

RESOLUTION NO. 26-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REPEALING RESOLUTION NO. 01-2020 AND ADOPTING A RESOLUTION CONSENTING TO AND EVIDENCING SUPPORT FOR CREATION OF THE SPRADLEY FARMS IMPROVEMENT DISTRICT OF KAUFMAN COUNTY THROUGH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, TO INCLUDE APPROXIMATELY 621.998 ACRES OF LAND, CONSISTING OF APPROXIMATELY 613.573 ACRES GENERALLY LOCATED SOUTH OF INTERSTATE HIGHWAY 20, NORTH AND EAST OF FM 2757, AND NORTH AND WEST OF UNION HILL ROAD, AND APPROXIMATELY 8.425 ACRES GENERALLY LOCATED NORTH OF INTERSTATE HIGHWAY 20 AND SOUTHWEST OF CIMARRON TRAIL, ALL OF SUCH PROPERTY BEING LOCATED IN KAUFMAN COUNTY, TEXAS, AND WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, on or about September 12, 2019 and pursuant to Chapter 375, Texas Local Government Code, Spradley Farms Ltd. (the “**Owner**”), filed with the City of Mesquite, Texas (the “**City**”), a “Petition for Consent to and Support of Creation of Spradley Farms Improvement District of Kaufman County” (the “**Petition**”), a true and correct copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, seeking creation of the Spradley Farms Improvement District of Kaufman County (the “**District**”), to serve approximately 621.998 acres of land in Kaufman County, Texas, the boundaries of which are more particularly described in Exhibit “A” to Exhibit “1” and depicted in Exhibit “2” attached hereto and incorporated herein by reference, all of which land is currently located within the corporate limits of the City; and

**WHEREAS**, the Owner desired to file, and did file, an application (the “**Application**”) with the Texas Commission on Environmental Quality (the “**TCEQ**”) seeking creation of the District and, in accordance with Section 375.022, Texas Local Government Code, requested a resolution of the governing body of the City in support of the creation of the District; and

**WHEREAS**, on September 16, 2019, the City Council of the City considered and approved Resolution No. 68-2019 supporting the creation of the District; and

**WHEREAS**, on January 6, 2020, the City Council of the City considered and approved Resolution No. 01-2020 repealing Resolution No. 68-2019 and opposing creation of the District; and

**WHEREAS**, the City and the Owner have resolved their differences regarding the District and underlying project which includes, *inter alia*, the Owner filing an amendment to the Application to address new proposed directors as well as amending the feasibility analysis, and the City Council of the City desires to support the Petition and the revised Application and adopt this Resolution for the purpose of repealing Resolution 01-2020 and evidencing its consent to and support for creation of the District and filing of the Application, as amended, with the TCEQ.

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

**SECTION 1.** The facts and recitations in the preamble of this resolution are true and correct and incorporated herein by reference.

**SECTION 2.** The City Council of the City of Mesquite, Texas, hereby repeals Resolution No. 01-2020 in its entirety, which is hereby of no force and effect as to any matter contained therein.

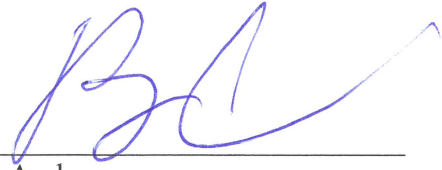
**SECTION 3.** The City Council of the City of Mesquite, Texas, hereby grants approval of the Petition; consents to and evidences its support for creation of the District as described therein, and approves the filing of the Application, as amended, with the TCEQ; with the following amendments. First, the Application shall be amended consistent with the terms and provisions of the Amended Project Plan and Financing Plan for Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley farms), approved by the City Council on July 6, 2020, by Ordinance No. 4790. Second, the following persons are to be named in the Application to serve as the initial directors of the District for the indicated terms:

| Position No. | Term    | Proposed Initial Director |
|--------------|---------|---------------------------|
| 1            | 4 years | Kelly Crawford            |
| 2            | 2 years | Hunter Graham             |
| 3            | 4 years | Brian Hutcheson           |
| 4            | 2 years | Carolyn Miller Stoddard   |
| 5            | 2 years | Dan Gerlach               |

**SECTION 4.** Passage of this Resolution does not constitute any approval by the City required by Chapter 375, Section 375.207 of the Local Government Code. Pursuant to Section 375.207(b) of the Local Government Code, as amended, City approval of District bond issuances and District plans for any improvement projects financed by a District bond issuance or that involves the use of the rights-of-way of streets, roads or highway, or the use of municipal land or any easements granted by the City, and the District's capital improvements budgets shall be in accordance with the terms and provisions of that Amended and Restated Master Development Agreement among the City, the Board of Directors of Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), and the Owner, approved by the City Council by Resolution No. 25-2020 approved on July 6, 2020.

