

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 14, 2022

Laurie Gharis, Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC-105  
Austin, Texas 78711-3087

Re: TCEQ Docket No. 2022-1157-DIS; Ellis Ranch Municipal Utility District No. 1;  
Request filed regarding Internal Control No. D-03212022-0036.

Dear Ms. Gharis:

Transmitted herewith for filing with the Texas Commission on Environmental Quality (Commission or TCEQ) are the following items to be filed as backup materials for the November 2, 2022, agenda on hearing requests for the creation of Ellis Ranch Municipal Utility District No. 1:

1. Technical memo prepared by staff;
2. Temporary Directors' Affidavits; and
3. Notice of District Petition.

Please do not hesitate to contact me if you have any questions regarding these materials. Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Kayla Murray".

Kayla Murray, Staff Attorney  
Environmental Law Division

Enclosures

# Texas Commission on Environmental Quality

## TECHNICAL MEMORANDUM

**To:** Justin P. Taack, Manager  
Districts Section *JPT 7-26-2022* **Date:** July 26, 2022

**From:** Andrew Paynter, Technical Specialist  
Districts Section

**Subject:** Petition by GRBK Edgewood, LLC for Creation of Ellis Ranch Municipal Utility District No. 1; Pursuant to Texas Water Code Chapters 49 and 54.  
TCEQ Internal Control No. D-03212022-036 (TC)  
CN: 605997907 RN: 111461596

### **A. GENERAL INFORMATION**

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Ellis Ranch Municipal Utility District No. 1 (District) of Ellis County. The petition was signed by Bobby Samuel, Vice President of GRBK Edgewood, LLC, a Texas limited liability company (Petitioner). The petition states that the Petitioner holds title to a majority in value of the land in the proposed District. Information provided indicates that there are no lienholders on the property to be included in the proposed District.

The District is proposed to be created and organized according to the terms and provisions of Article XVI, Section 59, of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code (TWC).

#### **Location and Access**

The proposed District is located in central Ellis County, approximately 4 miles east of the City of Waxahachie (City). The proposed District is located northeast of the intersection of Farm-to-Market Road (FM) 878 and Gibson Road. The proposed District is located partially within the extraterritorial jurisdiction of the City, partially within the unincorporated area of Ellis County, and outside the corporate limits or extraterritorial jurisdiction of any other city or town. Access to the proposed District is provided by FM 878.

#### **Metes and Bounds Description**

The proposed District contains one tract of land totaling 571.147 acres. The metes and bounds description of the proposed District has been checked and has been found to form an acceptable closure.

### City Consent

In accordance with Local Government Code Section 42.042 and TWC Section 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by TWC Section 54.016(c) expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to TWC Section 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the land within the District.

### Statements of Filing Petition

Evidence of filing the petition with the City Secretary's office, the Ellis County Clerk's office, the TCEQ's Dallas/Fort Worth regional office, the Texas state representative, and the Texas state senator was included in the application.

### Notification of County

TWC Section 54.0161 requires the TCEQ to notify the County Commissioners Court of a creation application if all of the proposed District is located outside of the corporate limits of a municipality. Information provided indicates the proposed District is entirely outside the corporate limits of any municipality. By letter dated March 22, 2022, the Ellis County Commissioners Court was notified of the subject application. A response has not been received to date.

### Type of Project

The proposed District will be considered a "developer project" as defined by 30 Texas Administrative Code (TAC) Section 293.44(a). Therefore, developer cost participation in accordance with 30 TAC Section 293.47 will be required.

### Developer Qualifications

Application material indicates that GRBK Edgewood, LLC will carry out the development of the proposed District. GRBK Edgewood, LLC has extensive experience with residential development in the Dallas/Fort Worth area.

### Appraisal District Certificate

By certificate dated March 11, 2022, the Ellis Appraisal District has certified that the appraisal roll indicates that GRBK Edgewood, LLC is the owner of all the property in the proposed District.

### Temporary Director Affidavits

The TCEQ has received affidavits for consideration of the appointment of temporary directors for the following:

William Reid Scoggins  
Emily Subash

Anthony Oliver  
Travis Chapman

Tyler Anderson

Each of the above persons named is qualified, as required by 30 TAC Section 293.32(a), to serve as a temporary director of the proposed District as each (1) is at least 18 years old, (2) is a resident of the State of Texas, and (3) either owns land subject to taxation within the proposed District or is a qualified voter within the proposed District. Additionally, as required by TWC Section 54.022, the majority are residents of the county in which the proposed District is located, a county adjacent to the county in which the proposed District is located, or if the proposed District is located in a county that is in a metropolitan statistical area designated by the United States Office of Management and Budget or its successor agency, a county in the same metropolitan statistical area as the county in which the proposed District is located.

#### Notice Requirements

Proper notice of the application was published on May 1 and May 8, 2022, in the *Waxahachie Daily Light*, a newspaper regularly published or circulated in Ellis County, the county in which the District is proposed to be located. Proper notice of the application was posted on June 9, 2022, at the place for posting legal notices at the Ellis County Courthouse. Accordingly, the notice requirements of 30 TAC Section 293.12(b) have been satisfied.

### **B. ENGINEERING ANALYSIS**

The Creation engineering report indicates the following:

#### Availability of Comparable Service

According to information provided, the proposed District is located within the water Certificate of Convenience and Necessity (CCN) of Rockett Special Utility District (SUD) and will receive retail water service from Rockett SUD. The District is not located within the CCN of any wastewater treatment provider. The District will construct a wastewater treatment facility to serve its customers. No other comparable water or wastewater services are available in the area.

#### Water Supply

The engineering report states that the proposed District will construct a 12-inch waterline in the FM 878 right-of-way and an 18-inch waterline to connect to existing Rockett SUD waterlines. The developer or homebuilder will be required to pay a connection fee to Rockett SUD for each water connection. All water distribution and supply system improvements to serve the proposed District will be designed in accordance with the criteria established by the City, TCEQ, and Ellis County.

#### Water Distribution

The water distribution system for full development of the proposed District will consist of approximately 61,300 linear feet (LF) of 8-inch water lines and 14,400 LF of 12-inch water lines, along with all related appurtenances. The proposed water distribution system will consist of a network of arterial and interconnecting loop mains.

#### Wastewater Treatment

The proposed District plans to provide wastewater service from its own wastewater treatment and distribution facilities. All wastewater facilities will be designed in accordance with the criteria established by the City, TCEQ, and Ellis County.

