

RESOLUTION NO. 20-2003

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. 4 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. 4 of Kaufman County ("KMUD NO. 4") 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. 4.

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


- (a) That KMUD NO. 4 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. 4.
- (c) That KMUD NO. 4 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. 4; 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. 4 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. 4, 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. 4 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"

060145

* METES & BOUNDS DESCRIPTION * DISTRICT NO. 4

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 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 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);

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; North 88 deg. 29 min. 25 sec. East, a distance of 474.54 feet; South 84 deg. 18 min. 42 sec. East, a distance of 952.45 feet; South 78 deg. 59 min. 16 sec. East, a distance of 4.49 feet to 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 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 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 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 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;

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, said point being 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;

North 57 deg. 06 min. 23 sec. West, generally along a barbed wire fence, a distance of 328.05 feet, said point being 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;

North 45 deg. 14 min. 23 sec. West, generally along said fence, a distance of 1653.79 feet, said point being 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;

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

North 45 deg. 18 min. 41 sec. East, a distance of 199.54 feet;

North 46 deg. 06 min. 41 sec. East, a distance of 1039.75 feet;

North 46 deg. 21 min. 41 sec. East, a distance of 759.38 feet, said point being 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;

North 31 deg. 53 min. 41 sec. East, a distance of 210.50 feet, said point being 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 606.441 acres (26,416,564 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.