

ORDINANCE NO. 2682

ORDINANCE ANNEXING PROPERTY

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED PROPERTY TO THE CITY OF TERRELL, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF TERRELL, TEXAS; GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS; BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; DECLARING CERTAIN LANDS TO BE ADJACENT TO THE CORPORATE LIMITS OF THE CITY; ADOPTING A SERVICE PLAN; PROVIDING FOR CHANGES TO THE OFFICIAL MAP OF THE CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Terrell, Texas (“City” or “Terrell”), is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 43 of the Texas Local Government Code and the Charter of the City of Terrell, Texas, authorizes the annexation of property, subject to the laws of this state; and

WHEREAS, the initial area to be annexed consists of separate tracts (“the Property”), being approximately 712 acres of land in Kaufman County, Texas, and being more fully described by metes and bounds on Exhibit “A” attached hereto and by reference made a part hereof, and a map of the Property is attached hereto and incorporated by reference herein as Exhibit “B”; and

WHEREAS, the area to be annexed is presently located entirely within the extraterritorial jurisdiction of the City of Terrell, Texas, and is contiguous to existing City boundaries; and

WHEREAS, after proper notice was provided in accordance with Chapters 43 of the Texas Local Government Code, public hearings on the proposed annexation were held before the Terrell City Council on October 13, 2016, at 6:00 p.m. and on October 18, 2016, at 7:00 p.m., respectively; and

WHEREAS, an offer of a Non-Annexation and Development Agreement pursuant to §43.035 of the Texas Local Government Code has been made to all qualifying landowners within the area to be annexed; and

WHEREAS, several qualified property owners have entered into such Non-Annexation and Development Agreements (“Agreements”), thereby postponing the annexation of their property for a period of three (3) years, which properties are described by metes and bounds in Exhibits “D” and “E”, all of which are attached hereto and incorporated herein by reference; and

WHEREAS, by operation of law, Texas Local Government Code, Section 43.035, all lands within the City’s extraterritorial jurisdiction, before and after this Ordinance becomes effective, which are contiguous to property subject to the Agreements, shall be deemed contiguous and adjacent to the City’s corporate boundaries; and

WHEREAS, the tracts which are subject to fully executed Agreements will not be annexed into the City of Terrell, Texas, by this Ordinance, but the owners of such tracts have petitioned the City for voluntary annexation of such land when the Agreements terminate; and

WHEREAS, the City Council has authorized the City Manager by resolution to execute the Agreements as offered by the City, which contain accurate legal descriptions and which have been executed by qualified property owners; and

WHEREAS, the City Council finds that the resultant area to be annexed by the City of Terrell, Texas, is accurately described in Exhibit “A” and depicted in Exhibit “B”, save and except for the tracts which are the subject of the executed Agreements, the descriptions of which are attached hereto and incorporated herein by reference as Exhibits “D” and “E”; and

WHEREAS, the City of Terrell, Texas, has prepared a service plan for the area to be annexed that meets the requirements of Texas Local Government Code §43.056, which was presented at the public hearings; and

WHEREAS, the execution of the Agreements does not prevent the City from delivering full municipal services to the area in accordance with the service plan incorporated in this Ordinance; and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the Charter of the City of Terrell, Texas, and the laws of this state have been duly followed with respect to the Property described in Exhibit “A” and depicted in Exhibit “B”, as modified by Exhibits “D” and “E”.

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

Section 1. That the Property described in Exhibit “A” and depicted on Exhibit “B”, save and except for those tracts, the legal descriptions of which are attached hereto as Exhibits “D” and “E”, is hereby annexed to the City of Terrell, Kaufman County,

Texas, and that the boundary limits of the City of Terrell, Texas, be and the same are hereby extended to include the Property described on Exhibit "A" and depicted in Exhibit "B", as modified by Exhibits "D" and "E", each of which exhibits is attached and incorporated by reference in this ordinance, within the City limits of the City of Terrell, Texas, and the same shall hereafter be included within the territorial limits of the City of Terrell, Texas, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Terrell, Texas, and they shall be bound by the acts, ordinances, resolutions and regulations of said City.

Section 2. That lands in the City's extraterritorial jurisdiction, before and after the effective date of this Ordinance, which are contiguous to the the tracts being described by Exhibit "D" and "E" as described on Exhibit "A" and depicted on Exhibit "B", hereby are deemed to be contiguous and adjacent to the corporate limits of the City of Terrell, Texas, for all purposes.

Section 3. That the service plan for the area is hereby adopted and attached as Exhibit "C".

Section 4. That the City Secretary is hereby directed to file with the County Clerk of Kaufman County, Texas, a certified copy of this Ordinance.

Section 5. That the official map and boundaries of the City and its extraterritorial jurisdiction as previously adopted, are amended to include the Property, save and except the tracts being described by Exhibits "D" and "E", as described on Exhibit "A" and as depicted on Exhibit "B", as a part of the corporate territory of the City of Terrell, Texas, and the extraterritorial jurisdiction is extended in accordance with law according, and the City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add such territory as required by law.

Section 6. That should this Ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Terrell, Texas, such ineffectiveness of this Ordinance as to any such part or parts of any such area shall not affect the effectiveness of this Ordinance as to the remainder of such area. That the City Council hereby declares it to be its purpose to annex to the City of Terrell, Texas, every part of the area described in Section 1 of this Ordinance. That provided, further, that if there is included within the description of the Property set out in Exhibit "A" of this Ordinance any lands or area which are presently part of and included within the lawful corporate limits of the City of Terrell, or which are not within the City of Terrell's jurisdiction to annex, or which are subject to a valid, fully executed Agreement, the same is hereby excluded and excepted from the Property to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

Section 7. That this Ordinance shall take effect immediately upon its approval on second reading.

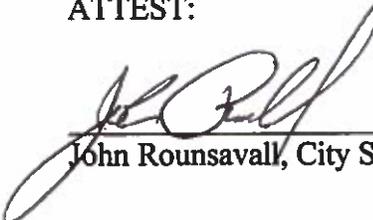
PASSED by an affirmative vote of the Terrell City Council this the 15th day of November, 2016, at 7:23 p.m.

ADOPTED by an affirmative vote of the Terrell City Council this the 6th day of December, 2016, at 7:13 p.m.



D.J. CRY, Mayor

ATTEST:



John Rounsavall, City Secretary

APPROVED AS TO FORM:



Mary Gayle Ramsey, City Attorney

Ordinance # 2682

"EXHIBIT A"

LEGAL DESCRIPTION

STATE OF TEXAS

COUNTY OF KAUFMAN

Being a tract or parcel of land in the W.E. Sullivan Survey, Abstract 490, the M.L. Swing Survey, Abstract 501, the W.B. Head Survey, Abstract 233, the L.H. Adams Survey, Abstract 7, and the J.M.H. Chisholm Survey, Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the Southwest Right of Way of Griffith Avenue, said corner also being the Northeast corner of a 6.42 acre Tract deeded to the Chosen Generation Church of God in Christ recorded in Volume 4158, Page 346 of the Deed Records of Kaufman County;

THENCE N 43 deg. 39 min. 48 sec. East a distance of 122.73 feet to a point for corner;

THENCE N 47 deg. 51 min. 11 sec. East a distance of 427.16 feet to a point for corner;

THENCE N 48 deg. 36 min. 12 sec. East a distance of 215.31 feet to a point for corner;

THENCE N 45 deg. 48 min. 28 sec. West a distance of 543.35 feet to a point for corner;

THENCE N 48 deg. 47 min. 56 sec. West a distance of 285.98 feet to a point for corner;

THENCE N 44 deg. 16 min. 13 sec. East a distance of 307.09 feet to a point for corner;

THENCE N 47 deg. 36 min. 19 sec. West a distance of 510.85 feet to a point for corner;

THENCE S 45 deg. 14 min. 23 sec. West a distance of 435.24 feet to a point for corner;

