

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 30, 2023

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. 2022-1733-DIS; Denton County Municipal Utility District  
No. 12; Request filed regarding Internal Control No. D-06242022-058.

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 July 19, 2023 Agenda on a hearing request for the creation of Denton County Municipal Utility District No. 12:

1. Petition;
2. Notice of Petition;
3. Technical memo prepared by staff; and
4. Temporary Director Affidavits.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Bobby Salehi".

Bobby Salehi, Staff Attorney  
Environmental Law Division

**PETITION FOR THE CREATION OF THE DENTON COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 12**

THE STATE OF TEXAS	§
	§
COUNTY OF DENTON	§

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The undersigned petitioner, (herein the “Petitioner”, whether one or more), being a majority of the landowners who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of said area described by metes and bounds in Exhibit A attached hereto (the “Land”), respectfully petitions the Texas Commission on Environmental Quality (“TCEQ”) for the creation of a municipal utility district in Denton County, Texas, pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto, and would respectfully show the following:

I.

The name of the proposed district shall be DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12 (“District”). There is no other conservation or reclamation district in Denton County, Texas with the same name.

II.

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

III.

The District shall contain an area of approximately 1018.4296 acres of land, situated within Denton County, Texas, described by metes and bounds in Exhibit “A”, which is attached hereto and made a part hereof for all purposes. The described property is wholly located within the extraterritorial jurisdiction of the City of Denton (the “City”).

IV.

On May 16, 2022, Land John Porter Auto Sales, Inc. and Eagle Farms, Inc. (the “Prior Petitioners”) conveyed the Land to the Petitioner by Special Warranty Deed recorded as instrument number 73347 of the Denton County Official Public Records. A copy of the Special Warranty Deed is attached hereto as Exhibit B. Petitioner is the

record owner of the described land, as evidenced by the execution of this Petition. Petitioner represents that there are no lienholders with respect to the Land.

V.

On June 18, 2021, the Prior Petitioners served the Petition for Consent to Include Land in a Municipal Utility District or Add Land to an Existing District (the "Petition for Consent") on the City Secretary for the City of Denton. A copy of the Petition for Consent is attached hereto as **Exhibit C**. The City has not consented to the creation of the District.

VI.

On, December 10, 2021 the Prior Petitioners posted the Notice of Petition to City of Denton, Texas for Water and Sanitary Sewer Service (the "Notice of Petition"), in three places convenient to the public within the boundaries of the Land sought to be added to the District. The affidavit of posting of the Notice of the Petition (the "Affidavit of Posting") is attached hereto as **Exhibit D**.

On December 19, 2021, the Prior Petitioners published the Notice of Petition in the Denton Record-Chronicle, a newspaper of general circulation within and around the District. The Notice of Petition and proof of publication of the Notice of Petition are attached hereto as **Exhibit E**.

VII.

On January 4, 2022, the Prior Petitioners petitioned the City to provide water and sanitary sewer services to the Land in accordance with Sec. 42.042(b) of the Texas Local Government Code. Such petition is attached hereto as **Exhibit F**. The City has not contractually agreed to provide water and wastewater service to the Land and now more than 120 days have passed since the Prior Petitioners submitted its Petition for Water and Sanitary Sewer Service to the City. The City has not consented to the creation of the District and has failed to execute a contract providing for the water or sanitary sewer services requested by the Prior Petitioners within the time limits prescribed by Section 42.042, Texas Local Government Code.

VIII.

The District shall be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended.

## IX.

The District shall have the powers of government and authority to exercise the rights, privileges, and functions given to it by Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended.

## X.

The general nature of the work proposed to be done by the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the District is organized.

## XI.

There is a necessity for the improvements described above for the following reasons: The area of the District is urban in nature and is in close proximity to populous and developed sections of Denton County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services or with adequate drainage facilities and does not have adequate fire suppression facilities, parks and recreational land and facilities, or roads or improvements in aid thereof. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require the installation and acquisition of an adequate water supply and sewage disposal system, an adequate drainage system for and within the area of the District, adequate fire suppression facilities, adequate parks and recreational land and facilities, and roads or improvements in aid thereof.

A public necessity exists for the organization of such District to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, such drainage facilities, such fire suppression facilities, parks and recreational land and facilities, and roads or improvements in aid thereof, in order to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

## XII.

Said proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the District is of such a nature that a waterworks, sanitary sewer, drainage and roadway system can be constructed at a reasonable cost, currently estimated at \$191,620,000, with reasonable ad valorem tax and assessment

rates and water and sewer rates, and said territory will be developed for residential and commercial purposes. The District shall be designated a noncity service district in the meaning of Section 54.016, Texas Water Code, as the District does not currently propose to connect to the City's water or sewer system or propose to contract with a regional water and wastewater provider to which the City has made a capital contribution for the water and wastewater facilities serving the area within the proposed District, as of the date this Petition is filed.

### XIII.

The following named persons are (i) all over eighteen (18) years of age, (ii) resident citizens of the State of Texas, (iii) reside in Denton County or a county in the same metropolitan statistical area as Denton County, (iv) owners of land subject to taxation within the District, and (v) are otherwise qualified to serve as directors of the District under the provisions of the Texas Water Code:

1. Gerald Carlis
2. Cory Caperton
3. Roger McInnis
4. Jacob Moorhead
5. Christopher Hartley

WHEREFORE, the undersigned respectfully pray that this Petition be properly filed, as provided by law; that notice of the application be given as provided therein, that a hearing be held if necessary and that this Petition be in all things granted; that the proposed municipal utility district be organized; that the five (5) persons named herein be appointed to serve as temporary directors until their successors are duly elected and qualified; and for such other orders, acts, procedures and relief as are proper, necessary and appropriate to the purpose of creating and organizing the District.

*[Signature Page Follows]*

RESPECTFULLY SUBMITTED, this 3<sup>RD</sup> day of JUNE, 2022

PETITIONER:

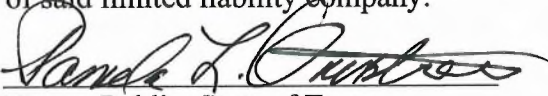
DENTON 1000 LAND, LP,  
a Texas limited partnership

By: Astra Investments GP, LLC,  
a Texas limited liability company,  
its Managing General Partner

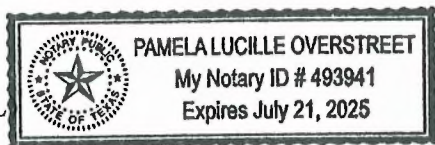
By:   
Justin Bono, Manager

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

This instrument was acknowledged before me on this the 3 day of June, 2022, by Justin Bono, Manager of Astra Investments GP, LLC, a Texas limited liability company, Managing General Partner of Denton 1000 Land, LP, a Texas limited liability partnership, on behalf of said limited liability company.

  
Notary Public, State of Texas

(SEAL)



**Exhibit "A"**  
**Legal Description**

**1018.4296 ACRES**

**BEING** a tract of land situated in the Y. Sanchez Survey, Abstract Number 1136 and the T. Toby Survey, Abstract Number 1287, Denton County, Texas and being all that tract of land conveyed to Eagle Farms, Inc. according to the document filed of record in 2005-723315 and being a portion of that tract of land conveyed to John Porter Auto Sales, Inc. according to the document filed of record in Volume 667, Page 572 Real Property Records Denton County, Texas (R.P.R.D.C.T.), said tract of land being more particularly described as follows:

**BEGINNING** at a PK Nail set near the intersection of Miller Road and Hawkeye Road for the northeast corner of said Eagle Farms tract, same being common with the northwest corner of that tract of land conveyed to the Hanna Khraish Family Trust, according to the document filed of record in Instrument Number 2012-147817 (R.P.R.D.C.T.) and being the most northerly northeast corner of this tract;

**THENCE** South 0°48'00" West, leaving said intersection and with the common line of said Eagle Farms and Hanna Khraish tracts, along a fence, passing by a "T" fence intersection at a distance of 2628.6 feet, continuing in all a distance of 3030.04 feet to a metal pipe corner post found at the "T" intersection of fences, for the most northerly northwest corner of the above mentioned John Porter tract and being common with the southwest corner of said Hanna Khraish tract, for an interior "ell" corner of this tract;

**THENCE** South 89°12'17" East, leaving said common corner, along a fence, with the common line of said Porter and Khraish tracts, passing by a "T" fence intersection at a distance of 1578.8 feet, continuing in all a distance of 2642.81 feet to a wooden fence corner post found for a southerly corner of said Hanna Khraish tract, same being common with an interior "ell" corner of said Porter tract and this tract;

**THENCE** North 1°07'48" East, leaving said common corner, along a fence, with the common line of said tracts, a distance of 326.17 feet to a wooden fence corner post found for an interior "ell" corner of said Hanna Khraish tract, same being common with the most westerly northeast corner of said Porter tract and this tract;

**THENCE** South 89°10'37" East, leaving said common corner, with a portion of the south line of said Hanna Khraish tract, same being common with the north line of said Porter tract and this tract, a distance of 649.68 feet to a wooden fence corner post found for the northwest corner of that tract of land conveyed to Mark and Dione Mahan, according to the document filed of record in Instrument Number 2011-34060 Official Public Record Denton County, Texas (O.P.R.D.C.T.) same being common with the most easterly northeast corner of said Porter tract and this tract;

**THENCE** South 0°38'17" East, along a fence and with the east line of said Porter tract

and this tract, same being common with the west line of said Mahan tract, the west line of Whitson Ranch, an addition to Denton County Texas according to the plat filed of record in Instrument Number 99-R0013801 (O.P.R.D.C.T.), the west lines of those tracts of land conveyed to Michael Ellis according to the documents filed of record in Instrument Number 2005-11653 and 2004-75244 (O.P.R.D.C.T.) and the west line of that tract of land conveyed to Deborah Ruth Jernigan, according to the document filed of record in Instrument Number 93-R0036124 (O.P.R.D.C.T.) a distance of 2639.31 feet, passing the end of said fence by 1.3 feet, to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of that tract of land conveyed to Enderby Gas, Inc. according to the document filed of record in Instrument Number 2002-142529 (O.P.R.D.C.T.) for the southwest corner of said Jernigan tract and being common with an easterly corner of said Porter and this tract;

**THENCE** North 89°32'19" West, leaving said common corner, with said north line, a distance of 153.06 feet to a 1/2" iron rod found for the northwest corner of said Enderby Gas tract and being common with an interior easterly corner of said Porter tract and this tract, from which an "ell" fence corner bears North 89°32'19" West, 1.2 feet;

**THENCE** South 0°02'40" West, with east line of said Porter tract and this tract, same being common with the west line of said Enderby Gas tract, the west line of Lot 1, Block A, H&L Johnson Addition, an addition to Denton County, Texas according to the plat filed of record in Instrument Number 2017-254, (O.P.R.D.C.T.), the west line of that tract of land conveyed to Donald Johnson, according to the document filed of record in Volume 912, Page 685 (R.P.R.D.C.T.) and the west line of that tract of land conveyed to Riley, Ronald Edmon, Inv. Trust & Milton W. Riley Inv. Trust, according to the document filed of record in Instrument Number 2012-1444, (O.P.R.D.C.T.) a distance of 3918.20 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said common line for the northeast corner of that tract of land conveyed to Jefferey & Danya Pope, according to the document filed of record in Instrument Number 2013-89759 (O.P.R.D.C.T.) for the most easterly southeast corner of this tract;

**THENCE** South 87°02'21" West, with the north line of said Pope tract, same being common with the south line of this tract, a distance of 266.86 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for common corner of said Pope Tract and this tract;