### Wastewater Collection

The wastewater collection system will consist of a network of wastewater lines that flow into collector mains with lift stations to transport the flow to the wastewater treatment plant. The wastewater collection system for full development of the proposed District will consist of approximately 57,200 LF of 8-inch wastewater lines and 16,400 LF of 12-inch wastewater lines, along with related manholes and appurtenances.

### Storm Water Drainage System and Drainage Improvements

The storm water runoff within the proposed District will be collected in curb and gutter streets into flumes or inlets which will convey the flows overland or via underground culverts, respectively. All storm drainage improvements will be designed in accordance with criteria established by the City and Ellis County.

### Road Improvements

Application material indicates the proposed District will construct road improvements within the proposed District.

### Topography

The topography of the proposed District generally drains in a southeasterly direction to Boyce Creek. Elevations within the proposed District range from 500 feet to 510 feet above mean sea level.

### Floodplain

According to Federal Emergency Management Agency Flood Insurance Rate Map Panels No. 48139C0200F and 48139C0225F dated June 3, 2013, approximately 102.82 acres within the proposed District lies within the 100-year floodplain.

### Subsidence

According to application material, the proposed District will receive its water from Rockett SUD, which supplies surface water, and is anticipated to have no effect on subsidence.

### Groundwater Level

According to application material, the proposed District will receive its water from Rockett SUD, which supplies surface water, and is anticipated to have little to no effect on the groundwater levels in the region.

### Water Quality

All construction within the proposed District will include erosion control measures which comply with the Storm Water Pollution Prevention Plans overseen by the TCEQ. Also, due to the treatment and disposal of wastewater flows from the proposed District into its proposed wastewater treatment facilities, the proposed District is anticipated to have minimal effect on water quality.

### Dam Safety Analysis

The Dam Safety Section of the TCEQ has conducted a review of the proposed creation of the subject District and has concluded that there are two possible Inventory sized dams, and that a dam safety analysis and water rights permit may be required.

**C. SUMMARY OF COSTS**

**WATER AND DRAINAGE**

| <u>Construction Costs</u>                            | District's <sup>(1)</sup><br><u>Share</u> |
|--|---|
| A. Developer Contribution Items                      |   |
| 1. Water, Wastewater, and Drainage                   | \$ 28,167,765                             |
| 2. Erosion Control and Miscellaneous                 | 520,959                                   |
| 3. Contingencies (5% of Items No. 1 and 2)           | 1,434,436                                 |
| 4. Engineering (10% of Items No. 1 and 2)            | <u>2,868,872</u>                          |
| Total Developer Contribution Items                   | \$ 32,992,032                             |
| B. District Items                                    |   |
| 1. Offsite Water Line Improvements                   | \$ 819,001                                |
| 2. Wastewater Treatment Plant and Lift Station       | 3,161,397                                 |
| 3. Contingencies (5% of Items No. 1 and 2)           | 199,020                                   |
| 4. Engineering (10% of Items No. 1 and 2)            | <u>398,040</u>                            |
| Total District Items                                 | \$ 4,577,458                              |
| <br>TOTAL CONSTRUCTION COSTS (78.01% of Bond Issues) | <br>\$ 37,569,490                         |
| <br><u>Nonconstruction Costs</u>                     |   |
| A. Legal Fees  | \$ 1,204,000                              |
| B. Fiscal Agent Fees                                 | 963,200                                   |
| C. Interest  |   |
| 1. Capitalized Interest (24 months at 3.5%)          | 3,371,200                                 |
| 2. Developer Interest (24 months at 3.5%)            | 2,629,864                                 |
| D. Bond Discount (3%)                                | 1,444,800                                 |
| E. Bond Issuance Expenses                            | 338,886                                   |
| F. Bond Application Report Costs                     | 360,000                                   |
| G. Creation Expenses                                 | 35,000                                    |
| H. Operating Expenses                                | 75,000                                    |
| I. Attorney General Fee (0.10%)                      | 48,160                                    |
| J. TCEQ Bond Issuance Fee (0.25%)                    | <u>120,400</u>                            |
| TOTAL NONCONSTRUCTION COSTS (21.99% of Bond Issues)  | \$ 10,590,510                             |
| <br><b>TOTAL BOND ISSUE REQUIREMENT</b>              | <br><b>\$ 48,160,000</b>                  |

Note:

(1) Assumes 100% funding of anticipated developer contribution items, where applicable.

Eligibility of costs for District funding and 30% developer contribution requirements will be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

**ROADS**

| <u>Construction Costs</u>                           | District's <sup>(1)</sup><br><u>Share</u> |
|---|---|
| A. Roads  | \$ 13,197,100                             |
| B. Contingencies (5% of Item A)                     | 659,855                                   |
| C. Engineering (10% of Item A)                      | <u>1,319,710</u>                          |
| TOTAL CONSTRUCTION COSTS (79.15% of Bond Issues)    | \$ 15,176,665                             |
| <br>  |   |
| <u>Nonconstruction Costs</u>                        |   |
| A. Legal Fees                                       | \$ 479,375                                |
| B. Fiscal Agent Fees                                | 383,500                                   |
| C. Interest   |   |
| 1. Capitalized Interest (24 months at 3.5%)         | 1,342,250                                 |
| 2. Developer Interest (24 months at 3.5%)           | 1,062,367                                 |
| D. Bond Discount (3%)                               | 575,250                                   |
| E. Bond Issuance Expenses                           | 66,418                                    |
| F. Bond Engineering Costs                           | 70,000                                    |
| G. Attorney General Fee (0.10%)                     | <u>19,175</u>                             |
| TOTAL NONCONSTRUCTION COSTS (20.85% of Bond Issues) | \$ 3,998,335                              |
| <br>  |   |
| <b>TOTAL BOND ISSUE REQUIREMENT</b>                 | <b>\$ 19,175,000</b>                      |

Note:

(1) Assumes 100% funding of anticipated developer contribution items, where applicable.

A preliminary layout of roads proposed for funding has been provided, and they appear to benefit the proposed District and the land included within the proposed District. Eligibility of costs may be subject to TCEQ review to be determined in accordance with TCEQ rules in effect at the time bond applications are reviewed.