THENCE S 45 deg. 05 min. 38 sec. West a distance of 437.21 feet to a point for corner;

THENCE N 44 deg. 49 min. 24 sec. West a distance of 590.83 feet to a point for corner;

THENCE N 43 deg. 04 min. 55 sec. East a distance of 961.74 feet to a point for corner;

THENCE N 44 deg. 31 min. 25 sec. East a distance of 545.58 feet to a point for corner;

THENCE S 46 deg. 16 min. 37 sec. East a distance of 894.56 feet to a point for corner;

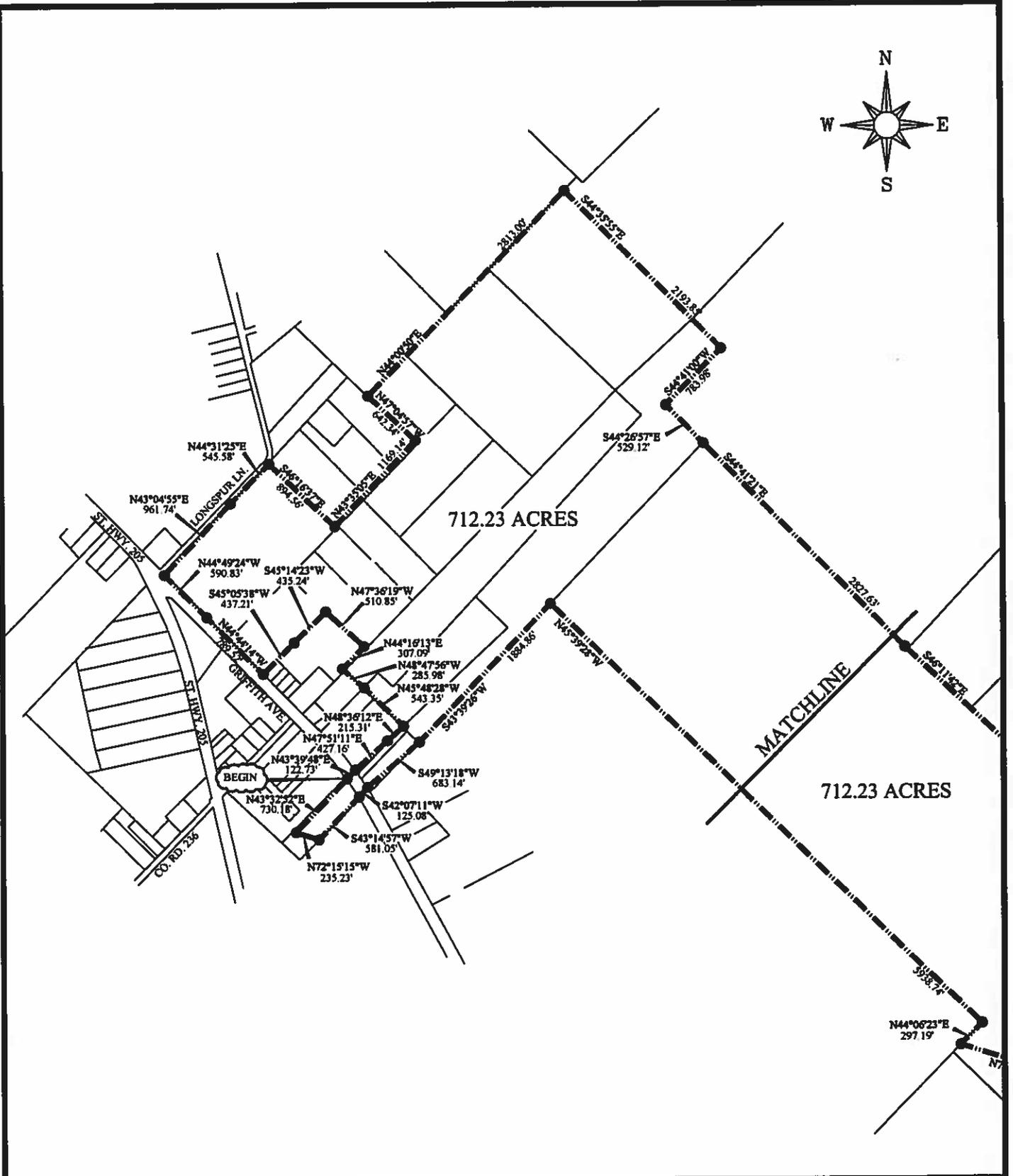
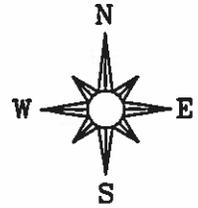
THENCE N 43 deg. 35 min. 05 sec. East a distance of 1,169.14 feet to a point for corner;

THENCE N 47 deg. 04 min. 57 sec. West a distance of 642.34 feet to a point for corner;

THENCE N 44 deg. 00 min. 50 sec. East a distance of 2,813.00 feet to a point for corner;

THENCE S 44 deg. 35 min. 55 sec. East a distance of 2,193.85 feet to a point for corner;
THENCE S 44 deg. 41 min. 00 sec. West a distance of 783.98 feet to a point for corner;
THENCE S 44 deg. 26 min. 57 sec. East a distance of 529.12 feet to a point for corner;
THENCE S 44 deg. 41 min. 21 sec. East a distance of 2,827.63 feet to a point for corner;
THENCE S 46 deg. 11 min. 42 sec. East a distance of 3,027.27 feet to a point for corner;
THENCE N 82 deg. 06 min. 48 sec. East a distance of 498.37 feet to a point for corner;
THENCE N 07 deg. 50 min. 00 sec. West a distance of 146.85 feet to a point for corner;
THENCE N 81 deg. 30 min. 36 sec. East a distance of 1,045.91 feet to a point for corner;
THENCE S 06 deg. 00 min. 31 sec. East a distance of 625.11 feet to a point for corner;
THENCE S 01 deg. 04 min. 17 sec. East a distance of 113.81 feet to a point for corner;
THENCE S 07 deg. 19 min. 40 sec. West a distance of 70.91 feet to a point for corner;
THENCE S 12 deg. 37 min. 37 sec. West a distance of 102.31 feet to a point for corner;
THENCE S 12 deg. 12 min. 32 sec. West a distance of 197.05 feet to a point for corner;
THENCE S 14 deg. 50 min. 43 sec. West a distance of 144.16 feet to a point for corner;
THENCE S 19 deg. 51 min. 49 sec. West a distance of 105.21 feet to a point for corner;
THENCE S 27 deg. 49 min. 03 sec. West a distance of 119.20 feet to a point for corner;
THENCE S 35 deg. 54 min. 20 sec. West a distance of 385.09 feet to a point for corner;
THENCE S 35 deg. 16 min. 20 sec. West a distance of 428.10 feet to a point for corner;
THENCE S 35 deg. 02 min. 49 sec. West a distance of 127.98 feet to a point for corner;
THENCE S 36 deg. 14 min. 05 sec. West a distance of 102.66 feet to a point for corner;
THENCE S 43 deg. 56 min. 04 sec. West a distance of 100.94 feet to a point for corner;
THENCE S 53 deg. 40 min. 43 sec. West a distance of 108.91 feet to a point for corner;
THENCE S 35 deg. 16 min. 20 sec. West a distance of 428.10 feet to a point for corner;
THENCE S 48 deg. 39 min. 13 sec. West a distance of 42.23 feet to a point for corner;
THENCE S 35 deg. 49 min. 43 sec. West a distance of 58.87 feet to a point for corner;

THENCE S 17 deg. 28 min. 40 sec. West a distance of 55.98 feet to a point for corner;
THENCE N 72 deg. 09 min. 17 sec. West a distance of 1,896.96 feet to a point for corner;
THENCE N 44 deg. 06 min. 23 sec. East a distance of 297.19 feet to a point for corner;
THENCE N 45 deg. 39 min. 28 sec. West a distance of 5,938.74 feet to a point for corner;
THENCE S 43 deg. 39 min. 26 sec. West a distance of 1,884.86 feet to a point for corner;
THENCE S 49 deg. 13 min. 18 sec. West a distance of 683.14 feet to a point for corner;
THENCE S 42 deg. 07 min. 11 sec. West a distance of 125.08 feet to a point for corner;
THENCE S 43 deg. 14 min. 57 sec. West a distance of 581.05 feet to a point for corner;
THENCE N 72 deg. 15 min. 15 sec. West a distance of 235.23 feet to a point for corner;
THENCE N 43 deg. 32 min. 52 sec. East a distance of 730.18 feet to the **POINT OF BEGINNING** and containing 712.23 acres of land More or Less.



