

RESOLUTION NO. 556

A RESOLUTION OF THE CITY OF TERRELL, TEXAS, ACCEPTING LAND INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TERRELL, TEXAS AND PROVIDING FOR RELATED MATTERS.

WHEREAS, on August 1, 2006, Spezia Investments, LLLP, an Arizona limited liability limited partnership (the "Applicant") submitted and filed with the City Secretary of the City of Terrell (the "City") a petition (the "Petition") requesting, pursuant to §42.022(b)&(c), *Tex. Loc. Gov't. Code*, the acceptance of approximately 612.9 acres of land owned by the Applicant and more particularly described in the metes and bounds description on Exhibit A attached hereto and made a part hereof (the "Property") into the extraterritorial jurisdiction ("ETJ") of the City; and

WHEREAS, prior to the adoption of this Resolution, a portion of the Property was located within the ETJ of the City of Forney ("Forney") and the remaining portion of the Property was not within the corporate limits or ETJ of any municipality; and

WHEREAS, on June 24, 2006, in exchange for the City's release of certain land (the "Exchanged Land") from its ETJ, Forney adopted Ordinance No. 1184 releasing the portion of the Property located within Forney's ETJ; and

WHEREAS, the City released the Exchanged Land from its ETJ prior to the adoption of this Resolution; and

WHEREAS, at the time of the adoption of this Resolution, no portion of the Property is located within the corporate limits or ETJ of any municipality; and

WHEREAS, the Property is contiguous to the existing ETJ of the City; and

WHEREAS, the City and the Applicant intend to enter a development agreement specifying, among other things, the uses and development of the Property before and after annexation (the "Development Agreement") immediately following the City's acceptance of the Property into its ETJ, and acknowledge that, but for the City's promise to enter into the Development Agreement, the Applicant would not have submitted and filed the Petition with the City requesting inclusion in the City's ETJ and that the Applicant has relied on, to its material detriment, the City's promise to enter into the Development Agreement; and

WHEREAS, the City Council has investigated and determined that the facts contained in the Petition are true and correct.

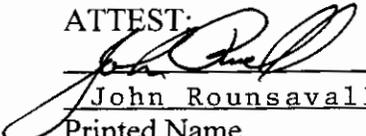
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL:

Section 1. That, pursuant to the requirements of §42.022(b)&(c), *Tex. Loc. Gov't. Code*, the City Council hereby accepts and incorporates the Property into and as part of the ETJ of the City.

Section 2. That this Resolution shall take effect immediately upon passage.

PASSED AND APPROVED on this 1st day of August, 2006.

ATTEST:



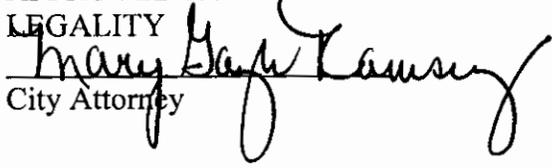
John Rounsavall
Printed Name
City Secretary

CITY OF TERRELL, TEXAS

By: 

Frances Anderson
Printed Name
Title: Mayor

APPROVED AS TO FORM AND
LEGALITY



Mary Beth Kausery
City Attorney

Exhibit "A"
Description of the Property

488.999-Acre Tract

BEING a tract of land situated in the LEWIS PEARSE SURVEY, ABSTRACT NO. 373, and the JOHN HEATH SURVEY, ABSTRACT NO. 227 in Kaufman County, Texas, and being part of a called 1012.488 acre tract of land described in a deed to AP Dupont Limited Partnership recorded in Volume 2502, Page 77 of the Deed Records of Kaufman County, Texas, a part of a called 10.599 acre tract of land described in a deed to Olen Davis recorded in Volume 1566, Page 114 of said Deed Records, and all of a 113.474 acre tract of land described in a deed to Olen T. Davis & Associates, Inc. recorded in Volume 1068, Page 469 of said Deed Records, and being more particularly described as follows:

BEGINNING at a point in the northwest boundary of said 1012.488 acre tract, said point being the east corner of Emerald Ranch Estates, an addition to Kaufman County according to the plat thereof recorded in Cabinet 2, Slide 464 of the Map records of Kaufman County, Texas;

THENCE North 44 degrees 18 minutes 26 seconds West, along the northeast boundary of said Emerald Ranch Estates tract and the northwest boundary of said 1012.488 acre tract, a distance of 1583.05 feet for the north corner of said Emerald Ranch and the south corner of a called 108.73 acre tract described in a deed to Countryside Helms Trail, L.P., recorded in Volume 1838, Page 286 of said Deed Records;