**THENCE** North 71°47'01" West, continuing with said common line, a distance of 327.37 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the northwest corner of said Pope tract, the most northerly northeast corner of that tract of land conveyed to Elizabeth & Jefferey Anderson according to the document filed of record in Instrument Number 2020-105704 (O.P.R.D.C.T.) and common corner of this tract;

**THENCE** North 71°23'45" West, with the north line of said Anderson tract, same being common with the south line of this tract, a distance of 136.60 feet to a 1/2" iron rod with plastic cap stamped "ALLIANCE" found for the most northerly northwest corner of said Anderson tract, the northeast corner of that tract of land conveyed to Daphne & Tobey Teague according to the document filed of record in Instrument Number 2012-105937



(O.P.R.D.C.T.) and common corner of this tract;

**THENCE** North 67°44'08" West, with the north line of said Teague tract, same being common with the south line of this tract, a distance of 553.58 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for a common corner of said tract;

**THENCE** North 67°34'19" West, a distance of 144.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said common line for a corner of this tract;

**THENCE** leaving said common line, over and across the above mentioned Porter tract the following three (3) courses and distances:

North 0°56'39" East, a distance of 878.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for an interior "ell" corner of this tract;

South 89°43'21" West, a distance of 1091.03 feet to a to a 5/8" iron rod with plastic cap stamped "KHA" set for an interior "ell" corner of this tract;

South 0°08'20" East, a distance of 756.22 feet to a to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of F.M. Highway 1173, same being common with the south line of the above mentioned Porter tract, for an exterior "ell" corner of this tract;

**THENCE** North 61°07'34" West, with said common line, same being common with the south line of this tract, along a fence, a distance of 3209.35 feet to a to a 5/8" iron rod with plastic cap stamped "KHA" set for a southwesterly corner said Porter tract and this tract;

**THENCE** North 35°06'03" West, with the common line of said Porter tract and this tract, a distance of 571.78 feet to a to a 5/8" iron rod with plastic cap stamped "KHA" set in the east line of that tract of land conveyed to Richard Hartin according to the document filed of record in Instrument Number 2006-56778 (O.P.R.D.C.T.) for a southwesterly corner said Porter tract and this tract;

**THENCE** North 0°25'09" West, with a portion of the east line of said Hartin tract, the east line of that tract of land conveyed to Triangle Trust according to the document filed of record in Volume 2434, Page 147 (R.P.R.D.C.T. ), same being common with a west line of said Porter tract and this tract, a distance of 2366.65 feet to a wooden fence corner post found in the south line of the above mentioned Eagle Farms tract, at a point of intersection in a fence, for the northeast corner of said Triangle Trust tract, same being common with the northwest corner of said Porter tract, and being an interior "ell" corner of this tract;

**THENCE** North 89°11'46" West, with a north line of said Triangle Trust tract, same being common with a south line of said Eagle Farms tract and this tract, a distance of 1609.17 feet to a wooden fence corner post found for the southwest corner of said Eagle

Farms tract and this tract and being a common interior "ell" corner of said Triangle trust tract;

**THENCE** North  $1^{\circ}36'47''$  West, with the east line of said Triangle Trust tract, same being the west line of said Eagle Farms tract and this tract, along a fence, a distance of 4449.10 feet to a 60-D Nail set in the above mentioned Hawkeye Road for the northwest corner of said Eagle Farms tract and this tract, from which a wooden fence corner post found on the south side of said road for reference to said corner bears South  $1^{\circ}36'47''$  East, 16.7 feet;

**THENCE** South  $89^{\circ}08'33''$  East, along said road, a distance of 4189.46 feet to the **POINT OF BEGINNING** and containing 1,018.4296 acres or 44,362,794 square feet of land, more or less.

EXHIBIT "B"

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

STATE OF TEXAS §
COUNTY OF DENTON §
KNOW ALL MEN BY THESE PRESENTS:

THAT, JOHN PORTER AUTO SALES, INC., a Texas corporation, and EAGLE FARMS, INC., a Texas corporation (collectively, "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, paid to Grantor by DENTON 1000 LAND, LP, a Texas limited partnership, having an address at 3625 Hall Street, Suite 700, Dallas, Texas 75219 ("Grantee"), has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, that certain land (the "Land") situated in Denton County, Texas, more particularly described on Exhibit A attached hereto and incorporated herein by reference for all purposes, together with (a) all improvements thereon and all easements, rights and appurtenances pertaining thereto, (b) all rights, title, and interests of Grantor in and to adjacent streets, alleys, or rights-of-way, whether open or proposed, (c) any strips or gores between the above-described Land and any adjacent land, and (d) any land lying in or under the bed of any creek, stream or waterway, in, across, abutting or adjacent to the above-described Land. The Land, improvements, easements and other rights, appurtenances, interests conveyed hereunder are hereinafter collectively referred to as the "Property".

This conveyance and the warranties of title contained herein are expressly made subject only to those certain encumbrances, easements and other matters more particularly described on Exhibit B attached hereto and incorporated herein by reference (the "Permitted Exceptions"), but only to the extent that such Permitted Exceptions are valid, subsisting and, in fact, affect the Property.

The Property shall be restricted from being used for "mobile homes", prefabricated homes or manufactured housing, as well as noxious or industrial uses, and shall require the building of (a) a masonry wall that is at least eight (8) feet in height on the portion of the Property located along F.M. 1173 and around property owned by Brian Andrus at 8360 FM 1173, Krum, Texas located adjacent to the Property (the "Andrus Property"), or (b) other screening as mutually agreed upon by Purchaser and Brian Andrus, all of which shall be set back from F.M. 1173 as required by TXDOT and if not required by TXDOT, at least twenty-five (25) feet from the boundary line of the Property, (c) landscaping and the upkeep of such landscaping at the entrance of the Grantee's development off of F.M. 1173, (d) "for sale" homes to have a minimum of (i) 1,300 square feet for all "for sale" homes in any portions of the Property deed restricted for active adult living (i.e., homes which are deed restricted for sale to persons who are at least 55 years of age), or which are platted as zero lot line patio homes, and (ii) 1,500 square feet of living space in all other "for sale" homes in the Property, and (e) any uses other than for subdivisions, homes and related facilities for the single-family homes described in subclauses (d)(i) and (ii) above to be located at least 1,000 feet from FM 1173 or the current boundary of the Andrus Property.

TO HAVE AND TO HOLD the Property (subject to the foregoing) unto Grantee and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT and FOREVER DEFEND, all and singular, the Property unto Grantee and

Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Ad valorem taxes relating to the Land have been prorated between Grantor and Grantee as of the date hereof, subject to reconciliation and adjustment after the date hereof pursuant to the terms and provisions of Real Estate Purchase and Sale Agreement by and between Seller and Purchaser relating to the Property.

GRANTOR HEREBY EXCEPTS FROM THIS CONVEYANCE and hereby reserves unto Grantor and Grantor's successors and assigns (i) all oil, gas and other minerals that are owned by Grantor in and under and that may be produced from the Land, (ii) any royalty payable under any existing or future mineral lease covering any part of the Land, and (iii) executive rights (including the right to sign a mineral lease covering all or any part of the Land) (collectively, the "Minerals"); provided, however, that Grantor expressly releases to Grantee and Grantee's successors and assigns and hereby waives, on behalf of Grantor and Grantor's successors and assigns, all rights of ingress and egress and all other rights of every kind and character, to enter upon or to use the surface of the Land for any and all uses and purposes including any uses relating to the Minerals and for exploring for, developing, drilling, producing, transporting, storing or any other purpose incident to the development or production of the Minerals in, on or under the Land; provided further, that this surface waiver shall not be construed to limit or negate the right of Grantor to lease, develop and or produce Minerals from the Land by pooling or unitization of the Land with other lands or by utilizing directional or horizontal drilling methods from surface locations on lands other than the Land or by any other development method that does not involve utilization of the lateral surface of the Land provided that such drilling and other activities (a) enter or bottom at least 1,000 feet below the surface of the Land, (b) are conducted at least 1,000 feet below the surface and beyond the boundaries of the Land, and (c) in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Land.

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EXECUTED to be effective as of the 14 day of May, 2022.

**GRANTOR:**

**JOHN PORTER AUTO SALES, INC.,**  
a Texas corporation

By: John R. Porter  
John R. Porter, President

Date: \_\_\_\_\_

**EAGLE FARMS, INC.,**  
a Texas corporation

By: John R. Porter  
John R. Porter, President

Date: \_\_\_\_\_

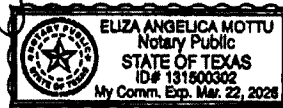
THE STATE OF TEXAS           §  
  §  
COUNTY OF Dallas           §

BEFORE ME, the undersigned authority, on this day personally appeared John R. Porter, President of JOHN PORTER AUTO SALES, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and consideration and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14 day of May, 2022.

Eliza Angelica Mottu  
Notary Public in and for the State of Texas

THE STATE OF TEXAS           §  
  §  
COUNTY OF Dallas           §



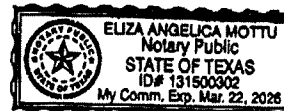
BEFORE ME, the undersigned authority, on this day personally appeared John R. Porter, President of EAGLE FARMS, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and consideration and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14 day of May, 2022.

Eliza Angelica Mottu  
Notary Public in and for the State of Texas

**AFTER RECORDING RETURN TO:**  
BELLINGER & SUBERG, L.L.P.  
12221 Merit Drive, Suite 1750  
Dallas, Texas 75251  
Attention: Glen A. Bellinger

**SEND TAX NOTICES TO:**  
DENTON 1000 LAND, LP  
3625 Hall Street, Suite 700  
Dallas, Texas 75219  
Attention: Justin Bono



**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

[See Attached]

**BEING** a tract of land situated in the Y. Sanchez Survey, Abstract Number 1136 and the T. Toby Survey, Abstract Number 1287, Denton County, Texas and being all that tract of land conveyed to Eagle Farms, Inc. according to the document filed of record in 2005-723315 and being a portion of that tract of land conveyed to John Porter Auto Sales, Inc. according to the document filed of record in Volume 667, Page 572 Real Property Records Denton County, Texas (R.P.R.D.C.T.), said tract of land being more particularly described as follows:

**BEGINNING** at a PK Nail set near the intersection of Miller Road and Hawkeye Road for the northeast corner of said Eagle Farms tract, same being common with the northwest corner of that tract of land conveyed to the Hanna Khraish Family Trust, according to the document filed of record in Instrument Number 2012-147817 (R.P.R.D.C.T.) and being the most northerly northeast corner of this tract;

**THENCE** South 0°48'00" West, leaving said intersection and with the common line of said Eagle Farms and Hanna Khraish tracts, along a fence, passing by a "T" fence intersection at a distance of 2628.6 feet, continuing in all a distance of 3030.04 feet to a metal pipe corner post found at the "T" intersection of fences, for the most northerly northwest corner of the above mentioned John Porter tract and being common with the southwest corner of said Hanna Khraish tract, for an interior "ell" corner of this tract;

**THENCE** South 89°12'17" East, leaving said common corner, along a fence, with the common line of said Porter and Khraish tracts, passing by a "T" fence intersection at a distance of 1578.8 feet, continuing in all a distance of 2642.81 feet to a wooden fence corner post found for a southerly corner of said Hanna Khraish tract, same being common with an interior "ell" corner of said Porter tract and this tract;

**THENCE** North 1°07'48" East, leaving said common corner, along a fence, with the common line of said tracts, a distance of 326.17 feet to a wooden fence corner post found for an interior "ell" corner of said Hanna Khraish tract, same being common with the most westerly northeast corner of said Porter tract and this tract;