712.23 ACRES

712.23 ACRES

CITY OF TERRELL



Ordinance # 2682
EXHIBIT "B"
SHEET 1 of 2

DATE: 11/07/2016
DRAWN: KW
CHECK:
REMARKS:

EXHIBIT C
CITY OF TERRELL, TEXAS
SERVICE PLAN FOR ANNEXED AREA

ANNEXATION ORDINANCE NO. 2682

ACREAGE ANNEXED: Approximately +/- 715.83 acres.

PROPERTY LEGAL DESCRIPTION: Approximately +/- 715.83 acres. In the W.E. Sullivan Survey, Abstract 490, the M.L. Swing Survey, Abstract 501, the W.B. Head Survey, Abstract 233, the L.H. Adams Survey, Abstract 7, the J.M.H. Chisholm Survey, Kaufman County, Texas, and being more particularly described as follows in Exhibit "A"

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Terrell, Texas (the "City") at the following levels and in accordance with the following schedule:

A. GENERAL DESCRIPTION OF ANNEXATION AREA

The annexation area is developed with approximately 4 residential structures with most of the land in agricultural uses. There are approximately 2 commercial businesses in the annexation area. Roadways and streets are currently under State and/or County controlled rights-of-way. Water is currently supplied by the High Point Water Supply District (WSC) and the Poetry Water Supply Corporation (WSC) under its Certificate of Convenience and Necessity (CCN) and the City of Terrell Texas CCN.

Sanitary sewer services are provided solely by on-site septic systems.

B. POLICE PROTECTION:

1. The Kaufman County Sheriff's Department currently provides police protection within the annexation area. Police personnel and equipment from the Terrell Police Department shall be provided to the area annexed on the effective date of the annexation. Services will be provided from 201 E. Nash Street initially and from 110 N. State Hwy 34 upon completion of the new Police Headquarters at a level consistent with current methods and procedures presently provided to similar areas within the corporate limits of the City. The level of police protection provided by the Terrell Police Department will not be less than the level of services provided within the area prior to annexation.
2. As development commences in these areas, sufficient police protection, including personnel and equipment, will be provided to furnish this area with the level of police protection provided to other areas within the corporate limits of the City with similar characteristics of topography, land use and population density.
3. Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.

C. FIRE PROTECTION / EMERGENCY MEDICAL SERVICES:

1. Fire protection and Emergency Medical Services (EMS) currently are provided by EMS District 3 and by mutual aid agreement with the Terrell Volunteer Fire Department. The City of Terrell's Fire Department shall provide such services to the area annexed, at a level consistent with current methods and procedures presently provided to areas with similar population density, land use and topography within the corporate limits of the City, on the effective date of annexation. The level of fire protection and EMS services provided by the Terrell Fire Department will not be less than the level of services provided within the area prior to annexation.
2. As a development commences in these areas, sufficient fire protection and EMS, including personnel and equipment, will be provided to furnish this area with the level of fire protection and EMS services provided to other areas within the corporate limits of the City with similar characteristics of topography, land use and population density. It is anticipated that fire stations planned and in conjunction with and in accordance with joint provisions of mutual aid agreements to serve areas currently within the City will be sufficient to serve areas now being considered for annexation.

3. Upon ultimate development, fire protection and EMS will be provided at a level consistent with other similarly situated areas within the city limits.

D. FIRE PREVENTION:

The services of the City of Terrell Fire Marshal shall be provided to the area on the effective date of annexation.

E. SOLID WASTE COLLECTION:

1. During the first year of annexation, the City of Terrell shall not prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or impose a fee for solid waste management services on a person who continues to use the services of a solid waste management service provider, provided the property owner has a valid contract with the private waste management company.
2. Solid waste collection shall be provided to the area annexed on the effective date of this ordinance. The collection of refuse from individual properties shall be made in accordance with the usual City of Terrell solid waste contract.
3. As development commences in these areas, sufficient solid waste collection will be provided to furnish the level of services to other areas within the city limits with similar characteristics of topography, land use, and population density.
4. Upon ultimate development, solid waste collection will be provided at a level consistent with other similarly situated areas within the city limits.

F. WATER SERVICE:

1. Existing water service is provided to the area by High Point Water Supply Corporation (WSC) and Poetry Water Supply Corporation (WSC). Existing water connections, water service providers and/or Certificates of Convenience and Necessity (CCN) shall remain in effect until such time the City takes action to provide these services in accordance with City policies and ordinances, any Memorandums of Agreement in effect, and State Law. Upon connection to existing City mains, treated water will be provided at uniform rates established by City Ordinance.
2. The City does not provide extension of water mains at its own expense to areas within the City. As development commences within the annexed area, water mains will be extended in accordance with the provisions of the Subdivision

Ordinance and/or other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City Ordinances and Regulations. Capacity shall be provided to furnish the level of services to other areas within the city limits with similar characteristics of topography, land use, and population density.

3. Because of the current level of development within the annexed area and anticipated future land uses, it is estimated that such water facilities shall not be needed within the annexed area until sufficient development occurs to warrant the demand for additional capacity.
4. Operation and maintenance of water facilities in the annexed area that are currently within the service area of another water utility will be the responsibility of that utility unless an agreement exists between the City and the other water utility.

G. SANITARY SEWER SERVICE:

1. Currently, wastewater service in the annexed area is provided through private on-site sewage facilities (septic systems). Comparable wastewater services are provided within the city limits to other properties with similar population density, land use and topography. Upon connection to existing mains, sanitary sewer collection will be provided at uniform rates established by City Ordinances.
2. The City does not provide extension of wastewater mains at its own expense to areas within the City. As development commences in these areas, wastewater mains will be extended in accordance with the provisions of the Subdivision Ordinance and/or other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City Ordinances and Regulations. Capacity shall be provided to furnish the level of services to other areas within the city limits with similar characteristics of topography, land use, and population density.
3. Because of the current level of development within the annexed area and anticipated future land uses, it is estimated that such wastewater facilities shall not be needed within the annexed area until sufficient development occurs to warrant the demand for additional capacity.
4. There are currently no City wastewater mains in the annexed area to be maintained.

5. Operation and maintenance of private on-site sewage facilities (septic systems) in the annexed area will be the responsibility of the owner.

H. STREETS:

1. FM 986 shall remain as a State maintained (TXDOT) roadway right-of-way to be maintained by TXDOT. Other private drives shall remain private and shall not be designated as a public street unless and until the City adopts the street by ordinance. No portion of any other County Road right-of-way in this area is to be annexed and it shall remain in the Kaufman County roadway system.
2. Routine operation and maintenance of existing public roads and streets, including road and street lighting, within the annexed area will be provided on the effective date of annexation, according to schedule, as part of the City's annual street maintenance program in accordance with the then current policies and procedures defined by ordinance for other areas of the City with similar population density, land use and topography.
3. The City does not provide construction of roads serving new development at its own expense. It is not expected that new arterials are need within the area until sufficient development occurs to warrant the demand for additional capacity. As development commences in these areas, the City shall require that all publicly dedicated streets and access ways be constructed to current City of Terrell standards. The City's Subdivision Regulations and ordinances defining City participation, maintenance and acceptance upon completion, shall apply.