**D. ECONOMIC ANALYSIS**

Land Use

The land use for the proposed District is projected in the following table.

| <u>Development</u>         | <u>Acres</u> | <u>ESFCs</u> |
|----------------------------|--------------|--------------|
| Single-Family              | 207.190      | 1,299        |
| Park/Open Space            | 144.397      | 2            |
| Detention Ponds            | 1.250        | 0            |
| Floodplain                 | 102.820      | 0            |
| Fire and Police Department | 7.910        | 10           |
| Street Right-of-Way/Others | 100.260      | 0            |
| Wastewater Treatment Plant | <u>7.320</u> | <u>0</u>     |
| Total                      | 571.147      | 1,311        |

Market Study

A market study, prepared by Residential Strategies, Inc., has been submitted in support of the creation of the proposed District. The market study indicates that the proposed District will contain single-family homes on 40-foot lots priced between \$250,000 and \$315,000, on 50-foot lots priced between \$280,000 and \$350,000, and on 60-foot lots priced between \$325,000 and \$400,000 and are expected to be absorbed at a rate of 83 to 121 homes annually.

Project Financing

The estimated total assessed valuation of the proposed district at completion is as follows:

| <u>Units Planned</u>         | <u>Number of Units/Acreage</u> | <u>Average Unit Value</u> | <u>Total Value at Build-Out</u> |
|------------------------------|--------------------------------|---------------------------|---------------------------------|
| Single-Family (40-Foot Lots) | 390                            | \$282,500                 | \$110,175,000                   |
| Single-Family (50-Foot Lots) | 584                            | \$315,000                 | \$183,960,000                   |
| Single-Family (60-Foot Lots) | 325                            | \$362,500                 | <u>\$117,812,500</u>            |
| Total Assessed Valuation     |                                |                           | \$411,947,500                   |

The application considers an estimated bond issue requirement of \$67,335,000 (\$48,160,000 for utilities and \$19,175,000 for roads), assuming 100% financing, a bond coupon rate of 3.5%, and a 28-year bond life; therefore, the average annual debt service requirement would be \$3,811,339 (\$2,725,983 for utilities and \$1,085,356 for roads). Assuming a 98% collection rate and an ultimate assessed valuation of \$411,947,500, a tax rate of approximately \$0.95 (\$0.68 for utilities and \$0.27 for roads) per \$100 assessed valuation would be necessary to meet the annual debt service requirement. Application material also indicates a maintenance tax of \$0.05 per \$100 assessed valuation is anticipated.

The total 2021 overlapping tax rates on land within the proposed District are shown in the following table.

| <u>Taxing Jurisdiction</u>     | <u>Tax Rate (Waxahachie)</u> <sup>(1)</sup> | <u>Tax Rate (Palmer)</u> <sup>(1)</sup> |
|--------------------------------|---|---|
| Ellis County                   | \$ 0.31                                     | \$ 0.31                                 |
| Ellis County ESD No. 6         | 0.07  |   |
| Ellis County ESD No. 9         |   | 0.06                                    |
| Ellis County Lateral Road      | 0.03  | 0.03                                    |
| Waxahachie ISD                 | 1.34  |   |
| Palmer ISD                     |   | 1.27                                    |
| Proposed Ellis Ranch MUD No. 1 | <u>1.00</u> <sup>(2)</sup>                  | <u>1.00</u> <sup>(2)</sup>              |
| Total Tax Rate                 | \$ 2.75                                     | \$ 2.67                                 |

Notes:

- (1) Represents tax rate per \$100 assessed valuation.
- (2) Includes a \$0.95 debt service tax rate (utilities and roads) and a \$0.05 maintenance tax rate.

Based on the proposed District tax rate and the year 2021 overlapping tax rate on land within the proposed District, the project is considered economically feasible.

Water and Wastewater Rates

According to information provided, the estimated monthly fee for 10,000 gallons of water and wastewater service would be \$137.61.



### Comparative Water District Tax Rates

A combined projected tax rate of \$1.00 per \$100 assessed valuation, as indicated above, for 100% financing for the proposed District is comparable to other districts in the area. Based on the requirements of 30 TAC Section 293.59, this project is considered economically feasible.

### **E. SPECIAL CONSIDERATION**

#### Request for Road Powers

A request for approval of road powers was included in the petition for creation of the proposed District. Pursuant to TWC Section 54.234, approval of road powers may be requested at the time of creation. The engineering report provided with the application included a summary of the estimated costs. The proposed roads appear to benefit the proposed District and financing appears feasible.

### **F. CONCLUSIONS**

1. Based on TCEQ policy, compliance with TCEQ rules, and review of the engineering report and supporting documents, the proposed District is considered feasible, practicable, would be a benefit to the land within the proposed District, and would be necessary as a means to finance utilities and to provide utility service to future customers.
2. Based on a review of the preliminary engineering report, market study, the proposed District's water, wastewater, and drainage facilities and roads, a combined projected tax rate of \$1.00 per \$100 assessed valuation, the proposed District obtaining a 3.5% bond coupon rate, and other supporting data, the proposed District is considered feasible under the feasibility limits prescribed by 30 TAC Section 293.59.
3. The recommendations are made under authority delegated by the Executive Director of the TCEQ.

### **G. RECOMMENDATIONS**

1. Grant the petition for creation of Ellis Ranch Municipal Utility District No. 1.
2. Grant the District's request to acquire road powers in accordance with TWC Section 54.234 and 30 TAC Sections 293.11(d)(11), 293.201, and 293.202, subject to the requirements imposed by the TCEQ and the general laws of the State of Texas relating to the exercise of such powers.
3. The order granting the petition should include the following statement:

"This Order shall in no event be construed as an approval of any proposed agreements or of any particular items in any documents provided in support of the petition for creation, nor as a commitment or requirement of the TCEQ in the future to approve or disapprove any particular items or agreements in future applications submitted by the District for TCEQ consideration."

Justin P. Taack, Manager  
Page 9  
July 26, 2022

4. Appoint the following to serve as temporary directors until permanent directors are elected and qualified:

William Reid Scoggins  
Emily Subash

Anthony Oliver  
Travis Chapman

Tyler Anderson

#### **H. ADDITIONAL INFORMATION**

The petitioner's professional representatives are:

Attorney: Mr. Ross Martin - Winstead, PC

Engineer: Mr. Ken Heroy, P.E. - Jones-Heroy & Associates, Inc.

Market Analyst: Mr. Matt Cashman - Residential Strategies, Inc.

AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Emily Subash who expressed a desire to be appointed a director of Ellis Ranch Municipal Utility District No. 1 (hereinafter the "District"), and who on oath did state:

1.           I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Dallas County, a county being adjacent to the county in which the District is located.

2.           I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).

3.           I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.

4.           I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.

5.           I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.

6.           Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.

7.           I am not a party to a contract with or along with the District (except, possibly, for the purchase of public services furnished by the District to the public generally) or a contract

with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

8. I do not, at the present time, plan to live in the District. I do plan to retain ownership of my land in the District for the indefinite future, but I anticipate that I will eventually offer it for resale.

9. I am generally familiar with the responsibilities of a director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers and residents of the District.

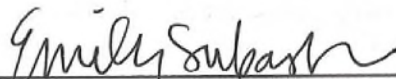
10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.

13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

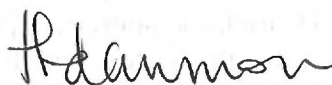
AFFIANT:

  
\_\_\_\_\_  
Emily Subash

SWORN AND SUBSCRIBED BEFORE ME this 5<sup>th</sup> day of April, 2022.

[SEAL]



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Travis Chapman who expressed a desire to be appointed a director of Ellis Ranch Municipal Utility District No. 1 (hereinafter the "District"), and who on oath did state:

1. I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Dallas County, a county adjacent to the county in which the District is located.

2. I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).

3. I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.

4. I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.

5. I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.

6. Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.

7. I am not a party to a contract with or along with the District (except, possibly,

for the purchase of public services furnished by the District to the public generally) or a contract with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

8. I do not, at the present time, plan to live in the District. I do plan to retain ownership of my land in the District for the indefinite future, but I anticipate that I will eventually offer it for resale.

9. I am generally familiar with the responsibilities of a director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers and residents of the District.

10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.

13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

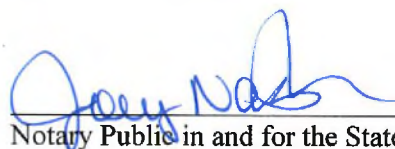
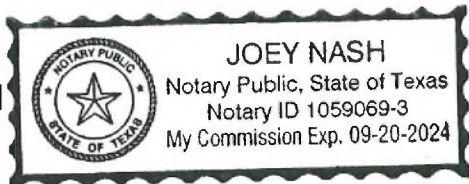
AFFIANT:



Travis Chapman

SWORN AND SUBSCRIBED BEFORE ME this 7<sup>th</sup> day of April, 2022.

[SEAL]



Notary Public in and for the State of Texas

AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared William Reid Scoggins who expressed a desire to be appointed a director of Ellis Ranch Municipal Utility District No. 1 (hereinafter the "District"), and who on oath did state:

1.           I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Dallas County, being a county adjacent to the county in which the District is located.

2.           I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).

3.           I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.

4.           I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.

5.           I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.

6.           Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.

7.           I am not a party to a contract with or along with the District (except, possibly, for the purchase of public services furnished by the District to the public generally) or a contract

with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

8. I do not, at the present time, plan to live in the District. I do plan to retain ownership of my land in the District for the indefinite future, but I anticipate that I will eventually offer it for resale.

9. I am generally familiar with the responsibilities of a director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers and residents of the District.

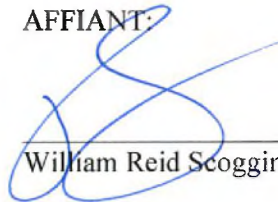
10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

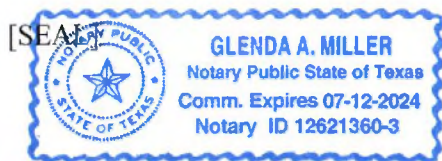
12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.

13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

AFFIANT:

  
\_\_\_\_\_  
William Reid Scoggins

SWORN AND SUBSCRIBED BEFORE ME this 4<sup>th</sup> day of April, 2022.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas



AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Tyler Anderson who expressed a desire to be appointed a director of Ellis Ranch Municipal Utility District No. 1 (hereinafter the "District"), and who on oath did state:

1. I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Dallas County, a county being adjacent to the county in which the District is located.

2. I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).

3. I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.

4. I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.

5. I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.

6. Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.

7. I am not a party to a contract with or along with the District (except, possibly, for the purchase of public services furnished by the District to the public generally) or a contract

with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

8. I do not, at the present time, plan to live in the District. I do plan to retain ownership of my land in the District for the indefinite future, but I anticipate that I will eventually offer it for resale.

9. I am generally familiar with the responsibilities of a director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers and residents of the District.

10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.

13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

AFFIANT:




Tyler Anderson

SWORN AND SUBSCRIBED BEFORE ME this 31<sup>st</sup> day of March, 2022.

[SEAL]



  
Notary Public in and for the State of Texas

AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Anthony Oliver who expressed a desire to be appointed a director of Ellis Ranch Municipal Utility District No. 1 (hereinafter the "District"), and who on oath did state:

1.           I am at least eighteen (18) years of age, a resident citizen of the State of Texas, and own land subject to taxation within the District. I am a resident of Dallas County, being a county adjacent to the county in which the District is located.

2.           I am not now and have no present plans to be a developer of property in the District as defined in Section 49.052(d), Texas Water Code, as amended (a person who owns land located within the District who has divided or proposes to divide the land into two or more parts for the purpose of laying out any subdivision or any tract of land or any addition to any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto).

3.           I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District; or to any of the other proposed Directors of the District; or to the attorney, engineer or manager of the District or other person providing professional services to the District.

4.           I am not an employee of any developer of property within the District or any other Director or any attorney, engineer or manager of the District, or other person providing professional services to the District or a developer of property in the District in connection with the District or property located in the District.

5.           I am not serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the District or a developer of property within the District.

6.           Neither my employer nor I have any business or other connection with the developer of the District, the attorney representing the District, or any consulting engineer for the District in regard to the District and the development therein.

7.           I am not a party to a contract with or along with the District (except, possibly, for the purchase of public services furnished by the District to the public generally) or a contract

with or along with a developer of property in the District relating to the District or property within the District (except, possibly, a contract related solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a director).

8. I do not, at the present time, plan to live in the District. I do plan to retain ownership of my land in the District for the indefinite future, but I anticipate that I will eventually offer it for resale.