**THENCE** South 89°10'37" East, leaving said common corner, with a portion of the south line of said Hanna Khraish tract, same being common with the north line of said Porter tract and this tract, a distance of 649.68 feet to a wooden fence corner post found for the northwest corner of that tract of land conveyed to Mark and Dione Mahan, according to the document filed of record in Instrument Number 2011-34060 Official Public Record Denton County, Texas (O.P.R.D.C.T.) same being common with the most easterly northeast corner of said Porter tract and this tract;

**THENCE** South 0°38'17" East, along a fence and with the east line of said Porter tract and this tract, same being common with the west line of said Mahan tract, the west line of Whitson Ranch, an addition to Denton County Texas according to the plat filed of record in Instrument Number 99-R0013801 (O.P.R.D.C.T.), the west lines of those tracts of land conveyed to Michael Ellis according to the documents filed of record in Instrument Number 2005-11653 and 2004-75244 (O.P.R.D.C.T.) and the west line of that tract of land conveyed to Deborah Ruth Jernigan, according to the document filed of record in Instrument Number 93-R0036124 (O.P.R.D.C.T.) a

distance of 2639.31 feet, passing the end of said fence by 1.3 feet, to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of that tract of land conveyed to Enderby Gas, Inc. according to the document filed of record in Instrument Number 2002-142529 (O.P.R.D.C.T.) for the southwest corner of said Jernigan tract and being common with an easterly corner of said Porter and this tract;

**THENCE** North 89°32'19" West, leaving said common corner, with said north line, a distance of 153.06 feet to a 1/2" iron rod found for the northwest corner of said Enderby Gas tract and being common with an interior easterly corner of said Porter tract and this tract, from which an "ell" fence corner bears North 89°32'19" West, 1.2 feet;

**THENCE** South 0°02'40" West, with east line of said Porter tract and this tract, same being common with the west line of said Enderby Gas tract, the west line of Lot 1, Block A, H&L Johnson Addition, an addition to Denton County, Texas according to the plat field of record in Instrument Number 2017-254, (O.P.R.D.C.T.), the west line of that tract of land conveyed to Donald Johnson, according to the document filed of record in Volume 912, Page 685 (R.P.R.D.C.T.) and the west line of that tract of land conveyed to Riley, Ronald Edmon, Inv. Trust & Milton W. Riley Inv. Trust, according to the document field of record in Instrument Number 2012-1444, (O.P.R.D.C.T.) a distance of 3918.20 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said common line for the northeast corner of that tract of land conveyed to Jefferey & Danya Pope, according to the document filed of record in Instrument Number 2013-89759 (O.P.R.D.C.T.) for the most easterly southeast corner of this tract;

**THENCE** South 87°02'21" West, with the north line of said Pope tract, same being common with the south line of this tract, a distance of 266.86 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for common corner of said Pope Tract and this tract;

**THENCE** North 71°47'01" West, continuing with said common line, a distance of 327.37 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the northwest corner of said Pope tract, the most northerly northeast corner of that tract of land conveyed to Elizabeth & Jefferey Anderson according to the document filed of record in Instrument Number 2020-105704 (O.P.R.D.C.T.) and common corner of this tract;

**THENCE** North 71°23'45" West, with the north line of said Anderson tract, same being common with the south line of this tract, a distance of 136.60 feet to a 1/2" iron rod with plastic cap stamped "ALLIANCE" found for the most northerly northwest corner of said Anderson tract, the northeast corner of that tract of land conveyed to Daphine & Tobey Teague according to the document filed of record in Instrument Number 2012-105937 (O.P.R.D.C.T.) and common corner of this tract;

**THENCE** North 67°44'08" West, with the north line of said Teague tract, same being common with the south line of this tract, a distance of 553.58 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for a common corner of said tract;

**THENCE** North 67°34'19" West, a distance of 144.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said common line for a corner of this tract;



**THENCE** leaving said common line, over and across the above mentioned Porter tract the following three (3) courses and distances:

North 0°56'39" East, a distance of 878.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for an interior "ell" corner of this tract;

South 89°43'21" West, a distance of 1091.03 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for an interior "ell" corner of this tract;

South 0°08'20" East, a distance of 756.22 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of F.M. Highway 1173, same being common with the south line of the above mentioned Porter tract, for an exterior "ell" corner of this tract;

**THENCE** North 61°07'34" West, with said common line, same being common with the south line of this tract, along a fence, a distance of 3209.35 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for a southwesterly corner said Porter tract and this tract;

**THENCE** North 35°06'03" West, with the common line of said Porter tract and this tract, a distance of 571.78 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the east line of that tract of land conveyed to Richard Hartin according to the document filed of record in Instrument Number 2006-56778 (O.P.R.D.C.T.) for a southwesterly corner said Porter tract and this tract;

**THENCE** North 0°25'09" West, with a portion of the east line of said Hartin tract, the east line of that tract of land conveyed to Triangle Trust according to the document filed of record in Volume 2434, Page 147 (R.P.R.D.C.T. ), same being common with a west line of said Porter tract and this tract, a distance of 2366.65 feet to a wooden fence corner post found in the south line of the above mentioned Eagle Farms tract, at a point of intersection in a fence, for the northeast corner of said Triangle Trust tract, same being common with the northwest corner of said Porter tract, and being an interior "ell" corner of this tract;

**THENCE** North 89°11'46" West, with a north line of said Triangle Trust tract, same being common with a south line of said Eagle Farms tract and this tract, a distance of 1609.17 feet to a wooden fence corner post found for the southwest corner of said Eagle Farms tract and this tract and being a common interior "ell" corner of said Triangle trust tract;

**THENCE** North 1°36'47" West, with the east line of said Triangle Trust tract, same being the west line of said Eagle Farms tract and this tract, along a fence, a distance of 4449.10 feet to a 60-D Nail set in the above mentioned Hawkeye Road for the northwest corner of said Eagle Farms tract and this tract, from which a wooden fence corner post found on the south side of said road for reference to said corner bears South 1°36'47" East, 16.7 feet;

**THENCE** South 89°08'33" East, along said road, a distance of 4189.46 feet to the **POINT OF BEGINNING** and containing 1,018.4296 acres or 44,362,794 square feet of land, more or less.

**EXHIBIT B**  
**PERMITTED EXCEPTIONS**

1. Standby fees, taxes and assessments by any taxing authority for the year 2022, and subsequent years, subject to the proration as agreed above.
2. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records in Denton County, Texas.
3. Terms, conditions and provisions in that certain Matador Pipelines Inc Easement as set forth and defined in instrument recorded under [Volume 2400, Page 489], Official Public Records, Denton County, Texas.
4. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Right of Way Agreement as set forth and defined in instrument recorded under [Volume 4936, Page 3057], Official Public Records, Denton County, Texas.
5. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Right of Way Agreement as set forth and defined in instrument recorded under [Volume 4936, Page 3063], Official Public Records, Denton County, Texas.
6. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Right of Way Agreement as set forth and defined in instrument recorded under Denton County Clerk's File No. [2005-19600].
7. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Right of Way Agreement as set forth and defined in instrument recorded under Denton County Clerk's File No. [2005-85173].
8. Terms, conditions and provisions in that certain Bolivar Water Supply Corp. Right of Away Easement as set forth and defined in instrument recorded under [Volume 673, Page 617], Official Public Records, Denton County, Texas.
9. Terms, conditions and provisions in that certain Denton Wise Soil and Water Conservation District Easement as set forth and defined in instrument recorded under [Volume 900, Page 702], Official Public Records, Denton County, Texas.
10. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Right of Away Agreement as set forth and defined in instrument recorded under [Volume 4899, Page 2072], Official Public Records, Denton County, Texas.
11. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Right of Away Agreement as set forth and defined in instrument recorded under [Volume 4899 Page 2074], Official Public Records, Denton County, Texas.

12. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Right of Away Agreement as set forth and defined in instrument recorded under [Volume 4899, Page 2091], Official Public Records, Denton County, Texas.
13. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Right of Away Agreement as set forth and defined in instrument recorded under [Volume 4936, Page 3163], Official Public Records, Denton County, Texas.
14. Terms, conditions and provisions in that certain Tejas Western Corp. Easement Agreement as set forth and defined in instrument recorded under Denton County Clerk's File No. [2005-30539].
15. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Right of Away Agreement as set forth and defined in instrument recorded under Denton County Clerk's File No. [2005-156017].
16. Terms, conditions and provisions in that certain TXU Electric Delivery Company Easement and Right of Way as set forth and defined in instrument recorded under Denton County Clerk's File No. [2006-84142].
17. Terms, conditions and provisions in that certain Energy Transfer Fuel LP Permanent Easement Agreement as set forth and defined in instrument recorded under Denton County Clerk's File No. [2008-97463].
18. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Surface Site Easement Agreement as set forth and defined in instrument recorded under Denton County Clerk's File No. [2010-112238].
19. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Surface Site Easement Agreement as set forth and defined in instrument recorded under Denton County Clerk's File No. [2010-112239]. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Surface Site Easement Agreement as set forth and defined in instrument recorded under Denton County Clerk's File No. [2010-112240].
20. Terms, conditions and provisions in that certain Southwestern Gas Pipelines Inc Surface Site Easement Agreement as set forth and defined in instrument recorded under Denton County Clerk's File No. [2011-93477].
21. Survey made by Sean Patton, PLS No. 5660, dated April 27, 2021. Said survey reflects the following matters:
  - a. No liability is assumed by the location of fences inside the herein described property;
  - b. No liability is assumed by the location of fences not following property lines;
  - c. No liability is assumed by the location of overhead power lines inside the herein described property;
  - d. No liability is assumed by the location of power poles inside the herein described property.

**EXHIBIT "C"**  
Petition for Consent

**RECEIVED**  
JUN 18 2021  
City Manager's / City  
Secretary's Office

*EL*

**PETITION FOR CONSENT TO INCLUDE LAND  
IN A MUNICIPAL UTILITY DISTRICT  
OR  
ADD LAND TO AN EXISTING DISTRICT**

THE STATE OF TEXAS §

COUNTY OF DENTON §

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

We, the undersigned landowners of the territory hereinafter described by metes and bounds (collectively, "Petitioners"), being a majority of the landowners of said territory, respectively petition your Honorable Body for consent to and support of the creation of a municipal utility district by the Texas Commission on Environmental Quality or the addition of property into an the existing La La Ranch Municipal Utility District of Denton County, a municipal utility district created and operating pursuant to Chapter 8031, Texas Special District Local Laws Code, and would respectfully show the following:

I.

The name of the proposed district shall be DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12.

II.

The proposed District shall be created under the terms and provisions of Article XVI, Section 59, and Chapters 49 and 54, Texas Water Code, as amended, and include or seek to assume roadway powers under Article III, Section 52 of the Constitution of Texas, together with all amendments and additions thereto.

III.

The proposed District shall contain an area of approximately 1018 acres of land, situated within Denton County, Texas, described by metes and bounds in Exhibit "A", which is attached hereto and made a part hereof for all purposes. The described property is wholly located within the extraterritorial jurisdiction of the City of Denton.

IV.

Alternatively, Petitioners request the City's consent for inclusion of the aforesaid lands into the La La Ranch Municipal Utility District of Denton County ("LLRMUD"), a district which exists under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas; Chapters 49 and 54 of the Texas Water Code, as amended; and Chapter 8031 of the Texas Special District Local Laws Code.

V.

The undersigned Petitioners constitute the current sole landowners of the property to be included within a district.

VI.