I. PARKS AND RECREATION:

1. Residents within the areas annexed may utilize all existing park and recreation facilities, on the effective date of annexation. Fees for such usage shall be in accordance with the current fees for other city residents, as established by ordinance.
2. As development commences in these areas, additional park and recreation facilities shall be constructed based on available funds and the adopted Park development policies defined in the Parks and Recreation Master Plan. The general planned locations and classifications of parks will ultimately serve residents from the current city limits and residents from the annexed area.

J. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES:

1. Enforcement of current environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicles ordinances and animal control ordinances, shall begin within this area within sixty (60) days of the effective date of the annexation.
2. Inspection services, including but not limited to, the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical, and electrical work to ensure compliance with City Codes and Ordinances will be provided within sixty (60) days of the effective date of annexation.
3. As development commences in this area, the City shall provide the level of Environmental Health and Code Enforcement Services as are furnished in other similarly situated areas throughout the City.

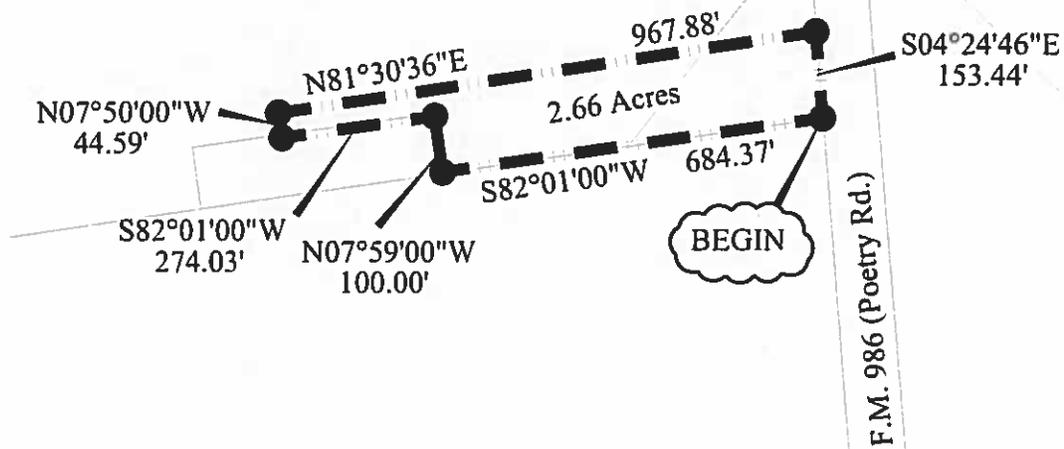
K. ZONING AND FUTURE LAND USES

1. Permanent zoning classifications and land uses within the annexed area shall be in accordance with the Terrell Comprehensive Plan, Future Land Use Map and Zoning Ordinance as adopted or amended and State Law.

L. MISCELLANEOUS:

1. There are no publicly owned facilities, buildings, or services located within the annexed area. The City shall maintain future City-owned facilities in accordance with standard policies and practices.
2. The provisions of this service plan will commence upon the effective date of an approved and adopted ordinance annexing this territory into the corporate limits of the City of Terrell.

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CITY OF TERRELL



Ordinance # 2682
Exhibit "D"

DATE: 11/21/2016
DRAWN: KW
CHECK:
REMARKS

Ordinance # 2682

"EXHIBIT D"

LEGAL DESCRIPTION

STATE OF TEXAS

COUNTY OF KAUFMAN

Being a tract or parcel of land in the L.H. Adams Survey, Abstract 7, and the J.M.H. Chisholm Survey, Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the West Right of Way of F.M. 986 (Poetry Rd.), said corner also being the Northeast corner of a 485.972 acre Tract deeded to Whitt Ranch Acres LLC recorded in Volume 2897, Page 146 of the Deed Records of Kaufman County;

THENCE S 82 deg. 01 min. 00 sec. West a distance of 684.37 feet to a point for corner;

THENCE N 07 deg. 59 min. 00 sec. West a distance of 100.00 feet to a point for corner;

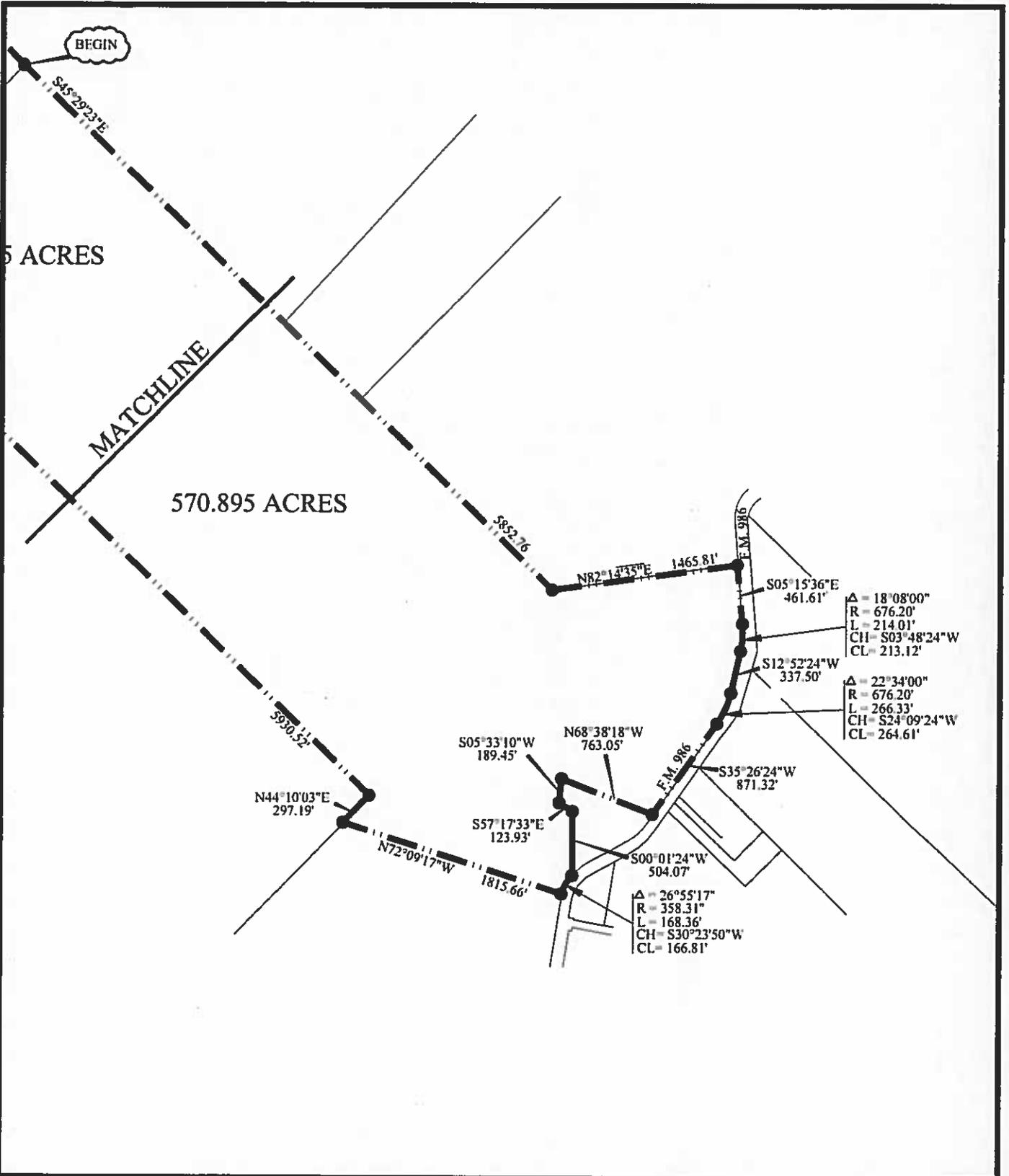
THENCE S 82 deg. 01 min. 00 sec. West a distance of 274.03 feet to a point for corner;

THENCE N 07 deg. 50 min. 00 sec. West a distance of 44.59 feet to a point for corner;

THENCE N 81 deg. 30 min. 36 sec. East a distance of 967.88 feet to a point for corner, said point being in the West Right of Way of said F.M. 986;

THENCE S 04 deg. 24 min. 46 sec. East a distance of 153.44 feet to the **POINT OF BEGINNING** and containing 2.66 acres of land More or Less.

