

## **RESOLUTION NO. 2022-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TALTY, TEXAS CONSENTING TO THE CREATION OF THE HARVEST RUN MUNICIPAL UTILITY DISTRICT OF KAUFMAN COUNTY, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF TALTY; PROVIDING TERMS AND CONDITIONS OF CONSENT; PROVIDING CONDITIONS ON THE ISSUANCE OF BONDED INDEBTEDNESS; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Lackland Kaufman County Development, LLC, a Texas limited liability company (the “Petitioner”), desires that the City of Talty, Texas consent to the creation of Harvest Run Municipal Utility District of Kaufman County (the “District”) to serve the approximately 143.18 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; and

**WHEREAS**, the land to be included within the District is located wholly within the corporate limits of the City of Talty, Texas; and

**WHEREAS**, the Petitioner has submitted to the Mayor and City Council of the City of Talty, Texas a Petition for Consent to Creation of Harvest Run Municipal Utility District of Kaufman County; 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; and

**WHEREAS**, the City Council of the City of Talty, Texas desires to adopt a Resolution for the purpose of consenting to the creation of the District and consenting to the issuance of bonds for the construction of a waterworks system, a sanitary sewer system, a storm water drainage system and roadway system.

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

**Section 1.** That the City Council of the City of Talty, in reliance on the statements made in the Petition for Consent to Creation of Harvest Run Municipal Utility District of Kaufman County, Texas, a true and correct copy of which is attached hereto as Exhibit “B,” hereby grants its consent to and the Mayor is instructed to execute such additional documents, if any, as required to evidence the City of Talty’s consent to, the creation of Harvest Run Municipal Utility District of Kaufman County (the “District”) on that portion of the property described on the attached metes and bounds description (the “Property”) located within the corporate limits of the City of Talty.

**Section 2.** That all waterworks system, sanitary sewer system, storm water drainage system and roadway system facilities to be installed and constructed within the District to serve

the Property be constructed in accordance with plans and specifications approved by the City, and the City shall have the right to inspect the installation and construction of all said facilities.

**Section 3.** That prior to the first issuance of bonds, notes, warrants or other obligations of the District, the City and the District shall negotiate, as a precondition, an allocation agreement in accordance with Sec. 54.016(f), Texas Water Code. The City may impose reasonable conditions on the terms and provisions of the District's bonds and notes if the restrictions and conditions do not generally render the bonds and notes unmarketable. Bonds may not be issued by the District for any purpose other than for purposes authorized by law for the District.

**Section 4.** That the District shall not issue bonds or other indebtedness that results in a District tax rate in excess of 0.75 per \$100 in assessed valuation. The District shall provide the City final orders or staff memoranda of the Texas Commission on Environmental Quality approving the issuance of any bonds that contain a finding of feasibility and that bonded indebtedness shall not result in a proposed District tax rate of greater than \$0.75 per \$100 in assessed valuation.

**Section 5.** That this resolution take effect immediately from and after its passage and is accordingly so resolved.

**DULY PASSED** by the City Council of the City of Talty, Texas, on the 20th day of September, 2022.

APPROVED:

\_\_\_\_\_  
Mayor Frank Garrison

ATTEST:

\_\_\_\_\_  
City Secretary Sherry Bagby

**EXHIBIT "A"**  
**Legal Description of the Property**

**TRACT 1:**

**BEING** 47.61 ACRES OF LAND LOCATED IN THE STEPHEN WHITE SURVEY, ABSTRACT NUMBER 567, KAUFMAN COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 61.760 ACRE ROBERT GREINER TRACT AS DESCRIBED IN INSTRUMENT NUMBER 2013-0010255, DEED RECORDS, KAUFMAN COUNTY, TEXAS (D.R.K.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2" IRON ROD FOUND AT THE NORTH CORNER OF THE ABOVE-MENTIONED 61.760 ACRE TRACT, SAME BEING THE EAST CORNER OF LOT 14, QUAIL CREEK BEND, AN ADDITION AS RECORDED IN CABINET 2, SLIDE 225, PLAT RECORDS, KAUFMAN COUNTY, TEXAS (P.R.K.C.T.), AND BEING IN THE SOUTHWEST LINE OF HUNTERS GREEN ESTATES, AN ADDITION RECORDED IN CABINET 2, SLIDE 186, (P.R.K.C.T.);