The proposed District shall be created for all of the purposes set forth in Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and if required by law, subsequently acquired and approved by an election held within the District, Chapter 257, Texas Transportation Code or other applicable law. If the property is added to the LLRMUD, Chapter 8031 of the Texas Special District Local Laws Code will also apply.

VII.

The proposed District shall have the powers of government and authority to exercise the rights, privileges, and functions given to it by Article XVI, Section 59 and Article III, Section 52, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and if required by law, subsequently acquired and approved by an election held within the District, Chapter 257, Texas Transportation Code, or by any other State law. If the property is added to the LLRMUD, Chapter 8031 of the Texas Special District Local Laws Code will also apply.

VIII.

The general nature of the work to be done by and within the District at the present time is the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; the construction, installation, maintenance, purchase and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consonant with the purposes for which the proposed District is organized or the LLRMUD is authorized.

IX.

There is a necessity for the improvements described above for the following reasons: The area of the District, whether proposed or existing, is urban in nature and is in close proximity to populous and developed sections of Denton County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services or with adequate drainage facilities and does not have adequate fire suppression facilities, parks and recreational land and facilities, or roads or improvements in aid thereof. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require the installation and acquisition of an adequate water supply and sewage disposal system, an adequate drainage system for and within the area of the proposed District, adequate fire suppression facilities, adequate parks and recreational land and facilities, and roads or improvements in aid thereof.

A public necessity exists for the organization of the proposed District, or addition of lands into the LLRMUD, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, such drainage facilities, such fire suppression facilities, parks and recreational land and facilities, and roads or improvements in aid thereof, in order to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

X.

Said proposed improvements are practicable and feasible, in that the terrain of the

territory to be included in the District or added to the LLRMUD is of such a nature that a waterworks, sanitary sewer, drainage and roadway system can be constructed at a reasonable cost, currently estimated at \$350,000,000, with reasonable ad valorem tax and assessment rates and water and sewer rates, and said territory will be developed for residential and commercial purposes. The proposed District shall be designated a noncity service district in the meaning of Section 54.016, Texas Water Code, as the proposed District or the LLRMUD do not currently propose to connect to the City's water or sewer system or propose to contract with a regional water and wastewater provider to which the City has made a capital contribution for the water and wastewater facilities serving the area within the proposed District, as of the date this Petition is filed.

XI.

Petitioners request consent, permission and support for the inclusion of the aforesaid lands in a municipal utility district operating pursuant to Article XVI, Section 59, Texas Constitution created by the Texas Commission on Environmental Quality, and consent for the District to acquire roadway powers pursuant to Article III, Section 52, Texas Constitution or addition of the land to the LLRMUD.

WHEREFORE, the undersigned respectfully pray that this petition be in all things granted, and that the City give its written consent to the inclusion of the aforesaid lands in the District or the LLRMUD, and for such other orders, acts, procedure and relief as are proper and necessary and appropriate to the purpose of organizing the District.

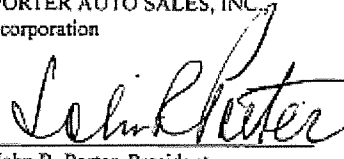
RESPECTFULLY SUBMITTED the 7<sup>th</sup> day of JUNE, 2021.

OWNER:

LAND

JOHN PORTER AUTO SALES, INC.,  
a Texas corporation

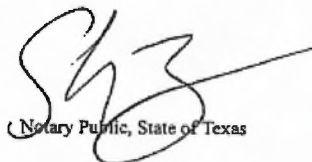
By:

  
John R. Porter, President

THE STATE OF TEXAS §

COUNTY OF Denton §

This instrument was acknowledged before me on this the 7<sup>th</sup> day of June, 2021, by John R. Porter, the President of John Porter Auto Sales, Inc., on behalf of said corporation.

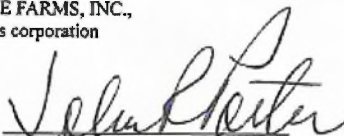
  
Notary Public, State of Texas



9

LANDOWNER:

EAGLE FARMS, INC.,  
a Texas corporation


By:   
John R. Porter, President

THE STATE OF TEXAS §

COUNTY OF Denton §

This instrument was acknowledged before me on this the 7<sup>th</sup> day of June, 2021, by John R. Porter, the President of Eagle Farms, Inc., on behalf of said corporation.



  
Notary Public, State of Texas

9

**Exhibit "A"**  
**Legal Description**

**1018.4296 ACRES**

**BEING** a tract of land situated in the Y. Sanchez Survey, Abstract Number 1136 and the T. Toby Survey, Abstract Number 1287, Denton County, Texas and being all that tract of land conveyed to Eagle Farms, Inc. according to the document filed of record in 2005-723315 and being a portion of that tract of land conveyed to John Porter Auto Sales, Inc. according to the document filed of record in Volume 667, Page 572 Real Property Records Denton County, Texas (R.P.R.D.C.T.), said tract of land being more particularly described as follows:

**BEGINNING** at a PK Nail set near the intersection of Miller Road and Hawkeye Road for the northeast corner of said Eagle Farms tract, same being common with the northwest corner of that tract of land conveyed to the Hanna Khraish Family Trust, according to the document filed of record in Instrument Number 2012-147817 (R.P.R.D.C.T.) and being the most northerly northeast corner of this tract;

**THENCE** South 0°48'00" West, leaving said intersection and with the common line of said Eagle Farms and Hanna Khraish tracts, along a fence, passing by a "T" fence intersection at a distance of 2628.6 feet, continuing in all a distance of 3030.04 feet to a metal pipe corner post found at the "T" intersection of fences, for the most northerly northwest corner of the above mentioned John Porter tract and being common with the southwest corner of said Hanna Khraish tract, for an interior "ell" corner of this tract;

**THENCE** South 89°12'17" East, leaving said common corner, along a fence, with the common line of said Porter and Khraish tracts, passing by a "T" fence intersection at a distance of 1578.8 feet, continuing in all a distance of 2642.81 feet to a wooden fence corner post found for a southerly corner of said Hanna Khraish tract, same being common with an interior "ell" corner of said Porter tract and this tract;

**THENCE** North 1°07'48" East, leaving said common corner, along a fence, with the common line of said tracts, a distance of 326.17 feet to a wooden fence corner post found for an interior "ell" corner of said Hanna Khraish tract, same being common with the most westerly northeast corner of said Porter tract and this tract;

**THENCE** South 89°10'37" East, leaving said common corner, with a portion of the south line of said Hanna Khraish tract, same being common with the north line of said Porter tract and this tract, a distance of 649.68 feet to a wooden fence corner post found for the northwest corner of that tract of land conveyed to Mark and Dione Mahan, according to the document filed of record in Instrument Number 2011-34060 Official Public Record Denton County, Texas (O.P.R.D.C.T.) same being common with the most easterly northeast corner of said Porter tract and this tract;

**THENCE** South 0°38'17" East, along a fence and with the east line of said Porter tract and this tract, same being common with the west line of said Mahan tract, the west line of Whitson Ranch, an addition to Denton County Texas according to the plat filed of record in Instrument Number 99-R0013801 (O.P.R.D.C.T.), the west lines of those tracts of land conveyed to Michael Ellis according to the documents filed of record in Instrument Number 2005-11653 and 2004-75244 (O.P.R.D.C.T.) and the west line of that tract of land conveyed to Deborah Ruth Jernigan, according to the document filed of record in Instrument Number 93-R0036124 (O.P.R.D.C.T.) a distance of 2639.31 feet, passing the end of said fence by 1.3 feet, to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of that tract of land conveyed to Enderby Gas, Inc. according to the document filed of record in Instrument Number 2002-142529 (O.P.R.D.C.T.) for the southwest corner of said Jernigan tract and being common with an easterly corner of said Porter and this tract;

**THENCE** North 89°32'19" West, leaving said common corner, with said north line, a distance of 153.06 feet to a 1/2" iron rod found for the northwest corner of said Enderby Gas tract and being common with an interior easterly corner of said Porter tract and this tract, from which an "ell" fence corner bears North 89°32'19" West, 1.2 feet;

**THENCE** South 0°02'40" West, with east line of said Porter tract and this tract, same being common with the west line of said Enderby Gas tract, the west line of Lot 1, Block A, H&L Johnson Addition, an addition to Denton County, Texas according to the plat filed of record in Instrument Number 2017-254, (O.P.R.D.C.T.), the west line of that tract of land conveyed to Donald Johnson, according to the document filed of record in Volume 912, Page 685 (R.P.R.D.C.T.) and the west line of that tract of land conveyed to Riley, Ronald Edmon, Inv. Trust & Milton W. Riley Inv. Trust, according to the document filed of record in Instrument Number 2012-1444, (O.P.R.D.C.T.) a distance of 3918.20 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said common line for the northeast corner of that tract of land conveyed to Jefferey & Danya Pope, according to the document filed of record in Instrument Number 2013-89759 (O.P.R.D.C.T.) for the most easterly southeast corner of this tract;



**THENCE** South 87°02'21" West, with the north line of said Pope tract, same being common with the south line of this tract, a distance of 266.86 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for common corner of said Pope Tract and this tract;

**THENCE** North 71°47'01" West, continuing with said common line, a distance of 327.37 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the northwest corner of said Pope tract, the most northerly northeast corner of that tract of land conveyed to Elizabeth & Jefferey Anderson according to the document filed of record in Instrument Number 2020-105704 (O.P.R.D.C.T.) and common corner of this tract;

**THENCE** North 71°23'45" West, with the north line of said Anderson tract, same being common with the south line of this tract, a distance of 136.60 feet to a 1/2" iron rod with plastic cap stamped "ALLIANCE" found for the most northerly northwest corner of said Anderson tract, the northeast corner of that tract of land conveyed to Daphine & Tobey Teague according to the document filed of record in Instrument Number 2012-105937 (O.P.R.D.C.T.) and common corner of this tract;

**THENCE** North 67°44'08" West, with the north line of said Teague tract, same being common with the south line of this tract, a distance of 553.58 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for a common corner of said tract;

**THENCE** North 67°34'19" West, a distance of 144.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said common line for a corner of this tract;

**THENCE** leaving said common line, over and across the above mentioned Porter tract the following three (3) courses and distances:

North 0°56'39" East, a distance of 878.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for an interior "ell" corner of this tract;

South 89°43'21" West, a distance of 1091.03 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for an interior "ell" corner of this tract;

South 0°08'20" East, a distance of 756.22 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of F.M. Highway 1173, same being common with the south line of the above mentioned Porter tract, for an exterior "ell" corner of this tract;

**THENCE** North 61°07'34" West, with said common line, same being common with the south line of this tract, along a fence, a distance of 3209.35 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for a southwesterly corner said Porter tract and this tract;

**THENCE** North 35°06'03" West, with the common line of said Porter tract and this tract, a distance of 571.78 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the east line of that tract of land conveyed to Richard Hartin according to the document filed of record in Instrument Number 2006-56778 (O.P.R.D.C.T.) for a southwesterly corner said Porter tract and this tract;

**THENCE** North 0°25'09" West, with a portion of the east line of said Hartin tract, the east line of that tract of land conveyed to Triangle Trust according to the document filed of record in Volume 2434, Page 147 (R.P.R.D.C.T.), same being common with a west line of said Porter tract and this tract, a distance of 2366.65 feet to a wooden fence corner post found in the south line of the above mentioned Eagle Farms tract, at a point of intersection in a fence, for the northeast corner of said Triangle Trust tract, same being common with the northwest corner of said Porter tract, and being an interior "ell" corner of this tract;

**THENCE** North 89°11'46" West, with a north line of said Triangle Trust tract, same being common with a south line of said Eagle Farms tract and this tract, a distance of 1609.17 feet to a wooden fence corner post found for the southwest corner of said Eagle Farms tract and this tract and being a common interior "ell" corner of said Triangle trust tract;

**THENCE** North 1°36'47" West, with the east line of said Triangle Trust tract, same being

the west line of said Eagle Farms tract and this tract, along a fence, a distance of 4449.10 feet to a 60-D Nail set in the above mentioned Hawkeye Road for the northwest corner of said Eagle Farms tract and this tract, from which a wooden fence corner post found on the south side of said road for reference to said corner bears South 1°36'47" East, 16.7 feet;

**THENCE** South 89°08'33" East, along said road, a distance of 4189.46 feet to the **POINT OF BEGINNING** and containing 1,018.4296 acres or 44,362,794 square feet of land, more or less.