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CITY OF TERRELL



Ordinance # 2682
Exhibit "E"
SHEET 1 OF 2

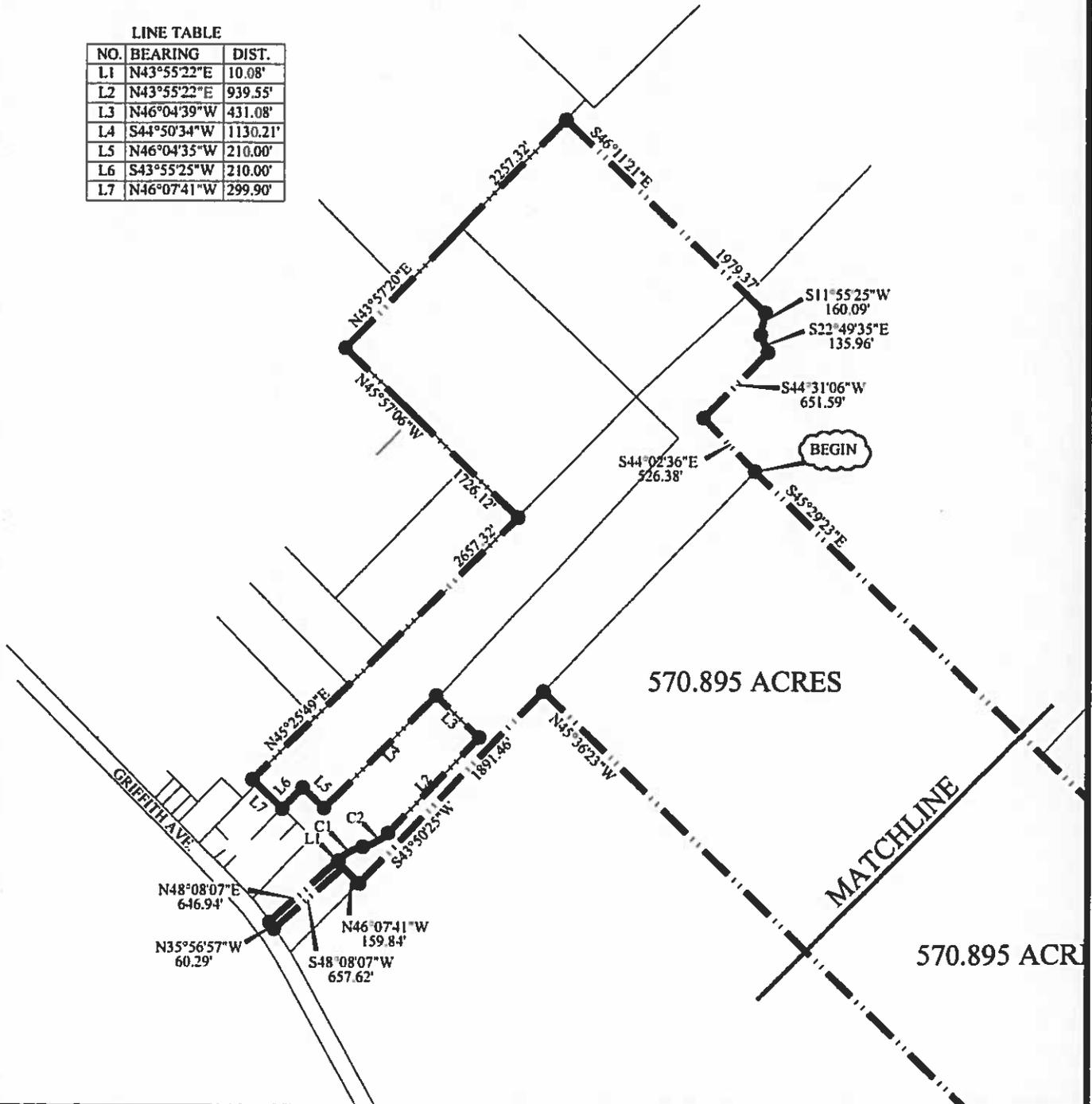
DATE: 11/21/2016
DRAWN: KW
CHECK:
REMARKS:

CURVE TABLE

NO.	DELTA	RAD.	ARC LENGTH	CH. BEARING	CH. LENGTH
C1	34°05'19"	347.94'	207.01'	N60°59'47"E	203.97'
C2	34°07'04"	347.70'	207.05'	N60°58'54"E	204.00'

LINE TABLE

NO.	BEARING	DIST.
L1	N43°55'22"E	10.08'
L2	N43°55'22"E	939.55'
L3	N46°04'39"W	431.08'
L4	S44°50'34"W	1130.21'
L5	N46°04'35"W	210.00'
L6	S43°55'25"W	210.00'
L7	N46°07'41"W	299.90'



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CITY OF TERRELL



Ordinance # 2682
Exhibit "E"
SHEET 2 OF 2

DATE: 11/21/2016
DRAWN: KW
CHECK:
REMARKS:

Ordinance # 2682

"EXHIBIT E"

LEGAL DESCRIPTION

PARCEL ONE (Whitt):

BEING situated in KAUFMAN County, Texas, and being 391.949 acres (17,073,298 square feet) tract or parcel of land, out of the L.H. Adams Survey, Abstract Number 7, the J.M.H. Chisholm Survey, Abstract Number 105, and the J. McEnturff Survey, Abstract Number 340, and being a portion of those same certain tracts conveyed to Whitt, Inc. by deed dated December 4, 1962, and described as First Tract (a called 422.21 acre tract), Second Tract (a called 72 acre tract) and Third Tract (a called 4.2 acre tract, as recorded in Volume 455, Page 242, of the Deed Records of KAUFMAN County, Texas, said tracts totaling by deed call 494.21 acres, save and except 92.900 acres currently in the Corporate City Limits of Terrell, save and except a called 0.5165 acre site for the City of Terrell's water tank, site, as recorded in Volume 533, Page 267, of the Deed Records of KAUFMAN County, Texas, save and except Lot 3 of Whitt Ranch Addition, as recorded in Plat Cabinet 2, Sleeve 761, of the Plat Records of KAUFMAN County, Texas, save and except the called 4.503 acres for the Robert and Emma Whitt homestead site, as recorded in Volume 1222, Page 368, of the Deed Records, KAUFMAN County, Texas, and save and except a called 2.4 acres for a tract to Matthew C. Roberts, Jr., BEING AN AREA OF QUESTIONABLE TITLE INCLUDED IN TITLE COMMITMENT, said tract being conveyed from W.L. Whitt to Matthew C. Roberts, Jr., on or about December 4th, 1948, as evidenced by T.P. and L. Easement and Right-of-Way description dated September 16, 1968, and recorded in Volume 518, Page 151, of the Deed Records of KAUFMAN County, Texas, said easement description referring to Volume 351, Page 372 of the Deed Records of KAUFMAN County, Texas, and being further evidenced by existing fence lines or possession lines, and in total equaling approximately 486.79 acres per deeds, (Note The deed for the above reference 2.4 acre tract incorrectly referenced as Volume 351, Page 372 Deed Records KAUFMAN County, Texas., appears to have been misfiled, as no actual deed could be found. Please see first page of the attached legal for reference the volume and page reference page 372, is a signature page, said 391.949 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the North corner of the above-referenced Whitt, Inc. First Tract said point also being in the Southerly line of a called 155.0 acre tract of land conveyed to Edgar and William Wallace, Mattie Baker, Henry Wallace and Mary Rebecca Clark, by deed dated December 12, 1972, as recorded in Volume 571, Page 398, Deed Records, KAUFMAN County, Texas, said point also being an interior Easterly corner for a call 57.07 acre tract of land conveyed to Harvey D. Lynch, by deed dated April 4, 1996, as recorded in Volume 1206, Page 851, Deed Records, KAUFMAN County, Texas, and from which a found fence corner at the Westerly corner of the above referenced 155.0 acre tract, bears North 45 degrees 29 minutes 23 seconds West a total distance of 526.6 feet (Deed 526.44 feet);

