

## RESOLUTION NO. 2036

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS CONSENTING TO THE CREATION OF CITY OF TERRELL MUNICIPAL UTILITY DISTRICT NO. 1, WHICH CURRENTLY LIES PARTLY WITHIN THE CORPORATE LIMITS OF THE CITY OF TERRELL AND PARTLY WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TERRELL AND WHICH WILL ALL BE ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF TERRELL PRIOR TO CREATION AND EXISTENCE AS AN IN-CITY MUNICIPAL UTILITY DISTRICT; CONSENTING TO THE ISSUANCE OF BONDS BY THE DISTRICT FOR THE CONSTRUCTION OF A WATERWORKS SYSTEM, SANITARY SEWER SYSTEM, STORM WATER DRAINAGE SYSTEM AND ROADWAY SYSTEM AS DESCRIBED IN THE PROJECT PLAN AND FINANCE PLAN APPROVED IN ORDINANCE NO. 2919; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, AP Eastland Park LLC, a Texas limited liability company and AP MV2 LLC, a Texas limited liability company (collectively, the "Petitioners"), desire that the City of Terrell, Texas (the "City") consent to the creation of City of Terrell Municipal Utility District No. 1 (the "District") to serve the approximately 724 acres of land, more or less, in Kaufman County, Texas as described in Exhibit "A" attached hereto and incorporated herein for all intents and purposes (the "Property"); and

WHEREAS, the Property to be included within the District is currently located partially within the corporate limits of the City and partially within the extraterritorial jurisdiction of the City, and the Petitioners intend to voluntarily annex those portions currently located within the extraterritorial jurisdiction of the City into the corporate limits of the City so that the entirety of the Property will be located wholly within the corporate limits of the City at the time of creation of the District; and

WHEREAS, the Petitioners have submitted to the Mayor and City Council of the City a Petition for Consent to Creation of City of Terrell Municipal Utility District No. 1 as shown in Exhibit "B" attached hereto and incorporated herein for all intents and purposes, (the "Petition"); and

WHEREAS, the general nature of the work to be done in the District is the construction, acquisition, maintenance and operation of a waterworks system, a sanitary sewer system, a storm water drainage system and roadway system as generally described in the Project Plan and Finance Plan approved by the City Council as part of Ordinance No. 2919, creating City of Terrell TIRZ #3; and

WHEREAS, the Terrell City Council desires to adopt a Resolution for the purpose of consenting to the creation of the District and consenting to the issuance by the District of bonds for the construction of a waterworks system, a sanitary sewer system, a storm water drainage system and roadway system as generally described in the Project Plan and Finance Plan approved by the City Council as part of Ordinance No. 2919, creating City of Terrell TIRZ #3.

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

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. That, conditioned upon completion of annexation of the portions of the 724 acres currently in the extraterritorial jurisdiction of the City, the City Council of the City of Terrell, Texas hereby grants its consent to the creation of City of Terrell Municipal Utility District No. 1 as described in the Petition on that portion of the Property described on the attached metes and bounds description, currently located partially within the corporate limits of the City of Terrell, Texas and partially within the extraterritorial jurisdiction of the City of Terrell, Texas, but intended to be located wholly within the corporate limits of the City of Terrell, Texas at the time of creation of the District and consenting to the issuance by the District of bonds for the construction of a waterworks system, a sanitary sewer system, a storm water drainage system and roadway system as generally described in the Project Plan and Finance Plan approved by the City Council as part of Ordinance No. 2919, creating City of Terrell TIRZ #3.

Section 3. That the City Manager is authorized to negotiate and the Mayor is authorized to execute such additional documents, if any, required to evidence the City of Terrell's Consent to the creation of City of Terrell Municipal Utility District No. 1.

Section 4. That this Resolution shall take effect immediately from and after its passage and is accordingly so resolved.

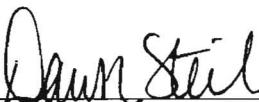
**PASSED AND APPROVED** by the City Council of the City of Terrell, Texas, on this 25<sup>th</sup> day of October, 2022.