9

**EXHIBIT "D"**

Affidavit of Posting Petition for Services in 3 locations on Land

**CERTIFICATE OF POSTING OF  
PETITION FOR SERVICES OTHERWISE PROVIDED BY LA LA  
RANCH MUNICIPAL UTILITY DISTRICT OF DENTON COUNTY OR  
DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12**

THE STATE OF TEXAS

§

COUNTY OF DENTON

§

I, W. GARRETT WESP, the undersigned, hereby state that I posted the Petition for Services Otherwise Provided by La La Ranch Municipal Utility District of Denton County or Denton County Municipal Utility District No. 12 to the City of Denton, attached hereto, at three locations convenient to the public, within the boundaries of the land proposed to be added to the district, as shown on the map also attached hereto, on the 10<sup>th</sup> day of December, 2021, at 3:45 p.m.

W. Garrett Wesp  
Signature of Person Posting

Printed Name of  
Person Posting: W. GARRETT WESP

**EXHIBIT "E"**

Notice of Petition for Services and Proof of Publication

**DRC MEDIA COMPANY**

**NEWS & ADVERTISING SOLUTIONS**  
One company delivers it all.

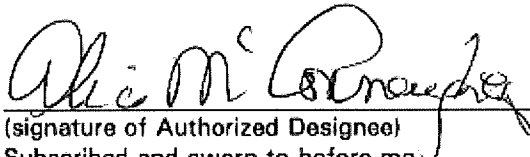
3555 Duchess Drive  
P.O. Box 369  
Denton, TX 76202  
940-387-3811

Publication(s): Denton Record-Chronicle

**PROOF OF PUBLICATION**

Being duly sworn (s)he is the Publisher/authorized designee of Denton Record-Chronicle, in City of Denton/surrounding areas in Denton County; Newspaper of general circulation which has been continuously and regularly published for a period of not less than one year preceding the date of the attached notice, and that the said notice was published in said newspaper Denton Record-Chronicle on the following dates below:

12/19/2021



(signature of Authorized Designee)

Subscribed and sworn to before me  
this 19th day of December, 2021 by

Alice McConaughy

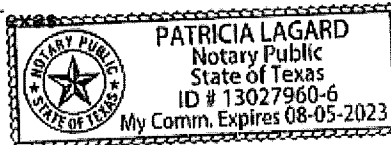
(printed name of Designee)

Witness my hand and official seal:



(signature name of Designee)

Notary Public, Denton County, Texas



WINSTEAD P C  
500 WINSTEAD BLDG  
2728 N HARWOOD ST  
DALLAS TX 75201

Ad Copy:  
PETITION FOR SERVICES OTHERWISE PROVIDED BY  
DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12  
OR  
LA LA RANCH MUNICIPAL UTILITY DISTRICT OF DENTON COUNTY

THE STATE OF TEXAS  
COUNTY OF DENTON

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

The undersigned petitioner (herein the "Petitioner", whether one or more), being a majority of the persons who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of the land within said area as indicated by the tax rolls of the Denton County Appraisal District, acting pursuant to the applicable provisions of the Texas Water Code, as amended, and Section 42.042, Texas Local Government Code, as amended, previously petitioned the City Council of the City of Denton on June 18, 2021, for consent to the creation of Denton County Municipal Utility District No. 12 (the "District") or in the alternative, consent to the addition of the land into La La Ranch Municipal Utility District of Denton County ("La La Ranch"). The City Council of the City of Denton failed or refused to give such consent within 90 days of the date it received the petition; therefore, Petitioner now respectfully petitions that the City of Denton make available to such land the water and sanitary sewer services that would otherwise be provided by the District or La La Ranch. In support of this petition, Petitioner shows as follows:

- I.  
Petitioner is the owner and holder of fee simple title to the land sought to be served by the City of Denton, as indicated by the tax rolls of the central appraisal district of Denton County, Texas. Petitioner represents and warrants that there are no holders of liens against said land.
- II.  
The land sought to be served by the City of Denton contains approximately 1018 acres of land, more or less, and lies wholly within Denton County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said area is located in the extraterritorial jurisdiction of the City of Denton. The land is not within such jurisdiction of any other city.
- III.  
The land sought to be served by the City of Denton is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.
- IV.  
The general nature of the work proposed to be done in the area sought to be served shall be the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consistent with the purposes for which the District is organized.
- V.  
The land sought to be served by the City of Denton is urban in nature, is

within the growing environs of the City of Denton, and is in close proximity to populous and developed sections of Denton County. There is a necessity for the improvements described above because the land sought to be served by the City of Denton is not supplied with adequate water, sanitary sewer, drainage or roadway facilities, nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the land sought to be served by the City of Denton and of the territories adjacent thereto require the installation and acquisition of adequate water and sanitary sewer facilities for and within such land.

A public necessity exists for the service of said lands by the City of Denton to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the construction, extension, improvement, maintenance and operation of water and sanitary sewer facilities.

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Denton execute a legally binding contract on commercially reasonable terms providing for the services requested herein within the time limits prescribed by Section 42.042, Texas Local Government Code, as amended.

RESPECTFULLY SUBMITTED the 22nd day of October, 2021.

LANDOWNERS:

JOHN PORTER AUTO SALES, INC., a Texas corporation

EAGLE FARMS, INC., a Texas corporation

Exhibit "A"  
Legal Description

A portion of land situated in the Y. Sanchez Survey, Abstract Number 1136, and the T. Toby Survey, Abstract Number 1287, all in Denton County, Texas. The metes and bounds description for the proposed District is on-file and available for review at the offices of Winstead PC, 2728 N. Harwood Street, Suite 500, Dallas, Texas 75201.

Drc 12/19/2021

**EXHIBIT "F"**  
Petition for Services

**PETITION FOR SERVICES OTHERWISE PROVIDED BY  
DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 12  
OR  
LA LA RANCH MUNICIPAL UTILITY DISTRICT OF DENTON COUNTY**

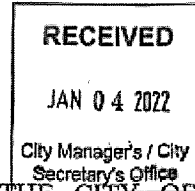
THE STATE OF TEXAS

§

COUNTY OF DENTON

§

TO THE HONORABLE MAYOR AND CITY COUNCIL OF ~~THE CITY OF~~  
DENTON:



The undersigned petitioner (herein the "Petitioner", whether one or more), being a majority of the persons who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of the land within said area as indicated by the tax rolls of the Denton County Appraisal District, acting pursuant to the applicable provisions of the Texas Water Code, as amended, and Section 42.042, Texas Local Government Code, as amended, previously petitioned the City Council of the City of Denton on June 18, 2021, for consent to the creation of Denton County Municipal Utility District No. 12 (the "District") or in the alternative, consent to the addition of the land into La La Ranch Municipal Utility District of Denton County ("La La Ranch"). The City Council of the City of Denton failed or refused to give such consent within 90 days of the date it received the petition; therefore, Petitioner now respectfully petitions that the City of Denton make available to such land the water and sanitary sewer services that would otherwise be provided by the District or La La Ranch. In support of this petition, Petitioner shows as follows:

I.

Petitioner is the owner and holder of fee simple title to the land sought to be served by the City of Denton, as indicated by the tax rolls of the central appraisal district of Denton County, Texas. Petitioner represents and warrants that there are no holders of liens against said land.

II.

The land sought to be served by the City of Denton contains approximately 1018 acres of land, more or less, and lies wholly within Denton County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said area is located in the extraterritorial jurisdiction of the City of Denton. The land is not within such jurisdiction of any other city.

III.

The land sought to be served by the City of Denton is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

IV.

The general nature of the work proposed to be done in the area sought to be served shall be the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of drainage and roadway facilities and improvements; and the construction, installation, maintenance, purchase and operation of facilities, systems, plants and enterprises of such additional facilities as shall be consistent with the purposes for which the District is organized.

V.

The land sought to be served by the City of Denton is urban in nature, is within the growing environs of the City of Denton, and is in close proximity to populous and developed sections of Denton County. There is a necessity for the improvements described above because the land sought to be served by the City of Denton is not supplied with adequate water, sanitary sewer, drainage or roadway facilities, nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the land sought to be served by the City of Denton and of the territories adjacent thereto require the installation and acquisition of adequate water and sanitary sewer facilities for and within such land.

A public necessity exists for the service of said lands by the City of Denton to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the construction, extension, improvement, maintenance and operation of water and sanitary sewer facilities.

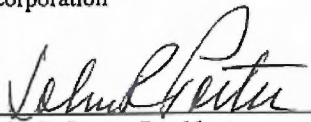
WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Denton execute a legally binding contract on commercially reasonable terms providing for the services requested herein within the time limits prescribed by Section 42.042, Texas Local Government Code, as amended.



RESPECTFULLY SUBMITTED the 22<sup>nd</sup> day of Oct, 2021.

LANDOWNER:

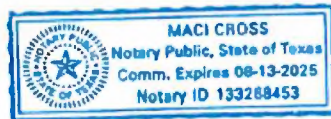
JOHN PORTER AUTO SALES, INC.,  
a Texas corporation

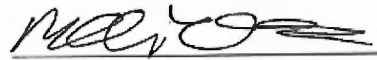
By:   
John R. Porter, President

THE STATE OF TEXAS §

COUNTY OF DeWitt §

This instrument was acknowledged before me on this the 22 day of Oct, 2021, by John R. Porter, the President of John Porter Auto Sales, Inc., on behalf of said corporation.