9. I am generally familiar with the responsibilities of a director of a municipal utility district. I realize that as a Director I will be a public official charged with the responsibility of serving the best interests of the present and future property owners, taxpayers and residents of the District.

10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

11. I am aware that the District is subject to the continuing supervision of the Texas Commission on Environmental Quality, and I will fully cooperate with said Commission.

12. I am not presently an officer, director or official of the State of Texas or any other district, city, county, school district or political subdivision of this State.

13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward to secure this appointment.

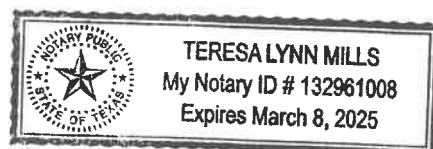
AFFIANT:

  
Anthony Oliver

SWORN AND SUBSCRIBED BEFORE ME this 8<sup>th</sup> day of April, 2022.

[SEAL]

  
Notary Public in and for the State of Texas



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT PETITION TCEQ INTERNAL CONTROL NO. D-03212022-036

**PETITION.** GRBK Edgewood, LLC, a Texas limited liability company (Petitioner), filed a petition for the creation of Ellis Ranch Municipal Utility District No. 1 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) the proposed District will contain approximately 571.147 acres located within Ellis County, Texas; and (3) the land within the proposed District is located partially within the extraterritorial jurisdiction of the City of Waxahachie (City), partially within the unincorporated area of Ellis County, and outside the corporate limits or extraterritorial jurisdiction of any other city or town. Additionally, information provided indicates that there are no lienholders on the property to be included in the proposed District.

The territory to be included in the proposed District is set forth in a metes and bounds description designated as Exhibit "A" and is depicted in the vicinity map designated as Exhibit "B," both of which are attached to this document.

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises of such additional facilities as shall be consonant with all of the purposes for which the proposed District is created.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$67,335,000 (\$48,160,000 for water, wastewater, and drainage plus \$19,175,000 for roads).

In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioners and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

**INFORMATION.** Written hearing requests should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. General information regarding TCEQ can be found at our web site <http://www.tceq.texas.gov/>.

Issued: April 13, 2022

**Exhibit "A"**

**Metes and Bounds:**

**BEING A 571.147 ACRE TRACT OF LAND SITUATED IN THE G. WHEELOCK SURVEY, ABSTRACT NO. 1117, ELLIS COUNTY, TEXAS, BEING A PART OF THAT CERTAIN CALLED 354.175 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO AP OKC WAREHOUSE LIMITED PARTNERSHIP, RECORDED IN DOCUMENT NO. 1901926, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS, A PART OF THAT CERTAIN CALLED 126.166 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO AP LAWTON LIMITED PARTNERSHIP, RECORDED IN VOLUME 2189, PAGE 1049, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS, A PART OF THAT CERTAIN CALLED 497.266 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO BEN FATTO LIMITED PARTNERSHIP, RECORDED IN DOCUMENT NO. 1736457, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY TEXAS, A PART OF THAT CERTAIN CALLED 95.837 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO ELOY 660, LLC, RECORDED IN VOLUME 2671, PAGE 208, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS, A PART OF THAT CERTAIN CALLED 264.641 ACRE TRACT OF LAND DESCRIBED IN SAID VOLUME 2671, PAGE 208 AND A PART OF THAT CERTAIN CALLED 168.702 ACRE TRACT OF LAND DESCRIBED IN SAID 2671, PAGE 208 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** AT THE MOST WESTERLY SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED HEREIN AT A 1/2-INCH IRON ROD FOUND, THE SOUTHWEST CORNER OF SAID 126.166 ACRE TRACT OF LAND AND THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 1.218 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 IN THE DEED TO DEWAYNE EDDY, RECORDED IN VOLUME 1775, PAGE 623, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS;

**THENCE** N01°02'56"W, A DISTANCE OF 176.13 FEET TO A CAPPED IRON ROD STAMPED "PETITT" FOUND FOR THE NORTHEAST CORNER OF SAID 1.218 ACRE TRACT OF LAND;

**THENCE** S88°48'41"W, A DISTANCE OF 322.79 FEET TO A POINT IN THE CENTERLINE OF GIBSON ROAD;

**THENCE** N00°46'35"W, WITH THE CENTERLINE OF SAID GIBSON ROAD, A DISTANCE OF 175.15 FEET TO A POINT FOR CORNER;

**THENCE** N89°22'25"E, A DISTANCE OF 322.06 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 1.11 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO MICHAEL CARTER AND TERESA CARTER, RECORDED IN DOCUMENT NO. 1610772, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS;

**THENCE** N01°02'00"W, A DISTANCE OF 675.82 FEET TO A NAIL FOUND FOR CORNER;

**THENCE** S89°22'25"W, A DISTANCE OF 319.22 FEET TO A POINT IN THE CENTERLINE OF SAID GIBSON ROAD;

**THENCE** N01°02'00"W, A DISTANCE OF 60.00 FEET TO A POINT FOR CORNER;

**THENCE** N89°22'25"E, A DISTANCE OF 319.22 FEET TO A CAPPED IRON ROD STAMPED "PETITT" FOUND FOR THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 1.00 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO FERNANDO DEL BOSQUE, RECORDED IN VOLUME 2724, PAGE 2423, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS;

**THENCE** N01°02'00"W, A DISTANCE OF 676.09 FEET TO A POINT FOR THE NORTHEAST CORNER OF THAT CERTAIN CALLED 1.21 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO JOSE LUIS MALDONADO, RECORDED IN DOCUMENT NO. 2019765, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS;

**THENCE** N89°22'17"E, A DISTANCE OF 193.04 FEET TO A NAIL FOUND FOR CORNER;

**THENCE** N00°47'32"W, A DISTANCE OF 352.51 FEET TO A CAPPED IRON ROD FOUND IN THE SOUTH LINE OF SAID 354.175 ACRE TRACT OF LAND FOR THE NORTHWEST CORNER OF SAID 126.166 ACRE TRACT OF LAND;

**THENCE** S89°22'28"W, A DISTANCE OF 225.71 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 354.175 ACRE TRACT OF LAND AND THE SOUTHEAST CORNER OF LOT 59, HUNTERS RUN, PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET E, SLIDE 81, PLAT RECORDS, ELLIS COUNTY, TEXAS;