THENCE South 44 degrees 03 minutes 06 seconds West (BASIS OF BEARING - All bearings are grid and based on the Texas State Plane Coordinate System for the Lambert North Central Zone {NAD 1983} and all distances are true distances. Deed bearing is South 45 degrees 00 minutes 00 seconds West), along the Southeasterly line of said Lynch tract, a total distance of 2169.37 feet (Deed 788.5 vs or 2190.28 feet) to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" at the most Northerly corner of a called 368 acre tract conveyed to Jack C. Morgan, Sr., and described in deed as recorded in Volume 988, Page 697, Deed Records, KAUFMAN County, Texas;

THENCE South 45 degrees 36 minutes 26 seconds East (Deed - South 45 degrees 00 minutes 00 seconds East), along the Northeasterly line of said Morgan tract, a total distance of 5938.59 feet (Deed 2370 vs or 6583.33 feet) to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" at the most Easterly corner of same, said point being the most Northerly corner of the above-referenced Whitt, Inc. Third tract (a called 4.2 acre tract);

THENCE South 44 degrees 10 minutes 03 seconds West (Deed - South 45 degrees 00 minutes 00 seconds West), along an interior and Southeasterly line for said Morgan tract, a total distance of 297.19 feet to a point for corner in the Corporate City Limit Line of Terrell;

THENCE South 72 degrees 09 minutes 17 seconds East, to a point for corner in the Westerly right-of-way line of F.M. 986/Poetry Road (a variable width right-of-way), a total distance of 1815.38 feet to a point for corner at the beginning of a curve to the right whose center bears South 73 degrees 03 minutes 49 seconds East, a total distance of 358.31 feet;

THENCE in a Northerly/Northeasterly direction and continuing along said existing Westerly right-of-way line and along said curve to the right, through a central angle of 26 degrees 55 minutes 17 seconds, and an arc length of 168.36 feet (Chord Bearing = North 30 degrees 23 minutes 50 seconds East, 166.81 feet) to a point for corner at the end of said curve;

THENCE North 00 degrees 01 minutes 24 seconds East, 504.07 feet to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING";

THENCE North 57 degrees 17 minutes 33 seconds West (Deed - North 56 degrees 46 minutes 17 seconds West), 123.93 feet to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING";

North 05 degrees 33 minutes 10 seconds East (Deed - North 06 degrees 04 minutes 26 seconds East), 189.45 feet to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" at the most Northerly corner of said tract;

THENCE, South 68 degrees 38 minutes 18 seconds East (DEED - South 68 degrees 07 minutes 32 seconds East), along the Northeasterly line of said tract a total distance of 763.05 feet to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" at the most Easterly corner of said tract and being in the existing Northwesterly right-of-way line of F.M. Highway No. 986/Poetry Road (a variable width right-of-way);

THENCE North 35 degrees 26 minutes 24 seconds East (NO DEED BEARING CALLS OR DISTANCES FOR WHITT, INC. FIRST TRACT (a called 422.21 acre tract)- DEED CALLS TO BE NORTHERLY AND NORTHEASTERLY WITH MEANDERS OF THE WESTERLY LINE OF TERRELL/POETRY ROAD TO THE POINT OF BEGINNING), along said existing westerly right of way line, a total distance of 871.32 feet to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" at the beginning of a curve to the left whose center bears North 54 degrees 33 minutes 36 seconds West, a total distance of 676.20 feet;

THENCE, in a Northerly/Northeasterly direction (NO DEED BEARING CALLS OR DISTANCES FOR WHITT, INC. FIRST TRACT (a called 422.21 acre tract) - DEED CALLS TO BE NORTHERLY AND NORTHEASTERLY WITH MEANDERS OF THE WESTERLY LINE OF TERRELL/POETRY ROAD TO THE POINT OF BEGINNING) continuing along said existing Westerly right-of-way line, and along said curve to the left, through a central angle of 22 degrees 34 minutes 00 seconds, and an arc length of 266.33 feet (Chord Bearing = North 24 degrees 09 minutes 24 seconds East, 264.61 feet) to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" at the end of said curve;

THENCE North 12 degrees 52 minutes 24 seconds East, continuing along said existing Westerly right-of-way line, a total distance of 337.50 feet to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" at the beginning of a curve to the left whose center bears North 77 degrees 07 minutes 36 seconds West, a total distance of 676.20 feet;

THENCE, in a Northerly direction (NO DEED BEARING CALLS OR DISTANCES FOR WHITT, INC. FIRST TRACT(a called 422.21 acre tract) - DEED CALLS TO BE NORTHERLY AND NORTHEASTERLY WITH MEANDERS OF THE WESTERLY LINE OF TERRELL/POETRY ROAD TO THE POINT OF BEGINNING) continuing along said existing Westerly right-of-way line, and along said curve to the left, through a central angle of 18 degrees 08 minutes 00 seconds, and an arc length of 214.01 feet (Chord Bearing = North 03 degrees 48 minutes 24 seconds East, 213.12 feet) to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" at the end of said curve;

THENCE North 05 degrees 15 minutes 36 seconds West (NO DEED BEARING CALLS OR DISTANCES FOR WHITT, INC. FIRST TRACT (a called 422.21 acre tract) - DEED CALLS TO BE NORTHERLY AND NORTHEASTERLY WITH MEANDERS OF THE WESTERLY LINE OF TERRELL/POETRY ROAD TO THE POINT OF BEGINNING) along said existing Westerly right-of-way line, a total distance of 461.61 feet to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING" at the Southeasterly corner of a called 2.4 acre tract conveyed to Matthew C. Roberts, Jr., BEING AN AREA OF QUESTIONABLE TITLE INCLUDED IN TITLE COMMITMENT, said tract being conveyed from W.L. Whitt to Matthew C. Roberts, Jr., on or about December 4, 1948, as evidenced by T.P. and L. Easement and Right-of-Way description dated September 16, 1968, and recorded in Volume 518, Page 151, of the Deed Records of KAUFMAN County, Texas, said easement description referring to Volume 351, Page 372, of the Deed Records of KAUFMAN County, Texas., and being further evidenced by existing fence lines/possession lines, (Note; The deed for the above reference 2.4 acre tract, incorrectly referenced as Volume 351, Page 372, of the Deed Records KAUFMAN County, Texas, appears to have been misfiled, as no actual deed could be found. Please see first

page of the attached legal for reference. The volume and page referenced, page 372, in a signature page.);

THENCE South 82 degrees 39 minutes 15 seconds West (DEED - South 45 degrees 00 minutes 00 seconds West - 2.4 acre area of questionable title - Should be South 82 degrees 30 minutes 00 seconds West) along the Southerly line of said tract, a total distance of 530.00 feet to a 5/8 inch iron rod set with blue plastic cap stamped "TRI-TECH DFW SURVEYING", at the most Southwesterly corner of the above- referenced 2.4 acre tract, said point being at the most Southerly/Southeasterly corner of a called 109.0 acre tract described in a deed dated April 25, 1987, to Matthew C. Roberts, III, Trustee, as recorded in Volume 972, Page 12, Deed Records of KAUFMAN County, Texas, and being approximately 2 feet Northwest of an existing barb-wire fence;