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E. RICK CARMONA, Mayor

ATTEST:



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DAWN STEIL, City Secretary

**PETITION FOR CONSENT TO CREATION OF  
CITY OF TERRELL MUNICIPAL UTILITY DISTRICT NO. 1**

THE STATE OF TEXAS

COUNTY OF KAUFMAN

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TERRELL:

The undersigned (the "Petitioners"), acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, respectfully petitions this Honorable Council for its consent to the creation of a municipal utility district, and for cause would respectfully show the following:

I.

The name of the proposed District shall be "City of Terrell Municipal Utility District No. 1" (the "District").

II.

The District shall be organized under the terms and provisions of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto.

III.

The District shall contain an area of approximately 724 acres of land (the "Property"), situated within Kaufman County, Texas, described by metes and bounds in Exhibit "A," attached hereto and incorporated herein. The District is located partially within the corporate limits of the City of Terrell, Texas, partially within the extraterritorial jurisdiction of the City of Terrell, Texas, and is not within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

IV.

The undersigned constitute a majority in value of the holders of title to the lands in the proposed District, as shown by the tax rolls and conveyances of record since the date of preparation of said county tax rolls.

V.

The proposed District shall be organized for the following purposes:

- (1) provide a water supply for the District for municipal and domestic uses;
- (2) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;

- (3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District;
- (4) construct, acquire, improve, maintain and operate macadamized, graveled, or paved roads and turnpikes, or other improvements in aid of those roads; and
- (5) such other construction, installation, maintenance, purchase, and operation of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

The aforementioned purposes may be accomplished by any mechanical and chemical means and processes incident, necessary or helpful to such purposes, to the extent authorized by law and the creation of the District, to the end that public health and welfare may be conserved and promoted, and the purity and sanitary condition of the State's waters protected, effected and restored.

## VI.

The general nature of the work anticipated to be done by the District at the present time is: (i) the construction of a water distribution system for domestic purposes; (ii) the construction of a sanitary sewer system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction and financing of macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (v) such other construction, installation, maintenance, purchase and operation of such other facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized, all to the extent authorized by law from time to time.

## VII.

There is a necessity for the improvements above described because the District is located within an area which will experience a substantial and sustained residential growth within the foreseeable future, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage facilities and services, or roads. The health and welfare of the future inhabitants of the District require the provision of adequate water, storm and sanitary sewer facilities and services, and roads.

The provisions of such water, storm and sanitary sewer facilities and services, and roads will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters, and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the organization of said District.

The property cannot be developed without the creation of the District to finance the water, sanitary sewer, and drainage facilities and services, and roads; therefore, a public necessity exists.

VIII.

The proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the proposed District is of such nature that water, storm and sanitary sewer facilities and services, and roads can be constructed or provided at a reasonable cost; and said territory will be rapidly developed for residential use.

IX.

A preliminary investigation has been instituted to determine the cost of the proposed improvements to be constructed by the District, and it is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of such improvements will be approximately \$114,481,500.

X.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Terrell, Texas, adopt a resolution giving its written consent to the creation of the District.

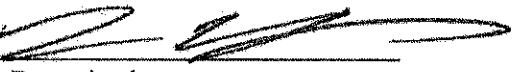
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RESPECTFULLY SUBMITTED this the 25<sup>th</sup> day of August, 2022.

PETITIONERS:

AP EASTLAND PARK LLC,  
a Texas limited liability company

By: Anthony Properties Development, Inc.,  
its Manager

By:   
Name: Ross Anthony  
Title: President  
Date: 8/25/2022

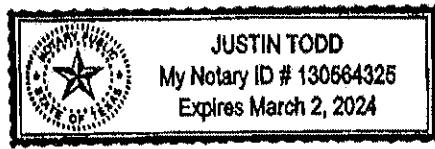
AP MV2 LLC,  
a Texas limited liability company

By: Anthony Properties Development, Inc.,  
its Manager

By:   
Name: Ross Anthony  
Title: President  
Date: 8/25/2022

STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 25<sup>th</sup> day of August, 2022 by Ross Anthony, as President of Anthony Properties Development, Inc., a Texas corporation, Manager of each of AP Eastland Park LLC, a Texas limited liability company, and AP MV2 LLC, a Texas limited liability company, on behalf of each such limited liability company.