**THENCE** SOUTH 47 DEGREES 04 MINUTES 05 SECONDS EAST, ALONG THE SOUTHWEST LINE OF THE ABOVE-MENTIONED HUNTERS GREEN ESTATES ADDITION AND THAT CERTAIN CALLED 6.20 ACRE CLIMACO DE JESUS BLANCO TRACT AS DESCRIBED IN VOLUME 5586, PAGE 418, (D.R.K.C.T.), AND THAT CERTAIN CALLED 1.383 ACRE CATHEE ROCK, ET VIR TRACT AS DESCRIBED IN INSTRUMENT NUMBER 2016-0021215, (D.R.K.C.T.), AT A DISTANCE OF 1148.96 FEET PASS A 5/8" IRON ROD WITH CAP STAMPED "GORRONDONA" FOUND AND CONTINUING FOR A TOTAL DISTANCE OF 1179.84 FEET TO A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF COUNTY ROAD 215 AT THE EAST CORNER OF SAID 61.760 ACRE TRACT;

**THENCE** SOUTH 44 DEGREES 07 MINUTES 35 SECONDS WEST, ALONG THE APPROXIMATE CENTERLINE OF COUNTY ROAD 215, SAME BEING THE SOUTHEAST LINE OF SAID 61.760 ACRE TRACT, A DISTANCE OF 1239.33 FEET TO A POINT FOR CORNER, FROM WHICH THE EAST CORNER OF LOT 9, TALTY INDUSTRIAL PARK, PHASE 1, AN ADDITION AS RECORDED IN CABINET 3, SLIDE 290, (P.R.K.C.T.) BEARS SOUTH 44 DEGREES 07 MINUTES 35 SECONDS WEST, A DISTANCE OF 255.88 FEET;

**THENCE** NORTH 56 DEGREES 23 MINUTES 36 SECONDS WEST, LEAVING SAID SOUTHEAST LINE AND SAID CENTERLINE OF COUNTY ROAD, AND GOING OVER AND ACROSS SAID 61.760 ACRE TRACT, AT A DISTANCE OF 30.51 FEET PASS A 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" SET IN THE NORTHWEST LINE OF CITY OF TALTY PUBLIC STREET EASEMENT RECORDED IN INSTRUMENT NUMBER 2017-0020753, (D.R.K.C.T.), AND CONTINUING FOR A TOTAL DISTANCE OF 90.84 FEET TO A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF A CREEK;

**THENCE** CONTINUING OVER AND ACROSS SAID 61.760 ACRE TRACT AND ALONG THE APPROXIMATE CENTERLINE OF CREEK, THE FOLLOWING SEVENTEEN (17) COURSES AND DISTANCES:

1. NORTH 20 DEGREES 01 MINUTES 31 SECONDS WEST, A DISTANCE OF 50.36 FEET;
2. NORTH 58 DEGREES 24 MINUTES 56 SECONDS WEST, A DISTANCE OF 50.29 FEET;
3. NORTH 78 DEGREES 22 MINUTES 32 SECONDS WEST, A DISTANCE OF 21.19 FEET;
4. SOUTH 30 DEGREES 08 MINUTES 55 SECONDS WEST, A DISTANCE OF 13.00 FEET;
5. SOUTH 47 DEGREES 22 MINUTES 40 SECONDS WEST, A DISTANCE OF 85.22 FEET;

6. SOUTH 66 DEGREES 52 MINUTES 25 SECONDS WEST, A DISTANCE OF 53.71 FEET;
7. NORTH 81 DEGREES 19 MINUTES 01 SECONDS WEST, A DISTANCE OF 124.23 FEET;
8. NORTH 69 DEGREES 56 MINUTES 23 SECONDS WEST, A DISTANCE OF 34.02 FEET;
9. NORTH 83 DEGREES 17 MINUTES 17 SECONDS WEST, A DISTANCE OF 63.03 FEET;
10. SOUTH 87 DEGREES 10 MINUTES 53 SECONDS WEST, A DISTANCE OF 38.91 FEET;
11. SOUTH 51 DEGREES 06 MINUTES 43 SECONDS WEST, A DISTANCE OF 70.71 FEET;
12. SOUTH 77 DEGREES 29 MINUTES 03 SECONDS WEST, A DISTANCE OF 96.74 FEET;
13. SOUTH 81 DEGREES 17 MINUTES 08 SECONDS WEST, A DISTANCE OF 44.65 FEET;
14. SOUTH 62 DEGREES 48 MINUTES 19 SECONDS WEST, A DISTANCE OF 41.15 FEET;
15. SOUTH 48 DEGREES 51 MINUTES 14 SECONDS WEST, A DISTANCE OF 16.98 FEET;
16. SOUTH 59 DEGREES 23 MINUTES 55 SECONDS WEST, A DISTANCE OF 35.90 FEET;
17. SOUTH 76 DEGREES 46 MINUTES 17 SECONDS WEST, A DISTANCE OF 63.40 FEET TO THE INTERSECTION OF THE APPROXIMATE CENTERLINE OF CREEK AND THE NORTHWEST LINE OF LOT 2, TALTY INDUSTRIAL PARK ADDITION;