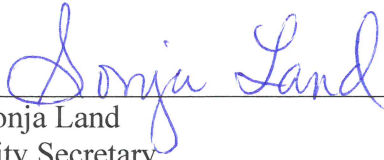
**SECTION 5.** This resolution shall be in full force and effect from and after its passage.

**DULY RESOLVED** by the City Council of the City of Mesquite, Texas, on the 6th day of July 2020.



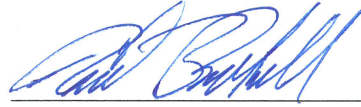
\_\_\_\_\_  
Bruce Archer  
Mayor

ATTEST:



\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



\_\_\_\_\_  
David L. Paschall  
City Attorney

# EXHIBIT 1

PETITION FOR CONSENT TO AND SUPPORT OF CREATION OF  
SPRADLEY FARMS IMPROVEMENT DISTRICT OF KAUFMAN COUNTY

THE STATE OF TEXAS     §  
                                  §  
COUNTY OF KAUFMAN   §

TO THE HONORABLE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

The undersigned (herein the "Petitioner"), the owner of a majority of the assessed value of the real property situated within the area hereinafter described, according to the most recent certified property tax rolls of Kaufman County, Texas, acting pursuant to the provisions of Chapter 375, Local Government Code, respectfully petitions your Honorable Body for consent to and support of the creation of a municipal management district (the "District"), and would respectfully show the following:

I.

The District shall be created and organized under the terms and provisions of Article III, Section 52, Article XVI, Section 59, and Article III, Section 52-a of the Constitution of Texas and Chapter 375, Local Government Code, together with all amendments and additions thereto. The District shall have all the rights, powers, privileges, authority and functions conferred by and subject to all duties imposed by Chapter 375, Local Government Code, and the general laws relating to municipal management districts.

II.

The District shall consist of two (2) non-contiguous tracts of land containing an area of approximately 621.998 acres of land, more or less, lying wholly within Kaufman County, Texas, and is described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein for all purposes. All of the area within the proposed District is within the corporate limits of the City of Mesquite, Texas (the "City"), and is not within the corporate limits or extraterritorial jurisdiction of any other municipality. All of the territory proposed to be included may be properly included in the District.

III.

The undersigned Petitioner holds title to land within the proposed District, and is the owner of a majority of the assessed value of the real property within the proposed District that would be subject to assessment by the District according to the most recent certified tax rolls of Kaufman County, Texas.

#### IV.

The specific purposes for which the District will be created are as set forth in Chapter 375, Local Government Code, and include promoting employment, commerce, economic development, expansion of transportation, and public welfare.

#### V.

The general nature of the work, project, and services proposed to be provided by the District at the present time is the purchase, construction, acquisition, improvement, extension, maintenance and operation of a waterworks and sanitary sewer system for domestic and commercial purposes; the purchase, construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of water; purchase, construction, acquisition, improvement, extension, maintenance and operation of a system of roads and improvements in aid thereof; and such other construction, acquisition, improvement, maintenance, and operation of such additional facilities, systems, plants and enterprises, and other services, as shall be consonant with the purposes for which the District is created and permitted under State law. The District may also finance one or more facilities designed or utilized to perform fire-fighting services and may purchase interests in land and purchase, construct, acquire, improve, extend, maintain and operate improvements, facilities and equipment for the purpose of providing parks and recreational facilities to the extent authorized and permitted under state law. All such improvements and services will directly benefit the property in the District, regardless of whether the improvements or services are located inside or outside its boundaries.

#### VI.

There is a necessity for the work, project, and services above described. The area to be included in said proposed District is urban in nature, is within the growing environs of the City, and will be developed for residential and commercial purposes. There is not available within the area proposed to be included in the District an adequate waterworks system, sanitary sewer system, or drainage and storm sewer system, or road system and improvements in aid thereof, and the health and welfare of the present and future inhabitants of the District require the construction, acquisition, maintenance and operation of an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, and road system.

A preliminary investigation has been made to determine the cost of the projects and is now estimated by the Petitioner, from such information as is available at this time, that the cost of said projects and services will be approximately \$265,878,282.

VII.