  
Notary Public in and for the State of Texas

EXHIBIT "A"

**BEING** a tract of land situated in the Richard Mead Survey, Abstract No. 326, the W.R. Leath Survey, Abstract No. 305, the Lewis Pearce Survey, Abstract No. 373, the J.W. Ward Survey, Abstract No. 596, and the William Simpson Survey, Abstract No. 453, Kaufman County, Texas, and being a portion of a called 3,152.439 acre tract of land described in a Substitute Trustee's Deed to AP Dupont Limited Partnership, recorded in Volume 3502, Page, 558, Deed Records, Kaufman County, Texas (D.R.K.C.T.), and being all of a called 80.083 acre tract of land described in a Warranty Deed to C.L. Hamilton, Jr., recorded in Volume 528, Page 759, D.R.K.C.T., and being all of a called 288.239 acre tract of land designated as "Tract 1" in a Warranty Deed to AP Terrell Limited Partnership, recorded in Volume 2324, Page 267, D.R.K.C.T., and more particularly described as follows:

**BEGINNING** at a point in the southwest right-of-way line of Spur 557 (variable width right-of-way) at the most easterly corner of said 3,152.439 acre tract and at the most northerly corner of a called 2.062 acre tract of land designated as "Parcel 2" in a Special Warranty Deed – for Right-of-Way to the City of Terrell, Texas, recorded in Volume 5110, Page 268, D.R.K.C.T.;

**THENCE** South 44°11'57" West, with a southeast line of said 3,152.439 acre tract and the northwest line of said 2.062 acre tract, passing at a distance of 22.3 feet, the most westerly corner of said 2.062 acre tract, said point being in the northwest line of a called 255.68 acre tract of land designated as "Tract 1" in a Foreclosure Sale Deed to Terrell 80/20, Ltd., recorded in Volume 3838, Page 221, D.R.K.C.T. and continuing with the northwest line of said 255.68 acre tract and a southeast line of said 3,152.439 acre tract for a total distance of 2,136.1 feet to a point in Kaufman County Road No. 305, at an interior corner of said 3,152.439 acre tract;

**THENCE** South 45°59'43" East, with a northeasterly line of said 3,152.439 acre tract and along said County Road, passing at a distance of 101.1 feet, a southeasterly corner of said 3,152.439 acre tract and the north corner of said 80.083 acre tract, and continuing with the northeast line of said 80.083 acre tract and along said County Road for a total distance of 2,038.2 feet to the east corner of said 80.083 acre tract and the most westerly corner of a called 1.686 acre tract of land described in a Special Warranty Deed to the City of Terrell, Texas, recorded in Volume 6194, Page 537, D.R.K.C.T.;

**THENCE** South 44°57'24" West, with the southeast line of said 80.083 acre tract, passing at a distance of 9.3 feet, the north corner of a called 5.0 acre tract of land described in a Deed to Norma White, dba Terrell RV Park, recorded in Volume 4692, Page 300, D.R.K.C.T., and continuing with the southeast line of said 80.083 acre tract, passing at a distance of 1813.9 feet the south corner of said 80.083 acre tract and the most southeasterly corner of said 288.239, in the northwest line of a called 8.536 acre tract of land described in a Warranty Deed to The Heritage Group, LLC, recorded in Volume 5986, Page 352, D.R.K.C.T., and continuing with a southeasterly line of said 288.239 acre tract and the northwest line of said 8.536 acre tract for a total distance of 2,611.7 feet to an interior corner of said 288.239 acre tract and the most westerly corner of said 8.536 acre tract;

