 sec. East, a distance of 778.38 feet;

THENCE North 81 deg. 36 min. 53 sec. East, a distance of 327.60 feet;

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

THENCE South 46 deg. 19 min. 02 sec. East, a distance of 1073.59 feet;

THENCE South 78 deg. 41 min. 33 sec. East, a distance of 280.00 feet;

THENCE South 49 deg. 43 min. 48 sec. East, a distance of 794.74 feet, to a point on the Northwesterly right-of-way line of Farm – Market 741 (an 80 foot wide right-of-way);

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 1657.58 feet;

South 43 deg. 59 min. 38 sec. West, a distance of 2422.82 feet, to the intersection of the Northwesterly right-of-way line of said Farm-Market 741 and the Northeasterly right-of-way line of the aforementioned Farm-Market 2757;

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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;

North 44 deg. 17 min. 39 sec. West, a distance of 1248.09 feet;

North 45 deg. 23 min. 39 sec. West, a distance of 624.62 feet;

North 45 deg. 36 min. 39 sec. West, a distance of 3302.91 feet, to the POINT OF BEGINNING and containing 392.241 acre (17,086,006 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.