The name of the proposed District shall be SPRADLEY FARMS IMPROVEMENT DISTRICT OF KAUFMAN COUNTY. There is no other municipal management district in Kaufman County, Texas, with the same name.

VIII.

The undersigned Petitioner recommends the following persons to serve as initial directors of the District:

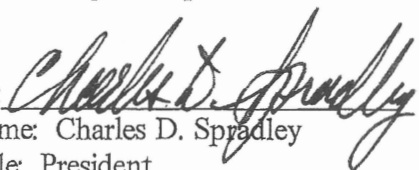
| <u>Position</u> | <u>Name</u>       |
|-----------------|-------------------|
| 1               | Hank Swayze       |
| 2               | Hunter Graham     |
| 3               | Don A. Duke       |
| 4               | Arianne Bielstein |
| 5               | Robert D. Gerlach |

WHEREFORE, Petitioner respectfully prays that this Petition be heard and that the City Council of the City duly pass and approve an ordinance or resolution granting consent to and supporting the creation of the District and authorizing the inclusion of the land within the District; and approving the individuals named herein to serve as initial directors of the District.

RESPECTFULLY SUBMITTED and effective this 12 day of September, 2019.

SPRADLEY FARMS, LTD.

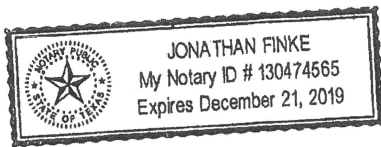
By: Spradley Enterprises, LC  
its general partner


By:   
Name: Charles D. Spradley  
Title: President

"PETITIONER"

THE STATE OF TEXAS   §  
  §  
COUNTY OF KAUFMAN   §

This instrument was acknowledged before me on this the 12 day of September, 2019, by Charles D. Spradley, President of Spradley Enterprises, LC, general partner of Spradley Farms, Ltd., on behalf of such limited partnership.



  
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Notary Public in and for  
the State of TEXAS



**EXHIBIT "A"**

**TRACT 1**

Being a 613.573 acre tract of land situated in the Martha Musick Survey, Abstract No.312, Kaufman County, Texas, and being all of the described tracts of land conveyed by deed to Spradley/Forney Development, LTD., as recorded in Volume 1915, Page 215, Deed Records, Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a found 3/8 inch iron rod, said point being the southwest corner of said Spradley/Forney tract, and the northwest corner of a tract of land conveyed to Heartland First Baptist Church, as recorded in Volume 3120, Page 471, Deed Records, Kaufman County, Texas, and being in the existing east right-of-way line of F.M. Road No. 2757 (a 100 foot Right-of-way);

THENCE North 45°12'17" West, along said existing east right-of-way line, a distance of 3200.34 feet to a point for corner;

THENCE North 45°48'19" West, continuing along said existing east right-of-way line, a distance of 2152.36 feet to a found concrete monument for corner;

THENCE North 37°07'32" West, a distance of 101.59 feet to a found 3/8 inch iron rod for corner;

THENCE North 45°48'19" West, a distance of 94.96 feet to a point for corner, said point being the southeast corner of a tract of land conveyed by deed to Donald G, Jr and Leasa K. Davis, as recorded in Volume 3471, Page 60, Deed Records, Kaufman County, Texas;

THENCE North 12°57'53" East, along the east line of said Davis tract, a distance of 1211.80 feet to a point for corner;

THENCE North 44°17'49" East, leaving said east line, a distance of 1211.38 feet to a point for corner, said point being in the existing south right-of-way line of State Highway I-20 (a variable width right-of-way line)

THENCE South 83°33'01" East, along said existing south right-of-way line, a distance of 2163.89 feet to a point for corner, said point being the northwest corner of a tract of land conveyed by deed to I-20 Mesquite Limited Partnership, as recorded in Volume 3072, Page 537, Deed Records, Kaufman County, Texas;

THENCE South 45°47'24" East, leaving said existing south right-of-way line, a distance of 1653.63 feet to a point for corner;

THENCE North 44°01'19" East, a distance of 1275.56 feet to a point for corner, said point being in the existing south right-of-way line of said State Highway I-20;

THENCE South 49°15'08" East, along said existing south right-of-way line, a distance of 30.13 feet to a point for corner;

THENCE North 63°09'15" East, continuing along said existing south right-of-way line, a distance of 125.17 feet to a point for corner;

THENCE South 89°55'49" East, a distance of 174.62 feet to a point for corner;

THENCE North 85°19'44" East, a distance of 1321.76 feet to a point for corner;