THENCE South 82 degrees 00 minutes 37 seconds West (DEED - South 82 degrees 30 minutes 00 seconds West) along the Southerly line for said 109.0 tract a total distance of 935.83 feet to an old fence corner post at the most Southwesterly/South corner of the above-referenced 109.0 acre tract;

THENCE North 45 degrees 29 minutes 23 seconds West (DEED - North 45 degrees 00 minutes 00seconds West) along the Southwesterly line of said 109.0 acre tract and passing by deed call, at a total distance of 1897.42 feet the most Westerly corner of same, said point also being the most Southerly corner of a called 60.0 acre tract described in deed dated June 30, 1994, to Sue Howell Roberts Sloan and Homer V. Howell, Trustees of the Matthew C. Roberts, III Residual Trust, and recorded in Volume 1133, Page 588, Deed Records of KAUFMAN County, Texas, continuing in all, a total distance of 3073.53 feet and passing by deed call, the most Southerly corner of a 155.0 acre tract of land conveyed to Edgar and William Wallace, Mattie Baker, Henry Wallace and Mary Rebecca Clark, by deed dated December 12, 1972, as recorded in Volume 571, Page 398, Deed Records of KAUFMAN County, Texas, continuing in all a total distance of 5852.78 feet to the POINT OF BEGINNING, and CONTAINING 17,073,298 square feet or 391.949 acres of land, more or less.

PARCEL TWO (Lynch):

TRACT 1:

Parcel A:

Being a tract of land out of the W.B. Head Survey, Abstract No. 233 in Kaufman County, Texas, and being a portion of land conveyed to Harvey D. and Carl Dennis Lynch by deed recorded in Volume 1206, Page 851, Deed Records, Kaufman County, Texas (D.R.K.C.T.), and being further described as follows:

BEGINNING at a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" at a fence corner marking the north corner of that certain 94.87 acre tract

conveyed by Lelia S. Hodges to Martha Ware by deed recorded in Volume 249, Page 464, D.R.K.C.T.,

THENCE, South 46°11'20" East (South 45°06'45" East), along the northeasterly line of said 94.87 acre tract, a distance of 1940.31 feet (1941.00 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking a common corner between said 94.87 acres and a 96.02 acre tract as described in Volume 160, Page 93, D.R.K.C.T.,

THENCE, South 49°21'27" West (South 50°25'5" West), along the common line between said 94.87 acre tract and 96.02 acre tract, a distance of 1106.49 feet (1106.46 feet) to a found 1/2-inch iron rod for a corner of the herein described parcel:

THENCE, North 45°57'06" West (North 44°53' West), a distance of 1836.14 feet (1836.47 feet) to a 5/8- inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for corner on the northwest line of said 94.87 acre tract and the southeast line of that certain tract of land conveyed to Ted B. Lyon by deed recorded in Volume 2467, Page 410, D.R.K.C.T.

THENCE, North 43°57'20" East (North 45°00' East), along the common line between said 94.87 acre tract and Ted B. Lyon tract, a distance of 1093.72 feet (1093.89 feet) to the POINT OF BEGINNING, and containing a computed area of 47.579 acres (2,072,555 square feet) of land, more or less.

Parcel B:

Being a tract of land out of the W.B. Head Survey, Abstract No. 233 in Kaufman County, Texas, and being a portion of land conveyed to Harvey D. and Carl Dennis Lynch by deed recorded in Volume 1206, Page 851, Deed Records, Kaufman County, Texas (D.R.K.C.T.), and being further described as follows:

BEGINNING a found 1/2-inch iron rod on the southeasterly line of that certain tract of land conveyed to Ted B. Lyon by deed recorded in Volume 2467, Page 410, D.R.K.C.T. and marking the west corner of that certain 94.87 acre tract conveyed by Lelia S. Hodges to Martha Ware by deed recorded in Volume 249, Page 464, D.R.K.C.T.

THENCE, North 43°57'20" East (North 45 degrees 00' East), along the common line between said Ted B. Lyon tract and Martha Ware tract, a distance of 1163.61 feet (1163.95 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for corner;

THENCE, South 45°57'06" East (South 44°53' East), a distance of 1836.14 feet (1836.46 feet) to a 1/2-inch iron rod found on the southeast line of said 94.87 acres and the northwest line of that certain 96.02 acre tract of land described in Volume 160, Page 93, D.R.K.C.T. for corner;

THENCE, South 49°21'27" West (South 50°25'15" West), along the common line between said 94.87 acre and 96.02 acre tracts, a distance of 1168.62 feet (1168.95 feet) to a 1/2 inch iron rod found marking the south corner of said 94.87 acre tract and the east corner of that certain 134

acre tract of land as described in deed recorded in Volume 268, Page 375, D.R.K.C.T., same also being the east corner of that certain 104.46 acre tract of land as described in Volume 584, Page 774, D.R.K.C.T. and the east corner of that certain tract of land conveyed to Harvey D. and Carl Dennis Lynch by deed recorded in Volume 2066, Page 221, D.R.K.C.T. for corner;

THENCE, North $45^{\circ}57'06''$ West (North $44^{\circ}53'$ West), along the common line between said 97.87 acre tract, 134 acre tract, 104.46 acre tract and Lynch tract, a distance of 1726.12 feet (1726.03 feet) to the POINT OF BEGINNING, containing a computed area of 47.579 acres (2,072,536 square feet) of land, more or less.

Parcel C:

Being a tract of land out of the L.H. Adams Survey, A-7, in Kaufman County, Texas, and being a part of that called 96.02 acres conveyed to T.P Ware by Ben Allen by deed of record in Volume 160, Page 93, Kaufman County Deed Records, and being further described as follows:

BEGINNING a 1/2-inch iron rod found on the northwesterly line of that certain 134 acre tract of land as described in deed recorded in Volume 268, Page 375, D.R.K.C.T. and marking the west corner of said 96.02 acres;

THENCE, North $45^{\circ}25'49''$ East (North $46^{\circ}30'10''$ East), along the common line between said 134 acre and 96.02 acre tracts, a distance of 2657.31 feet (2657.41 feet) to a found 1/2-inch iron rod marking the east corner said 134 acre tract, the east corner of that certain 104.46 acre tract of land as described in Volume 584, Page 774, D.R.K.C.T. and the east corner of that certain tract of land conveyed to Harvey D. and Carl Dennis Lynch by deed recorded in Volume 2066, Page 221, D.R.K.C.T. the same being the south corner of that certain 94.87 acre tract of land as conveyed by Lelia S. Hodges to Martha Ware by deed recorded in Volume 249, Page 464, D.R.K.C.T., for an angle point;

THENCE, North $49^{\circ}21'37''$ East (North $50^{\circ}25'15''$ East), along the common line between said 94.47 acre and 96.02 acre tracts, a distance of 1105.00 feet (1105.18 feet) to a found 1/2-inch iron rod marking the north corner of the herein described tract;

THENCE, South $45^{\circ}57'35''$ East (South $44^{\circ}53'$ East), a distance of 392.22 feet (392.45 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for the east corner of the herein described tract;

THENCE, South $44^{\circ}50'34''$ West (South $45^{\circ}54'50''$ West), passing at a distance of 2415.61 feet a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for the north corner of that certain tract of land conveyed to Angel Landeros by deed recorded in Volume 2371, Page 390, D.R.K.C.T. and continuing along the northwesterly line of said Landeros tract a total distance of 3545.82 feet (3546.00 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking a common corner between said Landeros tract and the herein described tract;

THENCE, North 46°04'35" West (North 45°00' West), along the common line between said Landeros tract and the herein described tract, a distance of 210.00 feet to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for a common corner between said tracts;

THENCE, South 43°55'25" West (South 45°00' West), along the common line between said Landeros tract and the herein described tract, a distance of 210.00 feet to a found 1/2-inch iron rod on the southwesterly line of the aforementioned 96.02 acre tract and marking the common corner between said Landeros tract, the herein tract and that certain tract of land conveyed to Anna M. Breitenbach by deed recorded in Volume 1055, Page 845, D.R.K.C.T.