**THENCE** N00°39 00"W, A DISTANCE OF 299.46 FEET TO A 2-INCH FENCE CORNER POST FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF PECOS RIVER FOR THE NORTHEAST CORNER OF LOT 58 OF SAID HUNTERS RUN;



**THENCE** S89°27'16"W, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID PECOS RIVER, A DISTANCE OF 291.00 FEET TO A POINT IN THE CENTERLINE OF SAID GIBSON ROAD FOR THE NORTHWEST CORNER OF SAID LOT 58;

**THENCE** N 00° 38' 58" W, WITH THE CENTERLINE OF SAID GIBSON ROAD, A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID PECOS RIVER FOR THE SOUTHWEST CORNER OF LOT 57 OF SAID HUNTERS RUN;

**THENCE** N89°27'16"E, WITH THE NORTH RIGHT-OF-WAY LINE OF SAID PECOS RIVER, A DISTANCE OF 291.00 FEET TO A 2-INCH FENCE CORNER POST FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 57;

**THENCE** N00°39'00"W, A DISTANCE OF 926.07 FEET TO A POINT FOR CORNER;

**THENCE** S67°09'56"E, A DISTANCE OF 1395.63 FEET TO A POINT FOR CORNER;

**THENCE** S51°10'20"E, A DISTANCE OF 1164.74 FEET TO A POINT FOR CORNER;

**THENCE** S04°54'43"E, A DISTANCE OF 1037.49 FEET TO A POINT FOR CORNER;

**THENCE** N85°03'42"E, A DISTANCE OF 240.95 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE RIGHT;

**THENCE** WITH SAID CURVE TO THE RIGHT, A CENTRAL ANGLE OF 03°46'41", A RADIUS OF 1145.00 FEET AND A CHORD THAT BEARS N86°57'03"E, A DISTANCE OF 75.48 FEET TO A POINT AT THE END OF SAID CURVE;

**THENCE** N88°50'23" E, A DISTANCE OF 821.58 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE LEFT;

**THENCE** WITH SAID CURVE TO THE LEFT, A CENTRAL ANGLE OF 19°59'34", A RADIUS OF 1055.00 FEET AND A CHORD THAT BEARS N78°50'36" E, A DISTANCE OF 366.27 FEET TO A POINT AT THE END OF SAID CURVE;

**THENCE** N68°50'48" E, A DISTANCE OF 172.20 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE LEFT;

**THENCE** WITH SAID CURVE TO THE LEFT, A CENTRAL ANGLE OF 54°50'50", A RADIUS OF 50.00 FEET AND A CHORD THAT BEARS N41°25'23" E, A DISTANCE OF 46.06 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

**THENCE** WITH SAID CURVE TO THE RIGHT, A CENTRAL ANGLE OF 19°41'41", A RADIUS OF 115.00 FEET AND A CHORD THAT BEARS N23°50'48"E, A DISTANCE OF 39.34 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

**THENCE** WITH SAID CURVE TO THE LEFT, A CENTRAL ANGLE OF 54°50'50", A RADIUS OF 50.00 FEET AND A CHORD THAT BEARS N06°16'14"E, A DISTANCE OF 46.06 FEET TO A POINT AT THE END OF SAID CURVE;

**THENCE** N68°50'48"E, A DISTANCE OF 90.00 FEET TO A POINT FOR THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

**THENCE** WITH SAID CURVE TO THE LEFT, A CENTRAL ANGLE OF 54°50'50", A RADIUS OF 50.00 FEET AND A CHORD THAT BEARS S48°34'37"E, A DISTANCE OF 46.06 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

**THENCE** WITH SAID CURVE TO THE RIGHT, A CENTRAL ANGLE OF 19°48'57", A RADIUS OF 115.00 FEET AND A CHORD THAT BEARS S66°05'33" E, A DISTANCE OF 39.58 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

**THENCE** WITH SAID CURVE TO THE LEFT, A CENTRAL ANGLE OF 54°07'29", A RADIUS OF 50.00 FEET AND A CHORD THAT BEARS S83°14'49"E, A DISTANCE OF 45.50 FEET TO A POINT AT THE END OF SAID CURVE;

**THENCE** N68°58'28"E, A DISTANCE OF 204.54 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE RIGHT;

**THENCE** WITH SAID CURVE TO THE RIGHT, A CENTRAL ANGLE OF 16°46'29", A RADIUS OF 1145.00 FEET AND A CHORD THAT BEARS N77°21'31"E, A DISTANCE OF 334.03 FEET TO A POINT AT THE END OF SAID CURVE;

**THENCE** N85°44'45 E, A DISTANCE OF 751.96 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE RIGHT;

**THENCE** WITH SAID CURVE TO THE RIGHT, A CENTRAL ANGLE OF 19°33'55", A RADIUS OF 1145.00 FEET AND A CHORD THAT BEARS S84°28'17" E, A DISTANCE OF 389.09 FEET TO A POINT AT THE END OF SAID CURVE;

**THENCE** S74°41'20"E, A DISTANCE OF 1503.18 FEET TO A POINT FOR CORNER;

**THENCE** N10°58'16"E, A DISTANCE OF 225.49 FEET TO A POINT FOR CORNER;

**THENCE** N11°35'09"E, A DISTANCE OF 1159.49 FEET TO A POINT FOR CORNER;

**THENCE** N 65° 07' 33" E, A DISTANCE OF 624.68 FEET TO A POINT IN THE EAST LINE OF SAID 168.702 ACRE TRACT OF LAND;

**THENCE** S30°40'03"E, A DISTANCE OF 705.14 FEET TO A POINT FOR CORNER;

**THENCE** S28°14'46"E, A DISTANCE OF 3056.88 FEET TO A POINT IN THE NORTH RIGHT-OF-WAY LINE OF F.M. 878 FOR THE SOUTHEAST CORNER OF SAID 168.702 ACRE TRACT OF LAND;

**THENCE** WITH THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 878, THE SOUTH LINE OF SAID 168.702 ACRE TRACT OF LAND, THE SOUTH LINE OF SAID 264.641 ACRE TRACT OF LAND AND THE SOUTH LINE OF SAID 497.266 ACRE TRACT OF LAND, THE FOLLOWING COURSES AND DISTANCES:

S73°57'38"W, A DISTANCE OF 56.26 FEET TO A POINT FOR THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, A CENTRAL ANGLE OF 03°23'27", A RADIUS OF 1868.56 FEET AND A CHORD THAT BEARS S75°53'28"W, A DISTANCE OF 110.57 FEET TO A POINT AT THE END OF SAID CURVE;

S77°32'30"W, A DISTANCE OF 1214.19 FEET TO A POINT FOR THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, A CENTRAL ANGLE OF 05°19'06", A RADIUS OF 5689.89 FEET AND A CHORD THAT BEARS S80°16'32"W, A DISTANCE OF 527.97 FEET TO A POINT AT THE END OF SAID CURVE;

S82°37'43"W, A DISTANCE OF 490.94 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 168.702 ACRE TRACT OF LAND AND THE SOUTHEAST CORNER OF SAID 264.641 ACRE TRACT OF LAND;

S82°51'22"W, A DISTANCE OF 24.30 FEET TO A POINT FOR CORNER;

S83°30'22"W, A DISTANCE OF 185.20 FEET TO A POINT FOR THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, A CENTRAL ANGLE OF 16°21'48", A RADIUS OF 1185.92 FEET AND A CHORD THAT BEARS S75°15'36"W, A DISTANCE OF 337.54 FEET TO A POINT AT THE END OF SAID CURVE;

S67°07'22"W, A DISTANCE OF 397.60 FEET TO A POINT FOR CORNER;

S67°01'47"W, A DISTANCE OF 933.79 FEET TO A POINT FOR THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, A CENTRAL ANGLE OF 19°47'59", A RADIUS OF 1949.86 FEET AND A CHORD THAT BEARS S57°09'22"W, A DISTANCE OF 670.47 FEET TO A POINT AT THE END OF SAID CURVE;

S47°13'07"W, A DISTANCE OF 354.73 FEET TO A POINT FOR THE BEGINNING OF A NON-TANGENTIAL CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, A CENTRAL ANGLE OF 41°30'49", A RADIUS OF 778.51 FEET AND A CHORD THAT BEARS S69°26'15"W, A DISTANCE OF 551.81 FEET TO A POINT AT THE END OF SAID CURVE;

S 88° 25' 07" W, A DISTANCE OF 297.12 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 264.641 ACRE TRACT OF LAND AND THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 497.266 ACRE TRACT OF LAND;

S87°56'24"W, A DISTANCE OF 60.03 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID 497.266 ACRE TRACT OF LAND;

**THENCE** N01°04'28"W, A DISTANCE OF 1677.60 FEET TO A POINT FOR CORNER;

**THENCE** N05°39'37"E, A DISTANCE OF 28.49 FEET TO A POINT FOR CORNER IN THE APPROXIMATE CENTERLINE OF BOYCE CREEK;

**THENCE** WITH THE APPROXIMATE CENTERLINE OF SAID BOYCE CREEK, THE FOLLOWING COURSES AND DISTANCES:

N76°16'02"W, A DISTANCE OF 29.33 FEET TO A POINT FOR CORNER;

S69°16'57"W, A DISTANCE OF 19.24 FEET TO A POINT FOR CORNER;

S28°15'39"W, A DISTANCE OF 26.75 FEET TO A POINT FOR CORNER;

S21°43'43"W, A DISTANCE OF 71.62 FEET TO A POINT FOR CORNER;

S52°41'05"W, A DISTANCE OF 56.12 FEET TO A POINT FOR CORNER;

S74°31'06"W, A DISTANCE OF 95.74 FEET TO A POINT FOR CORNER;

N87°36'50"W, A DISTANCE OF 20.42 FEET TO A POINT FOR CORNER;

N68°42'13"W, A DISTANCE OF 117.67 FEET TO A POINT FOR CORNER;

N49°33'26"W, A DISTANCE OF 56.92 FEET TO A POINT FOR CORNER;

N47°02'49"W, A DISTANCE OF 90.98 FEET TO A POINT FOR CORNER;

N48°56'30"W, A DISTANCE OF 53.87 FEET TO A POINT FOR CORNER;  
N34°28'48"W, A DISTANCE OF 67.81 FEET TO A POINT FOR CORNER;  
N23°09'19"W, A DISTANCE OF 66.73 FEET TO A POINT FOR CORNER;  
N00°38'39"W, A DISTANCE OF 56.83 FEET TO A POINT FOR CORNER;  
N10°49'08"W, A DISTANCE OF 154.35 FEET TO A POINT FOR CORNER;  
N48°19'35"W, A DISTANCE OF 33.66 FEET TO A POINT FOR CORNER;  
N52°34'38"W, A DISTANCE OF 41.03 FEET TO A POINT FOR CORNER;  
N16°34'06"W, A DISTANCE OF 56.89 FEET TO A POINT FOR CORNER;  
N26°28'32"W, A DISTANCE OF 59.84 FEET TO A POINT FOR CORNER;  
N20°33'47"W, A DISTANCE OF 153.08 FEET TO A POINT FOR CORNER;  
N30°30'59"W, A DISTANCE OF 102.08 FEET TO A POINT FOR CORNER;  
N22°22'15"W, A DISTANCE OF 78.09 FEET TO A POINT FOR CORNER;  
N01°41'20"E, A DISTANCE OF 54.12 FEET TO A POINT FOR CORNER;  
N11°24'58"W, A DISTANCE OF 111.33 FEET TO A POINT FOR CORNER;  
N10°38'51"W, A DISTANCE OF 54.35 FEET TO A POINT, CORNER;  
N32°00'22"W, A DISTANCE OF 95.43 FEET TO A POINT FOR CORNER;  
N04°31'42"E, A DISTANCE OF 97.72 FEET TO A POINT FOR CORNER;  
N05°32'52"E, A DISTANCE OF 110.26 FEET TO A POINT FOR CORNER;  
N10°42'23"W, A DISTANCE OF 30.45 FEET TO A POINT FOR CORNER;  
N53°20'43"W, A DISTANCE OF 46.32 FEET TO A POINT FOR CORNER;  
N83°56'28"W, A DISTANCE OF 79.63 FEET TO A POINT FOR CORNER;  
N65°10'23"W, A DISTANCE OF 27.86 FEET TO A POINT FOR CORNER;  
N46°53'40"W, A DISTANCE OF 86.81 FEET TO A POINT FOR CORNER;  
N33°47'04"W, A DISTANCE OF 32.53 FEET TO A POINT FOR CORNER;  
N19°34'13"W, A DISTANCE OF 33.71 FEET TO A POINT FOR CORNER;  
N81°41'19"W, A DISTANCE OF 25.54 FEET TO A POINT FOR CORNER;  
S89°47'57"W, A DISTANCE OF 23.41 FEET TO A POINT FOR CORNER;  
S67°17'27"W, A DISTANCE OF 40.31 FEET TO A POINT FOR CORNER;