**THENCE** South 45°21'38" East, with a northeasterly line of said 288.239 acre tract and the southwest line of said 8.536 acre tract a distance of 222.2 feet to a point in the northwest right-of-way line of Interstate Highway No. 20 (variable width right-of-way) at the most southerly southeast corner of said 288.239 acre tract and the most southerly corner of said 8.536 acre tract at the beginning of a non-tangent curve to the left with a radius of 5,629.6 feet, a central angle of 02°55'55", and a chord bearing and distance of South 55°42'51" West, 288.1 feet;

**THENCE** in a southwesterly direction with said northwest right-of-way and the southeast line of said 288.239 acre tract the following courses and distances:

In a southerly direction, with said non-tangent curve to the left, an arc distance of 288.1 feet to a point for corner;

South 54°19'22" West, a distance of 904.5 feet to a point for corner;

South 56°36'48" West, a distance of 750.6 feet to a point for corner;

South 54°19'22" West, a distance of 1,150.0 feet to a point for corner;

South 49°25'25" West, a distance of 351.3 feet to a point for corner;

South 54°27'12" West, a distance of 2,715.7 feet to a point for corner;

South 62°00'19" West, a distance of 839.8 feet to a point at the most southerly corner of said 288.239 acre tract and at a southeasterly corner of the aforementioned 3,152.439 acre tract;

**THENCE** with the common line of said 288.239 acre tract and said 3,152.439 acre tract the following courses and distances:

North 45°44'07" West, a distance of 889.6 feet to a point for corner;

North 44°21'47" East, a distance of 3,411.9 feet to a point for corner;

**THENCE** departing said common line and over and across said 3,152.439 acre tract the following courses and distances:

North 17°07'32" East, a distance of 1,155.4 feet to a point for corner;

North 22°03'16" East, a distance of 156.1 feet to a point for corner;

North 47°09'18" East, a distance of 117.9 feet to a point for corner;

North 07°08'55" West, a distance of 102.5 feet to a point for corner;

North 22°03'16" East, a distance of 2,490.9 feet to a point for corner;

North 06°54'26" East, a distance of 382.9 feet to a point for corner;

North 01°09'30" West, a distance of 1,182.6 feet to a point for corner;

North 10°06'55" West, a distance of 284.2 feet to a point for corner;

North 11°14'00" East, a distance of 1,248.5 feet to a point for corner;

North 02°49'37" West, a distance of 452.3 feet to a point for corner;

North 31°00'48" East, a distance of 768.7 feet to a point in the southwest right-of-way line of the aforementioned Spur 557;

**THENCE** with the southwest right-of-way line of said Spur 557 the following courses and distances:

South 58°39'46" East, a distance of 763.7 feet to a point for corner;

South 49°30'22" East, a distance of 845.9 feet to a point for corner;

South 01°29'17" East, a distance of 190.6 feet to a point for corner;

South 49°55'59" East, a distance of 139.0 feet to a point for corner;

North 67°32'44" East, a distance of 246.4 feet to a point for corner;

South 70°45'50" East, a distance of 576.0 feet to a point for corner;