THENCE, North 46°07'41" West (North 45°04'20" West), along the common line between said Breitenbach tract and 96.02 acre tract, a distance of 299.85 feet (300.00 feet) to the POINT OF BEGINNING and containing a computed area of 40.049 acres (1,744,522 square feet) of land, more or less.

TRACT 2:

Being a tract of land out of the L.H. Adams Survey, A-7 in Kaufman County, Texas, and being a part of that called 96.02 acres conveyed to T.P. Ware by Ben Allen by deed of record in Volume 160, Page 93, Kaufman County Deed Records, and being further described as follows:

COMMENCING at 1/2-inch iron rod found on the northwesterly line of that certain 134 acre tract of land as described in deed recorded in Volume 268, Page 375, D.R.K.C.T. and marking the west corner of said 96.02 acre tract and the north corner of that certain tract of land conveyed to Anna M. Breitenbach by deed recorded in Volume 1055, Page 845, D.R.K.C.T.

THENCE, South 46°07'41" East (South 45°04'20" East), along the common line between said 96.02 acre tract and Breitenbach tract, a distance of 299.85 feet (300.00 feet) to a found 1/2-inch iron rod marking the common corner between said Breitenbach tract and that certain tract of land conveyed to Angel Landeros by deed recorded in Volume 2371, Page 390, D.R.K.C.T.;

THENCE, North 43°55'25" East (North 45°00' East), along the northwesterly line of said Landeros tract, a distance of 210.00 feet to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for corner;

THENCE, South 46°04'35" East (South 45°00' East), continuing along the northwesterly line of said Landeros tract, a distance of 210.00 feet to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for corner;

THENCE, North 44°50'34" East (North 45°54'50" East), continuing along the northwesterly line of said Landeros tract, a distance of 1130.21 feet to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for the POINT OF BEGINNING;

THENCE, North 44°50'34" East (North 45°54'50" East), a distance of 2415.61 feet to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for corner;

THENCE, North 45°57'35" West (North 45°53' West), a distance of 392.22 feet (392.45 feet) to a found 1/2-inch iron rod on the common line between said 96.02 acre tract and that certain 94.87 acre tract of land as described in deed recorded in Volume 249, Page 464, D.R.K.C.T. for corner;

THENCE, North 49°21'27" East (North 50°25'15" East), along the common line between said 94.87 acre and 96.02 acre tracts, a distance of 1170.12 feet (1170.23 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" marking a common corner between said 94.87 acre and 96.02 acre tracts;

THENCE, South 46°11'20" East (South 45°06'45" East), along the northeasterly line of said 96.02 acre tract, a distance of 39.00 feet to a found 1/2-inch iron rod for corner;

THENCE, South 11°55'25" West (South 13°00' West), a distance of 160.09 feet (159.47 feet) to a 5/8-inch iron rod set with plastic cap stamped "TRI TECH DFW SURVEYING" for an angle point;

THENCE, South 22°49'35" East (South 21°45' East), a distance of 135.96 feet (136.77 feet) to a found 1/2-inch iron rod for corner;

THENCE, South 44°31'06" West (South 45°??'40" West), a distance of 651.59 feet (652.00 feet) to a found 1/2-inch iron rod marking an ell corner of that certain tract of land described in deed recorded in Volume 322, Page 402, D.R.K.C.T. for corner;

THENCE, South 44°02'36" East (South 43°04' East), along the northeast line of said 56.42 acre tract, a distance of 526.38 feet (526.44 feet) to a 5/8-inch iron rod found marking the common corner between said 96.02 acre tract and that certain tract of land conveyed to Whitt Ranch Acres LLC by deed recorded in Volume 2897, Page 146, D.R.K.C.T. for corner;

THENCE, South 44°03'06" West (South 44°55' West), along the northwesterly line of said Whitt Ranch Acres tract, a distance of 2169.37 feet to a 5/8-inch iron rod found marking the west corner of said Whitt Ranch Acres tract for corner;

THENCE, South 45°25'33" East along the southwesterly line of said Whitt Ranch Acres tract, a distance of 8.07 feet to a 5/8-inch iron rod set with plastic cap stamped "Tri Tech DFW Surveying" marking the north corner of that certain tract of land conveyed to C & N, L.P., by deed recorded in Volume 2489, Page 251, D.R.K.C.T. for corner;

THENCE, South 43°50'25" West, along the northwesterly line of said C & N tract, a distance of 1891.35 feet to a 5/8-inch iron rod set with plastic cap stamped "Tri Tech DFW Surveying" marking the west corner of said C & N tract and the south corner of the herein described tract;

THENCE, North 46°07'41" West (North 45°04'20" West), a distance of 219.98 feet to a found 1/2-inch iron rod on the southeasterly line of the Landeros tract for corner;

THENCE, North 43°55'22" East (North 44°55" East), a distance of 10.08 feet (10.00 feet) to a 1/2-inch iron rod found for the beginning for a curve to the right;

THENCE, Northeasterly, along the arc of said curve to the right an arc length of 207.02 feet, a radius of 347.36 feet, a central angle of 34°08'50" and a chord which bears North 60°59'47" East, a distance of 203.97 feet a 5/8-inch iron rod set with plastic cap stamped "Tri Tech DFW Surveying" marking the point of reverse curvature of a curve to the left;

THENCE, Northeasterly, along the arc of said curve to the right an arc length of 207.02 feet, a radius of 347.36 feet, a central angle of 34°08'50" and a chord which bears North 60°59'47" East, a distance of 203.97 feet a 1/2-inch iron rod found marking the point of tangency of said curve to the left;

THENCE, North 43°55'22" East (North 44°55 East), a distance of 939.55 feet to a 1/2 iron rod found for corner;

THENCE, North 46°04'39" West (North 45°05' West), a distance of 431.08 feet (429.32 feet) to the POINT OF BEGINNING and containing a computed area of 42.841 acres (1,866,160 square feet) of land, more or less.

TRACT 3:

Being a tract of land out of the L.H. Adams Survey, A-7, in Kaufman County, Texas, and being a portion of a 2.209 acre tract of land conveyed to Mackey Lee Brittain and wife Diana Brittain by Myrtle O. Williams, by deed dated December 12, 1980, recorded in Volume 609, Page 239, Deed Records of Kaufman County, and being further described as follows:

BEGINNING at a 5/8-inch iron rod set with plastic cap stamped "Tri Tech DFW Surveying" marking the southeast corner of said 2.209 acre tract, said point being in the northeast right-of-way of West Griffith Avenue;

THENCE, Northwesterly, along the arc of said curve to the left, an arc distance of 60.31 feet (60.26 feet), a radius of 2924.79 feet (2924.93 feet), central angle of 01°10'53" (2°10'50"), and a chord which bears North 35°56'57" West, a distance of 60.30 feet (North 34°51'52" West, 60.26 feet) to a found 1/2-inch iron rod marking the southwest corner of the herein described tract;

THENCE, North 48°08'07" East (North 49°11'45" East), a distance of 646.94 feet (647.18 feet) to a found 1/-inch iron rod for the north corner of the herein described tract;

THENCE, South 46°07'41" East (South 45°04'20" East), a distance of 60.14 feet (60.11 feet) to a found 1/2-inch iron rod for corner;

THENCE, South 48°08'07" West (South 49°11'45" West), a distance of 657.63 feet (657.89 feet) to the POINT OF BEGINNING and containing a computed area of 0.898 acres (39.116 square feet) of land, more or less.