**THENCE** SOUTH 83 DEGREES 45 MINUTES 09 SECONDS WEST, ALONG THE NORTHWEST LINE OF SAID LOT 2, A DISTANCE OF 55.06 FEET TO THE INTERSECTION OF THE APPROXIMATE CENTERLINE OF CREEK;

**THENCE** CONTINUING BACK OVER AND ACROSS SAID 61.760 ACRE TRACT AND ALONG THE APPROXIMATE CENTERLINE OF CREEK, THE FOLLOWING NINE (9) COURSES AND DISTANCES:

1. NORTH 87 DEGREES 18 MINUTES 25 SECONDS WEST, A DISTANCE OF 75.53 FEET;
2. NORTH 63 DEGREES 50 MINUTES 47 SECONDS WEST, A DISTANCE OF 73.08 FEET;
3. NORTH 67 DEGREES 06 MINUTES 37 SECONDS WEST, A DISTANCE OF 72.01 FEET;
4. NORTH 78 DEGREES 25 MINUTES 51 SECONDS WEST, A DISTANCE OF 22.68 FEET;
5. NORTH 85 DEGREES 31 MINUTES 49 SECONDS WEST, A DISTANCE OF 48.82 FEET;
6. NORTH 66 DEGREES 06 MINUTES 53 SECONDS WEST, A DISTANCE OF 89.42 FEET;
7. NORTH 78 DEGREES 24 MINUTES 07 SECONDS WEST, A DISTANCE OF 39.99 FEET;
8. NORTH 83 DEGREES 26 MINUTES 56 SECONDS WEST, A DISTANCE OF 34.92 FEET;
9. SOUTH 73 DEGREES 10 MINUTES 52 SECONDS WEST, A DISTANCE OF 36.29 FEET TO THE NORTHEAST LINE OF LOT 1 OF THE ABOVE-MENTIONED QUAIL CREEK BEND ADDITION, FROM WHICH A 1/2" IRON ROD FOUND AT THE EAST CORNER OF THE JUST MENTIONED LOT 1 OF SAID QUAIL CREEK BEND ADDITION BEARS SOUTH 45 DEGREES 54 MINUTES 35 SECONDS EAST, A DISTANCE OF 279.51 FEET;

**THENCE** NORTH 45 DEGREES 54 MINUTES 35 SECONDS WEST, A DISTANCE OF 153.49 FEET TO A POINT FOR CORNER AT THE NORTH CORNER OF THE ABOVE-MENTIONED LOT 1 OF SAID QUAIL CREEK BEND ADDITION, SAME BEING IN THE SOUTHEAST LINE OF LOT 2 OF SAID QUAIL CREEK BEND ADDITION, AND BEING IN THE NORTHWEST LINE OF SAID 61.760 ACRE TRACT;

**THENCE** NORTH 44 DEGREES 10 MINUTES 31 SECONDS EAST, ALONG THE NORTHWEST LINE OF SAID 61.760 ACRE TRACT AND THE COMMON SOUTHEAST LINE OF SAID QUAIL CREEK BEND ADDITION, A DISTANCE OF 2151.96 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 47.61 ACRES OF LAND, OF WHICH 0.88 ACRES LIES WITHIN THE CITY OF TALTY PUBLIC STREET EASEMENT, LEAVING A NET SURVEYED ACREAGE OF 47.61 ACRES, MORE OR LESS.

## **TRACT 2:**

**BEING** 95.57 ACRES OF LAND LOCATED IN THE STEPHEN WHITE SURVEY, ABSTRACT NUMBER 567, KAUFMAN COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 118.853 ACRE ROBERT GREINER TRACT AS DESCRIBED IN VOLUME 5405, PAGE 557, DEED RECORDS, KAUFMAN COUNTY, TEXAS (D.R.K.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE SOUTHWEST LINE OF FARM-TO-MARKET ROAD 1641 (VARIABLE WIDTH RIGHT-OF-WAY) AT THE NORTH CORNER OF THE ABOVE-MENTIONED 118.853 ACRE TRACT AND THE EAST CORNER OF WINNERS CIRCLE ADDITION, AN ADDITION TO THE COUNTY OF KAUFMAN BY PLAT THEREOF RECORDED IN CABINET 2, SLIDE 143, PLAT RECORDS, KAUFMAN COUNTY, TEXAS (P.R.K.C.T.);