THENCE North 45 degrees 06 minutes 03 seconds East, along the southeast line of said 108.73 acre tract and a called 18.425 acre tract of land described in a deed to Kaufman Land Partners, Ltd., recorded in Volume 1973, Page 579 of said Deed Records, a distance of 2874.06 feet for the east corner of said 18.425 acre tract;

THENCE North 44 degrees 45 minutes 10 seconds West, along the northeast line of said 18.425 acre tract and the most westerly northwest line of said 1012.488 acre tract, a distance of 1954.78 feet to a point in the approximate center of Helms Trail (undedicated public road) for the north corner of said 18.425 acre tract and the southeast corner of said 113.474 acre tract;

THENCE North 45 degrees 20 minutes 58 seconds West, along the approximate center of Helms Trail and the most northerly northwest line of said 1012.488 acre tract, a distance of 3095.32 feet to a point in the south line of the Union Pacific Railway (100' right-of-way);

THENCE South 88 degrees 06 minutes 52 seconds East, along the south line of said Railway and along the north line of said 1012.488 acre tract, a distance of 781.53 feet to a point for corner;

THENCE South 00 degrees 51 minutes 17 seconds East, a distance of 9582.30 feet to a point on the Talty one-half mile extra-territorial jurisdiction (ETJ) line;

THENCE along the Talty ETJ line the following courses and distances:

Northwesterly, along a non-tangent curve to the left which has a chord that bears North 54 degrees 08 minutes 40 seconds West for 1157.06 feet, a central angle of 25 degrees 19 minutes 01 second and a radius of 2640.00 for an arc distance of 1166.53 feet to the end of said curve;

North 44 degrees 48 minutes 35 seconds West, a distance of 1272.29 feet to the beginning of a tangent curve to the left;

Northwesterly, along the tangent curve to the left which has a chord that bears North 62 degrees 23 minutes 35 seconds West for 1595.03 feet, a central angle of 35 degrees 09 minutes 58 seconds and a radius of 2640.00 feet, for an arc distance of 1620.34 to a point on the southeast line of said Emerald Ranch;

THENCE North 45 degrees 17 minutes 02 seconds East, along the southeast line of said Emerald Ranch, a distance of 799.31 feet to the POINT OF BEGINNING and containing 21,300,810 square feet, or 488.999 acres of land, more or less.

123.853-Acre Tract

BEING a 123.853 acre tract of land situated in the John Heath Survey, Abstract Number 227, in Kaufman County, Texas and being all of a 10.599 acre tract of land described by deed to Olen Davis recorded in Volume 1566, Page 114 of the Deed Records of Kaufman County, Texas (DRKCT) and being all of 113.474 acre tract of land described by deed to Olen T. Davis & Associates, Inc. recorded in Volume 1068, Page 469 (DRKCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set for the northeast corner of said 10.599 acre tract of land and being located in the center of a Rock Top Road known as County Road No. 211 (Helms Trail) which is fenced approximately 45' in width, said point also being located in the south line of the Texas & Pacific Railway right-of-way (100' wide);

THENCE along the center of said County Road 211 (Helms Trail) and the southeasterly line of said 113.474 acre tract of land as follows:

SOUTH 42°04'26" WEST a passing distance of 140.57 to the northeast corner of said 113.474 acre tract of land, in all a total distance of 499.10 feet to a 5/8 inch iron rod set for corner;

SOUTH 41°28'25" WEST a distance of 732.40 feet to a 5/8 inch iron rod set for corner;

SOUTH 41°14'24" WEST a distance of 840.20 feet to a 5/8 inch iron rod set for corner;

SOUTH 40°52'03" WEST a distance of 1,138.96 feet to a 5/8 inch iron rod set for the southerly corner of said 113.474 acre tract of land;

THENCE departing the center of said County Road 211 (Helms Trail) and following the southwesterly line of said 113.474 acre tract of land, NORTH 48°37'23" WEST a passing distance of 27.33 feet to a 5/8 inch iron pipe found at the base of a fence post, in all a total distance of 3,373.09 to a 5/8 inch iron rod found for the northwest corner of said 10.599 acre tract of land and being located in the south line of said Texas & Pacific Railway right-of-way;

THENCE along the south line of said Texas & Pacific Railway right-of-way, NORTH 87°45'00" EAST a distance of 4,653.28 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 123.853 acres or 5,395,049 square feet of land more or less all according to that survey prepared by A.J. Bedford Group, Inc., dated March 15, 2005 and signed by Austin J. Bedford, Registered Professional Land Surveyor No. 4132; to which reference for all purposes is hereby made.

Exhibit "A"
Legal Description of the Property

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