  
Notary Public, State of Texas

**Exhibit "A"**  
**Legal Description**

**1018.4296 ACRES**

**BEING** a tract of land situated in the Y. Sanchez Survey, Abstract Number 1136 and the T. Toby Survey, Abstract Number 1287, Denton County, Texas and being all that tract of land conveyed to Eagle Farms, Inc. according to the document filed of record in 2005-723315 and being a portion of that tract of land conveyed to John Porter Auto Sales, Inc. according to the document filed of record in Volume 667, Page 572 Real Property Records Denton County, Texas (R.P.R.D.C.T.), said tract of land being more particularly described as follows:

**BEGINNING** at a PK Nail set near the intersection of Miller Road and Hawkeye Road for the northeast corner of said Eagle Farms tract, same being common with the northwest corner of that tract of land conveyed to the Hanna Khraish Family Trust, according to the document filed of record in Instrument Number 2012-147817 (R.P.R.D.C.T.) and being the most northerly northeast corner of this tract;

**THENCE** South 0°48'00" West, leaving said intersection and with the common line of said Eagle Farms and Hanna Khraish tracts, along a fence, passing by a "T" fence intersection at a distance of 2628.6 feet, continuing in all a distance of 3030.04 feet to a metal pipe corner post found at the "T" intersection of fences, for the most northerly northwest corner of the above mentioned John Porter tract and being common with the southwest corner of said Hanna Khraish tract, for an interior "ell" corner of this tract;

**THENCE** South 89°12'17" East, leaving said common corner, along a fence, with the common line of said Porter and Khraish tracts, passing by a "T" fence intersection at a distance of 1578.8 feet, continuing in all a distance of 2642.81 feet to a wooden fence corner post found for a southerly corner of said Hanna Khraish tract, same being common with an interior "ell" corner of said Porter tract and this tract;

**THENCE** North 1°07'48" East, leaving said common corner, along a fence, with the common line of said tracts, a distance of 326.17 feet to a wooden fence corner post found for an interior "ell" corner of said Hanna Khraish tract, same being common with the most westerly northeast corner of said Porter tract and this tract;

**THENCE** South 89°10'37" East, leaving said common corner, with a portion of the south line of said Hanna Khraish tract, same being common with the north line of said Porter tract and this tract, a distance of 649.68 feet to a wooden fence corner post found for the northwest corner of that tract of land conveyed to Mark and Dione Mahan, according to the document filed of record in Instrument Number 2011-34060 Official Public Record Denton County, Texas (O.P.R.D.C.T.) same being common with the most easterly northeast corner of said Porter tract and this tract;

**THENCE** South 0°38'17" East, along a fence and with the east line of said Porter tract

and this tract, same being common with the west line of said Mahan tract, the west line of Whitson Ranch, an addition to Denton County Texas according to the plat filed of record in Instrument Number 99-R0013801 (O.P.R.D.C.T.), the west lines of those tracts of land conveyed to Michael Ellis according to the documents filed of record in Instrument Number 2005-11653 and 2004-75244 (O.P.R.D.C.T.) and the west line of that tract of land conveyed to Deborah Ruth Jernigan, according to the document filed of record in Instrument Number 93-R0036124 (O.P.R.D.C.T.) a distance of 2639.31 feet, passing the end of said fence by 1.3 feet, to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of that tract of land conveyed to Enderby Gas, Inc. according to the document filed of record in Instrument Number 2002-142529 (O.P.R.D.C.T.) for the southwest corner of said Jernigan tract and being common with an easterly corner of said Porter and this tract;

**THENCE** North 89°32'19" West, leaving said common corner, with said north line, a distance of 153.06 feet to a 1/2" iron rod found for the northwest corner of said Enderby Gas tract and being common with an interior easterly corner of said Porter tract and this tract, from which an "ell" fence corner bears North 89°32'19" West, 1.2 feet;

**THENCE** South 0°02'40" West, with east line of said Porter tract and this tract, same being common with the west line of said Enderby Gas tract, the west line of Lot 1, Block A, H&L Johnson Addition, an addition to Denton County, Texas according to the plat field of record in Instrument Number 2017-254, (O.P.R.D.C.T.), the west line of that tract of land conveyed to Donald Johnson, according to the document filed of record in Volume 912, Page 685 (R.P.R.D.C.T.) and the west line of that tract of land conveyed to Riley, Ronald Edmon, Inv. Trust & Milton W. Riley Inv. Trust, according to the document field of record in Instrument Number 2012-1444, (O.P.R.D.C.T.) a distance of 3918.20 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said common line for the northeast corner of that tract of land conveyed to Jefferey & Danya Pope, according to the document filed of record in Instrument Number 2013-89759 (O.P.R.D.C.T.) for the most easterly southeast corner of this tract;

**THENCE** South 87°02'21" West, with the north line of said Pope tract, same being common with the south line of this tract, a distance of 266.86 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for common corner of said Pope Tract and this tract;

**THENCE** North 71°47'01" West, continuing with said common line, a distance of 327.37 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the northwest corner of said Pope tract, the most northerly northeast corner of that tract of land conveyed to Elizabeth & Jefferey Anderson according to the document filed of record in Instrument Number 2020-105704 (O.P.R.D.C.T.) and common corner of this tract;

**THENCE** North 71°23'45" West, with the north line of said Anderson tract, same being common with the south line of this tract, a distance of 136.60 feet to a 1/2" iron rod with plastic cap stamped "ALLIANCE" found for the most northerly northwest corner of said Anderson tract, the northeast corner of that tract of land conveyed to Daphine & Tobey Teague according to the document filed of record in Instrument Number 2012-105937

(O.P.R.D.C.T.) and common corner of this tract;

**THENCE** North 67°44'08" West, with the north line of said Teague tract, same being common with the south line of this tract, a distance of 553.58 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for a common corner of said tract;

**THENCE** North 67°34'19" West, a distance of 144.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in said common line for a corner of this tract;

**THENCE** leaving said common line, over and across the above mentioned Porter tract the following three (3) courses and distances:

North 0°56'39" East, a distance of 878.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for an interior "ell" corner of this tract;

South 89°43'21" West, a distance of 1091.03 feet to a to a 5/8" iron rod with plastic cap stamped "KHA" set for an interior "ell" corner of this tract;

South 0°08'20" East, a distance of 756.22 feet to a to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of F.M. Highway 1173, same being common with the south line of the above mentioned Porter tract, for an exterior "ell" corner of this tract;

**THENCE** North 61°07'34" West, with said common line, same being common with the south line of this tract, along a fence, a distance of 3209.35 feet to a to a 5/8" iron rod with plastic cap stamped "KHA" set for a southwesterly corner said Porter tract and this tract;

**THENCE** North 35°06'03" West, with the common line of said Porter tract and this tract, a distance of 571.78 feet to a to a 5/8" iron rod with plastic cap stamped "KHA" set in the east line of that tract of land conveyed to Richard Hartin according to the document filed of record in Instrument Number 2006-56778 (O.P.R.D.C.T.) for a southwesterly corner said Porter tract and this tract;

**THENCE** North 0°25'09" West, with a portion of the east line of said Hartin tract, the east line of that tract of land conveyed to Triangle Trust according to the document filed of record in Volume 2434, Page 147 (R.P.R.D.C.T. ), same being common with a west line of said Porter tract and this tract, a distance of 2366.65 feet to a wooden fence corner post found in the south line of the above mentioned Eagle Farms tract, at a point of intersection in a fence, for the northeast corner of said Triangle Trust tract, same being common with the northwest corner of said Porter tract, and being an interior "ell" corner of this tract;

**THENCE** North 89°11'46" West, with a north line of said Triangle Trust tract, same being common with a south line of said Eagle Farms tract and this tract, a distance of 1609.17 feet to a wooden fence corner post found for the southwest corner of said Eagle

Farms tract and this tract and being a common interior "ell" corner of said Triangle trust tract;

**THENCE** North 1°36'47" West, with the east line of said Triangle Trust tract, same being the west line of said Eagle Farms tract and this tract, along a fence, a distance of 4449.10 feet to a 60-D Nail set in the above mentioned Hawkeye Road for the northwest corner of said Eagle Farms tract and this tract, from which a wooden fence corner post found on the south side of said road for reference to said corner bears South 1°36'47" East, 16.7 feet;

**THENCE** South 89°08'33" East, along said road, a distance of 4189.46 feet to the **POINT OF BEGINNING** and containing 1,018.4296 acres or 44,362,794 square feet of land, more or less.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF DISTRICT PETITION TCEQ INTERNAL CONTROL NO. D-06242022-058

**PETITION.** Denton 1000 Land, LP, a Texas limited partnership (Petitioner) filed a petition for creation of Denton County Municipal Utility District No. 12 (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) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 1,018.429 acres located within Denton County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Denton, Texas.

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A", which is 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, treatment, and disposal system for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and 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 Petitioners that the cost of said project will be approximately \$191,620,000 (\$154,885,000 for water, wastewater, and drainage and \$36,735,000 for roads).

The Property depicted in Exhibit "A" is located wholly within the extraterritorial jurisdiction of the City of Denton, Denton County, Texas (the "City"). 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 or 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 the information provided indicates that the Petitioners 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 Petitioners to initiate proceedings to include the land within 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: October 12, 2022

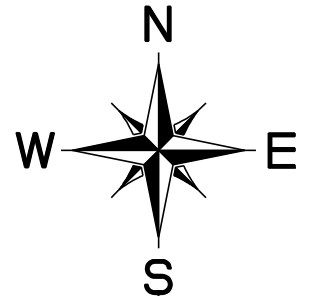
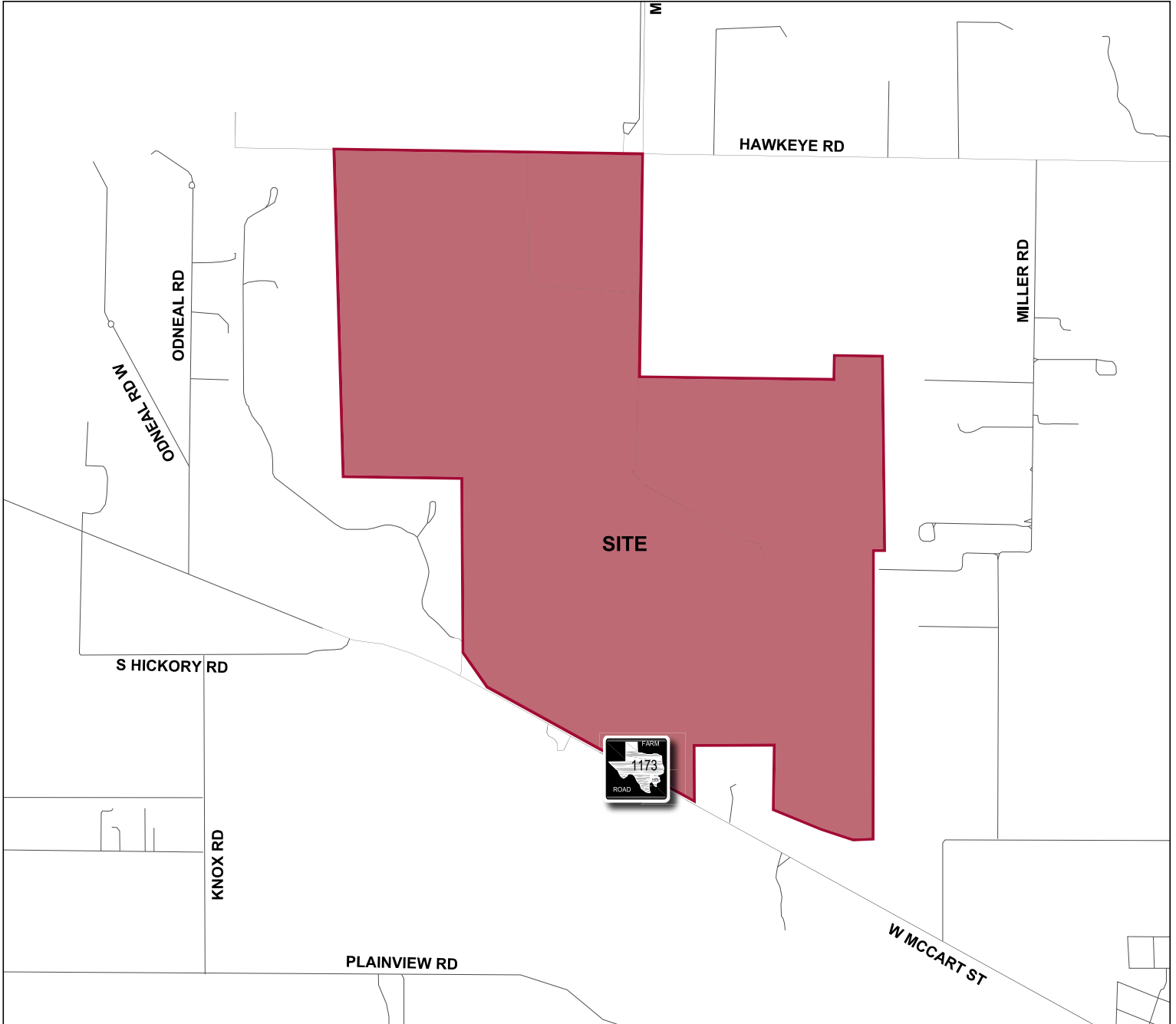