S37°36'55"W, A DISTANCE OF 36.86 FEET TO A POINT FOR CORNER;  
S08°05'38"W, A DISTANCE OF 23.37 FEET TO A POINT FOR CORNER;  
S33°19'31"E, A DISTANCE OF 37.60 FEET TO A POINT FOR CORNER;  
S48°29'29"E, A DISTANCE OF 47.28 FEET TO A POINT FOR CORNER;  
S15°23'05 E, A DISTANCE OF 44.63 FEET TO A POINT FOR CORNER;  
S39°24'12"W, A DISTANCE OF 45.46 FEET TO A POINT FOR CORNER;  
S77°30'09"W, A DISTANCE OF 47.68 FEET TO A POINT FOR CORNER;  
S72°04'17"W, A DISTANCE OF 67.61 FEET TO A POINT FOR CORNER;  
S41°33'59"W, A DISTANCE OF 18.03 FEET TO A POINT FOR CORNER;  
N69°16'08"W, A DISTANCE OF 48.08 FEET TO A POINT FOR CORNER;  
N77°19 06"W, A DISTANCE OF 97.66 FEET TO A POINT IN THE WEST LINE  
OF SAID 95.837 ACRE TRACT OF LAND AND THE EAST LINE OF SAID  
126.127 ACRE TRACT OF LAND;

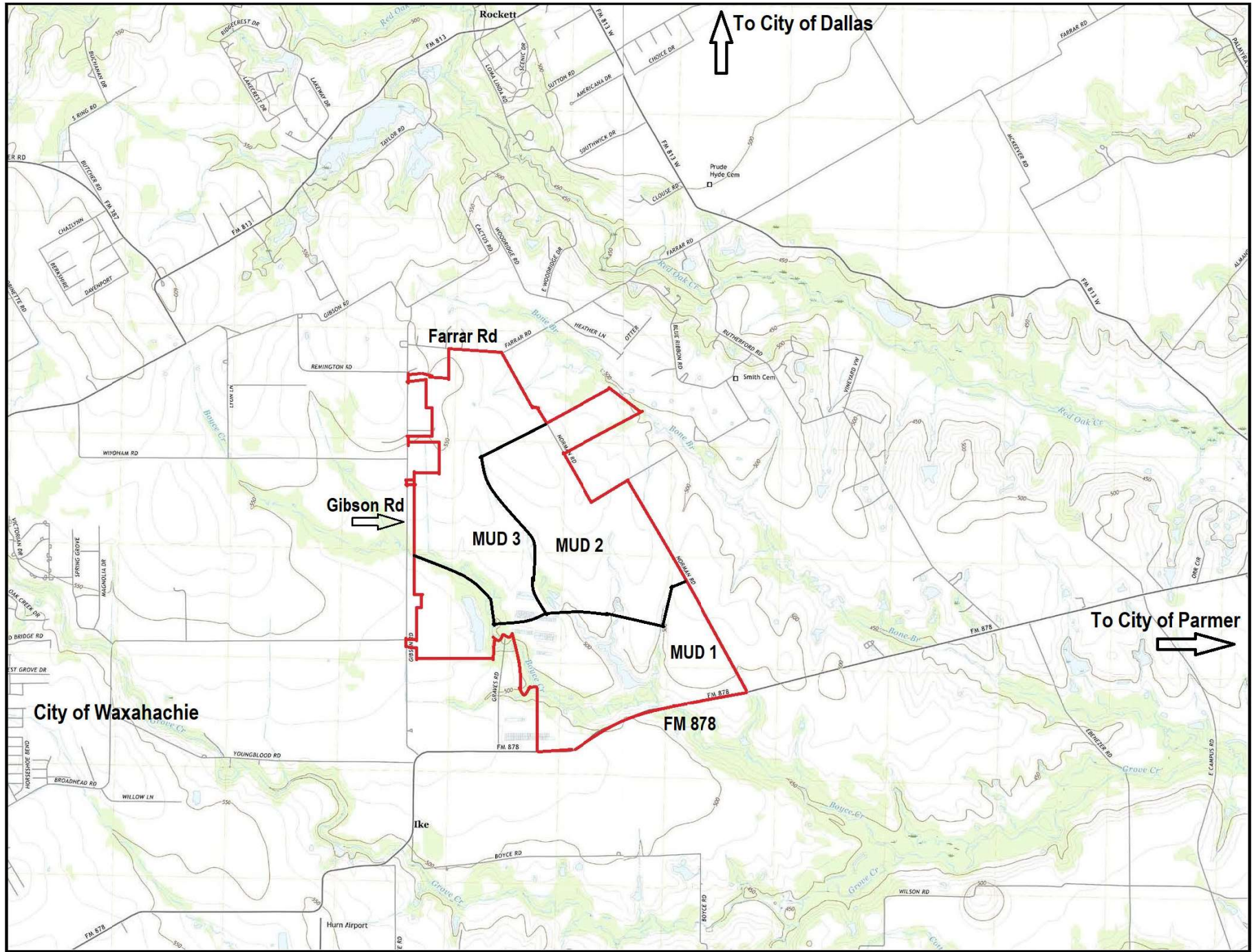
**THENCE** S05°44'06"W, A DISTANCE OF 515.56 FEET TO A 1-INCH AXLE FOUND  
FOR THE SOUTHEAST CORNER OF SAID 126.127 ACRE TRACT OF LAND;

**THENCE** S88°48'13"W, A DISTANCE OF 2495.89 FEET TO THE **POINT OF  
BEGINNING** AND CONTAINING 571.147 ACRES OF LAND.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, 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 ZONING OR WHICH IT WAS  
PREPARED.

BEARINGS BASED ON TEXAS STATE PLANE COORDINATES, NORTH CENTRAL  
ZONE, 4202, NAD83-US SURVEY FEET, DERIVED FROM GPS OBSERVATIONS.

# Exhibit "B"



VICINITY MAP - ELLIS RANCH MUDS