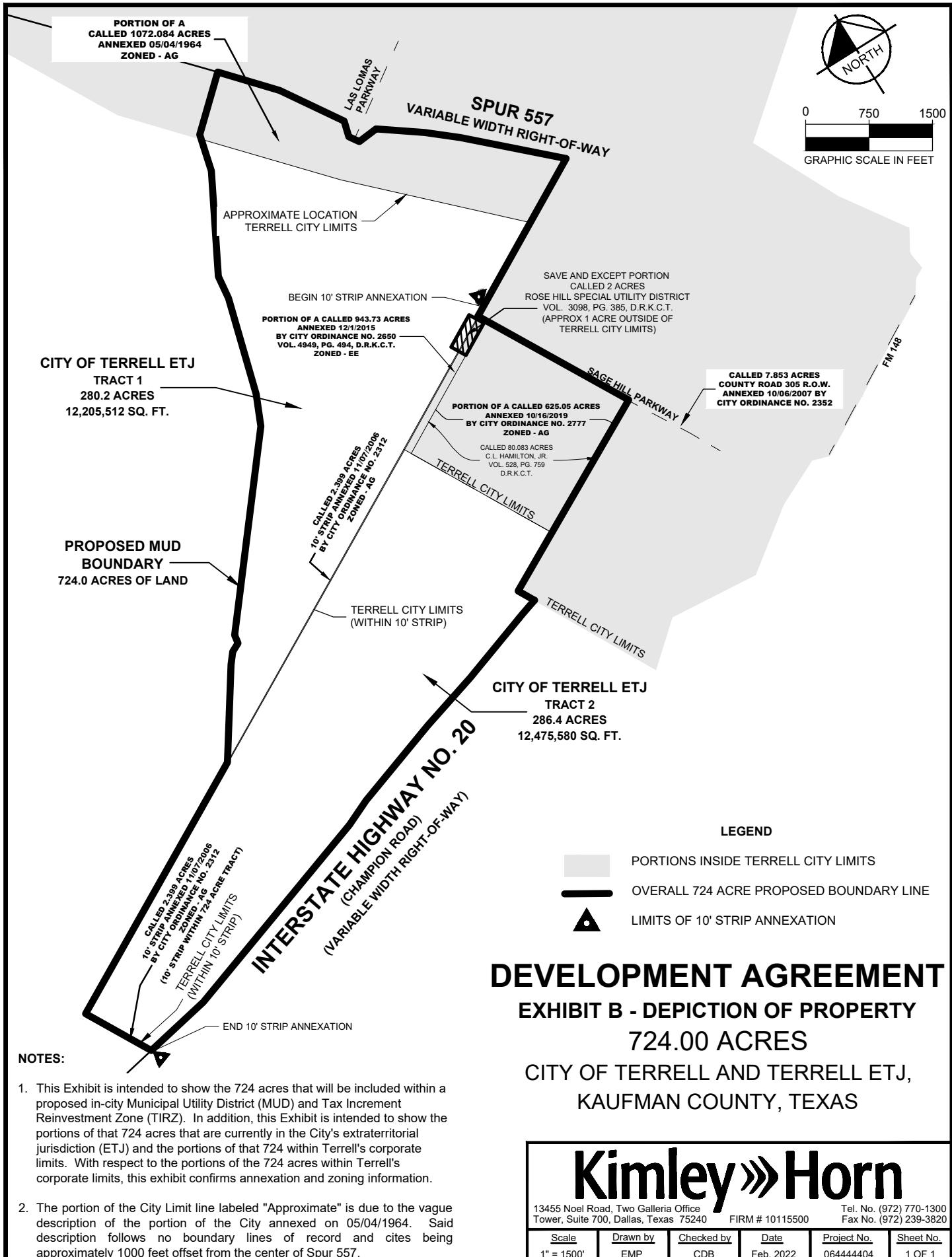
South 67°15'40" East, a distance of 427.5 feet to a point for corner;

South 63°46'25" East, a distance of 1,209.2 feet to a point for corner;

South 64°04'07" East, a distance of 65.3 feet to a point for corner; to the **POINT OF BEGINNING** and containing a computed area of 31,623,611 square feet or 726.0 acres of land, more or less.

**Save and Except** a called 2.00 acre tract of land described in a Special Warranty Deed from Spezia Investments, LLLP to Rose Hill Special Utility District, recorded in Volume 3098, Page 385, Deed Records, Kaufman County, Texas.

Bearings Based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment Realization 2011. This document was prepared under 22 TAC §138.95, 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 interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



## DEVELOPMENT AGREEMENT

### EXHIBIT B - DEPICTION OF PROPERTY

### 724.00 ACRES

### CITY OF TERRELL AND TERRELL ETJ, KAUFMAN COUNTY, TEXAS

| Kimley » Horn  |                 |                   |                         |                          |                     |
|--|-----------------|-------------------|-------------------------|--------------------------|---------------------|
| 13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 |                 |                   | Tel. No. (972) 770-1300 | Fax No. (972) 239-3820   |                     |
| Scale<br>1" = 1500'  | Drawn by<br>EMP | Checked by<br>CDB | Date<br>Feb. 2022       | Project No.<br>064444404 | Sheet No.<br>1 OF 1 |