THENCE North 83°01'46" East, a distance of 386.92 feet to a point for corner, said point being the northwest corner of a tract of land conveyed by deed to Hubert C. Jr White and Pamela Sue Ray, as recorded in Volume 342, Page 585, Deed Records, Kaufman County, Texas;

THENCE South 07°49'06" East, leaving said existing south right-of-way line, and along the west line of said White tract, a distance of 1539.16 feet to a point for corner, said point being the northeast corner of a tract of land conveyed by deed to Maryfield, LTD, as recorded in Volume 5835, Page 580, Deed Records, Kaufman County, Texas;

THENCE South 43°07'16" West, leaving said west line, and along the north line of said Maryfield tract, a distance of 406.47 feet to a point for corner;

THENCE South 39°47'32" East, continuing along said north line, a distance of 29.09 feet to a point for corner;

THENCE South 42°47'25" West, a distance of 349.18 feet to a point for corner, said point being the northwest corner of said Maryfield tract, and the northwest corner of a tract of land conveyed by deed to Hannover Estates, LTD, as recorded in Volume 5835, Page 570, Deed Records, Kaufman County, Texas;

THENCE South 11°17'46" East, leaving said north line, and along the west line of said Hannover tract, a distance of 362.66 feet to a point for corner, said point being the northeast corner of a tract of land conveyed by deed to David R. and Winona Littlefield, as recorded in Volume 1190, Page 528, Deed Records, Kaufman County, Texas;

THENCE South 67°38'08" West, leaving said west line and along the north line of said Littlefield tract, a distance of 401.86 feet to a point for corner;

THENCE South 22°18'56" East, leaving said north line, and along the west line of said Littlefield tract, a distance of 387.16 feet to a point for corner;

THENCE South 13°40'49" West, continuing along said west line, a distance of 85.16 feet to a point for corner, said point being the northeast corner of a tract of land conveyed by deed to Future Telecom, Inc., as recorded in Volume 3611, Page 280, Deed Records, Kaufman County, Texas;

THENCE South 52°38'20" West, leaving said west line, and along the north line of said Future Telecom tract, a distance of 86.93 feet to a point for corner;

THENCE South 67°42'13" West, continuing along said north line, a distance of 190.04 feet to a point for corner;

THENCE South 76°53'07" West, a distance of 152.17 feet to a point for corner;

THENCE South 88°39'24" West, a distance of 155.78 feet to a point for corner;

THENCE South 43°55'47" West, a distance of 2284.40 feet to a point for corner, said point being in the north line of a tract of land conveyed by deed to Keith and Gina Barron, as recorded in Volume 1167, Page 930, Deed Records, Kaufman County, Texas;

THENCE South 45°15'29" West, a distance of 1143.49 feet to the POINT OF BEGINNING and CONTAINING 26,727,249 square feet, 613.573 acres of land, more or less.

#### TRACT2

Being a 8.425 acre tract of land situated in the Martha Musick Survey, Abstract No.312, Kaufman County, Texas, and being all of the described tracts of land conveyed by deed to Spradley/Forney Development, LTD., as recorded in Volume 1915, Page 215, Deed Records, Kaufman County, Texas, and being more particularly described as follows:

COMMENCING at a found 1/2 inch iron rod, said point being the southwest corner of Lot 14, and the southeast corner of Lot 13, Lone Star Estates Addition, an addition the the City of Forney, as recorded in Volume 2, Page 516, Plat Records, Kaufman County, Texas, and being in the existing north right-of-way line of State Highway I-20 (a variable width right-of-way)

THENCE North 83°17'41" West, along the south line of said Lot 13, and the existing north right-of-way line, a distance of 102.37 feet to a point for the POINT OF BEGINNING;

THENCE North 83°31'34" West, leaving said south line, and continuing along said existing north right-of-way line, a distance of 1232.22 feet to a point for

corner, said point being the most southerly southeast corner of a tract of land conveyed by deed to Beam and Sons, Inc, as recorded in Volume 839, Page 241, Deed Records, Kaufman County, Texas;

THENCE North  $44^{\circ}17'49''$  East, leaving said existing north right-of-way line, and along the east line of said Beam and Sons tract, a distance of 754.15 feet to a point for corner, said point being in the west line of said Lone Star Estates Addition;

THENCE South  $45^{\circ}47'24''$  East, leaving said east line, and along said west line, a distance of 973.34 feet to the POINT OF BEGINNING and CONTAINING 367,022 square feet, 8.425 acres of land, more or less.

# EXHIBIT 2