**THENCE** ALONG THE SOUTHWEST LINE OF FARM-TO-MARKET ROAD 1641, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. SOUTH 45 DEGREES 05 MINUTES 38 SECONDS EAST, A DISTANCE OF 376.11 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
2. NORTH 44 DEGREES 36 MINUTES 27 SECONDS EAST, A DISTANCE OF 27.71 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
3. SOUTH 45 DEGREES 13 MINUTES 55 SECONDS EAST, A DISTANCE OF 226.03 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;

**THENCE** LEAVING THE SOUTHWEST LINE OF FARM-TO-MARKET ROAD 1641, AND GOING OVER AND ACROSS SAID 118.853 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. SOUTH 43 DEGREES 33 MINUTES 45 SECONDS WEST, A DISTANCE OF 1205.83 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
2. SOUTH 47 DEGREES 34 MINUTES 16 SECONDS EAST, A DISTANCE OF 817.82 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE NORTHWEST LINE OF FARM-TO-MARKET ROAD 148 (80' RIGHT-OF-WAY), SAME BEING THE COMMON SOUTHEAST LINE OF SAID 118.853 ACRE TRACT;

**THENCE** ALONG THE NORTHWEST LINE OF FARM-TO-MARKET ROAD 148, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. SOUTH 43 DEGREES 38 MINUTES 50 SECONDS WEST, A DISTANCE OF 2030.55 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
2. SOUTH 43 DEGREES 43 MINUTES 13 SECONDS WEST, A DISTANCE OF 353.52 FEET TO A 1/2" IRON ROD FOUND AT THE SOUTH CORNER OF SAID 118.853 ACRE TRACT, SAME BEING THE EAST CORNER OF THE TERRELL FARM SUPPLY COMPANY, INC. CALLED 154.539 ACRE TRACT AS DESCRIBED IN VOLUME 759, PAGE 868, (D.R.K.C.T.);

**THENCE** NORTH 45 DEGREES 48 MINUTES 14 SECONDS WEST, A DISTANCE OF 1452.33 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE SOUTHEAST LINE OF WINNERS CIRCLE PHASE FOUR, AN ADDITION TO THE COUNTY OF KAUFMAN BY PLAT THEREOF RECORDED IN CABINET 2, SLIDE 661, (P.R.K.C.T.) AT THE WEST CORNER OF SAID 118.853 ACRE TRACT AND THE NORTH CORNER OF THE ABOVE-MENTIONED 154.539 ACRE TRACT;

**THENCE** NORTH 43 DEGREES 21 MINUTES 05 SECONDS EAST, ALONG THE NORTHWEST LINE OF SAID 118.853 ACRE TRACT, A DISTANCE OF 1021.03 FEET TO A 1/2" IRON ROD FOUND AT THE EAST CORNER OF THE ABOVE-MENTIONED WINNERS CIRCLE PHASE FOUR, SAME BEING A SOUTH CORNER OF THE ABOVE-MENTIONED WINNERS CIRCLE ADDITION;

**THENCE** NORTH 44 DEGREES 28 MINUTES 02 SECONDS EAST, CONTINUING ALONG THE NORTHWEST LINE OF SAID 118.853 ACRE TRACT AND THE SOUTHEAST LINE OF SAID WINNERS CIRCLE ADDITION, A DISTANCE OF 2522.82 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 95.57 ACRES OF LAND, MORE OR LESS.

**EXHIBIT "B"**

**PETITION FOR CONSENT TO CREATION OF  
HARVEST RUN MUNICIPAL UTILITY DISTRICT OF KAUFMAN COUNTY**

THE STATE OF TEXAS           §

COUNTY OF KAUFMAN           §

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

The undersigned (the "Petitioner"), acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Section 42.042 of the Texas Local Government Code, respectfully petition 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 "Harvest Run Municipal Utility District of Kaufman County" (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 a total area of approximately 143.18 acres of land (the "Property"), situated within Kaufman County, Texas, described by metes and bounds in Exhibit "A," attached hereto and incorporated herein. The Property is located wholly within the corporate limits of the City of Talty, Kaufman County, Texas, and is not within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

IV.

The undersigned constitutes a majority in value of the holders of title to the Property, 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;

017920.0000014892-8335-9256.v1



- (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 on the Property, 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 \$6,780,000.

X.

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

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

RESPECTFULLY SUBMITTED this the 20<sup>th</sup> day of August, 2022.

**PETITIONER:**

LACKLAND KAUFMAN COUNTY  
DEVELOPMENT, LLC,  
a Texas limited liability company

By: Tim H Fleet

Name: Tim H Fleet

Its: President

STATE OF TEXAS §

COUNTY OF Tarrant §

This instrument was acknowledged before me on the 30 day of August, 2022 by Tim H. Fleet, President of Lackland Kaufman County Development, LLC, a Texas limited liability company, on behalf of said limited liability company.

Miriam Vega  
Notary Public, State of Texas