Exhibit "A"



LOCATION MAP  
SCALE: 1" = 2000'

EXHIBIT 1

# Denton County MUD No. 12

Denton County, Texas  
May 2022

**Kimley»Horn**

400 North Oklahoma Drive, Suite 105  
Celina, TX 75009  
469-501-2200  
State of Texas Registration No. F-928

NOTES:  
1. THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE  
BENEFIT OF A SURVEY OR CONTACT WITH THE CITY, COUNTY, ETC.  
2. AERIAL IMAGE BY NEARMAP, COPYRIGHT 2021



# Texas Commission on Environmental Quality

## TECHNICAL MEMORANDUM

**To:** Justin P. Taack, Manager  
Districts Section

*JPT*  
12/28/2022

**Date:** December 28, 2022

**Thru:** Michael Briscoe, Team Lead  
Districts Section

**From:** James Walker  
Districts Creation Review Team

**Subject:** Petition by Denton 1000 Land, L.P. for Creation of Denton County Municipal Utility District No. 12; Pursuant to Texas Water Code Chapters 49 and 54.  
TCEQ Internal Control No. D-06242022-058 (TC)  
CN: 606033330 RN: 111525630

### A. GENERAL INFORMATION

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Denton County Municipal Utility District No. 12 (District). The petition was signed by Justin Bono as the manager of Astra Investments GP, LLC, a Texas limited liability company, a managing general partner of Denton 1000 Land, LP, a Texas limited partnership (Petitioner). The petition states that the Petitioner holds title to a majority in value of the land in the proposed District and it further states that there are no lienholders on the land 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 Denton County, Texas, north of FM 1173 and west of FM 2450, northwest of the City of Krum. The proposed District is within the extraterritorial jurisdiction of the City of Denton (City). The proposed District can be accessed from either Highway 380 to the south and Interstate 35 to the east by accessing FM 156 and continuing toward the City of Krum, then traveling west along FM 1173.

#### Metes and Bounds Description

The proposed District contains 1,018.429 acres of land. The metes and bounds description of the proposed District has been reviewed and checked by TCEQ's staff 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 or 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.

### County Notification

In accordance with TWC Section 54.0161, a certified letter, dated July 11, 2022, was sent to the Commissioners Court of Denton County which provided notice of the proposed District's pending creation application and provided them an opportunity to make their recommendations. To date, the county has not responded to this notification.

### Statements of Filing Petition

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

### Type of Project

The proposed District will be considered a "developer project" as defined by 30 Texas Administrative Code (30 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 Astra Development has been in operation since 2013. Astra Development and its related entities have entitled, sold, and/or developed approximately 7,300 lots in numerous municipalities in Texas and Oklahoma. The principal of Astra Development has over 20 years of real estate, homebuilding, and development experience. As a former division level Vice President with Pulte Homes in both Dallas and Houston, he has significant experience developing and building in MUDs and similar districts.

### Certificate of Ownership

By signed certificate dated May 24, 2022, the Denton Central Appraisal District has certified that the appraisal rolls indicate that the Petitioner is the owner of all of the land in the proposed District. It is noted that subsequent to the appraisal district certificate, the developer deeded a lot to each of the directors in order to meet director qualifications, which does not affect the Petitioner's majority value.

### Temporary Director Affidavits

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

Cory Caperton

Christopher Hartley

Gerald Carlis

Jacob Moorhead

Roger McInnis

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 October 30 and November 6, 2022, in the *Denton Record-Chronicle*, a newspaper regularly published or circulated in Denton County, the county in which the district is proposed to be located. Proper notice of the application was posted on October 20, 2022, in the County Courthouse, the place where legal notices in Denton County are posted. Accordingly, the notice requirements of 30 TAC Section 293.12(b) have been satisfied. The opportunity for the public to request a contested case hearing (comment period) expired December 6, 2022.

#### **B. ENGINEERING ANALYSIS**

The creation engineering report indicates the following:

##### Availability of Comparable Service

According to information provided, there are no other sources of water or wastewater service which have the facilities or capacity to serve the proposed District. The proposed District lies within an area for which the Bolivar Water Supply Corporation (WSC) owns the Certificate of Convenience and Necessity (CCN) to provide water service; therefore, Bolivar WSC is intended to be the retail water provider for the proposed District. Additionally, the proposed District lies partially within an area for which the City of Sanger owns the CCN to provide wastewater service; therefore, the City of Sanger is expected to be the retail wastewater provider for the proposed District. Once the required water, wastewater, drainage, and roadway improvements to serve the proposed District have been constructed, the water and wastewater improvements will be dedicated to, owned, maintained, and operated by the Bolivar WSC and the City of Sanger, respectively. The storm drainage and roadway improvements will be dedicated to, owned, maintained, and operated by the proposed District. All systems and facilities will be designed according to applicable criteria established by Denton County, Bolivar WSC, City of Sanger, TCEQ, and the Texas Department of Transportation, as applicable.

##### Water Supply Improvements

All water supply and distribution system improvements to serve the proposed District will be designed in accordance with criteria established by the TCEQ and Bolivar WSC. Per the engineering report, it is estimated that the District will contain 3,449 equivalent single-family connections (ESFCs) at ultimate development. The ultimate average daily demand is estimated to be 1.25 million gallons per day (MGD) with a max day and peak hour demand of 3.00 MGD

and 5.54 MGD, respectively. Further, the engineering report indicates that the water supply services will be provided by Bolivar WSC. Up to 12 water wells, approximately 27,200 liner feet (LF) of 6-inch raw waterline, two water plants, and an elevated storage tank are expected to be required to deliver the necessary supply of water to the proposed District's distribution system. These facilities will be constructed by the proposed District at the time of development.

#### Water Distribution Improvements

The water distribution system for full development of the proposed District will consist of approximately 27,700 LF ranging from 12-inch to 16-inch of polyvinyl chloride (PVC) pipes, along with all related appurtenances. The internal water distribution system will be looped where feasible to provide alternate service routes during emergencies and maintenance periods, and to equalize pressure in the system. Valves, fire hydrants, and flushing valves will be provided at intervals as required by the TCEQ and Bolivar WSC.

#### Wastewater Treatment and Collection Improvements

The wastewater generated by the proposed District will flow by gravity through internal wastewater lines to a proposed wastewater treatment plant onsite. It is estimated that the District will contain 3,449 ESFCs at ultimate development, requiring 1,207,150 gallons per day of wastewater treatment capacity, using 350 gallons per day per connection. The wastewater collection system is expected to consist of 8-inch diameter gravity flow wastewater line within each residential pod. Approximately 15,750 LF of 10-inch to 15-inch gravity PVC wastewater lines are expected to be required to convey the wastewater flow to the proposed wastewater treatment plant. The average daily demand is estimated to be 1.25 MGD with a peak 2-hour demand of 4.8 MGD, respectively. All wastewater facilities will be designed in accordance with applicable criteria established by the TCEQ.

#### Storm Water Drainage System and Drainage Improvements

The storm water runoff within the proposed District will be directed within the streets via curb and gutters to collector lines provided by the proposed District. The storm water collection system will be designed to convey the 100-year storm within a pipe system to tributaries that lead to North Hickory Creek. The storm water collection system for the full development will consist of a combination of street curbs and gutters with inlets, detention ponds, and internal storm drain conduit. Detention is not expected to be required for the proposed District based on its location within the watershed; therefore, no detention ponds are proposed. All storm drainage improvements will be designed in accordance with the applicable design criteria established by Denton County. All internal storm sewer collection systems will be designed to carry the runoff from a 100-year storm event.

#### Road Improvements

Application material indicates the collector roadway for the full development of the proposed District will consist of a central collector roadway from Hawkeye Road to FM 1173 through the center of the proposed District. The paving within the proposed District will be concrete curb and gutter roadways provided by the proposed District. Along the northern boundary of the site, the proposed District will be responsible for the construction of a 24-foot concrete roadway. Along FM 1173 to the south, no linear roadway improvements are anticipated; however, a traffic signal, a left turn lane, and a right turn lane are proposed at the main entrance into the proposed District. All paving improvements will be designed in accordance with the applicable design criteria established by Denton County and the Texas Department of

Transportation as appropriate. All roadway improvements internal to the site will be owned, operated, and maintained by the proposed District. All perimeter roadway improvements will be constructed by the proposed District and conveyed to Denton County or the Texas Department of Transportation as appropriate upon completion.

#### Topography/Land Elevation

The topography of the proposed District is undeveloped land with the exception of temporary oil well drill site activity in two locations. The site has moderate topography with a centrally located ridge dividing the tract. Elevations within the proposed District range from approximately 695 feet above mean seal level (msl) on the southeastern side to 784 feet above msl on the northwestern side. The fill and/or excavation associated with development of the District's systems will not cause changes in the overall land elevations other than that normally associated with the construction of the underground utility systems, drainage facilities, plants, and paving. Therefore, development within the District is not expected to have an unreasonable effect on overall land elevations.

#### Floodplain

According to Federal Emergency Management Agency Flood Insurance Rate Map No. 48121C0195G, dated January 6, 2012, approximately 96 acres of the proposed District lies within the 100-year floodplain.

#### Subsidence

No facilities are proposed that will cause or contribute to subsidence. Per the engineering report, Bolivar WSC does not experience any land subsidence resulting from groundwater extraction in the area.

#### Dam Safety Analysis

The TCEQ Dam Safety Program personnel reviewed the location of the District and confirmed by letter dated June 13, 2022, that there are no dam safety issues associated with the proposed District. However, Hickory Creek WS Sites 2 and 4 are located upstream to the west of the proposed District that should be considered in the development.

#### Groundwater Levels/Recharge

The water supply utilized by Bolivar WSC is sourced via groundwater. A significantly lower well production rate will be assumed for the proposed wells within the proposed District. There is no indication that groundwater supply is a concern in the area; however, well production rates should be tested prior to development to confirm adequate groundwater is available to serve the proposed District. Recharge to the unconfined portion of aquifers beneath of the proposed District area is primarily from infiltration of precipitation and seepage of surface water bodies. Approximately 40% of the proposed District's area will be made impervious as a result of development, leaving ample area pervious to allow for recharge of the groundwater within the area.

Natural Run-off and Drainage

The proposed District is located on moderately sloped pastureland. Most of the existing drainage is through runoff which collects and is conveyed to North Hickory Creek. Tributaries to North Hickory Creek create the floodplain areas that lie with the proposed District property. It is expected that most of the floodplain will remain undeveloped.

Water Quality

No adverse effect of the water quality of ground or surface water is anticipated as a result of this development. The treatment and disposal of wastewater from the proposed District will be provided by the City of Sanger in compliance with the terms of the waste discharge permit obtained from the TCEQ.

