

RESOLUTION NO. 50-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REFUSING TO GIVE ITS CONSENT TO THE PETITION OF TALTY I-20, L.P., FOR THE CREATION OF TALTY MUNICIPAL UTILITY DISTRICT NO. 1, A PORTION OF WHICH LIES WITHIN THE CITY'S MUNICIPAL BOUNDARIES.

WHEREAS, on January 4, 2006, Talty I-20, L.P., submitted a petition to the City of Mesquite requesting the City's consent for the creation of Talty Municipal Utility District No. 1; and

WHEREAS, the land to be included within the proposed municipal utility district is located within Kaufman County and consists of approximately 202 acres, a portion of which is located within the municipal boundaries of the City of Mesquite effective this date and a portion of which is located within the extraterritorial jurisdiction of the City of Seagoville, and is further described in Exhibit "A" attached hereto; and

WHEREAS, pursuant to Local Government Code §42.042 and Water Code §54.016, no land within a city's municipal boundaries shall be included within a municipal utility district unless the city grants its written consent; and

WHEREAS, the petition states that the territory to be included within the district will be rapidly developed primarily for residential purposes with some commercial and retail use and will continue to develop until the majority of the territory located therein is used for residential purposes; and

WHEREAS, the stated purpose of the municipal utility district is to construct improvements that are necessary to accommodate such development within the immediate future to finance the water, wastewater, drainage facilities and roads; and

WHEREAS, the proposed district is situated within the municipal boundaries of the City of Mesquite, and if created, it would complicate implementation of the City's plans for growth into Kaufman County; and

WHEREAS, the proposed municipal utility district includes significant frontage on the south right-of-way of Interstate 20 that holds great potential for commercial development, and commercial and industrial expansion along the Interstate 20 corridor will be enhanced by minimizing the number of taxing entities involved; and

WHEREAS, the City of Mesquite has the resources and ability, at the appropriate time, to provide the territory within the proposed district with the off-site infrastructure adequate to serve any residential or commercial development that may take place.

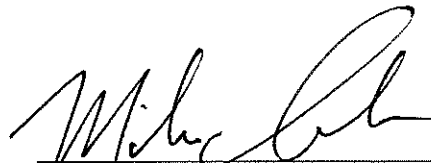
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That any residential or commercial development that may occur eventually on or near the petitioners' land shall be best served by obtaining off-site infrastructure from or through the City of Mesquite (the "City") in the customary manner.

SECTION 2. That, accordingly, the City hereby refuses to give its consent for the creation of the Talty Municipal Utility District No. 1.

SECTION 3. That at the appropriate time the City shall cooperate with petitioners to help them secure adequate off-site infrastructure to a proposed development in accordance with the City's ordinances and policies for same.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 21st day of August, 2006.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

FIELD NOTES

Talty I-20, LP Kaufman County, Texas

BEING a tract of land situated in the G.B. Mason Survey, Abstract No. 353, Fincher Jones Survey, Abstract No. 261, S.L. Wooldridge Survey, Abstract No. 594, S.A. & M.G. RY CO. Survey, Abstract No. 520 and the Thomas W. Ritter Survey, Abstract No. 434, Kaufman County, Texas and being all of a called 128.182 acre tract of land described in a Deed to Talty I-20, LP, as recorded in Volume 2383, Page 450 of the Official Public Records of Kaufman County, Texas, and all of a called 52.367 acre tract of land described in a Deed to Talty I-20, LP, as recorded in Volume 2491, Page 405 of the Official Public Records of Kaufman County, Texas, and all of a called 22.002 acre tract of land described in a Deed to Talty I-20, LP, as recorded in Volume 2593, Page 393 of the Official Public Records of Kaufman County, Texas and being more particularly described as follows:

BEGINNING at point for corner in the North right of way line of Farm to Market Road No. 740 a (variable width right of way), said point being the Southwest corner of the above cited 128.182 acre tract;

THENCE North 00 degrees 02 minutes 49 seconds East, departing the Northerly right of way line of said Farm to Market Road No. 740, for a distance of 2444.67 feet to a point for corner, said point being the Southwest corner of the above cited 22.002 acre tract;

THENCE North 00 degrees 14 minutes 12 seconds West along the West line of said 22.002 acre tract, for a distance of 501.78 feet to a point for corner, said point being the Southwest corner of the above cited 52.367 acre tract;

THENCE North 01 degrees 24 minutes 02 seconds East along the West line of said 52.367 acre tract, for a distance of 12.42 feet to a point for corner;