**C. SUMMARY OF COSTS**

**WATER, WASTEWATER, AND DRAINAGE**

<u>Construction Costs</u>	<u>District Share</u> <sup>(1)</sup>
A. Master District Facilities	
1. Major Water Distribution Improvements	\$ 31,919,000
2. Major Wastewater Improvements	61,234,000
3. Major Stormwater Drainage Improvements	1,702,000
B. Developer Items	
1. Onsite Water Distribution Improvements	\$ 7,865,930
2. Onsite Wastewater Improvements	7,182,156
3. Onsite Stormwater Drainage Improvements	<u>14,021,919</u>
TOTAL CONSTRUCTION COSTS (80.01% of BIR)	\$ 123,925,005
<u>Non-Construction Costs</u>	
A. Legal Fees	\$ 3,872,125
B. Fiscal Agent Fees	3,097,700
C. Interest Costs	
1. Capitalized Interest (1 year @ 4.5%)	6,969,825
2. Developer Interest (2 years @ 4.5% of Construction Costs)	11,153,250 <sup>(2)</sup>
D. Bond Discount (3%)	4,646,550
E. Bond Issuance Expenses	178,447
F. Organization and Operating Costs	100,000
G. District Creation Expenses	100,000
H. Bond Application Report Costs	300,000
I. Attorney General Fee (0.1%)	154,885
J. TCEQ Bond Issuance Fee (0.25%)	<u>387,213</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 30,959,995

**TOTAL W, WW, & D BOND ISSUE REQUIREMENT** **\$ 154,885,000**

Notes: (1) Assumes 100% funding of anticipated developer contribution items, where applicable.  
(2) Based on developer advancing funds approximately two years prior to reimbursement.

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.

**ROAD IMPROVEMENT**

<u>Construction Costs</u>	<u>District Share</u> <sup>(1)</sup>
A. Master District Facilities	
1. Major Roadway System: Collectors	\$ 7,077,000
2. Major Roadway System: Perimeter Roads	2,479,000
B. Developer Facilities	
1. Onsite Roadway	\$ <u>19,835,516</u>
TOTAL CONSTRUCTION COSTS (% of BIR)	\$ 29,391,516
<u>Non-Construction Costs</u>	
A. Legal Fees	\$ 918,375
B. Fiscal Agent Fees	737,700
C. Interest Costs	
1. Capitalized Interest (1 year @ 4.5%)	1,653,075
2. Developer Interest (2 years @ 4.5% of Construction Costs)	2,645,236 <sup>(2)</sup>
D. Bond Discount (3%)	1,102,050
E. Bond Issuance Expenses	125,313
F. Bond Application Report Costs	125,000
G. Attorney General Fee (0.1%)	<u>36,735</u>
TOTAL NON-CONSTRUCTION COSTS	\$ 7,343,484
<b>TOTAL ROAD BOND ISSUE REQUIREMENT</b>	<b>\$ 36,735,000</b>

Notes: (1) Assumes 100% funding of anticipated developer contribution items, where applicable.  
(2) Based on developer advancing funds approximately two years prior to reimbursement.

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. TCEQ's review of eligibility of costs may 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 intended to accommodate single-family residential development. Planned ultimate development in the proposed District, as shown in the land use plan provided, is as follows:

<u>Land Use</u>	<u>Acreage</u>	<u>ESFCs</u>
Single Family/Residential	676.198	3,449
Amenity Centers	8.689	10
Open Space/Buffers/Ponds	89.866	0
Floodplain	96.157	0
Overhead Electrical Easements	34.473	0
Water/Wastewater Facilities	24.912	0
Gas Wells and Easements/Setbacks	66.488	0
Perimeter Right-of-way Dedication	5.559	0
Internal Collector Right-of-way Dedication	<u>16.088</u>	<u>0</u>
<b>Total</b>	<b>1,018.430</b>	<b>3,459</b>

Market Study

A market study, prepared in June 2022 by Residential Strategies, Inc., was submitted in support of the creation of the proposed District. The proposed District is expected to include approximately 3,449 equivalent single-family connections on a tract totaling approximately 621.89 acres. The home values are expected to be approximately \$305,000 for 40-foot lots, \$340,000 for 50-foot lots, \$412,500 for 60-foot lots, and \$452,500 for 70-foot lots. The study indicates single-family homes for that price range within the study's market area are expected to be absorbed at a rate of approximately 226 homes/year over the first five years.

Project Financing

Per the engineering report, the projected taxable assessed valuation (AV) for the proposed District is as follows:

<u>Development Description</u>	<u>Lots</u>	<u>Developed Unit Value (per home per lot)</u>	<u>Total Buildout Value</u>
40-foot single-family lots	1,041	\$ 305,000	\$ 317,505,000
50-foot single-family lots	1,666	\$ 340,000	\$ 566,440,000
60-foot single-family lots	523	\$ 412,500	\$ 215,737,500
70-foot single-family lots	219	\$ 452,500	<u>\$ 99,097,500</u>
		<b>Total Assessed Valuation</b>	<b>\$ 1,198,780,000</b>

Considering the issuance of a total of \$191,620,000 (\$154,885,000 for utilities and \$36,735,000 for roads) in bonds, assuming 100% financing, a coupon bond interest rate of 4.5%, and a 25-year bond life, the average annual debt service requirement would be \$12,922,667 (\$10,445,294 for utilities plus \$2,477,373 for roads). Assuming a 98% collection rate and an ultimate AV of \$1,198,780,000, a projected ultimate tax rate of approximately \$1.10 (\$0.89 for utilities and \$0.21 for roads) per \$100 AV was indicated to be necessary to meet the annual debt service



requirements for the proposed District. An additional \$0.10 per \$100 AV is projected to be levied for maintenance and operating expenses, for a combined proposed District tax rate of \$1.20.

Based on the information provided and assuming 100% financing, the total year 2021 overlapping tax rates on land within the proposed District are shown as follows:

<u>Taxing Jurisdiction</u>	<u>Tax Rates</u> <u>(Denton County)</u> <sup>(1)</sup>
Denton County MUD No. 12 (District)	\$ 1.200000 <sup>(2)(3)</sup>
Denton County	\$ 0.233086
Krum Independent School District	\$ <u>1.344930</u>
<b>TOTAL TAX per \$100 AV:</b>	<b>\$ 2.778016</b>

Notes: (1) Tax rate per \$100 assessed valuation.  
(2) Represents \$0.89 for utilities, \$0.21 for road, and \$0.10 for operation and maintenance tax.  
(3) Assuming 100% funding of anticipated developer contribution items, where applicable.

Based on the proposed District tax rate and the year 2021 overlapping tax rate on land within the proposed District, and assuming 100% financing, the project is considered economically feasible.

#### Water and Wastewater Rates

According to information provided, Bolivar WSC will provide retail water service and the City of Sanger will provide retail wastewater service to the proposed District's customers. The estimated monthly fee for 10,000 gallons of water and wastewater would be \$157.38.

#### Comparative Water District Tax Rates

A tax rate of \$1.20 (\$0.89 for utilities, \$0.21 for road, and \$0.10 for operation and maintenance tax) for the proposed District is comparable to other districts in the target market 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, a benefit to the land within the proposed District, and 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, drainage facilities, parks and recreational facilities, and road facilities; a combined projected tax rate of \$1.20 per \$100 AV when assuming 100% financing; the proposed District obtaining a 4.5% bond coupon interest 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 Denton County Municipal Utility District No. 12.
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 requirement imposed by the TCEQ and the general laws of the state relating to the exercise of such powers.
3. The Order granting the petition should include the following statements:

“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.”

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

Cory Caperton

Christopher Hartley

Gerald Carlis

Jacob Moorhead

Roger McInnis

**H. ADDITIONAL INFORMATION**

The Petitioner's professional representatives are:

Attorney: Mr. Matt McPhail - Winstead, PC

Creation Engineer: Ms. Stephanie White, P.E. - Kimley-Horn

AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DENTON           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Cory Caperton, who expressed a desire to be appointed a Director of Denton County Municipal Utility District No. 12 (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 Denton County, 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.

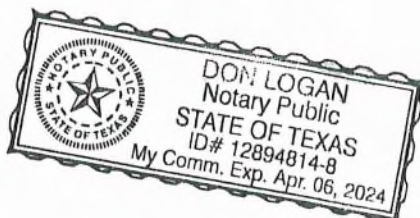
13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly 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.

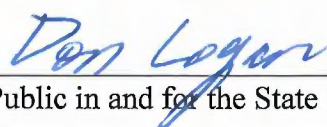
AFFIANT:

  
Cory Caperton

SWORN AND SUBSCRIBED BEFORE ME this 26 day of MAY, 2022.

[SEAL]



  
Notary Public in and for the State of Texas

AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DENTON           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Christopher Hartley, who expressed a desire to be appointed a Director of Denton County Municipal Utility District No. 12 (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 Denton 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.

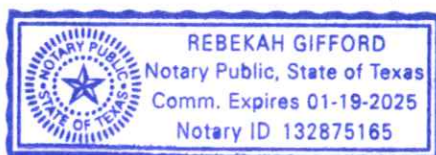
13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly 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:

  
\_\_\_\_\_  
Christopher Hartley

SWORN AND SUBSCRIBED BEFORE ME this 15 day of June, 2022.

[SEAL]



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

AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DENTON           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Gerald Carlis, who expressed a desire to be appointed a Director of Denton County Municipal Utility District No. 12 (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 Denton County, 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.

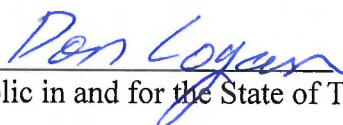
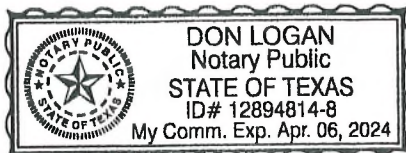
AFFIANT:



Gerald Carlis

SWORN AND SUBSCRIBED BEFORE ME this 23<sup>rd</sup> day of June, 2022.

[SEAL]



Notary Public in and for the State of Texas



AFFIDAVIT OF TEMPORARY DIRECTOR

THE STATE OF TEXAS           §  
  §  
COUNTY OF DENTON           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Jacob Moorhead, who expressed a desire to be appointed a Director of Denton County Municipal Utility District No. 12 (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 Collin County, a 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.

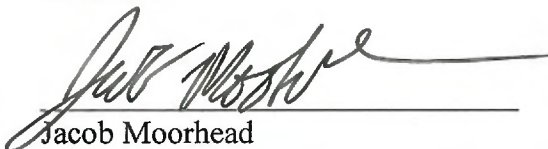
10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

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.

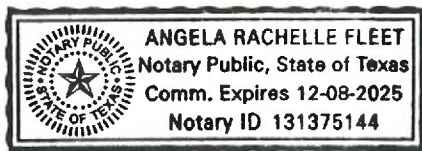
13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly 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:

  
\_\_\_\_\_  
Jacob Moorhead

SWORN AND SUBSCRIBED BEFORE ME this 16<sup>th</sup> day of June, 2022.

[SEAL]



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

**AFFIDAVIT OF TEMPORARY DIRECTOR**

THE STATE OF TEXAS           §  
  §  
COUNTY OF DENTON           §

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Roger Mcinnis, who expressed a desire to be appointed a Director of Denton County Municipal Utility District No. 12 (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.

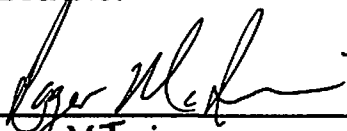
10. I am aware that the District is a public agency, that by law notice of its meetings must be posted, and that, subject to certain exceptions, its meetings must be open to the public and its records must be available for inspection by the public at all reasonable times.

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.

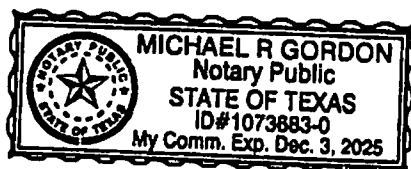
13. I hereby affirm that I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas; and I hereby affirm that I have not directly or indirectly 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:

  
\_\_\_\_\_  
Roger McInnis

SWORN AND SUBSCRIBED BEFORE ME this 20<sup>TH</sup> day of JUNE, 2022.

[SEAL]



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