THENCE North 44 degrees 44 minutes 06 seconds East along the Westerly line of said 52.367 acre tract, for a distance of 1287.89 feet to a point for corner in the Southerly right of way line of Interstate Highway No. 20, (a variable width right of way);

THENCE North 87 degrees 04 minutes 09 seconds East along the Southerly line of said Interstate Highway No. 20, for a distance of 1421.94 feet to a point for corner;

THENCE South 85 degrees 46 minutes 07 seconds East continuing along the Southerly line of said Interstate Highway No. 20, for a distance of 975.75 feet to a point for corner;

THENCE South 79 degrees 42 minutes 39 seconds East along the Southerly line of said Interstate Highway No. 20, for a distance of 144.78 feet to a point for corner;

THENCE departing the Southerly line of Interstate Highway No. 20, and along the Easterly line of said 52.367 acre tract as follows:

South 55 degrees 35 minutes 22 seconds West for a distance of 622.87 feet to a point for corner;

South 62 degrees 38 minutes 58 seconds West for a distance of 181.84 feet to a point for corner;

South 50 degrees 08 minutes 22 seconds West for a distance of 170.06 feet to a point for corner;

South 29 degrees 43 minutes 20 seconds West for a distance of 202.38 feet to a point for corner;

South 56 degrees 07 minutes 26 seconds West for a distance of 132.45 feet to a point for corner;

South 40 degrees 44 minutes 18 seconds West for a distance of 114.78 feet to a point for corner at the Southeast corner of said 52.367 acre tract;

THENCE South 89 degrees 29 minutes 13 seconds West along the South line of said 52.367 acre tract, for a distance of 450.31 feet to a point for corner, said point being the Northeast corner of said 22.002 acre tract;

THENCE South 00 degrees 14 minutes 12 seconds East, departing the South line of said 52.367 acre tract, and along the East line of said 22.002 acre tract, for a distance of 506.54 feet to a point for corner in the North line of said 128.182 acre tract;

THENCE North 89 degrees 37 minutes 49 seconds East along the Northerly line of said 128.182 acre tract, for a distance of 599.16 feet to a point for corner;

THENCE along the Easterly line of said 128.182 acre tract as follows:

South 68 degrees 47 minutes 49 seconds East for a distance of 473.31 feet to a point for corner;

South 44 degrees 57 minutes 57 seconds West for a distance of 482.31 feet to a point for corner;

South 68 degrees 45 minutes 57 seconds East for a distance of 178.47 feet to a point for corner; .

South 09 degrees 26 minutes 57 seconds West for a distance of 230.03 feet to a point for corner;

South 47 degrees 31 minutes 57 seconds East for a distance of 276.58 feet to a point for corner;

South 45 degrees 16 minutes 23 seconds East for a distance of 15.08 feet to a point for corner, said point being in the Northerly right of way line of Farm to Market Road No. 740;

THENCE South 44 degrees 58 minutes 12 seconds West along the Northerly line of Farm to Market Road No. 740, for a distance of 1501.00 feet to a point for corner, at the beginning of a curve to the right;

THENCE in a Southwesterly direction along the Northerly line of Farm to Market Road No. 740, and along said curve to the right having a central angle of 73 degrees 22 minutes 00 seconds, a radius of 119.85 feet, a chord bearing of South 81 degrees 39 minutes 12 seconds West, a chord distance of 143.19 feet, and an arc length of 153.47 feet to a point for corner;

THENCE North 61 degrees 36 minutes 30 seconds West along the Northerly line of Farm to Market Road No. 740, for a distance of 124.54 feet to a point for corner, at the beginning of a curve to the left

THENCE in a Northwesterly direction along the Northerly line of Farm to Market Road No. 740, and along said curve to the left having a central angle of 47 degrees 26 minutes 06 seconds, a

radius of 194.73 feet, a chord bearing of North 85 degrees 19 minutes 33 seconds West, a chord distance of 156.65 feet, and an arc length of 161.22 feet to a point for corner;

THENCE South 71 degrees 12 minutes 39 seconds West along the Northerly line of Farm to Market Road No. 740; for a distance of 461.31 feet to a point for corner, at the beginning of a curve to the right;

THENCE in a Southwesterly direction along the Northerly line of Farm to Market Road No. 740, and along said curve to the right having a central angle of 05 degrees 24 minutes 32 seconds, a radius of 11480.25 feet, a chord bearing of South 73 degrees 54 minutes 55 seconds West, a chord distance of 1083.38 feet, and an arc length of 1083.77 feet to the **POINT OF BEGINNING**, and containing 202.552 acres of land, more or less.